

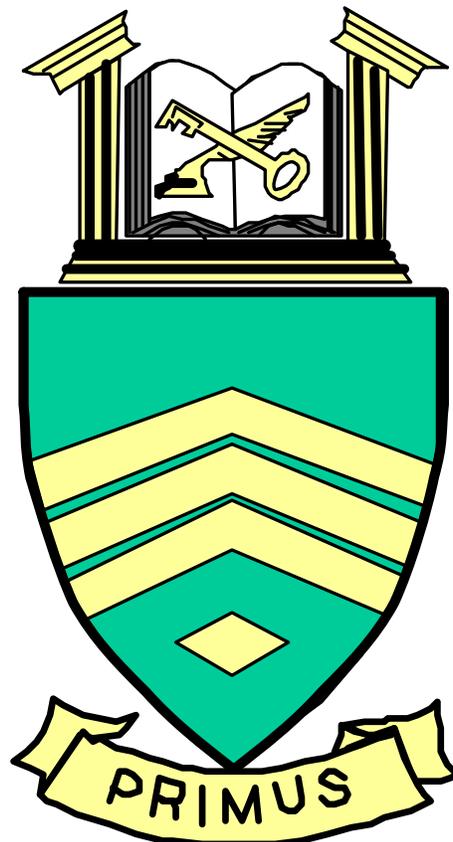
U.S. ARMY SERGEANTS MAJOR ACADEMY (FSC-TATS)

L663

OCT 04

EQUAL OPPORTUNITY/SEXUAL HARRASSMENT

**TRAINING SUPPORT PACKAGE**



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## TRAINING SUPPORT PACKAGE (TSP)

<b>TSP Number / Title</b>	L663 / EQUAL OPPORTUNITY/SEXUAL HARASSMENT
<b>Effective Date</b>	01 Oct 2004
<b>Supersedes TSP(s) / Lesson(s)</b>	L663, Equal Opportunity/Sexual Harassment, Oct 03
<b>TSP Users</b>	521-SQIM, First Sergeant Course
<b>Proponent</b>	The proponent for this document is the Sergeants Major Academy.
<b>Improvement Comments</b>	<p>Users are invited to send comments and suggested improvements on DA Form 2028, <i>Recommended Changes to Publications and Blank Forms</i>. Completed forms, or equivalent response, will be mailed or attached to electronic e-mail and transmitted to:</p> <p>COMDT USASMA ATTN ATSS DCF BLDG 11291 BIGGS FIELD FORT BLISS TX 79918-8002</p> <p>Telephone (Comm) (915) 568-8875 Telephone (DSN) 978-8875</p> <p>E-mail: <a href="mailto:atss-dcd@bliss.army.mil">atss-dcd@bliss.army.mil</a></p>
<b>Security Clearance / Access</b>	Unclassified
<b>Foreign Disclosure Restrictions</b>	FD5. This product/publication has been reviewed by the product developers in coordination with the USASMA foreign disclosure authority. This product is releasable to students from all requesting foreign countries without restrictions.

## PREFACE

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**Purpose**

This Training Support Package provides the instructor with a standardized lesson plan for presenting instruction for:

<u>Task Number</u>	<u>Task Title</u>
121-050-8010	Enforce Compliance with the Army's Equal Opportunity and Sexual Harassment Policies and Program
121-050-8032	Implement the Army's Equal Opportunity and Sexual Harassment Policies in a Company

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This TSP  
Contains

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**EQUAL OPPORTUNITY/SEXUAL HARASSMENT**  
**L663 / Version 1**  
**01 Oct 2004**

**SECTION I. ADMINISTRATIVE DATA**

**All Courses Including This Lesson**

<u>Course Number</u>	<u>Version</u>	<u>Course Title</u>
521-SQIM	1	First Sergeant Course

**Task(s) Taught(\*) or Supported**

<u>Task Number</u>	<u>Task Title</u>
121-050-8010	Enforce Compliance with the Army's Equal Opportunity and Sexual Harassment Policies and Program
121-050-8032	Implement the Army's Equal Opportunity and Sexual Harassment Policies in a Company

**Reinforced Task(s)**

<u>Task Number</u>	<u>Task Title</u>
None	

**Academic Hours**

The academic hours required to teach this lesson are as follows:

	<u>Resident Hours/Methods</u>
	3 hrs /Conference / Discussion
Test	0 hrs
Test Review	0 hrs
<b>Total Hours:</b>	<b>3 hrs</b>

**Test Lesson Number**

	<u>Hours</u>	<u>Lesson No.</u>
Testing (to include test review)	3 hrs	E652 version 1

**Prerequisite Lesson(s)**

<u>Lesson Number</u>	<u>Lesson Title</u>
None	

**Clearance Access**

Security Level: Unclassified  
 Requirements: There are no clearance or access requirements for the lesson.

**Foreign Disclosure Restrictions**

FD5. This product/publication has been reviewed by the product developers in coordination with the USASMA foreign disclosure authority. This product is releasable to students from all requesting foreign countries without restrictions.

**References**

<u>Number</u>	<u>Title</u>	<u>Date</u>	<u>Additional Information</u>
AR 600-20	ARMY COMMAND POLICY	13 May 2002	

**Student Study Assignments**

Before class--

- Study AR 600-20, paragraphs 4-12 thru 4-15, 4-19, 4-20, Chapter 6, Chapter 7, and Appendix E.
- Read Student Handouts 1 thru 5.

During class--

- Participate in classroom discussion.

After class--

- Review classroom notes and materials.
- Return recoverable materials to the instructor.

**Instructor Requirements**

1:16, MSG, FSC graduate, served as 1SG, ITC, SGITC, and VTT-ITC (VTT only) qualified.

**Additional Support Personnel Requirements**

<u>Name</u>	<u>Stu Ratio</u>	<u>Qty</u>	<u>Man Hours</u>
One site coordinator at each VTT site to operate the TNET equipment and coordinate classroom instruction. Must be FSC grad, served as 1SG, ITC, and SGITC qualified. (Enlisted)	1:16	3	3 hrs

**Equipment Required for Instruction**

<u>Id Name</u>	<u>Stu Ratio</u>	<u>Instr Ratio</u>	<u>Spt</u>	<u>Qty</u>	<u>Exp</u>
441-06 LCD PROJECTION SYSTEM	1:16	1:1	No	1	No
6730-00-577-4813 SCREEN, PROJECTION	1:16	1:1	No	1	No
702101T134520 DELL CPU, MONITOR, MOUSE, KEYBOARD	16:16	1:1	No	1	No
7110-00-T81-1805 DRY ERASE BOARD	1:16	1:1	No	1	No
7510-01-424-4867 EASEL, (STAND ALONE) WITH PAPER	1:16	1:1	No	1	No
FSC-1 TNET COMMUNICATIONS EQUIPMENT SUITE (VTT LESSON ONLY)	1:16	1:1	No	1	No
FSC-2 TNET ROOM EQUIPMENT SUITE (VTT LESSON ONLY)	1:16	1:1	No	1	No
FSC-3 TNET AUDIO/VIDEO LINKAGE EQUIPMENT (VTT LESSON ONLY)	1:16	1:1	No	1	No
SNV1240262544393 36 - INCH COLOR MONITOR W/REMOTE CONTROL AND LUXOR STAND	1:16	1:1	No	1	No

\* Before Id indicates a TADSS

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**Materials  
Required**

**Instructor Materials:**

- VGTs: 31.
- TSP.
- AR 600-20

**Student Materials:**

- AR 600-20.
  - SH-1 thru SH-6.
  - Pen or pencil and writing paper.
- 

**Classroom,  
Training Area,  
and Range  
Requirements**

CLASSROOM XXI WITH T-NET CAPABILITY (VTT)  
CLASSROOM, GENERAL PURPOSE, 600 SF, 16 PN

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**Ammunition  
Requirements**

<u>Id</u>	<u>Name</u>	<u>Exp</u>	<u>Stu Ratio</u>	<u>Instr Ratio</u>	<u>Spt Qty</u>
None					

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**Instructional  
Guidance**

**NOTE:** Before presenting this lesson, instructors must thoroughly prepare by studying this lesson and identified reference material.

Before class--

- Conduct this lesson using the Small Group Instruction method.
- The facilitator may need to create additional questions to promote student interaction.

During class--

- The DL (VTT) instructor will select an appropriate site prior to asking a student a question.
- Conduct class IAW the TSP.
- Ensure students share experiences that relate to the material.

After class--

- Report any lesson discrepancies to the Chief Instructor.
-

**Proponent  
Lesson Plan  
Approvals**

<u>Name</u>	<u>Rank</u>	<u>Position</u>	<u>Date</u>
Colyer, Donald J.	GS09	Training Specialist	
Adams, Chris L.	SGM	Chief Instructor	
Graham, Kevin L.	MSG	Chief, FSC	
Gratton, Steven M.	SGM	Chief, Functional Courses	
Bucher, George V.	GS11	Chief, CMD	
Lemon, Marion	SGM	Chief, CDDD	

**SECTION II. INTRODUCTION**

Method of Instruction: Conference / Discussion  
 Technique of Delivery: Small Group Instruction (SGI)  
 Instructor to Student Ratio is: 1:16  
 Time of Instruction: 5 mins  
 Media: None

**Motivator**

**CAMERA: MAIN CAMERA ON THE INSTRUCTOR. ENSURE DL SITES ARE RECEIVING SIGNAL (VTT Only).**

Squads, platoons, and companies are the levels of the army in which soldiers spend most of their military careers. Each squad, section, or crew becomes a tight knit family where soldiers know one another intimately--their likes and dislikes, their faults, strengths, their beliefs, and ideas. As the first sergeant, you are responsible for providing leadership that develops effective teams, leading to success on the battlefield. Ultimate success in battle will depend largely on the development of cohesive combat-ready teams who are well trained and highly motivated.

An essential condition for the army to accomplish its national defense mission is the preservation of discipline and order. You cannot achieve discipline in an atmosphere of dissention and distrust.

**Terminal Learning Objective**

**NOTE:** Inform the students of the following Terminal Learning Objective requirements. At the completion of this lesson, you [the student] will:

<b>Action:</b>	Implement the Army's Equal Opportunity (EO) and Sexual Harassment programs.
<b>Conditions:</b>	As a first sergeant in a classroom environment given AR 600-20 and Student Handouts 1 thru 6.
<b>Standards:</b>	Implemented the Army's Equal Opportunity (EO) and Sexual Harassment programs IAW AR 600-20.

**Safety Requirements**

None

**Risk Assessment Level**

Low

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**Environmental Considerations**

**NOTE:** It is the responsibility of all soldiers and DA civilians to protect the environment from damage.

None

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**Evaluation**

You will take a multiple choice examination. The examination will contain questions from this and other lessons. You must correctly answer 70 percent or more of the questions on the examination to receive a GO.

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**Instructional Lead-In**

This class will raise your level of awareness about equal opportunity issues, yourself, and those you lead. At the completion of this training you should have a better understanding about your role as a leader, and how you can increase combat readiness by supporting the Army's EO program.

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### SECTION III. PRESENTATION

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**NOTE:** Inform the students of the Enabling Learning Objective requirements.

#### A. ENABLING LEARNING OBJECTIVE

<b>ACTION:</b>	Interpret the Army's Equal Opportunity policy.
<b>CONDITIONS:</b>	As a first sergeant in a classroom environment given AR 600-20 and SH-3.
<b>STANDARDS:</b>	Interpreted the Army's Equal Opportunity Policy IAW AR 600-20.

#### 1. Learning Step / Activity 1. The Army's Equal Opportunity Policy

Method of Instruction: Conference / Discussion  
Technique of Delivery: Small Group Instruction (SGI)  
Instructor to Student Ratio: 1:16  
Time of Instruction: 45 mins  
Media: VGT-1 thru VGT-18

The U.S. Army's policy on equal opportunity is to maximize human potential and to ensure fair treatment for all persons based solely on merit, fitness, and capability in support of readiness. We will begin this lesson by conducting an activity to examine how closely your units conform to this policy.

**NOTE:** Use the VGTs and the questions provided as a tool to ensure the students cover all the pertinent information. Instructors may develop more questions to aid them in creating interaction among the students and fostering better understanding in different ways of performing their first sergeant duties.

**QUESTION:** What are the goals of the Equal Opportunity (EO) program?

**ANSWER:** The goals of the EO program are to:

- a. Provide EO for military personnel, and family members, both on and off post and within the limits of the laws of localities, states, and host nations.
- b. Create and sustain effective units by eliminating discriminatory behaviors or practices that undermine teamwork, mutual respect, loyalty, and shared sacrifice of the men and women of America's Army.
- c. Additionally, in many circumstances, DA civilians may use the Equal Employment Opportunity complaint system.

Ref: AR 600-20, p 40, para 6-1a thru c

**QUESTION:** What are commander's EO responsibilities?

**ANSWER:** See VGT-1 thru VGT-3.

Ref: AR 600-20, pp 41 and 42, para 6-2g(1) thru (17)

## SHOW VGT-1, COMMANDER'S RESPONSIBILITIES

**COMMANDER'S RESPONSIBILITIES**

- Personally responsible and accountable for EO climate.
- Develop and implement EO programs that enhance unit cohesion, esprit, and morale.
- Act on complaints within 72 hrs.
- Identify unlawful discriminatory practices.
- Promote EO and interpersonal harmony.
- Assign EOAs to their personnel or coordinating staff.
- Be in the EOAs rating scheme.

