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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
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001. email	Edward Correia to Jennifer Klein re: Executive Order [partial] (1 page)	10/14/1998	b(6)
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COLLECTION:

Clinton Presidential Records
Domestic Policy Council
Ann O'Leary
OA/Box Number: 19585

FOLDER TITLE:

Title IX - Executive Order on Federally Conducted Programs [1]

2013-0436-S

rc1291

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Ann O'Leary's Files

Office of Policy Development, Domestic Policy Council, First Lady's issues

BOX 12 of 23

Title IX EO on federally conducted programs

Title IX EO 6-17-97

Title IX event

Women's issue IX

VAWA

VAWA

VAWA

Welfare reform cities

WIC

TANF

WIC

Welfare Reform

Equal pay

Domestic Violence

International trafficking of women and children

Unborn victims of violence

Choice

INS issues

STW worker training

Women's issues

ENCLOSURES FILED OVERSIZE ATTACHMENTS

19585

VARA # 16789

Edward W. Correia

11/17/98 01:44:04 PM

Record Type: Record

To: Koffskyp @ osdgc.osd.mil @ inet
cc: Jennifer L. Klein/OPD/EOP, Julie A. Fernandes/OPD/EOP
Subject: Executive Order

As you may know, we have been working with Helen Sullivan on a draft executive order dealing with educational programs. We would like to add a clarifying sentence to section 3-301, so that the section would now read:

This order does not apply to members of the armed forces or to military training or education programs. Members of the armed forces, including students at military academies, will continue to be covered by regulations that bar discrimination based on race, color, national origin, or sex, which are enforced by the Department of Defense and individual service branches. The Department of Defense shall develop procedures to protect the rights of, and to provide redress to, civilians not otherwise protected from discrimination based on race, color, national origin or sex by existing Federal law, and who participate in military training or education programs conducted by the Department of Defense.

Would you please review this change and let me know if you have concerns. I would appreciate hearing from you as soon as possible. Please e-mail me or call me at 202/456-2024.



Laura Emmett

11/02/98 03:38:01 PM

Record Type: Record

To: Jennifer L. Klein/OPD/EOP
cc:
bcc:
Subject: Re: phone numbers

Marcia 588-5180
Verna 588-5180
Judy 9986-2647
Nancy- 785-7720
Jennifer L. Klein



Jennifer L. Klein
11/02/98 03:35:07 PM

Record Type: Record

To: Laura Emmett/WHO/EOP
cc:
Subject: phone numbers

Do you have phone numbers for Marcia Greenberger, Verna Williams, Judy Lichtman, and Nancy Zirkon? Can I bother you for them?



U.S. Department of Justice
Civil Rights Division
Appellate Section

October 28, 1998

To: Eddie Correia, Office of Counsel to
President
From: Jennifer Levin, Department of Justice,
Civil Rights Division
Subject: Draft Executive Order

I have enclosed a revised draft Executive order on nondiscrimination in federally conducted education and training programs. We have incorporated both the edits proposed by the Department of Defense, with one minor change, and the language we discussed by telephone today. In Sec. 3-301, we removed commas and changed the phrase "civilian personnel" to "civilians." This phrase refers to non-DOD and non-federal participants in the program. The term "personnel" implies an employment relationship that does exist in these circumstances.

Given the inserts and deletions of text in Sections 2 and 3, DOD's new version of Sec. 3-306 is now Sec. 3-305.

If you have any questions, feel free to contact me at 305-0025.

10/28/98

Executive Order _____

Nondiscrimination on the Basis of Race, Color, National Origin,
and Sex in Federally Conducted Education and Training Programs

Numerous civil rights laws, including Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d, et seq., and Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. § 1681, et seq., prohibit discrimination on the basis of race, color, national origin, and sex, in educational programs and activities that receive Federal financial assistance. In addition, other Federal laws, including Title VII of the Civil Rights Act of 1964, as amended (Title VII), prohibit discrimination against employees by employers on the basis of race, color, national origin, sex, and other grounds with respect to, among other things, opportunities for and participation in education and training programs. The Federal government has acted, and will continue to act, aggressively through litigation, policy guidance, outreach, and other means to expand and ensure equal opportunities for minorities and women that participate in State, local, and private education programs that receive Federal financial assistance.

In addition to providing Federal assistance to various education and training programs, the Federal government *itself* conducts numerous education and training programs. For example, the Department of Defense operates schools for grades kindergarten through high school to educate the dependents of service members and others in the United States and around the

world. The Department of Interior also operates schools, kindergarten through the undergraduate level, to educate Native Americans. Many agencies also provide training on Federal laws and regulations to a variety of audiences in a variety of settings: formal academies teach state and local personnel principles, laws, techniques, and strategies relating to effective law enforcement; seminars instruct members of select industries on Federal requirements for licensing and operation; programs in prisons train Federal inmates on trade skills; and members of the public are educated about the environment and natural resources.

I believe it is essential that the Federal Government hold itself to the same principles of nondiscrimination in educational opportunities that we now apply to education programs and activities of State and local governments and private institutions receiving Federal financial assistance. Existing laws and regulations prohibit certain forms of discrimination in Federally conducted education and training programs -- including discrimination against people with disabilities (prohibited by the Rehabilitation Act of 1973, as amended); and discrimination based on race, color, national origin, sex, or religion against Federal employees (prohibited by Title VII). Through this Executive order, we are now expanding prohibitions of discrimination on the basis of race, color, national origin, and sex to certain other Federally conducted education and training programs and activities.

NOW, THEREFORE, to enforce the Constitution and laws of the United States, and to achieve equal opportunity in federally conducted education and training programs, and by the authority vested in me as President by the Constitution and the laws of the United States of America, including sections 921-932, title 20, United States Code; section 2164, title 10, United States Code; section 2001 et seq, title 25, United States Code; section 7301, title 5, United States Code; and section 301, title 3, United States Code, it is hereby ordered as follows:

Section 1. Statement of policy on education programs and activities conducted by executive departments and agencies.

1-101. No individual shall, on the basis of race, color, national origin or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in an education or training program or activity of any Executive department or agency conducted in the United States, the territories, the possessions, the Commonwealths of Puerto Rico and of the Mariana Islands, and as set forth in Subsection 1-102.

1-102. The provisions of this Order shall apply to education programs and activities that are operated by the Department of Defense under 10 U.S.C. § 2164 and 20 U.S.C. §§ 921-932.

Section 2. Definitions.

2-201. "Program or activity" includes programs or activities conducted, operated, administered, or undertaken by an executive department or agency.

2-202. "Education and training programs" include, but are not limited to, formal schools, extracurricular activities, academic programs, occupational training, scholarships and fellowships, student internships, training for industry members, summer enrichment camps, and programs to train teachers.

2-203. The Attorney General is delegated authority to determine the scope of education and training programs, in addition to those identified in subsection 2-202 and section 3, that are subject to and exempt from coverage by this order, respectively.

2-204. "Military training or education programs" are those training and education programs conducted by the Department of Defense for the primary purpose of training or educating members of the armed forces or to meet a statutory requirement to train Federal, State or local civilian law enforcement officials pursuant to 10 U.S.C. Chapter 18.

2-205. "Armed forces" includes, for purposes of this order, the Armed Forces of the United States, as well as the armed forces of a foreign government recognized by the United States or attached to an international organization.

Section 3. Exemptions from coverage.

3-301. This order does not apply to members of the armed forces or to military training or education programs. However, the Department of Defense shall develop procedures to protect the rights of, and to provide redress to, civilians not otherwise protected from discrimination based on race, sex, national origin, or color by existing Federal law, and who parti

military training or education programs conducted by the Department of Defense.

3-302. This Order does not apply to, affect, interfere, or modify in any way the operation of any otherwise lawful affirmative action plan.

3-303. An individual shall not be deemed subjected to discrimination by reason of his or her exclusion from the benefits of a program limited by federal law to individuals of a particular sex, race, color, or national origin, including Native American or Alaska native, different from his or hers.

3-304. This Order does not apply to programs and activities conducted by the Department of Interior, Bureau of Indian Affairs, that are in conformance with tribal customs or otherwise culturally appropriate. For example, classes that require separation of students on the basis of gender in order to conform to tribal customs that require such separation would not be in violation of this order.

3-305. This Order does not apply to (1) selections based on national origin of foreign nationals to participate in programs, if such programs concern primarily national foreign policy; or 2) selections or other decisions regarding participation in covered programs made by entities outside the Executive Branch, provided that it shall be the policy of the Executive Branch that education and training programs and activities shall not be available to entities that seek for participation in violation of Federal or State law.

Section 4. Administrative enforcement.

4-401. Any person who believes him or herself, or any specific class of individuals, to be aggrieved by a violation of this order or implementing regulations, rules, policies, or guidance, may, by him or herself or a representative, file a written complaint with the agency that such person believes is in violation of this order or implementing regulations, rules, policies, or guidance. Pursuant to procedures established by the Attorney General, each executive department or agency shall conduct an investigation of a complete complaint alleging a violation by one of its employees.

4-402. (a) If the office within an executive department or agency that is designated to investigate complaints for violations of this order or its implementing rules, regulations, policies, or guidance concludes that an employee has not complied with this order or any implementing rules, regulations, policies, or guidance, such office shall refer a copy of the report and findings, and supporting evidence to an appropriate agency official. The appropriate agency official shall review such material and determine what, if any, disciplinary action is appropriate.

(b) In addition, the designated investigating office may provide appropriate agency officials a recommendation for any corrective and/or remedial action. The appropriate officials shall consider such recommendation and implement corrective and/or remedial action by the agency, when appropriate. Nothing

in this order authorizes monetary relief to the complainant as a form of remedial or corrective action by an executive department or agency.

4-403. Any action to discipline an employee who violates this order or its implementing rules, regulations, policies, or guidance (including removal from employment, if appropriate), shall be taken in compliance with otherwise applicable procedures, including the Civil Service Reform Act (Civil Service Reform Act of 1978, Pub. L. 95-454, Oct. 13, 1978, 92 Stat. 1111, see Tables for classification.)

Section 5. Implementation and Agency Responsibilities.

5-501. The Attorney General shall publish in the Federal Register such rules, regulations, policies, or guidance, as deemed appropriate by her, to be followed by all executive departments and agencies. The Attorney General shall address:

- a. the scope of education programs and activities subject to and exempt from coverage by this order, in addition to those identified in Sections 2 and 3;
- b. examples of discriminatory conduct;
- c. applicable legal principles;
- d. enforcement procedures with respect to complaints against employees;
- e. remedies;
- f. requirements of an agency's annual report as set forth in Section 7;
- g. and such other matters as deemed appropriate.

5-502. Within 60 days of the publication of final rules, regulations, policies, or guidance by the Attorney General, each executive department and agency shall establish a procedure to receive and address complaints regarding its federally conducted education and training programs activities. Each executive department and agency shall take all necessary steps to effectuate any subsequent rules, regulations, policies, or guidance issued by the Attorney General within 60 days of issuance.

5-503. The head of each executive department and agency shall be responsible for ensuring compliance with this order.

5-504. Each executive department and agency shall cooperate with the Attorney General and provide such information and assistance as the Attorney General may require in the performance of the Attorney General's functions under this order.

5-505. Upon request and to the extent practicable, the Attorney General shall provide technical advice and assistance to executive departments and agencies to assist in full compliance with this order.

Section 6. *Annual Report.*

6-601. Consistent with the regulations, rules, policies, or guidance issued by the Attorney General, each executive department and agency shall submit to the Attorney General a report that summarizes the number and nature of complaints filed with the agency and the disposition of such complaints. Such reports shall be submitted annually for the first three years

after the effective date of this order, and submitted within 60 days of the end of the preceding year's activities.

Subsequently, reports shall be submitted every three years, within 90 days of the end of each 3 year period.

Section 7. General Provisions.

7-701. Nothing in this order shall limit the authority of the Attorney General to provide for the coordinated enforcement of nondiscrimination requirements in Federal assistance programs under Executive Order No. 12250.

7-702. Nothing in this order amends, supplements, or subtracts from an employee's protections and remedies under Title VII of the Civil Rights Act of 1964, as amended.

Section 8. Judicial Review.

