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HEADQUARTERS UNITED STATES AIR FORCE
WASHINGTON, DC

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MEMORANDUM FOR DISTRIBUTION C
MAJCOMs/FOAs/DRUs

FROM: AF/A1
1040 Air Force Pentagon
Washington, D.C. 20330-1040

SUBJECT: Air Force Policy Guidance Memorandum to AFI 36-2706, *Equal Opportunity Program, Military and Civilian*.

By Order of the Secretary of the Air Force, this Air Force Guidance Memorandum (GM) immediately changes AFI 36-2706, *Equal Opportunity Program: Military and Civilian*. Compliance with this memorandum is mandatory. To the extent its directions are inconsistent with other Air Force publications, the information herein prevails, in accordance with AFI 33-360, *Publications and Forms Management*.

Under 10 United States Code (USC) Section 1561, commanders are required to immediately conduct a Commander-Directed Investigation (CDI) when an employee files a complaint of discrimination based on sexual harassment. Historically, the Air Force has interpreted this to apply to complaints by its Military members and left the decision to seek a CDI in Civilian complaints to the Complainant. After legal review, we have concluded that this is inconsistent with the intent of 1561 and that this requirement must be applied equally to both Military members and Civilian employees. This Guidance modifies sections 1.19.23. and 4.5.1.7. of AFI 36-2706.

The guidance in this Memorandum becomes void after 180 days have elapsed from the date of this Memorandum, or upon incorporation by interim change to, or a rewrite of AFI 36-2706, *Equal Opportunity Program: Military and Civilian*, whichever is earlier.

ROBERT E. CORSI, JR.
Asst DCS, Manpower, Personnel and Services

BY ORDER OF THE SECRETARY OF THE AIR FORCE

AIR FORCE INSTRUCTION 36-2706

5 OCTOBER 2010

Incorporating Change 1, 5 October 2011

Personnel

EQUAL OPPORTUNITY PROGRAM MILITARY AND CIVILIAN

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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Pages: 154

This instruction implements Air Force Policy Directive (AFPD) 36-27, *Equal Opportunity, 22 May 2009.* It prohibits unlawful discrimination and harassment, and reprisal. It establishes the requirements for the Air Force Military Equal Opportunity (MEO) Program and the Civilian Equal Employment Opportunity (EEO) Program. This publication applies to all military and civilian Air Force (AF) personnel, including Air Force Reserve Command (AFRC) Units. This publication applies to Air National Guard (ANG) personnel in federal active duty status under Title 10, U.S. Code. This instruction covers complaints of unlawful discrimination filed by appropriated-fund, non-appropriated-fund, applicants for employment, and former employees of the Air Force. It also applies to employees from federal agencies receiving Air Force support under a servicing agreement who allege unlawful discrimination in matters controlled by the Air Force. It does not apply to contract employees (unless authorized by law or regulation to file a federal agency complaint), employees or applicants of the Army and Air Force Exchange Service, members of the ANG (to include ANG Technicians) in a duty status under Title 32, U.S. Code.

For purpose of this instruction, the term Installation or Center Equal Opportunity (EO) Director refers to the individual responsible to the senior AF Commander or Director in charge of the mission and accountable for the overall organization EO and Human Relations climate. With respect to EEO complaints, the terms Informal and Pre-complaint are used interchangeably.

For military personnel, this instruction establishes requirements for unlawful discrimination complaints based on race, color, religion, national origin or sex (including sexual harassment); unit climate assessments; human relations education; use of alternative dispute resolution procedures; equal opportunity and treatment incidents; dissident and protest activities; affirmative action planning and assessment; accommodation of religious practices; and appeals procedures.

For civilian personnel, this instruction establishes the requirements for implementation of federal law and the regulations of the Equal Employment Opportunity Commission (EEOC or Commission) that prohibit unlawful discrimination based on race, color, religion, sex, national origin, age (40 or older), disability, genetic information, or reprisal for participating in the EEO process or opposing discriminatory practices. Although AF policy prohibits unlawful discrimination based on sexual orientation for civilians, this instruction does not apply to such complaints that may be raised under appropriate grievance or other appeal procedures. Unit climate assessments and human relations education also apply to civilian personnel.

This instruction directs collecting and maintaining information subject to the Privacy Act of 1974. The authority to collect and maintain the records prescribed in this instruction is Title 42 U.S. Code, Section 29ee-3, et seq., Executive Orders 9397 and 13478 (SSN), System of Records Notice F036 AF DP G, *Equal Opportunity (EO) and Sexual Assault Prevention and Response (SAPR)*, and the systems notice for the EEOC complaints and appeals records at EEO in the Federal Government and Appeals Records (Jul 300, 2002, 67 Fed. Reg. 49338 (EEOC/GOVT-1), 42 U.S.C., Section 2000e-16(b) and (c); 29 U.S.C., Section 204(f) and 206(d); 29 U.S.C., Section 633(a); 29 U.S.C., Section 791; Reorg. Plan No. 1 of 1978, 43 Fed. Reg. 19607 (May 9, 1978); Executive Order No. 12106; 44 Fed. Reg. 1053 (Jan 3, 1979). Forms affected by the PA have an appropriate PA statement. The applicable Privacy Act System Notice is available online at: **http://www.defenselink.mil/privacy/notices/usaf**.

Vigilance should be taken to protect Privacy Act (PA) and Personally Identifiable Information (PII) when submitting or sending nominations, applications or other documents to DoD agencies whether through government internet systems (e-mail), postal methods, faxing or scanning. As a minimum review the following references and take appropriate actions to protect your PA/PII that contains sensitive or For Official Use Only (FOUO) information before sending: AFI 33-332, *Privacy Act Program*, Chapter 7 and 12, DoD 5400.11-R, *Department of Defense Privacy Program*; AFI 33-119, *Air Force Messaging*, and AFI 33-129, *Web Management and Internet* Use.

Refer recommended changes and questions about this publication to the Office of Primary Responsibility (OPR) using AF Form 847, *Recommendation for Change of Publication;* route AF Form 847s from the field through HQ AFPC publication/forms manager. Ensure all records created as a result of processes prescribed in this publication are maintained in accordance with AFMAN 33-363, *Management of Records*, and disposed of in accordance with the Air Force Records Disposition Schedule (RDS) located at https://www.my.af.mil/afrims/afrims/afrims/rims.cfm.

SUMMARY OF CHANGES

This interim change deletes and replaces paragraph 1.1.2, deletes and replaces paragraph 1.1.3, deletes and replaces paragraph 3.33.3, deletes and replaces Table 3.1 rule 2 . A change bar (│) indicates newly revised material.

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Chapter 1

AIR FORCE EQUAL OPPORTUNITY (EO) PROGRAM

Section 1A—Equal Opportunity (EO) Policies

1.1. Zero Tolerance for Unlawful Discrimination or Harassment. It is the policy of the United States Government, the Department of Defense, and the Air Force, not to condone or tolerate unlawful discrimination, to include sexual harassment, of any kind. This Zero Tolerance policy ensures that once unlawful discrimination or sexual harassment is alleged, immediate and appropriate action will be taken to investigate/resolve the allegations and ensure any proven unlawful behavior stops. Further, appropriate disciplinary action will be taken against any Airman, military or civilian, who engages in unlawful discriminatory practices. Air Force EO policy compliance is a function of leadership.

1.1.1. It is against Air Force policy for any Airman, military or civilian, to unlawfully discriminate against, harass, intimidate or threaten another Airman on the basis of race, color, religion, sex, national origin, age, disability, reprisal, or genetic information. Unlawful harassment includes unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature particularly when submission to such conduct is made directly or indirectly as a term or condition of employment, and/or when submission to or rejection of such conduct is used as a basis for an employment decision affecting the person. Unlawful harassment also includes creating an intimidating, hostile working environment for another person on the basis of race, color, religion, sex, national origin, age, disability, reprisal, or genetic information. The use of disparaging terms with respect to a person's race, color, religion, sex, national origin, age, disability, or genetic information contributes to a hostile work environment and must not be tolerated. Commanders and supervisors should ensure all types of harassment are corrected as soon as possible once they are made aware.

1.1.2. The operational language of the Air Force is English. Air Force personnel must maintain sufficient proficiency in English to perform their official duties. All official communications must be understood by those who have a need to know their content. Commanders may require Air Force personnel to use English only when such use is necessary for the performance of official duties. Accordingly, commanders, supervisors, and managers at all levels must not require use of English for personal communications which are unrelated to official duties.

1.1.3. Although not within the purview of Title VII, the Air Force's goal of maintaining a harassment-free environment for its military members and civilian employees also includes harassment based on sexual orientation. Leaders have a responsibility to take appropriate action to prevent and address harassment based on sexual orientation. Sexual Orientation harassment by military personnel may be punishable under UCMJ, Article 92, and should be addressed through command channels or the Inspector General. For civilian employees, additional guidance can be found in Executive Order 11478 and 13160, the U.S. Office of Special Counsel (OSC), **http://www.osc.gov**.

1.1.4. Communications to EO personnel will be released to commanders and others for official use. EO personnel must report specific allegations of unlawful discrimination or sexual harassment to the chain of command upon discovery. For this reason, communication to EO personnel does not have any privilege of confidentiality. **Exceptions:** During the informal stage of a civilian complaint, when requested by the complainant, the complainant has the right to anonymity. Additionally, when acting as a neutral during any ADR process, military and civilian EO personnel have the confidentiality provided for in the Administrative Dispute Resolution Act of 1996. Comments by parties in an ADR proceeding cannot be used in the processing or adjudication of an EO complaint.

1.2. Prohibition of Sexual Harassment.

1.2.1. Unlawful harassment includes unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature particularly when submission to such conduct is made directly or indirectly as a term or condition of employment, and/or when submission to or rejection of such conduct is used as a basis for an employment decision affecting the person. Unlawful harassment also includes creating an intimidating, hostile working environment (See Attachment 1 for full definition).

1.2.2. Prevention is the best tool to eliminate sexual harassment in the workplace. Commanders and supervisors at every level should take steps to prevent sexual harassment from occurring; clearly communicate to employees that sexual harassment will not be tolerated; provide sexual harassment training to employees; establish or insure an effective complaint or grievance process is available; take immediate action to investigate and resolve all employee harassment complaints; and take appropriate action when a complaint is confirmed or substantiated.

Section 1B—Purpose of the EO Program

1.3. Enhance Mission Readiness.

1.3.1. It is the policy of the Air Force to provide equal treatment and employment opportunity thereby enhancing unit cohesiveness, military readiness and mission accomplishment.

1.3.2. As the EO program is a function of leadership and command, the Air Force shall:

1.3.2.1. Provide sufficient resources to ensure successful and efficient operation;

1.3.2.2. Ensure prompt, fair, and impartial processing of complaints;

1.3.2.3. Conduct a continuing program to eradicate every form of unlawful discrimination;

1.3.2.4. Communicate the policy to all Air Force personnel, military and civilian, as well as all applicants for Air Force positions.

1.3.2.5. Ensure rating and reviewing officials evaluate compliance with DoD and Air Force directives prohibiting unlawful discrimination and sexual harassment and document serious and repeated deviations in performance reports/appraisals.

1.4. The EO Office.

1.4.1. Provide Subject Matter Expert (SME). The EO Office should provide SME to commanders and organizations conducting ingestions related unlawful discrimination or sexual harassment. Organizations may include but are not limited to, Inspector General, Security Forces, Office of Special Investigations, Sexual Assault Response Coordinator, Chaplain, Staff Judge Advocate, and Personnel. The function of providing SME(s) is to ensure EO issues are handled correctly and efficiently.

1.4.2. Identify, Assess and Remove EO Barriers. The EO office utilizes all available assessment tools (Out and About program, Unit Climate Assessments, Human Relations Climate Assessment, EEOC Management Directive [MD] 715, etc.) to gather information, identify, and assess EO barriers to assist leaders at all levels in the removal and neutralization of those barriers to help prevent unlawful discrimination.

1.4.3. Provide Complaint Services. Equal Opportunity specialist/counselors will provide counseling for aggrieved members, assuring complaints are fairly and thoroughly addressed and that final actions are taken in a timely manner in accordance with the United States Code, the Code of Federal Regulations, EEOC directives, and Air Force policies and instructions in force. Equal Opportunity counselors will remain impartial and ensure individual members bringing allegations of unlawful discrimination or harassment understand the limited confidentiality in military complaints, the option to remain anonymous at the informal stage of civilian complaints, and the restriction on representing complainants. EO specialists/counselors will offer ADR at each stage of the complaint process for complaints that are appropriate for ADR. (See ADR in EO Complaints discussed in Chapter 2).

1.4.4. Proper Reporting Requirements. The EO director will ensure proper reporting of EO complaints that are filed against Senior Officials, and groups of individuals alleging unlawful discrimination based on a class of employees.

1.4.5. Advise Commanders. EO directors will ensure commanders/directors are aware, through Key Personnel and related briefings, of services offered by the EO office. EO specialists will make every effort to advise and assist commanders/directors with workplace issues to ensure quick resolution.

Section 1C—Program Objective

1.5. Eradicate Unlawful Discrimination. The EO office will assist the Commander in conducting a continuing campaign to eradicate every form of unlawful discrimination or harassment from the workplace. In order to promote a workplace free of unlawful discrimination to include harassment, the EO office will take proactive steps to ensure all available efforts are in place (e.g. human relations education, commander's calls, enlisted/officer professional development seminars).

1.6. Foster a Positive Human Relations Environment. The EO office will utilize the Human Relations Climate Assessment Subcommittee (HRCAS) tool to evaluate positives and negatives in the local environment, and Human Relations Education (HRE) to ensure, through education, all employees and management understand the need for a positive human relations environment.

Section 1D—Responsibilities and Authorities

1.7. Air Force Assistant Secretary for Manpower and Reserve Affairs (SAF/MR). SAF/MR is designated by the Secretary of the Air Force as the Air Force EO Director, in accordance with (IAW) 29 C.F.R. Section 1614.102(b) (4), responsible for Air Force EO policy, to ensure Air Force programs conform to this policy, and to otherwise act for the Secretary in all EO policy and compliance matters.

1.8. Air Force General Counsel (SAF/GC). The General Counsel advises the Secretary of the Air Force in all matters covered by this instruction. In carrying out this responsibility, SAF/GC provides legal advice and counsel to SAF/MR in legal matters relating to the review, analysis, decision-making, and appeals of unlawful employment discrimination complaints. SAF/GC serves as the primary legal counsel in complaints filed against personnel in the grades of Colonel, Colonel-select, civilian GS 15 (or equivalent under the National Security Personnel System), or above who are assigned to the Secretariat, and may assume the role of primary legal counsel in all other complaints against personnel who are assigned to the Secretariat. SAF/GC reviews for legal sufficiency proposed final actions before they are signed by SAF/MRB as provided in paragraphs 1.10. and 4.21., and coordinates on agency appeals and requests for reconsideration as provided in paragraphs 4.20. and 4.21. The Deputy General Counsel for Fiscal and Administrative Law (SAF/GCA) is the Office of Primary Responsibility (OPR) for providing GC legal support as described herein.

1.9. Air Force Deputy Assistant Secretary for Strategic Diversity Integration (SAF/MRD). SAF/MRD provides strategic direction, oversight, and guidance for defining, renewing, developing, and sustaining diversity, human capabilities, and enhances mission performance across the Air Force.

1.10. Director of the Air Force Review Boards Agency (SAF/MRB). The Director of the Air Force Review Boards Agency is the official designated by the Secretary of the Air Force to take final action, pursuant to 29 C.F.R. Section 1614.110, on individual complaints of discrimination and also serves as the final appeal authority on MEO formal complaints. The Director signs all appeal actions submitted to EEOC on civilian complaints.

1.11. Air Force Civilian Appellate Review Office (AFCARO). AFCARO is subordinate to SAF/MRB and is also identified as SAF/MRBA. AFCARO analyzes formal complaints, and prepares Final Agency Decisions (FADs) and Final Orders (FO) for SAF/MRB signature. AFCARO coordinates with the Air Force Labor Law Field Support Center (LLFSC) on appeals and requests for reconsideration being processed between the Air Force and the EEOC and acts as Air Force liaison with EEOC and the Department of Defense, Civilian Personnel Management Services, Investigations and Resolutions Division (IRD). AFCARO performs quality control of IRD investigation reports. AFCARO is responsible for notifying SAF/IGS, consistent with AFI 90-301, *Inspector General Complaints Resolution* (15 May 2008), when a Senior Official (defined as a General Officer or select, Senior Executive Service [SES] member or a Presidential Appointee) is named as a responsible management official (RMO). SAF/IGQ must be notified when the named RMO is identified as a Colonel or equivalent (defined as a Colonel, Colonel-select, or YA/C-03, GS/GM/GG-15). AFCARO is responsible for providing timely updates to the above referenced SAF/IG offices as the complaint status changes. AFCARO updates and queries the Air Force data system for EEO complaints and provides statistical reports. AFCARO is responsible for reporting of, and ensuring Air Force compliance with, final EEO orders.

AFCARO provides overall direction and oversight of the formal EEO complaints processed under the former Air Force "CORE" (Compressed, Orderly, Rapid, Equitable) EEO pilot program, authorized by Section 1111 of Public Law 106-398, The National Defense Authorization Act for Fiscal Year 2001 or subsequently enacted similar legislation. AFCARO issues reports of investigation/investigative findings (ROI/IF) and Notice of Rights, submits case files to EEOC for EEOC administrative hearings, receives Complainant and Agency appeals and submits to EEOC, and is the official recipient of EEOC decisions.

1.12. Judge Advocate General of the Air Force (AF/JA). Provides legal advice and guidance on EO policies and procedures, laws, and regulations to the Secretary of the Air Force, Air Staff and to Air Force judge advocates. Functions may be exercised through the Administrative Law Directorate (JAA) and the Air Force Legal Operations Agency (AFLOA)/Labor Law Field Support Center (LLFSC). The Administrative Law Directorate (JAA) serves as the primary legal advisor to the Air Staff and Air Force legal offices in execution of all military equal opportunity matters and military religious accommodation requests, including interpretations of this regulation, and the laws and directives from which this regulation is derived.

1.13. Air Force Legal Operations Agency (AFLOA). AFLOA through the Labor Law Field Support Center (LLFSC) provides legal advice on formal EEO unlawful discrimination and dispute resolution matters for bases which they have responsibility to the installation/center commander (director), Staff Judge Advocate (SJA), Civilian Personnel Section (CPS), Human Resource Office (HRO), and EEO officials. The LLFSC designates the individual who will act as agency representative in litigation of individual complaints filed under 29 C.F.R. Part 1614. The LLFSC designates an attorney from the office of the LLFSC. To the extent feasible, designates an attorney who has not previously advised the commander or other dismissal authority with respect to acceptance or dismissal of the same complaint. The designated representative obtains technical guidance on all personnel matters from personnel counselors in the CPS or HRO, as appropriate.

1.13.1. Reviews, for legal compliance, all formal individual complaints, counselors' reports, and acceptance and dismissal letters, including amendments, prepared for the signature of the installation/center commander (director) or other official exercising delegated acceptance or dismissal authority).

1.13.2. Reviews claims for compensatory damages and attorney's fees and advises the installation commander on the amount to be paid. Negotiates fee agreements with opposing parties. When there is a finding of unlawful discrimination by an EEOC Administrative Judge (AJ), the LLFSC may negotiate an alternative settlement agreement.

1.13.3. Prepares briefs, motions, and other appellate pleadings as appropriate, in support of the Air Force position in appeals or requests for reconsideration for cases handled by the LLFSC.

1.14. Deputy Chief of Staff, Manpower, Personnel, and Services (AF/A1). Ensures adequate resources and training are available to effectively execute the AF EO program and that installation EO programs operate in accordance with EEOC guidelines, Federal laws, Executive Orders, and Air Force policy and guidance.

1.15. Director, Air Force Equal Opportunity (AF/A1Q). AF/A1Q develops and disseminates Air Force policy on EO programs. Additionally, AF/A1Q:

1.15.1. Supports the installation/center EO programs (including the ADR component of EO complaint programs).

1.15.2. Provides assistance and guidance regarding policy issues to AFPC/EO, MAJCOM Strategic Advisors, and installation/center-level EO offices.

1.15.3. Analyzes trend data, identifies problem areas, and advises EO offices, through the MAJCOM Strategic Advisor, on corrective and preventive actions on EO matters.

1.15.4. Ensures AFPC/EO periodically assesses the EO program by conducting Staff Assistance Visits (SAVs) at installation/center-level EO offices utilizing the Air Force Standardized EO Compliance Inspection Checklist.

1.15.5. Ensures through oversight that complaint and ADR data are complete, accurate and up-to-date throughout the year to support reporting requirements.

1.15.6. Provides oversight of the EO complaint system, evaluates its effectiveness, and takes corrective action or initiates program improvements as needed. Ensures Air Force personnel are aware of and have access to EO complaint program resources.

1.15.7. Provides guidance and training to subordinate Air Force activities on the EO complaint system. Serves as the Corporate Air Force advocate for EO complaint program resources.

1.15.8. Manages programming and implementation of Air Force EO budget.

1.15.9. Communicates with Air Force, DoD, and other federal civilian agencies.

1.15.10. Serves as AF service representative to Defense Equal Opportunity Management Institute (DEOMI) and serves as AF Executive Agent to ensure ample funding is allocated to DEOMI to perform its mission.

1.15.11. Provides policy guidance, clarification, and direction for MAJCOM EO Strategic Advisors, Air Force-level Field Operating Agencies (FOAs), and Direct Reporting Units (DRUs).

1.15.12. Convenes annual EO Worldwide Functional Training Workshops and attends conferences and other professional forums addressing EO issues, and determines Air Force representation at these events.

1.15.13. Manages and implements the Air Force EO Career Field Management Program.

1.15.14. Oversees all functional training and enlisted retraining quotas for DEOMI and approves all retraining waiver requests. **Note:** Retraining waivers pertaining to ANG personnel are approved through the National Guard Bureau EO (NGB-EO) Program Manager.

1.15.15. Establishes the grade requirement and other prerequisites for retraining into the EO career field, as found in AFI 36-2101, *Classifying Military Personnel (Officer and Enlisted).*

1.15.16. Reviews and coordinates on all AF officers and enlisted members nominated for assignment to DEOMI.

1.15.17. Processes withdrawal of a member's AFSC IAW AFI 36-2101, *Classifying Military Personnel (Enlisted)*.

1.15.18. Coordinates with the Deputy General Counsel for Dispute Resolution (SAF/GCD) to develop alternative dispute resolution (ADR) policy, guidance, training, and funding pursuant to AFPD 51-12, *Alternative Dispute Resolution*. On other matters of Air Force policy on EO programs, coordinates with SAF/GCA.

1.15.19. Exercises overall responsibility for managing the EO and Human Relations Education (HRE) programs. In conjunction with AF/JAA, AFLOA/JACL, SAF/GCM and SAF/GCA, formulates and manages mandatory HRE and training programs. Such training is mandatory for pre-commissioning programs, initial entry training, all levels of professional military education (PME), and General Officer/Senior Executive Service. Training programs will include comprehensive material on:

1.15.19.1. Leadership roles and responsibilities for the EO program.

1.15.19.2. Unlawful Discrimination/Sexual Harassment.

1.15.19.3. Complaint processing.

1.15.19.4. Legal implications.

1.15.19.5. Reprisal prevention and detection.

1.15.19.6. Climate assessment methodologies.

1.15.19.7. Equal Employment Opportunity (EEO) systems.

1.16. Air Force Personnel Center Equal Opportunity (AFPC/EO). AFPC/EO provides day-to-day management operations and oversight of the Air Force EO program.

1.16.1. Provides functional expertise and technical guidance to MAJCOM EO Strategic Advisors and installation/center-level EO offices.

1.16.2. Oversees the development, implementation and management of the Air Force EO IT system and requirements.

1.16.3. Serves as a liaison between AF/A1Q, MAJCOMs, and installations/centers for implementing Air Force EO complaint processing and compliance policies.

1.16.4. Compiles, analyzes and reports installation data required by Title III of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 ("No FEAR" Act) to AF/A1Q.

1.16.5. Ensures installation/center EO directors/specialists maintain and update AF EO IT system for higher headquarters' review as new unlawful discrimination complaints are received; prepares quarterly statistical reports on the claim(s) and basis(es) of cases for EEOC Form 462, *Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints* preparation, "No FEAR" and AF Form 3018 web-based reports.

1.16.6. Performs data analysis on EO trends and develops quarterly metrics for AF/A1Q.

1.16.7. Coordinates installation/center-level unlawful discrimination and sexual harassment complaints that involve multiple installations, non-AF agencies and if it is determined that it would not be appropriate for the EO director and/or the EO office to handle the complaint. (Not normally to include "Spin-Off" complaints which is further defined at 29 CFR 1614 .107[a][8])

1.16.8. Monitors all MAJCOM EO elements for Air Force policy compliance.

1.16.9. Ensures staff assistance visits (SAV) are conducted on installation/center EO offices utilizing the Air Force Standardized EO Compliance Checklist (see SAV procedures at paragraph 1.50).

1.16.10. Ensures complaint and ADR data are complete, accurate and up-to-date in support HQ USAF reporting requirements.

1.16.11. Completes and submits reports as required by HQ AF/A1Q.

1.16.12. Prepares the Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints (EEOC Form 462) for SAF/MR signature and subsequent submission to the EEOC. Collects and reports to the AFDRS ADR data as it pertains to the EEO complaint process.

1.16.13. Administers and distributes the Air Force EO Statistical Data Collection Program.

1.16.14. Develops procedures for managing and documenting EO office activities.

1.16.15. Coordinates with AF/A1Q and assigns EO-related congressional and high-level inquiries to MAJCOM EO Strategic Advisors for further processing.

1.16.16. Evaluates EO operational procedural suggestions. Reviews inspection reports and other evaluations and assists as necessary.

1.16.17. Maintains and manages the Air Force Discrimination and Sexual Harassment Hotline.

1.16.18. Convenes annual EO Worldwide Functional Training Workshops and attends conferences and other professional forums that address EO issues to increase the professional development of AF EO personnel.

1.16.19. Develops, coordinates, reviews and updates all EO/HRE objectives, materials and programs.

1.16.20. Analyzes current and future installation/center and MAJCOM operational needs.

1.16.21. Develops, coordinates, reviews and updates the Professional Development Study Guide (PDG) as it pertains to EO/HRE objectives. Coordinates and reviews changes to all PME course curricula as they pertain to EO/HRE objectives.

1.16.22. Reviews and either approves or disapproves EO enlisted re-training packages to ensure applicants meet minimum EO entry requirements.

1.16.23. Ensures all enlisted members, active duty officers and full-time civilian employees, who perform duties as EO directors/specialists, complete the DEOMI EOAP Course.

1.16.24. Schedules all DEOMI training for officers and civilians (ANG personnel are approved for initial skills training through the National Guard Bureau EO (NGB-EO) Program Manager).

1.16.25. Monitors all EO training requirements, prioritizes training quotas as appropriate, and ensures all EO directors/specialists receive EO training mandated by law, statues and DoD policy.

1.16.26. Grants EO IT System access to EO directors, and specialists, who have completed EOAP and counselors who have completed a 32 hour basic EEO course.

1.16.27. Periodically assesses the EO program by conducting Staff Assistance Visits (SAVs) at installation/center EO offices utilizing the Air Force Standardized EO Compliance Checklist.

1.16.28. Compiles and validates AF Form 3018, *Military Equal Opportunity/Human Relations Education Summary*.

1.16.29. Determines training requirements and request training according to the Education and Training Course Announcement (ETCA).

1.16.30. Serves as EO Functional Area Manager (FAM) for Air and Space Expeditionary Forces (AEF) deployment process. Ensures EO personnel deploy in accordance with procedures outlined in chapter 7.

1.16.31. Develops, reviews and updates all Air Force EO educational lesson plans, objectives, materials and programs.

1.16.32. Ensures quarterly/annual No FEAR Act reports are created and published to HQ USAF public website.

1.17. MAJCOM Director of Personnel (MAJCOM/A1). Supports the MAJCOM EO program (including the ADR component of EO complaint programs) and ensures the program operates in accordance with Federal laws, EEOC guidelines, Executive Orders, DoD and Air Force policy.

1.18. MAJCOM EO Strategic Advisor.

1.18.1. Processes and/or responds to congressional and other high-level inquiries IAW AFI 90-401, *Air Force Relations with Congress*, coordinating responses with HQ AFPC/EO and HQ AF/A1Q.

1.18.2. Processes and/or responds to complaints filed through the Air Force Sexual Harassment and Unlawful Discrimination Hotline, coordinating procedures through HQ AFPC/EO.

1.18.3. Assists installation/center EO directors as necessary with complaints that involve multiple installations/centers, AFPC, or non-AF agencies. Coordinates with AFPC/EO on complaints involving an installation/center EO director.

1.18.4. Supplements EO guidance, programs, and procedures for the respective command in IAW AFI 33-360. Coordinates all supplements through HQ AFPC/EO and AF/A1Q.

1.18.5. Manages programming and implementation of MAJCOM EO budgets.

1.18.6. Communicates with other agencies having collateral equal opportunity responsibilities and interests.

1.18.7. Convenes supplemental training workshops and attends other professional forums addressing EO issues and determines MAJCOM representation at these events.

1.18.8. Ensures through oversight, that complaint and ADR data are complete, accurate and up-to-date throughout the year to support HQ USAF reporting requirements.

1.18.9. Completes and submits reports as required by AF/A1Q.

1.19. Installation Commander/Center Commander (Director). The installation commander/center commander (director) is defined as the commander or other official exercising delegated appointing authority over military and civilian personnel under his/her command or direction. This individual is responsible for the EO complaint and ADR programs for all serviced and tenant organizations.

1.19.1. Appoints an EO director and ensures an adequate number of appropriately trained EO specialists/counselors to cover the installation/center EO workload. Ensures the EO director reports to, at a minimum, the installation/center vice commander. The EO director must not be assigned to the CPS, Staff Judge Advocate (SJA) or Inspector General (IG).

1.19.2. Ensures that adequate facilities, office support equipment and financial resources are provided to the EO director to effectively manage and operate the EO program according to applicable laws, statutes, directives, instructions and guidance.

1.19.3. Ensures prompt processing and promotes informal resolution of EO complaints.

1.19.4. Ensures Air Force employees and management provide full cooperation to EO officials, complaint investigators, EEOC officials, and Air Force legal representatives at all stages of the EO complaint process.

1.19.4.1. Per AFI 36-704, all employees (including supervisors) must cooperate and/or testify in an inquiry, investigation, or other official proceeding.

1.19.5. Accepts and dismisses complaints in total or in part as is warranted under the provisions of 29 C.F.R. Section 1614.107. This authority may be delegated, in writing, to the installation vice commander, or to the installation EO director if the EO director has not otherwise counseled the complainant with respect to the complaint (see Melton v. Peters, EEOC Appeal No. 01991675 [August 9, 2000]). The complainant is notified, in writing, of all acceptance, dismissals or partial dismissals of claims. (See paragraphs 4.12 and 4.13)

1.19.6. Ensures that agency representatives provide timely proposed briefs (for appeals or requests for reconsiderations) to AFCARO.

1.19.7. Ensures that Air Force and EEOC decisions or orders are fully and promptly implemented.

1.19.8. Advocates and ensures the availability of an ADR process as an optional avenue to resolve disputes and improve work relationships.

1.19.9. Provides for an environment free from unlawful discrimination and sexual harassment using supplemental policy guidance, communication, education and training, enforcement and assessment, as core elements for program effectiveness and prevention.

1.19.10. Develops supplemental guidance to prevent unlawful discrimination, sexual harassment, and reprisal and posts this guidance prominently on base web pages and in locations frequented by the base population.

1.19.11. Ensures military and civilian personnel attend HRE as required.

1.19.12. Approves locally developed supplements to the Air Force approved HRE program (e.g., handouts, and audiovisual materials).

1.19.13. Approves non-Air Force mandated locally developed HRE lesson plans, handouts, and audiovisual materials.

1.19.14. Reviews all closed military EO formal cases on a monthly basis for consistent enforcement, timeliness and reprisal prevention.

1.19.15. Ensures subordinate commanders appoint an EO specialist to serve as subject matter expert on all inquiries/ Commander Directed Investigations (CDIs) involving EO related allegations.

1.19.16. Decides first level appeals on formal military EO cases involving unlawful discrimination or sexual harassment.

1.19.17. Ensures rating and reviewing officials evaluate compliance with directives (AFI 36-2406, *Officer and Enlisted Evaluation Systems*, and AFI 36-1001, *Managing the Civilian Performance Program*), prohibiting unlawful discrimination and sexual harassment and document serious or repeated deviations.

1.19.18. Acts to repeal any instruction and change any practice that does not support EO policy.

1.19.19. When evaluating and assigning military personnel, ensures subordinate commanders and supervisors consider membership in groups espousing supremacist causes or advocating unlawful discrimination. (See AFI 51-903, *Dissident and Protest Activities*.)

1.19.20. Directs the semiannual assessment of the installation human relations climate through the Human Relations Climate Assessment Subcommittee (HRCAS).

1.19.21. Processes Privacy Act of 1974 and FOIA requests IAW paragraph 1.37.

1.19.22. Approves all exception to policy waiver requests for second lieutenants to attend the DEOMI Equal Opportunity Advisor Program (EOAP). Forwards waiver requests to the Career Field Manager for Personnel Officers, HQ AFPC/DPASO, Officer Assignments, and HQ AF/A1Q for final approval.

1.19.23. Ensures subordinate commanders do not use a CDI to investigate allegations that are part of a formal EEO complaint unless a sexual harassment allegation is made and the CDI is requested by the complainant.

1.20. Installation/Center Director of Equal Opportunity (EO Director). Administers the installation/center commander's (director) EO Program IAW applicable laws, statutes, directives, instructions and guidance; keeps the commander fully informed of program activity; manages budget, manpower and resource issues for the EO program; and coordinates complaint-processing activities, including entering and maintaining complete complaint data in the AF EO IT system. Maintains relationship with servicing legal and personnel offices to ensure legal and regulatory requirements are used and program is in compliance.

1.20.1. Forwards requests to supplement Air Force EO operational and/or policy issuances to the MAJCOM EO Strategic Advisor for review and to AFPC/EO and AF/A1Q for approval prior to publication.

1.20.2. Assists the installation/center commander (director) in developing EO supplemental policy guidance.

1.20.3. Promotes EO to senior leadership on the installation and to the base population.

1.20.4. Ensures the workforce receives adequate information on the availability of the EO complaint system, process requirements and assigned EO personnel. This information must be prominently posted throughout the installation. [29 C.F.R. Section 1614.102 (b) (5) and (7)]

1.20.5. Supports GSUs on EO-related issues as outlined in the local host-tenant agreement.

1.20.6. Evaluates the EO program at least twice per year (January and July) using the Air Force standardized EO Self-Inspection Checklist provided by AF/A1Q. Reports the findings to AFPC/EO via the self-inspection folder on the EO Community of Practice (CoP).

1.20.7. Guides EO specialists/counselors. Assists, trains, and supervises EO specialists/counselors in their counseling and dispute resolution duties and ensures they maintain a position of neutrality in the performance of those duties.

1.20.8. Ensures only DEOMI-qualified graduates conduct base-level EO/HRE instruction programs.

1.20.9. Obtains installation/center commander approval of locally developed supplements to the Air Force approved HRE program (e.g., handouts, and audiovisual materials) and non-Air Force mandated locally developed lesson plans, handouts, and audiovisual materials.

1.20.10. Approves personalization of standardized HRE lesson plans for each EO Specialist.

1.20.11. Conducts a written evaluation, on an annual basis, for each instructor for every Air Force or locally approved HRE course using the Air Force standardized EO Instructor Checklist provided by AFPC/EO (checklist located on EO CoP).

1.20.11.1. Provides a semi-annual synopsis on the AF Form 3018 to include trends, best practices, and areas of improvement.

1.20.12. Advocates and makes available an ADR process as an optional avenue to resolve disputes and improve work relationships. As ADR Manager, or in concert with the ADR Manager, acts to resolve disputes, provide ADR services IAW governing AFIs and improve work relationships.

1.20.13. Immediately notifies AFPC/EO and courtesy copy the MAJCOM EO Strategic Advisor of receipt of any formal military EO complaint that requires coordination between multiple-installation/center EO directors to ensure timely processing.

1.20.14. Notifies the SJA and installation/center commander (director) of sexual harassment claims where the civilian complainant invokes his/her right to request an investigation under the authority of 10 U.S.C. Section 1561.

1.20.15. Informs commanders/supervisors, agency representative, SJA, CPS, complainants and responsible management officials as applicable on the status of civilian EO complaints throughout the process. Maintains open lines of communication with agency representative to ensure the timely preparation of briefs in appeals or requests for reconsideration.

1.20.16. Keeps commanders and complainants apprised of the status of military EO complaints throughout the process.

1.20.17. Verifies and ensures a record of the complainant's concerns and any actions taken to resolve the concerns are included as part of the official complaint file when the complainant alleges dissatisfaction with the processing of his/her complaint.

1.20.18. Ensures that all correspondence to the complainant and representative, if any, is sent via authorized means (e.g., certified/return receipt mail, facsimile).

1.20.19. Documents military complaint resolution.

1.20.20. Analyzes complaints to identify allegations/issues/claims.

1.20.21. Ensures recommendations for dismissal of civilian EO complaints are coordinated with servicing legal office, in every case, and CPS or HRO, as needed, prior to final determination and issuance. Dismissal authority is exercised by the installation/center commander (director) or, through proper delegation, the vice commander or EO director. The EO director may not exercise delegated dismissal authority for any complaint in which he/she participated as a counselor.

1.20.22. When appropriate, informs complainants of class complaint and mixed complaint procedures. Ensures appropriate notification/coordination of class complaints with SJA, CPS, MAJCOM EO Strategic Advisor, AF/A1Q, AFCARO, LLFSC, and GCA.

1.20.23. Coordinates all proposed and final settlement agreements with SJA, CPS/HRO and as necessary, MAJCOM, and AFPC, to include Career Program officials. If settlement agreements involve life insurance, health benefits, and TSP, they must be coordinated through AFPC. AFPC/DPI requires a 24 hour turnaround to ensure retirement contributions and computations are processed appropriately.

1.20.24. Tracks status of all cases, ensuring the AF EO IT system has complete and up-to-date information and that reports mandated by law or regulation are completed within established timelines.

1.20.25. Forwards a synopsis of all closed formal EO cases to the installation/center commander (director) for review on a monthly basis.

1.20.26. Chairs the Human Relations Climate Assessment Subcomittee (HRCAS) and provides the installation/center commander (director) with an HRCAS report at least twice a year (1 October-31 March/1 April-30 September). The assessment must be reported on the AF Form 3018.

1.20.27. Approves and certifies AF Form 3018 report within 10 calendar days following the end of the quarter.

1.20.28. Tracks and reports through the installation ADR Manager all ADR activity for informal and formal complaints.

1.20.29. Notifies AFCARO and AF/A1Q of any allegation of wrongdoing against Senior Officials, Colonels, Colonel selects, or civilian equivalent. This is automatically done when AF EO IT system is updated with RMO information.

1.20.30. Maintains and safeguards complaint files as the custodian of the official record.

1.20.31. Ensures that information in EO complaint files is protected in compliance with the Privacy Act of 1974. Checks with the installation Privacy Act official for further guidance.

1.20.32. Processes Privacy Act of 1974 and Freedom of Information Act (FOIA) requests IAW paragraph 1.39.

1.20.33. Provides administrative assistance and logistical support to the DOD Office of Investigations and Resolutions Division (IRD) Investigator and Agency Representatives during investigations and hearings.

1.20.33.1. Procures a private location for personal interviews.

1.20.33.2. Provides for court reporter, if applicable (ensure the court reporter provides the required number of transcripts ordered to IRD).

1.20.33.3. Provides copies of records or documents relative to the complaint, when requested.

1.20.33.4. Assists in making phone calls to witnesses or other requested personnel.

1.20.33.5. Assists in the coordination of settlement agreements, when requested.

1.20.33.6. Refers issues and requests for reasonable accommodation to appropriate officials.

1.20.33.7. Ensures that every reasonable effort is made to resolve complaints at the earliest possible organizational level.

1.20.33.8. Reviews and approves EEO Counselor's Report and ensures counselor's reports are completed IAW EEOC Management Directive (MD-110) and submitted within the required timelines.

1.20.33.9. Establishes an effective intra-office training program. Will develop a Master Training Plan (MTP) to ensure completion of all work center duty position requirements. The MTP must include the Master Task List (MTL), current CFETP, locally developed AF Form 797, Job Qualification Standard Continuation/Command JQS (if applicable) and milestones for tasks and CDC completion IAW AFI 36-2201, V3, paragraph 6.1. (See EO Community of Practice (CoP) for sample MTP.)