L685/DCTD4VGT.1 First Sergeant Course

**NOTE:** Ensure the students discuss the items on the VGT.

Ref: AR 600-20, p 41, para 6-2g(1) thru (7)

**REMOVE VGT-1**

**SHOW VGT-2, COMMANDER'S RESPONSIBILITIES (cont)**

**COMMANDER'S RESPONSIBILITIES (cont)**

- Conduct EO training on a continuing basis for all assigned or attached personnel.
- Monitor and assess the execution of EO programs and policies.
- Involve public affairs personnel at every level of command in planning and publicizing EO programs and initiatives.
- Publish/post EO policy.
- Company level commanders will conduct unit climate assessment within 90 days (USAR, 180) within assuming command and annually thereafter.

L685/DCTD4VGT.2 First Sergeant Course

Ref: AR 600-20, p 42, para 6-2g(8) thru (12)

**REMOVE VGT-2**

## SHOW VGT-3, COMMANDER'S RESPONSIBILITIES (cont)

**COMMANDER RESPONSIBILITIES (cont)**

- Encourage soldiers to use chain of command.
- Take appropriate action to prevent incidents of intimidation, harassment, or reprisals against those who file EO complaints.
- Take appropriate action on those that violate Army policy.
- Monitor EOR demographics.
- Report all EO training at quarterly training briefings.

L68510C104V1ST-3 First Sergeant Course

Ref: AR 600-20, p 42, para 6-2g(13) thru (17)

### REMOVE VGT-3

QUESTION: What are the EOA responsibilities?

ANSWER: See VGT-4.

Ref: AR 600-20, pp 42 and 43, para 6-2h(1) thru (23)

**NOTE:** Ensure you use AR 600-20 showing the students the expansive role the EOA has in the unit. Briefly cover all the EOA's responsibilities.

## SHOW VGT-4, EOA RESPONSIBILITIES

**EOA RESPONSIBILITIES**

- Understand and articulate Department of Defense and Army policies.
- Assist commander in implementing a Consideration of Others program.
- Recognize and assess discrimination indicators.
- Recognize sexual harassment in both overt and subtle forms.
- Recommend appropriate remedies to eliminate and prevent unlawful discrimination and sexual harassment.
- Assist in assessing, planning, implementing, and evaluating EO programs.
- Assist with EO training.

L68510C104V1ST-4 First Sergeant Course

Ref: AR 600-20, p 42, para 6-2h(1) thru (10)

### REMOVE VGT-4

## SHOW VGT-5, EOA RESPONSIBILITIES (cont)

### EOA RESPONSIBILITIES (cont)

- Assist in evaluating the effectiveness of unit training conducted by commanders.
- Train unit Equal Opportunity Representatives.
- Receive and assist with individual complaints.
- Conduct follow-up assessments of all formal EO complaints.
- Assist commanders in developing EO policy for their units.
- Conduct staff assistance visits.

L680/DCTD-4V-VT-6 First Sergeant Course

Ref: AR 600-20, pp 42 and 43, para 6-2h(11) thru (23)

### REMOVE VGT-5

QUESTION: What are the EOR responsibilities?

ANSWER: See VGT-6.

## SHOW VGT-6, EOR RESPONSIBILITIES

### EOR RESPONSIBILITIES

- Assist commanders in recognizing detractors from a healthy unit EO climate.
- Continuously assist commanders in the conduct of unit climate assessments.
- Prepare and assist the commander in the conduct of EO training.
- Maintain liaison with other EORs and EOAs at higher headquarters.
- Assist commanders with ethnic/special observances.
- Assist complainants by referring them to appropriate agency for assistance.
- Serves as resource person on EO matters.

L680/DCTD-4V-VT-6 First Sergeant Course

Ref: AR 600-20, pp 43 and 44, para 6-2i(1) thru (7)

### REMOVE VGT-6

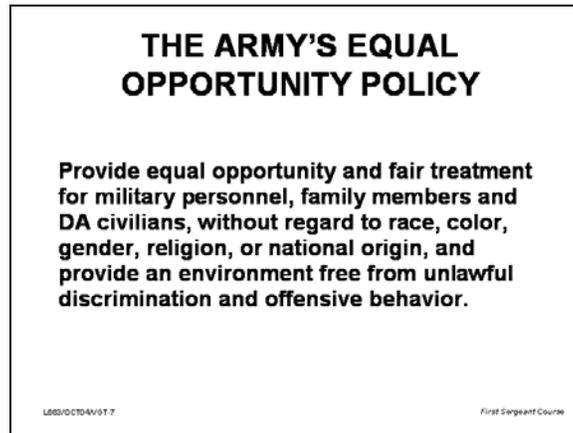
QUESTION: What does the Equal Opportunity policy provide?

ANSWER: See VGT-7 and VGT-8.

Ref: AR 600-20, p 44, para 6-3

**NOTE:** Have the students discuss the EO policy.

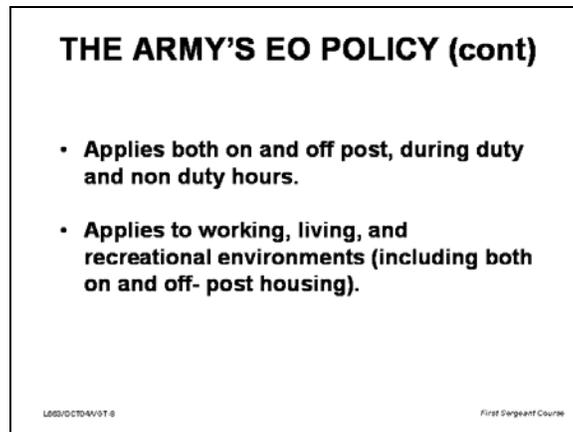
**SHOW VGT-7, THE ARMY'S EQUAL OPPORTUNITY POLICY**



Ref: AR 600-20, p 44, para 6-3a

**REMOVE VGT-7**

**SHOW VGT-8, THE ARMY'S EO POLICY (cont)**



Ref: AR 600-20, p 44, para 6-3a(1) and (2)

**REMOVE VGT-8**

Now that we know the equal opportunity goals, responsibilities and policy, we will discuss the procedures for processing EO complaints.

QUESTION: Who has the right to file EO complaints?

ANSWER: Soldiers, family members and DA civilians have the right to file EO complaints.

Ref: AR 600-20, p 48, para 6-8a

QUESTION: What are the individual rights and individual responsibilities of an EO Complainant?

ANSWER: See VGT-9 and VGT-10.

Ref: AR 600-20, para 6-8

### SHOW VGT-9, EO COMPLAINT PROCESS

### EO COMPLAINT PROCESS

- **Individual rights. (Soldiers, family members, and DA civilians.)**
  - **Present a complaint to the command without fear of intimidation, reprisal, or harassment.**
  - **Communicate with the commander concerning their complaint.**
  - **Receive assistance when submitting a complaint.**
  - **Receive training on the Army's EO complaint and appeals process.**

L885/ICTD-4V-9T-9 First Sergeant Course

Ref: AR 600-20, para 6-8a(1) thru (4) and SH-3

**NOTE:** Ensure that students discuss that the complainant can file without fear of intimidation, reprisal, or harassment.

### REMOVE VGT-9

### SHOW VGT-10, EO COMPLAINT PROCESS (cont)

### EO COMPLAINT PROCESS (cont)

- **Individual responsibility.**
  - **Advise the command of the specifics of sexual harassment and unlawful discrimination complaints and provide the command the opportunity to take appropriate action to resolve/rectify the issue.**
  - **Submit only legitimate complaints and exercise caution against unfounded or reckless charges.**
- **Attempt to resolve a complaint by informing the offender that the behavior must stop.**

L885/ICTD-4V-9T-10 First Sergeant Course

Ref: AR 600-20, para 6-8b and c

### REMOVE VGT-10

Revisions to AR 600-20 resulted in significant changes in the complaint process. The process allows the command to resolve complaints at the lowest level, it also identifies the use of alternative agencies, external to the unit, which can help process EO complaints and identify appropriate resolutions.

QUESTION: What are the two types of EO complaints?

ANSWER: Two types of EO complaints are informal and formal

Ref: AR 600-20, pp 66 and 67, para E-1a and b

**NOTE:** Have the students discuss the informal process and then follow with the alternate agencies and then the formal process. After the students do the EO process brief back, refer them to SH-3 and let them walk through the process step by step, if necessary.

### SHOW VGT-11, TYPES OF COMPLAINTS

## TYPES OF COMPLAINTS

Informal

**Any complaint that a soldier, family member or DA civilian does not wish to file in writing.**

- **May be resolved directly by the individual, help from another unit member, the commander or other person in the complaint's chain of command.**
- **Not subject to time constraints.**
- **Person working on resolution should file a MFR.**
- **Chain of command is not the only channel available to resolve a complaint.**

L885/OCTD4M/VT-11 First Sergeant Course

Ref: AR 600-20, p 66, para E-1a(1)

### REMOVE VGT-11

### SHOW VGT-12, ALTERNATIVE AGENCIES

## ALTERNATIVE AGENCIES

- A higher echelon commander
- Equal Opportunity Advisor
- Inspector General
- Chaplain
- Provost Marshal
- Medical agency personnel
- Staff Judge Advocate
- Chief, Community Home finding Referral and Relocation Services (CHRRS)

L885/OCTD4M/VT-12 First Sergeant Course

Ref: AR 600-20, p 66, para E-1(2)(a) thru (h)

**NOTE:** Ensure the students discuss the alternative agencies and their capability to help in case the soldier does not want to go through his chain of command.

### REMOVE VGT-12

QUESTION: What is the process for filing a formal complaint?

ANSWER. See VGT-13.

Ref: AR 600-20, p 67, para E-1b(1) thru (6)

## SHOW VGT-13, TYPES OF COMPLAINTS (cont)

### TYPES OF COMPLAINTS (cont)

Formal

Complaint files in writing and swears to the accuracy of the information. Filed using DA Form 7279-R.

- Part 1: Specifies alleged concern.
- "Requested Remedy" block serves a variety of purposes both the to the complainant and the command.
- File complaint within 60 days of alleged incident.
- Complainant should file with the commander at the lowest echelon of command.

LE85/OCTD-4V/ST-13First Sergeant Course

Ref: AR 600-20, p 67, para E-1b(1) thru (6)

### REMOVE VGT-13

QUESTION: What are the actions of alternative agencies?

ANSWER: See VGT-14.

Ref: AR 600-20, pp 67 and 68, para E-2a thru d

## SHOW VGT-14, ALTERNATIVE AGENCIES ACTIONS

### ALTERNATIVE AGENCIES ACTIONS

- Report identified criminal activity instances to the Provost Marshal or CID.
- Refer incidents of sexual assault or rape to medical agencies.
- Refer allegations of unlawful discrimination in housing (both on and off post), to the housing division.
- Report complaints against senior officers and SES civilians with the US Army Inspector General Agency at the Pentagon.

LE85/OCTD-4V/ST-14First Sergeant Course

Ref: AR 600-20, p 67 and 68, para E-2a thru d

**NOTE:** Ensure the students understand that the Inspector General (IG) handles complaints filed with the IG. The complaints are confidential and protected from unauthorized disclosure.

Ref: AR 600-20, p 68, para E-3a thru c

### REMOVE VGT-14

QUESTION: What actions must a commander take upon receipt of an EO complaint?

ANSWER: See VGT 15.

Ref: AR 600-20, p 68, para E-4a thru c

## SHOW VGT-15, COMMANDER ACTIONS

### COMMANDER ACTIONS

- Ensure that the complainant has been sworn to the complaint on DA Form 7279-R.
- Report formal complaints to General Courts-Martial Convening Authority (GCMCA) within 72 hours.
- Provide progress report to GCMCA within 20 days and 14 days thereafter until completed.
- Conduct investigation IAW AR 15-6.
- Implement a plan to protect all concerned. It will include meetings/discussions with:  
1. Complainant 2. Perpetrator 3. Witnesses, and selected members of chain of command.

L855/OCT04/VOT-15 First Sergeant Course

Ref: AR 600-20, Appendix E, para E-4

**NOTE:** Have the students talk about para E-4c(1) thru (3) by asking them to cite some instances that they have some knowledge of.

### REMOVE VGT-15

Now that we discussed both the complainant's and the commander actions upon receipt of an EO complaint, let's discuss the time lines and conduct of the investigation.

**QUESTION:** What are the time lines that a commander must adhere to when he receives an EO complaint?

**ANSWER:** See VGT 16.

Ref: AR 600-20, pp 68 and 69, para E-5

## SHOW VGT-16, INVESTIGATION TIME LINES

### INVESTIGATION TIME LINES

- Commander/investigation officer has 14 calendar days (3-weekend drills, RC) to conduct an investigation.
- A 30-day extension granted from the next higher command if circumstances require it.
- Additional extension approved by the first general officer in chain of command.