8-801. This order is not intended, and should not be construed, to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or its employees. This order is not intended, however, to preclude judicial review of final decisions in accordance with the Administrative Procedure Act, 5 U.S.C. 701, et seq.



DEPARTMENT OF DEFENSE
OFFICE OF GENERAL COUNSEL
1600 DEFENSE PENTAGON
WASHINGTON, DC 20301-1600

October 26, 1998

To: Eddie Correia, Office of Counsel to the President
From: Helen Sullivan, Office of General Counsel, DoD
Re: Draft Executive Order on Education Programs

I received your fax of the draft text of the executive order proposed by DOJ, as well as your memorandum. Thank you.

We have looked at and discussed the comments in your memorandum. In response, here are our views and recommendations for proposed revisions to the draft text.

1. Coverage of Students at Service Academies

The cadets, air cadets and midshipmen at the Academies (United States Military Academy, United States Naval Academy, United States Air Force Academy) are members of the armed forces, as evidenced by the fact that they are appointed by the President (10 U.S.C. §§ 4341a, 6953, and 9341a) and subject to the Uniform Code of Military Justice (10 U.S.C. § 802(a)(2)), and would be covered by an exclusion that applies to the armed forces.

We will get copies of any applicable academy regulations for you. However, since the Academies are subordinate organizational elements of the Military Departments (United States Military Academy (10 U.S.C. Ch 403); United States Naval Academy (10 U.S.C. Ch 603); United States Air Force Academy (10 U.S.C. Ch 903)), they are covered by, and subject to, the overall Department of Defense and Military Department regulations on nondiscrimination and equal opportunity applicable to military members. For example, Section B, "Applicability," of Department of Defense Directive 1350.2, "Department of Defense Military Equal Opportunity (MEO) Program," states that it applies to the Military Departments. As members of the armed forces, the cadets, air cadets, and midshipmen at the Military Academies are covered by this regulation and this Program. (In this context, the Air Force regulation sent to you does not cover discrimination complaints by military members, including air cadets. I will provide that regulation (Air Force Instruction 36-2706) to you as well.)

To clarify our position, DoD fully supports the President's initiative and the goals of the proposed executive order. However, it has always been our understanding that the President's initiative is intended to expand the scope of protection against discrimination based on sex, race, color and national origin to include civilian education programs and activities conducted by the Federal Government which are currently not covered by existing laws prohibiting such discrimination. Training and education programs conducted by this Department for military personnel, including training and education programs conducted by the Military Services, do not fall within this category.



In the context of military training and education programs, the issue is not the status of the civilian attendees, that is whether they are Federal employees, foreign nationals, or others. It is the nature and the purpose of military training and education, itself. Continued maintenance of the good order and discipline among the armed forces dictates that they continue to have the exclusive authority and responsibility, through the military command structure, to enforce prohibitions against discrimination in all aspects of the military environment, to include military training and education programs. You can see evidence of this focus in the emphasis placed on enforcement through the chain of command, contained in the Military Service regulations we sent to you. DoD believes that superimposing external structures on the armed forces and the chain of command, through the proposed executive order, is unnecessary and could significantly damage the military command structure and, thus, the ability of the armed forces to assure the nation's defense. In particular, we believe that an official outside the military chain of command (such as the Attorney General) should not establish enforcement procedures or remedies that must be adopted within the command structure.

However, because we support the goal of prohibiting discrimination based on race, sex, color, and national origin in all training and education programs conducted by DoD, including in military training and education programs, we would propose including in the executive order a provision that would require DoD to establish procedures to provide protections and a means of redress for civilians participating in military training and education programs who are not otherwise protected by existing laws. Coupled with the exclusion for military training and education programs, section 3-301 could be revised to read:

3-301. This order does not apply to members of the armed forces or to military training or education programs. However, the Department of Defense shall develop procedures to protect the rights of, and to provide redress to, civilian personnel not otherwise protected from discrimination based on race, sex, national origin, or color by existing Federal law, who participate in military training or education programs conducted by the Department of Defense.

Instead of the section 3-302 language we had proposed, we would propose adding the following definitions to section 2:

2-204. "Military training or education programs" are those training and education programs conducted by the Department of Defense for the primary purpose of training or educating members of the armed forces or to meet a statutory requirement to train Federal, State or local civilian law enforcement officials pursuant to 10 U.S.C. Chapter 18.

2-205. "Armed forces" includes, for purposes of this order, the Armed Forces of the United States, as well as the armed forces of a foreign government recognized by the United States or attached to an international organization.

This approach would both meet the goals of the proposed executive order and address DoD's concerns.

3. National Origin

We appreciate the opportunity to comment and provide input on this issue. Our primary concerns would be alleviated by the proposed changes above, since they address military training and education programs as a whole. However, we agree that the executive order should include the exclusion for programs based on national origin for national security or foreign policy reasons, as you have proposed. We also share your concerns that it may not be appropriate or practical to cover by executive order the decisions of entities, including foreign governments, other than Executive Branch agencies regarding their participation in covered programs. We would propose a slight variation to your amendment to section 3-306:

This order does not apply to (1) selections based on national origin of foreign nationals to participate in covered programs, if such programs concern primarily national security or foreign policy; or (2) selections or other decisions regarding participation in covered programs made by entities outside the Executive Branch.

4. Other

Finally, as an administrative matter, we suggest that the last sentence in section 1-101 be changed as follows:

The provisions of this Order shall apply to education programs and activities that are operated by the Department of Defense under 10 U.S.C. § 2164 and 20 U.S.C. §§ 921-932.

This change more accurately defines the activities in question and makes explicit that the order would apply to the Department's overseas and domestic school systems.

Again, thank you for the opportunity to give you our views on these matters. Please telephone (695-1078), fax (693-7616), or send e-mail (sullivan@osdgc.osd.mil), if I can be of further assistance.



For Official Use Only

Department of Defense
Office of General Counsel
1600 Defense Pentagon
Washington, D.C. 20301-1600

FAX

Date: 22 October 1998

Total Number of Pages: See note below
(including cover)

To: Ms. Jennifer Klein or Ms. Julie Fernandes

Phone: (202) 456-6266; (202) 456-2216

FROM: Helen Sharets-Sullivan, Associate Deputy General Counsel
Phone: (703) 695-1078, Fax: (703) 693-7616
Email: sullivanh@osdgc.osd.mil

Comments:

Ms. Klein/Ms. Fernandez,

Eddie Correia had asked that we provide copies of regulations specifically indicating that the cadets, air cadets and midshipmen of the military academies were covered by Department of Defense and applicable Military Department implementing regulations prohibiting discrimination based on race, color, national origin, and sex. I am faxing to you in two separate transmissions applicable United States Military Academy (4 pages); United States Naval Academy (18 pages), and United States Air Force Academy (27 pages) regulations. These regulations implement Military Department and Department of Defense regulations prohibiting discrimination. By a third transmission, I will send you the Department of Air Force Regulation covering discrimination complaints by military members, including air cadets. That regulation (Air Force Instruction 36-2706 (47 pages)) also is available on-line at "<http://afpubs.hq.af.mil/elec-products/series.stm>."

We are still working our response to Eddie's memo to me.

Helen Sullivan

DEPARTMENT OF THE AIR FORCE
34th Training Group (USAF)
September 1997
USAF Academy CO 80840

AFCW INSTRUCTION 36-2706

PERSONNEL

Military Equal Opportunity (EO)/Human Relations (HR) Program

PURPOSE: This publication implements Air Force Policy Directive (AFPD) 36-27, Social Actions; Air Force Instruction, 36-2706, Military Equal Opportunity and Treatment Program; DoD Directive 1350.2 with Changes 1 and 2, Department of Defense Military Equal Opportunity Program, December 23, 1988, and DoD Instruction 1350.3, Military Equal Opportunity Assessment (MEOA), DoD Directive 1300.17, Accommodations of Religious Practices Within the Military Services, 17 October 1988.

This instruction outlines the requirements of the 34th Training Wing (34 TRW/CC) and the Cadet Wing Equal Opportunity (EO) and Human Relations Education (HR) Program. It applies to 34 TRW military personnel and cadets subject to the Uniform Code of Military Justice (UCMJ), and all 34 Training Wing civilian personnel subject to administrative and/or disciplinary action under applicable directives or implementing instructions governing civilian disciplinary or adverse actions. This instruction describes responsibilities for implementing this instruction, prohibitions concerning discrimination, and EO/HR requirements for 34 TRW and cadet personnel.

SUMMARY OF REVISIONS

This AFCWI contains EO program information taken from AFCWI 36-2701, Equal Opportunity and Treatment (EOT)/Human Relations Education (HRE) Program. It also contains information from the AFCWI 51-201, United States Air Force Academy (USAF) Conduct, Discipline and Probation System and AFCWI 38-101, Cadet Wing Command, Organization, and Duties. This AFCWI expands EO program objectives; requires documentation in performance reports for serious or repeated EO violations; expands informal assistance; requires documenting all EO/HR issues in AFCW Form 1587-1, 34th Cadet Wing EO Informal Complaint Summary; clarifies mediation process; includes guidance on accommodation of religious practices; adds more terms and updates the definitions of existing terms; deletes age as a category of "unlawful discrimination" and deletes ethnic group as a basis for filing a complaint. Furthermore, it provides procedures for reporting and tracking Cadet Wing EOT/HR issues. It also includes education requirements for cadets, as well as recommended education for Air Officers Commanding (AOCs), Military Training Advisors (MTAs) faculty and staff.

Supersedes AFCWI 36-2701, November 1995
OPR: 34 TRW/CWCR (MSgt Adcox)

Certified by: Col David L. Connors
Pages: 27/Distribution: F, X



1. Organization Actions

1.1. Program Objectives. The primary objective of the EO program is to improve mission effectiveness by promoting an environment free from personal, social, or institutional barriers which prevent Air Force members from rising to the highest level of responsibility possible based on their individual merit, fitness, and capability. The EO program:

1.1.1. Is a function of leadership and command based on fairness, equity, and justice.

1.1.2. Seeks to eliminate unlawful discrimination against military, civilian, and cadet personnel based on race, color, religion, sex, or national origin. Unlawful discrimination and sexual harassment are contrary to good order and discipline and counterproductive to combat readiness and mission accomplishment. Unlawful discrimination against Air Force personnel or their family members, civilian employees, and cadets, on or off base, will not be tolerated.

1.1.3. Encourages members to use the chain of command to identify and correct unlawful discriminatory practices. This includes processing and resolving complaints of unlawful discrimination and sexual harassment. The chain of command is responsible for creating an environment free from unlawful discrimination and sexual harassment.

1.1.4. Ensures rating and reviewing officials evaluate in compliance with the DoD and Air Force directives prohibiting unlawful discrimination and sexual harassment and document serious and repeated deviations from such directives in the performance report. Memberships in groups espousing supremacist causes or advocating unlawful discrimination must be considered in evaluating and assigning members. (See AFI 51-903, Dissident and Protest Activities)

1.2. Organizations That Discriminate. Military members and their family members must not be arbitrarily denied access to on or off base facilities in the United States or overseas. Organizations that deny personnel access because of their race, color, religion, sex, or national origin, or which otherwise in the judgment of the installation commander engage in de facto discrimination, will be denied use of military facilities or resources.

1.3. Off base Discrimination. Commanders must impose "off-limits" sanctions using the procedures in AFI 31-213, Armed Forces Disciplinary Control Boards and Off-Installations Liaison and Operations. Sanctions are imposed when there is substantive information indicating that an establishment or area frequented by their personnel presents conditions that adversely affect the health, safety, welfare, morale, or morals of such personnel. Efforts to combat unlawful discrimination must continue despite pending results of suits initiated under the Civil Rights Act of 1964 and 1991, Title II, III, and IV as amended (Title 42, U.S.C., Chapters 20 and 21 et. seq.).

AFCWI 36-2706, 6 Sep 1997

3

1.4. 34 TRW/CC: Responsible for the EO/HR Program within the Cadet Wing.

1.4.1. Provides for an environment free of unlawful discrimination and sexual harassment. Directs all commanders, supervisors, and cadets to support the purpose and intent of the EO policy.