1.21. EO Specialists.

1.21.1. Maintains a neutral position in the performance of his/her counseling duties.

1.21.2. Advises the complainant about the EO complaint process and the availability of ADR to resolve the complaint. Explains the ADR program as set forth in AFI 51-1201 and, for EEO complaints, MD-110, Chapter 3, Section VII.C., using the AF ADR Notice located on the EO Community of Practice (CoP).

1.21.3. Refers a complaint appropriate for ADR to the EO director, ADR Manager, or other designated official for appointment of a third-party neutral and convening the ADR process. The EO specialist/counselor may not serve as a third-party neutral with respect to any complaint in which he/she has counseled the complainant.

1.21.4. Advises the civilian complainant who uses the EO process in sexual harassment claims he/she has the right to request an investigation under the authority of 10 U.S.C. Section 1561, in addition to initiating an EO complaint.

1.21.5. Assists complainant with determining their basis(es), framing claim(s) and clarifying any ambiguities.

1.21.6. Conducts a limited inquiry for DoD civilians at the informal complaint stage for the purposes of furnishing information for settlement efforts.

1.21.7. Determines jurisdictional questions if a civilian formal complaint is later filed.

1.21.8. Seeks a reasonable resolution of the matter at the lowest possible level.

1.21.9. Prepares and provides a written counselor's report, including attached documents pertinent to the complaint, to the EO director within 5 calendar days of the filing of a civilian formal complaint. [See EEOC MD-110, Appendix F for sample format.]

1.21.10. Ensures that all required counseling actions have been taken.

1.21.11. Enters and updates complaint and ADR data into AF EO IT system and notifies the EO director of any senior officials or colonels and equivalent named as responsible management officials in EO complaints and/or informal complaints.

1.21.12. Conducts military complaint and incident clarifications.

1.21.13. Maintains close liaison with on- and off-base agencies, establishments, advisory councils and special emphasis groups.

1.21.14. Serves as advisor to ethnic and special observances.

1.21.15. Conducts HRE. Ensures HRE updates are made in the appropriate Personnel data systems of personnel who attended the class within five duty days.

1.21.16. Evaluates EO related data submitted from SF, IG, Chaplain (HC), Military Personnel Element (MPE) and other agencies for trend analysis, including SF blotters, incident reports and Services club logs for the HRCAS.

1.21.17. Serves as subject matter experts (SME) for CDIs, commander worked issues or IG investigations involving military complainants.

1.21.18. Prepares Equal Opportunity/Human Relations Education Summary (AF Form 3018) reports and other higher headquarters' reports.

1.21.19. Conducts EO Unit Climate Assessments and serves as a member of the Human Relations Climate Assessment Subcommittee (HRCAS).

1.21.20. Provides EO guidance and non-EO referrals.

1.21.21. Notifies commanders of situations involving possible unlawful discrimination or sexual harassment allegations when no military complaint has been submitted.

1.21.22. Notifies commanders of complaints lodged against military members of their units.

1.21.23. Provides counseling, information, referral and other assistance to members who may have experienced unlawful discrimination or sexual harassment.

1.21.24. Contacts an interviewee's commander, first sergeant or supervisor if the interviewee appears to be emotionally distraught during the process of any interview to ensure the individual receives the necessary support to safely handle his/her issue.

1.21.25. Conducts EO and non-EO ADR services.

1.21.26. Conducts periodic Out and About assessment visits to assigned units.

1.22. EO Counselor (Collateral Duty).

1.22.1. Maintains a neutral position in the performance of his/her counseling duties.

1.22.2. Advises the complainant about the EO complaint process and the availability of ADR to resolve the complaint. Explains the ADR program as set forth in AFI 51-1201 and, for EEO complaints, MD-110, Chapter 3, Section VII.C., using the AF ADR Notice located on the EO CoP.

1.22.3. Refers a complaint selected for ADR to the EO director, ADR Manager, or other designated official for appointment of a third-party neutral and convening the ADR process. The EO counselor/ counselor may not serve as a third-party neutral with respect to any complaint in which he/she has counseled the complainant.

1.22.4. Advises the complainant who uses the EO process that in sexual harassment claims he/she has the right to request an investigation under the authority of 10 U.S.C. Section 1561, in addition to initiating an EO complaint.

1.22.5. Assist complainant in determining their basis(es), framing claim(s) and assist the complainant in clarifying any ambiguities.

1.22.6. Conducts a limited inquiry for the purposes of furnishing information for settlement efforts.

1.22.7. Determines jurisdictional questions if a civilian formal complaint is later filed.

1.22.8. Seeks a reasonable resolution of the matter at the lowest possible level.

1.22.9. Prepares and provides a written counselor's report, including attached documents pertinent to the complaint, to the EO director within 5 calendar days of the filing of a formal complaint. [See EEOC MD-110, Appendix F for sample format.]

1.22.10. Ensures that all required counseling actions have been taken.

1.22.11. Enters and updates complaint and ADR data into AF EO IT system and notifies the EO director of any senior officials or colonels and equivalent named as responsible management officials in EO complaints and/or informal complaints.

1.22.12. Provides counseling, information, referral and other assistance to civilian employees who may have experienced unlawful discrimination or sexual harassment.

1.22.13. Contacts an interviewee's commander, first sergeant or supervisor if the interviewee appears to be emotionally distraught during the process of any interview to ensure the individual receives the necessary support to safely handle his/her issue.

1.22.14. Conducts EO and non-EO ADR services.

1.23. Unit Commander.

1.23.1. Provides an environment free from unlawful discrimination and sexual harassment.

1.23.2. Ensures all allegations of unlawful discrimination and sexual harassment are thoroughly investigated.

1.23.3. Informs unit members of their right to file EO complaints without fear of reprisal.

1.23.4. Informs unit members, through briefings and supplemental EO policy guidance the Air Force will not tolerate unlawful discrimination and sexual harassment.

1.23.5. Informs unit members that commanders and supervisors will take appropriate disciplinary and corrective action when unlawful discrimination or sexual harassment occurs.

1.23.6. Ensures every effort is made to protect the complainant's identity when a formal Military EO complaint is filed with the EO office.

1.23.7. Informs alleged offenders that they are the subject of a formal Military EO complaint and provides only the general nature of the EO-related allegations filed against them, e.g., an allegation of racial discrimination, sexual harassment, religious discrimination, etc. Additionally, ensures the alleged offender is cautioned against taking reprisal or other retaliatory actions against the complainant or witnesses if he/she suspects or discovers their identity. Makes the above advisements as soon as possible and notifies the EO office once completed. When reprisal is alleged by a military member, refers the member to the Inspector General (IG). When reprisal is alleged by a civilian employee, if it is reprisal for EO activity refers the employee to the EO office and if it is reprisal on any other basis refers the employee to the Office of Special Counsel or DoD IG Civilian Reprisal Investigations Division.

1.23.8. Informs the alleged offender of the outcome of the military EO case when the case is closed and advises the alleged offender of their right to appeal the outcome in this case. Notifies the EO office of the date the member was briefed.

1.23.9. Investigates allegations of unlawful discrimination or sexual harassment when the military complainant has elected not to file an unlawful discrimination complaint with the EO office. Commanders will not investigate allegations of unlawful discrimination or sexual harassment when the complainant has filed a formal military EO complaint with the EO office. **Note:** Commanders do not have the authority to transfer a case to the EO office if the complainant opted to have his/her issues addressed by the chain of command.

1.23.10. For complaints filed by military members, provides the EO office with a written memorandum or email regarding substantiated or unsubstantiated unlawful discrimination and sexual harassment complaints handled within the unit, including CDIs. The memorandum must include the name, grade, race, sex, Hispanic declaration and AFSC of each participant, the type of unlawful discrimination or sexual harassment, a brief synopsis of the specific allegations and a report of action taken, if any.

1.23.11. Ensures rating and reviewing officials evaluate compliance with directives (AFI 36-2406, *Officer and Enlisted Evaluation Systems*, and AFI 36-1001, *Managing the Civilian Performance Program*), prohibiting unlawful discrimination and sexual harassment and document serious or repeated deviations.

1.23.12. When evaluating and assigning military personnel, ensure membership in groups espousing supremacist causes or advocating unlawful discrimination or sexual harassment is considered.

1.23.13. Ensures a UCA is accomplished a minimum of every two years IAW paragraph 12.2.1 of this instruction.

1.23.14. Appoints an EO specialist to serve as subject matter expert for any inquiry involving EO related allegations.

1.24. Geographically Separated Unit (GSU) Commander.

1.24.1. Provides an environment free from unlawful discrimination and sexual harassment.

1.24.2. Ensures all allegations of unlawful discrimination and sexual harassment are thoroughly investigated.

1.24.3. Informs unit members of their right to file EO complaints without fear of reprisal.

1.24.4. Informs unit members, through briefings and supplemental EO policy guidance the Air Force will not tolerate unlawful discrimination and sexual harassment.

1.24.5. Informs unit members that commanders and supervisors will take appropriate disciplinary and corrective action when unlawful discrimination or sexual harassment occurs.

1.24.6. Ensures every effort is made to protect the complainant's identity when a formal Military EO complaint is filed with the EO office.

1.24.7. Informs alleged offenders that they are the subject of a formal Military EO complaint and provides only the general nature of the EO-related allegations filed against them, e.g., an allegation of racial discrimination, sexual harassment, religious discrimination, etc. Additionally, ensures the alleged offender is cautioned against taking reprisal or other retaliatory actions against the complainant or witnesses if he/she suspects or discovers their identity. Makes the above advisements as soon as possible and notifies the EO office once completed. When reprisal is alleged by a military member, refers the member to the Inspector General (IG). When reprisal is alleged by a civilian employee, if it is reprisal for EO activity refers the employee to the EO office and if it is reprisal on any other basis refers the employee to the Office of Special Counsel or DoD IG Civilian Reprisal Investigations Division.

1.24.8. Informs the alleged offender of the outcome of the military EO case when the case is closed and advises the alleged offender of their right to appeal the outcome in this case. Notifies the EO office of the date the member was briefed.

1.24.9. Investigates allegations of unlawful discrimination or sexual harassment when the complainant has elected not to file an unlawful discrimination complaint with the EO office. Commanders will not investigate allegations of unlawful discrimination or sexual harassment when the complainant has filed a formal military EO complaint with the EO office. **Note:** Commanders do not have the authority to transfer a case to the EO office if the complainant opted to have his/her issues addressed by the chain of command.

1.24.10. Provides the EO office with a written memorandum or email regarding substantiated or unsubstantiated unlawful discrimination and sexual harassment complaints handled within the unit, including CDIs. The memorandum must include the name, grade, race, sex, Hispanic declaration and AFSC of each participant, the type of unlawful discrimination or sexual harassment, a brief synopsis of the specific allegations and a report of action taken, if any.

1.24.11. Ensures rating and reviewing officials evaluate compliance with directives (AFI 36-2406, *Officer and Enlisted Evaluation Systems*, and AFI 36-1001, *Managing the Civilian Performance Program*), prohibiting unlawful discrimination and sexual harassment and document serious or repeated deviations.

1.24.12. When evaluating and assigning military personnel, ensure membership in groups espousing supremacist causes or advocating unlawful discrimination or sexual harassment is considered.

1.24.13. Ensures a UCA is accomplished a minimum of every two years IAW paragraph 12.2.1 of this instruction.

1.24.14. Appoints an EO specialist to serve as subject matter expert for any inquiry involving EO related allegations.

1.25. Installation Staff Judge Advocate (Wing/Center/JA). Provides legal advice to commanders at all levels and staff agencies on Equal Opportunity (EO) issues and on Formal EO unlawful discrimination and sexual harassment complaints.

1.25.1. Conducts a legal sufficiency review on all formal military EO cases and provides the EO office with a Legal Sufficiency Review Memorandum on whether a preponderance of credible evidence supports a violation of the EO policy.

1.25.2. Provides legal advice on informal civilian EO unlawful discrimination and dispute resolution matters to the installation/center commander (director), CPS, HRO, and EO officials.

1.25.3. Reviews initial interview outline/questions drafted by the EO office and provide recommendations and feedback for formal EO cases.

1.25.4. Reviews, for legal compliance in the informal process, resolution/settlement agreements (including agreements resulting from ADR proceedings). Reviews claims for compensatory damages and attorney's fees and advises the installation/center commander (director) on the amount to be paid. Negotiates fee agreements with opposing parties.

1.25.5. Staff Judge Advocates for organizations not supported by the LLFSC provide the legal services as described in paragraph 1.13 of this instruction**.** Additionally prepares briefs, motions, and other appellate pleadings as appropriate, in support of the Air Force position in appeals or requests for reconsideration.

1.25.6. Ensures that briefs and other appellate pleadings reach AFCARO at least 10 calendar days before the due date to EEOC/OFO. Coordinates any changes and revisions to briefs and pleadings with AFCARO as necessary.

1.25.7. Reviews for legal sufficiency, settlement agreements reached in the informal process (including those resulting from ADR proceedings). Advise commanders on compliance issues.

1.26. Civilian Personnel Section (CPS or HRO) Support of EO Office.

1.26.1. Reviews the claim(s) and basis(es) of formal civilian EO complaints to ensure these claims have not also been raised as a formal complaint under the negotiated grievance or MSPB procedures**. Note:** Complaints with claim(s) previously filed in the Administrative Grievance Procedure (AGP) will not be dismissed for this reason.

1.26.2. Provides technical expertise on personnel matters.

1.26.3. Coordinates on proposed and final civilian EO settlement agreements to ensure regulatory compliance and works with AFPC, to include career program officials, as necessary.

1.26.4. Provides personnel documents as requested by complaint processing officials.

1.26.5. Schedules civilian personnel for HRE and monitors civilian employee no-shows. The EO office will provide the CPS with class dates, times, location and number of available slots. At the conclusion of each class, the EO office will forward the names of civilian employees attending HRE.

1.27. Chief, National Guard Bureau, Equal Opportunity Division (NGB-EO).

1.27.1. Develops military EO policies, programs, regulations, and instructions for processing, managing and adjudicating unlawful discrimination and sexual harassment complaints brought by ANG members in a Title 32 status, to include ANG technicians. See paragraph 3.26 of this instruction for guidance on processing military EO complaints brought by ANG personnel in a Title 10 active duty status

1.27.2. Establishes and administers the ANG Discrimination Complaint System for ANG members in a Title 32 status.

1.27.3. Is delegated the authority to act as the “responsible Department official” responsible for implementing Title VI of the Civil Rights Act of 1964 and DoDD 5500.11, for all discrimination complaints arising from ANG personnel serving in a Title 32 status (to include all dual-status and non dual-status ANG technicians performing duty under Title 32, U.S. Code, Section 709).

1.27.4. Controls attendance of ANG personnel at DEOMI, manages ANG quotas for DEOMI training and approves and funds ANG adjunct faculty for DEOMI, conducts NO FEAR Act training.

1.27.5. Ensures on-going OJT programs are in effect.

1.28. Chief, Personnel Division, Office of Air Force Reserve Command (HQ AFRC).

1.28.1. Develops and monitors EO plans, policies and programs that apply to the Air Force Reserve.

1.28.2. Ensures the unlawful discrimination and sexual harassment prevention program emphasizes the principle of "full-time values - part-time careers" and covers off-duty behavior that affects the military workplace. An example of off-duty behavior that impacts the workplace is quid pro quo sexual harassment; e.g. when submission to off-duty sexual advances or requests for sexual favors is made either explicitly or implicitly a term or condition of a Reservist's job.

1.29. Air National Guard Readiness Center (ANGRC):

1.29.1. Pursuant to 10 USC 1561, develops and oversees the Equal Opportunity program for Air National Guard personnel and operations. This includes self-inspections/program assessments, the Installation/Unit Climate Assessment Program, contingency operations/update of readiness status of military EO specialists/counselors, ADR program, training. Manages EO and ADR budget. Implements higher level policies; develops local procedures. Approves release of information under the Privacy and Freedom of Information Acts (FOIA) for EO matters.

1.29.2. No later than 1 November of each year, the Air National Guard Readiness Center (ANGRC) EO director located at Andrews AFB submits to AF/A1Q an Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints (EEOC Form 462), as well as all data required to be reported under the NO FEAR Act regarding discrimination complaints from Air Force Title V employees who are assigned to the ANGRC, the National Guard Bureau, or any GSU aligned with the National Guard Bureau.

1.29.3. EEO cases that arise from Air Force Title V employees who are assigned to the ANGRC, the National Guard Bureau, or any GSU aligned with the National Guard Bureau will be processed by the ANGRC EO director located at Andrews AFB. Note that these cases are different from cases processed by the respective State Equal Employment Managers (SEEM), which address complaints by Title 32 personnel, including ANG technicians.

1.29.4. All complaints from Air Force Title V employees who are assigned to the ANGRC, the National Guard Bureau, or any GSU aligned with the National Guard Bureau will be forwarded to AFCARO for FAD determinations.

1.29.5. As discussed in paragraph 3.26. the ANGRC EO Office will also process complaints from Title 10 ANG personnel assigned to the ANGRC, the National Guard Bureau, or any GSU aligned with the National Guard Bureau.

1.30. Defense Equal Opportunity Management Institute (DEOMI).

1.30.1. DEOMI's mission is to enhance leadership and readiness by fostering military and civilian EO programs and positive human relations through world-class education, training, and research. It offers military and civilian EO education and training for military active duty, guard and reserve, as well as civilians in both resident and non-resident courses.

1.30.2. See paragraph 1.52 of this instruction for Air Force-specific functional training requirements.

1.31. Professional Military Education (Educational Programs Cadre [EPC]).

1.31.1. Coordinates changes as they pertain to EO HRE lesson objectives within the officer and enlisted PME curriculum with HQ AFPC/EO.

Section 1E—Program Administration

1.32. Scope. The EO office must inform commanders of HR/EO issues that may adversely affect members' behavior, health, duty performance or the mission and document as appropriate.

1.33. Marketing. The EO office must post installation and AF EO policy memorandums, along with the location and telephone number of the EO office, in heavily trafficked areas. The areas include, but are not limited to, the Force Support Squadron (FSS), Commissary, Base Exchange facilities and websites. The EO office must also publicize procedures for filing both military and civilian informal and formal complaints of unlawful discrimination and sexual harassment.

1.33.1. The EO office will develop and annually update referral resources identifying on- and off-base equal opportunity resources.

1.33.2. The EO office must provide a copy of referral resources to all personnel during Key Personnel Briefings (KPB).

1.34. Facilities Requirements.

1.34.1. The EO office should be in an area on the installation to which all personnel have easy access.

1.34.2. EO facilities must include:

1.34.2.1. Private consultation areas.

1.34.2.2. Classroom(s) for HRE.

1.34.2.3. Provide access for disabled personnel (e.g. Elevators, ramps, equipment, alternate accessible locations, etc).

1.34.2.4. Space for normal office operations (AFI 32-1024, *Standard Facility Requirements*).

1.35. Unit Continuity Folders.

1.35.1. EO offices will establish an electronic or hard copy continuity folder for each unit serviced by the EO office. Each continuity folder will only contain:

1.35.2. Tab 1: The unit’s two previous UCA Reports.

1.35.3. Tab 2: Documented KPBs.

1.35.4. Tab 3: Data on unit EO trends.

1.35.5. Tab 4: An AF Form 3969, *Commander's UCA Critique* or memorandum stating the commander did not complete the critique. Memorandum should include initial date the critique was mailed to the commander and the follow-up dates. **Note:** If the UCA Critique is accomplished via the UCA program, a copy can be printed out and placed in the continuity folder in lieu of the AF Form 3969.

1.35.6. Tab 5: Out and About Visits (AF Form 1271, *Equal Opportunity Record of Assistance/Contact*).

1.35.7. Tab 6: Memoranda from commanders regarding EO issues worked within the unit.

1.35.8. Mark the bottom of all pages of UCA reports and trend data in the Unit Continuity Folder, "FOR OFFICIAL USE ONLY."

1.36. Budget Resources.

1.36.1. MAJCOM EO Strategic Advisors must monitor, balance, and program for the installation/center level resource requirements across their respective MAJCOMs with input from the EO directors. Changes (Disconnects, Initiatives, and Offsets) should be presented to the 88716F PEM for a consolidated EO submission to the Air Force Corporate Structure. PE 88716F will be the dominant PE for EO programming.

1.36.2. EO directors will ensure that all requirements with legal implications are funded before everything else. Travel for workshops, symposiums, and training should be prioritized and funded at the EO director's discretion. Installations are encouraged to purchase small advertising/marketing materials and products (i.e., pens, stress balls, magnets, etc.) in support of outreach and awareness support programs.

1.37. EO Reports. The EO director is responsible for ensuring data is entered correctly into the AF EO IT system and in a timely manner so that data is available for the various reports compiled by AF/A1Q and AFPC/EO. For the following reports, installation/center-level EO offices will complete the following tasks:

1.37.1. AF Form 3018.

1.37.1.1. Complete AF Form 3018 on a quarterly basis. Reporting increments are on a fiscal year basis. The reporting periods are: 1 Oct - 31 Dec, 1 Jan - 31 Mar, 1 Apr - 30 Jun and 1 Jul - 30 Sep.

1.37.1.2. Certify the report within 10 calendar days after the report closeout date.

1.37.1.3. Provide an overall assessment of the installation/center HRC to accompany AF Form 3018 on a semiannual (October through March/April through September) basis. Report the October through March assessment in the April through June quarterly report. Report the April through September assessment in the October through December quarterly report. This will allow enough time for the HRCAS to meet and assess the base HRC. This assessment will include the quantitative and qualitative factors assessed during the HRCAS. Also include innovations, best practices, problems/solutions, lesson learned, overall HRE critique summary, requested guidance from MAJCOM Strategic Advisor and recommendations for improving the EO program.

1.37.2. EEOC Annual Report (462).

1.37.2.1. Complete EEOC 462 Worksheet on a quarterly basis. Verify the accuracy of the report by using the Edit Checklist. All elements of the report must be reconciled before submitting to AFPC/EO. Reporting increments are on a fiscal year basis; 1 Oct - 31 Dec, 1 Jan - 31 Mar, 1 Apr - 30 Jun and 1 Jul - 30 Sep.

1.37.2.2. Provide the report to the AFPC/EO within 10 calendar days after the report closeout date. Be aware that the last quarter (1 Jul – 30 Sep) is the end of the fiscal year and AFPC/EO must have the 462 report to EEOC by 31 Oct.

1.37.2.3. AFPC/EO will compile all reports and provide an overall written assessment/statistics for the reporting period.

1.37.3. SAF/GCD Alternative Dispute Resolution (ADR) Data Call.

1.37.3.1. Compile and consolidate all EO ADR data for the ADR Manager for Workplace Disputes (formerly known as ADR Champion) annual data call for previous fiscal year. Information will not contain personal identifying information of the ADR participants.

1.37.3.2. Carry out the duties IAW AFI 51-1201 (Alternative Dispute Resolution Processes in Workplace Disputes) if appointed as ADR Manager for the installation/center to include gathering data for the Annual ADR Report.

1.37.4. No FEAR (Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002) Report.

1.37.4.1. Disseminate information about the mandatory No FEAR training to servicing personnel. (All new civilian employees receive training within 90 calendar days of being hired by the agency; all civilian employees and supervisors of civilian employees, to include military supervisors, must remain current through refresher training on a biennial basis).

1.37.4.2. Work with the servicing Labor Relations Officer before requiring bargaining unit employees to complete the training (if applicable).

1.37.4.3. Ensure the No FEAR training briefing is conducted (attendance tracked via sign-in rosters) for those employees without Advanced Distributed Learning Services (ADLS) accounts or computer access.

1.37.4.4. Provide number of personnel trained at the installation to AFPC/EO when solicited.

1.38. Congressional and Other High-Level Inquiries. The EO office will coordinate responses with the MAJCOM EO Strategic Advisor, AFPC/EO and AF/A1Q when responding to EO related congressional and other high-level inquiries under AFI 90-401, *Air Force Relations With Congress.*

1.39. Information Protection/Privacy Act of 1974 and Freedom of Information Act (FOIA).

1.39.1. The EO office must process FOIA requests for UCA reports or data assessments IAW DoDR 5400.7-R.

1.39.2. The EO Director is the "disclosure authority," as defined in DoDR 5400.7/Air Force Supplement, for all EO records requested under the FOIA.

1.39.3. The EO director is the "disclosure authority," as defined in DoDR 5400.7/Air Force Supplement, for all EO records. The EO director will provide the "denial authority" with a recommendation for those records denied in whole or in part as a result of a specific FOIA or Privacy Act request.

1.39.4. The EO director must provide releasable portions of the case files pursuant to FOIA and Privacy Act guidance. Coordinate all FOIA and Privacy Act releases through the Legal office and FOIA office.

1.39.5. The EO director will review EO forms, witness statements, conclusions and recommendations listed in the complaint clarification report, and commander's management actions under FOIA and Privacy Act guidance. Provides the Legal office a complete copy of the case file and a separate redacted copy of the requested releasable information. Cites on the redacted copy the FOIA and/or Privacy Act exemption(s) found in DoDR 5400.7 and AFI 33-332, for not releasing the protected information. If the subject requests the records under the Privacy Act, the reply must also cite the approved Privacy Act Systems of Records and the exemptions.

1.39.6. The EO office should not release complaint information when there is an on-going EO or IG investigation unless it is determined the FOIA or other authority requires release. The IG will determine what IG investigation information to release.

1.39.7. The EO office will release EO records to designated Air Force officials who require these records for official use. Designated officials include commanders, IG, SJA, OSI, IRD appointed investigators, AFCARO, LLFSC, and other higher headquarters officials. If the CPS requests a copy of a civilian EEO case file, to process an administrative action, the EO office will coordinate with the servicing SJA prior to release.

1.39.8. Under the Privacy Act of 1974, the EO office must provide the following information whenever requesting information from individuals for inclusion in EO records (see AFI 33-332):

1.39.8.1. The specific law conveying authority for soliciting personal information.

1.39.8.2. Whether disclosing that information is mandatory or voluntary.

1.39.8.3. The principle purpose of collecting the information.

1.39.8.4. How the information is routinely used. Include only users outside DoD with name of agency or activity and reason.

1.39.8.5. What consequences may result, if any, if the individual does not provide the requested information.

1.39.9. In addition to the Privacy Act and FOIA, there are other circumstances that may authorize release of information. Consult your SJA, as necessary, if you receive a request for a release that is not processed under FOIA or the Privacy Act.

1.40. Interfacing with Allied Programs.

1.40.1. The EO office will interact with offices that conduct similar programs in an effort to conserve resources while providing the best possible service to the installation. In addition to the HRCAS, there should be meetings on a regular and recurring basis (monthly/quarterly). These offices may include, but not limited to, Airman and Family Readiness Center

(A&FRC); Security Forces (SFS); Office of Special Investigations (OSI); CPS/HRO; JA); Chaplain (HC); Medical Group (SG); Family Advocacy (FAC); Health and Wellness Center (HAWC); Off-base agencies such as Federal Executive Board (FEB); local victim advocates type orgs, local civil rights groups.

1.41. Managing Personnel.

1.41.1. Establishing On-Call Roster. The EO director will develop, update and distribute an on-call notification roster for EO staff members to the command post, security forces, emergency room and GSU commanders. **Note:** These offices must immediately notify the EO staff members when an incident meets or appears to meet the criteria of an EOTI (see EOTIs, Chapter 5 paragraph 5.1.1).

1.42. Collateral Duty Personnel (Civilian EO Counselors). The EO director is responsible for recruiting, appointing, training, and ensuring sufficient caseload to effectively use collateral counselors. The EO director will also coordinate with the collateral counselor's supervisor to ensure those job duties are correctly reflected in the counselor's primary position description. Further, the EO director will provide an assessment, to the primary supervisor, on the EO duties and manner performed during the rating period. EO counselors will not be responsible for military EO duties. **Note:** Personnel assigned as new EO counselors must attend the DEOMI 32-hour AF-Specific EEO Counselor Program. All exceptions must be approved by AFPC/EO.

1.43. Recruiting/Retraining/Evaluating Applicants (Enlisted EO Specialists).

1.43.1. The EO director or designee will act as initial interviewing agent for retraining applicants.

1.43.2. The EO director or designee will:

1.43.2.1. Recruit military personnel (in the rank of E-5 or above) to retrain into the EO program.

1.43.2.2. Review applicant's retraining documentation provided by the HQ AFPC/Contact Center to ensure applicant meets minimum EO retraining requirements found in AFMAN 36-2108, and ensures compliance with AFI 36-2626, *Airman Retraining Program.*

1.43.2.3. Interview retraining applicants. Applicants must provide the EO director with a memorandum stating their reasons for wanting to retrain into the career field. Retraining applicants must possess strong interpersonal communication skills and wish to serve in the EO career field to meet the needs of the Air Force and the EO Program.

1.43.2.4. Brief applicants on EO programs and responsibilities and career field promotion opportunities.

1.43.2.5. Complete and document an observation period for all applicants under consideration for retraining. The applicant must complete 20 duty-days (AFRC/ANG personnel, applicant must complete 4 UTAs) with the EO office before the EO director can make a recommendation.

1.43.2.5.1. Only EO career field manager can approve waivers for the observation period. The EO director will utilize the HQ AFPC/EO retraining requirements checklist (located on the EO CoP) to assist in evaluating the applicant's suitability for the EO career field.

1.43.2.6. Provide the retrainee with a memorandum/recommendation letter summarizing the following areas based on research and structured 20 day observance period activities. The memorandum will include:

1.43.2.6.1. The last 3 Enlisted Performance Reports.

1.43.2.6.2. Documentation of prior qualification in any AFSC at the 5-skill level or higher (or 3-skill level if no 5-skill level exists).

1.43.2.6.3. An assessment of the applicant's communication skills, both written and verbal.

1.43.2.6.4. An assessment of the applicant's structured activities.

1.43.2.6.5. An overall assessment on personal appearance, moral standards, military bearing and conduct.

1.43.2.6.6. Any other relevant factors which may affect the approval or disapproval of the applicant's request for retraining.

1.43.2.7. The retrainee applicant will provide the EO career field manager (EO CFM) through the retraining process, the EO director's recommendation memorandum of approval/disapproval, a recommendation memorandum from the unit commander with a statement indicating the applicant does not have a record of disciplinary action or financial irresponsibility and all additional retraining documentation.

1.43.2.8. The EO CFM will conduct a final review and either approve or disapprove the retraining application and coordinate with AFPC retraining staff and AETC to ensure approved applicants are scheduled for DEOMI.

1.43.2.9. If AFSC 3S1X1 was previously withdrawn from the retraining applicant, the EO director must submit complete details to the EO enlisted CFM for review and approval.

1.44. Military EO Specialist Misconduct. If a military EO specialist is involved in misconduct, inappropriate behavior, substandard performance, or does not meet qualification standards, consideration must be given for the removal of the AFSC in accordance with AFI 36-2101.

1.45. Additional Duties. EO professionals are not restricted from being assigned additional duties. However, EO directors should ensure additional duties do not significantly impact the specialist's ability to conduct their primary duties. Individuals assigned to EO offices may not serve as SARCs, Alternate SARCs or Victim Advocates.

1.46. Reporting Significant EO Cases. The EO director must report significant EO cases which have a potential to make national news or significant payouts to the AF/A1Q workflow (**afa1q.workflow@pentagon.af.mil**), via email within 24 hours. Significant EO cases include any non-frivolous allegations of wrongdoing against any 0-6, 0-6 select, (or civilian equivalent; regardless of pay schedules)), and senior official (0-7 and above/Senior Executive Service (SES).

1.47. EO Complaints That Involve Other Air Force MAJCOMs, FOAs, DRUs or Other Services or Defense Agencies.

1.47.1. The EO office must coordinate and receive approval through AFPC/EO on all EO complaints that require the assistance of another installation's EO office.

1.47.1.1. Military Formal Complaints:

1.47.1.1.1. Requests for assistance must include the name, grade and unit of all personnel the assisting EO office should interview, proposed interview questions and a copy of the AF Form 1587, *Military Equal Opportunity Informal Complaint Summary* outlining the allegations of unlawful discrimination or sexual harassment. AFPC/EO will forward the case to the appropriate base or MAJCOM/FOA/DRU.

1.47.1.1.2. The assisting EO office will document all actions taken during their involvement in the complaint clarification process in Block 20 of the AF Form 1587. Once the requested actions are complete, the assisting EO office will forward the information to AFPC/EO who will in-turn forward the information to the host EO office to resume case processing/closure.

1.47.1.1.3. The complainant's host servicing legal office will conduct the legal sufficiency review.

1.47.1.1.4. When complaints are outside the authority of the EO office and involve other bases or MAJCOMs/FOAs/DRUs/Other Services or Defense Agencies, the EO office will forward the referral complaint and a referral memorandum to HQ AFPC/EO (Refer to EO CoP for sample memorandum). The host EO office will brief the complainant on the final outcome (if possible) of the complaint, complete the appropriate blocks on AF Form 1587 and close the case.

1.47.2. Civilian Informal EO Complaints.

1.47.2.1. When requesting assistance with processing civilian informal EEO complaints or when there is a conflict of interest, the assisted EO office processing the complaint will forward a copy of the complaint file and a memorandum outlining details of the case to the assisting EO office at the installation where the complainant is employed. At a minimum, the details will include the name, grade and unit of the complainant, responsible management officials (RMOs) and witness(es) and whether the complainant has chosen to remain anonymous.

1.47.2.2. The assisting EO office will ensure the witness(es) is interviewed within 5 calendar days of receipt of the request from the assisted EO office.

1.47.2.3. At all times, the assisting EO office will keep the EO director of the assisted EO office informed of progress.

1.47.2.4. If a witness is TDY or on leave, the assisting EO office will immediately notify the assisted EO office.

1.47.3. Conflict of Interest/Position. If a situation arises where the installation/center commander (director), MAJCOM EO Strategic Advisor, EO director and/or an EO specialist is named in a discrimination complaint, the case must be coordinated with AFPC/EO within 24 hours prior to processing the case. AFPC/EO will coordinate with A1Q and designate an EO Specialist from a disinterested office to process the case and advise other appropriate offices (e.g. AF/A1Q, AFCARO etc.,) of the nuances of the case.

1.48. Command Post Requirements. The Operations Support Center (Command Post) notifies the EO director or designated EO staff member when potential EOTIs occur. The Operations Support Center will report EOTIs categorized as major incidents through the Event and Incident Report (OPREP - 3), RCS: HAF-A30 (AR) 7118; *JCS Publication Volume 2, part 3, JCS Publication 25,* following the reporting criteria in AFI 10-206, *Operational Reporting.*

1.49. Armed Forces Disciplinary Control Board (AFDCB). The mission of the Armed Forces Disciplinary Control Board (AFDCB) is to advise and make recommendations to the Commander concerning the correction of conditions which may adversely affect the health, safety, morals, welfare, morale, or discipline of military personnel. AFCDB may impose "off-limits" restrictions on military personnel, but only when there is substantive information indicating that an establishment or area frequented by military personnel presents such adverse conditions. The EO Office director will serve on the board. (AFI 31-213, *Armed Forces Disciplinary Control Boards and Off-Installation Liaison and Operations.* [Also listed as AFJI 31-213]).

1.50. Higher Headquarters Staff Assistance Visits (SAV). SAVs are performed as a service to the AF EO Program under the guidance and direction of AF/A1Q and AFPC/EO. SAV team members represent the standards and values of AF EO and interact with installation/center EO offices and other offices at the installation/center as an EO professional. The following guidance outlines the requirements for an SAV and the expectations of performance by SAV team members:

1.50.1. SAV Preparation.

1.50.1.1. AFPC/EO will establish an "SAV Lead" so there is a single POC dealing with the EO Office and installation/center leadership.

1.50.1.2. SAV leads will coordinate with AFPC/EO to review AF EO IT system data of installation/center to be visited to get a sense of ongoing issues and installation activity for the past two-year period and current year.

1.50.1.3. SAV leads will contact the installation/center EO office to establish rapport and determine schedule arrangements (including SAV out-brief and interviews of EO office personnel and allied programs (e.g. JA, MPE, CPS, HRO, etc).

1.50.1.4. SAV team members will review SAV checklist(s), including templates/samples for report and out-briefing and make sure you are clear on your approach, methodology, and interface (SAV checklist, templates/samples, etc., is located on the EO CoP).

1.50.2. Conducting the SAV.

1.50.2.1. Ensure each checklist item is covered in discussion, files review, and/or both as necessary. Document the checklist with comments "*in compliance*" or "*not in compliance*" or "*in general compliance*" (when partial compliance is found). This IS

NOT an inspection, but these determinations are intended to move the EO Program toward integration, ensure it is in compliance for excellence in performance, and in preparation for future official inspections.

1.50.2.2. Conduct a random sample of files to ascertain compliance or improvements (specific file review may be necessary if anomalies are discovered during the SAV preparation, or concerns shared by AF/A1Q or AFPC/EO).

1.50.2.3. Conduct interviews with the following offices/personnel: EO Staff and director, local SJA office, local CPS, installation/center commander (director), and director of staff (if in chain). Interviews are conducted separately and cover items on the checklist, and other relevant matters as determined by the SAV team. Ensure all anomalies are explored with appropriate office(s). Reviews of EO office anomalies may require joint discussions with EO director and staff; remain open to opportunities to resolve any matters.

1.50.2.4. Staff Assistance Visit (SAV) teams should interview a randomly select number of unit commanders and first sergeants to get a good feel for the support they receive from the EO office (e.g., Commander Worked Issues, UCAs, Out and Abouts, briefings, etc.).

1.50.2.5. Review relevant self-inspections or other reports that concern the EO office operations. Look for positive activity of the EO office (e.g. outreach, programs, integration efforts, etc.). Solicit recommendations of EO staff for improvements. Collect appropriate documentation for inclusion in the report, if significant or controversial.

1.50.2.6. Clarify any SAV team questions or concerns encountered during the visit with AFPC/EO. Be honest with the EO director and staff to prevent surprises.

1.50.3. SAV Report.

1.50.3.1. Prepare the report in draft format “as you go” to assist with your out-brief and the eventual final report.

1.50.3.2. Coordinate the draft report with AFPC/EO prior to the SAV out-brief. SAV team may provide a copy of the draft report to the EO director.

1.50.3.3. Prepare an Executive Summary for the final report.

1.50.3.4. Use the report template provided by AFPC/EO. Attach relevant documents as determined by the SAV team. Attach the checklist with written comments for each area.

1.50.3.5. Ensure appropriate recommendations (coordinate with AFPC/EO if questions arise). Indicate the final report will be published within 5 business days after the SAV out-brief.

1.50.3.6. Discuss SAV findings with EO director to provide opportunity to correct any noted deficiencies. Make an effort to balance the report with positive discoveries, or explain what the factors were that contributed to a negative discovery/finding. Give credit to efforts undertaken on the spot to correct, or in the planning stage of the EO office to correct.

1.50.4. SAV Out-Brief.

1.50.4.1. Prior to SAV out-brief, meet with EO director and go over checklist comments (provide a copy in advance of discussion to maximize time in discussion). Engage in a positive dialogue and make sure s/he is in agreement. Resolve disagreements to the extent practicable. Be open to suggested changes, however the SAV Team is responsible for the quality of the overall SAV.

1.50.4.2. Provide Out-Brief to installation/center commander (director) at the conclusion of the SAV (final day of SAV). Prepare powerpoint presentation for feedback session with installation/center commander (director) and EO director (others at CC invitation).

1.50.4.3. Use the out-brief SAV template provided by AFPC/EO. Presentation should track to the final report. Answer all questions and provide clarification on the spot. If in doubt, request clarification from AFPC/EO.

1.51. SAV Status Report. EO offices will provide their respective MAJCOM Strategic Advisor and AFPC/EO a monthly status report of any open action items identified during the SAV. The report will include base name, SAV date, open action items, status and completion date, and POC.

1.52. Equal Opportunity Functional Training Requirements. AFPC/EO is the sole source for programming and scheduling all AF EO functional training conducted at DEOMI. Additionally, it is mission essential that all EO professionals maintain technical proficiency. There are numerous mandatory training requirements and professional development opportunities available to all EO professionals through DEOMI; the official schoolhouse for all functional EO training.

1.52.1. DEOMI Equal Opportunity Advisor Program (EOAP). All personnel performing duties as EO directors, and EO specialists must complete the DEOMI EOAP.

1.52.1.1. The EOAP is an initial skills training course that develops a base of knowledge and skills that allow graduates to assess human relations climates in the organizations they serve, and to provide advice and assistance to commanders to prevent, reduce, or eliminate discriminatory practices. Graduates are certified to serve as full-time EO advisors. The curriculum is a combination of general DoD curriculum and Service Specific relating to Air Force unique situations.