L855/OCT04/VOT-16 First Sergeant Course

Ref: AR 600-20, pp 68 and 69, para E-5

**NOTE:** Ensure the students understand that if the commander requests an extension, he must inform the complainant of the duration and the reasons for the request. Use the following questions to ensure that the students cover the substantiated/unsubstantiated results and actions of an EO complaint. Ensure they cover the appeals time line.

**REMOVE VGT-16**

**QUESTION:** What is the purpose of any investigation of unlawful discrimination or sexual harassment?

**ANSWER:** The purpose of the investigation is to:

- a. Determine to the maximum extent possible what actually occurred.
- b. Assess the validity of the allegations made by the complainant.
- c. Advise the commander of any leadership or management concerns due to unit command climate.
- d. Recommend appropriate corrective actions.

Ref: AR 600-20, p 69, para E-6a

**QUESTION:** What are the commander/investigative officer actions during the investigation?

**ANSWER:** The commander/investigative officer should:

- a. Review AR 15-6 and AR 600-20.
- b. Seek legal advice.
- c. Solicit EOA assistance.
- d. Conduct interviews.
- e. Advise the soldier of his rights if the investigator reasonably feels that the individual committed the offense.
- f. Secure any copies of documents pertinent to the allegation.
- g. Note concerns and observations of the unit's command climate.
- h. Provide recommendations consistent with the findings.
- i. Meet with the EOA to review the report.
- j. Submit the investigative report.

Ref: AR 600-20, pp 69 and 70, para E-6b thru k

**QUESTION:** What action should the commander take when a substantiated allegation of discrimination occurs?

**ANSWER:** When an allegation of discrimination is substantiated, that finding is annotated on the DA Form 7279-R, Part II. The commander must decide what corrective action to take. Corrective action may be administrative or punitive.

Ref: AR 600-20, p 70, para E-7a(1)

**NOTE:** Ensure the students understand what administrative actions are available as shown in Appendix E, para E-7a(1)(a)

**QUESTION:** What advise would you give your commander in the case of an unsubstantiated EO complaint?

**ANSWER:** The commander should notify the complainant in writing (DA Form 7279-R, Part II) and, IAW with the Privacy Act and the Freedom of Information Act (FOIA), provide the complainant with a copy of the results. The complainant will sign to acknowledge receipt DA Form 7279.

Ref: AR 600-20, p 71, para E-7a(2)

QUESTION: What are the required timelines to process an appeal when allegations are substantiated?

ANSWER: See VGT-17.

Ref: AR 600-20, App E, para E-8a thru c

### SHOW VGT-17, APPEALS PROCESS

### APPEALS PROCESS

- Present DA Form 7279-R, Part IV, within 7 calendar days (next multiple unit training activity (MUTA 4 drill period, RC).
- Once initiated, the commander has 3 calendar days (one MUTA 4 drill period, RC) to refer appeal to next higher command.
- Next higher commander has 14 days (3 MUTA 4 periods, RC) to review the case and provide written feedback on the results of the appeal.
- If not resolved at Bde level, the General Courts Martial Convening Authority then has final decision authority (Decision is final).

L868/OCTO-44/01-17 First Sergeant Course

Ref: AR 600-20, p 71, para E-8a thru c

**NOTE:** Inform the students that AR 600-20, pp 71 and 72, para E-13 and E-14 covers the EO complaint procedures for USAR Individual Ready Reserve and ARNG called to active duty.

### REMOVE VGT-17

There are two more items to discuss, Affirmative Action Plans and minimum criteria for unit training programs.

QUESTION: What are Affirmative Action Plans?

ANSWER: Affirmative Action Plans (AAPs) are planned, achievable steps that eliminate practices denying equal opportunity to soldiers and their families, and that monitor progress toward those goals.

Ref: AR 600-20, p 48, para 6-13

QUESTION: Why do units review their AAPs annually?

ANSWER: Units review their AAPs annually to:

- a. Assess the effectiveness of past actions.
- b. Initiate new actions.
- c. Sustain, monitor or delete goals already achieved.

Ref: AR 600-20, p 49, para 6-13b

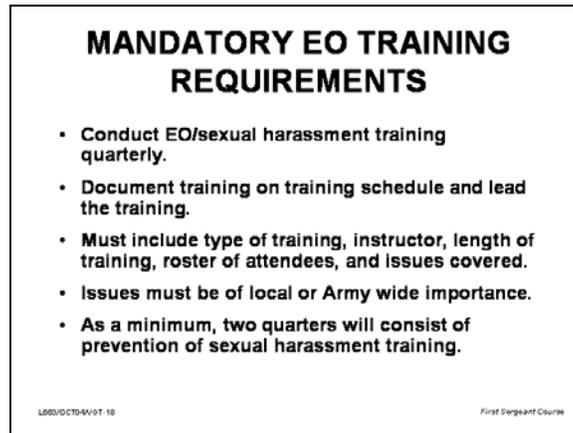
Having discussed the EO policy and responsibilities, let 's talk about the unit EO training requirements?

QUESTION: What are the leader's mandatory unit EO/Sexual Harassment training requirements?

ANSWER: See VGT-18.

Ref: AR 600-20, p 49, para 6-14a(2)

**SHOW VGT-18, MANDATORY EO TRAINING REQUIREMENTS**



Ref: AR 600-20, p 49, para 6-14a(2)

**NOTE:** Ask the students to name a few of the topics listed in para 6-14a(2)a thru i. Ensure they understand that the first sergeant should be present and participate in the training. If time permits, use the questions below to ensure the students understand the lesson material. You do not have to ask all the questions.

**REMOVE VGT-18**

**CHECK ON LEARNING:**

Generalizing:

- Do you understand the Army definition of EO violations?
- Was there a difference between your definitions and the Army's?
- How does this exercise relate to what you must do in your units?
- Do we have a problem with EO violations in the Army?
- What can we learn from the resolution of prior EO cases?

Application:

- Who is responsible for enforcing the EO policies in your unit?
- How do you see yourself enforcing the EO policies in your unit?
- What must you do to prevent EO violations in your unit?
- What is the role of the EOA & EOR?
- What are some of their responsibilities?
- How can they assist you?

During the past hour we discussed the EO program goals; the commander, EOA, and EOR responsibilities; defined the EO policy, EO complaint procedures, and the EO unit training requirements. Do you have any questions on the subject matter we discussed?

Ref: AR 600-20, para 6-1, 6-2, 6-3, 6-8, 6-13, 6-14, and Appendix E

**Break:** TIME: 00:50 to 01:00

**B. ENABLING LEARNING OBJECTIVE**

<b>ACTION:</b>	Interpret the Army's Sexual Harassment policy.
<b>CONDITIONS:</b>	As a first sergeant in a classroom environment given AR 600-20.
<b>STANDARDS:</b>	Interpreted the Army's Sexual Harassment Policy IAW AR 600-20.

1. Learning Step / Activity 1. The Army's Sexual Harassment policy

Method of Instruction: Conference / Discussion  
Technique of Delivery: Small Group Instruction (SGI)  
Instructor to Student Ratio: 1:16  
Time of Instruction: 1 hr  
Media: VGT-19 thru VGT-25

Sadly, even today, sexual harassment continues to be part of our society and military as well. Sexual harassment doesn't just happen at the lower tier of our society, as we evidenced during the Clinton administration and as recently as the Catholic Church. We continuously see how unwanted sexual advances happen, at all levels in our society. Should we still be concerned in our military? Because these unwanted sexual advances and confirmed harassment continues even today, more people are continue to expose the harassment they faced years ago.

The sooner we realize that sexual harassment affects us all, and that we all play a vital part in solving this problem, the sooner we can eradicate it. You must remain alert as to what is happening in your unit. Certain types of behavior that you overlooked in the past can now turn into behaviors that are sexual harassment, or they can lead to an environment that fosters sexual harassment. For the next hour we will explore your role in preventing sexual harassment in your units.

**NOTE:** Again, break class into 3 mini-groups (each VTT site will be a group). Group 1, will lead the discussion on the chain of commands responsibilities, sexual harassment policy, and the definition. Group 2, will lead the discussion on the categories of sexual harassment and the types of sexual harassment. Group 3, will lead the discussion on techniques in dealing with sexual harassment and training.

**NOTE:** Give the class 15 minutes to explore the subjects you assigned them. Have each group appoint/select a recorder and a spokesperson. At the end of 15 minutes have each group's representative present their response.

**NOTE:** The instructor may, at their discretion, use the questions and VGTs to ensure the students present the information assigned to them. You may also create other questions if you desire.

**NOTE:** Give each group (including distance learning sites) 6 minutes to brief their response.

**QUESTION:** What are the chain of command responsibilities in preventing sexual harassment?

**ANSWER:** See VGT-19.

**NOTE:** Ensure the students understand they must continually assess sexual harassment prevention policies, provide prompt investigation against sexual harassment, resolve allegations at the lowest level and take administrative or punitive action as appropriate, and most importantly, they must protect the soldier against retaliation when they report sexual harassment. Ask the student if they have any personal experiences they would like to share with the class.

### **SHOW VGT-19, CHAIN OF COMMAND RESPONSIBILITIES**

**CHAIN OF COMMAND  
RESPONSIBILITIES**

- **Ensure personnel are familiar with Army policy on sexual harassment.**
- **Publish/post command policy statements.**
- **Assess the unit's command climate regarding sexual harassment.**
- **Set the standard.**

L885/OCT04/07-19 First Sergeant Course

Ref: AR 600-20, p 52, para 7-2a thru d

### **REMOVE VGT-19**

**QUESTION:** What is the Army's sexual harassment policy?

**ANSWER:** The policy of the Army is that sexual harassment is unacceptable conduct and will not be tolerated.

Ref: AR 600-20, p 52, para 7-3a

**NOTE:** Ensure the students expound and discuss that leaders should commit themselves to create and maintain a good working environment; that sexual harassment destroys teamwork and deteriorates combat readiness; and that sexual harassment prevention is every soldier and civilian's responsibility.

**QUESTION:** What is the Army's sexual harassment definition?

**ANSWER:** See VGT-20

**SHOW VGT-20, DEFINITION OF SEXUAL HARASSMENT**

**DEFINITION OF SEXUAL HARASSMENT**

A form of gender discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission or rejection:

- Makes it a term for a person's job, pay or career.
- Used as basis for career/employment decisions affecting that person.
- Creates an intimidating, hostile or offensive working environment.

L855/OCT04/VGT 20 First Sergeant Course

Ref: AR 600-20, p 52, para 7-4a(1) thru (3)

**NOTE:** Ask the students to clarify the distinction between bullets 1 and 2. If they cannot do it, offer the following explanation. Number 1 could be a person was told up front, "You cooperate with me and I will do this for you..." Number 2 could be a situation when a person rejects an advance or proposition, and at a later time the supervisor factored that into their decision-making process for promotion or job placement.

**NOTE:** Ensure the students understand that a leader who uses or condones implicit or explicit behavior as described in the definition is engaging in sexual harassment.

**REMOVE VGT-20**

QUESTION: What are the categories of sexual harassment?

ANSWER: See VGT-21.

Ref: AR 600-20, pp 52 and 53, para 7-5a thru c

**SHOW VGT-21, SEXUAL HARASSMENT CATEGORIES**

**SEXUAL HARASSMENT CATEGORIES**

- Verbal.
- Nonverbal.
- Physical contact.

L855/OCT04/VGT 21 First Sergeant Course

Ref: AR 600-20, p 52, para 7-5a thru c

**NOTE:** Ask the group to provide types of verbal and nonverbal sexual harassment comments.

**Verbal Comments.** Examples of verbal sexual harassment include telling sexual jokes and using profanity, threats, sexually oriented Jodi calls, sexual comments, whistling, and describing certain sexual attributes about one's physical appearance. Another example of verbal sexual harassment is using terms of endearment such as "honey," "babe," "sweetheart," "dear," "stud," or "hunk" in referring to soldiers, civilian co-workers or family members.

**Nonverbal Gestures.** Examples of nonverbal sexual harassment include staring at someone (i.e. "undressing someone with one's eyes"), blowing kisses, winking, or licking one's lips in a suggestive manner. Nonverbal sexual harassment also includes printed material. Examples are displaying sexually oriented pictures; cartoons and using sexually oriented screen savers on one's computer. Further examples include sending sexually oriented notes, letters, faxes, or e-mail. Nonverbal forms of sexual harassment may take on a more hostile appearance after the victim has rejected the advances of the offender.

**Physical Contact.** Examples of physical sexual harassment include touching, patting, pinching, bumping, grabbing, cornering or blocking a passageway, kissing, and providing unsolicited back or neck rubs. Sexual assault and rape are often mistaken as physical forms of sexual harassment. Sexual assault and rape are criminal acts.

**NOTE:** Ensure students understand that sexual assault and rape are often mistaken as physical forms of sexual harassment. They are crimes punishable under military and civil law and you should report them immediately to the commander, military police, or other law enforcement agencies.

**REMOVE VGT-21**

QUESTION: There are two types of sexual harassment. What are they?

ANSWER: See VGT-22 and VGT-23.