1.4.2. Develops policies to prevent unlawful discrimination and sexual harassment, and ensures those policies are prominently posted in locations and areas frequented by the Cadet Wing population. Ensures members of the Cadet Wing are advised on Air Force policies concerning EO.

1.4.3. Ensures Training Wing and Cadet Wing personnel attend HR education as required in Attachments 3 and 4.

1.4.4. Acts to repeal any Cadet Wing instruction or change any practice, including reprisal, that does not support equal opportunity policy.

1.4.5. Directs the assessment of the Cadet Wing HR climate.

1.4.6. Ensures appropriate disciplinary and corrective actions are taken if unlawful discrimination or reprisal is substantiated.

1.4.7. Ensures rating and reviewing officials evaluate in compliance with directives prohibiting unlawful discrimination and sexual harassment and documents serious or repeated deviations.

1. 5. Human Relations Division, Center for Character Development (34 TRW/CWCR):

1.5.1. Serves as staff office for 34 TRW/CC on Cadet Wing EO/HR Program. Process owner of Cadet Wing EO/HR tracking.

1.5.2. Keeps 34 TRW/CC apprised of discriminatory practices and HR issues within the Cadet Wing even when no formal complaint has been submitted.

1.5.3. Develops and maintains EO/HR directives impacting the Cadet Wing.

1.5.4. Develops, monitors, modifies, and assesses the Cadet Wing EO/HR Program.

1.5.5. Assists AOCs, squadron commanders, group commanders, and cadets to prevent, eliminate, or neutralize factors that adversely affect the Cadet Wing EO/HR climate.

1.5.6. Serves as the Cadet Wing advisor and consultant on EO/HR issues, to include discrimination, sexual harassment, and diversity.

1.5.7. Directs the Cadet Wing's EO/HR climate assessment effort and briefs the 34 TRW/CC on findings and trends. Provides courtesy copy to Social Actions (10 ABW/SA) and the Inspector General (IG).

1.5.8. Gathers data from SA and the IG on EO/HR issues involving cadets and impacting the Cadet Wing.

1.5.9. Consolidates EO/HR trends, studies, and statistical analyses throughout the Cadet Wing. Briefs 34 TRW/CC (monthly and/or quarterly) on informal and formal EO/HR issues in the Cadet Wing.

1.5.10. Plans future program development and initiates appropriate research and evaluation on EO/HR issues impacting the Cadet Wing.

1.5.11. Provides the Academy 10 ABW/SA a copy of the Cadet Wing HR educational plan.

1.5.12. Maintains contact with other Academy, Air Force, Department of Defense, and civilian agencies that have collateral EO/HR responsibilities and interests.

1.5.13. Convenes and attends conferences, workshops, and other professional forums that address EO/HR issues.

1.6. 34 TRG/CC:

1.6.1. Provides an environment free of unlawful discrimination and sexual harassment.

1.6.2. Ensures unit members are able to present EO complaints without fear of reprisal.

1.6.3. Ensures cadets and 34 TRG assigned personnel attend EO/HR education as required in Attachments 3 and 4.

1.6.4. Ensures appropriate disciplinary and corrective actions are taken if unlawful discrimination or reprisal is substantiated.

1.6.5. Ensures rating and reviewing officials evaluate in compliance with directives prohibiting unlawful discrimination and sexual harassment and documents serious or repeated deviations.

1.6.6. Provides 34 TRW/CWCR with a monthly Disciplinary Summary.

AFCWI 36-2706, 6 Sep 1997

5

1.7. 10 ABW/SA:

1.7.1. Conducts and processes complaint and incident clarifications.

1.7.2 Documents cadet discrimination (informal and formal) complaints lodged with the SA Office, including those referred to other agencies.

1.7.3. Clarifies cadet discrimination complaints when the chain of command mechanism is not appropriate or cadet decides to file a formal complaint.

1.7.4. Notifies and briefs appropriate commanders of discriminatory circumstances within the Cadet Wing, even when no formal complaint has been submitted.

AFCWI 36-2706, 6 Sep 97 Attachment 1

17

R U L E	GUIDELINES ON COMPLAINT PROCESSING	
	A	B
	If the complainant or complaint	then
1.	Alleges unlawful discrimination/sexual harassment that involves homosexual conduct.	Refer the individual to the Commander.
2.	Alleges use of racial, sexual, religious, etc., slurs.	If at all possible, address the concern with the individual. If not comfortable discussing the issue with the offender, use the cadet chain of command. Document on AFCW Form 1587-1.
3.	Alleges unlawful discrimination/sexual harassment against someone in the cadet chain of command.	Address concern with the Squadron commander. Notify AOC. Document on AFCW Form 1587-1.
4.	Alleges unlawful discrimination or sexual harassment against the AOC.	Refer the complaint to the Appropriate Group AOC or the 34 TRG/CC. Document on AFCW Form 1587-1.
5.	Alleges unlawful discrimination or sexual harassment and wants to file a formal complaint.	Notify AOC. Coordinate With CWCR for referral to 10 ABW/SA. Document on AFCW Form 1587-1.
6.	Alleges unlawful discrimination against senior officer.	Notify AOC. Coordinate with CWCR for referral to the IG. Document in AFCW Form 1587-1.
7.	Involves sexual assault, rape, or abuse.	Contact the Cadet Counseling Center or the Sexual Assault Hotline (330-5929)

18

AFCWI 36-2706, 6 Sep 1997 Attachment 1

GUIDELINES ON COMPLAINT PROCESSING		
R U L E	A	B
	If the complainant or complaint	then
8.	Is anonymous. ◀	Notify AOC. If allegations are serious consider requesting a commander directed inquiry/ investigation. Clarify allegations included in the complaint. Document on AFCW Form 1587-1
9.	Alleges discrimination against an off-base establishment- other than a landlord or realtor.	Notify AOC. Coordinate With CWCR for referral to the 10 ABW/SA. Document on AF Form 1587-1

AFCWI 36-2706, 6 Sep 97 Attachment 2

19

34 th CADET WING EQUAL OPPORTUNITY INFORMAL COMPLAINT SUMMARY				Case No.	Process Time (days)
PRIVACY ACT STATEMENT Priority: Title 10 United States Code 8013 and Department of Defense Directive 1350.2 Principal Purposes: 1) Collecting and reporting essential data on unlawful discrimination or sexual harassment 2) Ensuring resolution and follow up of all discrimination complaints allegations Uses: None Disclosure: Disclosure of SSN is voluntary. SSN, if furnished, will be used to facilitate search for records applicable to complaints					
Check the following that applies: CWCR Consult _____ HREO Consult _____ Disciplinary Action (attach to Form 10) _____					
1. Name (Last, First, MI)		2. SSN		3. Class Yr	4. Duty Phone
5. Squadron	6. Cadet Grade	7. Race	8. Ethnic Group	9. Sex	☐ Male ☐ Female
10. Nature of Complaint (Mark all that apply) _____ AF Policy _____ Verbal _____ Non Verbal _____ Physical					
11. Area of Complaint (Mark all that apply) _____ Commander _____ Supervisor _____ USAF/AF Policy _____ Individual/Coworker					
12. Category of Discrimination/Assistance (Mark all that apply)					
_____ Race _____ Sex _____ National Origin _____ Color _____ Sexual Harassment _____ Religion _____ Other (specify) _____			13. Alleged Offender's Demographics Race _____ Sex _____ Ethnic Grp _____ (Cadet) Grade _____ Class Year _____ Squadron _____		
14. Explanation of Concern/Complaint (Be specific. Include details necessary to explain the nature of the complaint, e.g., race, sex, religion. If disciplinary action is being taken include names of participants involved. State if there were witnesses to the incident and/or any individuals allegation(s) were reported to previously)					
15. Date	16. Signature of Interviewer (HREO, AOC/MTA, Cadet Command or CWCR Consultant)				17. Signature of Complainant (optional)
18. Resolution Option(s) Selected: _____ Group Command _____ AOC/MTA _____ Cadet Command _____ HREO					
19. Remarks (Indicate any referrals made and perceived status of resolution, as of date signed above)					
Actions Taken:					
CWCR USE ONLY					
20. Follow Up Date (if required)		21. Follow Up With		Comment:	
22. Status: Resolved _____ Unresolved _____ Formal Complaint _____ (Date to IG or SA / /)					
23. Date Closed	24. Signature (Group Consultant)		25. Signature (Chief, CWCR)		
APCW Form 1587-1					

USNAINST 5354.1

22 APR 1991

(c) Discipline. Conduct data will be collected and analyzed to include such things as the number of midshipmen placed on report, separated, assigned Extra Military Instruction, and referred to courts-martial. Types of punishment will be analyzed for similarities and disparities and for severity with respect to race/ethnic groups or gender. Officer and civilian staff and faculty discipline records, including military justice cases, non-judicial punishment, letters of reprimand, and other official action potentially damaging to personnel career advancement, will be collected and analyzed.

(2) The demographic data and the results of the command assessment will be retained for at least 36 months at which time it may be destroyed.

d. Grievance Procedures

(1) Equal opportunity complaints of discrimination and/or harassment must be evaluated and acted on by the midshipmen or officer and civilian chains of command, per enclosures (7) and (8), respectively. Legitimate complaints can provide valuable information about existing or developing patterns of discrimination and sexual harassment within the Naval Academy and the Brigade of Midshipmen. Firm, positive, and timely action on valid complaints reinforces USNA's genuine commitment of equal opportunity for all command personnel.

(2) A complainant should consider attempting to resolve the grievance with the individual(s) involved. Assistance of the individual's immediate superior may be requested as circumstances require. If the accused is the complainant's immediate superior and the issue cannot be resolved at that level, that superior must present the complaint to the next senior in the chain of command. If the complaint cannot be resolved between the two parties with the help of the immediate superior, then the immediate supervisor must submit a written request to the next superior in the chain of command, who must convene and conduct a grievance hearing at the earliest opportunity. The convening officer must inform all parties as to the results of the hearing and the action taken by the presiding/convening officer on legitimate complaints. The convening officer must send a written report up the chain of command with the results at the earliest opportunity.

(3) The grievance system requires the trust and confidence of the individuals who use this system. Any acts of reprisal against the complainant are intolerable and must be investigated by the next senior member in the chain of command. Verified acts of reprisal will be dealt with rapidly and to the fullest extent allowed by policy/Administrative Conduct System.

(a) Examples of reprisals may include but are not limited to increased or abnormal duty/watchstanding assignments, unwarranted reduced performance rankings, unwarranted conduct actions and silencing.

(b) The chain of command will set a climate which makes it absolutely clear that the policy is one of zero tolerance of reprisals. When reprisals are reported, their validity will be aggressively investigated, determined, and prompt disciplinary action taken against violators when appropriate.

(4) Service members have the responsibility to submit only legitimate complaints and to exercise caution against immature or reckless charges.

(a) Anyone found to have submitted a frivolous complaint will be responsible for attending the next NR&R workshop for equal opportunity education purposes (one conducted every 90 days).

USNAINST 5354.1

22 APR 1991

(b) Should the presiding officer in a grievance procedure find that the complaint was ill-intended, then he will forward the case to the Commanding Officer and the complainant may be subject to conduct proceedings.

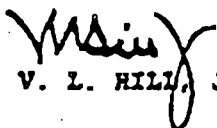
e. Ombudsman

(1) An alternative avenue of reporting grievances is through the use of the Ombudsman representatives, although the primary and preferred method of reporting is through the chain of command. This communications network was established to allow for anonymous reporting of incidents of discrimination and/or sexual harassment.

(a) Brigade of Midshipmen - A Senior Enlisted Advisor will be assigned to each battalion as the point of contact for midshipmen who need this grievance redress. Additionally, two commissioned officers will be assigned as Ombudsman representatives.

(b) Commandant's staff - Two commissioned officers will be assigned by the Commandant's CMO Coordinator as the Ombudsman representatives to service the officer staff. These may be the same as those assigned to the Brigade of Midshipmen.

(c) Officer/civilian faculty - Two officer and two civilian representatives will be assigned as the Ombudsmen for the faculty staff.


