



DEPARTMENT OF THE ARMY
HEADQUARTERS, 2nd INFANTRY DIVISION
Unit #15041
APO AP 96258-5041

REPLY TO
ATTENTION OF:

EAID-CG

FEB 28 2012

MEMORANDUM FOR All 2nd Infantry Division Assigned Soldiers and Civilians

SUBJECT: Policy Letter #12-3, Equal Opportunity (EO)/Sexual Harassment Complaint Procedures

1. This policy letter supersedes previous 2ID Policy Letter #24, Equal Opportunity (EO)/Sexual Harassment Complaint Procedures, dated 20 April 2007. This policy remains in effect until rescinded or superseded.

2. REFERENCES:

- a. 2ID Policy Letter #11, Prevention of Sexual Harassment (POSH), Dec 07.
- b. AR 600-20, Army Command Policy, Chapter 7, 18 Mar 08 (incorporating Rapid Action Revision 004, 4 Aug 11).
- c. EUSA Policy Letter #4, Equal Opportunity (EO)/Sexual Harassment Complaint Procedures, 3 Nov 11.
- d. USFK Command Policy Letter #1, Prevention of Sexual Harassment (POSH), 17 Oct 11.
- e. 2nd Infantry Division Equal Opportunity/Sexual Harassment Complaint Process diagram

3. PURPOSE. Ensure all service members, family members, DA civilian and Korean National employees have the right to present a complaint without fear of intimidation, reprisal, or harassment. This policy letter supersedes all previous 2ID policy letters on this subject.

4. BACKGROUND. Commanders at all levels will establish, implement, and inform their commands of EO/Sexual Harassment complaint procedures IAW AR 600-20, chapters 6-7 and appendix D (dated 1 February 2006). These procedures explain, in detail, how members of their command and family members can present a complaint to the chain of command or supporting agency.

5. DISCUSSION.

a. Any person who believes they have been harassed or discriminated against based on race, color, national origin, gender, or religion has the right to present their concern to the chain of

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command. Personnel may also file complaints about perceived disparate treatment, hostile working environment, gang/extremist activities, offensive language, symbols, or gestures.

b. Complaints of discrimination or sexual harassment can be submitted either informally or formally.

(1) An informal complaint is any complaint that the individual does not wish to file in writing. In resolving an informal complaint, members of the command must ensure that the complaint is taken seriously, handled fairly and with sensitivity. Informal complaints may be resolved without the knowledge or direct involvement of the commander. There are no time lines for an informal complaint and the complaint must be resolved as quickly as possible.

(2) A formal complaint is one that a complainant files in writing and swears to the accuracy (sworn statement) of the information. Formal complaints require specific actions, are subject to timelines, and require documentation of the actions taken. A formal EO complaint will be filed with the Equal Opportunity Advisor using DA Form 7279-R (Equal Opportunity Complaint Form). Individuals have 60 calendar days to file a formal complaint from the time that the incident occurred. However, leaders and commanders should not refuse to act on any formal complaints, even if the 60 days have expired, if the allegations are of a serious nature and negatively impacts combat readiness, morale, good order and discipline, health, welfare or the public image of the Army in a significant manner.

c. Ideally, all complaints should be handled by the lowest level of the chain of command. There will be times when an individual may feel uncomfortable submitting the complaint directly to the Equal Opportunity Advisor or support agency. Agencies available to address and process complaints are any brigade or higher Army Equal Opportunity Advisor (EOA), Inspector General (IG), Chaplain, Provost Marshal, medical agency, Staff Judge Advocate, Housing Referral Office, and EO/Sexual Harassment HOTLINES. Leaders will not preclude or hinder personnel from using these channels for complaint resolution.

6. PROPONENT. The 2nd Infantry Division Equal Opportunity Office is the proponent for this policy. POC is 2ID Equal Opportunity Program Manager, at commercial 010-4558-0171 or DSN: 732-6856 or the 2ID Senior EO Advisor, at commercial 010-9155-4651 or DSN: 732-8815.



EDWARD C. CARDON
Major General, USA
Commanding

DISTRIBUTION:

A



2nd Infantry Division Equal Opportunity Advisors



EQUAL OPPORTUNITY/SEXUAL HARASSMENT COMPLAINT PROCESS

Make an informal complaint, report in appropriate behavior without initiating a full investigation, this may be most appropriate for minor infractions when the victim simply wants the behavior stopped

If you are
The Victim



Call the Equal Opportunity Hot Line at your installation to clarify whether an incident or behavior qualifies as sexual harassment or discrimination

732-8815 /6549

If Behavior
Persists

File a formal written complaint (DA Form 7279-R) with any of the following agencies. Complaints must be filed within 60 days of incident. Complaints made after the 60 days may be pursued at commander's discretion.

CHAIN OF
COMMAND

EQUAL
OPPORTUNITY
ADVISOR

INSPECTOR
GENERAL

HOUSING
REFERAL
OFFICE

JUDGE
ADVOCATE
GENERAL

MILITARY POLICE
OR CRIMINAL
INVESTIGATOR

CHAPLAIN

MEDICAL
AGENCY

3
days

Complaints, except those filed with the I.G., must be acted upon in three calendar days. Complaints filed with an agency against a member of the chain of command will be referred to the next higher commander in the chain. All formal complaints will be reported within 72 hours to the first General Courts-martial Convening Authority (GCMCA) in the Chain of Command. Provide a progress report to the GCMCA authority 20 days after the date on which the investigation commenced and 14 days thereafter until completion.

14
days

The commander or the investigating officer appointed by the commander has 14 calendar days to investigate the allegations. The commander will meet with the victim and the subject (s) to discuss the outcome and results. A 30 days extension may be granted from the next higher commander if circumstances require it. Further extensions can be approved only by the first General Officer in the chain of command. Complaints must be notified of extensions.

7
days

The complainant and/or subject (s) of the complaint have 7 calendar days to appeal to the next higher commander if he or she is dissatisfied with the investigation results or actions taken. The commander has 14 days to act on the appeal and provide written feedback on the results. Final decisions on complaints/ appeals not resolved at brigade Level rest with the General Courts-Martial Convening Authority.

30-45
days

30-45 days after final decision on the complaint (substantiated and unsubstantiated), an assessment is conducted by the Equal Opportunity Advisor to determine the effectiveness of any corrective actions taken and to detect and deter any incidents of reprisal. Reports and recommendations are submitted to commander on DA Form 7279-1-R NLT 45 days following final decisions made on complaints.

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