Ref: AR 600-20, p 53, para 7-6a and b

## SHOW VGT-22, QUID PRO QUO

### QUID PRO QUO

- Latin term meaning, "This for that."
- Conditions placed upon a person's career or terms of employment in return for sexual favors.
- Promises of career advancement, promotions, and other benefits, should the victim give in to the sexual advances.

L855/OCT9-4N/01-22 First Sergeant Course

Ref: AR 600-20, p 53, para 7-6a

**NOTE:** Ask the students cite some examples or personal experiences.

Quid Pro Quo is a Latin term meaning "this for that". This term refers to conditions placed on a person's career or terms of employment in return for sexual favors. It involves threats of adverse action if the person does not submit or promises of favorable actions if the person does submit. Examples include demanding sexual favors in exchange for a promotion; award or favorable assignment; disciplining or relieving a subordinate who refuses sexual advances and threats of poor job evaluation for refusing sexual advances. Incidents of "quid pro quo" may also have a harassing effect on third persons. It may result in allegations of sexual favoritism or general discrimination when a person feels unfairly deprived of recognition, advancement or career opportunities due to favoritism shown to another soldier or civilian employee based on a sexual relationship. An example would be a soldier, not recommended for promotion, who believes that his or her squad leader recommends another soldier in his or her squad for promotion based upon provided or promised sexual favors, not upon merit or ability.

**REMOVE VGT-22**

## SHOW VGT-23, HOSTILE ENVIRONMENT

**HOSTILE ENVIRONMENT**

**OCCURS WHEN SOLDIERS OR CIVILIANS ARE SUBJECTED TO:**

- **Offensive**
- **Unwanted**
- **Unsolicited**

**Comments and/or behaviors of a sexual nature.**

L865/OCT04W/01-23 First Sergeant Course

Ref: AR 600-20, p 53, para 7-6b

**NOTE:** Examples include use of derogatory gender-biased terms, comments about body parts, suggestive pictures, explicit jokes and unwanted touching.

**NOTE:** Ensure the students understand that what some soldiers consider joking or horseplay, another person may not consider it as such.

**NOTE:** Encourage student interaction by asking them to cite examples of their own experiences on the impact that a sexual harassment environment may place in the workplace.

### REMOVE VGT-23

We will now discuss the individual techniques in dealing with sexual harassment. The following techniques are valuable tools to use in dealing with sexual harassment.

## SHOW VGT-24, DEALING WITH SEXUAL HARASSMENT

**DEALING WITH SEXUAL HARASSMENT**

- **Direct approach.**
- **Indirect approach.**
- **Third party.**
- **Chain of command.**
- **File a formal complaint.**

L865/OCT04W/01-24 First Sergeant Course

Ref: AR 600-20, p 53, para 7-7a thru c

**NOTE:** Ensure the students understand that even though these techniques are great tools for individuals to use in dealing with sexual harassment, they do not replace the chain of command.

#### **REMOVE VGT-24**

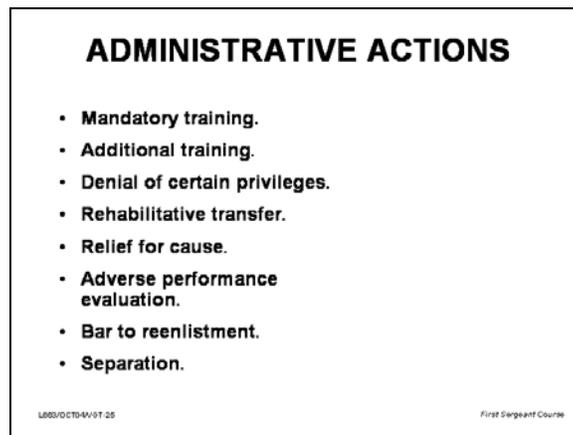
Sexual harassment affects everyone, male and female, and can occur at any time. It is not just a moral imperative. It is a readiness issue. Sexual harassment affects unit cohesion and mission effectiveness and destroys unit morale. You, as a first sergeant must not tolerate sexual harassment.

**QUESTION:** What options do the first sergeant and the commander have in administering punishment for inappropriate sexual harassment behavior?

**ANSWER:** See VGT-25.

Ref: UCMJ, punitive articles

#### **SHOW VGT-25, ADMINISTRATIVE ACTIONS**



Ref: UCMJ, punitive articles

The elimination of sexual harassment can come only from a unit's policy of aggressive and progressive training to identify and prevent inappropriate behavior.

**NOTE:** Refer the students to AR 600-20, pp 53 and 54, para 7-8 for a detailed explanation of the progressive training that a unit should undergo. Have them explain that the training focus is different for senior leaders as compared to lower ranking soldiers and civilians.

**QUESTION:** How often should your unit conduct sexual harassment training?

**ANSWER:** The unit should conduct interactive small group sexual harassment training twice each year.

Ref: AR 600-20, p 53, para 7-8

During the past hour we discussed the chain of command responsibilities, policy, definition, categories and types of sexual harassment, techniques for dealing

with sexual harassment, and the unit training requirements for sexual harassment.

Do you have any questions we discussed?

After the break we will discuss other aspects of EO implication. They are extremist organizations, language policy, relationships with other soldiers, homosexual conduct, and hazing.

**REMOVE VGT-25**

**CHECK ON LEARNING:**

Generalizing

- Do you understand the Army definition of sexual harassment violations?
- Was there a difference between your definitions and the Army's?
- How does this exercise relate to what you must do in your units?
- Do we have a problem with sexual harassment violations in the Army?
- What can we learn from the resolution of prior sexual harassment cases?

Application

- Who is responsible for enforcing the sexual harassment policies in your unit?
- What are your responsibilities in supporting the sexual harassment policies in your unit?
- What must you do to prevent sexual harassment in your unit?

Ref: AR 600-20, chap 7

**Break:** TIME: 01:50 to 02:00

**C. ENABLING LEARNING OBJECTIVE**

<b>ACTION:</b>	Interpret the Army's policy on military conduct as it pertains to extremist activities, soldier relationships, language policy, homosexual conduct policy, and hazing.
<b>CONDITIONS:</b>	As a first sergeant in a classroom environment given AR 600-20 and Student Handouts 4 and 5.
<b>STANDARDS:</b>	Interpreted the Army's policy on military conduct as it pertains to extremist activities, soldier relationships, language policy, homosexual conduct policy, and hazing IAW AR 600-20 and Student Handouts 4 and 5.

1. Learning Step / Activity 1. Extremist Organizations

Method of Instruction: Conference / Discussion\  
Technique of Delivery: Small Group Instruction (SGI)  
Instructor to Student Ratio: 1:16  
Time of Instruction: 25 mins  
Media: VGT-26

**NOTE:** Break the class into 3 groups, for VTT each site is one group. Discuss and reach consensus on the following items:

- Group (site) 1: Extremist Organizations.
- Group (site) 2: Army Language Policy & Soldier Relationships.
- Group (site) 3: Homosexual Conduct Policy and Hazing.

**NOTE:** Have each group/site appoint/select a recorder and a spokesperson. Groups will have 10 minutes to discuss their assigned area. At the end of 10 minutes, instruct the small groups to prepare to brief their findings. Give them 10 minutes to complete this requirement. Use the questions and slides as a tool to guide the students in their briefs.

**QUESTION:** Are soldiers allowed to participate in extremist organizations and activities?

**ANSWER:** Military personnel must reject participation in extremist organizations and activities.

Ref: AR 600-20, p 18, para 4-12a

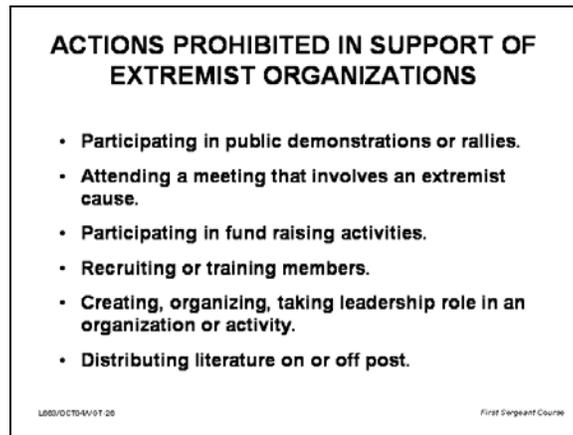
**NOTE:** Make sure the students discuss that extremists organizations and activities advocate racial, gender, or ethnic hatred or intolerance; advocate illegal discrimination; and advocate the use of force or violence to deprive individuals of their rights under the constitution of the United States.

**QUESTION:** What actions are prohibited by the policy on extremist organizations?

**ANSWER:** The actions shown on VGT-26 depict the actions prohibited by the policy on extremist organizations and activities.

Ref: AR 600-20, p 18, para 4-12b

### **SHOW VGT-26, ACTIONS PROHIBITED IN SUPPORT OF EXTREMIST ORGANIZATIONS**



Ref: AR 600-20, p 18, para 4-12b

### **REMOVE VGT-26**

**NOTE:** At this time, ask the students to define the following terms in their own words.

**Supremacist:** One who advocates the supremacy of a particular group.

Ref: Webster's II *New Riverside* Dictionary, p 679

**Extremist:** One who advocates or resorts to extreme measures, esp. in politics.

Ref: Webster's II *New Riverside* Dictionary, p 245

**Ideology:** A body of ideas characteristic of a person, group culture, or political party.

Ref: Webster's II *New Riverside* Dictionary, p 341

**Militia:** A reserve military force that is on call for service only in an emergency. Many militia organizations are formed because of their objection to national or local government (anti-democratic) policies or programs.

Ref: Webster's II *New Riverside* Dictionary, p 436

**Gangs:** A group of persons who work together or socialize regularly

Ref: Webster's II *New Riverside* Dictionary, p 286

**NOTE:** Ensure the students discuss the commander's authority to prohibit military personnel from engaging in or participating in any other activities that he determines will adversely affect good order and discipline in his command. Ask them for some examples, i.e., removal of symbols, flags, posters etc.

Ref: AR 600-20, p 18, para 4-12c

**QUESTION:** What options does the commander have in dealing with prohibition violations?

**ANSWER:** The commander has several options to deal with extremism prohibition violations. They are:

- a. UCMJ action. Possible violations include--
  - (1) Article 92--Violation or failure to obey a lawful general order or regulation.
  - (2) Article 116--Riot or breach of peace.
  - (3) Article 117--Provoking speeches or gestures.
  - (4) Article 134--General article, specifically, conduct which is prejudicial to good order and discipline or morale.
- b. Involuntary separation for unsatisfactory performance or misconduct.
- c. Reclassification actions or bar to reenlistment actions.
- d. Other administrative or disciplinary action deemed appropriate by the commander, based on specific facts and circumstances.

Ref: AR 600-20, p 18, para 4-12d(1) thru (4)

**NOTE:** Make sure the students understand that as first sergeants they should advise their commanders to seek legal counsel before taking actions pursuant to this policy.

## 2. Learning Step / Activity 2. Army Language Policy

Method of Instruction: Conference / Discussion  
Technique of Delivery: Small Group Instruction (SGI)  
Instructor to Student Ratio: 1:16  
Time of Instruction: 10 mins  
Media: None

(Group 2) Tell us about the Army Language Policy.

**NOTE:** Key Points for discussion are:

- English is the operational language, soldiers must maintain English proficiency.
- Soldiers may use another language for personal communication.
- Allow students to briefly discuss experiences.

Ref: AR 600-20, p 19, para 4-13

The Army implemented a revised policy on "relationships between soldiers of different ranks" in March of 1999. Now we'll review and discuss this policy.

**NOTE:** Use the following questions if the briefing does not cover the key elements (key elements have bullets).

**QUESTION:** Under what circumstances do regulations prohibit relationships between soldiers of different ranks?

**ANSWER:** Regulations prohibit some forms of personal relationships between officers and enlisted personnel when the relationships cause:

- A compromise of integrity of supervisory authority or chain of command.
- An actual or perceived partiality or unfairness.
- Improper use of rank for personal gain.
- Exploitative or coercive activity.
- An adverse impact on discipline, authority, morale, or the ability of command to accomplish the mission.