V. L. HILL, JR.

Distribution:

A-1

CMO Coordinator (100)

COMDT (60)

USNAINST 5354.1

22 APR 1991

**COMMAND MANAGED EQUAL OPPORTUNITY
Brigade of Midshipmen****MIDSHIPMEN DATA COLLECTION****I. Comparative Groupings:**

- A. Gender - (2)
male / female
- B. Race - (6)
White / Black / Asian / Hispanic / American Indian / other
- C. Class - (4)
first / second / third / fourth
- D. Athlete - (2)
varsity member / non member

II. Evaluation Areas:

- A. Attrition -
 - vol. resignations
 - qualified resignations
 - academic
 - conduct
 - honor
 - performance
 - medical
 - overall
- B. Academics -
 - majors (group)
 - SAT scores
 - SQPR
 - CQPR
 - Ac. Board attendance
 - VGEP
 - scholarship selection
 - Trident scholar
- C. Conduct -
 - grades
 - no. 6000 violations
 - no. 5000 violations
 - no. 4000 violations
 - no. demerits
 - no. days restriction
 - Conduct boards
- D. Honor -
 - cases reported
 - cases guilty
- E. Physical Education -
 - PE grades
 - PE Test failures
 - PE Review board
- F. Sports -
 - varsity letters
 - varsity members
- G. Professional -
 - Performance grades
 - company rank
 - Performance boards
 - PCR grades
- H. Leadership -
 - unit commanders
 - non-command 3+stripers
 - team captains
 - ECA presidents
 - Honor committee
 - Training committee
 - Brigade Activities Co.
- I. Awards -
 - graduation week
 - "with distinction"
 - Supt/Cmdt/Dean Lists
- J. Publicity -
 - interviews
 - news releases
 - catalog

USNAINST 5354.1

22 APR 1991

COMMAND MANAGED EQUAL OPPORTUNITY
Office of the Commandant

Officer Data Collection

I. Period. Annually; 12 months (1Jan9X - 31Dec9X)

II. Scope. All officer personnel assigned to the following:

- | | |
|-----------------------|----------------------------|
| A. Commandant's Staff | E. Professional Programs |
| B. Brigade Officers | F. Seamanship & Navigation |
| C. Physical Education | G. Leadership & Law |
| D. Midshipmen Supply | |

III. Groupings:

- A. Sex - (2)
male / female
- B. Race - (6)
white / black / asian / hispanic / native amer. / other
- C. Rank - (7)
O-1 / O-2 / O-3 / O-4 / O-5 / O-6 / O-7
- D. Specialty - (7)
surface / submarine / air / marine / supply / URL / other
- E. Source - (5)
USNA / ROTC / OCS / AOCS / other
- F. Department - (5)
Comdt Staff / Brigade / Pro Dev / Phys. Ed. / Midn Supply

IV. Data elements:

- | | |
|---|--|
| A. Retention -
"GREE-HAIN"
resignation
force outs | E. Punishment -
court-martial
NJP
letters of censure
letters of caution |
| B. Promotions -
time in service
in-zone
selected | F. Evaluations -
eval summary (1st, 5th, etc)
accelerated promotion |
| C. Command screen -
year group
in screen-group
selected | G. Drug/Alcohol
drug incidents
alcohol incidents |
| D. Awards -
medals
letters of commendation
letters of appreciation | H. Miscellaneous -
request trans. early
approved trans. early
request trans. late
approved trans. late
request spec. programs
selected spec. prog.
grievances filed |

USNAINST 5354.1

22 APR 1991

USNA MIDSHIPMEN COMMAND MANAGED EQUAL OPPORTUNITY SAMPLE SURVEY

Please respond to the statements listed below with the choice that most closely matches your true feelings. Rely as much as you can on your personal experiences and situations of which you have direct or first-hand knowledge:

- (a) Strongly agree
- (b) Agree somewhat
- (c) Neither agree nor disagree
- (d) Disagree somewhat
- (e) Strongly disagree

1. I feel I am afforded the same opportunities to excel in academics as my classmates.
2. The commissioned officers assigned to the brigade with whom I have been associated make themselves equally available to all midshipmen.
3. If I were accused of an honor violation, I feel confident that my case would be handled fairly in accordance with the published Honor Concept.
4. If I felt the chain of command was not responsive to my problems, I would feel comfortable approaching an ombudsman on any subject.
5. I know how to seek corrective action if I felt I were receiving unfair or unjust treatment.
6. I feel the standards of the Honor Concept are truly applied equally to all midshipmen regardless of class, rank, athletic status, gender, or race.
7. Most midshipmen I know would take an active role in either correcting or reporting a situation involving preferential or unfair treatment of another midshipman.
8. Stripper selections are based on a midshipman's performance, leadership ability, and overall USNA achievement.
9. If it were necessary for me to go to a conduct board, I feel I would receive fair and unbiased treatment.
10. I feel that peer evaluations are important in identifying strong performing midshipmen and recognizing those weak performing midshipmen who may need more attention.
11. I believe the responsibilities I have been assigned within my company have allowed me to effectively develop leadership skills.
12. In my opinion, the grievance procedures outlined in the Midshipmen Regulations are very effective in resolving issues of fairness and equity.
13. Although specific test and grading criteria for physical fitness differ for men and women, I believe the current standards create equivalent stress for both genders.
14. Those classmates of mine who have been separated by academic boards left because of poor academic achievement only.
15. If I were to observe a midshipman being treated unfairly or encounter an unjust situation, I would actively work to solve it.

USNAINST 5354.1
22 APR 1991

16. If I were placed on report for misconduct I am certain there would be a thorough investigation, and I would receive a fair hearing.

17. I feel I have received thorough training on the Navy's Equal Opportunity Programs and understand my rights and responsibilities as a midshipman with regard to equal treatment.

18. I am expected to live by the same regulations as my classmates.

19. I am comfortable with my company's T-shirt, logo, and/or nickname and feel they are in good taste, boosting morale by building company unity.

20. Dirty jokes and degrading or off-color comments are not permitted nor tacitly encouraged at my table during meals.

21. My first step if I felt I was being treated unfairly would be to talk to my squad leader, whom I could count on to work to resolve the problem.

22. Men and women who are good athletes are afforded the same opportunity to compete on an intercollegiate level and earn varsity letters with the present mix of sports at the Academy.

23. It seems to me that the midshipmen treat one another with courtesy and respect for individual differences.

24. If I observed what I believed to be an honor offense, counseled the person involved, and then decided the offense should be forwarded to an honor board, I could do so without being criticized by my classmates.

25. My professors in the courses I am taking seem genuinely interested in my education and are willing to spend extra time with me when I ask for help.

26. In practice the Honor Concept has helped me to develop and refine my own personal sense of honor and integrity.

27. Because there are generally more qualified midshipmen than striker positions available in a given semester, the Commandant can ensure all groups within the Brigade are represented without compromising the quality of leadership within the Brigade.

28. If I were mistakenly accused of committing an honor offense and later found innocent by an honor board, I am confident that it would not affect my reputation in the company.

29. Classmates of mine who have been separated by a conduct board left because of unacceptable behavior only.

30. In the courses I am taking the instructors divide their attention equally among students, challenging each of us without teaching only to the brightest or those with less aptitude.

31. It seems to me that the restriction on dating within companies is effective in promoting good order and preventing possible conflicts between professional and personal commitments.

32. The articles, pictures, and drawings in the "Log Magazine" accurately reflect life at the Academy and my own attitudes.

USNAINST 5354.1

2 APR 1991

33. If a midshipman who had been found guilty of an honor offense or 6000 series conduct offense was retained and transferred into my company, I feel my classmates could accept that decision and would give that midshipman a chance for a fresh start.

34. Even though the circumstances surrounding a retention or separation decision may be unclear to me, I have faith that the right decisions generally are being made.

35. If it were necessary for me to go to an academic board, I feel I would receive fair and impartial treatment.

36. I feel that as a varsity athlete I would receive the same considerations for retention at an academic board as a non-varsity athlete.

37. I feel the Honor Concept is highly regarded and respected within the Brigade.

38. Brigade Honor Board recommendations for retention of midshipmen who have been found guilty of honor violations are based solely on the offense.

39. I agree with the criteria for determining performance grades as outlined in the Performance Manual.

40. I feel being physically fit is necessary in order to fulfill the mission of the Naval Academy.

41. It seems to me that strong or poor academic ability does not unduly influence performance grades and company rankings.

42. Very few midshipmen fall short of the physical fitness and weight standards.

43. I feel confident that if I work hard nothing will prevent me from being selected to a command position within the Brigade.

USNAINST 5384.1
22 APR 1991USNA OFFICER COMMAND MANAGED EQUAL OPPORTUNITY SAMPLE SURVEY

Please respond to each of the questions below with the choice that most nearly matches your true feelings. Rely as much as possible on your own personal experiences and situations of which you have direct or first-hand knowledge.

- (a) To a very little extent
- (b) To a little extent
- (c) To some extent
- (d) To a great extent
- (e) To a very great extent

To those questions which request an open response, please be as honest and specific as possible.

1. What is your definition of equal opportunity?
2. To what extent does the Navy support its equal opportunity (EO) programs?
3. To what extent do you feel this command is committed to EO?
4. To what extent do EO considerations impact on (affect) your daily performance at this command?
5. To what extent is the chain of command knowledgeable about the EO climate?
6. To what extent are EO issues being addressed in this command?
7. To what extent do you see EO to be in your self interest?
8. To what extent are work and collateral duty assignments fairly made at this command?
9. To what extent does this command ensure that you receive a fair and objective performance evaluation (FITREP)?
10. To what extent does this command ensure that you have an equal opportunity for education and training?
11. To what extent are awards and other methods of recognition given in a fair and unbiased manner?
12. To what extent do you feel you have been fairly rewarded for your contributions to this command?
13. To what extent are grievances and redress procedures understood in this command?
14. To what extent would you feel free to use the grievance procedures in this command?
15. To what extent would you feel free to report a sexual discrimination complaint?

USNAINST 5354.1
22 APR 1991

16. To what extent would you feel free to report any racial/ethnic discrimination in this command through proper channels?

17. To what extent is your chain of command (those above you) willing to take action on known or alleged sex discrimination issues?

18. To what extent is discipline administered fairly throughout this command?

19. To what extent do you understand your rights as a member of this command?

20. To what extent do you understand your responsibilities as a member of this command?

21. To what extent do people discourage favoritism?

22. To what extent do you feel that racial minorities are shown favoritism at this command?

23. To what extent do you feel that females (or males) are shown favoritism at this command?

24. To what extent do you feel the physical standards are equal for males and females?

25. To what extent are racial slurs, derogatory jokes, or words used at this command?

26. To what extent are racial or sexual language and practices openly confronted at this command?

27. To what extent do the people you work closely with avoid the use of racist language?

28. To what extent do the people you work closely with avoid the use of sexist language?

29. To what extent are assigned military or civilian women effectively integrated into the command's work force?

30. To what extent do the assigned women contribute to the overall output to the command?

31. To what extent do women accomplish job assignments effectively?

32. To what extent do racial minorities accomplish job assignments effectively?

33. To what extent do you feel comfortable working with racial minorities in this command?

34. To what extent do you feel comfortable working with sexual minorities in this command?

35. To what extent would you accept and support a woman who was assigned to this command?

USNAINST 5354.1
22 APR 1991

Open-ended questions

36. How would you describe the equal opportunity climate of this command?
37. What indicators do you use to measure the EO climate?
38. What one thing would cause the biggest improvement in the EO climate?
39. In your opinion, can any group expect to receive harsher (or more lenient) treatment than others in this command?
40. Do you see any indicators of racial hostility in this command?
41. Do you feel that your chain of command (those above you) are receptive to your ideas or inputs?
42. Do you feel that unpleasant tasks are assigned based on any racial or sexist biases?
43. How effective do you feel the NR&R workshop updates are?
44. How effective do you feel the Command Managed Equal Opportunity Program has been to date?

USNAINST 5354.1

22 APR 1991

MIDSHIPMEN CONDUCT ASSESSMENT TEAM SAMPLE INTERVIEW

1. What is your reaction to the CMO program? Does it help make you a more effective leader? Are the equal opportunity policies at the Academy adequate?