1.52.1.2. All civilian personnel assigned as EO directors/specialists must attend the EOAP within six months of assignment/entered on duty.

1.52.1.3. Civilian EEO personnel converting to Air Force from another military service must attend the EOAP.

1.52.1.4. Former military members who have retired or separated from active duty and have been out of the EO career field for more than 5 years must attend the EOAP.

1.52.1.5. The minimum grade requirement for active duty Air Force officers to attend the EOAP is First Lieutenant. Second Lieutenants may only attend this course when the installation/center commander (director) and the Career Field Manager for Personnel Officers (HQ AFPC/DPAOS) or the NGB-EO Program Manager, in the case of ANG personnel, approve a waiver request. **Note:** All active duty officers assigned as an EO director/deputy must attend the EOAP within six months of assignment unless a waiver is granted by AF/A1Q.

1.52.2. DEOMI Equal Employment Opportunity Counselor Program. This course develops a base of knowledge and skills that allows graduates to serve as effective EEO practitioners at the entry level. The target audience is EO directors/specialists, collateral-duty counselors, and EEO Assistants who have EEO responsibilities and need a thorough introduction to statutory/legal and organizational aspects of EEO.

1.52.3. DEOMI Equal Employment Opportunity Counselor Course (EEOSE). This course develops knowledge and skills that allow graduates to serve as effective EEO practitioners at the journeyman level. The course is appropriate new EO Practitioners who have a general knowledge of the EEO program and are assigned EEO duties.

1.52.4. DEOMI Equal Employment Opportunity Specialist Course (EEOSC). This course develops knowledge and skills that allow graduates to serve as effective EEO practitioners at the journey level. Studies focus on the statutory/legal as well as inter/intrapersonal and organizational aspects of EEO. The course builds on knowledge and skills gained through the EEOSE and two or more years of full-time civilian EO experience. It provides students with the skills needed to effectively implement EEO programs.

1.52.5. DEOMI Equal Employment Opportunity Officer Course (EEOOC). This course builds on knowledge and skills gained through the EEO Counselor Course and four or more years of full-time EEO program management experience. It provides students with the skills needed to effectively manage EEO programs. Target audience is EO directors/specialists, civilian personnel/human resource management personnel and attorneys who have been assigned primary responsibility for managing a major aspect of a civilian EO program.

1.52.6. DEOMI Mediation Certification Program. This course provides participants with skills necessary to mediate disputes at their commands, installations and activities. Graduates are certified to mediate civilian personnel and equal opportunity disputes within DoD.

1.52.7. AF Basic Mediation Course. This course is intended for those civilian employees and military members who will mediate workplace disputes. These disputes include, but are not limited to the following: civilian EO complaints, military EO complaints, negotiated and administrative grievances, labor negotiations including impasses, unfair labor practice complaints, Merit System Protection Board complaints, and National Security Personnel System administrative actions.

1.52.8. Advanced Mediation Training. This course is intended for individuals who have completed the Basic Mediation Course and have conducted at least 24 workplace disputes.

1.52.9. Annual Mediation/EEO Refresher Training. Air Force mediators on active rosters must undergo a minimum of eight hours of mediation refresher training per year, including at least one hour each of training in standards of conduct, confidentiality, and drafting settlement agreements. Installation ADR program managers are responsible for ensuring their mediators receive annual refresher training. EO specialists must undergo a minimum of eight hours of EEO refresher training per year. EO directors are responsible for ensuring their counselors receive annual refresher training.

1.52.10. Equal Opportunity Director’s Course. This course is intended to provide newly appointed military/civilian EO directors, deputies, and superintendents the leadership skills they need to succeed as a leader/manager over both military and civilian EO programs. The course is conducted annually.

1.52.11. Instructor Certification Program (ICP). The Instructor Certification Course (ICP) is designed for EO directors/specialists who are required to instruct as part of their duties. The primary use is for part time instructors teaching or developing curriculum in additional to their normal duties within their career fields.

1.52.12. DEOMI Special Emphasis Program Managers Course (SEPMC). This course develops a base of knowledge and skills that allow graduates to serve as effective collateral-duty and full-time Special Emphasis Program Managers (Federal Women's, Black Employment, Hispanic Employment, Asian American/Pacific Islander Employment, American Indian/Alaskan Native Employment, and People with Disabilities Program).

1.52.13. AF EO IT System Training. All AF EO professionals must be proficient in the current AF EO IT system. The EO IT system training provides the necessary skills required for EO professionals to use for case management tracking, and the Unit Climate Assessment (UCA) web application. AF EO IT system instruction will concentrate on increasing students' effective use of the case management system.

1.52.14. Other Sources of Training. It is highly recommended EO professionals attend other types of training to expand their acumen in EO concepts.

Chapter 2

ALTERNATIVE DISPUTE RESOLUTION (ADR) IN EO COMPLAINTS

2.1. Use of ADR in Civilian EO Complaints.

2.1.1. Overview. ADR processes, including mediation, facilitation, structured negotiation, and other collaborative problem solving techniques, or any combination thereof, often produce outcomes that are more efficient and effective than traditional, adversarial methods of dispute resolution. The Administrative Dispute Resolution Act of 1996 (ADRA) requires federal agencies to adopt and promote the use of ADR in their administrative dispute resolution processes. The EEOC requires agencies to make reasonable efforts to settle EEO complaints as early as possible in, and throughout, the administrative EEO complaint process [29 C.F.R. Section 1614.603], and to establish and make available ADR programs for this purpose [29 C.F.R. Section 1614.102(b)(2)]. In accordance with AFPD 51-12, *Alternative Dispute Resolution*, and AFI 51-1201, *ADR Processes in Workplace Disputes*, the Air Force strongly encourages the voluntary use of ADR to resolve EEO complaints whenever it is practicable and appropriate to do so.

2.1.1.1. Communication/Coordination. It shall be the obligation of the EO director and the ADR Manager at each installation to communicate with each other regarding all issues necessary to properly effectuate ADR in the EO Program. This shall include, but not be limited to, ensuring the ADR Manager is aware of all EO matters to enable the latter to make the determination (if delegated to do so by the SJA) whether ADR is appropriate, the potential use of ADR methods for resolution, and the results of any ADR efforts.

2.2. Use of ADR in Military EO Complaints.

2.2.1. Overview. The EO director has an option to use ADR techniques in the Military EO complaint process. The EO office may use such techniques between the disputants that will lead to the early resolution of informal and formal cases. Facilitation is the ADR technique that will be used to resolve Military EO complaints. The EO office will offer services of an ADR specialist who has been trained in the use of facilitation/mediation and interest-based negotiation to serve as a facilitator whenever the disputants voluntarily agree to the use of ADR. For the purposes of this section, all provisions of section 2.2 shall apply to the Military EO process unless otherwise specified below.

2.2.2. The EO office will annotate facilitations regarding unlawful discrimination or sexual harassment on AF Form 1587-1, *Military Equal Opportunity Formal Complaint Summary* for informal complaints and AF Form 1587 for formal complaints.

2.2.3. When appropriate, the EO office will attach a copy of the facilitation agreement, if any, to the AF Form 1587-1 or AF Form 1587, as appropriate and file in the unit continuity folder.

2.2.4. The EO office will document all other non-EO related military and civilian ADR services accomplished by the EO office on the AF Form 1271.

2.2.5. All complaints that are appropriate for ADR are eligible for the voluntary use of facilitation and/or structured negotiation using interest-based negotiation techniques.

2.2.6. The EO specialist will advise the complainant at the initial interview of the benefits and availability of facilitation and/or structured negotiation using interest-based negotiation techniques to resolve the complaint.

2.2.7. The EO director shall communicate with the ADR Manager who shall determine, after consultation with the servicing legal office, if facilitation and/or structured negotiation is appropriate, pursuant to this Instruction and AFPD 51-12, *Alternative Dispute Resolution*, and AFI 51-1201, *Alternative Dispute Resolution Processes in Workplace Disputes*. If determined appropriate, the EO specialist shall offer ADR to the complainant and, if accepted, to the appropriate management official or alleged offender. If ADR is agreed to, the ADR Manager will appoint a trained, qualified ADR specialist to act as facilitator.

2.2.8. Within 15 duty days of being appointed, the facilitator will arrange to conduct the facilitation. This period may be extended an additional 15 duty days with consent of the parties and the approval of the ADR Manager.

2.2.9. The facilitator is authorized to set the date, time and place of the facilitation and to determine the ground rules for conducting the proceeding. Ground rules include start and end times, timing and length of breaks, dress preferences (uniform or civilian clothing), and similar procedural issues unrelated to the complaint itself.

2.2.10. The facilitator will inform each party's chain of command of the outcome of the facilitation within three duty days of its completion.

2.2.11. The facilitator shall explain to the disputants that facilitation is an alternative informal process to resolve concerns or allegations of unlawful discrimination and sexual harassment (workplace-related only), and ensure the disputants understand the benefits of using ADR and interest-based negotiations to assist them in resolving their dispute.

2.2.12. An ADR Specialist will not participate in formal cases, clarifications, investigations or investigation assistance when they have been a party to or acted as facilitator in a previous case involving the disputants.

2.2.13. The EO office will coordinate with their respective MAJCOM EO Strategic Advisor prior to facilitating complaints involving O-6s, O-6 selects, and senior officials.

2.2.14. The ADR Manager will ensure servicing legal office reviews all agreements for legal sufficiency.

2.2.15. The facilitator will terminate the facilitation process when disputants reach an impasse or deadlock and the two parties cannot resolve the issue to the satisfaction of the disputants. The facilitator will advise the disputants of alternative grievance procedures.

2.2.16. If a facilitation agreement is breached, the complainant may file a formal complaint of unlawful discrimination as established in this instruction.

2.2.17. Once approved as legally sufficient, attach a copy of the final facilitation agreement to AF Forms 1587-1 or 1587, as appropriate, and keep on file in the EO office. Additionally, provide a copy of the facilitation agreement to the ADR Manager.

2.2.18. Ensure the final agreement only addresses the resolution or the complaint. Do not include references to any specific allegations in the final agreement.

2.2.19. Mark all included documents, “FOR OFFICIAL USE ONLY”.

2.2.20. Maintain facilitation records on file for 2-years IAW AF Records Disposition Schedule. (Currently at **http://www.af.mil/shared/media/document/AFD-080429-051.pdf**)

2.2.21. The facilitator will prepare final agreements, which may be handwritten, for signature by the complainant and approval authority to expedite timely resolution. Include a statement that the agreement is subject to legal review and command approval. The facilitator will prepare formal official typed agreements for the disputants as soon as practical and submit to servicing legal office for review.

2.2.22. In Military EO cases, the EO office will follow up on facilitation cases at least once within 30 calendar days after the resolution of the case to ensure reprisal does not occur and the parties adhere to the agreement. The EO office will document follow-ups in Block 16, of AF Form 1587-1 or Block 34, AF Form 1587. In the event the EO office discovers one of the parties is not adhering to the agreement, the EO specialist will inform the commander(s) of the parties involved.

2.2.23. Facilitation may be conducted only by an individual who has successfully completed an approved Air Force, or comparable, facilitation training course. For AF employees and members, qualifying facilitation training will be documented in their training record and AF EO IT system.

Chapter 3

MILITARY EQUAL OPPORTUNITY (MEO) ASSISTANCE AND COMPLAINT PROCESSING

Section 3A—Military EO Informal Assistance

3.1. Conducting Informal Assistance.

3.1.1. Informal assistance may include military EO referrals, non-military EO ADR and requests for military EO program information, to include third party concerns (e.g., commander, supervisor, co-worker or witness) with an allegation of unlawful discrimination or sexual harassment. The EO office will provide assistance (e.g., referral to chain of command, commander, etc.) and document the visit on the AF Form 1271 (see sample AF Form 1271 at Attachment 2). Do not document specific allegations of unlawful discrimination or sexual harassment or the name of the alleged offender or witness on the AF Form 1271.

3.1.2. Instructions for completing the AF Form 1271, blocks not covered are self explanatory:

3.1.2.1. Block 8: Category of Assistance. Check "Out and About" when the EO staff conducts an Out and About, refer to chapter 15, paragraph 15.1.3. for details. Check "EO General Assistance/Contact" when the EO staff provides assistance that is related to the EO program, such as when a person requests information on how to file an EO complaint. Check "Non EO Assistance" when the EO staff provides assistance that is not directly related to the EO program, such as when a person asks for advice on how to resolve a general work place dispute. Check "Briefing" when the EO staff provides a briefing for a commander's call, or similar venue, also include the number of people briefed. Do not record HRE classes to include KPBs as briefings. Check "Subject Matter Expert" when an EO specialist serves as an advisor during an EO related investigation, refer to Para 3.3. Check "UCA" to record when the EO staff completes a UCA; include the UCA type and the number of personnel in the unit. Check “Special Observance” when the EO staff provides advice or support to special observance committees. Check “Non-EO Mediation” when the EO staff conducts mediation with non-EO related issues.

3.1.2.2. Block 9: Summary of Concern. Enter a brief summary of why the person contacted the EO office and what the concern is.

3.1.2.3. Block 10: Summary of Assistance. Briefly describe the assistance that was provided, such as suggested course of action to resolve the concern or information provided to the person. Ensure the military EO program scope and limitations are explained.

3.1.2.4. Block 12: Follow-up Actions. Precede each entry with the date. Document all follow-up actions the EO office takes to resolve the issue or concern. The initial follow-up with the customer (military and civilian) will take place within 5 duty-days after initial contact. If required, additional follow-up services will take place in 5 duty-day increments until the customer requests no further assistance. (**Exception:** When ADR is used to resolve a non-EO issue, conduct follow-up within 30 days). Do not cut and paste

a person's memo or email into any area of the AF Form 1271. The EO specialist should briefly summarize any correspondence obtained during the course of providing assistance.

3.1.2.5. Block 13: Time Spent. Document the total time spent. This includes the initial contact and all follow-up time. Time spent should be documented as follows: 15 min = .25, 30 min = .50, 45 min = .75, 1 hour = 1.0.

3.1.2.6. Block 16: Date Closed. Enter the date the customer requests no further assistance.

3.1.3. If the EO office conducts non-EO facilitation, attach the written agreement to the AF Form 1271.

3.2. Commander Worked Issues (CWI).

3.2.1. Commanders, first sergeants and supervisors are encouraged to address allegations of unlawful discrimination or sexual harassment within their unit only when a potential complainant has not filed a military complaint with the EO office.

3.2.2. If a potential complainant attempts to file a complaint with the EO office and the EO office becomes aware that a complaint was worked within the unit or as a CDI, the EO office will only accept and process the complaint with the concurrence of the installation/center commander (director).

3.2.3. If a CDI is conducted, the EO specialist should be used as Subject Matter Expert (SME), and provide assistance in developing interview questions, analyzing evidence and reviewing the draft Report of Investigation (ROI) before it is submitted to SJA for review. The EO specialist will document SME assistance on the AF Form 1271. **Note:** The EO specialist providing SME assistance must not participate in any subsequent formal military EO or IG complaint related to the original CDI (refer to Para 3.3. for additional SME guidance).

3.2.4. Commanders will provide the EO office a written memorandum regarding military EO issues worked within the unit, to include CDIs. The memorandum will include the specific allegation(s), the complainant(s) and alleged offender(s) demographics (e.g., name, race, Hispanic declaration, sex, rank, and AFSC), outcome and action taken. The EO office will file the memorandum in the unit continuity folder. See EO Community of Practice (CoP) for sample memorandum.

3.2.5. Document all CWI's on an AF Form 1587-1. Include all specific allegations in block 9. Annotate "Commander Worked Issue" in block 15. Document the outcome and any corrective actions taken in Block 16.

3.3. The EO Specialist Role as Subject Matter Expert (SME).

3.3.1. Provide SME assistance for CDI's or other investigations when the allegations are within the military EO purview of unlawful discrimination based on, race, color, national origin, religion, or sex or sexual harassment.

3.3.2. When the appointing authority directs a military EO related investigation, the Investigative Officer (IO) or appointing authority must request subject matter expertise or assistance from the appropriate level EO office. The appointment letter will identify an EO specialist as the point of contact to assist the IO during the investigation.

3.3.3. Subject matter expertise, advice and assistance to the unit and/or IO should be provided throughout the investigation process. Assist the IO in framing issues and allegations, identifying relevant standards and definitions, and evaluating the evidence.

3.3.4. Review the ROI to ensure key facts and supporting documentation submitted by the complainants, alleged offenders, witnesses, statements and official documents are part of the official Air Force record.

3.3.5. Assist the IO in addressing all allegations involving unlawful discrimination or sexual harassment. **Note:** The EO director will verify the IO addressed all allegations of unlawful discrimination or sexual harassment before the OI submits the ROI to SJA.

3.3.6. Document any previous attempts to resolve the allegations and incidents of unlawful discrimination or sexual harassment in the ROI (e.g., chain of command, ADR, etc.)

3.3.7. Document all SME assistance on the AF Form 1271.

Section 3B—Military EO Informal Complaints

3.4. Objective. The purpose of the Military Equal Opportunity (EO) Informal complaint process is to attempt resolution at the lowest possible level.

3.5. Scope of Program. The military EO informal complaint program addresses allegations of unlawful discrimination on the basis of race, color, national origin, sex, religion, or sexual harassment. Military informal EO complaints will be documented on an AF Form 1587-1 (see attachment 3 to reference proper format for completing an AF Form 1587-1).

3.6. Proper Complainants. Only military personnel, their family members and retirees may file military informal EO complaints. Additionally, to file a complaint an individual must be the subject of the alleged unlawful discrimination or sexual harassment. Third parties, to include commanders, supervisors or co-workers, may not file an informal complaint on behalf of another individual. The EO office will refer all third party individuals who are aware of specific allegations of military EO policy violations to their respective chain of command and document on the AF Form 1271 as a EO General Assistance/Contact (see paragraph 3.1.1. of this instruction).

3.7. Exclusions. EO specialists will not accept military informal complaints from military members, family members or retirees if their concern is related to their off-base or DoD civilian employment. The EO specialist must immediately process all allegations of unlawful discrimination or sexual harassment filed by DoD Civilians in the civilian EEO process.

3.8. Time Limits for Filing Military EO Informal Complaints. There is no time limit for filing informal complaints and no requirement for commander approval before accepting informal complaints older than 60 days.

3.8.1. If an informal complaint is filed more than 60 calendar days after the alleged offense, the EO office must brief the complainant during the initial interview that, in order to file a formal complaint, the IC would need to waive the time limits for the formal complaint for good cause based on a memorandum with sufficient justification provided by the member and submitted through the EO office.

3.9. Counseling of Potential Complainants. The EO office will explain the military EO process using the complaint intake checklist (refer to EO CoP for checklist) and advise potential complainants of their rights. The EO specialist will document that the complainant was briefed on the process and their rights in Block 15 of the AF Form 1587-1.

3.9.1. Potential complainants will be counseled on whether they are a proper complainant, whether their allegation can be accepted in the military EO complaint process and of informal resolution options (see paragraph 3.10 for resolution options).

3.9.2. Complainants will be made aware the EO office does not have the privilege of confidentiality with respect to allegations of unlawful discrimination or sexual harassment, however, all information provided will be for official use only and the privacy of individuals will be protected to the extent permitted by law, directive, instruction, and policy.

3.9.3. Complainants with allegations of unlawful discrimination or sexual harassment will be advised that the EO office will document the allegation(s) and all information concerning the case and follow up every 5 duty days until closure.

3.9.4. Complainants will be directed to report to the IG any form of reprisal for contacting the EO office or for filing a complaint.

3.9.5. Complainants will be advised that disclosure of case file information falls under the FOIA and Privacy Act guidelines.

3.9.6. Complainants will be advised that if their concerns have not been resolved, the complainant may opt to file a formal complaint.

3.10. Complainant's Options to Address Concerns in the Informal Process. The EO specialist should not discourage an individual from filing a complaint, but should provide the complainant with the options available to them.

3.10.1. Potential complainants may use the chain of command (e.g., request assistance from their supervisor, first sergeant or commander) to informally resolve unlawful discrimination and sexual harassment complaints.

3.10.2. Potential complainants may orally address or prepare written correspondence to the alleged offender advising him or her of the perceived inappropriate behavior with a clear message that continuation of that behavior may result in formal complaint action.

3.10.3. Potential complainants may request intervention by a co-worker.

3.10.4. Potential complainants may opt for the ADR process to mutually resolve disputes.

3.11. The EO Office Responsibilities in the Informal Process. In addition to the counseling discussed above, the EO office will:

3.11.1. Ensure the complainant identifies the type of discrimination that is alleged to have occurred. The EO specialist must check at least one of the blocks: Race, Color, National Origin, Sex, Religion or Sexual Harassment, based on the initial interview with the complainant. For sexual harassment complaints, also indicate the primary nature of the case. Options for the nature of complaint are: Verbal (slurs, inferences), Nonverbal (gestures, pictures, notes), Physical (Pinching, unwanted touching, physical advances) or Other (specify in Block 9 of the AF Form 1587-1).

3.11.2. Ensure the complainant provides specific allegations of unlawful discrimination or sexual harassment. The EO specialist will frame the allegations in Block 9, of the AF Form 1587-1 with the concurrence of the complainant. In all cases, include specifics, i.e., who, what, when, where, how and why the complainant believes unlawful discrimination or sexual harassment has occurred. Do not simply attach a complainant's written statement to the AF Form 1587-1 or enter "See Attached" in this block.

3.11.3. The EO specialist must annotate the rationale for accepting the complaint and indicate the overall impact the allegations have had or may have on the complainant, the organization or the installation HRC in Block 15.

3.11.4. The EO specialist will have the complainant sign Block 12 of AF Form 15871. **Note**: If a complainant makes allegations of unlawful discrimination or sexual harassment, but does not want to file a complaint, a signature is not required in Block 12. The EO specialist should summarize the complainants' intentions in Block 15.

3.11.5. Notify the complainant's commander and the alleged offender's commander of the informal complaint and document in Block 16.

3.11.6. Inform the alleged offender's commander on his or her responsibility to protect the complainant's identity.

3.11.7. Conduct follow-up actions at least every 5 duty days and document in Block 16. (**Exception:** When an EO informal case involves ADR, conduct follow-up as stated in Chapter 2, paragraph 2.2.23).

3.11.8. Document any other actions taken during the informal process in Block 16. All entries should be preceded with a date.

3.11.9. Conduct a final follow-up. Determine whether the complainant has decided his/her allegation(s) has been resolved, not resolved, or the complainant elects to file a formal complaint. The EO specialist will annotate the complainant's decision in Block 17. If the complainant determines his/her allegation(s) has not been resolved and does not elect to file a formal complaint, annotate the justification in Block 16 and brief the complainant on the option to file a formal complaint as the next level of resolution. If the complaint is filed more than 60 calendar days after the alleged offense, the EO specialist must brief the complainant that in order to file formal the installation commander/center commander (director) would need to waive the time limits for the formal complaint for good cause based on a memorandum with sufficient justification provided by the member and submitted through the EO office.

3.11.10. An informal complaint is considered closed on the date the EO specialist conducts a final follow-up with the complaint.

3.11.11. The EO Specialist will ensure case synopses are specific and fully detailed.

3.11.12. The EO director must review the complaint and sign Block 21.

3.11.13. Disposition. The EO office will maintain informal complaint case files for a 2-year period IAW with AF Records Disposition Schedule, Table 36-1, Rule 12.

3.12. Anonymous Complaints (Military). The EO office will document all anonymous military complaints of unlawful discrimination or sexual harassment on the AF Form 1587. However, there must be enough details provided from the anonymous source to clarify the allegations and indicate that the source is reliable. When sufficient details are not provided or the information/allegation(s) provided does not fall within the EO purview, document on the AF Form 1271 as EO General Assistance/Contact. The EO director has the responsibility of informing the appropriate commander and briefing her/him on the issues raised in the anonymous complaint. **Note:** Military members who visit the EO Office cannot choose to remain anonymous.

Section 3C—Military EO Formal Complaints

3.13. Objective. The purpose of the Military Equal Opportunity (EO) formal complaint process is for military members, retirees and their family members to formally present allegations of unlawful discrimination and sexual harassment to the EO office to attempt resolution.

3.14. Scope of Program. The military EO formal complaint program addresses allegations of unlawful discrimination on the basis of race, color, national origin, sex, religion, or sexual harassment. Military formal EO complaints will be documented on an AF Form 1587 (see attachment 5 to reference proper format for completing an AF Form 1587).

3.15. Proper Complainants. Only military personnel, their family members and retirees may file military formal EO complaints. Additionally, to file a complaint an individual must be the subject of the alleged unlawful discrimination or sexual harassment. Third parties, to include commanders, supervisors or co-workers, may not file a formal complaint on behalf of another individual. The EO office will refer all third party individuals who are aware of specific allegations of military EO policy violations to their respective chain of command and document on the AF Form 1271 as an EO General Assistance/Contact (see paragraph 3.1.1. of this instruction).

3.16. Exclusions. EO specialists will not accept military formal complaints from military members, family members or retirees if their concern is related to their off-base or DoD civilian employment. The EO office will brief the complainant on alternative complaint channels and the referral source to address allegations that do not fall under the military EO purview. The EO specialist must immediately process all allegations of unlawful discrimination or sexual harassment filed by DoD Civilians using the civilian EEO complaint process (refer to Chapter 4 of this instruction).

3.17. Time Limits for Filing Military EO Formal Complaints. The EO office will not accept a complaint more than 60 calendar days after the alleged offense occurred unless the installation/center commander (director) approves. The installation/center commander (director) may waive the time limits for good cause based on a memorandum with sufficient justification provided by the member and submitted through the EO office. (AFRC/ANG units must file complaints within 6 Unit Training Assemblies (UTAs).

3.18. Counseling of Potential Complainants. The EO office will explain the military EO process using the complaint intake checklist (refer to EO CoP for checklist) and advise potential complainants of their rights. The EO specialist will document that the complainant was briefed on the process and their rights in Block 19 of the AF Form 1587.

3.18.1. Potential complainants will be counseled on whether they are a proper complainant, whether their allegation can be accepted in the military EO complaint process.

3.18.2. Complainants will be made aware the EO office does not have the privilege of confidentiality with respect to allegations of unlawful discrimination or sexual harassment, however, all information provided will be for official use only and the privacy of individuals will be protected to the extent permitted by law, directive, instruction, and policy.

3.18.3. Complainants with allegations of unlawful discrimination or sexual harassment will be advised that the EO office will document the allegation(s) and all information concerning the case and follow up every 5 duty days until closure.

3.18.4. Complainants will be directed to report to the IG any form of reprisal for contacting the EO office or for filing a complaint.

3.18.5. Complainants will be advised that disclosure of case file information falls under the FOIA and Privacy Act guidelines.

3.18.6. Complainants will be advised that they cannot withdraw their complaint without approval of the EO Director (see paragraph 3.28 for complaint withdraw procedures).

3.18.7. Complainants will be advised of their appeal rights.

3.19. The EO Office Responsibilities in the Formal Process. In addition to the counseling discussed above, the EO office will:

3.19.1. Ensure the complainant identifies the type of discrimination that is alleged to have occurred. The EO specialist must check at least one of the blocks: Race, Color, National Origin, Sex, Religion or Sexual Harassment, based on the initial interview with the complainant. For sexual harassment complaints, also indicate the primary nature of the case. Options for the nature of complaint are: Verbal (slurs, inferences), Nonverbal (gestures, pictures, notes), Physical (Pinching, unwanted touching, physical advances) or Other (specify in Block 13 of the AF Form 1587).

3.19.2. Ensure the complainant provides specific allegations of unlawful discrimination or sexual harassment. The EO specialist will frame the allegations in Block 13 with the concurrence of the complainant. In all cases, include specifics, i.e., who, what, when, where, how and why the complainant believes unlawful discrimination or sexual harassment has occurred. Do not simply attach a complainant's written statement to the AF Form 1587 or enter "See Attached" in this block.

3.19.3. The EO specialist must annotate the rationale for accepting or referring the complaint and indicate the overall impact the allegations have had or may have on the complainant, the organization or the installation HRC in Block 19.

3.19.4. The EO specialist will have the complainant sign Block 16.

3.19.5. Notify the complainant's commander and the alleged offender's commander of the formal complaint and document in Block 20.

3.19.6. Inform the alleged offender's commander on his or her responsibility to notify the alleged offender and to protect the complainant's identity (see paragraph 3.21 on briefing the alleged offender).

3.19.7. Conduct a follow-up with the complainant at least every 5 duty days to brief on the status of the complaint and document in Block 20. AFRC will advise complainant every UTA.

3.19.8. Document all actions taken during the formal process in Block 20. Tasks to annotate include, but are not limited to: when clarification began, when clarification was completed, when clarification report was sent to SJA for review, when legal sufficiency review was complete, when the EO office hand-carried the clarification report to the commander, and when the EO office received notification on any actions taken by the commander. All entries in Block 20 should be preceded with a date.

3.19.9. The EO Specialist will ensure case synopses are specific and fully detailed.

3.19.10. The EO director must review the complaint and sign Block 40 after the final follow-up has been accomplished.

3.19.11. Disposition. The EO office will maintain informal complaint case files for a 2-year period IAW with AF Records Disposition Schedule, Table 36-1, Rule 12.

3.20. Formal Military EO Complaint Clarification Process.

3.20.1. The complaint clarification includes interviewing or taking statements from persons (complainants, potential witnesses and alleged offenders) who may have information relevant to the case and gathering data from records or reports. The EO specialist may use information gathered from other investigations in conjunction with (but not in lieu of) their own clarification process to establish a preponderance of credible evidence. Credible evidence is defined as evidence that is believable, confirmed, corroborated, etc.

3.20.2. The EO specialist will coordinate all interviews with the commander (or designated representative) for all parties involved. The EO specialist must also coordinate with SJA and have installation commander/center commander (director) approval before conducting interviews involving members assigned to other branches of the Armed Forces, other agencies, contractors, or civilians. Additionally before interviewing any members of a bargaining unit, the EO specialist will contact the installation SJA and Labor Relations Offices to evaluate management obligations and potential limitations of their participation.

3.20.3. The EO specialist will develop an interview outline from the specific allegation(s) of unlawful discrimination or sexual harassment and forward the proposed interview questions and allegations to SJA for informal review/feedback prior to conducting interviews. The interview outline should include open-ended questions and provide witnesses with the

opportunity to evaluate the complainant's allegations and provide additional evidence that assists in evaluating whether the facts meet the elements of the definition of the alleged violation(s). EO specialist may deviate from the outline as necessary to ask follow up questions and explore issues. The date and name of the witness being interviewed will be entered in Block 20.

3.20.4. Disclosures made during military EO complaints are for official use only but do not have any privilege of confidentiality. The EO specialist will advise complainants that EO professionals will discuss the case as necessary with appropriate officials and witnesses in an effort to resolve the issues. EO Specialist will not disclose the identity of a complainant without the consent of the individual, unless such disclosure is necessary during the course of the clarification or required by law or regulation.

3.20.5. When interviewing witnesses, advise them the EO specialist is conducting a clarification into an allegation of unlawful discrimination or sexual harassment.

3.20.6. At the conclusion of the interview, the EO specialist will ask the witness to write a witness summary statement (refer to EO CoP for sample witness statement). The EO specialist may assist a witness (i.e., provide computer support, type as the witness talks), but the witness must author and sign the statement. **Note**: A witness may have a copy of his or her witness statement. However, the EO specialist will not release the list of interview questions.

3.20.7. If during the interview, the EO specialist determines that a military witness (not a suspect) may have divulged self-incriminating information, the EO specialist will allow the witness to continue talking but ask no further questions. When the witness has finished talking, suspend the interview and coordinate with the SJA prior to continuing the interview. The EO specialist must coordinate with the SJA prior to any rights advisement.

3.20.8. After the EO specialist completes the interviews and gathers all required information and evidence, the EO Specialist must write the clarification report (see EO CoP for sample clarification report).

3.20.9. If the clarification results in a determination that a preponderance of credible evidence indicates that an EO violation has occurred, the complaint is substantiated. Forward all cases to SJA for legal sufficiency review. After the legal review, the EO office forwards the complaint clarification report to the offender's commander for review/action and to the complainant's commander for review. The complaint clarification report must contain information sufficient to enable the commander to take action to eliminate unlawful discrimination or sexual harassment. The commander must provide the EO office a summary of any action(s) taken. **Note:** If at least one allegation is substantiated overall, the complaint clarification is considered substantiated.

3.20.10. If the complaint clarification does not substantiate the allegations of unlawful discrimination or sexual harassment by a preponderance of credible evidence and JA concurs, the EO office will forward the clarification report to the alleged offender's commander for review and to the complainant's commander for final review and coordination.

3.20.11. The alleged offender's commander must brief the alleged offender of the outcome/findings of the complaint.

3.20.12. The EO office will brief the complainant (except Privacy Act information) on the outcome of the complaint and his or her rights. The complainant must initial each area in Block 27.

3.20.13. A formal complaint is considered closed when the complainant signs Block 29 of the AF Form 1587.

3.20.14. Conduct a final follow-up. The EO office must contact the complainant within 30 calendar days after the complainant signs Block 29. In all cases the EO office must follow-up to ensure reprisal has not occurred. In substantiated cases, the EO office will conduct follow-up to ensure the offender has stopped the acts of unlawful discrimination or sexual harassment. Follow-up actions will be annotated in Block 34.

3.20.15. The EO office will continue to process complaint clarifications from complainants who separate or retire before, or during, the complaint clarification process.

3.20.16. The EO office will notify AFPC EO when assistance is required with interviewing any witnesses or the alleged offender stationed at another installation. The EO office will send a copy of the AF Form 1587 and all proposed questions to AFPC/EO and courtesy copy the MAJCOM EO Strategic Advisor. AFPC/EO will coordinate with the installation to provide the assistance. The assisting EO office will send the completed questions back to AFPC/EO and document their assistance on the AF Form 1271 as a General EO Assistance.

3.21. Briefing the Alleged Offender. Upon notification by the EO office that a formal military EO complaint has been filed against a member of the commander's unit, the commander informs the alleged offender(s) that they are the subject(s) of a formal military EO complaint, the general nature (e.g., racial discrimination, sexual harassment) of the allegations made against them, and that the EO office will be performing a formal complaint clarification. The commander must make every effort to protect the complainant's identity or demographics and refrain from providing specific details contained on the AF Form 1587 to the alleged offender. The commander must also caution the alleged offender against taking reprisal or other retaliatory actions against the complainant or witnesses if he/she suspects their identity. The commander must caution the alleged offender not to discuss the case with others during the clarification process. The commander will inform the alleged offender the EO office will conduct impartial interviews of potential witnesses and advise the alleged offender that he or she may provide the names of potential witnesses to the EO office and that s/he will be given an opportunity to respond to the allegations. Commanders must notify the EO office after briefing the alleged offender.

3.22. Rights Advisement for Alleged Offenders (Military EO Complaint Clarifications).

3.22.1. The EO office must consult with SJA on rights advisement issues, including the need to provide rights advisement and possible UCMJ violations, prior to interviewing an alleged offender.

3.22.2. In the military EO Complaint Clarification process, do not advise civilians of their Fifth Amendment (Miranda) rights. Section 7114(a)(2)(B) of the Federal Service Labor-Management Relations Statute, 5 U.S.C. §§ 7101 et seq, codifies for federal employees the qualified right to union representation during investigatory interviews. If an employee requests union representation (Weingarten Rights), stop the interview and consult with the SJA and installation labor management relation official.

3.22.3. If, after coordination with the servicing SJA, the EO office determines that it is permissible to conduct an interview, the EO office informs the alleged offender that his or her cooperation in the interview process is strictly voluntary and he or she is free to leave at any time. If the individual declines to answer questions, asks to have a legal counsel or union representative present, or requests to leave at any time, the EO office terminates the interview and allows the individual to leave. The EO office will document on AF Form 1587, Block 20, and continue with complaint clarification.

3.22.4. The EO office will use AF Form 1168, *Statement of Suspect/Witness/Complainant*, when advising an alleged offender of his/her rights under Article 31.

3.22.5. If after coordination with the SJA, the EO office suspects the alleged military offender has committed an offense under the UCMJ, the EO office will advise the alleged military offender of rights against self-incrimination under Article 31, UCMJ, before conducting the interview. Use the following advisement of rights:

"*I am (grade and name as applicable). I am conducting a military EO Formal Complaint Clarification IAW AFI 36-2706, into the alleged offense(s) of which you are suspected: [detail offense(s) as advised by the SJA]. I advise you that under Article 31 of the UCMJ, you have the right to remain silent, that is, say nothing at all. Any statement you make, oral or written, may be used as evidence against you in a trial by court-martial or in other judicial or administrative proceedings. You have the right to consult a lawyer and to have a lawyer present during this interview. You have the right to military counsel free of charge. In addition to military counsel, you are entitled to a civilian lawyer of your choosing, at your own expense. You may request a lawyer at any time during this interview. If you decide to answer questions, you may stop the questioning at any time.*"

3.22.6. After the EO office has given the rights advisement, to ensure any waiver of rights is knowing and voluntary, the EO office must ask and receive answers to the following questions except as noted below:

Do you understand your rights? (If the member does not understand, determine the misunderstanding and explain it to them.)

Do you want a lawyer? (If the member requests a lawyer, immediately stop the interview.)

Do you wish to exercise your right to remain silent? (If the member wishes to remain silent, immediately stop the interview.)

Do you want to make a statement voluntarily and of your own free will? (If the member says "no," immediately stop the interview.)

3.22.7. If after a rights advisement, the alleged offender refuses to make a statement or requests legal counsel, the EO specialist must terminate the interview. The EO specialist will immediately contact SJA for additional guidance and brief the alleged offender's commander. Do not contact the alleged offender or release case files to the ADC. The EO specialist will document delays on AF Form 1587, Block 20.

3.22.8. If the individual waives his/her rights, proceed with the interview.

3.22.9. If, during a complaint clarification, a witness (not a suspect) makes an incriminating statement, allow the witness to finish, but ask no further questions. When the witness has finished talking, suspend the interview, brief the EO director, and coordinate with SJA for

further guidance prior to continuing the interview. The EO specialist must coordinate with SJA prior to any rights advisement. The EO office includes the AF Form 1168 as an attachment to the clarification report.

3.23. Policy Regarding Complainant/Alleged Offender/Witness Hand-offs. The following outlines Air Force policy regarding interviewing alleged offenders, complainants of alleged allegations of unlawful discrimination and sexual harassment and witnesses.

3.23.1. The hand-off policy is intended to act as a safety net to complainants, alleged offenders or witnesses who might be so emotionally distraught during or at the conclusion of an interview as to pose a danger to themselves or others. The EO office must conduct a hand-off if the subject appears to be sufficiently disturbed by the interview. These hand-offs require person-to-person contact between the EO staff and the responsible commander, first sergeant, supervisor, or designee.

3.23.2. The hand-off must be documented at the end of the interview in Block 20 of the AF Form 1587.

3.24. Formal Military EO Complaint Clarification Processing Requirements.

3.24.1. Process all unlawful discrimination complaint clarifications within 20 duty days:

3.24.1.1. The EO staff must complete the complaint clarification within nine duty days. AFRC will conduct a complaint clarification within three UTAs.

3.24.1.2. Six duty-days are allotted for legal sufficiency review. SJA will conduct a legal sufficiency review on all cases. Upon completion of the review, check the box notating whether SJA does or does not concur with the findings of the clarification report. SJA will provide the EO office with a Legal Sufficiency Review Memorandum on whether a preponderance of credible evidence supports a violation of the military EO policy. AFRC/ANG will allow 2 UTAs for a legal sufficiency review.

3.24.1.3. The alleged offender's commander is allotted five duty-days to provide the EO office a description of corrective actions in substantiated complaints. If the commander provides intended corrective actions, follow-up in 30 duty days. If the intended action differs from final action, document those changes on AF Form 1587 and any subsequent reports when applicable. AFRC will allow one UTA for commander’s action.

3.24.2. The EO director may grant extensions in five duty day increments to the EO office, SJA, and alleged offender’s commander. AFRC may grant extensions in three UTA increments.

3.24.3. Extension requests must be submitted to the EO director verbally or through memorandum. The EO specialist will document the basis for the extension request in Block 20 of the AF Form 1587 and brief the complainant.

3.24.4. If the complaint clarification is not completed within 20-duty days, the EO director will inform the installation/center commander (director) and provide him/her an update of the clarification every 14 duty-days until the case is closed. AFRC will inform the installation commander if the clarification is not completed within five UTAs.