Ref: AR 600-20, p 19, para 4-14b(1) thru (5)

**QUESTION:** What are some of the officer/enlisted relationships that are not permitted?

**ANSWER:** Certain types of personal relationships between officers and enlisted personnel are prohibited. Prohibited relationships include:

- a. On-going business relationships between officers and enlisted personnel. This prohibition does not apply to landlord/tenant relationships or to one-time transactions such as the sale of an automobile or house, but does apply to borrowing or lending money, commercial solicitation, and any other type of on-going financial or business relationship. Business relationships which exist at the time this policy becomes effective, and that were authorized under previously existing rules and regulations, are exempt until March 1, 2000. In the case of Army National Guard or United States Army Reserve personnel, this prohibition does not apply to relationships that exist due to their civilian occupation or employment.
- b. Dating, shared living accommodations other than those directed by operational requirements, and intimate or sexual relationships between officers and enlisted personnel. This prohibition does not apply to:

- (1) Marriages that predate the effective date of this policy or are entered into prior to March 1, 2000.
- (2) Until March 1, 2000, relationships (dating, shared living accommodations, and intimate or sexual relationships) outside of marriage that predate the effective date of this policy.
- (3) Situations in which a relationship which complies with this policy would move into non-compliance due to a change in status of one of the members (for instance, a case where two enlisted members are married and one is subsequently commissioned or selected as a warrant officer).
- (4) Personal relationships outside of marriage between members of the National Guard or Army Reserve, when the relationship primarily exists due to civilian acquaintanceships, unless the individuals are on active duty (other than annual training) or Full-time National Guard duty (other than annual training).
- (5) Personal relationships outside of marriage between members of the Regular Army and members of the National Guard or Army Reserve when the relationships primarily exists due to civilian association and the Reserve component member is not on active duty (other than annual training) or Full-time National Guard duty (other than annual training).
- (6) Soldiers and leaders share responsibility, however, for ensuring that these relationships do not interfere with good order and discipline. Commanders will ensure that personal relationships which exist between soldiers of different ranks emanating from their civilian careers will not influence training, readiness, or personnel actions.

c. Gambling between officers and enlisted personnel.

Ref: AR 600-20, p 19, para 4-14c

**NOTE:** At a minimum, ensure the discussion focuses on the underlined items. The students can discuss the rest of the information in an informal manner.

QUESTION: Does this mean that officers and enlisted personnel cannot play on sports teams or participate in any type of social functions?

ANSWER: No, they may participate in normal team building associations.

Ref: AR 600-20, p 19, para 4-14d

QUESTION: How can you prevent inappropriate or unprofessional relationships from developing in your unit?

ANSWER: Through proper training and leadership by example.

Ref: AR 600-20, p 19, para 4-14f

QUESTION: If these relationships should develop, how can you respond?

ANSWER: You have a wide range of responses that include: counseling, reprimand, order to cease, reassignment, or adverse actions, which may include: official reprimand, adverse evaluation report(s), nonjudicial punishment, separation, bar to reenlistment, promotion denial, demotion, and court-martial.

Ref: AR 600-20, p 19, para 4-15f

**NOTE:** Emphasize that regulations prohibit relationships between trainee and soldiers and between recruiter and recruit.

3. Learning Step / Activity 3. Army Homosexual Conduct Policy

Method of Instruction: Conference / Discussion  
Technique of Delivery: Small Group Instruction (SGI)  
Instructor to Student Ratio: 1:16  
Time of Instruction: 10 mins  
Media: VGT-27 thru VGT-31

On 13 May 2002, the Secretary of the Army signed the latest version of AR 600-20. The AR clarifies many issues that were vague or omitted from the previous regulation. Chapter 4-19 is clearly written and defines the Army's homosexual conduct policy in greater depth. SH-5 is a tool for you to keep. It summarizes the regulation as it pertains to the homosexual policy. We will use this portion to discuss the "Don't Ask, Don't Tell" policy.

QUESTION: What is the definition of homosexual conduct?

ANSWER: Homosexual conduct is defined as an act or a statement by a soldier that demonstrates a propensity or intent to engage in homosexual acts, the solicitation of another to engage in a homosexual act or acts, or a homosexual marriage or attempted marriage.

Ref: AR 600-20, p 21, para 4-19a(3)

QUESTION: What did congress say in 1993 regarding homosexual activities in the military?

ANSWER: See VGT-27.

**SHOW VGT-27, WHAT DID CONGRESS SAY?**

**WHAT DID CONGRESS SAY**

- **Engaging in, attempting to engage in, or soliciting another to engage in homosexual acts is grounds of discharge from the Army.**
- **Military persons that demonstrate a propensity to engage in homosexual acts creates an unacceptable risk to morale, good order, and discipline and unit cohesion.**
- **The long standing element of military law that prohibits homosexual conduct continues to be necessary in the circumstances of military service.**

L868/OCT04V0127 First Sergeant Course

Ref: SH-5-2, Left column

QUESTION: What is the challenge to all soldiers that pertains to the homosexual policy?

ANSWER: The challenge to all soldiers is to comply with the law that prohibits homosexual conduct while at the same time respecting the privacy and dignity of every soldier.

Ref: p SH-5-3, Middle column

**REMOVE VGT-27**

QUESTION: Under the homosexual policy, what does the term, "Don't Ask" mean?

ANSWER: Upon entry into the Army, applicants may not be asked nor required to reveal their sexual orientation. While on active duty, soldiers will not be asked about their sexual orientation unless there is credible evidence of homosexual conduct.

Ref: p SH-5-2, Middle column

QUESTION: What does the term, "Don't Tell" mean?

ANSWER: "Don't Tell" is the opposite side of "Don't Ask". It means that soldiers should not disclose or discuss their sexual orientation or conduct.

Ref: p SH-5-2, Middle column

**NOTE:** Have the students discuss the last two questions and cite some examples or personal experiences. Ensure they understand that they must understand the policy and enforce it.

QUESTION: What advise should you give the commander before initiating a homosexual investigation?

ANSWER: When the commander has credible evidence, he must consult with his legal advisors prior to initiating any investigation.

Ref: p SH-5-2, Right column

**SHOW VGT-28, NOT CREDIBLE EVIDENCE**

**NOT CREDIBLE EVIDENCE**

- Rumors that a soldier is homosexual.
- Others opinion that a soldier is homosexual.
- Going to a homosexual bar, reading homosexual publications, associating with known homosexuals or marching in homosexual rights rally in civilian clothes.
- Reporting threats or accusations of being homosexual.

L883/OCT04/01/28 First Sergeant Course

Ref: p SH-5-2, Middle column

**REMOVE VGT-28**

## SHOW VGT-29, CREDIBLE EVIDENCE

**CREDIBLE EVIDENCE**

- A statement by a reliable person that the soldier engaged in a homosexual act, heard the soldier state that he or she was homosexual or that the soldier had married or attempted to marry a member of the same sex.
- A statement by a reliable person that they observed a soldier saying or writing a statement acknowledging a homosexual act or intent to engage in a homosexual act.

L855/OCT04/01/20 First Sergeant Course

Ref: p SH-5-2, Right column

### REMOVE VGT-29

QUESTION: When may commanders begin an investigation or fact finding inquiry if credible evidence exists?

ANSWER: A commander can only begin an investigation or fact finding inquiry when he has reasonable belief that a soldier has:

- a. Engaged in a homosexual act.
- b. Stated that he or she is a homosexual or otherwise indicate a propensity to engage in a homosexual conduct.
- c. Married or attempted to marry a person of the same sex.

Ref: p SH-5-2, Right column

**NOTE:** Ensure the students discuss the fact that when a soldier freely admits to being a homosexual, investigations are not necessary in order for a separation to occur.

QUESTION: What is the definition of harassment?

ANSWER: To annoy or disturb persistently.

Ref: Webster's II, *New Riverside* Dictionary, p 315

**NOTE:** Ensure the students cover the types of harassment, whom the soldier reports harassment to, and the appropriate actions commanders need to take into consideration.

QUESTION: Who should a soldier report to harassment to?

ANSWER: The commander.

Ref: p SH-5-3, Left column

QUESTION: Who can a soldier talk with in confidentially regarding sexual orientation?

ANSWER: A soldier can discuss any topic regarding sexual orientation with a Legal Assistance Attorney or Chaplain.

Ref: p SH-5-3, Left column

**NOTE:** Emphasize that the challenge to all soldiers is to comply with the law that prohibits homosexual conduct while at the same time respecting the privacy and dignity of every soldier. **"Don't Ask, Don't Tell, Don't Harass."**

The Army continues to be a values based organization which encourages everyone to do what is right by treating others with dignity and respect. Hazing is fundamentally in opposition to our values and therefore prohibited.

QUESTION: What is hazing?

ANSWER: Hazing is any conduct whereby one military member or employee, regardless of Service or rank, unnecessarily causes another military member or employee, regardless of Service or rank, to suffer or be exposed to an activity which is cruel, abusive, oppressive, or harmful.

Ref: AR 600-20, p 23, para 4-20a

**NOTE:** You may use VGT-30 and VGT-31 to illustrate what hazing includes and what actions do not constitute hazing. Encourage students to talk about any experiences they had.

QUESTION: What are some examples of hazing?

ANSWER: See VGT-30

### **SHOW VGT-30, HAZING**

## HAZING

- Rite of passage.
- Physically striking another to inflict pain.
- Piercing another's skin in any manner.
- Forcing or requiring consumption of excessive amounts of food, alcohol, drugs, or other substances.
- Encouraging participation in illegal, harmful, demeaning, or dangerous acts.
- Soliciting or coercing another to participate in such activity is also considered hazing.

L865/DCTD-4A/07-00 First Sergeant Course

Ref: AR 600-20, p 23, para 4-20a(1)

### **REMOVE VGT-30**

QUESTION: What is not considered as hazing?

ANSWER: See VGT-31

Ref: AR 600-20, p 23, para 4-20a(2)(a) thru (e)

## SHOW VGT-31, AUTHORIZED ACTIVITIES

**AUTHORIZED ACTIVITIES**

- **Physical/mental hardships associated with operations or operational training.**
- **Administrative corrective measures.**
- **Extra military instruction or training.**
- **Physical training or remedial physical training.**
- **Other similar activities.**

L855/OCT04/VGT-31 First Sergeant Course

## REMOVE VGT-31

**NOTE:** Ensure the students discuss the commanders responsibilities as well as the commander options if somebody violates the hazing policy.

**CHECK ON LEARNING:** The questions throughout this ELO serve as the check on learning.

**SECTION IV. SUMMARY**

Method of Instruction: <u>Conference / Discussion</u>
Technique of Delivery: <u>Small Group Instruction (SGI)</u>
Instructor to Student Ratio is: <u>1:16</u>
Time of Instruction: <u>5 mins</u>
Media: <u>None</u>

**Check on Learning**

---

The checks on learning for this lesson are the processing questions in each activity.

---

**Review / Summarize Lesson**

During this lesson, we discussed the Army's Equal Opportunity and Sexual Harassment programs. We have emphasized the policies, as well as the individual and leader responsibilities, and the procedures for filing EO complaints.

---

**SECTION V. STUDENT EVALUATION**

---

**Testing Requirements**

**NOTE:** Describe how the student must demonstrate accomplishment of the TLO. Refer student to the Student Evaluation Plan.

You will take a multiple choice examination. The examination will contain questions from this and other lessons. You must correctly answer 70 percent or more of the questions on the examination to receive a GO.

---

**Feedback Requirements**

**NOTE:** Feedback is essential to effective learning. Schedule and provide feedback on the evaluation and any information to help answer students' questions about the test. Provide remedial training as needed.

You will participate in an After Action Review (AAR) immediately following the examination for this lesson.

---

Enabling Learning Objective A

Learning Step 1

VGT-1, Commander's Responsibilities

## **COMMANDER'S RESPONSIBILITIES**

- **Personally responsible and accountable for EO climate.**
- **Develop and implement EO programs that enhance unit cohesion, esprit, and morale.**
- **Act on complaints within 72 hrs.**
- **Identify unlawful discriminatory practices.**
- **Promote EO and interpersonal harmony.**
- **Assign EOAs to their personnel or coordinating staff.**
- **Be in the EOAs rating scheme.**

## **COMMANDER'S RESPONSIBILITIES (cont)**

- **Conduct EO training on a continuing basis for all assigned or attached personnel.**
- **Monitor and assess the execution of EO programs and policies.**
- **Involve public affairs personnel at every level of command in planning and publicizing EO programs and initiatives.**
- **Publish/post EO policy.**
- **Company level commanders will conduct unit climate assessment within 90 days (USAR, 180) within assuming command and annually thereafter.**

## **COMMANDER RESPONSIBILITIES (cont)**

- **Encourage soldiers to use chain of command.**
- **Take appropriate action to prevent incidents of intimidation, harassment, or reprisals against those who file EO complaints.**
- **Take appropriate action on those that violate Army policy.**
- **Monitor EOR demographics.**
- **Report all EO training at quarterly training briefings.**

## **EOA RESPONSIBILITIES**

- **Understand and articulate Department of Defense and Army policies.**
- **Assist commander in implementing a Consideration of Others program.**
- **Recognize and assess discrimination indicators.**
- **Recognize sexual harassment in both overt and subtle forms.**
- **Recommend appropriate remedies to eliminate and prevent unlawful discrimination and sexual harassment.**
- **Assist in assessing, planning, implementing, and evaluating EO programs.**
- **Assist with EO training.**

## **EOA RESPONSIBILITIES (cont)**

- **Assist in evaluating the effectiveness of unit training conducted by commanders.**
- **Train unit Equal Opportunity Representatives.**
- **Receive and assist with individual complaints.**
- **Conduct follow-up assessments of all formal EO complaints.**
- **Assist commanders in developing EO policy for their units.**
- **Conduct staff assistance visits.**

## **EOR RESPONSIBILITIES**

- **Assist commanders in recognizing detractors from a healthy unit EO climate.**
- **Continuously assist commanders in the conduct of unit climate assessments.**
- **Prepare and assist the commander in the conduct of EO training.**
- **Maintain liaison with other EORs and EOAs at higher headquarters.**
- **Assist commanders with ethnic/special observances.**
- **Assist complainants by referring them to appropriate agency for assistance.**
- **Serves as resource person on EO matters.**