2. Can you give any recent examples of favoritism or discrimination at the Academy?

3. Which USNA policy do you consider most fair? Most unfair?

4. How would you describe the midshipman/officer relationship here at the Academy?

5. What are your opinions on the Honor Concept and how the Honor System currently functions?

6. What are your opinions of the Conduct System and how it functions?

7. Do you feel midshipmen are free to register complaints or grievances without fear of reprisal?

8. Do you know of any cases of reprisal?

Enclosure (5)

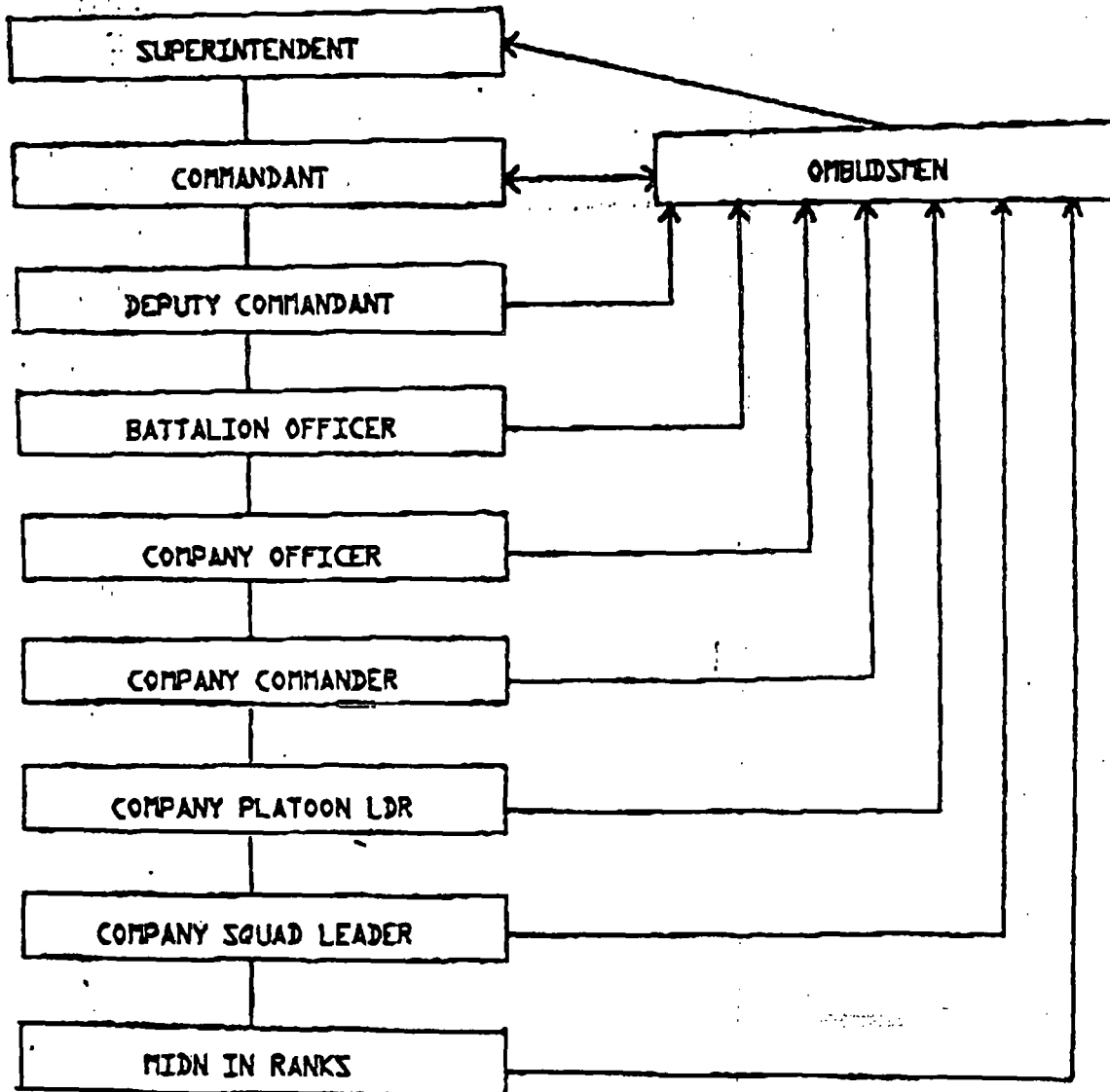
USNAINST 5354.1

22 APR 1991

OFFICER COMMAND ASSESSMENT TEAM SAMPLE INTERVIEW

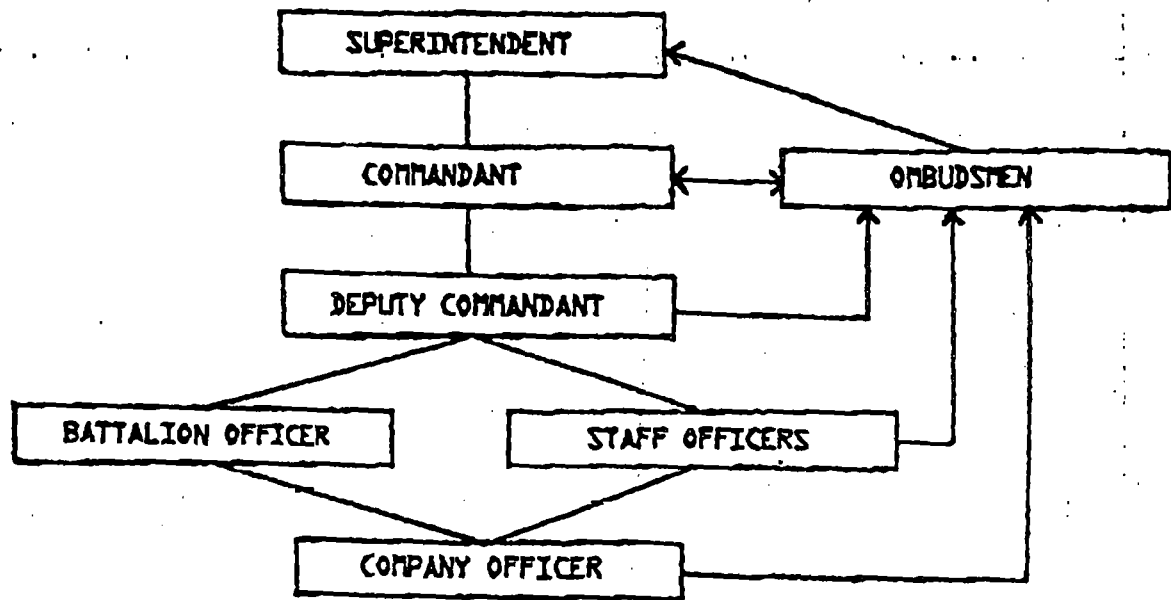
1. How has assignment to this command affected your career?
2. Do you feel your FITREPS from this command have been fair and objective?
3. How specific are the goals of the Naval Academy and do they contribute to its mission?
4. Do you have an active role in the decision making process? Is your chain of command receptive to your ideas and suggestions?
5. Do you have any examples of favoritism or discrimination?
6. Are there differences in how different warfare designators are treated?
How so?
7. Are non-USNA grads treated differently from USNA grads? How so?
8. If you could change one thing at this command, what would you change?

MIDSHIPMAN CHAIN OF COMMAND



OFFICER CHAIN OF COMMAND

22 APR 1991



Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
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001. email	Edward Correia to Jennifer Klein re: Executive Order [partial] (1 page)	10/14/1998	b(6)
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COLLECTION:

Clinton Presidential Records
Domestic Policy Council
Ann O'Leary
OA/Box Number: 19585

FOLDER TITLE:

Title IX - Executive Order on Federally Conducted Programs [1]

2013-0436-S
rc1291

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Edward W. Correia

10/14/98 03:56:24 PM

Record Type: Record

To: Jennifer L. Klein/OPD/EOP, Julie A. Fernandes/OPD/EOP

cc:

Subject: Executive Order

DOD now says that they cannot meet this week on the draft order. I'm out next week (b)(6) [001]
(b)(6) so go ahead without me if you want. Please let me know and I will help you set it up. Otherwise, we'll do it the following week.

However, I think we might be able to get away without a meeting since we are really down to two issues:

1) DOD has objected to covering civilians in courses put on mainly for members of the military. However, federal employees are already covered under Title VII. That leaves only non-federal employees (e.g., state and local officials). My conversations with DOD suggest that they may withdraw their objection to coverage in this case because we cannot issue an executive order that leaves these people with no protections at all.

2) DOD asserts that the students at the military academies are covered by protections equivalent to those in Title VI and Title IX and has shipped over their regs to demonstrate that. DOJ is less certain because, in some cases, this conclusion is not clear from the face of the regs. However, we should be able to get a clarifying statement from DOD on this point.

I'll try to get these points nailed down in the next two days. Please let me know if you have suggestions.

October 15, 1998

MEMORANDUM

To: Helen Sullivan,, Office of General Counsel, DOD
From: Eddie Correia, Office of Counsel to the President
Re: Draft Executive Order on Educational Programs

I have sent you by fax the draft text of the executive order as proposed by DOJ. It also includes some alternative language proposed by DOD. As we have discussed, we are anxious to resolve any outstanding issues and to finalize an order for the President's review and signature. I would appreciate your reviewing the comments below and discussing them with the appropriate persons at DOD.

1. Coverage of Students at Military Academies

We understand DOD's position to be that students in the military academies are already covered by civil rights protections that are comparable to, or perhaps more protective than, Title VI and Title IX. Since your proposed section 3-301 exempts the "armed forces," I assume your position is that students would be exempt from the order since they fall within this category. I appreciate your sending me DOD and branch regulations that include civil rights protections. However, based on our review, we were only able to identify one specific textual reference to the academies (midshipmen at the Naval Academy). Are you certain that existing regulations cover these students? Can you refer me to the provisions that cover them?

2. Civilians

I understand that DOD has no objection to an executive order that extends to civilians (e.g., state and local officials) if they participate in a DOD-sponsored educational program that does not have primarily a military purpose. However, we understand DOD to have some concerns about covering civilians who participate in DOD-sponsored educational programs in two situations -- courses that are primarily intended for military personnel and courses that are in the nature of training exercises in the event of an emergency such as a terrorist attack.

Military personnel are already protected under DOD and/or individual branch regulations. Thus, there may be no need to cover them under the order. As I

understand it, both DOJ and DOD have concluded that Title VII protects civilian federal employees from discrimination in the setting of a DOD-sponsored educational program, regardless of the federal agency that is the employer. For that reason, an exemption for federal employees who participate in these courses may also be appropriate.

The remaining issue regarding these programs appears to be limited to non-federal employee civilians who participate in a course that has primarily a military purpose. You have indicated that DOD has some concerns about overlapping and inconsistent regulations and potential administrative difficulties. However, we believe it is important that there be no gaps in civil rights protections. If there are simply no existing regulatory protections for these persons, then it is important to address this situation. One possible solution is to limit an exemption for any DOD-sponsored military training program to military personnel and federal employees. That has the advantage of ensuring that non-federal employee civilians are covered by the same protections and it avoids carving out particular categories of courses that are excluded. For example, section 3-302 could be revised to read:

This order does not apply to claims by federal employees who participate in military training or education programs conducted by the Department of Defense if such claims are otherwise covered under Title VII of the Civil Rights Act of 1964.

However, I am interested in whatever suggestions you have consistent with the overall purpose of the order.

3. National Origin

As we discussed, DOD and other agencies occasionally sponsor educational programs that for legitimate purposes focus on persons of particular national origin. For example, a course may be designed for foreign nationals from Latin America or the Middle East. The draft order did not address this situation. On the other hand, the draft did include a complete exemption for decisions made by entities other than federal agencies. That is probably appropriate where the entity making the decision is a foreign government, but it may not be appropriate for decisions made by other entities, such as domestic companies or state and local governments. If you have any thoughts on that issue, please let me know.

One possible solution is to amend the proposed section 3-306 to read as follows:

This order does not apply to: 1) selection of foreign citizens to participate in covered programs based on national origin if such programs concern primarily national security or foreign policy; or 2) the selection process utilized and/or

decisions **made by foreign entities** as to who may attend or participate in an education or training program conducted by an executive department or agency.