3.25. Formal Sexual Harassment Complaints and Investigations, Title 10, United States Code, Section 1561 Guidelines.

3.25.1. These provisions apply to processing formal complaints of sexual harassment filed by active duty military personnel only.

3.25.2. Within 72 hours after the receipt of a formal complaint of sexual harassment, the EO office completes the following actions:

3.25.2.1. The military EO complaint clarification is the preferred method to resolve complaints under Section 1561. A CDI or IG investigation may be appropriate for allegations involving sexual harassment combined with other forms of misconduct. In such cases, the EO director will advise the installation/center commander (director) of his/her right to direct a military complaint clarification, or refer the matter to the IG office. The EO office will document the commander's decision and determine whether the complainant concurs or non-concurs with allegations being addressed via CDI or IG investigation. Annotate concurrence/non-concurrence on AF Form 1271.

3.25.2.2. The EO office will forward a synopsis of each military EO formal sexual harassment case to the General Court Martial Convening Authority (GCMCA) through the installation/center commander (director). Typically, the GCMCA is the Numbered Air Force (NAF) Commander or equivalent.

3.25.2.2.1. Each GCMCA may designate a responsible official as the OPR to receive these cases. When appointed, the responsible official must ensure each case is reviewed by the GCMCA.

3.25.3. Initial and Follow-on Reports.

3.25.3.1. Initial and follow-on reports will contain a case synopsis that must be specific and outline each allegation of sexual harassment.

3.25.3.2. Initial and follow-on reports will not contain the identities of the complainant(s) or alleged offender(s).

3.25.4. Final Reports.

3.25.4.1. Upon completion of the complaint clarification or investigation, the installation/center commander (director) will submit a final report of the results to the GCMCA. The report will include the following:

3.25.4.1.1. Findings, showing whether allegations were substantiated or unsubstantiated. If substantiated, describe corrective and/or disciplinary actions taken.

3.25.4.1.2. The identities of the complainant(s) and offender(s) in substantiated cases.

3.25.5. For IG investigations, the IG or the investigating officer will notify the EO office of the results of the investigation and prepare the final report to the GCMCA.

3.25.6. The GCMCA will forward the final report to the respective MAJCOM. (Refer to EO CoP for sample initial/follow-up and final reports).

3.25.7. Section 1561 Complaint Clarification/Investigation Timelines:

3.25.7.1. Process sexual harassment complaint clarifications within 14 duty-days in accordance with the schedule in 10 USC 1561. AFRC will process sexual harassment complaints within five UTAs.

3.25.7.2. Allow six duty-days for EO staff to conduct the complaint clarification. AFRC will conduct complaint clarification within three UTAs.

3.25.7.3. Allow four duty-days for legal sufficiency review. SJA will conduct a legal sufficiency review on all cases. Upon completion of the review, check the box notating whether SJA does or does not concur with the findings of the clarification report. SJA will provide the EO office with a Legal Sufficiency Review Memorandum on whether a preponderance of credible evidence supports a violation of law, policy, regulation, or instruction. AFRC will allow two UTAs for a legal sufficiency review.

3.25.7.4. Allow four duty-days for the commander to provide the EO office a description of corrective actions. If the commander provides intended corrective actions, follow-up in 30 calendar days. If the intended action differs from final action, document those changes on AF Form 1587 and any subsequent reports when applicable. AFRC will allow one UTA for commander's action.

3.25.8. Requesting Extensions.

3.25.8.1. The EO director may grant extensions in 5 duty-day increments to the EO office, SJA and alleged offender's commander. AFRC may grant extensions in three UTA increments.

3.25.8.2. The agency needing an extension must contact the EO director verbally or through memorandum. The EO specialist will document the basis for the extension on AF Form 1587, Block 20 and brief the complainant.

3.25.8.3. If the case is not complete after the 14 day complaint clarification standard has expired, the EO director will apprise the installation/center commander (director) every 14 duty-days of the status of the case and of all additional and subsequent requests for extensions. AFRC will apprise the installation commander if the case is not completed after five UTAs, then notify the installation commander every UTA thereafter.

3.26. Election of Facilitation in the Military Formal Complaint Process.

3.26.1. The complainant has the option to elect the use of facilitation to resolve concerns at any stage of the formal process prior to the completion of the clarification report.

3.26.2. Prior to approving facilitation, the EO director (or designee) will consult with SJA to determine the appropriateness.

3.26.2.1. Facilitation may not be appropriate if the following conditions exist:

3.26.2.1.1. The facilitation has an adverse impact on morale, readiness, or the mission.

3.26.2.1.2. A determination is made that the complaint should be reserved for command action (either administrative or UCMJ action).

3.26.2.1.3. If there is a potential for violence in the workplace to occur.

3.26.3. If the EO director (or designee) determines the complaint is appropriate for facilitation, and the complainant elects facilitation, the EO specialist must advise the complainant of the following process:

3.26.3.1. The EO specialist will notify the appropriate commander(s) advising him/her of the complainant's desire to resolve the issue through facilitation.

3.26.3.2. The EO specialist will advise the appropriate commander(s) to notify the alleged offender of the complainant's desire to resolve the issue through facilitation and ascertain whether he/she is willing to participate in the facilitation process.

3.26.3.3. If the alleged offender agrees, the EO specialist will coordinate the facilitation.

3.26.3.4. The complainant and alleged offender will be advised that a facilitation agreement between them can only be enforced through willful compliance of both parties.

3.26.3.5. If the complainant and alleged offender elect to participate in facilitation, and there is a mutual resolution, the EO specialist will document the resolution in Block 20 of AF Form 1587, check Facilitation in Block 21 to change the case identifier from "FC" to "FF" and close the complaint. **Note:** The EO specialist will inform the responsible commander(s) of the resolution of the complaint (to include specific information concerning any agreement reached).

3.26.3.6. The complainant and alleged offender will be advised that commanders retain the right to take administrative or corrective action they deem appropriate at any time.

3.26.3.7. If the complainant believes the facilitation agreement has been breached, the complainant must notify the EO director (or designee) in writing, within 30 duty days of the date the complainant became aware of the alleged breach.

3.26.3.7.1. Within 14 duty days, the EO director (or designee) must attempt to resolve the matter of concern and coordinate his/her findings and recommendations through the SJA to the complainant's commander.

3.26.3.7.2. If the complainant's commander determines that no breach has occurred, he/she will inform the complainant in writing of that determination.

3.26.3.7.3. If the complainant's commander determines a breach has occurred, he/she will, within 5 calendar days, either resolve the breach or inform the complainant in writing of his/her right to file a formal complaint.

3.27. Resolving Differences over Military EO Complaints. When the EO office and SJA disagree over whether to substantiate unlawful discrimination or sexual harassment, the EO director will forward the case to the installation/center commander (director) who will make the final determination concerning the military EO violation. The EO director will advise all commanders involved and document on the AF Form 1587 (Block 20) when they forwarded the military EO case file to the installation/center commander (director) for final disposition or determination of a violation.

3.28. Withdrawing Military EO Formal Complaints.

3.28.1. The EO director serves as the authority for withdrawing complaints. An individual requesting to withdraw a complaint must provide the request to the EO director in writing.

The EO director should attempt to discuss this decision with the complainant to make sure the complainant was not pressured or coerced to withdraw the complaint.

3.28.2. The EO specialist will brief the complainant's commander and the alleged offender's commander the complainant withdrew the complaint. It is the responsibility of the alleged offender's commander to notify the alleged offender that the complainant has withdrawn the complaint.

3.28.3. The EO specialist will document the withdraw action in Block 20 of the AF Form 1587 and close the case.

3.28.4. The EO specialist will maintain complaint files for a 2-year period IAW with AF Records Disposition Schedule, Table 36-1, Rule 12.

3.29. Air Force Sexual Harassment/Unlawful Discrimination Hotline Complaints Referred to EO Office for Clarification.

3.29.1. The Air Force Sexual Harassment/Unlawful Discrimination Hotline is operated by HQ AFPC/EO. AFPC/CC will forward hotline complaints to the respective MAJCOM vice commander for which the case pertains and copy the MAJCOM/A1.

3.29.2. The MAJCOM/A1 or designee will forward hotline complaint to the responsible installation commander/center commander (director) for action.

3.29.3. The installation/center commander (director) may forward the Hotline complaint to the EO office for clarification or may conduct a CDI.

3.29.4. When required, the EO office will conduct a complaint clarification on all allegations of unlawful discrimination or sexual harassment. The EO office will only clarify those allegations in the Hotline complaint that fall under the military EO purview. The EO office will document these complaints on the AF Form 1587.

3.29.5. The EO office will review Hotline referral complaints and frame each allegation in Block 13 of the AF Form 1587 prior to starting the clarification. When needed, the EO office will interview the Hotline complainant to clarify allegation(s) initially provided in the Hotline complaint.

3.29.6. The EO office will conduct a complaint clarification according to the procedures as prescribed in paragraphs 3.19 and paragraph 3.20 of this instruction.

3.29.7. The signature of the complainant is not required.

3.29.8. The EO office will forward the complaint clarification through the installation commander/center commander (director) to the MAJCOM EO Strategic Advisor.

3.29.9. The MAJCOM EO Strategic Advisor will review the clarification and forward the clarification to HQ AFPC/EO through the MAJCOM/A1 as prescribed by MAJCOM procedures. At a minimum, the MAJCOM/A1 must be the final approving official for Hotline complaints.

3.29.10. The EO office will maintain a copy of the Hotline complaint along with complaint clarification and legal sufficiency review utilizing the disposition directions found in AF Records Disposition Schedule.

3.29.11. The EO office will document this information on the AF Form 1587, block 20 and state "AF Hotline Complaint." The beginning comment in Block 20 will state, "AF Sexual Harassment/Unlawful Discrimination Hotline Complaint, Case File: [enter case file docket number]". Block 20 will state "Completed clarification and forwarded to MAJCOM".

3.30. Procedures Involving Joint Service and DoD Activities.

3.30.1. The Air Force will establish a memorandum of agreement with each agency or the host military Service responsible for implementing and administering military EO programs.

3.30.2. The EO office will encourage military personnel from all Services to resolve cases informally at the lowest level in the chain of command.

3.30.3. The EO office will afford individuals from other Services the opportunity to use their Service's military EO complaint and counseling systems.

3.30.4. When feasible, DoD and Joint Service agencies will establish and appoint a DEOMI qualified EO specialist to assist in the military EO complaint process and prepare initial reports for the commanders' review and disposition.

3.30.5. The Commander and the EO staff will publicize, display and ensure understanding and execution of all pertinent DoD and Service military EO policies and programs throughout the organization.

3.30.6. When handling allegations of unlawful discrimination at the informal level, the EO specialist must follow-up with the complainant within 5 duty-days. If an informal resolution has not been accomplished, the host Service or agency will advise the complainant on his/her option to file a formal military EO complaint with the host EO office. The complainant may also opt to refer his/her complaint to the individual's Service EO office for processing.

3.31. Military EO Complaints Involving Air National Guard (ANG) Personnel While On Active Duty (Title 10 Status).

3.31.1. The ANGRC EO Office will process complaints for Title 10 members assigned to the ANGRC, the National Guard Bureau, or any GSU aligned with the National Guard Bureau.

3.31.2. Prior to processing the complaint, as a courtesy, the EO office handling the complaint will inform the member's State Equal Employment Manager (SEEM).

3.31.3. The ANG member will file their complaint with the EO office where the alleged offense took place. If the alleged offense took place while the ANG member was deployed and the member decides to file a complaint upon return to their base, as long as the time required to file has not expired, the member should file at the closest active duty base in coordination with their SEEM.

3.31.4. After the complaint clarification process is complete, HQ AFPC/EO or installation commander/center commander (director) notifies the complainant, the Adjutant General of the complainant's state and NGB-EO of the outcome and whether unlawful discrimination or sexual harassment was substantiated. If the complainant is assigned to the National Guard Bureau or ANGRC, after the complaint clarification process is complete, the ANGRC EO office notifies the complainant and ANGRC commander of the outcome whether unlawful discrimination or sexual harassment was substantiated.

3.31.5. ANG personnel may file a complaint based on unlawful discrimination or sexual harassment that occurred while they were on Federal active duty even after their release from active duty.

3.31.6. Complaints Outside of Active Duty. When not on active duty, ANG personnel follow the complaint procedures of NGR 600-22/ANGI 36-3, *National Guard Military Discrimination Complaint System*.

3.32. Military EO Complaints Involving Air Force Reserve Command (AFRC) Personnel.

3.32.1. Complaints filed by Air Force Reserve Personnel during Active Duty Military Status. Follow the military EO complaint procedures outlined in this instruction for members on active duty, including active duty training and active duty work under Title 10, U.S.C and for members who are Air Guard and Reserve (AGR).

3.32.2. The EO office must refer concerns by Air Reserve Technicians and AGR under State regulations (SEEM) under Title 32, U.S.C. involving allegations of unlawful discrimination or sexual harassment to EEO process for resolution regardless of the status of the alleged offender.

3.32.3. Air Force Reserve personnel may file an Military EO complaint based on unlawful discrimination or sexual harassment that occurred while on Federal active duty, even after their release from active duty.

3.32.4. Complainants must file allegations of unlawful discrimination, including sexual harassment, with the EO office within 180 days of occurrence or six (6) UTAs. The installation/center commander (director) may waive the time limit for good cause based on a memorandum with sufficient justification provided by the member and submitted through the EO office.

3.32.5. Prior to filing a formal complaint with an active duty EO office, Reserve personnel will coordinate/consult with the AF Reserve EO office to ensure the complaint is processed with the component responsible for handling the case.

3.32.6. Timeliness for Processing Complaint Clarifications.

3.32.6.1. Process all complaint clarifications within five UTAs.

3.32.6.2. Allow three UTAs for EO staff to conduct the complaint clarification.

3.32.6.3. Allow one UTA for legal sufficiency review.

3.32.6.4. Allow one UTA for the commander to provide corrective action(s) or intended actions.

3.32.6.5. Requesting Extensions. The EO director may grant extensions of no more than 3 UTAs.

3.32.6.6. The agency needing an extension must contact the EO director and request the extension. The agency may request extensions verbally or through memorandum. The EO office will document the basis for the extension on AF Form 1587, Block 20 and brief the complainant.

3.32.6.7. The EO office will apprise the Reserve wing commander of the current status of the case during each UTA.

Section 3D—Immediate Referrals and Notifications

3.33. EO Office Responsibilities. The EO office must immediately refer all allegations of suspected criminal activity, such as assault, sexual assault, indecent exposure, obscene telephone calls, rape, child abuse, molestation or incest to OSI or SF and document on AF Form 1271 as Non-EO Assistance. In cases of sexual assault, the EO specialist will also make notification to the SARC indicating an immediate referral to AFOSI or Security Forces Investigations was made.

3.33.1. When the complainant does not disclose sexual assault allegations during the intake interview, but request a referral to the SARC, the EO specialist will terminate the interview and make an immediate referral to the SARC.

3.33.2. The EO specialist will immediately notify the SJA when they become aware of allegations of unlawful discrimination or sexual harassment that could result in UCMJ action against a military member or adverse action against a civilian employee, including complaints involving superior-subordinate relationships and/or of sexual harassment.

3.33.3. The EO office will refer all allegations of perceived or alleged harassment based on sexual orientation to the alleged offender's military commander for action. Such issues are not within the authority of the Air Force EO Program. The EO office will document the referral on the on the AF Form 1271.

Section 3E—Referral Complaints

3.34. Scope. A referral complaint is a complaint in which the type of allegations do not fall under the "authority or scope" of the EO office and as such, the EO office is not authorized to conduct a complaint clarification "(e.g. complaints against senior officials, complaints about AF policies or directives, AAFES complaints, complaints of reprisal, restriction, or improper mental health evaluations, etc (see Table 3.1)." However, for any complaints against senior officials, the EO office should conduct a sufficient complaint intake to conclude the senior officials are actually the alleged offender (i.e., that there can be a properly framed allegation the senior official violated an established standard (law, instruction or policy) by their actions or inaction in the complaint being reviewed). Information provided to SAF/IGS in the referral package should include exactly what standard is alleged to have been violated by the senior official.

3.34.1. The EO office will complete an AF Form 1587 on referral complaints and forward the case to the referral agency.

3.34.2. Apprise the complainant of the need for the referral and document the basis for the referral and specifics of the allegations on AF Form 1587.

3.34.3. The EO office will attach the AF Form 1587 to the referral memorandum (refer to EO CoP for sample referral memorandum) and forward to the appropriate agency. The installation/center commander will sign all referral letters.

3.34.4. The EO office will follow-up with the referral agency and complainant every 30-calendar days until final disposition is rendered. (AFRC will provide follow-up every UTA). Once follow-up is complete, document the results in Block 20, AF Form 1587, and close the case.

3.34.5. For cases involving senior officials, the EO office will close the case after conducting a sufficient complaint intake and refer to SAF/IGS. **Note**: SAF/IGS does not investigate civilian EO or Sexual Harassment allegations against senior officials, those matters will be worked within the appropriate EO channels. SAF/IGS does, however, investigate other military EO allegations against senior officials.

3.34.6. If the complainant is not satisfied with the final disposition of the case rendered by another agency, advise him/her they must use the grievance/complaint channel(s) of the system the complaint was processed in and document the advice on AF Form 1587.

3.35. Allegations Referred to the IG from the EO Office.

3.35.1. The EO office will conduct a clarification on allegations of unlawful discrimination or sexual harassment referred from the IG. The EO office will only clarify those allegations that fall under the military EO purview.

3.35.2. The EO office will document these complaints on AF Form 1587, code the case "FC" and complete the form, to include complainant's name and demographics. **Note**: Signature of the complainant is not required.

3.35.3. The EO office will frame each allegation in Block 13, of AF Form 1587. The EO office will interview the complainant to clarify allegation(s) initially provided in the IG complaint.

3.35.4. In some cases, IG may refer a matter to EO, but continue to investigate other allegations in a complaint. EO should consult with IG on whether EO may proceed with complaint clarification and/or investigation or suspend processing until conclusion of the IG investigation.

3.35.4.1. When EO completes its clarification, forward the report to the SJA for legal sufficiency review and then to the IG. The EO office will annotate any delays in the military EO complaint processing timelines in Block 20, AF Form 1587.

3.35.4.2. EO and IG may agree for IG to investigate the EO allegations. If so, once the IG investigation is completed, the IG must forward a summary of action(s) taken regarding military EO violations to the EO office for final disposition. The IG will out-brief the complainant.

3.36. Complaints Involving Colonels, Colonel selects, Civilian Equivalents, Installation/Center Commanders (Directors), Installation/Center Vice Commanders, Senior Officials (0-7 and above/Senior Executive Service [SE])), and other Complex Issues.

3.36.1. Complaints Involving Colonels, Colonel selects and civilian equivalents. The EO office will immediately notify the installation commander/center commander (director) and installation IG of military EO complaints against O-6/O-6 selects or civilian equivalents using the format found at attachment 17 of AFI 90-301. The installation/center commander must notify MAJCOM/IGQ and SAF/IGQ of EO complaints against O-6/O-6 selects and civilian equivalents. The EO office will conduct a complaint clarification and forward the clarification report, legal sufficiency review and a copy of any command actions and any rebuttal or statement provided by the subject to the local installation IG and SAF/IGQ IAW AFI 90-301. The EO office will brief the complainant on processing procedures for

complaints involving O-6/O-6 selects and civilian equivalents during the initial interview. (**Note**: AFRC EO specialists will consult MAJCOM and Numbered Air Force [NAF]).

3.36.2. Complaints Involving Installation/Center Commanders (Directors), and Installation/Center Vice Commanders. The EO office must coordinate with their respective MAJCOM EO Strategic Advisor prior to determining processing procedures for allegations against an installation/center commander (director) or installation/center vice commander (at AFRC bases include CCM). The MAJCOM EO Strategic Advisor, in conjunction with the MAJCOM/A1/IG/JA, will determine the complaint process (e.g., EO complaint clarification or CDI) to address the complaint. If a CDI is initiated, the MAJCOM EO Strategic Advisor will designate an SME from another EO office within the MAJCOM.

3.36.3. Complaints Involving Senior Officials (0-7 and above/Senior Executive Service (SES). There are special reporting requirements when an individual desires to file an EO complaint against a senior official. The EO office will immediately notify and refer all military EO complaints involving senior officials to SAF/IGS IAW AFI 90-301, table 1, rule 5. The EO office will forward a referral memorandum and an "RC" coded AF Form 1587 with framed allegations and complainant's signature to the IG. The EO office will brief complainants on the referral process during the initial interview. The EO office will conduct a sufficient complaint intake to conclude senior official involvement as an RMO who violated a certain standard. Senior officials should not be named as an RMO solely due to their position and decisions they make in the conduct of their official duties.

3.36.4. Complaints Involving Complex Issues. The EO office must notify the MAJCOM EO Strategic Advisor of all complex issues. Complex issues involve those complaints/incidents complicated in structure and/or consisting of interconnected parts (e.g., installation commander/center commander (director) is the direct supervisor of alleged offender, EO director is named as an alleged offender/potential witness, or EO specialist is named as an alleged offender, etc). The MAJCOM EO Strategic Advisor, in conjunction with the MAJCOM/A1/IG/JA, will determine the complaint process (e.g., EO complaint clarification or CDI) to address the complaint. If a CDI is initiated, the MAJCOM EO Strategic Advisor will designate an SME from another EO office within the MAJCOM.

Section 3F—Military EO Appeal Process

3.37. Informal Military EO Appeals.

3.37.1. Informal MEO Complaint Appeals. The sole mechanism to appeal the disposition of an informal complaint of unlawful discrimination or sexual harassment is to file a formal military EO complaint. Complainants must file their formal complaint (as an appeal) within 30 calendar-days after closure of the informal complaint (AFRC within one UTA). The installation commander/center commander (director) may waive the 30 calendar-day time limit for good cause based on a memorandum with sufficient justification provided by the member and submitted through the EO office.

3.37.2. Complainants or alleged offenders in "commander worked complaints" and CDIs that are reported to the EO office do not have appeal rights under this AFI. (See paragraph 3.2.2. for exception.)

3.38. Formal Military EO Complaint Appeals.

3.38.1. General guidelines.

3.38.1.1. Retirees and military family members may not appeal the findings of a formal complaint. Installation/center commander (director), MAJCOM/CVs, and SAF/MRB are authorized to render decisions on appeals that involve military EO formal complaints. SAF/MRB is the final review and appeal level for formal military EO complaints. EO offices will forward appeal packages via certified mail to AF/A1Q. AF/A1Q will ensure all documents are included and hand carry appeal packages to SAF/MRB. Appellants must submit appeals through the local EO office to the lowest level of command authorized to decide the appeal, e.g. to the installation commander/center commander (director) for appeals of installation-level cases. **Note**: The installation commander/center commander (director) is not disqualified from acting on an appeal by making a determination on resolving differences under paragraph 3.27.

3.38.1.2. Active duty complainants may appeal unsubstantiated findings; offenders may appeal substantiated findings.

3.38.1.3. Complainants and offenders must submit appeals through the EO office within 30 calendar days after notification of the result of the case. The installation/center commander (director) may approve the processing of an appeal submitted more than 30 calendar days after notification.

3.38.1.4. The military EO appeal process is not applicable to command action rendered under the UCMJ or any administrative process as a result of a substantiated complaint. When a commander initiates or has previously initiated action under the UCMJ or administrative process, that action takes precedence over any ongoing or contemplated appeal. In such circumstances, the applicable UCMJ or administrative appellate processes are the exclusive method of appeal of the UCMJ or administrative action. Commanders are not required to withhold command action while a military EO appeal is pending.

3.38.1.5. All appeals must be in writing and will contain no more than three single-spaced typewritten pages. The appellant may attach supporting documents to the written appeal.

3.38.1.6. The EO office will ensure the appeal authority receives a complete copy of the military EO case file, the written appeal, the legal review and an evaluation by the EO director of any new evidence presented in the appeal.

3.38.1.7. The appeal authority will base all decisions on appeals on the military EO case file and any additional written matters submitted with the appeal. The appeal authority may sustain or overrule any finding below or remand the matter for further fact finding.

3.38.1.8. Appeal authorities will issue written determinations briefly reporting the action taken on the appeal. The EO office will deliver the written appeal decision to the appellant and maintain a copy of the findings in the case file. If an appeal results in the appeal authority referring the case for further fact finding, the EO office will apprise the member who filed the appeal of this fact and inform them of the anticipated date of further action.

3.38.1.9. Members dissatisfied with the action on their appeal have 30 calendar days from receipt of an appeal determination to appeal to the next higher level. (AFRC units have two UTAs). Appellants will submit their appeals to the next higher level through the local EO office. The appellate authority may waive the 30-calendar-day time limit for good cause based on a memorandum with sufficient justification provided by the member and submitted through the EO office. **Note**: Except in extraordinary cases, there is no next-level appeal when the commander of both the complainant and the offender is the MAJCOM/DRU commander.

3.38.1.10. Record the results of all formal complaint appeals in the remarks section of the subsequent AF Form 3018. Information provided in the remarks section should include a brief synopsis of the complaint, the level of the appeal, and the determination of the appeal i.e. whether the appellate authority sustained the findings or overturned the findings.

3.38.1.11. For military EO complaints that resulted in an IG investigation, the complainant and alleged offender may only appeal through the IG appeal process. The IG will inform the EO office on the final determination of the appeal.

3.38.1.12. Complainants, offenders or alleged offenders may not use the IG system simply because they are dissatisfied with the outcome of a military EO case. The IG system is not an available channel of review unless there was an abuse or mishandling of the established process for appealing formal military EO complaints of discrimination. **Note**: The EO office must document all process actions and final results on AF Form 1587.

3.38.1.13. Active duty Air Force members who separate or retire from the Air Force after a complaint is closed may not appeal a formal complaint.

3.39. Formal Military EO Complaint Appeals at AFRC Bases.

3.39.1. The wing commander is the appeal authority for installation/center level complaints. Cases may be appealed to the MAJCOM/CV and SAF/MRB IAW paragraph 3.35.1.6.

3.39.2. Members dissatisfied with the action on their appeal will have two UTAs from receipt of an appeal determination to complete their appeal to the next appeal channel or level of command.

3.39.3. Follow-up. The EO office will follow-up with the complainant within two UTAs to determine if unlawful discrimination/sexual harassment has ceased or if they have experienced reprisal as a result of filing a complaint and document on AF Form 1587, accordingly.

3.39.4. Disposition. The EO office will maintain formal complaint case files for a two-year period IAW with AF Records Disposition Schedule, Table 36-1, rule 12.

Section 3G—Reprisal Complaints

3.40. EO Office Responsibilities. The EO office will immediately refer any military member who claims to have been subjected to reprisal for having made a protected communication, including an informal or formal Military EO complaint, to the installation IG and document on an AF Form 1271.

3.40.1. To deal effectively with reprisals in the Reserve, the EO office will extend follow-up on unlawful discrimination and sexual harassment cases to 1 year following conflict resolution.

Table 3.1. Military EO Complaint Processing Responsibilities.

RULE	If the complainant:	Then
1	**Alleges criminal activity such as assault, sexual assault, rape, indecent exposure, obscene phone calls or child abuse.**	Immediately coordinate the allegation of criminal activity with the appropriate law enforcement agency and servicing Staff Judge Advocate (see notes 1 and 2).
*2	**Alleges harassment based on sexual orientation.**	Immediately refer the complainant to the subject's military commander for action.
3	**Alleges unlawful discrimination or sexual harassment and the complainant is within the purview of military EO and not restricted by another rule and elects to file a formal complaint.**	Inform the complainant/alleged offender's commanders, consult SJA and conduct a complaint clarification. The alleged offender's commander will notify him/her of the allegations. Protect the complainant's identity to the greatest extent possible. Document on AF Form 1587.
4	**Is referred by the commander.**	Advise the complainant of his/her option to file a formal or informal military EO complaint.
5	**Alleges unlawful discrimination or sexual harassment against a senior official.**	Document allegations on AF Form 1587, and refer to SAF/IGS (see note 3 and Para 3.30.3.). Prior to referring cases to IGS, EO offices will comply with the requirement to perform a sufficient complaint intake IAW Paragraphs 3.36.3 & 3.34.5 and 3.36.3 of this instruction.
6	**Alleges unlawful discrimination or sexual harassment against an Air Force or subordinate command-level policy or directive ("Institutional discrimination").**	Document allegations on an AF Form 1587 and refer the case immediately to AFPC/EO. AFPC/EO will review the case and forward recommendations to AF/A1Q (see note 3). If the case involves subordinate command-level policy, the MAJCOM EO Strategic Advisor or agency will review the policy before forwarding to AFPC/EO.

RULE	If the complainant:	Then
7	**Alleges unlawful discrimination or sexual harassment against an off-base establishment other than a landlord or realtor.**	Prior to accepting complaint coordinate with MAJCOM EO Strategic Advisor to determine processing procedure. Request review by SJA and installation/center commander. Consider the impact on Status of Forces Agreement in foreign countries. Work through the base community council or Armed Forces Disciplinary Control Board, if appropriate. Document all formal complaints of unlawful discrimination on AF Form 1587 (see note 3).
8	**Submits allegations more than 60 calendar days after the alleged offense occurred and desires to file a formal complaint.**	Complainant provides justification memo to the military EO office. Forward the memo with a recommendation from the EO director to the installation/center commander (director) for approval before accepting the complaint.
9	**Is a third party who is not a victim of the alleged EO violations.**	Advise third party to remind alleged victim that EO is an option for complaints of unlawful discrimination and/or sexual harassment and document concern on AF Form 1271.
10	**Is a family member or retiree and the allegation is unlawful discrimination or sexual harassment related to their employment.**	Document on AF Form 1587 and refer to the appropriate agency for resolution (referral complaint, see note 3).
11	**Is a civil service employee and the complaint is related to his or her civil service position.**	Refer to the civilian EO complaint process.
12	**Submits Air Force Sexual Harassment/Unlawful discrimination Hotline Complaint that falls within the military EO purview.**	Conduct a complaint clarification, forward to SJA for review and to the installation/center commander (director) for further processing IAW paragraph 3.24. Document on AF Form 1587.

NOTES:

1. Such cases are not within the purview of the military EO Program. The EO specialist must document such concerns on AF Form 1271.

2. Consultation with the SJA is required before interviewing any military member or individual reasonably suspected of committing a criminal offense. (Refer to paragraph 3.22. for guidance).

3. Referral complaints will include a referral memorandum with an attached AF Form 1587. The referral memorandum will include instructions for completing complaint processing procedures for referral complaints.

Chapter 4

CIVILIAN EQUAL OPPORTUNITY (EO) COMPLAINT PROCESS

Section 4A—Civilian Informal EO Complaints

4.1. Objective. The purpose of the civilian EO complaint process is to provide for the prompt, fair and impartial processing and resolution of complaints, consistent with its legal obligations under 29 CFR Part 1614. The objective of civilian EO counseling is to seek opportunities to resolve issues at the lowest organizational level at the earliest possible time.

4.2. Scope of Program. An aggrieved person who believes that s/he has been discriminated against on the basis of race, color, religion, sex, national origin, age (40 and older), disability, genetic information or who believes that s/he has been subjected to sexual harassment or retaliated against for opposing discrimination or for participating in the complaint process must consult an EO Counselor within 45 calendar days of when s/he becomes aware of the discriminatory action or the effective date of the personnel action. The 45-day time limit may be extended for reasons outlined in 29 C.F.R. Section 1614.105(a)(2). Failure to contact an EO specialist/counselor within 45 calendar days may result in dismissal of a formal complaint.

4.3. Proper Complainants. AF employees, former employees and applicants for employment who meet the criteria outlined in 29 CFR Part 1614 may file civilian EO complaints.

4.3.1. The aggrieved person starts the civilian EO process by contacting an EO specialist/counselor or an EO official and advising that s/he has been subjected to unlawful discrimination.

4.3.2. Under EEOC and Air Force policy, independent contractors, contingent employees and ANG technicians performing military functions are generally not considered Agency employees for Federal Sector EEO purposes.

4.3.2.1. In exceptional cases, however, the EEOC has determined that an individual classified as a contingent employee or independent contractor may be considered an Agency employee under the protection of Federal EEO regulations if the Agency exerts substantial direction and control over the contingent employee/contractor’s activities.

4.3.2.2. The EEOC has adopted the common law agency test applied in *Ma v. Department of Health and Human Services* to determine whether an individual qualifies as an Agency employee. The test takes into account the following factors:

(1) the extent of the employer's right to control the means and manner of the worker's performance; (2) the kind of occupation, with reference to whether the work usually is done under the direction of a supervisor or is done by a specialist without supervision; (3) the skill required in the particular occupation; (4) whether the employer or the individual furnishes the equipment used and the place of work; (5) the length of time the individual has worked; (6) the method of payment, whether by time or by the job; (7) the manner in which the work relationship is terminated, i.e., by one or both parties, with or without notice and explanation; (8) whether annual leave is afforded; (9) whether the work is an integral part of the business of the employer; (10) whether the worker accumulates retirement benefits; (11) whether the employer pays social security taxes; and (12) the intention of the parties. See *Ma v. Department of Health and Human*

Services, EEOC Appeal No. 01962390 (May 29, 1998) (citing Nationwide Mutual Insurance Co. v. Darden, 503 U.S. 318, 323 (1992).

4.3.2.3. This list of factors is generally considered non-exhaustive, and no single factor is dispositive. To ensure uniform application of this legal test by the Air Force, review for acceptance or dismissal of all complaints by contractors and other potential contingent employees should be conducted under the supervision of the Labor Law Field Support Center, 1501 Wilson Boulevard, Arlington, VA 22209.

4.4. Other Military Services. When an individual alleges discrimination in a multi-service case (e.g., Navy or Army employee alleges an Air Force management official has discriminated against him/her or an Air Force employee alleges an Adjutant General or National Guard member under the command and control of the Governor of a state has discriminated against him/her), the counseling and complaint processing are conducted by the agency that will be fiscally responsible for any settlement or judgment resulting from the allegation. Typically, that will be the agency for whom the complainant works.

Section 4B—Informal (Pre-Complaint) Civilian EO Complaint Processing

4.5. EO Specialist/Counselor Responsibilities.

4.5.1. Determines if a claim is appropriate for processing under 29 CFR Part 1614, Federal Sector Complaint Processing, and where appropriate, offers the use of ADR or any other informal dispute resolution procedures to resolve the claim if otherwise found to be appropriate for such alternative procedures. If the responsible management official involved is the Adjutant General of a state or is a member of the National Guard of a state in a Title 32 status, refer the matter to the ANGRC EO Office for processing.

4.5.1.1. Processes all claims through the informal complaint process, regardless of timeliness, merit, or other considerations.

4.5.1.2. Complaints based on sexual orientation are not covered under 29 C.F.R. Section 1614.105(a) and therefore an aggrieved person who believes s/he has been discriminated on the basis of sexual orientation must be referred to the CPS for counseling on appropriate grievance and appeal procedures. If the aggrieved person insists that s/he wants to file a discrimination complaint, the EO specialist/counselor should abbreviate the counseling and issue the notice of final interview, as discussed below. Under no circumstance should the EO specialist/counselor attempt to dissuade a person from filing a complaint or forgo the use of ADR. Subsequent dismissal of the complaint would be initiated per paragraph 4.12, below. The EO specialist/counselor should ascertain that the aggrieved individual is not alleging discrimination on the basis of sex.

4.5.1.3. When an aggrieved person engages an EO professional for the purpose of obtaining information about, or articulating, a complaint, but does not elect to start the Informal (Pre-Complaint) process, the visit will be recorded as a Contact and documented as “EO General Assistance.”

4.5.1.4. When an aggrieved person states their intent to file a complaint. The 30-calendar day informal processing period starts as of the first date the complainant contacts an installation EO specialist/counselor, EO director, or other official designated to receive discrimination complaints.

4.5.1.5. Assigns a docket number to each informal complaint. The docket number is automatically assigned through the AF EO IT system and is constructed as follows:

4.5.1.5.1. -- 2-digit servicing civilian-personnel-flight identifier,

4.5.1.5.2. -- 2-digit servicing MAJCOM identifier,

4.5.1.5.3. -- 2-digit current fiscal year,

4.5.1.5.4. -- 3-digit numerical sequence starting with 001 at the beginning of each fiscal year. [e.g. 9D=CPS: 1S=MAJCOM ID:09=Fiscal Year:001=Numerical Sequence 9D1S09001=Docket Number]

4.5.1.6. Advises aggrieved persons in writing of their rights and responsibilities. **Note:** Notice of Rights and Responsibilities USE IS MANDATORY, refer to the EO CoP for copy of the notice. Additionally, when the complainant claims compensatory damages, provide a copy of the "Broughton Notice" to the complainant (Refer to the EO CoP for copy of notice).

4.5.1.7. If the complainant alleges sexual harassment, advises aggrieved persons of their right to request a Commander Directed Investigation (CDI) under 10 U.S.C. Section 1561, and advises the CDI would run concurrently with the EO complaint.

4.5.1.8. Advises the aggrieved person that s/he may choose between having his/her complaint processed under the ADR procedure if deemed suitable and offered by the agency or the traditional counseling activities described in 29 C.F.R. Section 1614.105(b)(2) and EEOC MD-110, Chapter 2. Ensure the complaint has been properly screened and found appropriate for ADR before offering ADR to the complainant. **Note**: The Air Force Alternative Dispute Resolution (ADR) Program Notice use is mandatory. Do not decline to offer ADR solely because of the basis(es) alleged in the complaint (i.e., race, color, religion, national origin, sex, age, disability, genetic information or retaliation). [MD-110, Chapter 3, Section II [A][5]]. Participation in ADR by the complainant and management officials is encouraged. If ADR is not chosen because management is unwilling to engage in ADR, note that in the counselor's report and continue the limited inquiry. If the ADR procedure is chosen, the informal complaint processing period shall automatically extend to 90 days. [29 C.F.R. Section 1614.105[f] The counseling and screening requirements of this subparagraph may be accomplished in accordance with AFI 51-1201, paragraph 22, for ADR screening requirements. If ADR fails or does not occur, the EO Counselor must complete pre-complaint investigation and report.

4.5.1.9. Inform the complainant of her/his right to remain anonymous during the informal stage. If anonymity is elected, take appropriate measures to protect the identity of the complainant until a formal complaint is filed or complainant grants written permission to cease anonymity.

4.5.1.10. Complete informal complaint counseling within 30 calendar days or obtains written approval from the complainant and the EO director, prior to the 30th day, to extend counseling for no more than an additional 60 calendar days. If ADR is offered and accepted, complete processing within 90 calendar days. In either case, if the matter is not resolved before the end of the authorized period, including extensions, issue the

Notice of Right to File a Formal Complaint letter as described in paragraph 4.10. below. [29 C.F.R. Section 1614.105[d]-[f]]

4.6. Final Interview. Advise the complainant in the Notice of Right to File a Formal Complaint letter that any formal complaint must be filed with the EO director or designee within 15 calendar days of receipt. Do not attempt in any manner to encourage or dissuade the person from filing a complaint. This correspondence is to be sent no earlier than the 30th day and no later than the 60th day after the issuance of the Notice of Right to File a Formal Complaint letter. **Note**: The final interview concludes the informal (pre-complaint) process and there is no requirement that the final interview be conducted face-to-face with the complainant and her/his representative.

4.7. Counselor's Report. Submit a narrative counselor's report to the EO director within 5 calendar days from the date the formal complaint is filed including the items outlined in MD-110, Chapter 2, Section VIII.

Section 4C—Civilian EO Informal Class Action Complaints

4.8. Informal Complaint Processing. An individual who wishes to file a class complaint, as defined in 29 C.F.R. Section 1614.204(a) must seek counseling and be counseled in accordance with 29 C.F.R. Section 1614.105. The EO director notifies AF/A1Q, AFPC/EO, LLSFC, SAF/GCA, MAJCOM EO Strategic Advisor, the installation CPS or HRO, and SJA, in writing, when an individual files a class complaint. The notification must include the complainant's name (if releasable), the name of the complainant's representative, the docket number, the date of initial contact, identification of the class, and claim(s) raised. [**Note:** The complainant may move for class certification at any reasonable point in the process when it becomes apparent that there are class implications to the claim(s) raised in an individual complaint. If the complainant moves for class certification after completing the counseling process, according to 29 C.F.R. Section 1614.204[b], no additional counseling is required.]

4.9. Responsibilities.

4.9.1. When notified of a class complaint, LLFSC designates an attorney to represent the Air Force. The servicing SJA designates a local attorney to assist the LLFSC attorney.

4.9.2. The EO director tries to resolve individual allegations and personal concerns of the complainant. Before attempting to resolve class-wide issues the EO director must coordinate any proposed action with LLFSC, AF/A1Q and MAJCOM EO Strategic Advisor.