# **THE ARMY'S EQUAL OPPORTUNITY POLICY**

**Provide equal opportunity and fair treatment for military personnel, family members and DA civilians, without regard to race, color, gender, religion, or national origin, and provide an environment free from unlawful discrimination and offensive behavior.**

## **THE ARMY'S EO POLICY (cont)**

- **Applies both on and off post, during duty and non duty hours.**
- **Applies to working, living, and recreational environments (including both on and off- post housing).**

## **EO COMPLAINT PROCESS**

- **Individual rights. (Soldiers, family members, and DA civilians.)**
  - **Present a complaint to the command without fear of intimidation, reprisal, or harassment.**
  - **Communicate with the commander concerning their complaint.**
  - **Receive assistance when submitting a complaint.**
  - **Receive training on the Army's EO complaint and appeals process.**

## **EO COMPLAINT PROCESS (cont)**

- **Individual responsibility.**
  - **Advise the command of the specifics of sexual harassment and unlawful discrimination complaints and provide the command the opportunity to take appropriate action to resolve/rectify the issue.**
  - **Submit only legitimate complaints and exercise caution against unfounded or reckless charges.**
- **Attempt to resolve a complaint by informing the offender that the behavior must stop.**

# TYPES OF COMPLAINTS

## Informal

**Any complaint that a soldier, family member or DA civilian does not wish to file in writing.**

- **May be resolved directly by the individual, help from another unit member, the commander or other person in the complaint's chain of command.**
- **Not subject to time constraints.**
- **Person working on resolution should file a MFR.**
- **Chain of command is not the only channel available to resolve a complaint.**

## **ALTERNATIVE AGENCIES**

- A higher echelon commander
- Equal Opportunity Advisor
- Inspector General
- Chaplain
- Provost Marshal
- Medical agency personnel
- Staff Judge Advocate
- Chief, Community Home finding Referral and Relocation Services (CHRRS)

## **TYPES OF COMPLAINTS (cont)**

### **Formal**

**Complaint files in writing and swears to the accuracy of the information. Filed using DA Form 7279-R.**

- **Part 1: Specifies alleged concern.**
- **“Requested Remedy” block serves a variety of purposes both the to the complainant and the command.**
- **File complaint within 60 days of alleged incident.**
- **Complainant should file with the commander at the lowest echelon of command.**

## **ALTERNATIVE AGENCIES ACTIONS**

- **Report identified criminal activity instances to the Provost Marshal or CID.**
- **Refer incidents of sexual assault or rape to medical agencies.**
- **Refer allegations of unlawful discrimination in housing (both on and off post), to the housing division.**
- **Report complaints against senior officers and SES civilians with the US Army Inspector General Agency at the Pentagon.**

# COMMANDER ACTIONS

- **Ensure that the complainant has been sworn to the complaint on DA Form 7279-R.**
- **Report formal complaints to General Courts-Martial Convening Authority (GCMCA) within 72 hours.**
- **Provide progress report to GCMCA within 20 days and 14 days thereafter until completed.**
- **Conduct investigation IAW AR 15-6.**
- **Implement a plan to protect all concerned. It will include meetings/discussions with:  
1. Complainant 2. Perpetrator 3. Witnesses, and selected members of chain of command.**

## **INVESTIGATION TIME LINES**

- Commander/investigation officer has 14 calendar days (3-weekend drills, RC) to conduct an investigation.
- A 30-day extension granted from the next higher command if circumstances require it.
- Additional extension approved by the first general officer in chain of command.

## **APPEALS PROCESS**

- **Present DA Form 7279-R, Part IV, within 7 calendar days (next multiple unit training activity (MUTA 4 drill period, RC)).**
- **Once initiated, the commander has 3 calendar days (one MUTA 4 drill period, RC) to refer appeal to next higher command.**
- **Next higher commander has 14 days (3 MUTA 4 periods, RC) to review the case and provide written feedback on the results of the appeal.**
- **If not resolved at Bde level, the General Courts Martial Convening Authority then has final decision authority (Decision is final).**

# **MANDATORY EO TRAINING REQUIREMENTS**

- **Conduct EO/sexual harassment training quarterly.**
- **Document training on training schedule and lead the training.**
- **Must include type of training, instructor, length of training, roster of attendees, and issues covered.**
- **Issues must be of local or Army wide importance.**
- **As a minimum, two quarters will consist of prevention of sexual harassment training.**

Enabling Learning Objective B

Learning Step 1

VGT-19, Chain of Command Responsibilities

## **CHAIN OF COMMAND RESPONSIBILITIES**

- **Ensure personnel are familiar with Army policy on sexual harassment.**
- **Publish/post command policy statements.**
- **Assess the unit's command climate regarding sexual harassment.**
- **Set the standard.**

L663/OCT04/VGT-19

*First Sergeant Course*

## **DEFINITION OF SEXUAL HARASSMENT**

**A form of gender discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission or rejection:**

- **Makes it a term for a person's job, pay or career.**
- **Used as basis for career/employment decisions affecting that person.**
- **Creates an intimidating, hostile or offensive working environment.**

# **SEXUAL HARASSMENT CATEGORIES**

- **Verbal.**
- **Nonverbal.**
- **Physical contact.**

## **QUID PRO QUO**

- **Latin term meaning, “This for that.”**
- **Conditions placed upon a person’s career or terms of employment in return for sexual favors.**
- **Promises of career advancement, promotions, and other benefits, should the victim give in to the sexual advances.**

# **HOSTILE ENVIRONMENT**

**OCCURS WHEN SOLDIERS OR CIVILIANS ARE  
SUBJECTED TO:**

- **Offensive**
- **Unwanted**
- **Unsolicited**

**Comments and/or behaviors of a sexual nature.**

# **DEALING WITH SEXUAL HARASSMENT**

- **Direct approach.**
- **Indirect approach.**
- **Third party.**
- **Chain of command.**
- **File a formal complaint.**

# **ADMINISTRATIVE ACTIONS**

- **Mandatory training.**
- **Additional training.**
- **Denial of certain privileges.**
- **Rehabilitative transfer.**
- **Relief for cause.**
- **Adverse performance evaluation.**
- **Bar to reenlistment.**
- **Separation.**

## **ACTIONS PROHIBITED IN SUPPORT OF EXTREMIST ORGANIZATIONS**

- **Participating in public demonstrations or rallies.**
- **Attending a meeting that involves an extremist cause.**
- **Participating in fund raising activities.**
- **Recruiting or training members.**
- **Creating, organizing, taking leadership role in an organization or activity.**
- **Distributing literature on or off post.**

## **WHAT DID CONGRESS SAY**

- **Engaging in, attempting to engage in, or soliciting another to engage in homosexual acts is grounds of discharge from the Army.**
- **Military persons that demonstrate a propensity to engage in homosexual acts creates an unacceptable risk to morale, good order, and discipline and unit cohesion.**
- **The long standing element of military law that prohibits homosexual conduct continues to be necessary in the circumstances of military service.**

## **NOT CREDIBLE EVIDENCE**

- **Rumors that a soldier is homosexual.**
- **Others opinion that a soldier is homosexual.**
- **Going to a homosexual bar, reading homosexual publications, associating with known homosexuals or marching in homosexual rights rally in civilian clothes.**
- **Reporting threats or accusations of being homosexual.**

## **CREDIBLE EVIDENCE**

- **A statement by a reliable person that the soldier engaged in a homosexual act, heard the soldier state that he or she was homosexual or that the soldier had married or attempted to marry a member of the same sex.**
- **A statement by a reliable person that they observed a soldier saying or writing a statement acknowledging a homosexual act or intent to engage in a homosexual act.**

# HAZING

- **Rite of passage.**
- **Physically striking another to inflict pain.**
- **Piercing another's skin in any manner.**
- **Forcing or requiring consumption of excessive amounts of food, alcohol, drugs, or other substances.**
- **Encouraging participation in illegal, harmful, demeaning, or dangerous acts.**
- **Soliciting or coercing another to participate in such activity is also considered hazing.**

## **AUTHORIZED ACTIVITIES**

- **Physical/mental hardships associated with operations or operational training.**
- **Administrative corrective measures.**
- **Extra military instruction or training.**
- **Physical training or remedial physical training.**
- **Other similar activities.**

**Appendix B - Test(s) and Test Solution(s) (N/A)**

**Appendix C - Practical Exercises and Solutions (N/A)**

## Appendix D

### HANDOUTS FOR LESSON 1: L663 version 1

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This appendix contains the items listed in this table--

<b>Title/Synopsis</b>	<b>Pages</b>
SH-1, Advance Sheet	SH-1-1 and SH-1-2
SH-2, Army Policy Memorandum on Equal Opportunity	SH-2-1 and SH-2-2
SH-3, Army Equal Opportunity Complaint Procedures	SH-3-1 and SH-3-2
SH-4, HQDA Message, Dignity and Respect	SH-4-1 thru SH-4-3
SH-5, Don't Ask, Don't Tell Trifold	SH-5-1 thru SH-5-3
SH-6, Student Notes	SH-6-1 thru SH-6-12

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# Student Handout 1

## Advance Sheet for L663

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**Lesson Hours** This lesson consists of three hours of small group instruction.

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**Overview** Squads, platoons, and companies are the levels of the Army in which soldiers spend most of their military careers. Each squad, section, or crew becomes a tightly knit family where soldiers know one another intimately—their likes, dislikes, their faults, strengths, their beliefs and ideas. It is these small groups of soldiers who determine to a large extent whether we win or lose wars. As leaders, it is your responsibility not only to recognize and manage differences among yourselves, but also to recognize and manage differences among those you lead. It is imperative that you, as military leaders, recognize and manage diversity so that it does not interfere with the Army's mission effectiveness or ability to fight and win on the battlefield. Your challenge is to execute your leadership duties to support and implement the Army's Equal Opportunity/Sexual Harassment programs.

---

**Learning Objective** Terminal Learning Objective (TLO)

<b>Action:</b>	Implement the Army's Equal Opportunity/Sexual Harassment programs.
<b>Conditions:</b>	As a first sergeant in a classroom environment given AR 600-20 and Student Handouts 1 thru 6.
<b>Standards:</b>	Implemented the Army's Equal Opportunity/Sexual Harassment programs IAW AR 600-20, Students Handouts 4 and 5.

---

**ELO A** Interpret the Army's Equal Opportunity policy.  
**ELO B** Interpret the Army's Sexual Harassment policy.  
**ELO C** Interpret the Army's policy on military conduct as it pertains to extremist activities, soldier relationships, language policy, homosexual conduct policy, and hazing.

---

**Assignment** The student assignments for this lesson are:

- Study AR 600-20, paragraphs 4-12 thru 4-15, 4-19, 4-20, Chapter 6, Chapter 7, and Appendix E.
- Read Student Handouts 1 thru 5.

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**Additional Subject Area Resources** None

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**Bring to Class** AR 600-20.  
Student Handouts 1 thru 6.  
Pen or pencil and writing paper.

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**Note to Students**

It is your responsibility to do the homework prior to class. We expect you to come to class prepared and participate in the small group discussion by providing information you learned from your individual study, as well as your personal and observed experiences. Failure to study and read the assignments above will result in your inability to fully participate with the rest of the group. Not having your input affects the group's ability to fully discuss the information.

---

## Student Handout 2

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This student handout contains the Army Policy Memorandum on Equal Opportunity.

**Disclaimer:** The training developer downloaded the material from the [www.armyg1.army.mil](http://www.armyg1.army.mil) homepage. The text may contain passive voice, misspellings, grammatical errors, etc., and may not be in compliance with the Army Writing Style Program.

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## **Army Policy Memorandum on Equal Opportunity**

“America’s Army serves as the nation’s leader in equal opportunity. This success comes from total commitment to the ideals upon which our country was founded. We must continue our strong leadership in this area to ensure equal opportunity for all. To accomplish this, we, the Army’s senior leadership, reaffirm our commitment to these principles and will work to ensure the equal opportunity and freedom from sexual harassment are standard in America’s Army.

People are the cornerstone of readiness. Sophisticated weapons systems and modern technology are of little value without a dedicated, trained team of professional soldiers and civilians. They must know they will be treated fairly, and with dignity and respect in all aspects of performing the mission. They have a right to expect from their leadership an environment in which their efforts can be fully directed toward mission accomplishment and not detracted by unequal treatment. Leaders are expected to enforce the Army’s standards.

We are justifiably proud of the many accomplishments the Army has made in the field of human rights; however, much remains to be done. Leaders at all levels must continue to ensure the environment in which our soldiers and civilians work and live is free from discriminatory practices. Each individual has a right to compete for advancement based upon abilities and merit, irrespective of race, color, religion, gender, or national origin. Army civilians are further protected against discrimination based on age and physical or mental disability. Leaders at all levels have an obligation to create and maintain an environment with zero tolerance for discrimination and harassment.

We must continue to demonstrate that America’s Army is the equal opportunity leader for the nation and the institution where men and women of diverse backgrounds can achieve their full potential in support of the Army’s mission.”