I would appreciate receiving your comments and suggestions on these matters as soon as possible. I will be out of the office next week. In the event that you need to reach White House staff next week, please contact Jennifer Klein, 456-6266 or Julie Fernandes, 456-2216.

Edward W. Correia

10/08/98 12:13:51 PM

Record Type: Record

To: Jennifer L. Klein/OPD/EOP
cc: Julie A. Fernandes/OPD/EOP
Subject: Re: Title IX 

Here's where things stand. I had a long talk with the person in DOD General Counsel who handled this. She sent over a copy of all the services regulations, which apparently cover the academies as well as uniformed members of the armed forces and state the same substantive principles as Title VI and Title IX. I have legal intern looking at that, but assuming that is true, then I think we can accept the idea of an "exemption" for all members of the armed forces, which includes students at the academies.

As for civilian students of DOD-sponsored educational programs, DOD says their position is that civilians should be exempted only if the educational program is for a "military purpose." Otherwise, DOD agrees that civilians should be covered by the executive order. Her rationale for this position was unclear to me, as was the actual effect of their position. This is one of the loose ends we need to resolve. On another point, she agrees that if a non-DOD federal employee is participating in one of a DOD program, that person would be covered by Title VII.

Finally, as to national origin, DOD agrees that we need an exemption for national origin for education programs that are limited to participants for certain countries. This was not included in the DOJ proposal, but I imagine we can include something like an exemption for "decisions regarding participation by foreign nationals in education programs concerning national security or foreign policy."

As for DOJ, they are nailing down the Title VII and I will ask them to confirm that DOD regulations provide adequate protection for students at military academies. I will also asked them to come up with a formulation for covering civilians in DOD-sponsored programs which takes account of DOD's legitimate concerns (if any) about military-sponsored programs.

I am trying to schedule a meeting next week on all of this, which includes DOD and DOJ, to finalize the language. When we are close to a final draft, I'll call Wade Henderson and Barbara Arnwine at LDF to tell them about it. You should be getting a call about a meeting soon.



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Department of Defense
Office of General Counsel
1600 Defense Pentagon
Washington, D.C. 20301-1600

FAX

Date: 22 October 1998
Total Number of Pages: See note below
(including cover)
To: Ms. Jennifer Klein or Ms. Julie Fernandes
Phone: (202) 456-6266; (202) 456-2216

FROM: Helen Sharett-Sullivan, Associate Deputy General Counsel
Phone: (703) 695-1078, Fax: (703) 693-7616
Email: sullivan@osdgc.osd.mil

Comments:

Ms. Klein/Ms. Fernandez,

Eddie Correia had asked that we provide copies of regulations specifically indicating that the cadets, air cadets and midshipmen of the military academies were covered by Department of Defense and applicable Military Department implementing regulations prohibiting discrimination based on race, color, national origin, and sex. I am faxing to you in two separate transmissions applicable United States Military Academy (4 pages); United States Naval Academy (18 pages), and United States Air Force Academy (27 pages) regulations. These regulations implement Military Department and Department of Defense regulations prohibiting discrimination. By a third transmission, I will send you the Department of Air Force Regulation covering discrimination complaints by military members, including air cadets. That regulation (Air Force Instruction 36-2706 (47 pages)) also is available on-line at "<http://afpubs.hq.af.mil/elec-products/series.stm>."

We are still working our response to Eddie's memo to me.

Helen Sullivan

If all of the pages are not received, or if they are not legible, please contact the action officer.

WARNING: Most Fax machines produce copies on thermal paper. The image produced is highly unstable and will deteriorate significantly in a few years. It should be copied on a plain paper copier prior to filing as a record.

AFI36-2706 1 DECEMBER 1996**33**

- 4.25.1. The sole mechanism for appealing the disposition of an informal complaint of discrimination is to file a formal complaint.
- 4.25.2. Both the complainant and the subjects of a formal complaint of discrimination may appeal a findings of discrimination or no discrimination.
- 4.25.3. The administrative appeal process is not applicable to findings rendered pursuant to command action under the UCMJ. When a commander initiates or has previously initiated action under the UCMJ, that action takes precedence over any ongoing or contemplated appeal. In such circumstances, the applicable UCMJ appellate processes are the exclusive method of appeal. Commanders are not required to withhold appropriate command action while an appeal is pending under this section.
- 4.25.4. Decisions on appeals will be based on written EOT case files and any additional written matters submitted with the appeal.
- 4.25.5. All appeals are to be in writing and will usually consist of no more than three single-spaced typewritten pages. Supporting documents may be attached to the written appeal.
- 4.25.6. Installation commanders, MAJCOM/DPs, AF/DP and SAF/MIB are authorized to decide appeals of formal complaints of discrimination. Appeals must be submitted through the local Social Actions office to the lowest appropriate level of command authorized to decide the appeal, e.g. to the IC for appeals of installation-level complaints. Social Actions will ensure the Appeal Authority receives a complete copy of the case file concerning the original formal complaint of discrimination, the written appeal, and recommendations from the Chief of Social Actions concerning the disposition of the appeal. The appeal will be forwarded through the Appeal Authority's servicing Staff Judge Advocate for a legal review prior to action on the appeal.
- 4.25.7. Appeal authorities may sustain or overrule any finding below or remand the matter for further fact finding.
- 4.25.8. Appeal authorities will issue written determinations briefly reporting the action taken on the appeal and the reasons supporting that action. Written appeal determinations will be delivered through the local Social Actions office and a copy maintained in the case file. If an appeal results in a complaint being referred for further fact finding, the member who filed the appeal will be apprised of this fact and informed of the anticipated date of further action.
- 4.25.9. Members dissatisfied with the action on their appeal will have 5 duty days from receipt of an appeal determination to appeal to the next higher level of command. Appeals to the next higher level of command will be submitted through the local Social Actions office. The 5 duty day time limit may be waived upon a written showing of good cause.
- 4.25.10. SAF/MIB is the final review and appeal level for findings of formal complaints of unlawful discrimination and sexual harassment.
- 4.25.11. The appeals process is applicable only to formal complaints of unlawful discrimination or sexual harassment filed by military members.
- 4.25.12. Complainants may not use the IG system simply because they are dissatisfied with the outcome of an appeal. The IG system is not an available channel of review unless there was an abuse or misuse of the established process for appealing formal complaints of discrimination.

4.26. Follow-up Action. If unlawful discrimination was substantiated, contact the complainant within 30 calendar days after the complainant signed AF Form 1587 to determine if unlawful discrimination has ceased. Also, determine if the complainant has experienced reprisal or negative repercussions as a result of the complaint.

4.27. Reprisals. Social Actions personnel will refer military members to the IG when they claim they were subjected to reprisal as a result of filing a complaint:

4.27.1. Any military member alleging reprisal actions will be advised of the provision of AFI 90-301, paragraph 3.3 and attachment 4, and immediately referred to the IG.

4.27.2. To deal effectively with reprisals in the Reserve and Air National Guard, follow up on sexual harassment and unlawful discrimination cases which should be extended 1 year following conflict resolution.

4.28. Rights Advisement During EOT Complaint Clarifications:

4.28.1. Military members reasonably suspected of committing an offense under the Uniformed Code of Military Justice (UCMJ) must be advised of their rights against self-incrimination under Article 31 before being interviewed. If during the course of an interview, a member not initially suspected of an offense makes an incriminating statement, the interview must be stopped at that point and the member advised of his or her rights against self-incrimination.

4.28.2. The determination of whether there is sufficient reason to suspect a member of a UCMJ offense as a result of a complaint of unlawful discrimination or sexual harassment is a legal issue dependent upon the unique facts and circumstances surrounding the complaint. In all cases, interviews which may require rights advisements need to be coordinated in advance with the servicing SJA. The requirement to coordinate with the servicing SJA applies equally to situations where a rights advisement is first required because of a self-incriminatory statement made during the course of an interview.

4.28.3. If after a rights advisement the member being interviewed declines to make a statement or requests legal counsel, the interview must be terminated.

4.28.4. A member of equal or higher rank to the member being interviewed should, if practicable, participate in interviews requiring Article 31 rights advisements.

4.28.5. For individuals subject to the UCMJ, use the following advisement of rights:

"I am (name and grade as applicable). I am investigating the alleged offense(s) of _____ of which you are suspected. 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."

4.28.6. After the appropriate rights advisement has been given, and to ensure any waiver of rights is knowing and voluntary, the following questions must be asked and answered:

•Do you understand your rights?

- Do you want a lawyer?
- Do you wish to exercise your right to remain silent?
- Do you want to make a statement voluntarily and of your own free will? If the individual waives their rights, proceed with the interview.

4.28.7. Interviews of individuals not subject to the UCMJ who are reasonably suspected of committing a criminal offense must be coordinated in advance with the servicing SJA. If after coordination with the servicing SJA it is determined that it is appropriate to conduct an interview. If after coordination with the servicing SJA it is determined that it is appropriate to conduct an interview, inform the individual his or her cooperation in the interview is strictly voluntary and he or she is free to leave at any time. If the individual declines to answer questions or requests to leave at any time, the interview must be terminated and the individual allowed to leave.

4.29. Complaint Feedback. Provide the complainant with information about both the current status, and if completed, closure of the complaint. Ensure the complainant is informed of his or her right to appeal the findings of a formal complaint of discriminations (See paragraph 4.25.2.). The office may release the name of the investigating officer, projected completion date, and which allegations, if any, were substantiated. If requested, the complainant may be provided with a summary of the investigating officer's final report; however, that summary must protect the privacy interests and the Privacy Act rights of those named in the report. If requested under FOIA, withhold those portions of the report necessary to comply with the Privacy Act of 1974 (information derived from a system of records and protected by the Privacy Act) and those not releasable under FOIA (information release of which would constitute an unwarranted invasion of personal privacy). Specifically, remove personal information such as social security account numbers, protect the identities of witnesses with appropriate redactions of witness statements, protect the conclusions and recommendations of the investigating officer and staff personnel reviewing the report, and withhold the entire report of command actions taken as a result of the report. Information about the specific adverse administrative or non-judicial actions taken against an individual because of the results of an investigation is generally not disclosed unless such information becomes a matter of public record (admitted in open court-martial proceedings) or is required pursuant to statute such as when application of Exemption 6 of FOIA requires release because of the paramount public interest in the information (a rare occurrence).

4.30. Procedures for Air National Guard (ANG) Personnel:

4.30.1. Complaints During Active Duty. Follow the complaint procedures in this instruction for members on active duty including active duty training and active duty special work under Title 10, U.S.C., Section 12301:

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

4.30.1.2. File complaints with the State Equal Employment Manager (SEEM) within 180 calendar days of when the alleged unlawful discrimination took place or when the complainant became aware of the alleged unlawful discrimination. File the complaint on AF Form 1587.

4.30.1.3. The SEEM forwards the complaint to the appropriate active duty MAJCOM assistant for Social Actions or IC with a copy to NGB-EO.

of a formal complaint of discrimination. The commander should protect the complainant's identity whenever possible and should caution the alleged offender against reprisal or other retaliatory actions. (See paragraph 4.25.2.)

4.23. Equal Opportunity (EO) Inquiry or Investigation Assistance. EOT Personnel:

4.23.1. Provide the Inquiry or Investigating Officer (IO) with information on the EOT staff's role in assisting IOs conducting inquiries or investigations into allegations of unlawful discrimination or sexual harassment

4.23.2. Provide subject matter expertise (SME), advice and assistance to the IO during all phases of the inquiry process.

4.23.3. Ensure compliance with the appropriate DoD directives, Air Force policy directives, instructions, and manuals governing the equal opportunity program.

4.23.4. Determine whether the allegations are under the EOT purview; i.e., race, color, religion, national origin, or sex. Further, specify whether the allegations involve unlawful personal or institutional discrimination.

4.23.5. Review the Report of Inquiry (ROI) to ensure key facts and supporting documentation submitted by the complainants, alleged offenders, witnesses, and statements and official documents are included as part of the official Air Force record.

4.23.6. Ensure the IO addresses all allegations involving unlawful discrimination (racism, sexism, etc.) sexual harassment, prejudice, subtle discriminatory behavior, preferential treatment, trends, and reprisal in the ROI.