4.9.3. The EO director must coordinate the gathering and analysis of statistics with AF/A1Q and LLFSC before collecting the data.

4.9.4. Before the final interview with the complainant, the EO director prepares a draft report for coordination with the installation SJA and CPS, MAJCOM EO Strategic Advisor, AF/A1Q and LLFSC. This report must include, at a minimum, the following: class claim(s), basis(es), definition of the proposed class, information as to potential class size, how agent's claim(s) reflect claims of class (commonality and typicality), and adequacy of representation of the class. [29 C.F.R. Section 1614.204.]

Section 4D—Civilian EO Formal Complaint Processing

4.10. Guidance. Formal complaints are processed in accordance with 29 C.F.R. Section 1614. EO directors process formal complaints.

4.10.1. A formal complaint must be filed at the installation where the alleged discrimination occurred, and the complainant or the attorney designated to represent the complainant must sign and date it. It must describe the action(s) or practice(s) that form the basis of the complaint that was discussed with the EO specialist/counselor during the Informal phase of the process.

4.10.2. If a complainant is dissatisfied with the processing of his/her pending complaint, whether or not it alleges prohibited discrimination as a basis for dissatisfaction, s/he should be referred to the installation/center commander (director) or designee. The commander/director or designee promptly resolves the concerns of dissatisfaction. A written response should be provided to the complainant indicating the actions the agency took to promptly resolve the concerns and attach a copy of the letter to the complaint files maintained on the underlining complaint. Complaints alleging dissatisfaction are processed as required by 29 CFR 1614.107(a)(8). A record of the complainant's concerns and any actions taken to resolve the concerns must be made a part of the complaint file. If no action is taken, the file must contain an explanation for not taking any action.

4.10.3. A complainant may amend a complaint at any time before the mailing of the notice required by 29 C.F.R. Section 1614.108(f) at the conclusion of the investigation, to include claim(s) that are like or related to those raised in the complaint.

4.11. EO Director Responsibilities.

4.11.1. Notifies the complainant and their representative (if designated) of the docket number and instruct them to refer to it in all future correspondence. Advises the complainant, in writing (within 5 days), of receipt of the formal complaint, the date that the complaint is considered filed, and the right to appeal to EEOC/OFO any full dismissal of the complaint. An identical acknowledgment, in writing, is also required for an amendment to a complaint. (29 C.F.R. Section 1614.106 [d] and [e])

4.11.2. Obtains written determination by the CPS or HRO as to whether the complainant is eligible under MSPB jurisdiction. The EO director will coordinate with the CPS or HRO to determine if the individual has identical issues filed under a negotiated grievance procedure (NGP) or the Merit Systems Protection Board (MSPB) appeal procedure. **Note:** A complaint filed under the Administrative Grievance Procedure (AGP), or those NGPs that do not allow discrimination complaints, will not preclude the complaint from being filed under the Formal EEO process.

4.11.3. Reviews the complaint file to determine that it has all required forms and supporting documents with signatures including the counselor's report, verifies the employment status of the complainant (see 29 CFR 1614.103[c], perfects the claims, and ensures information covered by the Privacy Act is properly protected. Questions concerning the Privacy Act and its coverage are addressed to the installation Privacy Act monitor.

4.11.4. Provides the counselor's report to the complainant within 15 calendar days of the date the formal complaint is filed (See 29 CFR 1614.105[c]).

4.11.5. Submits the proposed acceptance and/or dismissal letter, including all proposed amendments, formal complaint (DD Form 2655), counselor's report, and CPS or HRO determination of the MSPB jurisdiction to the LLFSC, or servicing legal office, within 21 days in receipt of the formal complaint as defined in Chapter 1. Sends the request for additional information that includes a Notice of Proposed Dismissal [29 C.F.R. Section 1614.107(a)(7)] by regular or certified mail, as appropriate. Provide a courtesy copy to the local SJA (if serviced by LLFSC) and CPS or HRO.

4.11.6. Notifies AFCARO and AF/A1Q of any non-frivolous allegations of wrong doing against any senior officials, colonels (or civilian equivalents), or colonel selects, IAW AFI 90-301, using the current AF EO IT system. On complaints filed against senior officials or colonels and equivalents assigned to the Secretariat or the Air Staff, notifies SAF/GCA and SAF/GCM.

4.11.7. If ADR is offered and agreed to by the parties, the EO director may request a third-party neutral from IRD, from a roster of neutrals maintained for such purposes, or from the Air Force ADR Program Office website at **www.adr.af.mil**. Expenses for contract neutrals or Air Force neutrals brought in TDY may be funded locally or by the Air Force ADR Program Office upon request. Coordinates with IRD to de-conflict ADR proceedings from the investigation.

4.12. Acceptance and Dismissal.

4.12.1. The Air Force is required to process formal EEO complaints in accordance with 29 C.F.R. Part 1614 and EEO MD-110. The EEOC requires federal agencies to discharge certain responsibilities once a formal EEO complaint has been filed.

4.12.2. The agency must acknowledge receipt of each formal EEO complaint and amendment to a formal EEO complaint (29 C.F.R. 1614.106[e]).

4.12.3. The agency must process all formal complaints expeditiously and make a determination whether to accept, dismiss, or partially dismiss a complaint or portion of a complaint to allow for an investigation to be completed and the report of investigation (ROI) to be received by the complainant within 180 days from the date of filing (29 C.F.R. 1614.106[e][1] and [e][2] and 1614.107[b], and EEOC MD 110, Chapter 5, Section A). The acceptance and dismissal (A&D) letter shall be provided to the complainant no later than 30 days from the date of the filing.

4.12.4. If dismissed in part or in whole, the agency must provide appeal rights indicating that partial dismissals may be reviewed by an EEOC Administrative Judge (AJ) if a hearing is requested, or appealed to the EEOC Office of Federal Operations (EEOC/OFO) when a final decision or final action is taken on the complaint, or if dismissed in whole, informing the complainant that s/he has the right to an immediate appeal to EEOC/OFO. The Agency is required to investigate accepted claims and provide the ROI to the complainant within 180 calendar days of the filing of the complaint. (29 C.F.R. 1614.106 [e][1] and [e][2] and 1614.107[b]).

4.12.5. The Air Force adopts the following procedures to assure prompt, fair, and appropriate performance in accordance with the EEOC requirements. EO directors will ensure:

4.12.5.1. Acknowledgement of receipt of a formal complaint and amendment to a formal complaint is completed as soon as possible, but not later than 5 calendar days after receipt.

4.12.5.2. EO professionals issue counselor reports for internal EO office review within 5 calendar days of the date of receipt of the formal complaint, and final counselor reports are issued to the complainant not later than the 15th day after receipt of the formal complaint. **Note**: the requirement for CPS and SJA to coordinate on the counselor report is hereby eliminated).

4.12.5.3. A comparison of the report is made to the formal complaint to ensure that the claims in the formal complaint were addressed and the EEOC criteria to Accept, Partially Dismiss, or Dismiss in whole were properly applied to the formal complaint (29 C.F.R. 1614.107).

4.12.5.4. Preparation of a standard Acceptance and/or Dismissal letter and submission of the formal EEO complaint, the counselor report, a written determination by the CPS as to whether the complaint claims and the complainant are eligible for jurisdiction by the Merit Systems Protection Board (MSPB), and whether a formal negotiated grievance or MSPB appeal has been filed on the same claim(s), to the servicing SJA. (**Note**: In some cases this will be the AF Legal Operations Agency (AFLOA)/Labor Law Field Support Center (LLFSC) and in other cases it will be the installation SJA. Check with the local SJA for clarification if unsure).

4.12.5.5. Issuance of the coordinated Acceptance and/or Dismissal letter (reference paragraph above) to the complainant or his/her representative, if any. The authority to sign decision letters is vested with the installation/center commander (director) and can only be exercised by the EO director if delegated this authority in writing. Copies of written delegations must be provided to AFPC/EO and AF/A1Q for coordination with the supporting SJA.

4.12.5.6. Legal reviews are for “internal use” and “management’s eyes” only. Legal reviews are documents that are covered by attorney-client privilege and are protected from disclosure under the Freedom of Information Act, 5 U.S.C. 552 and are not to be released without prior authorization from LLFSC.

4.13. Additional Acceptance/Dismissal Authority.

4.13.1. AFCARO, after consultation with LLFSC, may accept a previously dismissed complaint upon a complainant appeal if it determines that the complaint should not have been dismissed.

4.14. Investigation of Formal Complaints.

4.14.1. If the formal complaint is not dismissed in its entirety, within 30 calendar days of the date of receipt of the formal complaint, the EO director shall request an IRD investigation. (See paragraph 4.11.7. for guidance on formal complaints that are referred to an ADR procedure). However, in no case should an IRD investigation be requested until the Accept & Dismiss process is complete. The request must include the following:

4.14.1.1. Specific claims raised and which ones are accepted.

4.14.1.2. Specific claims partially dismissed, including reasons and documentary evidence to support recommended dismissal(s).

4.14.1.3. Complete case file and any other pertinent records.

4.14.1.4. Name, office symbol, address (including e-mail address), phone and data fax number of the management representative.

4.14.2. The EO director will obtain the fund citation for IRD investigations and EEOC hearings related to the complaint. Also refer to AFI 65-601, Volume 1, paragraph 10.17, *Funding Travel Related to Equal Employment Opportunity (EEO) Complaints*. The unit/organization in which the discrimination complaint arises is normally responsible for all costs associated with the complaint – to include agency witness travel (except AF employees), complainant witness travel (if witness is non-AF federal employee), depositions, back pay, attorney fees, compensatory damages stemming from an approved settlement agreement, litigation, or an administrative judge's decision., etc. stemming from an approved settlement agreement or decision. Exceptions are provided for organizations supported by the Air Force under DoD Directive 5100.3, *Support of the Headquarters of Combatant and Subordinate Joint Commands*, November 15, 1999. Travel of Air Force personnel required by an AJ or other authorized official is charged to the AF participant's unit of assignment. [See AFI 65-601, Volume I, paragraph 10.17.2.]

4.14.3. Investigators determine the scope of the investigation; however, the AF's preferred method is for the investigator to take on-site affidavits. The on-site affidavit method involves an on-site visit and results in an affidavit, which may be in either summary or question and answer format. AFCARO has final decision authority as to whether to fund either a verbatim recording of a fact-finding conference (FFC) or verbatim transcription of witness testimony. If the EO director and/or the LLFSC representative desires a verbatim transcript of witness testimony, they will coordinate with AFCARO for a final decision on the type of investigation to be conducted. IRD investigators may not unilaterally impose a requirement for any complaint to be investigated by these methods or any other method that imposes additional costs. IRD investigators negotiate with the complainant or complainant's representative for extensions to the 180-day time limit for processing complaints. EO directors, at the request of investigators, may act as intermediaries in these negotiations. In accordance with 29 C.F.R. Section 1614.108(e), agreements to extend the 180-day time limit must be in writing and included in the investigative file. The EO director will provide a copy to AFCARO.

4.14.4. Upon completion of the investigation, IRD makes available an electronic copy of the Report of Investigation (ROI) and the investigative file on its web site. This copy has not been sanitized to remove Privacy Act information (see unit Security Manager regarding classified material). Bases with access to the file will download it directly; for bases without access, AFCARO will download the file and provide an un-sanitized copy to the installation EO director. EO directors and other base officials should not provide a copy of the ROI and/or the investigative file to complainants or their designated representatives, and should not create their own sanitized version of these files. IRD also provides AFCARO with one un-sanitized print copy of these files which AFCARO sanitizes in a consistent manner and provides (in printed copy form) to complainants and their designated representatives, along with the notification of further rights under the provisions of 29 C.F.R. Section 1614.108(f),

29 C.F.R. Section 1614.110, and 29 C.F.R. Section 1614.302(d)(2) (mixed cases). Further, the notice must state that if the complainant desires a Final Agency Decision (FAD) without an EEOC hearing, s/he must request it from AFCARO, and if s/ he requests an EEOC hearing (non-mixed case), s/he must request it directly from the EEOC district office AFCARO specifies. AFCARO tracks the 30-calendar day period for the complainant to elect further processing options.

4.14.5. If the complainant does not request a hearing or a final Air Force decision without a hearing within 30 calendar days after receipt of the ROI and investigative file, AFCARO will notify the complainant that a final decision will be issued within 60 calendar days from the end of the 30 calendar day request period, and that further appeal rights will be provided at that time.

4.14.6. EO directors will, in all formal complaints, immediately electronically transmit any request for hearing, settlement agreement, or withdrawal to AFCARO.

4.15. Hearings.

4.15.1. EO directors, in coordination with the agency representative, will make all needed arrangements as outlined in EEOC MD-110, Chapter 7, *Hearings*.

4.15.2. The notice to the EEOC district office that services their area is issued by AFCARO and will include:

4.15.2.1. Instructions to send the AJ's final decision and two copies of the hearing transcript to AFCARO.

4.15.2.2. The name, address and telephone number of the agency representative.

4.15.2.3. A tabbed and bound copy of the complaint file, including the investigative file. With few exceptions, AFCARO prepares and submits complaint file to EEOC for Hearing.

4.15.3. The complainant must submit the request for a hearing directly to EEOC with a copy to AFCARO. [29 C.F.R. Section 1614.108(g)] If the EO director receives a copy of the request for a hearing from the complainant, s/he in turn, will provide a copy of the request for a hearing to AFCARO.

4.15.4. Upon receipt of the AJ's decision, AFCARO will furnish a copy of the decision to LLFSC and the installation EO director and will advise the EO director of the projected date on which a final agency action will have to be issued in order to meet the EEOC 40-day time limit. LLFSC will return any extra copies of hearing transcripts and investigative files to AFCARO. Installation EO directors will in turn furnish copies of AJ's decisions to the appropriate parties, such as commanders, CPS and SJA. AFCARO will furnish a copy of the AJ decision to the MAJCOM and A1Q.

4.15.5. The installation EO office and CPS will assist the agency representative with responding to discovery requests, setting up depositions, and responding to EEOC orders.

4.16. Final Agency Actions.

4.16.1. All final actions (whether denominated final decisions or final orders) are prepared by AFCARO for review and signature by SAF/MRB. All proposed final actions will be reviewed for legal sufficiency by an authorized Air Force attorney before they are submitted

to SAF/MRB for signature. In addition, proposed final orders resulting from findings of discrimination by an EEOC AJ shall be coordinated for appeal IAW paragraph 4.20.1.1., before SAF/MRB issues the final order.

4.16.1.1. Notwithstanding the provisions of this paragraph, formal complaints in which the complainant has elected to proceed under the Air Force EEO pilot program, Compressed Orderly Rapid Equitable (CORE), or similar follow on legislation, will be processed IAW with the guidelines applicable to the CORE (or other) process. If at any point prior to the issuance of a final decision by SAF/MRB the complainant "opts out" of the CORE or other process, further processing of the complaint will continue under Part 1614 and the provisions of this AFI will apply.

4.17. Negotiation of Settlements.

4.17.1. The EO director, working with the SJA, management representative, the complainant and his/her representative, may negotiate a settlement of the complaint during the pre-complaint stage of the process (prior to the filing of a formal complaint) within the parameters set by the settlement authority. After a formal complaint has been filed, the agency representative has the authority to negotiate settlement of the complaint through negotiation, ADR or other approach. In complaints filed against persons in the grades of Colonel and above (or civilian equivalents), the commander with administrative control over the complainant is the primary settlement authority, but such authority may be delegated to subordinate personnel in coordination with SAF/GCA and the management representative. Investigators and AJs may also seek to resolve a complaint with the parties during the investigation and/or hearing.

4.17.2. The settlement agreement may include remedial action, back pay, and attorney's fees and/or compensatory damages, if allowed by law. However, care should be taken not to stipulate that any compensatory damage amounts have been verified as claimed. Additionally, in age discrimination claims as well as reprisal claims based on prior age discrimination complaints, attorney's fees and compensatory damages are not payable. Insert statutory language as required by Older Workers Benefit Protection Act, 29 U.S.C. 626, Subsections (f)(1) and (f)(2), as appropriate, whenever settling allegations of age discrimination.

4.17.3. If the settlement binds an organization outside the authority of the relevant commander, the EO director/agency representative (whichever appropriate per 4.17.1), obtains written concurrence of an authorized official within that organization before the agreement is signed.

4.17.4. Before having the settlement authority sign an agreement, the EO director/agency representative shall, obtain coordination of the SJA, CPS and AFPC (if appropriate) on personnel actions to be taken as a result of the agreement. Such coordination does not include a determination on the merits of the case or on the settlement. For settlement agreements resulting from an ADR proceeding, the agreement may be signed before formal coordination, contingent upon subsequent coordination and approval.

4.17.5. The EO director/agency representative (whichever appropriate per paragraph 4.17.1) in coordination with CPS faxes copies of signed settlement agreements requiring action by Defense Finance and Accounting Service (DFAS) (e.g., cancellation /correction of

suspension actions, retroactive promotions, reinstatement of leave, etc.) to the servicing DFAS civilian payroll office immediately with copies of applicable SF (Standard Form) 50-B, *Notification of Personnel Action*.

4.17.6. An allegation of violation of a settlement agreement is processed according to Paragraph 8.4 of this instruction.

Section 4E—Civilian Formal EO Class Complaints

4.18. Guidance and Processing Procedures.

4.18.1. AF/A1Q develops policy and oversees the processing of all class complaints of discrimination. AF/A1Q, in coordination with SAF/GCA, helps LLFSC prepare the agency's position statements and briefs in class complaint proceedings, as appropriate.

4.18.1.1. The CPS or HRO personally serves or designates a staff member to serve as a technical representative for class complaints. The CPS or HRO also ensures that applicable personnel records are maintained while a class complaint is pending.

4.18.2. LLFSC provides legal advice on all administrative class complaint matters and designates the agency representative for all administrative class complaints, for serviced bases.

4.18.3. The complainant must file a formal class complaint with the EO director no later than 15 calendar days after receipt of the final interview letter. The agent or attorney/representative must sign the class complaint. It must identify the policy or practice adversely affecting the class as well as the action or matter adversely affecting the agent.

4.18.4. Upon receipt of a formal class complaint, the EO director forwards the original and one copy of the case file to LLFSC, one copy to AF/A1Q, one copy to AFCARO, and one copy to the respective MAJCOM EO Strategic Advisor. The EO director also notifies the installation CPS or HRO and SJA.

4.18.5. Within 30 calendar days of receipt of the written formal complaint, the Air Force representative, in coordination with AF/A1Q, forwards it to the EEOC district office with the counselor's final report and the Air Force recommendation to accept or dismiss based on the criteria at 29 C.F.R. Section 1614.107 and 29 C.F.R. Section 1614.204(a)(2). Copies are sent to AF/A1Q, LLFSC, AFCARO, and the EO director. The agency submission instructs EEOC to send its recommendation to AFCARO.

4.18.6. The EEOC AJ decides whether to accept or dismiss a class complaint. Immediately upon receipt of the decision, AFCARO will forward it to SAF/GCA and LLFSC, and AFCARO will issue a final order within 40 calendar days after receipt, IAW 29 C.F.R. Section 1614.204(d)(7). A complaint dismissed as a class complaint may be filed as an individual complaint and processed accordingly, or dismissed as an individual complaint if one or more grounds exist under 29 C.F.R. Section 1614.107(a). AFCARO will notify the Complainant of decision along with his or her rights associated with the decision. AFCARO will also provide LLFSC and the EO office a copy. If the final order does not implement the AJ’s decision to accept a class complaint, the Air Force will simultaneously appeal the decision IAW 29 C.F.R. Sections 1614.204(d)(7) and 1614.403. The agent may appeal dismissal of a class complaint to the EEOC or file a civil action.

4.18.7. When the EO director receives an individual complaint that s/he believes is related to a pending class complaint, the EO director will inform AF/A1Q and LLFSC of the issue(s) involved and the basis of the individual complaint, and provide a synopsis of the reasons for believing the individual complaint is related to a pending class complaint. Where appropriate, AF/A1Q and LLFSC will provide guidance on processing individual complaints related to pending class complaints.

4.18.8. The EO director makes arrangements for the hearing after the EEOC has set a date for such an action. The EEOC will hold a hearing of the accepted class complaint and issue a report of findings and recommendations to AFCARO as the designated service agent for the Air Force. AFCARO will immediately notify AF/A1Q and LLFSC and provide copies of the report as appropriate. [29 C.F.R. Section 1614.204(h)].

4.18.9. AF/A1Q and LLFSC, who represents the agency in all phases, are responsible for managing the processing of formal class complaints. Processing will be in accordance with 29 C.F.R. Section 1614.204(e) through (k).

Section 4F—Civilian EO Mixed Case Complaints

4.19. Guidance and Processing Procedures.

4.19.1. Processing of mixed case informal complaints and formal complaints will be in accordance with 29 C.F.R. Section 1614.105, Section 1614.106, Section 1614.107, and Section 1614.108 (a) through (d).

4.19.2. An individual may file a mixed case appeal through the MSPB process or a mixed case complaint using the EEO discrimination complaint system, but not both. Whatever action the complainant files first, in writing, is considered the election. Merely receiving informal complaint counseling does not constitute an election; a formal complaint must be filed to restrict the complaint to the mixed case complaint system.

4.19.2.1. When the complainant files a mixed case appeal, and the MSPB dismisses the appeal on jurisdictional grounds without a decision on its merits, a copy of the initial decision, and any subsequent decision issued by the full Board in response to the complainant's Petition for Review, will be provided to AFCARO. AFCARO will promptly issue the complainant with notice of his/her right to file and EEO complaint concerning the matter at issue. (29 C.F.R. 1614.302 [b]).

4.19.3. When a formal EEO complaint is accepted, the EO director advises the complainant that if a decision on the claims appealable to the MSPB is not issued within 120 calendar days of filing the mixed case complaint, the complainant may appeal the matter to the MSPB as specified at 5 C.F.R. Section 1201.154(b)(2) or file a civil action as specified in 29 C.F.R. Section 1614.310(g), but not both. (29 C.F.R. Section 1614.302 (d)[1][i]) .

4.19.4. Upon completion of the investigation and receipt of the investigative file, AFCARO advises the complainant that a final decision will be issued on the claims appealable to the MSPB within 45 calendar days without a hearing.

4.19.5. When a final Air Force decision is issued, AFCARO will advise the complainant of the right to appeal the matter to the MSPB (not EEOC) within 30 calendar days of receipt and the right to file a civil action as provided at 29 C.F.R. Section 1614.310. (29 C.F.R. Section 1614.302[d][3]) .

4.19.6. Dismissal of a mixed case complaint on the basis of prior election of a mixed case appeal is as follows:

4.19.6.1. If neither the MSPB nor the installation/center commander (director) (or vice commander or EO director exercising delegated authority) disputes MSPB jurisdiction, the claims involving actions appealable to the MSPB are dismissed IAW 29 C.F.R. Section 1614.107(a)(4). The dismissal letter will advise the complainant to notify the MSPB of the allegations of discrimination contained in the dismissed complaint. It also advises the complainant of the right to petition the EEOC to review the MSPB final decision on the discrimination issue. [29 C.F.R. Section 1614.302(c)(2)(i)]

4.19.6.2. If the installation/center commander (director) (or vice commander/or EO director exercising delegated authority) or the MSPB questions the MSPB jurisdiction over the mixed case appeal, the EO director will hold the mixed case complaint in abeyance until the MSPB rules on the jurisdictional issue. The EO director notifies the complainant of the action being taken and instructs him or her to bring the allegation of discrimination to the attention of the MSPB.

4.19.6.3. If the MSPB determines it has jurisdiction over the matter, the installation/center commander (director) (or vice commander or EO director exercising delegated authority), shall dismiss the mixed case complaint pursuant to 29 C.F.R. Section 1614.107(a). The EO director advises the complainant of the right to petition the EEOC to review the MSPB final decision on the discrimination issue.

4.19.6.4. If the MSPB determines it does not have jurisdiction over the mixed case appeal, the EO director recommences processing of the mixed case complaint as a non-mixed case EEO complaint.

Section 4G—Civilian EO Complaint Appeals

4.20. Guidance and Processing Procedures.

4.20.1. In accordance with AFPD 51-3, *Civil Litigation*, and AFI 51-301, *Civil Litigation*, any appearance or representation before the EEOC, or the filing of briefs, motions or other pleadings with the EEOC, will be conducted by an attorney authorized by the Judge Advocate General or the General Counsel.

4.20.2. Complainant Appeals. The servicing SJA has primary responsibility as agency representative in all appeals initiated by the complainant under 29 C.F.R. Section 1614.401(a).

4.20.2.1. AFCARO is the central receipt point for all appeals. Upon receipt, AFCARO will forward the appeal to the servicing SJA, and will concurrently send the appeal and a request for the complaint file to the installation/center EO director responsible for processing the complaint. The installation EO director will forward the complaint file to AFCARO, with a copy to the servicing SJA. AFCARO will file the complaint file with

EEOC/OFO within 30 days of initial notification of the complainant's appeal. [29 C.F.R. Section 1614.403(e)]

4.20.3. AFCARO will establish suspense for response to the appeal. When the LLFSC is the servicing SJA, the LLFSC will coordinate the Air Force legal position with the installation SJA and SAF/GCA as appropriate. AFCARO will file all appeal briefs directly with EEOC/OFO, IAW 29 C.F.R. Section 1614.403, with service on the complainant and the complainant's designated representative, and provide copies of all filings to the installation SJA for inclusion in their respective complaint files.

4.20.4. An unfavorable decision on an EEOC/OFO appeal will be processed for possible Request for Reconsideration (RFR) IAW the procedures in Section H.

4.20.5. Agency Appeals. SAF/MRB is the final decision authority on all appeals to the EEOC/ OFO initiated by the Air Force. The servicing legal office has primary responsibility as agency representative before the EEOC/OFO in all agency-initiated appeals.

4.20.6. If the servicing legal office believes an appeal is appropriate, the servicing legal office will notify SAF/MRB, and will provide AFCARO a draft brief supporting the recommended appeal in sufficient time for SAF/MRB to decide whether an appeal should be filed. Although SAF/MRB makes the final decision on agency appeals, he/she will notify SAF/GCA of a proposed decision not to support a servicing legal office recommended agency appeal in sufficient time to elevate that decision if necessary.

4.20.7. A final agency order that does not fully implement the decision of an EEOC AJ must be accompanied by a simultaneous appeal to the EEOC, IAW 29 C.F.R. Section 1614.110(a). Upon receipt of an AJ decision finding of discrimination, AFCARO will immediately forward the decision to SAF/GCA, the servicing legal office, USAF A1Q, the MAJCOM/EO Strategic Advisor, the installation SJA, and the installation EO director. Recommendations will be forwarded to AFCARO for consideration.

4.20.8. If SAF/MRB issues a final order that does not fully implement the decision of the AJ, AFCARO will file the Agency Notice of Appeal form (see MD-110, Appendix O), with EEOC/OFO, including a copy of the final order, IAW 29 C.F.R. Section 1614.403. AFCARO will request the servicing legal office with responsibility for the complaint to prepare a brief or other documentation in support of the appeal, and will coordinate the Air Force legal position with the SJA and SAF/GCA as appropriate. AFCARO will file the brief or other statement in support of the appeal with the EEOC/OFO, with service on the complainant or the complainant's designated representative, within 20 days of filing the notice of appeal. [29 C.F.R. Section 1614.403(d)]. AFCARO will file the complaint file with EEOC/ OFO within 30 days of filing the notice of appeal. [29 C.F.R. Section 1614.403(e)]

4.20.9. If EEOC/OFO grants the agency appeal, AFCARO will notify SAF/GCA, AF/A1Q, the MAJCOM Strategic Advisor, the servicing legal office, the LLFSC, the installation SJA and the installation/center EO director. If EEOC/OFO denies the appeal, AFCARO will initiate action to establish compliance and notify the parties of their right to request reconsideration in accordance with Section 4H.

Section 4H—Request for Reconsiderations (RFR)

4.21. Guidance and Processing Procedures.

4.21.1. Recommendations to file an RFR must be transmitted to the servicing legal office and AFCARO within three business days of receipt of the decision from AFCARO, and any brief or other documentation supporting the RFR must be provided to the servicing legal office within 15 calendar days of AFCARO receiving the decision of EEOC/OFO. The servicing legal office will assess the propriety of an RFR and notify AFCARO of its recommendation. Recommendations to file an RFR should focus on the grounds identified by the EEOC in 29 C.F.R. Section 1614.405(b), i.e., the appellate decision involved a clearly erroneous interpretation of fact or law, or the decision will have a substantial impact on the policies, practices, or operations of the Air Force. Upon receipt of a recommendation from the servicing legal office to file an RFR, the brief will be sent to AFCARO for decision. If filed, AFCARO will file the RFR with EEOC/OFO within 30 days of receipt of the appellate decision by AFCARO, IAW 29 C.F.R. Section 1614.405(b), with copies of the RFR to SAF/GCA, AF/A1Q, the installation SJA, and the installation/center EO Director.

4.21.2. SAF/MRB will consider all recommendations in determining whether to file a RFR or not. If SAF/MRB disagrees with the servicing legal office's recommendation on whether to file an RFR, it will notify SAF/GCA and the servicing legal office of the disagreement in sufficient time to elevate the decision if necessary. If SAF/MRB or higher authority decides not to file the RFR, the decision is final. If SAF/MRB or higher authority decides to file an RFR, the brief will be sent to AFCARO for decision. If filed, AFCARO will file the RFR with EEOC/OFO within 30 days of receipt of the appellate decision by AFCARO, IAW 29 C.F.R. Section 1614.405(b), with copies of the RFR to SAF/GCA, AF/A1Q, the installation SJA, and the installation/center EO director.

4.21.3. Upon disposition of the RFR by EEOC/OFO, AFCARO will notify SAF/GCA, LLFSC, AF/A1Q, the servicing legal office, and the MAJCOM EO Strategic Advisor of the disposition for appropriate action.

Section 4I—Anonymous Complaints

4.22. Guidance and Processing Procedures. The EO office will ensure that an anonymous complaint of discrimination on any basis is documented on the AF Form 1271 as EO General Assistance/Contact and if the complaint is pursued, ensures that the complaint intake form reflects sufficient details to clarify the complaint and indicate that the source is reliable. As in all EEO complaints, the EO director has the responsibility of informing the installation/center commander (director) and briefing her/him on complaints raised by employees (complainants) when brought to the EO office, whether or not they relate to EEO matters. The Commander may decide an investigation outside of the EEO realm is appropriate (e.g. CDI, talk to the RMO of the shop involved, etc.). Keep in mind those interviewed in connection with the matter may be able to determine the identity of the individual making the complaint. However, in accordance with 29 CFR 1614.105(g), the EO specialist/counselor will not reveal the identity of the accuser. Additionally, complainants have the right to anonymity only up to the point of filing a formal civilian EO complaint.

Section 4J—National Reconnaissance Office (NRO) EEO Complaint Processing Responsibilities

4.23. NRO Responsibilities.

4.23.1. The Director of the NRO (DNRO) serves also as the Assistant to the Secretary of the Air Force for Intelligence Space Technology, and operates as the official exercising delegated appointing authority over AF personnel under his or her direction. Accordingly, and pursuant to responsibilities outlined under this AFI, the DNRO is responsible for the NRO EEO complaint program and the Director of the Office of Equal Employment Opportunity and Diversity Management (D/OEEO&DM), as a direct report to the DNRO, manages the NRO's EEO Program.

4.23.1.1. The NRO D/OEEO&DM will:

4.23.1.2. Administer the NRO EEO Program pursuant to Equal Employment Opportunity Commission (EEOC) guidelines, Federal laws, Executive Orders and Air Force policy directives and instructions, and keep the DNRO fully informed of program activity.

4.23.1.3. To the extent possible as outlined in this AFI, function as the Installation EO director, providing EEO complaint processing services to AF civilian personnel who enter the EEO process directly with NRO OEEO&DM.

4.23.1.4. Manage the EEO complaint program that the DNRO controls; coordinate complaint-processing activities, including Alternative Dispute Resolution (ADR); and maintain complete EEO complaint data in the AF EO IT system, or its equivalent, information system.

4.23.1.5. Advocate and ensure the availability of an ADR process as an optional avenue to resolve EEO disputes. When both parties to a complaint agree to ADR, the D/OEEO&DM may request a third-party neutral from the DoD Civilian Personnel Management Service, Investigations and Resolutions Division (CPMS/IRD), an Intelligence Community agency, or from SAF/GCD. The NRO may fund expenses for contract neutrals or, upon request, SAF/GCD may fund expenses for Air Force neutrals brought in on travel.

4.23.1.6. Coordinate all proposed and final settlement agreements with AFCARO, NRO Office of General Counsel (OGC), NRO Air Force Space Element Civilian Personnel Office (AFCPO), and, if necessary, the Commander of the Air Force Space Command Element (AFSPC ELEM) and AFPC, to include Career Program officials.

4.23.1.7. AFCARO will issue the ROI/IF and FAD.

4.23.1.8. Upon a finding or judgment, coordinate with NRO representatives any payment out of USAF funds allocated to the NRO.

4.24. Legal Guidance and Determination. Each Party will be responsible for obtaining legal guidance regarding the processing of complaints of discrimination. AFCARO will coordinate with AFLOA for litigation of AF EEO cases where a hearing is requested or a case has been appealed.

Chapter 5

EQUAL OPPORTUNITY AND TREATMENT INCIDENTS (EOTI)

5.1. Identifying EOTIs. EOTIs are distinctly different than unlawful discrimination or sexual harassment complaints and therefore have different processing procedures. An EOTI is an overt, adverse act, occurring on or off base, directed toward an individual, group or institution which is motivated by, or has overtones based on race, color, national origin, religion or sex which has the potential to have a negative impact on the installation human relations climate. An EOTI may include subjects other than military members, retirees, or family members.

5.1.1. Incidents motivated by race, color, national origin, religion or sex are those in which the race, color, national origin, religion, or sex of those involved is perceived to have been a primary factor in its occurrence.

5.1.2. Incidents with overtones occur when race, color, national origin, religion or sex of those involved is perceived to have been a contributing factor in the occurrence or severity of the incident.

5.1.3. Incidents may include, but are not limited to, the following elements: The use of a slur(s) based on race, color, national origin, religion or sex (resulting in a physical/verbal altercation), vandalism/degrading graffiti, hate group activity, or the use and/or posting of discriminatory epithets, signs or symbols. **Sex offenses and other crimes are not EOTIs merely because the individuals are of different sexes, races, etc. The EO office must not report sexual offenses, to include sexual assaults, indecent exposure, obscene telephone calls, rape, child abuse, molestation or incest, as EOTIs.** The EO office will immediately report sexual offenses and other alleged crimes to Security Forces (SF) or office of Special Investigations (OSI) for investigation and reporting through their systems.

5.2. Classifying EOTIs. The EO director, with the concurrence of the installation/center commander (director), classifies the incident. The commander's/director's judgment regarding the overall significance of the incident may influence the classification. The EO office must record each incident that closes during a reporting period on AF Form 3018.

5.2.1. EOTI's are classified as either minor, serious or major incident based on the following criteria:

5.2.1.1. Minor incidents include any of the following: Less than 10 active participants, assault, an act resulting in minor physical injury requiring no medical inpatient treatment or property damages of less than $1,000.

5.2.1.2. Serious incidents include any of the following: 10 to 20 active participants, assault, an act resulting in physical injuries requiring medical inpatient treatment of less than 5 days or property damages of $1,000 to $10,000.

5.2.1.3. Major incidents include any of the following: more than 20 active participants; an act that results in a death; arson; property damages in excess of $10,000; an act resulting in physical injuries requiring medical inpatient treatment for more than 5 days; or the activities of groups supporting supremacist causes, advocating unlawful discrimination, or otherwise advocating the use or threat of force or violence to deprive

individuals of their civil rights when such activities constitute an immediate danger to the loyalty, good order and discipline or morale of Air Force personnel.

5.2.1.4. The EO office will use the most severe qualifying factor to determine the classification of an incident. An example is, if an incident occurs involving three active participants and resulted in death, the EO office would classify the incident as major and not minor.

5.2.1.5. The EO office will also report incidents that do not meet the specific criteria listed but could affect the local human relations climate or could result in adverse media coverage affecting the Air Force (see paragraph 5.3. of this instruction).

5.2.1.6. The EO will ensure case synopses are specific and fully detailed.

5.2.1.7. When an incident occurs that falls within the criteria above for a minor or serious EOTI but may have a significant adverse effect on the installation HRC (i.e. adverse media coverage, off-base demonstrations, etc.), the EO office may recommend the installation/center commander (director) classify the EOTI as serious or major. Conversely, when an incident occurs that falls within the criteria above for a serious or major EOTI, but has very little or no adverse effect on the installation HRC, in some rare instances, the EO office may recommend the installation/center commander (director) classify the EOTI as minor or serious.

5.3. Reporting EOTIs.

5.3.1. All incidents are reported via electronic message. The EO office generates the message and is responsible for all subsequent messages. At a minimum, three messages are required (initial, follow-up, and final), and must be classified as minor, serious, or major. When the EO office cannot make an exact determination, they will report those incidents as "possible" incidents. Except for instances that involve physical injury, arson or death, the EO office may use some latitude in the classification of an incident. **Note:** A follow-up message is not required in cases where a clarification is completed in less than 30 calendar-days.

5.3.1.1. Minor and Serious Incidents. The EO office will report all minor and serious incidents to AFPC/EO workflow (**eo.workflow@randolph.af.mil**) with information copies to AF/A1Q workflow (**afa1q.workflow@pentagon.af.mil**) and their respective MAJCOM EO Strategic Advisor within 72 hours after notification (Refer to EO CoP for sample EOTI message format). The EO office must forward follow-up notifications every 30 calendar-days until final action is taken.

5.3.2. Major Incidents. The Operations Support Center will report EOTIs categorized as major incidents through the Event and Incident Report (OPREP - 3), RCS: HAF-A30 (AR) 7118.

5.3.3. In addition to OPREP-3 reporting requirements, the EO office will report major incidents by priority message to AF/A1Q, AFPC/EO, and respective MAJCOM EO Strategic Advisors within 24 hours of notification.

5.3.4. Send follow-up notification messages to AF/A1Q, AFPC/EO, and respective MAJCOM EO Strategic Advisors every 30 calendar-days until final action is taken.

5.3.5. Send final notification messages to AF/A1Q, AFPC/EO, and respective MAJCOM EO Strategic Advisors. The final notification will include all information previously reported in the initial notification, along with any new information gathered.

5.4. Clarifying EOTIs.

5.4.1. The purpose of the EOTI clarification is to gather information to determine whether an incident involved violations of EO policy and, if appropriate, classify the incident. The EO director and the EO staff respond to and clarify all possible EOTIs. Barring extenuating circumstances, EOTI clarifications should not exceed 60 calendar-days. An explanation of why the clarification exceeded 60 calendar-days will be annotated in follow-up and final reporting messages.

5.4.2. The EOTI clarification process determines the facts and causes of the incident, develops recommendations for the installation/center commander (director) concerning the classification of the incident and corrective action taken and assesses the severity of the incident and its impact on morale, good order, discipline and unit effectiveness.

5.4.3. The clarification may include information from other investigative agencies.

5.4.4. The clarification may require interviewing or taking statements from persons (potential witnesses and alleged offenders) who may have information relevant to the incident. Do not interview military members represented by the Area Defense Council (ADC) or civilian counsel without the consent of counsel and comply with rights advisement requirements for unrepresented members.

5.4.5. If, during the incident clarification, a witness makes an incriminating statement, stop the interview, brief the EO director and contact SJA and member's commander for further guidance.

5.4.6. The EO office must coordinate the clarification with SJA and have installation/center commander (director) approval before conducting interviews involving members assigned to other branches of the Armed Forces and with off-base civilians.

5.4.7. The EO office will avoid overlapping or interfering with on-going investigations conducted by other agencies. Consult with law enforcement agencies or others who are investigating the incident and work as subject matter experts if possible. Law enforcement investigations have priority over EOTI clarifications.

5.4.8. Upon completion of incident clarification report, the EO office will forward to SJA for review and consultation. After SJA review, the installation/center commander (director) will make the final determination on the classification and release of the final notification. (Refer to EO CoP for a sample Incident Clarification Report.)

5.5. Numbering EOTIs. Every EOTI is assigned a docket number. The docket number is determined by combining two separate elements: the case type code and the case file number.

5.5.1. Case Type Code. There is one type of case file code "EI".

5.5.2. Case File Number: The EO office document and manages EOTIs by EO docket number. EOTI docket number includes the first four of the passcode (MPE Id and MAJCOM)-the last two digits of the fiscal year- a numerical case number assigned consecutively.