***Signed by:  
Army Chief of Staff  
and the Secretary of the Army***

## Student Handout 3

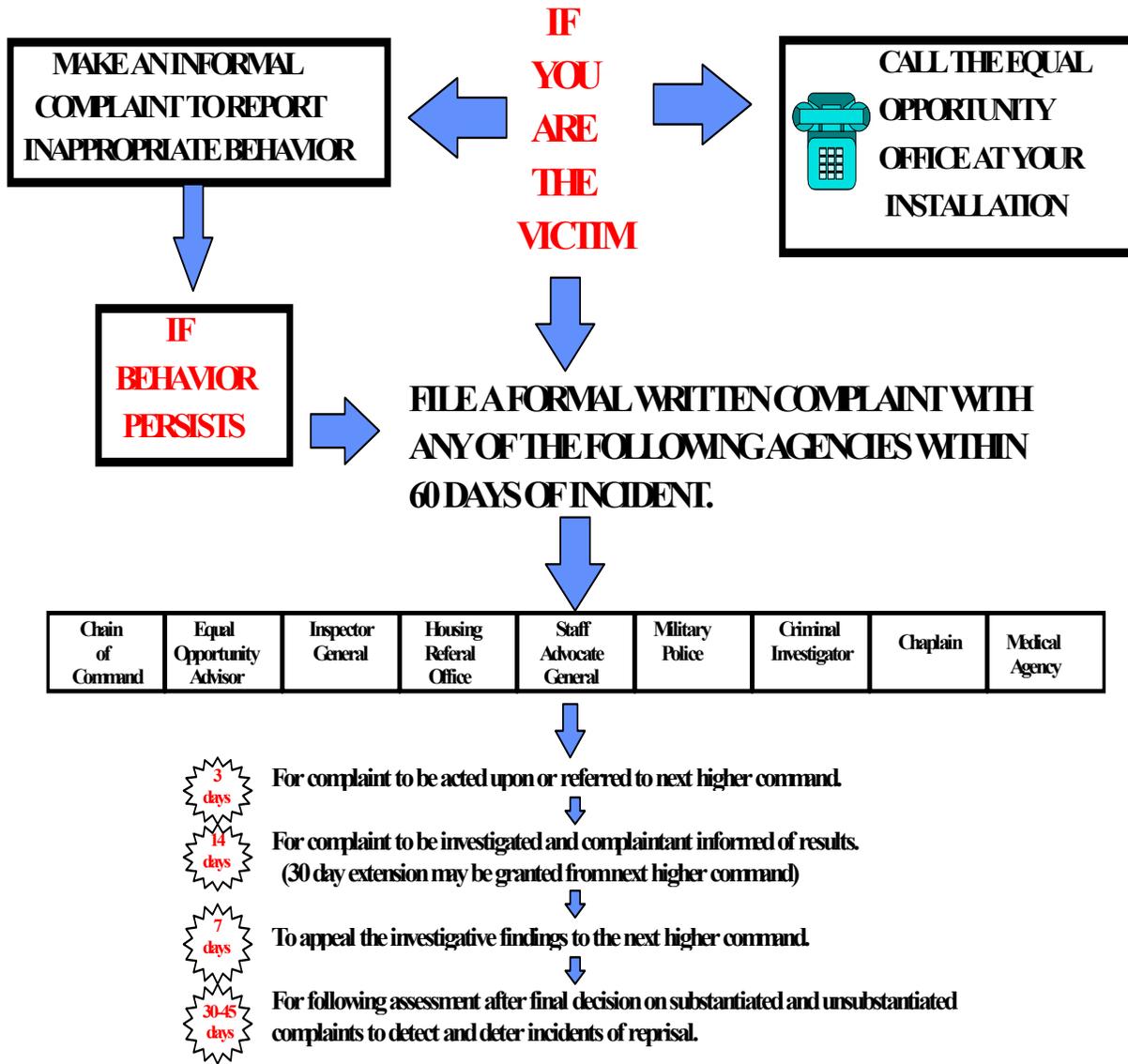
---

This student handout contains the Army Equal Opportunity Complaint Process.

**Disclaimer:** The training developer downloaded the material from the [www.armyg1.army.mil](http://www.armyg1.army.mil) homepage. The text may contain passive voice, misspellings, grammatical errors, etc., and may not be in compliance with the Army Writing Style Program.

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# THE ARMY EQUAL OPPORTUNITY COMPLAINT PROCESS



## **Student Handout 4**

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This Student Handout contains 2 pages of the HQDA Message on Homosexual Conduct Policy.

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UNCLASSIFIED  
ROUTINE  
R 101700ZJAN00  
FM HQDA WASHINGTON DC//DAPE-HR-L//  
TO ALARACT  
INFO HQDA WASHINGTON DC//DAPE-HR-L//

SUBJECT: HOMOSEXUAL CONDUCT POLICY

1. REFERENCE SECRETARY OF THE ARMY AND CHIEF OF STAFF, ARMY MESSAGE DATED 101800ZJAN00, SUBJECT: DIGNITY AND RESPECT FOR ALL.
2. THIS MESSAGE PROVIDES THE ARMY'S GUIDANCE ON THE IMPLEMENTATION OF THE AUGUST 12, 1999 OFFICE OF THE SECRETARY OF DEFENSE ADDITIONAL GUIDANCE ON THE HOMOSEXUAL CONDUCT POLICY IN THE ARMED FORCES.
3. THE SECRETARY AND THE CHIEF OF STAFF AFFIRM THAT TREATING SOLDIERS WITH DIGNITY AND RESPECT IS A BEDROCK VALUE FOR THE ARMY. WE DECLARE THAT THERE IS NO ROOM FOR HARASSMENT OR THREATS TO ANY SOLDIER IN OUR ARMY FOR ANY REASON. THEREFORE, AS THE SENIOR LEADERS OF THE ARMY WE ARE DETERMINED TO CONTINUE TO IMPLEMENT THE DOD HOMOSEXUAL CONDUCT POLICY WITH EQUITY AND FAIRNESS TO ALL OF OUR SOLDIERS.
4. THE ESSENTIAL ELEMENTS OF THE DEPARTMENT OF DEFENSE POLICY REGARDING HOMOSEXUAL CONDUCT ARE BASED ON TITLE 10, UNITED STATES CODE, AND ARE UNCHANGED. HOWEVER, IN ORDER TO PROTECT FULLY THE RIGHTS OF ALL PERSONNEL, THE FOLLOWING ADDITIONAL GUIDANCE IS PROVIDED.
  - 1A. ALL SOLDIERS WILL RECEIVE REFRESHER TRAINING ON HOMOSEXUAL CONDUCT POLICY WITHIN 90 DAYS OF THE DATE OF THIS MESSAGE. THE DEPUTY CHIEF OF STAFF FOR PERSONNEL WILL ESTABLISH A WORLD-WIDE-WEB PAGE WITH RESOURCE MATERIAL AND PUBLISH TRAINING MATERIALS TO BE USED IN THIS TRAINING. THESE TRAINING MATERIALS ARE AVAILABLE AT THAT WEBSITE: [WWW.ODCSPER.ARMY.MIL](http://WWW.ODCSPER.ARMY.MIL).
  - 1B. TRADOC HAS BEEN DIRECTED TO INCORPORATE INSTITUTIONAL TRAINING ON HOMOSEXUAL CONDUCT POLICIES INTO ALL STAGES OF THE PROFESSIONAL MILITARY EDUCATION (PME) SYSTEM WITHIN 90 DAYS OF THE DATE OF THIS MESSAGE.
  - 1C. THE ARMY INSPECTOR GENERAL HAS BEEN CHARGED TO SPECIFICALLY INSPECT HOMOSEXUAL CONDUCT POLICY TRAINING THROUGHOUT THE ARMY AND THE RESERVE COMPONENTS BEGINNING FEBRUARY 11, 2000.
  - 1D. THE ARMY JUDGE ADVOCATE GENERAL HAS BEEN TASKED TO CREATE PROCEDURES FOR INSTALLATION-LEVEL STAFF JUDGE ADVOCATES TO USE WHEN CONSULTING WITH SENIOR LEGAL OFFICERS ON CASES INVOLVING HOMOSEXUAL CONDUCT.
  - 1E. VERBAL ADMISSION OF HOMOSEXUALITY MAY BE GROUNDS FOR DISCHARGE. COMMANDERS MUST, HOWEVER, DETERMINE WHETHER ADMISSIONS ARE CREDIBLE. IN MOST CASES OF HOMOSEXUAL ADMISSION, NO INVESTIGATION IS REQUIRED. HOWEVER, IN INSTANCES WHERE THE COMMANDER FEELS THAT THE ADMISSION MAY NOT BE CREDIBLE, AN INQUIRY MAY BE APPROPRIATE AND WILL BE CONDUCTED PURSUANT TO AR 600-20. THE INITIATION OF ANY SUBSTANTIAL INVESTIGATION INTO WHETHER AN ADMISSION OF HOMOSEXUALITY WAS MADE FOR THE PURPOSE OF SEEKING SEPARATION FROM THE ARMY AND/OR WHETHER RECOUPMENT OF FINANCIAL BENEFITS IS WARRANTED MUST BE APPROVED AT THE ARMY SECRETARIAT LEVEL. A "SUBSTANTIAL INVESTIGATION" IS DEFINED AS ONE THAT EXTENDS BEYOND QUESTIONING THE MEMBER, INDIVIDUALS SUGGESTED BY THE MEMBER FOR INTERVIEW, AND THE MEMBER'S IMMEDIATE SUPERVISORY CHAIN OF COMMAND. THE SECRETARY HAS DESIGNATED THE ASSISTANT SECRETARY OF THE ARMY FOR MANPOWER AND RESERVE AFFAIRS (ASA M&RA) AS THE APPROVAL AUTHORITY FOR INITIATION OF SUBSTANTIAL INVESTIGATIONS. REQUESTS FOR APPROVAL WILL BE FORWARDED THROUGH COMMAND CHANNELS TO THE ASA (M&RA). NO

FURTHER ACTION WILL BE TAKEN, INCLUDING PROCESSING THE SOLDIER FOR DISCHARGE, UNTIL EITHER PERMISSION FOR INITIATING THE INVESTIGATION IS DENIED OR PERMISSION IS GRANTED AND THE INVESTIGATION IS CONCLUDED. IF ALL APPLICABLE ARMY REGULATIONS WILL BE REVISED AS QUICKLY AS POSSIBLE TO REFLECT THIS GUIDANCE. THE DEPUTY CHIEFS OF STAFF FOR OPERATIONS AND PERSONNEL WILL WORK TO REVISE AR 350-1 AND MANDATE ANNUAL TRAINING ON THE HOMOSEXUAL CONDUCT POLICY.

5. FINALLY, IN OUR ARMY WE EXPECT THAT ALL SOLDIERS WILL BE TREATED WITH DIGNITY AND RESPECT AT ALL TIMES, AND WILL BE AFFORDED A SAFE AND SECURE ENVIRONMENT IN WHICH TO LIVE AND WORK. HARASSMENT OF SOLDIERS FOR ANY REASON, TO INCLUDE PERCEIVED SEXUAL ORIENTATION, WILL NOT BE TOLERATED. WE EXPECT COMMANDERS AT EVERY LEVEL TO TAKE APPROPRIATE ACTION TO PREVENT HARASSMENT OF OR THREATS AGAINST ANY MEMBER OF OUR ARMY. ONCE AGAIN WE ARE DETERMINED TO CONTINUE TO IMPLEMENT THE DOD HOMOSEXUAL CONDUCT POLICY WITH FAIRNESS TO ALL BECAUSE THAT IS THE RIGHT THING TO DO FOR OUR SOLDIERS.

UNCLASSIFIED

This message can be downloaded at:

<http://www.armyg1.army.mil>

## Student Handout 5

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This Student Handout contains 2 pages of the “Don’t Ask, Don’t Tell”, give this handout to the students to keep for future reference.

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## **In The Army...**

Treating soldiers with dignity and respect is a bedrock value for the Army. There is no room for harassment or threats in the military. The Army is determined to implement the "Don't Ask, Don't Tell" Policy with fairness to all concerned. This policy must be clearly understood and fairly enforced.

## **What Did the Congress Say?**

In 1993, Congress made a finding that engaging in, attempting to engage in, or soliciting another to engage in homosexual acts is grounds for discharge from the military. Congress said that military service by those who have demonstrated a propensity to engage in homosexual acts creates an unacceptable risk to morale, good order and discipline, and unit cohesion. Therefore, the long-standing element of military law that prohibits homosexual conduct continues to be necessary in the unique circumstances of military service.

It was the sense of Congress that applicants should not be asked about homosexuality as part of the processing of individuals entering into the Armed Forces in the absence of a determination by the Secretary of Defense that such questions are necessary. Applicants for military service are no longer asked about their sexual orientation.

Army policy is a balance of the legal prohibition of homosexual conduct with the privacy rights of Soldiers.