4.23.7. Ensure all relevant exhibits and documents are reviewed and included in the ROI.

4.23.8. Ensure any previous attempts to resolve the allegations and incidents of unlawful discrimination are included in the ROI 4 (i.e., chain of command, mediation, etc.).

4.23.9. At the conclusion of the inquiry or investigation, ensure all allegations have been thoroughly addressed and documented in the ROI.

4.23.10. When appropriate, document equal opportunity involvement on AF Form 1587. The Chief of Social Actions will ensure EOT involvement is recorded during the review and assessment of the case. If no AF Form 1587 exists, establish a memo for record to document the assistance, outcome of the case, and actual time spent providing assistance.

4.23.11. When EOT-related inquiries or investigations are directed by the appointing authority or higher headquarters, the IG or appointing authority will request assistance from the appropriate level EOT office.

4.23.12. The IC appointment letter will include a Social Actions point of contact to assist the IO during the inquiry and investigation. The Social Actions representative will provide assistance to the IO throughout the inquiry process.

4.24. Resolving Differences Over Cases. The EOT staff will forward the case to the IC when there is a significant disagreement regarding the violation of EOT policy.

4.25. Military Equal Opportunity Appeal Process:

AFI36-2706 1 DECEMBER 1996**31**

4.18. Clarifying Complaints. The purpose of a complaint clarification is to determine whether a formal EOT complaint is supported by a preponderance of the credible evidence. (See **Attachment 1** for a definition of the term Preponderance of Evidence.)

4.18.1. A complaint clarification must be completed for all "E" (EOT complaint code) unlawful discrimination complaints.

4.18.2. The complaint clarification process includes interviewing or taking statements from persons (complainants, potential witnesses, and alleged offenders) who may have information relevant to the complaint and gathering data from records or reports (where appropriate). (See paragraph 4.28. for guidance concerning rights advisements.)

4.18.3. If a clarification results in a determination that a preponderance of the evidence indicates an alleged EOT violation has in fact occurred, the case must be forwarded through the servicing SJA to the commander concerned for appropriate action. A case forwarded for SJA review and command action must contain information sufficient to enable the commander to both independently determine, to his or her satisfaction, the facts surrounding the alleged EOT violation and take appropriate action.

4.19. Clarification Process:

4.19.1. Process all complaint clarifications within 20 duty days.

- 9 duty days for Social Actions clarification.

- 6 duty days for legal review.

- 5 duty days for unit commander to outline intended action (follow up in 30 days).

4.19.2. Social Actions keeps complainant informed of status at each step of the process.

4.20. Requesting Extensions. If Social Actions, the SJA, or the commander cannot meet the allotted timelines outlined above, the Chief of Social Actions may verbally grant separate extensions of no more than 5 days each for the complaint clarification, legal review, or command action (total extensions may not exceed 15 duty days). Social Actions will document all reasons for the extension and brief the complainant. The memorandum will be made a part of the case file. Following the initial extensions, the Chief of Social Actions will apprise the IC every 14 duty days of the status of the case. The IC will also be apprised of all additional and subsequent requests for extensions.

4.21. IG Inquiries and Investigation. When the complaint clarification results in inconclusive findings, EOT personnel may request the IC or appointing authority to direct an IG investigation into the unresolved EOT allegations. All such requests must be coordinated with the appointing authority's staff judge advocate. If an investigation is directed, the IG will provide Social Actions a summary statement of findings regarding its outcome, conclusions, and recommendations. If a commander-directed inquiry is directed, the commander responsible for the inquiry will provide Social Actions a summary statement of findings regarding its outcome, conclusions, and recommendations.

4.21.1. Social Actions will provide any necessary assistance to the IO throughout the IG investigation. (See paragraph 4.24. for further guidance.)

4.22. Briefing the Alleged Offender. The unit commander must brief the alleged offenders on the nature and details of any complaints against him or her. The unit commander must debrief the alleged offender on the outcome of the complaint and advise the alleged offender of his or her right to appeal the findings

4.14.3.1. Have several options available to assist them in informally resolving unlawful discrimination or sexual harassment complaints prior to filing a formal complaint.

4.14.3.2. May orally address or prepare written correspondence to the alleged offender advising him or her of the inappropriate behavior with a clear message that continued behavior may or will result in possible formal complaint action.

4.14.3.3. Request intervention by a co-worker.

4.14.3.4. Are encouraged to use the chain of command (i.e., request assistance from their supervisor, first sergeant, or commander) to informally resolve unlawful discrimination and sexual harassment complaints.

4.14.3.5. Use the mediation process to mutually resolve disputes. (See Section 4E-- Mediation)

4.14.3.6. May lodge and document informal complaints of unlawful discrimination or sexual harassment with the Social Actions office. The informal resolution process is for individuals who elect not to file a formal complaint. The EOT staff must document such allegations on AF Form 1587-1. Individuals who decline to file a formal complaint and decide to use the chain of command, or other informal resolution process will be advised that their visit will be documented and followed up. The complainant's signature is not required on AF Form 1587-1.

4.14.4. The EOT staff may assist complainants with summarizing allegations of unlawful discrimination or sexual harassment and will conduct follow-ups on informal complaints within 5 duty days.

4.14.5. Air Force military members who reasonably believe an unfavorable personnel action (including the withholding of a favorable action) was taken or threatened in reprisal may file a complaint with the Air Force IG (or subordinate level IG) in accordance with AFI 90-301, Inspector General Complaints, chapter 3. (See Attachment 1 for a definition of reprisal)

4.15. Allegations Other Than Unlawful Discrimination. If the complainant does not allege unlawful discrimination, then document the visit and time on AF Form 1271. Refer the member to the appropriate agency, if applicable, and follow up the case. Follow-up will occur within 5 duty days.

4.16. Documenting Complaints. Document the complaint on AF Form 1587. Clearly and concisely describe the complainant's concerns and specific allegations. Allegations should be detailed, citing the people involved, describing the alleged discriminatory behaviors, including the date and time, and location of alleged discriminatory behaviors. When an allegation of unlawful discrimination comes from an anonymous source, document it on AF Form 1587 and apprise the appropriate commander or agency. The EOT technician should code the case "E" or "R" and take appropriate actions.

4.17. Filing or Withdrawing Formal Complaints:

4.17.1. If an allegation of unlawful discrimination or sexual harassment is submitted to the EOT office more than 60 days after the alleged offense, the complainant must provide sufficient justification or extenuating circumstances to the EOT staff for review and subsequent approval by the IC.

4.17.2. Individuals wishing to withdraw a complaint (AF Form 1587) must receive Chief of Social Actions' approval.

AFI36-2706 1 DECEMBER 1996

31

4.18. Clarifying Complaints. The purpose of a complaint clarification is to determine whether a formal EOT complaint is supported by a preponderance of the credible evidence. (See Attachment 1 for a definition of the term Preponderance of Evidence.)

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4.18.2. The complaint clarification process includes interviewing or taking statements from persons (complainants, potential witnesses, and alleged offenders) who may have information relevant to the complaint and gathering data from records or reports (where appropriate). (See paragraph 4.28, for guidance concerning rights advisements.)

4.18.3. If a clarification results in a determination that a preponderance of the evidence indicates an alleged EOT violation has in fact occurred, the case must be forwarded through the servicing SJA to the commander concerned for appropriate action. A case forwarded for SJA review and command action must contain information sufficient to enable the commander to both independently determine, to his or her satisfaction, the facts surrounding the alleged EOT violation and take appropriate action.

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of a formal complaint of discrimination. The commander should protect the complainant's identity whenever possible and should caution the alleged offender against reprisal or other retaliatory actions. (See paragraph 4.25.2.)

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4.23.2. Provide subject matter expertise (SME), advice and assistance to the IO during all phases of the inquiry process.

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4.23.10. When appropriate, document equal opportunity involvement on AF Form 1587. The Chief of Social Actions will ensure EOT involvement is recorded during the review and assessment of the case. If no AF Form 1587 exists, establish a memo for record to document the assistance, outcome of the case, and actual time spent providing assistance.

4.23.11. When EOT-related inquiries or investigations are directed by the appointing authority or higher headquarters, the IG or appointing authority will request assistance from the appropriate level EOT office.

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4.24. Resolving Differences Over Cases. The EOT staff will forward the case to the IC when there is a significant disagreement regarding the violation of EOT policy.

4.25. Military Equal Opportunity Appeal Process:

4.4.11. Apprise unit commanders of observed discriminatory circumstances when no complaint has been submitted.

4.4.12. Apprise unit commanders of formal complaints lodged against members of their units. (EXCEPTION: Refer complaints against senior officials directly to the IG. See Attachment 1 for definition of the term senior official.

4.4.13. Provide counseling, information, referral, and other assistance to members who have experienced unlawful discrimination or sexual harassment.

4.5. Unit Commanders:

4.5.1. Inform unit members of their right to file EOT complaints without fear of reprisal.

4.5.2. Inform members through briefings and EOT policy memorandums that unlawful discrimination and sexual harassment will not be tolerated and that appropriate disciplinary and corrective action will be taken if unlawful discrimination or reprisal is substantiated

4.5.3. As a minimum, provide Social Actions the demographics of participants and action taken on all EOT allegations handled within the unit. Social Actions will report this information as complaints worked by the Unit or CC in the remarks section of AF Form 3018.

4.5.4. Investigate allegations of unlawful discrimination

4.5.5. Take action to end unlawful discrimination.

4.5.6. In a fair, impartial, and prompt manner enforce EOT policy.

4.5.7. Ensure rating and evaluating officials evaluate compliance with EOT directives and document repeated or serious violations.

4.5.8. Conduct periodic climate assessments.

Section 4C—Reporting and Clarifying EOT Incidents

4.6. EOT Incidents. An EOT incident is an overt act, occurring on or off base, directed toward an individual, group or institution which is motivated by or has overtones based on color, national origin, race, religion, or sex.

4.6.1. Categories of incidents. An EOT incident will be classified as either a minor, serious, or major incident as follows:

4.6.1.1. Minor incidents include any of the following:

- An incident involving fewer than 10 active participants.
- Simple assault.
- An act resulting in minor physical injury requiring less than 2 days of medical care.
- Vandalism of less than \$300 that includes discriminatory anti-Semitic, racial, supremacist activity, discriminatory epithets, signs, or symbols.

4.6.1.2. Serious incidents include any of the following:

- An incident involving 10 to 20 active participants.
- Aggravated assault.

AFI36-2706 1 DECEMBER 1996

27

- An act resulting in physical injuries requiring medical confinement of 2 to 5 days.
- Vandalism of \$300 to \$1,000 that includes anti-Semitic, racial, and supremacist group activity, discriminatory epithets, signs, or symbols.

4.6.1.3. Major incidents include any of the following:

- An incident involving more than 20 active participants.
- An act that results in a death.
- Arson.
- Vandalism in excess of \$1,000 that includes anti-Semitic, racial, supremacist group activity, discriminatory epithets, signs, or symbols.
- An act resulting in physical injuries requiring medical confinement for more than 5 days.
- The activities of groups supporting supremacist causes, advocating unlawful discrimination, or otherwise advocating the use of force or violence to deprive individuals of their civil rights when such activities constitute an immediate danger to the loyalty, discipline or morale of Air Force personnel.

4.7. Incident Clarification:

4.7.1. The Chief of Social Actions and EOT staff respond to and clarify EOT incidents. With the concurrence of the IC, the Chief of Social Actions classifies incidents according to the criteria of paragraph 4.6.1. of this instruction. The EOT incident clarification process:

- Determines the facts and cause of EOT incidents.
- Assesses the severity of EOT incidents to morale, good order, discipline, and unit effectiveness.
- Develops recommendations for the Chief of Social Actions and the IC concerning the classification of the incident and any appropriate corrective action.

4.7.2. Information from other investigative agencies may be used to accomplish the clarification. EOT personnel should avoid overlapping on-going investigation being conducted by other agencies.

4.8. Higher Headquarters Reporting Requirements:

4.8.1. Minor Incidents. Report all minor incidents to the MAJCOM Assistant for Social Actions via routine message within 72 hours after notification.

4.8.2. Serious Incidents. Report incidents categorized as serious by priority message to MAJCOM Assistants for Social Actions within 72 hours of Social Actions notification. Send copies of the message to HQ USAF/DPCH and HQ AFPC/DPSFS.