5.5.3. Followed by Two Letter MPE code. Every Air Force base has a two-letter MPE code. This is the same two-letter code used when updating personnel records in the PDS (e.g., "RJ" = Randolph AFB "OJ" = AETC MAJCOM).

5.5.4. Case File Number. The case file number consists of the last two digits of the calendar year (e.g., 09 = 2009, 01 = 2010, etc.) followed by the sequence of the EOTI (01, 02, etc., with numbers reverting back to 01 at the beginning of every calendar year.

5.5.5. **Example:** EI-RJOJ-09-03 = an EOTI from Randolph AFB which occurred in CY 2009 and was the third EOTI of the year.

5.5.6. The EO office will include case numbers on all correspondence to higher headquarters referencing an EOTI, to include all formal reporting procedures.

5.5.7. When EOTIs involve subjects assigned to a tenant organization, the host EO office will forward information copies of initial, follow-up and final notifications to the responsible tenant organization.

5.6. Joint Service Equal Opportunity and Treatment Incident Notification Procedures.

5.6.1. AF/A1Q will develop policy guidance to ensure current procedures regarding Joint Service notification are provided to the "Operations Center/Command Post to notify Joint Service Commanders and Defense Agency Chief's when members of their organizations/units are involved in Equal Opportunity and Treatment Incidents (EOTI's).

5.6.2. Ensure the incident notification message provides detailed information identifying the incident participants, location of the incident, and unit of assignment. Ensure the message is forwarded to the appropriate Joint Service/Component Commander or Defense Agency Chief for information and necessary corrective action.

5.6.3. The installation/theater/center commander (director) makes the final determination on the classification of the incident and approves release of the notification message.

Chapter 6

DISABILITY ACCOMODATION

6.1. Accommodation Obligation.

6.1.1. The Rehabilitation Act of 1973 (29 USC §791 et seq.) as amended by the Americans with Disabilities Act of 1990, as amended (42 USC §12101 et seq.) requires all Federal agencies to provide reasonable accommodation to qualified individuals with disabilities who are employees or applicants for employment, unless to do so would cause undue hardship.

6.1.2. In general, an accommodation is any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities. 29 C.F.R. pt. 1630 app. § 1630.2(o).

6.1.3. Disability Accommodation is a case-specific and fact-specific process. The EEOC's "Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act" dated October 17, 2002 (**http://www.eeoc.gov/policy/docs/accommodation.html**) and the Air Force "Plan for Employment and Development of People with Disabilities and Reasonable Accommodation Procedures" dated January 2010 (**http://www.afpc.randolph.af.mil/afcivilianjobs/resources.asp**) provide controlling guidance on this issue. Whenever dealing with a reasonable accommodation request, consult your servicing legal office.

6.2. Qualified Individual with a Disability.

6.2.1. A qualified individual with a disability is an individual with a physical or mental impairment, or a record of having such an impairment, that substantially limits one or more major life activities, who can, with or without reasonable accommodation, perform the essential functions of the position that the individual holds or desires. An individual only "regarded as" having such an impairment is not entitled to reasonable accommodation.

6.3. Undue Hardship.

6.3.1. Employers do not have to provide any accommodation that would pose an undue hardship on the operation of the Agency.

6.3.2. Undue hardship focuses on the resources and circumstances of the particular employer in relationship to the cost or difficulty of providing a specific accommodation and refers to reasonable accommodations that are unduly extensive, substantial, or disruptive, or those that would fundamentally alter the nature or operation of the business.

6.4. Reasonable Accommodation.

6.4.1. Reasonable accommodation may include, but is not limited to:

6.4.1.1. Making existing facilities used by employees readily accessible to and usable by persons with disabilities;

6.4.1.2. Job restructuring, modifying work schedules, or reassignment of a current employee to a vacant position; and

6.4.1.3. Acquiring or modifying equipment or devices, adjusting or modifying examinations, training materials, or policies, and providing qualified readers or interpreters.

6.4.2. An employer is not obligated to provide personal use items such as glasses or hearing aids.

6.4.3. An employer is not required to remove an essential function of the job as an accommodation.

6.4.4. An employer shall hold employees with disabilities to the same standards of performance and conduct as other similarly situated employees without disabilities. An employee with a disability must meet the same production standards, whether quantitative or qualitative, as a non-disabled employee in the same job. Lowering or changing a production standard because an employee cannot meet it due to a disability is not considered a reasonable accommodation.

6.5. Interactive Process.

6.5.1. A request for reasonable accommodation is the first step in an informal, interactive process between the individual and the employer.

6.5.2. There is no requirement that the request be in writing and there are no specific forms or terms that an individual must use to request an accommodation.

6.5.3. The request may come from the individual, family member, friend, health care professional, or representative.

6.5.4. When the accommodation request involves or affects job performance, and using a problem solving approach, an employer should:

6.5.4.1. Analyze the particular job involved and determine its purpose and essential functions;

6.5.4.2. Consult with the individual with a disability to ascertain the precise job-related limitations imposed by the individual's disability and how those limitations could be overcome with a reasonable accommodation;

6.5.4.3. In consultation with the individual to be accommodated, identify potential accommodations and assess the effectiveness each would have in enabling the individual to perform the essential functions of the position;

6.5.4.4. Consult with the installation Disabilities Program Manager and SJA. Unusual or difficult questions about requested accommodations may be referred to the HAF/A1Q Disabilities Program Manager or to SAF/GCA.

6.5.4.5. Consider the preference of the individual to be accommodated and select and implement the accommodation that is most appropriate for both the employee and the employer. The employer need not provide the employee’s preferred accommodation. The employer may choose among reasonable accommodations as long as the chosen accommodation is effective.

6.5.5. When the request for accommodation involves the application process or access to a benefit or privilege of employment, a similar approach to that outlined above should be used.

6.5.6. As a general rule, the individual with a disability – who has the most knowledge about the need for reasonable accommodation – must inform the employer that an accommodation is needed. However, the employer should initiate the reasonable accommodation interactive process without being asked if the employer: (1) knows that the employee has a disability, (2) knows, or has reason to know, that the employee is experiencing workplace problems because of the disability, and (3) knows, or has reason to know, that the disability prevents the employee from requesting a reasonable accommodation. If the individual with a disability states that he or she does not need a reasonable accommodation, the employer will have fulfilled its obligation.

6.6. Medical Documentation.

6.6.1. Medical Documentation. When the disability or the need for reasonable accommodation is not obvious, employers may request reasonable medical documentation to determine whether an individual requesting accommodation has a disability.

6.6.2. Reasonable documentation means that the employer may require only the documentation that is needed to establish that a person has a disability as stipulated in the Rehabilitation Act, and that the disability necessitates a reasonable accommodation.

6.6.3. Employers may also request information to document the need for accommodation and to help determine appropriate accommodations.

6.6.4. In most cases, employers cannot request complete medical records because such records may reveal information that is not relevant to determining whether the employee has a disability or needs an accommodation. Requests for medical information should be narrowly tailored to answer specific questions to help determine if the individual has a disability and/or if reasonable accommodation is needed (and if so, what specifically is required as a reasonable accommodation). Any medical information obtained from an employee shall be collected and maintained on separate forms and in separate medical files and be treated as a confidential medical record, except when disclosure is required to inform supervisors of necessary restrictions or accommodations or for emergency medical treatment.

6.7. Denial of Accommodation Requests.

6.7.1. Denials of reasonable accommodation must be in writing and include specific reasons for the denial and the employee or office that made the decision. A denial must notify the individual that s/he has a right to file an EEO complaint, the procedures for doing so, as well as identify and explain any avenues available for informal dispute resolution.

6.7.2. If an alternate accommodation is approved, the written notification should explain both the reasons for the denial of the original accommodation and the reasons it is believed the chosen alternative will be effective.

Chapter 7

EQUAL OPPORTUNITY OPERATIONS IN THE DEPLOYED ENVIRONMENT

7.1. EO Presence in the Area of Responsibility (AOR).

7.1.1. The Air Force will identify trained military EO professionals for Air and Space Expeditionary Force (AEF) rotational support for global contingency operations consistent with requirements established by the Commander, of Air Force Forces (COMAFFOR). Normally, each Air Expeditionary Wing (AEW) will warrant at least one EO requirement. For deployments smaller than an AEF, deployed commanders must provide an EO capability consistent with the requirements of this AFI.

7.1.2. For emerging operations, when practicable, the Air Component A1 should coordinate development of any EO requirements with the EO Functional Area Manager (EO FAM) at AFPC/EO. The Air Component A1 and the FAM should keep in mind the COMAFFOR's responsibility to ensure theater-wide support to Airmen in smaller units at potentially isolated sites, and determine if central or regional management can be effective.

7.1.3. During transition to sustained operations, the Air Component A1 planner must account for future rotations and coordinate those requirements with the EO FAM. Ensure line remarks and overlap considerations are reviewed to ensure seamless exchange between outgoing and incoming EO professionals.

7.1.4. For sustained operations, the Air Component A1 provides the functional oversight to ensure a continued EO capability exists to support their AOR. This includes, but is not limited to:

7.1.4.1. Designating locations that require an EO professional, and ensuring that those locations are sufficient to support the AOR throughout mission fluctuations.

7.1.4.2. Identifying EO professionals in theater and resolving with local commanders any gaps in this critical element of support.

7.1.4.3. Coordinating with EO FAM and AF/A1Q on all issues needing resolution.

7.1.4.4. Noncombatant Evacuation Operations (NEO) including reception, processing and disposition activities may continue longer than the wartime operations anticipated in the existing Support Force Sizing Exercise (FORSIZE) OPLAN scenario. Therefore, EO planners at CONUS/OCONUS locations will address EO manpower requirements for anticipated NEO activities.

7.2. Personnel Requirements.

7.2.1. DEOMI-trained EO professionals with Air Force Specialty Codes (AFSC) 38F and 3S1X1 are eligible to deploy in support of EO contingency operations. Members must be currently serving in the EO career field and have successfully completed Civilian EEO, ADR, and AF EO IT system training.

7.2.2. DEOMI-trained Air National Guard and Air Force Reserve personnel will augment active duty forces as directed, but must have completed the additional training requirements specified in paragraph 7.2.1.

7.2.3. Air Force Forces (AFFOR) EO Strategic Advisor. Acts as the EO program staff officer and is responsible for monitoring all AF EO elements in the AOR for policy compliance, and provides assistance and guidance to EO offices as needed.

7.2.4. Regional EO Director and/or Advisor. Provides direct, day-to-day operational EO support to all AF military and civilian members assigned to the AOR and wing headquarters staff. S/he provides EO services and support to AEW commanders, and all designated AEF/Air Expeditionary Groups (AEG)/Forward Operating Bases (FOBs).

7.2.5. Forward Operating Base (FOB) EO Liaison.

7.2.5.1. Members serving as FOB EO liaisons will be appointed in writing by the FOB commander. Minimum rank requirement is TSgt or above.

7.2.5.2. FOB EO liaisons will receive training by their Regional EO director and/or Advisor on their specific duties and responsibilities. This training should be conducted on-site. If on-site training is not feasible, training may be conducted via video teleconferences, teleconferences, or through email.

7.2.5.3. Under the guidance of the Regional EO director and/or Advisor, the FOB EO liaison will:

7.2.5.3.1. Conducts initial contact interviews for formal/informal military EO complaints and incidents occurring within their specific assigned location and report the details to the regional EO director for action.

7.2.5.3.2. Conducts initial interviews for civilian EEO complaints only if they have completed AF-approved Basic EEO Counselor training.

7.2.5.3.3. Immediately refer complaints against senior officials, colonels and colonel (selects) to AF IG channels IAW AFI 90-301, *Inspector General Complaints*.

7.2.5.3.4. Maintains a working relationship with other appointed EO liaisons, advisory councils, and special emphasis groups.

7.2.5.3.5. Uses only locally developed EO materials provided by regional EO office, and contacts the regional EO office for specialized training requests to determine best method of instruction and availability of DEOMI-trained instructors.

7.2.5.3.6. Ensures flyers/posters with EO program information are posted prominently in all work/common areas, to include but not limited to the dining facilities, PERSCO area, Base Exchange, and services facilities. Flyers/posters should include contact information for the FOB EO Liaison, the Regional EO Office, the Air Force Forward Operations (AFFOR) EO Strategic Advisor, and the Air Force sexual harassment and discrimination complaint hotline number.

7.2.5.3.7. Per regional EO director's and/or Advisor request, gathers EO-related data from SF, IG liaison, Chaplain, PERSCO personnel, and other installation agencies for trend analysis, including SF blotters and incident reports.

7.2.5.3.8. Contacts the regional EO office for requests to serve as SMEs for CWIs, CDIs, or IG investigations.

7.2.5.3.9. Conducts unit Out and About (O & A) visits to collect information concerning the general unit and installation human relations climate. This information will be provided to the regional EO office via the monthly activity report.

7.2.5.3.10. Provides monthly activity reports by the 5th of each month, to the respective regional EO office, attaching all forms and documentation (e.g., 1271s, MFRs, etc.).

7.2.5.4. EO Liaisons will not perform the following actions:

7.2.5.4.1. EO classroom instruction other than Right Start or Jump Start orientations.

7.2.5.4.2. Assist in processing EO incidents, formal and informal complaints, or provide referral assistance, except for initial contact interviews.

7.2.5.4.3. Serve as an SME for CWIs or CDIs, other types of investigations or perform analysis of interview data.

7.2.5.4.4. Serve as a facilitator/mediator.

7.2.5.4.5. Conduct one-on-one interviews (this does not include initial contacts on an issue).

7.3. EO Services.

7.3.1. EO services must include, but are not limited to military EO formal/informal complaint processing, civilian EO informal complaint processing, out and about assessments, human relations education (as specifically requested by commanders) and quarterly statistical reporting.

7.3.2. Deployed EO staff in direct support of combat operations will focus on identifying, preventing, and neutralizing actual/potential human relations incidents.

7.3.3. HRCAS and UCAs (Types I, II, and III) are not conducted in the AOR. EO directors and/or specialists who receive specific requests from commanders must first contact the EO Strategic Advisor to request an exception to policy request from AF/A1Q.

7.3.4. EO directors and/or Advisors will utilize the AF approved Right Start/Jump Start EO lesson plan to brief newcomers on EO policies and procedures.

7.3.5. EO directors and/or Advisors will prepare an End-of-Tour report for the AOR commander, EO Strategic Advisor, AF/A1Q, AFPC/EO, and the incoming EO director and/or specialist. The report will include responsibilities, accomplishments, areas of concern, and recommendations for improving the deployed EO program (Refer to the EO CoP for sample end-of-tour report).

7.4. Processing Civilian EEO Complaints.

7.4.1. Any Department of the Air Force deployed civilian employee who believes he or she has been discriminated against because of race, color, religion, sex, national origin, age, physical or mental disability, genetic information, and/or reprisal in an employment matter, including Equal Pay Act complaints subject to the control of the Air Force, and/or feel they have been sexually harassed may initiate the civilian EEO process. The structure in an AOR is different than the structure found stateside or overseas.

7.4.2. The aggrieved must initiate contact with an AF EO office assigned to their respective operating location within the AOR within the required timelines set forth by EEOC.

7.4.3. Deployed EO offices, specifically the EO director/Advisor, will provide full EEO servicing to the complainant up to and including pre-complaint processing. This includes entering data in the AF EO IT system for tracking purposes.

7.4.4. If the EO office is unable to resolve the issue and the complainant wishes to file a formal complaint, the EO director/specialist will forward the complete case file and all documentation to the appropriate stateside/overseas EO Office in the complainant's agency.

7.4.5. The AOR EO Strategic Advisor and the owning stateside/overseas EO office will contact AFPC/EO to request the case file be transferred in the AF IT system to the new stateside/overseas EO office handling the complaint.

7.4.6. The owning EO office will follow the normal procedures outlined in Chapter 4.

7.4.7. If the AOR EO office receives a cross-agency or cross-service complaint, and the RMO or witness is from another military branch, agency or department, the AOR EO Strategic Advisor will contact AFPC/EO who in turn will assist in working directly with the service/agency/department at the headquarters level for resolution. However, the AF has responsibility for processing all cases in which the complainant is an AF employee.

Chapter 8

SETTLEMENT AGREEMENTS

8.1. Authority.

8.1.1. The AF has general authority to settle EO complaints during the informal and formal EEO complaint processes as required by EEOC regulation 29 CFR 1614.603 and as described in EEOC Management Directive 110, Chapter 12. Settlements of class action complaints are handled using the procedures discussed in Chapter 4 of this instruction. All EO professionals have authority to assist parties in drafting and executing settlement agreements in the pre-complaint stage, within the parameters set by the settlement authority. Agency representatives have the authority to negotiate settlements, within the parameters set by the settlement authority, after a formal complaint has been filed.

8.1.2. An AF official is properly a settlement authority if s/he has the authority to grant the scope of the remedy requested and/or provided. If an expenditure of funds is contemplated and installation commanders wish to delegate their authority for complaint resolution, such delegation must be in writing.

8.2. Settling Civilian EO Complaints.

8.2.1. The AF encourages resolution of civilian EO complaints at the earliest possible time and the lowest level practical. EO professionals/agency representatives must ensure coordination of settlement terms with the below offices prior to securing signatures of the complainant and the settlement authority to ensure that any such agreement is practical and enforceable. Such coordination is not required with respect to the merits of the case or the settlement.

8.2.2. Ensure settlement terms involving personnel actions or personnel processes are coordinated with the appropriate servicing CPS/HRO, and AFPC, if appropriate.

8.2.3. Ensure settlement terms involving financial matters, including payment of money, are coordinated with the appropriate financial management office. Compensatory damages and payment of other monetary relief are paid from installation Operations and Maintenance funds.

8.2.4. Ensure settlement terms that involve other offices or other agencies are coordinated properly. If the settlement binds an organization outside the authority of the relevant commander, the EO director or ADR Manager obtains written concurrence of an authorized official within that organization before the agreement is signed. For settlement agreements resulting from an ADR proceeding, the agreement may be signed before formal coordination, contingent upon subsequent coordination and approval. Such a contingency should be made clear to the parties prior to signature.

8.2.5. Draft settlement agreements according to the sample agreements provided in the Air Force ADR Compendium. For civilian EO complaints alleging age discrimination, care should be taken with regard to specific requirements of the Age Discrimination in Employment Act.

8.2.5.1. All civilian EO settlements are subject to the provisions of the Privacy Act of 1974. All civilian EO settlements reached during ADR proceedings are subject to the provisions of the Administrative Dispute Resolution Act of 1996 and applicable AF instructions. Terms which further restrict management's ability to disclose settlement terms to those with a legitimate need to know are discouraged.

8.3. Compliance with Settlement Agreements.

8.3.1. All civilian EO settlement agreements are binding upon the AF and the complainant. To ensure compliance with the terms of settlement, installation EO offices must accomplish the following actions:

8.3.2. Review the terms of settlement and determine the responsible office(s) executing the agreement. Provide each responsible office with a copy of the portion of the settlement agreement that pertains to their action.

8.3.3. The EO director, in coordination with CPS or HRO, transmits copies of signed settlement agreements requiring action by Defense Finance and Accounting Service (DFAS) (e.g., cancellation /correction of suspension actions, retroactive promotions, reinstatement of leave, etc.) to the servicing DFAS civilian payroll office immediately with copies of applicable Standard Form 50-B.

8.3.4. Collect documentation from the responsible office(s) indicating execution of their action and retain in the EO office with the original settlement agreement and follow disposition instructions according to Air Force Records Information Management System (AFRIMS) Records Disposition Schedule (RDS).

8.4. Allegations of Noncompliance with Settlement Agreements.

8.4.1. EO offices must handle allegations of breach of settlement agreements involving civilian EO complaints expeditiously and observe the timelines in 29 C.F.R. Part 1614 Section 504. EO offices must accomplish the following actions:

8.4.2. Upon receipt of written notice by a complainant that specific provision(s) of a settlement agreement is breached, promptly conduct appropriate fact-finding and determine if additional action is required to implement the agreement. If necessary, contact the responsible management official(s) and the servicing SJA to ensure implementation of the specific provision(s).

8.4.3. Provide a written decision signed by the installation/center commander (director) or delegate to the complainant within 30 calendar days on the determination as to whether the installation is in breach and/or efforts to resolve the matter and advise him/her of the right to appeal the decision to the EEOC for a determination as to whether the terms of agreement have been breached. (29 C.F.R. 1614.504[b]). Provide the Complainant a copy of EEOC Form 573, *Notice of Appeal/Petition*.

8.4.4. ADR may be used to resolve allegations of breach of agreements if the matter is determined to be appropriate for ADR.

Chapter 9

COMPLIANCE ACTIONS

9.1. Compliance with EEOC Orders and Decisions.

9.1.1. Installation/center EO offices are responsible for the implementation of and compliance with EEOC Orders. SAF/MRBA (AFCARO) is the AF organization that is responsible for determinations regarding the proper or improper dismissal of complaints, and all findings of discrimination, and identifying actions necessary to establish compliance, submitting interim and final compliance reports to the EEOC/OFO, for internal finding of discrimination and findings by EEOC Administrative Judges, responding to EEOC on behalf of the AF with regard to orders issued by EEOC/OFO, and distributing copies of decision and orders to offices with oversight responsibility such as AF/A1Q, SAF/GCA, MAJCOMs, etc.

9.1.2. EEOC Remand Orders. The EEOC Office of Federal Operations (OFO) may issue such orders that remand civilian EO complaints for processing, directing agency to submit additional documentation, or with regard to compliance with a settlement agreement. EEOC/OFO sends orders and decisions to SAF/MRBA. SAF/MRBA suspenses the orders to the installation/center for action. Installation/center EO offices must accomplish the following actions:

9.1.3. EEOC Remands for Processing. Immediately implement the actions as directed by SAF/MRBA and provide required documents to SAF/MRBA.

9.1.4. EEOC Orders Involving Findings of Discrimination. Inform the installation/center commander (director) and, in coordination with the servicing SJA and CPS, implement the action as directed by SAF/MRBA. Provide required documents to SAF/MRBA in accordance with the suspense.

9.1.5. EEOC Decisions Involving Default Judgments and/or Monetary Sanctions. Immediately inform the Installation/center commander (director). In coordination with the servicing SJA and CPS, implement the actions as directed by SAF/MRBA. Provide required documents to SAF/MRBA in accordance with the suspense.

9.1.6. Agency Findings of Discrimination. The agency has the responsibility to comply with SAF/MRBA Director findings of discrimination to include initiate the actions ordered and submit the documentation to SAF/MRBA.

9.2. Receipt of EEOC Decisions. SAF/MRBA is the responsible office to respond and ensure compliance with EEOC Orders on behalf of the AF. Other offices that receive an EEOC Order must immediately submit the Order to SAF/MRBA electronically by email or facsimile.

Chapter 10

AIR FORCE PERSONNEL CENTER (CIVILIAN EO COMPLAINT SUPPORT)

10.1. Data Requests. For civilian personnel records maintained at AFPC and civilian recruitment actions serviced by AFPC, AFPC/DPI is responsible for providing information to EO offices and SJAs in support of civilian EO complaint inquiries, ADR efforts, DoD investigations, and litigation. Requests for information shall be answered within 7 business days in order to facilitate compliance with the time limits contained in 29 C.F.R. Part 1614. Normally litigation information requests should be answered within 7 business days unless a different time period is specified by the requestor in accordance with an EEOC or court order. EO offices and Judge Advocates determine the nature and type of information that is relevant to a particular complaint.

10.2. Processing Complaints Involving Non-Referral Actions by AFPC.

10.2.1. Because the appointing authority rests with the installation or organization that owns the position for which the complainant was not referred, the processing of EEO claims for non-referral made by both Air Force employees and Air Force applicants are addressed as outlined in this section.

10.2.2. When the alleged non-referral occurs, the aggrieved party will contact the installation/center EO Office where the vacancy exists for counseling. Each installation/center's EO Office is responsible for working the entire case (i.e., documenting, counseling, ADR, and processing civilian EO formal complaints) that involve AFPC/DPI staffing processes.

10.2.3. When an applicant contacts the EO Office where the vacancy occurred, that office will verify with their CPS that:

10.2.3.1. The vacancy in question existed at their base.

10.2.3.2. A referral was made for the vacancy.

10.2.3.3. The required documentation is on hand to support the EO inquiry.

10.2.4. Upon receipt of an informal complaint, the EO specialist/counselor will begin an inquiry (see EEOC MD-110, Chapter 2, Section VI) and submit a list of documents required for the inquiry to ascertain the facts and circumstances surrounding the referral, as described in paragraph 10.1 above.

10.2.5. The EO specialist/counselor attempts resolution with the appropriate official at the installation where the vacancy existed and prepares a settlement agreement if resolution is reached. If no resolution is reached, the complainant will be provided a final report.

10.2.6. Formal complaints shall be processed by the installation EO office where the vacancy occurred.

10.2.7. DoD/IRD investigations, discovery, and EEOC hearings: Funding for investigation, discovery, and hearing will be provided by the installation responsible for the complaint. AFPC will be responsible for funding travel expenses for AFPC witnesses when traveling to defend a pure non-referral case. Legal representation shall be provided by the servicing SJA as identified in chapter 1.

10.2.8. Execution of settlements and findings of unlawful discrimination shall be in accordance with chapters 4 and 8 of this instruction.

Chapter 11

NOTIFICATION AND FEDERAL EMPLOYEE ANTIDISCRIMINATION AND RETALIATION (NO FEAR) ACT OF 2002 COMPLIANCE

11.1. No FEAR Act Description and Procedures.

11.1.1. On May 15, 2002, Congress enacted The No FEAR Act (Public Law (PL) 107-174). One purpose of the Act is to "require Federal agencies to be accountable for violations of anti-discrimination and whistleblower protection laws." (PL 107-174 Summary) In support of this purpose, Congress found that "agencies cannot be run effectively if those agencies practice or tolerate discrimination." (PL 107-174 Title I, *General Provisions*, Section 101(1). Settlements and judgments arising within the administrative or judicial processes are reportable by the AF as required by the No FEAR Act.

11.1.2. For formal civilian EO complaints in the administrative process, EO directors will ensure that accurate and timely data is entered into the current AF EO IT system on a monthly basis at a minimum.

11.1.3. For cases in federal court litigation, AFLOA/LLFSC will timely notify AFPC/EO, AF/A1Q and SAF/FM of any settlements or judgments subject to No FEAR Act reporting. LLFSC is the sole source for settlements and judgments from the federal courts.

11.1.4. SAF/FM will timely reimburse the Department of Treasury, Judgment Fund for any judgments or settlements subject to the No FEAR Act in accordance with 5 CFR 724.104 and Chapter 3100 of the Treasury Financial Manual. SAF/FM will provide the LLFSC a copy of the reimbursement document showing reimbursement to the treasury.

11.1.5. AFPC/EO will generate the annual report not later than 10 Oct of each fiscal year for review by AF/A1Q and submission to DoD and EEOC.

11.1.6. AF/A1Q will approve and forward the final report to SAF/MR for signature NLT 30 days from the end of the Fiscal Year (FY). AFPC/EO shall post the final report on the AF Public Web Site no later than 180 days after the end of the FY.

11.1.7. ANGRC EO will report formal administrative complaints filed by Air Force employees assigned to the ANGRC and National Guard Bureau (NGB) that are processed under the EEO procedures of 29 CFR Part 1614 to AF/A1Q and AFPC/EO.

11.1.8. The development of No FEAR Act Training is the responsibility of AF/A1Q to implement IAW 5 CFR. Section 724.203. AFPC/EO implements the training via various media (e.g. briefings, ADLS, etc.) and tracks numbers of individuals trained on a biennial basis.

11.1.9. EO offices must ensure the installation's workforce (to include military supervisors of civilian employees) is trained at least every 2 years.

11.1.10. EO offices must train new employees as part of its orientation program within 90 calendar days of the new employees' appointment.

11.1.11. EO offices must track numbers of individuals trained and report the statistics when requested by AFPC/EO or higher headquarters.

11.2. No FEAR Notice.

11.2.1. EO offices must provide notice to all of its employees, former employees, and applicants for Federal employment about the rights and remedies available under the Antidiscrimination Laws and Whistleblower Protection applicable to them.

11.2.1.1. Each EO office must provide the notice to its serviced employees in paper (e.g., letter, poster or brochure) and/or electronic form (e.g., e-mail, internal agency electronic site, or Internet Web site). EO offices with Internet Web sites can post the notice on those Web sites, in compliance with section 508 of the Rehabilitation Act of 1973, as amended.

11.2.1.2. The format and minimum text to be included in the notice is outlined in the Code of Federal Regulations, Title 5, Chapter 1, Part 724, Subpart B – Notification of Rights and Protections and Training.

11.2.2. After the initial notice, each EO office must provide the notice to new employees within 90 calendar days of entering on duty.

Chapter 12

UNIT CLIMATE ASSESSMENTS (UCA)

12.1. Purpose and Objective.

12.1.1. The purpose of the UCA is to assist unit commanders at all levels in assessing their unit's human relations climate (HRC) and to make recommendations for improvements.

12.1.2. The objective of the UCA is to provide unit commanders insight into positive and negative factors that may impact unit effectiveness and the unit's human relations environment.

12.1.3. Conducting the UCA. The EO office uses the following tools, individually or in combination, to conduct the UCA: survey distribution and analysis, individual interviews, observations, focus groups, unit trend data (see paragraph 12.7.2) and reports. The UCA team must obtain the unit commander's approval of the methods used to assess unit effectiveness prior to conducting the UCA.

12.2. UCA Requirements.

12.2.1. The EO office will brief the UCA program to all commanders during the KPB.

12.2.2. The EO office must conduct UCAs on units with more than 50 personnel assigned every two years or upon a unit commander's request. Unit commanders can delay the start of their UCA due to mission requirements, but may not waive the requirement to conduct a UCA every two years. If a UCA is delayed, the EO specialist will place a memorandum for record in unit continuity folder explaining the delay.

12.2.3. Participation in the UCA program for military members and civilian employees is strictly voluntary. Unit commanders should encourage unit members to participate in surveys and/or interviews.

12.2.4. If during the UCA, a member of the unit files an EO complaint of unlawful discrimination or sexual harassment, the EO office will brief the unit commander on the circumstances and impact of the complaint on the UCA. After the EO office briefs the impact of the complaint on the UCA, the unit commander will determine whether to continue, suspend or terminate the UCA. The unit commander has the option to suspend the UCA if the individual circumstances of a specific case may detract from an objective assessment of the overall HRC.

12.2.5. Upon written request of the unit commander, NAF and bargaining unit AF civil service employees may participate in the UCA. The unit commander must coordinate a memorandum requesting inclusion of civilian employees with the Chief of the servicing CPS, the union representative, and HRO for NAF employees prior to beginning a UCA for each unit assessed. The UCA team chief will file the coordinated memorandum in the unit's continuity folder. **Note**: The participation of civilian employees in a UCA is strictly voluntary. Contractor employees and host country nationals will not be included in the UCA. Unit commanders who want to survey contractor personnel must work through the appropriate contracting officer to develop an alternative survey method.

12.2.6. The EO office must use the Air Force approved survey and program to accomplish required UCAs. Other survey tools are not authorized unless approved by AFPC/EO.

12.3. Team Composition.

12.3.1. The UCA team will consist of the EO director and EO specialists. The number of team members will vary according to local mission, priorities and staffing.

12.3.2. The EO director will appoint an EO specialist to serve as the UCA team chief.

12.4. Initial Preparation.

12.4.1. The team chief will assign team members to tasks and responsibilities such as survey administration, interviews, data gathering and report writing.

12.4.2. Prior to the visit, the team will review and assess the unit's mission, organizational structure, work center locations, duty hours and demographic composition of unit personnel. This will provide the team with a preliminary picture of the unit.

12.4.3. The team will review all closed EO formal cases, informal cases, informal assistance, and EO incidents related to the unit to determine trend data. The team must then assess the potential impact of any trend data on the unit's HRC. The team should review past UCA reports from the unit.

12.4.4. The team chief will brief the commander on the approximate time frame required for the visit and make arrangements for the necessary facilities and required resources.

12.4.5. The team chief will schedule all required briefings in advance with the unit commander or the commander's designated representative. **Note:** The number of unit members randomly selected should never fall below the number identified in table 12.1.

12.5. Types of Climate Assessments.

12.5.1. There are three UCA types which provide the commander with flexibility.

12.5.2. Type I UCA. This type will be the primary assessment method for assessing an organization's human relations climate. It is the most comprehensive method.

12.5.2.1. It includes unit trend analysis (data gathering), survey access code distribution, survey analysis, individual interviews or focus groups derived from the survey analysis and a final written report. Type I UCAs will be completed within 60 duty days (unless extenuating circumstances) after the in-brief date (this includes the completion of the final report). (AFRC installations will complete Type I UCAs within six UTAs.)

12.5.3. Type II UCA. This type includes unit trend analysis (data gathering), survey access code distribution, survey analysis and requires a final written report. Type II UCAs will be completed within 30 duty days (unless extenuating circumstances) after the in- brief date (this includes the completion of the final report). (AFRC installations will complete Type II UCAs within six UTAs.)

12.5.4. Type III UCA. This type includes interviews only and requires a final written report containing the results and analysis. This type is usually used for units with fewer than 50 personnel. Type III UCAs will be completed within 30 duty days after the in-brief date (this includes the completion of the final report). (AFRC installations will complete Type III UCAs within six UTAs.)

12.6. UCA Briefings.

12.6.1. The required number of briefings is determined by the UCA type the commander selects.

12.6.2. Type I requires three briefings; in-brief, post-survey brief, and out-brief.

12.6.3. Type II and III include two briefings; in-brief and out-brief.

12.6.4. The commander determines who attends UCA briefings.

12.6.5. In-brief (applies to all UCAs):

12.6.5.1. The in-brief will be lead by the EO director and is designed to develop an integrated strategy on how to conduct the UCA to best meet the needs of the commander. The team chief describes the capabilities of the UCA team and solicits from the commander any specific needs or concerns that may require additional assessment or clarification.

12.6.5.2. The team chief provides the commander with a copy of the survey and samples of additional survey questions for review.

12.6.5.3. The commander must appoint an action officer, preferably an E-7 or above, to serve as a point of contact for the team.

12.6.5.4. The commander or designated representative is responsible for notifying and scheduling unit personnel for survey participation, interviews and other administrative functions.

12.7. Data Gathering.

12.7.1. The team must recognize the development of trends and potential problem areas that may affect unit effectiveness.

12.7.2. Gather unit historical trend data, such as military/civilian complaint and incident data, personnel data (performance reports, promotions and awards), and legal data (Articles 15 and Courts-Martial). The key is the availability of relevant data and the selection, compilation, analysis, and presentation of the material.

12.7.3. There are several agencies in which you may gather data from. The UCA team should review information gathered from EO, IG, MPS, CPS, Human Resource Office (HRO), and SF to determine trends that may impact unit effectiveness.

12.7.4. The UCA team must review the following:

12.7.4.1. AF Form 1587, *EO Complaint Summary*.

12.7.4.2. AF Form 1587-1, *EO Informal Complaint Summary*.

12.7.4.3. AF Form 1271, *Record of Assistance*.

12.7.4.4. EOTIs (minor, serious and major).

12.7.4.5. DD Form 2655, *Complaint of Discrimination in the Federal Government.*

12.7.4.6. Previous UCA Reports.

12.8. Survey Administration.

12.8.1. The survey is a very important tool to the UCA process. The survey provides the commander insight into unit perceptions and serves as the starting point for developing personal interviews. When conducting UCA Type I or II, the UCA team will use the Air Force-approved UCA Survey to survey unit members. Team members and unit commanders may not delete or modify questions contained in the Air Force-approved UCA Survey. Unit commanders may, at their discretion, include up to 10 additional questions to the survey.

12.8.2. The survey assesses and reports both positive and negative perceptions of a unit's human relations climate that may potentially impact the EO climate, unit cohesion or mission effectiveness.

12.8.3. Sample size. Survey responses must include a sufficient number of participants. Table 12.1. identifies suggested sample sizes associated with various unit populations.

12.8.4. Survey caution. Survey responses may generate more questions than they answer; consequently, use the survey to develop interview questions, if applicable.

12.8.5. Survey access code distribution. The team will emphasize survey access code distribution procedures when coordinating the UCA with the commander.

12.8.6. Survey analysis. Upon survey termination date, the team will analyze survey results.

12.8.7. Post-survey briefing (applies to Type I and II UCAs):

12.8.7.1. Provides unit commanders with an analysis of survey responses from unit members. The analysis identifies human relations factors that may impact unit effectiveness and cohesion. It also identifies areas that may require further clarification through individual interviews or focus groups. **Note**: At the unit commander's discretion, a UCA may transition between a Type I and a Type II assessment.

12.8.7.2. The UCA team must redact any names within the verbatim survey comments prior to providing the comments to the unit commander at the post survey briefing.

12.8.7.3. The team will prepare and develop a list of interview questions derived from the survey analysis (for Type I & III). The unit commander reviews and approves the interview questions. The unit commander may provide the team with additional questions which require clarification during the interview process.

Table 12.1. UCA Survey Sample Sizes.

RULE	A If the population is	B Attempt to survey	RULE	A If the population is	B Attempt to survey
1	0-10	10	20	201-220	101
2	11-20	18	21	221-230	103
3	21-30	26	22	231-260	109
4	31-40	33	23	261-280	112
5	41-50	40	24	281-310	117
6	51-60	46	25	311-350	122
7	61-70	51	26	351-390	127
8	71-80	56	27	391-450	132
9	81-90	61	28	451-510	137
10	91-100	65	29	511-600	143
11	101-110	69	30	601-720	148
12	111-120	73	31	721-880	154
13	121-130	77	32	881-1140	161
14	131-140	80	33	1141-1580	167
15	141-150	83	34	1580-2530	174
16	151-160	86	35	2531-6040	181
17	161-170	89	36	6041-10000	183
18	171-180	92	37	20000	187
19	181-90	97			

NOTES:

1. Survey participation for units with less than 50 assigned personnel is highly encouraged. In such cases, the team will allow all unit members the opportunity to participate.

2. These sample sizes fall between a 90 percent confidence level, plus or minus six percent.

12.9. Interviews.

12.9.1. Conducting interviews is an integral part of UCA Types I and III. The team will consider the best interview method when gathering data, such as personal interviews, focus groups, or group interviews. **Note**: The unit commander must approve the interview method.

12.9.2. Selection of Personnel. The number of personnel to be interviewed is based on the size of the unit and the capability of the team. Table 12.2., identifies recommended interview sample sizes based on unit populations.

12.9.3. The team will select a representative mix of personnel in the unit based on sex, race, national origin, grade, AFSC and operational function.

12.9.4. The team will also interview unit members from all work shifts.

12.9.5. Allowing interviewees to elaborate on certain subjects may uncover new subjects of interest for the unit commander. Also, the unit commander may opt for option III (interviews only) when they have specific needs, issues and concerns requiring clarification.

Table 12.2. UCA Interview Sizes.

	A	**B**
Rule	If the population is	attempt to interview
1	Fewer than 25	The entire unit
2	25-49	25-30
3	50-99	30-35
4	100-199	35-40
5	200-299	40-45
6	300-399	45-50
7	400 or more	50-55

12.9.6. When survey responses reveal concerns specific to a group (e.g., group members perceive inequity in disciplinary actions or women perceive sexual harassment to be a problem), it may be important to schedule more individuals from that group to clarify the concern.

12.9.7. Interview Scheduling. The unit commander, first sergeant, or liaison representative must inform unit members of the schedule and requirement for conducting interviews. When possible, conduct interview(s) at a neutral location. The interview office(s) or room(s) should be private and dedicated to the UCA team. It is recommended to schedule “walk in” times in order to allow for members who want to provide input may do so.

12.9.8. Interview Questions. The survey, survey analysis, and specific unit commander concerns are the key sources for developing interview questions (options I and III). When required, trend data review (e.g., complaints, personnel actions, legal actions, or unit council concerns) will also be a source for follow-up questions. In all cases, the unit commander will approve interview questions.

12.9.9. Interview Techniques.

12.9.9.1. Explain to the interviewee the purpose and objective of the personal interview, focus group interview, or group interview.

12.9.9.2. Explain to the interviewee that UCA team members do not have confidentiality, and if a legal issue or UCMJ violation surfaces, the UCA team chief will inform the proper authorities.

12.9.9.3. Emphasize to the interviewee that participation is voluntary. The interviewee must concur with being interviewed.

12.9.9.4. Do not use coercion or pressure.

12.9.9.5. Explain the purpose of taking notes.

12.9.9.6. Ask all questions on your list in an identical fashion.

12.9.9.7. Limit questions to a single idea per question.

12.9.9.8. Use open-ended questions, those facilitating open dialogue concerning positive and negative issues affecting the unit.