## **What Does the Law Say?**

United States Code Title 10 addresses homosexuality in the armed services. The code recognizes that one of the most critical elements in combat capability is unit cohesion. The code affirms that the armed forces must maintain personnel policies that exclude persons who would create an unacceptable risk to unit cohesion. Title 10 recognizes that military life is fundamentally

different from civilian life and concludes that the presence of individuals in the armed forces who engage in homosexual acts creates an unacceptable risk to unit cohesion and standards of morale, good order and discipline.

## **What Does “Don’t Ask” mean?**

According to Department of Defense and Army policy, a person’s sexual orientation is considered a personal and private matter that is not a bar to military service unless manifested by homosexual conduct. Upon entry into the Army, applicants may not be asked nor required to reveal their sexual orientation. Applicants will not be asked if they have engaged in homosexual conduct. While on Active Duty soldiers will not be asked about their sexual orientation unless there is credible evidence of homosexual conduct.

## **What does “Don’t Tell” mean?**

“Don’t Tell” is the opposite side of the coin from “Don’t Ask”. It means simply that soldiers should not disclose or discuss their sexual orientation or conduct. If a soldier admits publicly to being a homosexual, the commander will start an informal inquiry or investigation to determine if credible evidence exists to warrant separation.

## **What Is Not Credible Evidence?**

- Rumors that a soldier is homosexual
- Others opinions that a soldier is homosexual
- Going to a homosexual bar, reading homosexual publications, associating with known homosexuals or marching in homosexual rights rally in civilian clothes
- Reporting threats or accusations of being homosexual

## **What Is Credible Evidence?**

- A statement by a reliable person that the soldier has engaged in a homosexual act, heard the soldier state that he or she was homosexual or that the soldier had married or attempted to marry a member of the same sex
- A statement by a reliable person that they had observed or discovered a soldier saying or putting in writing a statement acknowledging a homosexual act or the intent to engage in a homosexual act

## **What Is Considered Grounds for Investigation?**

Commanders can only begin an investigation or fact-finding inquiry if credible evidence of possible homosexual conduct exists. This means that before an investigation begins, a commander must have a reasonable belief that a soldier has:

- engaged in a homosexual act;
- stated that he or she is a homosexual or otherwise indicate a propensity to engage in homosexual conduct; or
- married or attempted to marry a person of the same sex.
- In most cases, when a soldier freely admits to being a homosexual, investigations are not needed in order for a separation to occur.

## **How Do Investigations Proceed?**

When the commander has credible evidence, he or she initiates an inquiry. Commanders are required to consult with legal advisors prior to initiating any investigation into alleged homosexual conduct.

## What Can I do If I Am Threatened or Harassed?

A soldier who feels harassed or threatened for any reason should report the harassment or threat at once to his or her commander.

Under DoD and Army Policy, the fact that a person reports being threatened or harassed because he or she is said or is perceived to be a homosexual shall not, by itself, constitute credible information justifying the initiation of an investigation of the threatened or harassed soldier.

It is Army policy that soldiers can report threats, harassment or violence to the command, free of harm or reprisal. Commanders will take appropriate action to protect the safety of soldiers who report threats or harassment. Appropriate action should include prompt investigation of the threat or harassment itself.

Threats or harassment based on a soldier's perceived or alleged homosexuality does not, by themselves, constitute credible information justifying an inquiry about possible homosexual conduct by the harassed soldier.

## Who Can I Talk With in Confidentiality?

A soldier can discuss any topic regarding sexual orientation with a Legal Assistance Attorney or Chaplain because they are generally not required to disclose the contents of a privileged communication or take any actions, of which the soldier does not approve.

## Summary of Current Army Policy.

On 13 May 2002, the Secretary of the Army signed Army Regulation 600-20, entitled Army Command Policy. Chapter 4-19 defines the Army's homosexual conduct policy. The policy implements section 654 of Title 10, United States Code and states that suitability to serve in the Army is based on conduct and the ability to meet required standards of duty performance and discipline. Homosexual conduct is defined as an act or a statement by a soldier that demonstrates a propensity or intent to engage in homosexual acts, the solicitation of another to engage in a homosexual act or acts, or a homosexual marriage or attempted marriage.

**The challenge to all soldiers is to comply with the law that prohibits homosexual conduct while at the same time respecting the privacy and dignity of every soldier.**

# "Don't Ask"

# "Don't Tell"

## Questions and Answers

### The U.S. Army's Homosexual Conduct Policy



Trifold is available at:  
<http://www.armyg1.army.mil>

## **Student Handout 6**

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This Student Handout contains 11 pages of the slides, three on a page, for students to use as note taking material.

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## COMMANDER'S RESPONSIBILITIES

- **Personally responsible and accountable for EO climate.**
- **Develop and implement EO programs that enhance unit cohesion, esprit, and morale.**
- **Act on complaints within 72 hrs.**
- **Identify unlawful discriminatory practices.**
- **Promote EO and interpersonal harmony.**
- **Assign EOAs to their personnel or coordinating staff.**
- **Be in the EOAs rating scheme.**

L663/OCT04M/GT-1

First Sergeant Course

## COMMANDER'S RESPONSIBILITIES (cont)

- **Conduct EO training on a continuing basis for all assigned or attached personnel.**
- **Monitor and assess the execution of EO programs and policies.**
- **Involve public affairs personnel at every level of command in planning and publicizing EO programs and initiatives.**
- **Publish/post EO policy.**
- **Company level commanders will conduct unit climate assessment within 90 days (USAR, 180) within assuming command and annually thereafter.**

L663/OCT04M/GT-2

First Sergeant Course

## COMMANDER RESPONSIBILITIES (cont)

- **Encourage soldiers to use chain of command.**
- **Take appropriate action to prevent incidents of intimidation, harassment, or reprisals against those who file EO complaints.**
- **Take appropriate action on those that violate Army policy.**
- **Monitor EOR demographics.**
- **Report all EO training at quarterly training briefings.**

L663/OCT04M/GT-3

First Sergeant Course

## EOA RESPONSIBILITIES

- Understand and articulate Department of Defense and Army policies.
- Assist commander in implementing a Consideration of Others program.
- Recognize and assess discrimination indicators.
- Recognize sexual harassment in both overt and subtle forms.
- Recommend appropriate remedies to eliminate and prevent unlawful discrimination and sexual harassment.
- Assist in assessing, planning, implementing, and evaluating EO programs.
- Assist with EO training.

L683/OCT04M/GT-4

First Sergeant Course

## EOA RESPONSIBILITIES (cont)

- Assist in evaluating the effectiveness of unit training conducted by commanders.
- Train unit Equal Opportunity Representatives.
- Receive and assist with individual complaints.
- Conduct follow-up assessments of all formal EO complaints.
- Assist commanders in developing EO policy for their units.
- Conduct staff assistance visits.

L683/OCT04M/GT-5

First Sergeant Course

## EOR RESPONSIBILITIES

- Assist commanders in recognizing detractors from a healthy unit EO climate.
- Continuously assist commanders in the conduct of unit climate assessments.
- Prepare and assist the commander in the conduct of EO training.
- Maintain liaison with other EORs and EOAs at higher headquarters.
- Assist commanders with ethnic/special observances.
- Assist complainants by referring them to appropriate agency for assistance.
- Serves as resource person on EO matters.

L683/OCT04M/GT-6

First Sergeant Course



## EO COMPLAINT PROCESS (cont)

- Individual responsibility.
  - Advise the command of the specifics of sexual harassment and unlawful discrimination complaints and provide the command the opportunity to take appropriate action to resolve/rectify the issue.
  - Submit only legitimate complaints and exercise caution against unfounded or reckless charges.
- Attempt to resolve a complaint by informing the offender that the behavior must stop.

L663/DCT04MGT-10

First Sergeant Course

## TYPES OF COMPLAINTS

### Informal

Any complaint that a soldier, family member or DA civilian does not wish to file in writing.

- May be resolved directly by the individual, help from another unit member, the commander or other person in the complaint's chain of command.
- Not subject to time constraints.
- Person working on resolution should file a MFR.
- Chain of command is not the only channel available to resolve a complaint.

L663/DCT04MGT-11

First Sergeant Course

## ALTERNATIVE AGENCIES

- A higher echelon commander
- Equal Opportunity Advisor
- Inspector General
- Chaplain
- Provost Marshal
- Medical agency personnel
- Staff Judge Advocate
- Chief, Community Home finding Referral and Relocation Services (CHRRS)

L663/DCT04MGT-12

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## TYPES OF COMPLAINTS (cont)

### Formal

Complaint files in writing and swears to the accuracy of the information. Filed using DA Form 7279-R.

- Part 1: Specifies alleged concern.
- "Requested Remedy" block serves a variety of purposes both the to the complainant and the command.
- File complaint within 60 days of alleged incident.
- Complainant should file with the commander at the lowest echelon of command.

L663/DCT04MGT-13

First Sergeant Course

## ALTERNATIVE AGENCIES ACTIONS

- Report identified criminal activity instances to the Provost Marshal or CID.
- Refer incidents of sexual assault or rape to medical agencies.
- Refer allegations of unlawful discrimination in housing (both on and off post), to the housing division.
- Report complaints against senior officers and SES civilians with the US Army Inspector General Agency at the Pentagon.

L663/DCT04MGT-14

First Sergeant Course

## COMMANDER ACTIONS

- Ensure that the complainant has been sworn to the complaint on DA Form 7279-R.
- Report formal complaints to General Courts-Martial Convening Authority (GCMCA) within 72 hours.
- Provide progress report to GCMCA within 20 days and 14 days thereafter until completed.
- Conduct investigation IAW AR 15-6.
- Implement a plan to protect all concerned. It will include meetings/discussions with:  
1. Complainant 2. Perpetrator 3. Witnesses, and selected members of chain of command.

L663/DCT04MGT-15

First Sergeant Course

## INVESTIGATION TIME LINES

- Commander/investigation officer has 14 calendar days (3-weekend drills, RC) to conduct an investigation.
- A 30-day extension granted from the next higher command if circumstances require it.
- Additional extension approved by the first general officer in chain of command.

L663/OCT04M/GT-16

First Sergeant Course

## APPEALS PROCESS

- Present DA Form 7279-R, Part IV, within 7 calendar days (next multiple unit training activity (MUTA 4 drill period, RC).
- Once initiated, the commander has 3 calendar days (one MUTA 4 drill period, RC) to refer appeal to next higher command.
- Next higher commander has 14 days (3 MUTA 4 periods, RC) to review the case and provide written feedback on the results of the appeal.
- If not resolved at Bde level, the General Courts Martial Convening Authority then has final decision authority (Decision is final).

L663/OCT04M/GT-17

First Sergeant Course

## MANDATORY EO TRAINING REQUIREMENTS

- Conduct EO/sexual harassment training quarterly.
- Document training on training schedule and lead the training.
- Must include type of training, instructor, length of training, roster of attendees, and issues covered.
- Issues must be of local or Army wide importance.
- As a minimum, two quarters will consist of prevention of sexual harassment training.

L663/OCT04M/GT-18

First Sergeant Course



## QUID PRO QUO

- Latin term meaning, "This for that."
- Conditions placed upon a person's career or terms of employment in return for sexual favors.
- Promises of career advancement, promotions, and other benefits, should the victim give in to the sexual advances.

L663/OCT04M/GT-22

First Sergeant Course

## HOSTILE ENVIRONMENT

**OCCURS WHEN SOLDIERS OR CIVILIANS ARE SUBJECTED TO:**

- Offensive
- Unwanted
- Unsolicited

**Comments and/or behaviors of a sexual nature.**

L663/OCT04M/GT-23

First Sergeant Course

## DEALING WITH SEXUAL HARASSMENT

- Direct approach.
- Indirect approach.
- Third party.
- Chain of command.
- File a formal complaint.

L663/OCT04M/GT-24

First Sergeant Course



## NOT CREDIBLE EVIDENCE

- Rumors that a soldier is homosexual.
- Others opinion that a soldier is homosexual.
- Going to a homosexual bar, reading homosexual publications, associating with known homosexuals or marching in homosexual rights rally in civilian clothes.
- Reporting threats or accusations of being homosexual.

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First Sergeant Course

## CREDIBLE EVIDENCE

- A statement by a reliable person that the soldier engaged in a homosexual act, heard the soldier state that he or she was homosexual or that the soldier had married or attempted to marry a member of the same sex.
- A statement by a reliable person that they observed a soldier saying or writing a statement acknowledging a homosexual act or intent to engage in a homosexual act.

L663/DCT04M/GT-29

First Sergeant Course

## HAZING

- Rite of passage.
- Physically striking another to inflict pain.
- Piercing another's skin in any manner.
- Forcing or requiring consumption of excessive amounts of food, alcohol, drugs, or other substances.
- Encouraging participation in illegal, harmful, demeaning, or dangerous acts.
- Soliciting or coercing another to participate in such activity is also considered hazing.

L663/DCT04M/GT-30

First Sergeant Course

## AUTHORIZED ACTIVITIES

- **Physical/mental hardships associated with operations or operational training.**
- **Administrative corrective measures.**
- **Extra military instruction or training.**
- **Physical training or remedial physical training.**
- **Other similar activities.**

L663/OCT04/VGT-31

First Sergeant Course

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