12.9.9.9. Phrase questions so as not to suggest an appropriate response.

12.9.9.10. Move from the general to specific information in order to capture useful data.

12.9.9.11. Use language the interviewee will understand.

12.9.9.12. Use transition statements to move from one question to another and to orient the respondent to new areas of discussion.

12.9.9.13. Do not be judgmental or express your own views about interviewee responses.

12.9.9.14. Pace the interview so all questions are covered; as a rule, individual interviews must not exceed 15-30 minutes. If interviewees desire to continue beyond their allotted time, provide them the option to visit your office at a later time.

12.9.9.15. Interview Notes. Take short concise notes. Attempt to quantify responses where possible. **Example:** Ask interviewees to rate their responses on a scale of 1 to 10. Annotate the demographics of the interviewee on the interview notes.

12.9.9.16. If during the UCA interview, a military/civilian interviewee makes a request to file an EO complaint, the UCA team member will terminate the interview and immediately refer the interviewee to the Equal Opportunity (EO) Office. When the complainant is a civilian employee, the EO director will brief the unit commander on the circumstances of the complaint IAW chapter 4, paragraph 4.5.1.9 of this instruction.

12.9.10. Out-brief (applies to all UCAs).

12.9.10.1. The out-brief is required after all UCA information has been analyzed, evaluated and administratively processed. The out-brief will contain a synopsis of the survey analysis report, comments gathered from the surveys, relevant trend data, and anecdotal comments made by interviewees.

12.9.10.2. Highlight relevant findings.

12.9.10.3. Present relevant positive and negative findings to provide a balanced approach.

12.9.10.4. Provide rationale and support for conclusions.

12.9.10.5. Be prepared to conduct additional research into special interest issues if requested by the commander.

12.9.10.6. Be straightforward and direct. Avoid condescending, defensive, or apologetic behavior.

12.9.10.7. Discuss recommendations and strategies for problem resolution.

12.9.10.8. Offer follow-up services to help resolve EO or managerial related problems.

12.9.10.9. The team should not delve into job analysis, work distribution, and other organizational development areas. These assessment factors are not within the scope of the UCA program.

12.9.10.10. For UCA Type II, the post survey briefing is sufficient and serves as the out-brief.

12.10. The Final Report.

12.10.1. The final report culminates the UCA. It provides a record of the visit and summarizes relevant information gathered from trend data review, post survey briefing and interviews. The final report will not contain names, new or unexpected information, or verbatim comments extracted from the survey.

12.10.2. The unit commander must receive the final written report no later than 15 duty days after the out-brief.

12.10.3. Report accurately and clearly the information gathered during the assessment. When preparing the report, it is essential to stress the mission of the unit.

12.10.4. All assessments require a written report. **Note**: The UCA team will not use a survey analysis in lieu of a written report.

12.10.5. Preparing to write the report:

12.10.5.1. Determine which activities in the unit are critical to mission accomplishment and what conditions hinder or help to accomplish those activities.

12.10.5.2. Consider how the success or failure of critical unit activities may impact on unit effectiveness.

12.10.5.3. Consider the impact on the unit's effectiveness of resolving potential issues, such as: unit cohesion, fair treatment, unlawful discrimination, sexual harassment, interpersonal relationships, managerial concerns, channels of communications, and morale.

12.10.5.4. Accurately describe the potential mission impact, as a result of adverse conditions identified during the UCA.

12.10.5.5. Ensure all relevant data has been assembled.

12.10.5.6. Tie associated areas together when the information relates to UCA topics, e.g., unlawful discrimination, communication, or fair treatment.

12.10.5.7. Correlate and integrate the findings from data gathering (trends), surveys, and personnel interviews.

12.10.5.8. Report Content (Refer to EO CoP for final UCA Report template):

12.10.5.8.1. The initial paragraph must consist of an introductory statement addressing the who, what, where, when, why, and how of the UCA.

12.10.5.8.2. The second paragraph should give a demographic breakout of unit members who participated in the UCA process, including survey and interview participants. The breakout allows the unit commander to evaluate the relevance of information and to see whose views are represented. **Note**: The survey analysis report gives a breakout of participants.

12.10.5.8.3. The third paragraph should contain an assessment of the unit's human relations climate. The report should include discussions of interactions based on national origin, color, race, sex or religion. Also, the team must consider AFSC, grade, and functional area when reporting.

12.10.5.8.4. Subsequent paragraphs (for types I, II, or III) may be addressed by topic or issue. Each paragraph must incorporate findings from analysis of unit trends, surveys, and interviews (as applicable). The primary topics are:

12.10.5.8.4.1. Cohesion and Pride.

12.10.5.8.4.2. Motivation and Morale.

12.10.5.8.4.3. Supervisory Support.

12.10.5.8.4.4. Perceived Discrimination.

12.10.5.8.4.5. Overt Discriminatory Behaviors.

12.10.5.8.4.6. Command Military/Civilian EO Policies.

12.10.5.8.4.7. Locally Developed Questions.

12.10.5.8.5. The final paragraph must include team recommendations, if appropriate.

12.10.5.8.6. The report should close with a statement expressing appreciation for the liaison representative's support and unit member's cooperation and participation in the UCA. Also should include a request for the unit commander to complete the UCA critique.

12.10.5.8.7. Any other analysis gathered by the UCA team (e.g., JA statistics, personnel data, results of other surveys, etc.) may be attached to the main report.

12.10.6. Report Guidelines:

12.10.6.1. Administrative Considerations. Administrative accuracy in the report is essential. Improper grammar or incorrect spelling detracts from the content and credibility of the UCA report. The report should be succinct with a logical flow of information and smooth transitions. This will greatly assist the commander when reviewing the report. The team should proofread the report and ensure the content is correct and written in a brief, clear, and concise manner.

12.10.6.2. Content Considerations:

12.10.6.2.1. Balanced Coverage. Avoid the tendency to concentrate on negative issues surfaced during the UCA. One-sided doom and gloom reports lose credibility. Unit commanders, supervisors, and subordinates need to have positive feedback; examine and report areas of satisfaction.

12.10.6.2.2. Distinction Between Facts and Opinions. Use word phrases to clearly show the origin of opinions. **Example:** Opinions solicited from female personnel reflects the following.

12.10.6.2.3. Span of Response. When stating an opinion of a particular demographic group, provide the span of response; this helps the unit commander grasp the significance of the matter under discussion. **Example:** Of the 27 Caucasian personnel assigned, ten (37 percent) appeared to experience problems working with career development course materials.

12.10.6.2.4. Use of Absolutes. Terms such as "always," "never," "best," "worst," provide no room for error, and must be avoided whenever possible. When one of these terms must be used to provide accurate information, the source should be clearly specified. **Example:** Five members of the Propulsion Branch stated “the chain of command always...”

12.10.7. Protection of Sensitive Data. A UCA may reveal many personal problems and concerns. Often interviewees will mention names and make allegations about the conduct of others. Use common sense and good judgment when working with this information. In some instances, the unit commander will need to know all of the particulars, including the name of the source. In other instances, the UCA team need only alert the unit commander to the situation. Do not misrepresent the EO office’s role to either the source or the unit commander.

12.10.7.1. If interviews produce names of individuals or alleged offenders, do not identify these individuals by name or provide verbatim comments in any written report. Specific information may be provided verbally to the unit commander during the out-brief.

12.10.7.2. A UCA is intended to raise and identify issues which impact the human relations climate and as such, does not serve as an official investigation. A UCA report is not a substitute for the military/civilian complaint process or any official investigation. The UCA team and unit commanders must not use UCA reports for these purposes.

12.10.8. Access to Information: The UCA report is a controlled working document and must be marked FOR OFFICIAL USE ONLY (Refer to DoD 5400.7-R, *DoD Freedom of Information Act Program*). Do not include any classified material in the report.

12.10.8.1. The UCA report belongs to the unit in which the UCA was conducted. The unit commander will retain the original copy of the UCA report. As the records custodians for UCA reports, the EO office will be responsible for ensuring both functional and FOIA requests are processed IAW DoD 5400.7-R. The unit commander will coordinate the release of the UCA report, IAW DoD 5400.7-R.

12.10.8.2. UCA reports are subject to the Freedom of Information Act (FOIA). Any request for release or denial of the UCA report must adhere to the requirements listed in DoD 5400.7-R. The Privacy Act does not apply to UCA reports.

12.10.9. The Verbal out-brief. An out-brief is required after all UCA information has been analyzed, tabulated, evaluated and administratively processed. The out-brief may contain a synopsis of the survey analysis report, comments gathered from the surveys, relevant trend data and anecdotal comments made by interviewees during the interview process. For Type II UCA, the post-survey briefing is sufficient and serves as the out-brief.

12.11. Defense Equal Opportunity Climate Survey (DEOCS).

12.11.1. This assessment tool is administered by DEOMI and the method includes unit trend analysis, survey distribution, analysis and a final written report. This option may also include interviews derived from the DEOCS analysis. EO offices are required to notify AFPC/EO when a DEOCS is requested by senior leadership.

Chapter 13

HUMAN RELATIONS CLIMATE ASSESSMENT SUBCOMMITTEE (HRCAS)

13.1. Purpose. The Human Relations Climate Assessment Subcommittee (HRCAS) provides the Integrated Delivery System (IDS) with an analysis of the installation human relations climate (HRC) semi-annually.

13.2. Goal.

13.2.1. The goal of HRCAS is to ensure mission effectiveness by identifying and resolving human relations issues while strengthening the work environment for the total force.

13.2.2. The HRCAS is part of the installation IDS under the Community Action Integration Board (CAIB).

13.2.3. The HRCAS uses cross-functional collaboration to analyze trends affecting the installation work environment from a total force perspective, shares pertinent data, and makes actionable strategic/tactical recommendations to address areas of concern.

13.2.4. The CAIB Executive Director will ensure the HRCAS is fully integrated into IDS/CAIB activities and the IDS chairperson facilitates collaboration between the HRCAS and other IDS/CAIB members to achieve a comprehensive assessment.

13.3. Roles and Responsibilities.

13.3.1. The installation/center EO director will serve as HRCAS chairperson. At a minimum, the HRCAS will consist of representatives from the following offices of primary responsibility (OPRs):

13.3.1.1. Equal Opportunity (EO) Office: Provides information and analysis on unit climate survey reports, EO military/civilian complaints (to include commander worked-issues, Military EO facilitations, and any contractor-related referrals), EOTIs, EO and non-EO-related informal assistance, Out & About visits, and any specialized training conducted at the request of commanders.

13.3.1.2. Affirmative Employment Program (AEP) Managers/Special Emphasis Program (SEP) Managers: Provide information and analysis on AEP and SEP initiatives/activities, including information and analysis on the Management Directive 715), and best practices. A "best practice" is defined as a management idea which asserts there is a technique, method, process, activity, incentive or reward more effective at delivering a particular outcome than any other technique. It is also defined as the most efficient (least amount of effort) and effective (best results) way of accomplishing a task, based on repeatable procedures that have proven themselves over time for large numbers of people.

13.3.1.3. Alternative Dispute Resolution (ADR) Manager for Workplace Disputes: Provides information and analysis on workplace disputes handled through the installation ADR program. This will include facilitation or mediation attempts/resolutions, and a summary of disputes handled informally through non-ADR methods such as interest-based negotiations.

13.3.1.4. Civilian Personnel Section (CPS): Provides information and analysis on civilian personnel issues relating to labor relations, unfair labor practices, grievances, Merit Systems Protection Board (MSPB) appeals, etc.

13.3.1.5. Inspector General (IG): Using available data provides general information on trends that may impact the installation human relations climate.

13.3.1.6. Employee Assistance Program (EAP) Manager (if applicable): Provides information and analysis of concerns gathered from the civilian population on the installation and trends in requests for assistance.

13.3.1.7. Military Personnel Element (MPE) (supporting member): Provides demographic data to the HRCAS as requested.

13.3.1.8. Other functional OPRs who may have pertinent information to contribute to HRCAS activities but are permanent installation IDS/CAIB members (i.e., Chaplain, SARC, SJA, etc.) have not been specifically included as HRCAS members to minimize redundancy/overlap. However, they are considered adjunct HRCAS collaborators and should provide information to the HRCAS on an as-needed basis to help facilitate problem identification/resolution. Additional organizations may also be included based on local mission conditions and the desires of the CAIB/IC (i.e., FSS, PA, etc.).

13.4. Deliverables.

13.4.1. The HRCAS will meet at least quarterly to analyze data covering the reporting periods of 1 October through 31 March (1st half FY) and 1 April through 30 September (2nd half FY).

13.4.2. Members will provide a demographic breakdown (i.e., race, color, religion, national origin and sex) of noted positive or negative trends and other information of a qualitative nature applicable to their functional areas.

13.4.2.1. HRCAS meetings should center on identifying mission-inhibiting climate factors and developing solutions to strengthen preventive and educational programs concerning the workplace human relations environment. Refer to the EO CoP for sample questions that may be used to assist OPRs in analyzing their data.

13.4.3. The HRCAS will provide semiannual assessments to the IDS during the first and third quarters of the fiscal year to coincide with EO's overall assessment of the installation's HRC reporting requirements (i.e., 1st half FY data will be analyzed and briefed during the 3rd qtr of the FY). The CAIB Executive Director, in consultation with the IDS membership and EO director or designee, will determine what information and recommendations from the HRCAS will be brought forward to the CAIB.

13.4.4. The EO director will present HRCAS findings/recommendations to the IDS and ensure HRCAS members and other collaborators understand their roles and responsibilities in meeting the spirit and intent of HRCAS.

13.4.5. The HRCA Matrix (employing a "stoplight" format) will be used to provide the CAIB with an assessment of each major functional area.

13.4.5.1. The HRCA Matrix rating system is as follows:

13.4.5.1.1. Green – No unusual leadership concerns; Yellow – Requires focused leadership attention; Red – Critical, requires aggressive intervention. **Note:** This rating scale is not intended as a measure of performance or "report card" on the effectiveness of functional OPRs. Rather, it reflects the status of HRC elements and identifies items of interest emanating from within those areas installation-wide.

13.4.5.2. HRCA matrix ratings will be derived by consensus based on HRCAS and IDS analysis/discussion of quantitative and qualitative data as provided by subcommittee members. Recommendations will be developed to address areas rated "Yellow" or "Red." This may include new action items or follow-up on those already underway.

13.4.5.3. The HRCA matrix will include, at a minimum, ratings from the current and previous two reporting periods. However, local conditions may dictate that additional reporting periods be included. For instance, AEF rotation cycles, mission changes, transformation/restructuring activities, or significant negative trends may drive a need for long-term monitoring.

13.4.6. The HRCAS will brief the IDS using a slide presentation format. At a minimum, it will include the following elements:

13.4.6.1. HRCAS membership.

13.4.6.2. Installation/center demographic breakdown.

13.4.6.3. HRCA matrix (additional factors falling outside basic matrix parameters may be added as deemed appropriate).

13.4.6.4. Significant Issues.

13.4.6.5. Recommendations.

13.4.6.6. Supplemental information/data supporting how matrix ratings of "Yellow" or "Red" were determined (i.e., UCA data, DEOCS results, etc.). It may also include significant positive trends or indicators.

13.5. Reporting Requirements.

13.5.1. On a semiannual basis, the EO director will brief the HRCAS matrix to the CAIB and discuss the status of key areas including those possible areas of concern requiring a leadership decision and POC tasking/follow up.

13.5.2. The IDS and EO director, based on recommendations from the HRCAS, will determine which matrix factors require further analysis or corrective action and will identify the functional OPR(s) responsible for action plan implementation and follow-up.

13.5.3. Addressing significant HRC anomalies or mission inhibiting conditions may require a collective effort on the part of the IDS and HRCAS.

13.5.3.1. The installation CAIB will determine what HRCAS issues, if any, need to be elevated to the MAJCOM CAIB. The MAJCOM CAIBs will, in turn, determine issues to be elevated to the Air Force CAIB.

13.5.4. The EO director will provide an overall summary of the HRC (using the HRCAS matrix “stoplight” format) semi-annually on the AF Form 3018.

13.5.5. The EO director will annotate the October through March HRCAS results in the April through June quarterly report, and the April through September HRCAS results in the October through December quarterly report. This will allow enough time for the HRCAS to meet and provide a HRCAS to the installation IDS/CAIB. The summary will include significant trends or issues and corrective measures as approved by the CAIB/IDS.

13.5.6. Center-level EO directors will ensure the semi-annual HRCAS findings are coordinated with their respective center commanders (directors) prior to vetting the information through the installation CAIB. This approach gives the center commander (director) an opportunity to provide feedback, if appropriate.

Chapter 14

HUMAN RELATIONS EDUCATION (HRE)

14.1. Resources and Materials.

14.1.1. The films and videos shown by the EO office must be approved for use in standard Air Force EO/HRE lesson plans. DEOMI maintains a listing of approved films. (Reference DEOMI.org for listing of films/videos).

14.1.2. The EO office may also show films and videos that support locally developed EO/HRE lesson plan objectives. The EO director and the installation/center commander (director) must approve films and videos used.

14.2. HRE Responsibilities.

14.2.1. HQ AFPC/EO develops, reviews and updates all Air Force-level EO HRE lesson plans, objectives, materials and programs. All lesson plans and materials must emphasize equal opportunity as a mission imperative and legal obligation. When appropriate to the course, diversity should also be emphasized as a mission imperative.

14.2.2. Only DEOMI-trained EO directors/specialists will conduct HRE education to meet the requirements listed in table 14.1**,** rules 5 through 8.

14.2.3. EO HRE instructors must:

14.2.3.1. Develop and maintain personalized lesson plans tailored to the Air Force, the installation/center's EO objectives and the importance of equal opportunity and diversity in achieving mission excellence.

14.2.4. EO director's must:

14.2.4.1. Approve all HRE lesson plans prior to implementation.

14.2.4.2. Using the Air Force approved evaluation checklist (located on the EO CoP), the EO director evaluates all AF approved HRE classes for each individual instructor and maintains a copy of the last two evaluations on file. The EO director must evaluate instructors on an annual basis for each approved EO/HRE lesson plan. The primary objective is to ensure each lesson plan meets its desired objectives.

14.2.4.3. Ensure HRE information is updated in the current personnel system using established data elements for HRE within 5 duty-days after completion of the HRE class.

14.2.4.4. Ensure sign-in rosters are maintained on file within the EO office for a period of 2-years.

14.2.4.5. Maintain name, organization and date(s) of members(s) who miss scheduled AF-approved HRE class(es) (No Shows) on file within the EO office.

14.2.4.6. Consolidate and maintain critiques from all AF-approved HRE classes by class, and keep on file within the EO office.

14.2.5. The installation/center commander (director) will approve all locally developed programs, to include lesson plans and any film or video used, before implementation.

14.2.6. The MPS will schedule military personnel requiring EO training as part of in-processing. The EO office will provide the INTRO monitor with class dates, times and class locations. The EO office will schedule all other training requirements directly with the units or other organizations.

14.2.7. The CPS will schedule civilian personnel for HRE. The EO office will provide the CPS with class dates, times, location and number of available slots. At the conclusion of each class, the EO office will forward the civilian attendance roster to the CPS with the names of civilian attendees for the purpose of updating civilian personnel training records. The CPS and employee's unit will manage civilian employee no-shows.

Table 14.1. HRE Training Requirements.

RULE	If the individual is a (an) (see note 1)	Then the curriculum package to use is (see note 2)	And the training is required	And the required length of training is
1	ROTC Attendee	ROTC Lesson Plan (see note 3)	during initial military training	1.5 hours
2	Basic Military Trainee	USAF Basic Military Training Lesson Plan	during initial military training	2 hours
3	OTS Trainee	OTS Lesson Plan	during initial military training	2.5 hours
4	USAFA Cadet	USAFA Education Lesson Plan	within 30 duty-days of arrival (see note 5)	1 hour
5	Military member or DoD civilian employee on his or her first permanent duty assignment	First Duty Station Lesson Plan (see note 4)	within 30 duty-days of arrival (AFRC within 2 UTAs)	2.5 hours
6	Military member or DoD civilian employee upon a second or subsequent permanent change of station (see note 6)	Newcomers Orientation Briefing Lesson Plan	within 30 duty-days of arrival (AFRC within 2 UTAs)	30 minutes

RULE	If the individual is a (an) (see note 1)	Then the curriculum package to use is (see note 2)	And the training is required	And the required length of training is
7	Military member or DoD civilian employee at an overseas duty station as second or subsequent duty assignment (see note 7)	Overseas Orientation Briefing (Newcomers Orientation not required)	within 30 duty-days of arrival	30 minutes
8	Installation/center commander (director), group commander, squadron commander, section commander, command chief master sergeants and first sergeants	Key Personnel Briefing (see note 6)	within 30 duty-days of appointment to position (AFRC within 2 UTAs)	30 minutes
9	Airman Leadership School student	Lesson Plan elements from NCO PME curriculum AFI (36-2301, *Professional Military Education* (see note 8)	during course attendance	2 hours
10	Major Command NCO Academy student	Lesson Plan elements from NCO PME curriculum AFI 36-2301 (see note 8)	during course attendance	2 hours
11	Air University student attending a PME course: senior NCO Academy, Squadron Officer School, Air Command and Staff College, or Air War College	Lesson Plan elements in basic course curricula (see note 8)	during PME attendance	Course length varies based on local requirements

RULE	If the individual is a (an) (see note 1)	Then the curriculum package to use is (see note 2)	And the training is required	And the required length of training is
12	**Military member or DoD civilian employee**	**Sexual Harassment Awareness Education (SHAE)**	**As requested**	**2 hours**
13	**DoD civilian employee and supervisors of civilian employees**	**Notification of Federal Anti-Discrimination and Retaliation**	**Within 90 days of accession and every 2 years following.**	**1 hour**

NOTES:

1. Other interested individuals, such as DoD spouses and Air Force NAF/Defense Commissary

Agency (DECA) civilian employees, contractors may attend on a space-available basis.

2. EO instructors may use only lesson plans that the EO director approves in writing. Lesson plans, objectives and length of training must comply with the Air Force EO program guidelines.

3. The EO office conducts Reserve Officer Training Corps (ROTC) education during summer

encampment. The optimum class size is between 15 and 20 students. Emphasizes: a. Roles and responsibilities of junior leaders related to the Air Force EO program; b. Air Force policy against unlawful discrimination and sexual harassment; c. Resolution processes for addressing

allegations of unlawful discrimination and sexual harassment.

4. Class size will normally not exceed 25 students. DoD employees with previous active duty experience who have retired or separated from the Air Force within the past 24 months are exempt from attendance. However, these DoD employees must attend Newcomers Orientation.

5. Members will, if possible, receive education before arriving at GSUs.

6. Individuals receiving a KPB are exempt from attending Newcomers Orientation.

7. As required by MAJCOMs, incorporates Newcomers Orientation lesson plan with intercultural relations education as part of the installation's local orientation program. Course length varies with local requirements and emphasis. If not required, students will attend EO Newcomers Orientation Briefing.

8. All PME schools must include lesson blocks on the importance of diversity as a foundation of effective leadership. Developing leadership at all levels that can build and lead inclusive teams is paramount to achieving mission excellence. PME instructors are authorized to teach the HRE blocks at the Airman Leadership School, NCO and Senior NCO Academies when they use seminar/guided discussion as the method of instruction. The EO office will instruct when the mode of instruction is formal/informal lecture. At installations where the PME staff uses seminar/guided discussion, the EO office will provide the PME staff with materials regarding contemporary EO issues and keep them abreast of any EO policy changes.

Chapter 15

EQUAL OPPORTUNITY OUTREACH

15.1. The Out and About Program.

15.1.1. The Out and About Program is a process used to gather additional EO/human relations information that may impact installation personnel.

15.1.2. It is the EO director's responsibility to schedule an out and about assessment with the unit commander, staff agency chief, or first sergeant. The EO director will ensure unit leadership receives a summary of observations following the assessment. Off-base out and about assessments should first be approved by the installation/center commander (director) prior to conducting visit.

15.1.3. Document all out and about assessments on AF Form 1271. The EO office will file the completed AF Form 1271 in the unit continuity folder. The EO office should not conduct an out and about assessment to the same unit/location within a 6-month period unless requested by unit leadership. Observations and discussions will focus on EO, human relations and organizational effectiveness factors that impact morale and mission readiness to include, but are not limited to:

15.1.3.1. Interpersonal communication/interaction/polarization (break rooms, work areas, recreation/entertainment facilities, etc.).

15.1.3.2. Accessibility to unit leadership.

15.1.3.3. Bulletin board and public display items (individual/group recognition, policy letters/posters, etc.).

15.1.3.4. Workplace conditions/environment.

15.1.3.5. Dormitory conditions/environment.

15.1.3.6. Graffiti.

15.1.3.7. Personal display of pictures, posters, artifacts, etc.

15.1.3.8. General impressions.

15.1.4. Such evaluations shall be performed on no less than three of the above effectiveness factors.

15.1.5. Information gathered during the out and about assessment should be used as part of the overall Unit Climate Assessment Program.

15.1.6. The number of Out and About visits each EO office must conduct is based on the number of EO specialists assigned. Each EO specialist is required to conduct at least 1 Out and About per quarter. **Example:** If the EO office has 5 EO specialist assigned, a minimum of 5 Out and About visits must be conducted during the quarter. (See Out & About checklist on the EO CoP for examples on how to complete an Out & About assessment).

15.2. Consulting. In order to assure maximum EO program effectiveness, the EO director should consult with external agencies as appropriate. Consulting with external agencies (e.g. EEOC, Federal Executive Board, etc.,) provides resources not organically available to the EO director and also provides opportunities to expand the EO program's effectiveness.

15.3. Collaboration. The EO Office is an integral part of the installation's human relations climate. As such, EO directors are responsible for ensuring maximum use of AF helping agencies. These agencies include, but are not limited to SJA, HRO, CPS, Airman and Family Readiness Center, Health and Wellness Center, Mental Health, Chaplain, Base Medical Facility, Employee Assistance Program, Public Affairs, SARC, Security Forces, AFOSI, etc.

15.4. Ethnic/Special Observances. Ethnic/special observances are conducted to enhance cross-cultural awareness and to promote diversity among all military members, civilian employees, family members, and retirees. These observances recognize the achievements and contributions made by members of specific racial, religious, ethnic, and gender groups in our society; as well as, promoting mutual respect, understanding, teamwork, harmony, pride and esprit de corps among all groups. Participation in special/ethnic observance programs combat stereotypical behaviors and benefit our diverse workplace. Additionally, these activities are an extension of human relations education objectives for maintaining a healthy human relations climate. Active command support and leadership along with thorough planning are key fundamentals for success of the program. **Note**: Diversity Days will not take the place of those special observance months mandated/proclaimed by the President of the United States.

15.4.1. EO offices are not responsible for program management or event planning. EO offices will serve as subject matter experts working in conjunction with special observance committees in planning installation/center observance activities. Participation in these events provide an opportunity for members to exchange ideas and share experiences that lead to increased awareness an appreciation of our diverse cultures, rich heritage and contributions.

15.4.2. The observance focus should be directed toward encouraging interaction and not solely on recognition. Success of observances is determined by the level of diverse participation across the installation/center.

15.4.3. Budgetary restrictions must be considered when planning events. The observance chairperson must comply with the budgetary constraints contained in AFI 65-601, Volume I, Section K. 4.26.1. Depending on the scope of the observance and the extravagance of events, it may be necessary to organize fund-raisers to help support financial requirements. There are AFI and Joint Ethic (JER) regulations that place limitations on fund-raising. All budgetary requirements must be coordinated with and approved by the servicing SJA prior to submission to your financial management office.

15.4.4. Installation/Center Commander (Director). Senior installation leadership is the key to a success special/ethnic observance program.

15.4.4.1. The installation/center commander (director) ensures committees are established to develop awareness programs for each observance.

15.4.4.2. In the event that an ethnic/special observance committee is not in place, the installation/center commander (director) may appoint a voluntary working group made up of military members and civilian employees to plan relevant activities for an observance. The group composition may include designated special-emphasis program managers,

chairpersons of chartered ethnic heritage clubs/committees and representatives from staff agencies that normally participate in the planning process.

15.4.4.3. The installation/center commander (director) or designee must approve administrative execution of special/ethnic observance programs. Adequate funding for observance events is an essential element in the success or failure of the programs.

15.4.5. EO Director. The EO director obtains the ethnic/special observance themes and also ensures ethnic/special observance chairpersons coordinate all packages and requests through the EO office prior to installation/center commander (director) approval.

15.4.5.1. The EO director will ensure the EO office maintains a copy of continuity folders for each ethnic/special observance committee. The purpose is to provide information for future observances (e.g., copies of calendar of events, flyers, staff summary sheet, programs, etc).

15.4.6. EO Specialist. The EO specialist will maintain close liaison with ethnic/special observance groups and serve as an advisor to each committee. Advisory duties include:

15.4.6.1. Attending committee meetings, as required.

15.4.6.2. Providing guidance on appropriateness of the types of events/activities held.

15.4.6.3. Reviewing and coordinating on all required publicity (i.e. articles, programs, advertisements etc.).

15.4.6.4. Providing committee with continuity binders/books.

15.4.6.5. Advising committees on their budgetary limits.

15.4.6.6. Reviewing all correspondence prior to the start of the official coordination process.

15.4.6.7. Documenting all assistance for special observances on the AF Form 1271.

15.4.7. Ethnic/Special Observance Committee Chairpersons:

15.4.7.1. The committee chairperson or private organization will coordinate with the EO office for guidance to ensure proper planning of events. Chairperson responsibilities include:

15.4.7.1.1. Soliciting a diverse group of volunteers to assist with conducting observance events.

15.4.7.1.2. Preparing and coordinating all official correspondence.

15.4.7.1.3. Notifying the installation/center commander (director) of any proposed dates/events where attendance is requested at least 45 days in advance.

15.4.7.1.4. Coordinating with Public Affairs, Security Forces, Chaplain, and Protocol offices as appropriate.

15.9. Prescribed Forms:

AF Form 1271, *Equal Opportunity Record of Assistance/Contact*

AF Form 1587, *Military Equal Opportunity Informal Complaint Summary*

AF Form 1587-1, *Military Equal Opportunity Formal Complaint Summary*

AF Form 3018, *Military Equal Opportunity/Human Relations Education Summary*

AF Form 3969, *Commander's Unit Climate Assessment Critique*

15.10. Adopted Forms:

AF Form 797, *Job Qualification Standard Continuation/Command JQS*

AF Form 847, *Recommendation for Change of Publication*

AF Form 1168, *Statement of Suspect/Witness/Complainant*

AF Form 2435, *Load Training and Certification Document*

EEOC Form 462, *Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints*

EEOC Form 573, *Notice of Appeal/Petition*

DD Form 2655, *Complaint of Discrimination in the Federal Government*

SF 50-B, *Notification of Personnel Action*

RICHARD Y. NEWTON III, Lt General, USAF
DCS, Manpower and Personnel

Attachment 1

GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION

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Abbreviations and Acronyms

AAFES—Army Air Force Exchange Services

ADC—Area Defense Council

ADRA—Administrative Dispute Resolution Act

ADR—Alternative Dispute Resolution

ADRA— Administrative Dispute Resolution Act

AGS— Administrative Grievance System

AEF—Aerospace Expeditionary Force

AETC—Air Education and Training Command

AEW—Aerospace Expeditionary Wing

AF/A1—Deputy Chief of Staff for Manpower, Personnel and Services

AF/A1P—Directorate of Personnel Policy

AF/A1Q—Air Force Equal Opportunity Office

A&FRC— Airman and Family Readiness Center

AF/HC—Air Force Chief of Chaplains

AF/JA—The Judge Advocate General of the Air Force

AF/JAA—Office of the Judge Advocate General, Administrative Law Division

AFCARO—Air Force Civilian Appellate Review Office

AFDCB—Armed Forces Disciplinary Control Board

AFDRS—Air Force Dispute Resolution Specialist

AFDDRS— Air Force Deputy Dispute Resolution Specialist

AFI—Air Force Instruction

AFLOA/JACL—Air Force Legal Operations Agency, General Litigation Division

AFMAN—Air Force Manual

AFMC—Air Force Materiel Command

AFOSC—Air Force Operations Support Center

AFOSI—Air Force Office of Special Investigations

AFPC—Air Force Personnel Center

AFPC/EO—Air Force Equal Opportunity Operations

AFPD—Air Force Policy Directive

AFRC—Air Force Reserve Command

AFSC—Air Force Specialty Code

AFSPC—Air Force Space Command

AGR—(Air) Active Guard and Reserve

AGS—Administrative Grievance System

ANG—Air National Guard

ART—Air Reserve Technician

CFR—Code of Federal Regulations

CCM—Command Chief Master Sergeant

CDI—Commander Directed Investigation

CONUS—Continental United States

CORE—Compressed Orderly Rapid Equitable

CPS—Civilian Personnel Section

DeCA—Defense Commissary Agency

DEOC—Defense Equal Opportunity Council

DEOCS—Defense Equal Opportunity Climate Survey

DEOMI—Defense Equal Opportunity Management Institute

DoD—Department of Defense

DRU—Direct Reporting Unit

EEOC/OFO—Equal Employment Opportunity Commission/Office of Federal Operations

EEOC—Equal Employment Opportunity Commission

EEO—Equal Employment Opportunity

EO—--Equal Opportunity

EOTI—Equal Opportunity and Treatment Incident

EPC—Educational Programs Cadre

EPR—Enlisted Performance Report

ETCA—Education and Training Course Announcement

FAL— Functional ADR Liaison

FAM—Functional Area Manager

FLRA—Federal Labor Relations Authority

FOA—Field Operating Agency

FOIA—Freedom of Information Act

FORSIZE—Support Force Sizing Exercise

GC—General Counsel

GCMCA—General Court Martial Convening Authority

GINA—Genetic Information Nondisclosure Act of 2008

GOVT—Government

GSU—Geographically Separated Unit

HAF—Headquarters Air Force

HC— Chaplain

HMO—Housing Management Office

HRC—Human Relations Climate

HRCAS— Human Relations Climate Assessment Subcommittee

HRE—Human Relations Education

HRO—Human Resources Office

IAW— In accordance with

IC— Installation Commander

IG—Inspector General

IO—Investigating Officer

IRD—DoD Civilian Personnel Management Service Investigations and Resolutions Division

KPB—Key Personnel Briefing

LLFSC— Labor Law Field Support Center

MAJCOM—Major Command

MEOA—Military Equal Opportunity Assessment

MEO—Military Equal Opportunity

MEOSCO—Military Equal Opportunity Support for Contingency Operations

MISCAP—Mission Capability Statement

MPE—Military Personnel Element

MSPB—Merit Systems Protection Board

NAF—Non-Appropriated Fund

NCO—Noncommissioned Officer

NEO—Noncombatant Evacuation Operations

NGB—EO—National Guard Bureau Equal Opportunity Division

NGB—National Guard Bureau

NGP—Negotiated Grievance Procedure

NSPS— National Security Personnel System

OCONUS—Overseas Continental United States

OPLAN—Operational Plan

OPM—Office of Personnel Management

OPREP—3—Operations Event/Incident Report

OPR—Office of Primary Responsibility

OTS—Officer Training School

PA—Public Affairs

PDS—Personnel Data System

PMD— Program Management Directives

PME—Professional Military Education

RMO—Responsible Management Official

ROI—Report of Investigation

ROTC—Reserve Officer Training Corps

SAF/GCA—Office of the Air Force General Counsel, Fiscal and Administrative Law Division

SAF/GCD—Office of the Air Force General Counsel, Dispute Resolution Division

SAF/GC—Office of the Air Force General Counsel

SAF/IG—The Secretary of the Air Force, Inspector General

SAF/IGQ—Secretary of the Air Force of the Inspector General, Complaints Resolution Directorate

SAF/IGS—The Secretary of the Air Force Inspector General, Senior Official Inquiries Directorate

SAF/MR—Assistant Secretary of the Air Force (Manpower and Reserve Affairs)

SAF/MRD—Deputy Assistant Secretary for Strategic Diversity Integration

SAF/MRBA—Air Force Civilian Appellate Review Office (AFCARO)

SAF/US—Headquarters, United States Air Force, Under Secretary

SAF/MRD—Deputy Assistant Secretary for Diversity

SEEM—State Equal Employment Manager

SEPM—Special Emphasis Program Manager

SES—Senior Executive Service

SF—Security Forces

SJA—Staff Judge Advocate

SME—Subject Matter Expert

SNCOA—Senior Noncommissioned Officer Academy

SOS—Squadron Officer School

TDY—Temporary Duty Assignment

TPFDD—Time Phased Force Deployment Data

U.S.C.—United States Code

UCA—Unit Climate Assessment

UCMJ—Uniform Code of Military Justice

UIF—Unfavorable Information File

ULP—Unfair Labor Practice

UTA—Unit Training Assembly

UTC—Unit Type Code

Terms

Administrative Judge (AJ)— For the purpose of this instruction and pursuant to 29 C.F.R. § 1614.109, an AJ is an individual appointed by the Equal Employment Opportunity Commission when a hearing is requested, who assumes full responsibility for the adjudication of the complaint--including oversight of the development of the record.

Affirmative Action— Authorized methods used to achieve the objectives of the MEO program. Processes, activities and systems designed to prevent, identify and eliminate unlawful discriminatory treatment as it affects the recruitment, training, assignment, utilization, promotion and retention of military personnel.

Affirmative Employment Program (AEP)— Each Federal agency is required to maintain a continuing affirmative program to promote equal opportunity and to identify and eliminate discriminatory practices and policies. 29 CFR § 1614.102 EEOC MD-715 requires agencies to take proactive steps to ensure equal employment opportunity for all their employees and applicants for employment by regularly evaluating their employment practices to identify and eliminate barriers that hamper the advancement of any individual on the basis of race, national origin, sex or disability.

Agency— Each authority of the Government of the United States, whether or not it is within or subject to review by another agency, but does not include -- (A) the Congress; (B) the courts of the United States; (C) the governments of the territories or possessions of the United States; (D) the government of the District of Columbia.

Aggrieved Person— For the purpose of this instruction, this refers to an employee, former employee, or applicant for employment who believes he or she has been discriminated against on the basis of race, color, religion, sex, national origin, age, disability or reprisal.

Air Force Civilian Appellate Review Office (AFCARO)— A subordinate to SAF/MRB and is also identified as SAF/MRBA. AFCARO analyzes formal complaints, and prepares final decisions and final orders for review and SAF/MRB signature. AFCARO coordinates with the Air Force Central Labor Law Office on appeals and requests for reconsideration being processed between the Air Force and the EEOC and acts as an Air Force liaison with EEOC and the Department of Defense, Civilian Personnel Management Services, Investigations and Resolutions Division (IRD).

Alternative Dispute Resolution (ADR)— The Administrative Dispute Resolution Act of 1996, Public Law (PL) No. 104-320, 110 Stat. 3870, 5 U.S.C. § 571, *et seq.* (1996) defines ADR as any procedure that is used to resolve issues in controversy, including but not limited to facilitation, mediation, fact-finding, mini-trials, arbitration and the use of ombudsmen, or any combination thereof. Sec. 4(b), 5 U.S.C. § 571(3). [AFPD 51-12, *Alternative Dispute Resolution* (9 January 03), Attachment 1; AFI 51-1201, *Alternative Dispute Resolution Processes in Workplace Disputes* (21 May 2009), Attachment 1]. In workplace disputes, ADR proceedings utilize the services of a neutral third party to assist the parties in resolving their dispute. Specific ADR procedures are as follows:

-Facilitation-—An unstructured and flexible process in which the parties are assisted in resolving issues in controversy by a trained third party neutral (not necessarily a mediator) utilizing interest-based negotiation techniques.

-Fact-finding/Early Neutral Evaluation-A structured process in which the parties seek the assistance of a subject matter expert to review the dispute and to provide an assessment of the likely outcome of the dispute based on the facts as found or as agreed by the parties.

-Mediation- A structured process in which the parties seek the assistance of a qualified mediator to help them in resolving their issue in controversy. The Primary attributes of mediation are a structured process, the use of interest-based negotiation techniques, and the use of separate and confidential caucuses between each party and the mediator.

-Ombudsmen -A neutral employee appointed to receive and investigate complaints, provide guidance, answer questions, and refer inquiries and complaints to appropriate outside resources. In the Air Force, an ombudsman must be officially appointed in writing by the base, Field Operating Agency (FOA), or Direct Reporting Unit (DRU).

Other ADR- Other forms of ADR not specifically identified in the ADRA include structured negotiation employing interest-based negotiation principles, peer review panels, which are panels consisting of employees, or a combination of employees and management officials, appointed to review the facts, hear arguments, and render decisions on issues in controversy. Alternatively, an organization may employ a technique that is considered part of another agency's ADR program, such as the FLRA or EEOC. In addition, a dispute may be resolved by the use of a Federal court's ADR program.

Alternative Dispute Resolution Attempt— An ADR attempt occurs when a neutral is appointed and specified parties participate in a dispute resolution proceeding using one or more ADR procedures. Simply informing the parties about the option of ADR does not count as an attempt.

Alternative Dispute Resolution Manager for Workplace Disputes— An individual appointed at the Headquarters Air Force, MAJCOM, and installation level to promote the use of ADR processes for resolving military and civilian workplace disputes, to facilitate the development and implementation of the organization's workplace disputes ADR plan, and to provide oversight of the organization's workplace disputes ADR program. ADR Manager should be a civilian employee in the grade of GS-12 or above (or pay band equivalent), and must be regarded as fair and impartial to all stakeholders in ADR. If no qualified civilian candidates are available, the commander may assign a field-grade commissioned officer or senior NCO to serve as the ADR Manager until a qualified civilian employee is available. The commander shall solicit and consider recommendations from representatives of labor unions with exclusive bargaining rights before appointing the ADR Manager.

Alternative Dispute Resolution Stakeholder— An organization or individual with an official or, in the case of a complainant, claimant or grievant, a personal interest in the initiation, processing, and resolution of one or more workplace disputes. Commanders, supervisors, individual employees, military members, dispute program owners (e.g., CPS and EO) and legal and other advisors are all ADR stakeholders.

American Indian or Alaska Native— A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.

Anecdotal Comments— Comments made by interviewees during a UCA interview that describe events experienced. Anecdotal comments are not word for word, but provide a synopsis of an event.

Annual Tour (AT)— Is the minimal period of training reserve members must perform each year to satisfy the training requirements associated with their reserve components assignment. Annual training is used interchangeably with annual tour.

Appointing Authority— Any commander at wing level or above or other designated authority authorized to direct an IG investigation.

Arbitration— Arbitration involves the parties' mutual selection of a neutral third party, an arbitrator, to decide the issue in controversy after hearing witnesses, considering other items of evidence, and listening to the arguments of each side. The arbitrator's decision, called an award, can be binding or nonbinding, depending on the parties' agreement, but Air Force policy generally precludes binding arbitration outside of the collective bargaining context. Although commonly considered an ADR process, arbitration is not favored as an alternative process for resolving Air Force workplace disputes because of its use as the final step of negotiated grievance procedures in Air Force collective bargaining agreements.

Asian— A person having origins in any of the original peoples of the Far East, South East Asia , or the Indian subcontinents including, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand and Vietnam.

Basis of Complaint— For the purpose of this instruction, the statutory source (Title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act (ADEA), Equal Pay Act (EPA), or Rehabilitation Act) upon which the complainant believes she or he has been discriminated against, or the alleged motivation for the employment action being challenged; i.e., race, color, religion, sex, national origin, age, disability and/or reprisal for opposing any practice made unlawful, or for participating in any stage of the complaint process under those statutes.

Black or African American— A person having origins in any of the black racial groups of Africa.

Broughton Notice— A notification of Compensatory Damages consisting of payments intended to fully compensate victims of intentional discrimination, if otherwise allowed by law, for pecuniary and non-pecuniary losses, as well as intangible injuries that result directly from the discrimination. These damages are in addition to equitable relief such as back pay, interest, reinstatement and attorney's fees.

Chain of Command (DoD, NATO)— The succession of commanding officers from a superior to a subordinate through which command is exercised.

Civilian Personnel Section (CPS)— The office responsible for administration of the Appropriated Fund civilian personnel program at the installation level.

Civilian Personnel Officer (CPO)— The person who manages the Civilian Personnel Flight.

Claim— See “Issue in Controversy.”

Class Agent— Class member who acts for the class during the processing of the class complaint.

Class— A group of employees, former employees, and/or applicants for employment who allegedly have been or are being harmed by an agency's personnel policy or practice, based on their common race, color, religion, sex, national origin, age, or disability.

Climate Assessment— Actions taken to evaluate the human relations climate within any level of command.

Collaborative Dispute Resolution Process— Any process used by two or more parties to a dispute to resolve the dispute using a collaborative, interest-based approach. See also, *Non-ADR Early Resolution*.

Commander (CC)— The Air Force Commander or Unit CC who has been delegated appointing authority. In complaints filed against personnel in the grades of Colonel (or civilian equivalent) or above who are assigned to the Secretariat of Air Staff, a senior civilian with supervisory responsibility over the responsible management official, and no conflict of interest, shall be considered the Commander for purposes of settling the complaint. AFMC Center Directors exercising delegated appointing authority over civilian employees under their direction may be considered the “Commander” for the limit purpose of EEO program oversight, including dismissal and settlement of complaints.

Compensatory Damages— Payments intended to fully compensate victims of intentional discrimination, if allowed by law, for pecuniary and non-pecuniary losses that result directly from the discrimination. These damages are in addition to equitable relief such as back pay, interest, reinstatement, and attorney's fees.

Complainant— For the purpose of this instruction, a military member or retiree, military family member, an employee, former employee, or applicant for employment who files a complaint of discrimination or who submits allegations of unlawful discrimination or sexual harassment.

Complaint Clarification— A process of gathering information regarding a formal EO complaint or Hotline complaint to determine whether a "preponderance of evidence" exists and/or that unlawful discrimination or sexual harassment has occurred.

Complaint— An allegation of unlawful discrimination based on race, color, national origin, religion, sex, age disability or reprisal filed by a civilian employee with an EO Office; or an allegation of unlawful discrimination based on race, color, national origin, religion, or sex filed by a military member with an EO Office.

Formal Complaint—-Allegation of unlawful discrimination or sexual harassment that is submitted in writing by a complainant on AF Form 1587 or the equivalent civilian form to the EO Office.

Informal Complaint—-Allegation of unlawful discrimination or sexual harassment, made either orally or in writing to the EO office by a complainant that is not submitted as a formal complaint. If the complaint is made to the EO office, it will be recorded on AF Form 1587-1 or the equivalent civilian form.

Confidentiality— As used in this AFI, refers to the protection from voluntary or compulsory disclosure, afforded by the Administrative Dispute Resolution Act of 1996, to certain dispute resolution communications given in confidence for the purposes of a dispute resolution proceeding. *See* ADRA, 5 U.S.C. § 574.

Congressional Inquiries— Complaints addressed to members of Congress, senators or congressional staff members.

Contact— When an aggrieved person engages an EO official for the purpose of obtaining information about, or articulating, a complaint, but does not elect to start the Informal (Pre-Complaint) process.

Constructive Discharge— A termination of employment brought about by making the Employee's working conditions so intolerable that the employee feels compelled to leave. It is also called constructive wrongful discharge.

Director of Air Force Review Boards Agency (SAF/MRB)— The position with delegated authority from the Secretary of the Air Force to make decisions under 29 C.F.R. Section 1614.110 on individual EEO complaints.

Discrimination (Civilian EEO)— An unlawful employment practice that occurs when an employer fails or refuses to hire or promote, discharges, or otherwise discriminates against any individual with respect to compensation, terms, conditions, or privileges of employment because of race, color, religion, sex, national origin, age, reprisal, physical or mental disability; limits, segregates or classifies employees or applicants for employment in any way that deprives or tends to deprive any individual of employment opportunities or otherwise adversely affects his/her status as an employee because of race, color, religion, sex, national origin, age, reprisal, physical or mental disability.

Discrimination (MEO)— Any unlawfully action that denies equal opportunity to persons or groups based on their race, color, sex, national origin, or religion.

Discrete Act— an event or action by the employer which, standing alone, can form the basis of a complaint. In retaliation complaints, a discreet act is any act which objectively and subjectively stops a person from engaging in protected activity.

Disparate Treatment— Treatment that is different because of race color, sex, religion, national origin, age, disability, or reprisal.

Dispute— See *workplace dispute*.

Dispute resolution communication— Any oral or written communication prepared for the purposes of a dispute resolution proceeding, including any memoranda, notes or work product of the neutral, parties or nonparty participant. A written agreement to enter into a dispute resolution proceeding, or final written agreement or arbitration award reached as a result of a dispute resolution proceeding, is not a dispute resolution communication. *See* ADRA, 5 U.S.C. § 571(5).

Dispute resolution proceeding— Any process in which an alternative means of dispute resolution is used to resolve an issue in controversy in which a neutral is appointed and specified parties participate. *See* ADRA, 5 U.S.C. § 571(6), or any additional means of dispute resolution referred to above.

Diversity— Diversity in the Air Force is broadly defined as a composite of individual characteristics, experiences, and abilities consistent with the Air Force Core Values and the Air Force Mission. Air Force diversity includes, but is not limited to, personal life experiences, geographic background, socioeconomic background, cultural knowledge, educational background, work background, language abilities, physical abilities, philosophical/spiritual perspectives, age, race, ethnicity and gender.

DoD Military Equal Opportunity (MEO) Program— The DoD-wide military program of EO that is accomplished through efforts by the DoD components. It provides an environment in which Service members are ensured an opportunity to rise to the highest level of responsibility possible in the military profession, dependent only on merit, fitness and capability.

Equal Employment Opportunity Collateral Counselor— An individual who provides EEO Informal complaint processing, while working a collateral (additional) duty (no more than 20 percent of their duty description) and, for the purpose of complaint processing, reporting to the EO Director.

Equal Employment Opportunity Commission (EEOC)— The Commission is responsible for, among other things, conducting hearings and issuing decisions on complaints of discrimination in the federal sector, as well as enforcing compliance with section 717 of Title VII of the Civil Rights Act of 1964, as amended; sections 501 and 505 of the Rehabilitation Act of 1973, as amended; section 15 of the Age Discrimination in Employment Act of 1977, as amended; and the Equal Pay Act, section 6(d) of the Fair Labor Standards Act of 1938, as amended.

Equal Employment Opportunity Commission Office of Federal Operations (EEOC/OFO)— The Equal Employment Opportunity Commission office responsible for federal sector complaint processing.

Equal Opportunity (EO)— The right of all Airmen, military or civilian, to equal opportunity in employment, free from discrimination as defined above.

Equal Opportunity (EO) Climate Assessment— Determining the "health" and functioning effectiveness of an organization by examining such factors as morale, teamwork and communication. This is accomplished through some or all of the following: group or individual interviews, observations, surveys, questionnaires and reviews of records and reports.

Equal Opportunity Claim's Issues (EEOCI)— The specific matter(s) being challenged in a complaint.

Equal Opportunity (EO) Director— An individual (military or civilian) who reports directly to the installation/center commander to manage the EO complaints program for which the commander/director is responsible.

Equal Opportunity Counselor— A military member or civilian employee who performs EO duties on a full time basis.

Equal Opportunity Assistant— A civilian employee who provides administrative support to the EO office.

Equal Opportunity and Treatment Incident (EOTI)— An overt act, directed toward an individual, group or institution that is motivated by or has overtones of unlawful discrimination on the basis of race, color, national origin, religion or sex.

Equal Opportunity and Treatment Incident Clarification— A process of gathering information regarding a possible EOT incident to determine if the incident meets the definition of a minor, serious or major incident and if the incident has negatively affected the base human relations climate. The incident clarification is not complete until the SJA legal sufficiency review has been accomplished and the commander determines the final categorization of the incident.

Genetic Information Nondisclosure Act (GINA)— GINA prohibits discrimination on the basis of genetic information. It creates a separate form of unlawful discrimination distinct from disability discrimination under the Rehabilitation Act. GINA prohibits discrimination based on genetic information and not on the basis of a manifested condition. The Rehabilitation Act and the Americans with Disabilities Act prohibit discrimination on the basis of manifested conditions that meet the definition of disability. For example, a woman who carries the genetic marker posing a risk for breast cancer (BRCA 2) but who does not have breast cancer is covered by GINA. If she develops breast cancer, she is likely covered by the Rehabilitation Act, but not by GINA.

HAF— Headquarters Air Force, consisting of the Secretariat, Air Staff and certain Field Operating Agencies and Direct Reporting Units

Hawaiian or Other Pacific Islander— A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

Hispanic or Latino— A person having origins in Cuba, Mexico, Puerto Rico, South or Central America, or other Spanish culture or origin, regardless of race. The term Spanish Origin can be used in addition to Hispanic or Latino.

Hostile Work Environment—A hostile work environment is a series of acts which are so severe and pervasive as to alter the terms and conditions of employment. The acts which make up the hostile environment may be discreet acts or may be ones which taken alone do not rise to the level of an adverse employment action.

Human Relations Climate (HRC)— The prevailing perceptions of individuals concerning interpersonal relationships within their working, living, and social environment

Human Resource Office (HRO)— The office responsible for the administration of the NonAppropriated Fund civilian personnel program at the installation level.

In Confidence— Information provided -- (A) with the expressed intent of the source that it not be disclosed; or (B) under circumstances that would create the reasonable expectation on behalf of the source that the information will not be disclosed. *See* ADR, 5 U.S.C. § 571 (7)

Inpatient Treatment— Treatment that requires the patient be admitted to a medical facility for an overnight stay.

Installation Commander— For purpose of this AFI, the commander or head an Air Force activity exercising delegated appointing authority pursuant to AFPD 36-1, *General Civilian Personnel Provisions and Authorities*, over civilian personnel assigned to the organization or activity under his or her command or direction, including field operating agencies and direct reporting units.

Institutional Discrimination— As used in the MEO program, the action by an institution (or system), through the implementation of policies and procedures that deprives a person or group of a right because of race, color, national origin, religion or sex. Such discrimination may occur covertly, overtly, intentionally or unintentionally.

Investigations and Resolutions Division (IRD)— Component of the Department of Defense (DoD), Civilian Personnel Management Service (CPMS) that is responsible for investigating discrimination complaints for DoD components.

Issue in Controversy— An issue which is material to a decision concerning an administrative program of an agency, and with which there is disagreement -- (A) between an agency and persons who would be substantially affected by the decision; or (B) between persons who would be substantially affected by the decision. *See* ADRA, 5 U.S.C. § 571(8).

Labor Law Field Support Center— The office within the General Litigation Division of the Air Force Legal Operations Agency that is responsible for providing legal services to installation and commanders in civilian labor and employment disputes. The LLFSC coordinates base-level legal services with the installation Staff Judge Advocate.

Legal Sufficiency Review— A review of the fact-finding report and associated documents in an MEO formal complaint or EOT Incident to determine whether:

The report complies with all applicable legal and administrative requirements;

The report adequately addresses the matters complained of;

The evidence supports the findings;

The conclusions and recommendations stated are consistent with the findings; and,

Any errors or irregularities exist and, if so, their legal effect, if any.

Limited Inquiry— The purpose of the limited inquiry is to obtain information to determine jurisdictional questions if a formal complaint is filed. The limited inquiry also is used to obtain information for settlement purposes. The Air Force is committed to conducting a robust and thorough limited inquiry. A robust and thorough inquiry includes the interview of all (not some) fact witnesses and a gathering and review of all (not some) relevant documents. A robust and thorough limited inquiry does not include the interviewing of people who were not witnesses to the event but who are aware of the events only through word of mouth. An inquiry does not include the taking of sworn statements nor does it require the making of written statements.

Major Command (MAJCOM)— A major subdivision of the Air Force that is assigned a major part of the Air Force mission. Major commands report directly to Headquarters United States Air Force (Command and command level mean the same here).

Mediation— A structured process in which the parties seek the assistance of a qualified mediator to help them in resolving their issue in controversy. The primary attributes of mediation are a structured process, the use of interest-based negotiation techniques, and the use of separate and confidential caucuses between each party and the mediator.

Merit Systems Protection Board (MSPB)— The federal agency responsible for holding hearings and issuing decisions on complaints or appeals of adverse personnel actions, including disciplinary actions and performance based actions. Appeals to the MSPB may also contain allegations of discrimination, i.e., mixed cases.

Military Equal Opportunity Assessment (MEOA)— The report to DoD authorities providing an overall assessment of the Air Force's Affirmative Action Plans and equal opportunity programs. It helps authorities plan adjustments to the EOT program and dedicate resources to address EOT programs.

Military Equal Opportunity (MEO) Program— Air Force name for the DoD EO program that provides an environment in which Service members are ensured an opportunity to rise to the highest level of responsibility possible in the military profession, dependent only on merit, fitness and capability.

Mixed Case Appeal— A mixed case appeal is an appeal filed with the MSPB that alleges that an agency action over which the MSPB has jurisdiction was effected, in whole or in part, because of discrimination based on race, color, religion, sex, national origin, age, disability, or reprisal.

Mixed Case Complaint— A mixed case complaint is a complaint of employment discrimination based on race, color, religion, sex, national origin, age, disability, or reprisal related to or stemming from an action that can be appealed to the MSPB. The complaint may contain only an allegation of employment discrimination or it may contain additional allegations that the MSPB has jurisdiction to address.

National Origin— An individual's or ancestor's place of origin. Also applies to a person who has the physical, cultural or linguistic characteristics of a national group.

National Security Personnel System NSPS— An alternative human resources management system authorized by the National Defense Authorization Act for FY 2004, Pub. Law 108-136, codified at Title 5, U.S.C. Chapter 99.

Neutral— An individual who, with respect to an issue in controversy, functions specifically to aid the parties in resolving the controversy. This individual may be a Federal government employee or someone outside the Government. For purposes of determining whether communications are confidential, the term "neutral" also includes ADR intake or other administrative personnel designated and identified by the ADR Manager as a neutral for the purpose of taking information from the party or parties to a dispute to assist them in deciding whether to use a dispute resolution proceeding to resolve the dispute. *See* ADRA, 5 U.S.C. § 571(9).

Non-ADR Early Resolution— The use of a collaborative, interest based dispute resolution process to resolve issues in controversy, without the involvement of a bona fide third party neutral.

Party— A person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party, in an agency proceeding, and a person or agency admitted by an agency as a party for limited purposes. *See* ADRA, 5 U.S.C. § 571(10). An individual supervisor, manager, or other management personnel is not a party to an Air Force workplace dispute but may participate in an ADR proceeding as a representative of the Air Force or a subordinate Air Force Organization.

Preponderance of Evidence— Evidence which is of greater weight or which is more credible and convincing to the mind than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. The weight of the evidence supporting a particular fact is not to be determined by the sheer number of witnesses or volume of evidentiary matter presented, but rather by that evidence which best accords with reason and probability. The opportunity for knowledge, information possessed and manner of testifying are all relevant factors in determining the weight to be accorded to the evidence.

Prima Facie— Sufficient threshold of indirect or direct evidence to support an inference of discrimination.

Protected Disclosure (or Protected Communication)— A lawful communication in which a member of the Armed Forces communicates information the member reasonably believes evidences a violation of law or regulation including sexual harassment or unlawful discrimination, mismanagement, a gross waste of funds, an abuse of authority or a substantial and specific danger to public health or safety, when such communication is made to a member of Congress or an Inspector General; any member of a DoD audit, inspection, investigation or law enforcement organization; any other person or organization designated pursuant to component regulations or other established administrative procedures to receive such communications. This includes: IGs, Air Force Fraud Waste and Abuse monitors, MEO personnel and designated individuals of a member's chain of command (see C*hain of Command*). Protected disclosure also includes circumstances where the military member was preparing a lawful communication or complaint that was not actually delivered, where the member did not actually communicate or complain but was believed to have done so or cooperated with or otherwise assisted an IG, member of Congress or a member of a DoD audit, inspection, investigation or law enforcement organization by providing information that the military member reasonably believed evidenced wrongdoing.

Qualified Mediator— An individual who meets the Air Force criteria for mediating Air Force workplace disputes and who acknowledges and complies with the Standards of Conduct for Air Force Mediators.

Reasonable Accommodation— A logical adjustment to the job and/or the work environment that enables a qualified person with a disability to perform the essential duties of the position without doing harm to themselves or others.

Race— A division of human beings identified by the possession of traits transmissible by descent and that are sufficient to characterize persons possessing these traits as a distinctive human genotype.

Religion— A personal set or institutionalized system of attitudes, moral or ethical beliefs and practices held with the strength of traditional religious views, characterized by ardor and faith and generally evidenced through specific religious observances.

Remedy— The whole or a part of an action, taken by an agency or other official administrative or judicial authority, in response to and in consequence of a grievance, complaint, or other workplace dispute. A remedy may consist of: (A) grant of money, assistance, license, authority, exemption, exception, privilege, or other relief; (B) recognition of a claim, right, immunity, privilege, exemption, or exception; or (C) taking of other action on the application or petition of, and beneficial to, a person.

Report of Investigation (ROI)— The summary of facts and documents collected during an investigation issued by the investigator pursuant to the investigation of a formal complaint of discrimination under 29 C.F.R. Section 1614.108.

Reprisal (Civilian)— It is unlawful to retaliate against an individual for opposing employment practices that discriminate based on any of the protected categories or for filing an unlawful discrimination charge, testifying, or participating in any way in an investigation, proceeding, litigation, or expressing opposition to a perceived discriminatory practice.

Reprisal (Military)—Taking or threatening to take an unfavorable personnel action, withholding or threatening to withhold a favorable personnel action, or any other act of retaliation against a military member for making or preparing to make a protected communication.

Responsible Management Official (RMO)— A term commonly used by EEOC to refer to the individual(s) who allegedly discriminated against the complainant--formerly referred to as the Alleged Discriminating Official (ADO) and Principal Agency Witness (PAW).

SAF/GC— The Office of the Air Force General Counsel. According to Secretary of the Air Force Order (SAFO) No. 111.5, SAF/GC is the office where complaints filed against personnel are referred when alleged offenders are personnel in the grades of Colonel, Colonel-select, civilian equivalent and above who are assigned to the Secretariat or Air Staff.

Secretariat (SAF)— All organizations within the Secretary of the Air Force as prescribed by 10 U.S.C. 8014 or established pursuant to the authority granted under this provision

Senior Official— Any Air Force active duty, retired, Reserve or Air National Guard military officers in grades O-7 (brigadier general) or select and above, current and former civilian equivalents, current or former members of the Senior Executive Service (SES) and current and former Air Force civilian Presidential appointees.

Sexual Harassment— Harassment on the basis of sex is a violation of Title VII of the Civil Rights Act of 1964. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Similarly Situated Employees— Defined to mean a person or group of persons who are similar to that of the complainant. Meaning the employees could occupy the same similar positions, report to the same manager.

Staff Judge Advocate (SJA)— Installation official delegated authority to manage the legal support activity. In complaints filed against personnel in the grades of Colonel, Colonel-select, civilian equivalent and above who are assigned to the Secretariat or Air Staff, the term SJA refers to SAF/GC. In this AFI, references to the SJA refer to the Office of the Staff Judge Advocate meaning the SJA or his or her designee.

Standing— Recognition that a person filing a complaint is a proper party to file the complaint because they have been directly affected by the alleged wrong and are authorized to file a complaint.

Subject Matter Expert (SME)— EO personnel who provide advice and assistance concerning allegations of unlawful discrimination or sexual harassment to a commander, commander's designated appointee or investigative authority during all phases of an investigative process (e.g., Commander Directed Investigations, Inspector General Investigations).

Substantiated Equal Opportunity and Treatment (EOT) Complaint— A complaint where the preponderance of the evidence (more likely to have occurred than not occurred) indicates unlawful discrimination based on race, color, national origin, religion or sex.

Substantiated— A substantiated finding occurs when a preponderance of the evidence supports (more likely to have occurred than not occurred) the complainant's allegation of a violation of law, regulation or Air Force policy or standards. The documented facts indicate that a violation occurred.

Third—Party- A person or organization that attempts to present allegations on behalf of another individual.

Verbatim Comments— Comments made by a survey respondent that are recorded exactly as they appear in the survey and are transferred to the analysis report. Verbatim comments retain all the spelling and grammatical content of the original along with as much stylistic or emphatic markings as is possible (e.g. capitalization, underlines, exclamation points, etc.).

White— A person having origins in any of the original people of Europe, the Middle East, or North Africa.

Workplace dispute— A formal or informal claim or issue in controversy, arising out of an existing or prospective employment relationship between the Air Force and its civilian employees, applicants for employment, or military members, for which a remedial process is authorized by law, regulation, or policy. For purposes of application of ADR principles, a workplace dispute may be written or oral.

Attachment 2

SAMPLE, AF FORM 1271 (MILITARY)

EQUAL OPPORTUNITY RECORD OF ASSISTANCE/CONTACT File No. NM-10-022

PRIVACY ACT STATEMENT

AUTHORITY: 10 U.S.C. 8013, AFI 36-2706, Equal Opportunity (EO) Program.
PURPOSE: To collect and resolve complaints that are not related to unlawful discrimination or sexual harassment.
ROUTINE USES: Disclosures permitted under 5 U.S.C. 552a(b). May be specifically disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(3). "DoD Blanket Routine Uses Apply."
DISCLOSURE: Voluntary. All information provided will be used to facilitate resolution of concerns. Failure to provide required information may make it difficult to successfully resolve concerns in a timely manner.

I. CUSTOMER IDENTIFICATION

1. NAME	2. GRADE	3. UNIT/OFFICE	4. PHONE	5. SEX	6a. RACE	6b. HISPANIC DECLARATION
Arr, Mel	E-6	123 FSS	123-4567	M	BL	NO

II. DESCRIPTION OF ASSISTANCE

7. DATE: 20100801

8. CATEGORY OF ASSISTANCE: ☐ Out and About ☐ EO General Assistance/Contact ☑ Non-EO Assistance ☐ Non-EO ADR ☐ Briefing (Number briefed: _____) ☐ Subject Matter Expert ☐ UCA (Type:_____/Personnel_____) ☐ Special Observance

9. AREA OF CONCERNS: ☐ Appt/Hire ☐ Assignment of Duties ☐ Co-worker Dispute ☐ Disciplinary Action ☐ Duty Hours ☐ Evaluation/Appraisal ☐ Non-Sexual Harassment ☐ Pay ☑ Supervisor Dispute ☐ Training ☐ Other Specify: _____

10. SUMMARY OF CONCERNS

On 3 Aug 10, TSgt Mel Arr visited the EO Office and spoke with MSgt Jason Emm. TSgt Arr indicated his supervisor, MSgt June Cee, has been treating him unfairly the last couple of weeks. TSgt Arr stated he has been denied leave and forced to work overtime to complete various tasks. TSgt Arr stated his leave has been on the books for several months and that the tasks he is being asked to complete could easily be completed during the duty day as they have no suspense. TSgt Arr stated he never had a problem with MSgt Cee until he recently brought to light possible government travel card abuse by MSgt Cee. TSgt Arr stated he spoke directly with MSgt Cee about his concerns, but that MSgt Cee responed with "It is what it is." TSgt Arr stated he does not understand why he is being punished for showing integrity.

11. SUMMARY OF ASSISTANCE

MSgt Emm explained EO purview to TSgt Arr and asked if he felt the treatment he was receiving was based on any of the protected categories. TSgt Arr stated he did not feel it was, but that he still felt like he was being punished for doing the right thing. MSgt Cee suggested that TSgt Arr speak with someone in his chain-of-command about his concerns. TSgt Arr indicated he would feel comfortable addressing the matter with the First Sergeant or Commander. MSgt Emm called MSgt Jack Eff, 123 FSS/CCF, and set up an appointment for TSgt Arr to meet with him on 2 Aug 10.

12. REFERRED TO ☐ CC ☐ CCF ☐ CCM ☐ CPS ☐ HC ☐ IG ☐ JA ☐ MPS ☐ OIC ☐ SG ☐ Supervisor ☐ Union ☐ None ☐ Other

13. FOLLOW-UP ACTIONS

10 Aug 10: MSgt Emm called and spoke with TSgt Arr. TSgt Arr indicated he visited with the First Sergeant and determined the situation was nothing but a misunderstanding. TSgt Arr stated that he and MSgt Cee spoke more about the situation and are now getting along. TSgt Arr thanked MSgt Emm for his assistance.

No further EO action required at this time.

III. ADMINISTRATION

14. TIME SPENT	15. EO SPECIALIST	16. SIGNATURE
1.0	MSgt Jason Emm	
17. DATE CLOSED	**18. EO DIRECTOR**	**19. SIGNATURE**
20100810	CMSgt Rob Que	

AF FORM 1271, 20100830 PREVIOUS EDITIONS ARE OBSOLETE **PRIVACY ACT INFORMATION: The information in this form is FOR OFFICIAL USE ONLY. Protect IAW the Privacy Act of 1974.**

Attachment 3

SAMPLE, AF FORM 1587-1 (MILITARY)

MILITARY EQUAL OPPORTUNITY INFORMAL COMPLAINT SUMMARY

Case File Number: IC-10-001

PRIVACY ACT STATEMENT

AUTHORITY: 10 U.S.C. 8013, AFI 36-2706, Equal Opportunity (EO) Program.
PURPOSE: To record and resolve complaints of unlawful discrimination or sexual harassment.
ROUTINE USES: Disclosures permitted under 5 U.S.C. 552a(b). May be specifically disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(3). "DoD blanket routine uses apply."
DISCLOSURE: Voluntary. All information provided will be used to facilitate resolution of concerns. Failure to provide required information may make it difficult to successfully resolve concerns in a timely manner.

I. COMPLAINANT INFORMATION

1. NAME *(Last, First, MI)*	2. GRADE	3. UNIT/OFFICE	4. PHONE	5. AFSC	6. SEX	7a. RACE	7b. HISPANIC DECLARATION
Arr, Jane	E-3	123 SFS/SE	123-4567	3S031	F	WH	HL

II. DESCRIPTION OF COMPLAINT

8. ALLEGED OFFENDER DEMOGRAPHICS:

	GRADE	UNIT/OFFICE	SEX	RACE	HISP DEC	AFSC	AREA	R	C	NO	S	REL	SH:	V	NV	P	Oth
A.	E-6	123 SFS/SE	M	WH	NO	3S071	Supervisor	☐	☐	☑	☐	☐	☐	☐	☐	☐	☐
B.								☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
C.								☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
D.								☐	☐	☐	☐	☐	☐	☐	☐	☐	☐

9. SPECIFIC ALLEGATIONS OF UNLAWFUL DISCRIMINATION

I feel I have been discriminated against based on my National Origin by my supervisor, TSgt Jack Emm.

Allegation#1: On 26 Jul 10, TSgt Emm told me that I needed to turn off my "Crappy Latin Music" and play something in English.

Allegation #2: On 28 Jul 10, TSgt Emm asked me if I was going trick or treating dressed as a "Chili Pepper" for Halloween.

I feel TSgt Emm's statements were out of line and inappropriate, especially coming from an NCO. I do not feel comfortable working around him anymore as a result.

10. WORKED BY: ☑ CC ☐ CCF ☐ OIC ☐ Supervisor ☐ Coworker ☐ ADR ☐ Other:

III. ADMINISTRATION

11. DATE	12. COMPLAINANT SIGNATURE	13. EO SPECIALIST	14. SIGNATURE OF EO SPECIALIST
20100803		MSgt Jason Eff	

AF FORM 1587-1, 20100823 PREVIOUS EDITIONS ARE OBSOLETE **PRIVACY ACT INFORMATION: The information in this form is FOR OFFICIAL USE ONLY. Protect IAW the Privacy Act of 1974.**

MILITARY EQUAL OPPORTUNITY INFORMAL COMPLAINT SUMMARY	Case File Number: IC-10-001

15. SUMMARY OF INTERVIEW

A1C Arr was briefed on EO purview and options to resolve her concerns to include the informal and formal complaint process. A1C Arr was informed the EO Office does not have a privilege of confidentiality, but that all information provided is for official use only and that her privacy would be protected as much as possible. A1C Arr was informed that disclosure of a case file is protected by the Privacy Act and Freedom of Information Act (FOIA). A1C Arr elected to file an informal complaint and have her first sergeant, SMSgt Marshall Wye, work the issue. A1C Arr was then briefed of her right to file a formal complaint as appeal of the informal complaint if she is not satisfied with the process or if she should have problems in the future. A1C Arr was finally briefed to report any type of reprisal as a result for filing this complaint to the IG office.

The EO office felt the complaint should be documented based on the nature of the allegation as it could be a violation of the Air Force's policy on unlawful discrimination. It is unclear if this allegation has had any impact on the unit/installation HRC at this time.

16. FOLLOW-UP ACTIONS

3 Aug 10: MSgt Eff called Lt Col Rose Zee, 123 SFS/CC, to inform her of the complaint filed by A1C Arr. MSgt Eff informed Lt Col Zee that A1C Arr requested that the first sergeant address the situation and that he would be contacting him to brief him on his responsibility in addressing the situation.
3 Aug 10: MSgt Eff called and informed SMSgt Vee, 123 SFS/CCF, about the complaint and his responsibilities in the case. SMSgt Vee indicated he would immediately look into the matter
10 Aug 10: MSgt Eff called SMSgt Vee to inquire on the status of his inquiry. SMSgt Vee stated he had one more individual to interview today and would be making a final report.
13 Aug 10: SMSgt Vee contacted the EO Office and informed MSgt Eff that he substantiated the allegations against TSgt Emm. SMSgt Vee stated that TSgt Emm received an LOR and that he wanted to refer him to the EO Office for additional HRE training.
14 Aug 10: MSgt Eff contacted A1C Arr and briefed her on the outcome of the complaint. A1C Arr stated she was satisfied with the process.

17. DISPOSITION: ☑ Resolved ☐ Unresolved ☐ Formal Complaint			18. PROCESS TIME 5
19. DATE CLOSED 20100814	20. EO DIRECTOR *(Name, Grade)* CMSgt Rob Que	21. SIGNATURE	

AF FORM 1587-1, 20100830 PREVIOUS EDITIONS ARE OBSOLETE

PRIVACY ACT INFORMATION: The information in this form is FOR OFFICIAL USE ONLY. Protect IAW the Privacy Act of 1974.

Attachment 4

SAMPLE, AF FORM 1587 (MILITARY)

MILITARY EQUAL OPPORTUNITY FORMAL COMPLAINT SUMMARY

Case File Number: FC-10-002

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 U.S.C. 8013, AFI 36-2706, Equal Opportunity Program (EO) Program.
PURPOSE: To record and resolve complaints of unlawful discrimination or sexual harrassment.
ROUTINE USES: Disclosures permitted under 5 U.S.C. 552a(b). May be specifically disclosed outside the DOD as a routine use persuant to 5 U.S.C. 552a(3). "DoD blanket routine uses apply."
DISCLOSURE: Voluntary. All information provided will be used to facilitate resolution of concerns. Failure to provide required information may make it difficult to successfully resolve concerns in a timely manner.

I. COMPLAINANT INFORMATION

1. NAME *(Last, First, MI)*	2. GRADE	3. UNIT/OFFICE	4. PHONE	5. AFSC	6. SEX	7a. RACE	7b. HISPANIC DECLARATION
Arr, Jane	E-3	123 LRS/LG	123-4567	3S031	F	WH	NO

8. COMMANDER'S NAME *(Last, First, MI)*	9. GRADE	10. UNIT/OFFICE	11. PHONE
Zee, Frank	O-4	123 LRS/CC	123-9876

II. DESCRIPTION OF COMPLAINT

12. ALLEGED OFFENDER DEMOGRAPHICS:

	GRADE	UNIT/OFFICE	SEX	RACE	HISP DEC	AFSC	AREA	R	C	NO	S	REL	SH:	V	NV	P	Oth
A.	E-6	123 LRS/LG	M	WH	NO	3S071	Supervisor	☐	☐	☐	☐	☐	☑	☑	☐	☐	☐
B.								☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
C.								☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
D.								☐	☐	☐	☐	☐	☐	☐	☐	☐	☐

13. SPECIFIC ALLEGATIONS OF UNLAWFUL DISCRIMINATION

I feel I have been sexually harassed by TSgt John Exx, 123 LRS.

ALLEGATION #1: On 27 Jul 10, I was introduced to TSgt Exx when I reported to my duty section. When I told TSgt Exx that I was from California, he responded with the comment, "I guess I need to go to California and get me one of those 'HOT' California blondes."

ALLEGATION #2: On 29 Jul 10, TSgt Exx approached me from behind, leaned over me, placed his hands on both of my shoulders, and began to rub them. TSgt Exx then asked in a flirty way, "what cha doing?" TSgt Exx then stood and placed one of his hands on my lower back and began rubbing it in a circular motion while he was talking to someone else in the office.

I was offended by TSgt Exx's comment and feel it was inappropriate for him to say to anyone, but especially me as a new Airman in the unit. I also don't feel comfortable being around TSgt Exx now as I will always wonder if he will touch me the way he did.

14. REFERRED TO: ☐ AAFES ☐ DECA ☐ HMO ☐ IG ☐ Other

III. ADMINISTRATION

15. DATE	16. COMPLAINANT SIGNATURE	17. EO SPECIALIST	18. SIGNATURE OF EO SPECIALIST
20100803		TSgt Robert Wye	

AF FORM 1587, 20100830 PREVIOUS EDITIONS ARE OBSOLETE **PRIVACY ACT INFORMATION: The information in this form is FOR OFFICIAL USE ONLY. Protect IAW the Privacy Act of 1974.**

MILITARY EQUAL OPPORTUNITY FORMAL COMPLAINT SUMMARY

Case File Number: FC-10-002

IV. COMPLAINT PROCESSING ACTIONS

19. SUMMARY OF INTERVIEW

After explaining her allegations, A1C Arr was briefed on EO purview and asked if she felt her concerns fell under any of the protected categories of unlawful discrimination. A1C Arr stated she felt the comments and actions were a form of sexual harassment. A1C Arr was then briefed on the options to address her concerns to include the informal and formal complaint process. After hearing how the informal and formal complaint processes work, A1C Arr elected to file a formal complaint.

The EO Office felt the complaint should be opened based on the nature of the alleged physical contact and comments made by TSgt Exx. If true, the contact and comments are a violation of the Air Force's policy on EOT. It is unclear if this allegation has had any impact on the unit or installation HRC.

20. EO ACTIONS TAKEN

3 Aug 10: TSgt Wye notifed Maj Frank Zee, 123 LRS/CC, of the complaint filed by A1C Arr and his responsibilities in the formal complaint process.
3 Aug 10: TSgt Wye sent the initial NDAA Sexual Harassment Reporting Message to the GCMCA.
4 Aug 10: TSgt Wye interviewed A1C Sally Que, witness
4 Aug 10: TSgt Wye interviewed Maj Mike Eff and SSgt Jessica Cee, witnesses
5 Aug 10: MSgt Vee interviewed SSgt Jackie Jae, witness.
6 Aug 10: TSgt Wye interviewed TSgt John Exx. After being read his Article 31 Rights Advisement, TSgt Exx elected not to make a statement.
7-8 Aug 10: Weekend
11 Aug 10: TSgt Wye completed the clarification report and fowarded it to 123 ABW/JA for review. Suspense for JA review is 19 Aug 10.
11 Aug 10: TSgt Wye called and gave A1C Arr an update on the status of her complaint.
14-15 Aug 10: Weekend
18 Aug 10: 123 ABW/JA returned the report to the EO Office where they concurred with EO's findings. TSgt Wye packaged the report and took it to Maj Zee for his review and action. Maj Zee's suspense is 25 Aug 10.
18 Aug 10: TSgt Wye called and gave A1C Arr an update on the status of her complaint.
25 Aug 10: Maj Zee returned the case to the EO Office. Maj Zee stated he administered TSgt Exx a LOR.
26 Aug 10: TSgt Wye briefed A1C Arr on the outcome of her complaint. A1C Arr indicated she was satisfied with the outcome and service provided by the EO Office.
28-29 Aug 10: Weekend
30 Aug 10: TSgt Wye sent the final NDAA Sexual Harassment Reporting Message to the GCMCA.

21. COMPLAINT WAS:	22. EO Process Time:
☐ Facilitation ☑ Substantiated ☐ Unsubstantiated	6

23. LEGAL REVIEW	24. DATE	25. JA REVIEWING OFFICIAL	26. JA PROCESS TIME
☑ Concur ☐ Nonconcur ☐ N/A	20100818		5

27. COMPLAINANT ASSESSMENT *(not applicable for anonymous complaints)*

A. My allegations were thoroughly addressed.	☑ Yes	☐ No	(Initials)	
B. I am satisfied with the assistance provided by the EO staff.	☑ Yes	☐ No	(Initials)	
C. I was briefed on the EO appeals process as defined in AFI 37-2706	☑ Yes	☐ No	(Initials)	
D. I believe I have been subject to reprisal.	☐ Yes	☑ No	(Initials)	

28. DATE CLOSED	29. COMPLAINANT SIGNATURE	30. EO SPECIALIST	31. EO SPECIALIST SIGNATURE
20100826		TSgt Robert Wye	

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