4.8.3. Major Incidents. Report incidents categorized as major through the Event/Incident Reports (OPREP-3), RCS: HAF-XOO(AR)7118; JCS Publication 6 volume II, part 3; JCS Publication 25; and AFMAN 10-206. Also, report incidents categorized as major by priority message to MAJCOM Assistants for Social Actions within 24 hours of Social Actions notification. Send copies to HQ USAF/DPCH and HQ AFPC/DPSFS:

4.8.3.1. Event and Incident Reports are designated emergency status code C-2. At the discretion of ICs, continue reporting during emergency conditions, normal precedence. Submit data requirements in this category as prescribed or as soon as possible after submission of priority reports.

4.8.4. Follow-up Message. Send follow-up messages to the MAJCOM Assistant for Social Actions every 30 calendar days until final action is taken.

Section 4D—EOT Complaints

4.9. Purpose of the EOT Complaint Process. The EOT complaint process is a means for military members to present allegations of unlawful discrimination and sexual harassment to the offending party, someone in a position of authority, or both. See Table 4.1. for complaint processing responsibilities:

4.9.1. When appropriate, complainants should be encouraged to resolve complaints informally before filing formal complaints within supervisory and chain of command.

4.9.2. Encourage early reporting of problems at the lowest level and promote fair resolution.

4.10. Lodging Equal Employment Opportunity (EEO) Complaints. When the complainant is a civil service employee, document allegations of unlawful discrimination on AF Form 1587, EOT Complaint Summary, and refer it to the EEO officer regardless of the status of the alleged offender (military member or civil service employee). See AFI 36-1201, Discrimination Complaints, for guidance.

4.10.1. Refer noncompliance of Air Force equal opportunity standards involving DoD contractor personnel to the appropriate agency for resolution, (i.e., EEOC, Dept. of Labor, etc.). Coordinate the AF Form 1587 through the local contracting officer, SJA, and the commander responsible for the Social Actions program.

4.11. Immediate Referral:

4.11.1. All complaints involving allegations of suspected criminal activity, such as assault, sexual assault, rape, child abuse or molestation, or incest shall be immediately coordinated with the servicing Staff Judge Advocate and referred, as appropriate, to the Air Force Office of Special Investigations or the Security Police.

4.11.2. All complaints involving allegations of homosexual conduct shall be immediately referred to the subject's military commander for appropriate action. See AFI 36-3206, Administrative Discharge Procedures for Commissioned Officers, Atch 2, and AFI 36-3208, Administrative Separation of Airmen, Atch 2. Such complaints are not within the purview of the Air force Military Equal Opportunity and Treatment Program.

4.11.3. All complaints of unlawful discrimination that are not within the authority of the EOT complaints process will be immediately referred to the appropriate agency authorized to resolve such complaints, e.g., Army and Air Force Exchange Services, Nonappropriated Fund, or Housing Referral Office. Commanders may serve as a referral service for addressing allegations of unlawful discrimination.

4.12. Cases Involving Senior Officials (O-7 and above), Colonels and Colonels Select:

4.12.1. There are special reporting and complaint processing requirements for EOT complaints involving senior officials, colonels, and colonels select.

4.12.1.1. ICs will notify SAF/IGS of complaints involving senior officials.

AFI36-2706 1 DECEMBER 1996

29

4.12.1.2. ICs will notify MAJCOM IGQs and DP SAF/IGQ of EOT complaints involving colonels or colonels select.

4.12.2. Social Actions will refer all EOT complaint involving senior officials to SAF/IGS. See Table 4.1., rule 3.

4.12.3. Social Actions will handle EOT complaints involving colonels and colonels select.

4.12.3.1. Base level EOT technicians should consult their MAJCOM Assistant for Social Actions prior to conducting complaint clarifications in cases involving colonels and colonels select to determine the most appropriate complaint resolution avenue (i.e., clarification, inquiry, or investigation).

4.13. Complaints Processing Procedures - Joint Service and Department of Defense Activities. The following guidance applies to Joint Service duty or DoD activities:

4.13.1. Each agency will establish a memorandum of agreement and understanding with the host military service responsible for implementing and administering MEO programs.

4.13.2. Military personnel are encouraged to resolve complaints informally at the lowest level in the chain of command.

4.13.3. Commanders and agency heads should be aware some service members may know of or be more comfortable using their parent Service's complaint system only.

4.13.4. These individuals should be afforded the benefit of using their Service's EOT complaint and counseling systems to ensure DoD standards on handling complaints are met for each member.

4.13.5. Where practical, DoD and Joint Service agencies should establish and appoint a DEOMI-qualified EOT technician to assist in the EOT complaint process and prepare initial reports for the commanders' review and disposition.

4.13.6. Ensure DoD and the service EOT policies and programs are publicized, prominently displayed, understood, and executed throughout the organization.

4.13.7. Establish an EOT program that complies with the guidelines of DoD Directive 1350.2 and this instruction, which reflects the standards, values, and principles of existing service programs, resources, and counseling programs.

4.13.8. If after 5 duty days, an informal resolution has not been accomplished, the host Service or agency should advise the complainant that he or she has the option to either refer the matter to the host EOT office or to the complainant's service's EOT complaint and counseling system.

4.14. Informal Complaint Process:

4.14.1. EOT offices must publish and publicize Air Force and local procedures for filing informal and formal complaints of unlawful discrimination and sexual harassment.

4.14.2. Use AF Form 1587-1, EOT Informal Complaint Summary, to document informal complaints. The principle purpose of the form is to collect and record essential informal data regarding unlawful discrimination and sexual harassment.

4.14.3. Military members:

FAX:

202-456-2878



For Official Use Only

Department of Defense
Office of General Counsel
1600 Defense Pentagon
Washington, D.C. 20301-1600

FAX

Date: 22 October 1998

Total Number of Pages: See note below
(including cover)

To: Ms. Jennifer Klein or Ms. Julie Fernandes

Phone: (202) 456-6266; (202) 456-2216

FROM: Helen Sharett-Sullivan, Associate Deputy General Counsel
Phone: (703) 695-1078, Fax: (703) 693-7616
Email: sullivan@osdgc.osd.mil

Comments:

Ms. Klein/Ms. Fernandez,

Eddie Correia had asked that we provide copies of regulations specifically indicating that the cadets, air cadets and midshipmen of the military academies were covered by Department of Defense and applicable Military Department implementing regulations prohibiting discrimination based on race, color, national origin, and sex. I am faxing to you in two separate transmissions applicable United States Military Academy (4 pages); United States Naval Academy (18 pages), and United States Air Force Academy (27 pages) regulations. These regulations implement Military Department and Department of Defense regulations prohibiting discrimination. By a third transmission, I will send you the Department of Air Force Regulation covering discrimination complaints by military members, including air cadets. That regulation (Air Force Instruction 36-2706 (47 pages)) also is available on-line at "<http://afpubs.hq.af.mil/elec-products/series.stm>."

We are still working our response to Eddie's memo to me.

Helen Sullivan

1.4.1. Exercises overall responsibility for managing the EOT and Human Relations education (HRE) programs.

1.4.2. Formulates and oversees periodic mandatory EOT and HRE and training programs for all Air Force members and civilian employees. Such training is mandatory for pre-commissioning programs, initial entry training, and all levels of professional military education (PME). Training programs will include comprehensive material on:

Leadership roles and responsibilities for the EOT program.

Complaint processing.

Legal implications.

Reprisal prevention and detection.

Climate assessment methodologies.

Equal Employment Opportunity (EEO) systems.

1.4.3. Monitors the Military Equal Opportunity Assessment Program (MEOA). MEOA provides an overall assessment of each DoD Component's AAPs and EOT Programs.

1.4.4. Establishes the Affirmative Action Plan (AAP) at the Air Force level (to include the Reserve components). The program is designed to identify and resolve EOT problems through formulating, maintaining, and reviewing AAPs with established objectives and milestones. This includes accountability in personnel management, consistent with DoD Instruction 1350.3.

1.5. Air Force Human Resources Development Division (HQ USAF/DPCH):

1.5.1. Formulates, coordinates, executes, revises, and disseminates EOT and human relations education (HRE) policies.

1.5.2. Manages programming and implementation of Air Force Military Equal Opportunity (MEO) budgets.

1.5.3. Communicates with other Air Force, DoD, and civilian agencies that have collateral equal opportunity responsibilities and interests.

1.5.4. Provides policy guidance and clarification for MAJCOM Assistants for Social Actions and field operating agencies (FOA).

1.5.5. Convenes and attends conferences and other professional forums that address EOT issues, and determines appropriate Air Force representation at these events.

1.5.6. Coordinates and serves as the focal point for all requests from Defense Equal Opportunity Management Institute (DEOMI) and approves all retraining waiver requests:

1.5.6.1. Manages the Air Force programs and funds all operational expenses of DEOMI, except for the pay, allowances, and travel costs of military and civilian members of other DoD components.

1.5.6.2. Reviews and approves all nomination packages for Air Force members selected for assignment to DEOMI.

AFI36-2706 1 DECEMBER 1996**9**

1.5.6.3. Establishes the grade requirement for attendance at DEOMI as E-5 or above and ensures all personnel nominated for attendance at DEOMI meet the prerequisites established in AFMAN 36-2108, Airman Classification.

1.5.6.4. Approves all grade waivers for retraining applicants.

1.5.7. Ensures all personnel who perform EOT duties and personnel filling Chief of Social Actions positions have completed the DEOMI 16-week resident course. (The three-phase Reserve Component (USAF/ANG) EO Officer Managers Course and the 2-week EO Program Managers Course are not authorized in lieu of the active duty 16-week resident course without the advance coordination and approval of HQ AFPC/DPSFS, AFPOA/DPW, HQ USAF/DPCX, and HQ USAF/DPCH.)

1.5.8. Serves as focal point for manpower, personnel issues, and career field management.

1.5.9. Assigns staff to handle EOT-related complaints and Congressional and high-level inquiries pertaining to policy on EOT.

1.6. Air Force Personnel Center, Field Activities Division, Social Actions Branch (HQ AFPC/DPSFS):

1.6.1. Oversees the development, implementation, and management of Social Actions program operations to support established policies.

1.6.2. Administers the Air Force EOT Complaint Data Collection Program.

1.6.3. Provides operational guidance to MAJCOM Assistants for Social Actions and installations.

1.6.4. Develops procedures for managing and documenting Social Actions activities.

1.6.5. Disseminates EOT information.

1.6.6. Assigns staff to handle complaints and Congressional and high-level inquiries that pertain to EOT.

1.6.7. Responds to suggestions when they affect EOT operational procedures.

1.6.8. Reviews inspection reports and other evaluations and assists as necessary.

1.6.9. Maintains a Military Equal Opportunity and Sexual Harassment Information line for Air Force members, their family members, retirees, and civilian employees. Military Equal Opportunity and Sexual Harassment Information line should provide information on what kinds of behavior constitute unlawful discrimination and sexual harassment, and how and where to file a complaint. Military Equal Opportunity and Sexual Harassment Information line personnel will be fully trained to address situations concerning National Guard and Reserve personnel.

1.6.10. Convenes and attends conferences and other professional forums that address EOT issues.

1.6.11. Develops, reviews, and updates all EOT educational objectives, materials, and programs.

1.6.12. Analyzes current and future base-level and MAJCOM operational needs.

1.6.13. Conducts Social Actions Awards selection panels.

1.6.14. Distributes Affirmative Action Plan (AAP) analysis or summaries to MAJCOM commanders who will distribute them to their base installation commanders to compare Air Force progress with their respective level of command. Provides copies to the MAJCOM Assistant for Social Actions for distribution to base level Social Actions offices.

10

AFI36-2706 1 DECEMBER 1996

Section 1C—Headquarters, United States Air Force**1.7. Judge Advocate General of the Air Force (HQ USAF/JA):**

- 1.7.1. Provides legal opinions, instructions and guidance concerning EOT programs.
- 1.7.2. Provides guidance on EOT policies and procedures to Air Force legal officers.

1.8. Air Force Chief of Security Police (HQ USAF/ SP):

- 1.8.1. Develops policies and procedures for security police who may be involved in equal opportunity and treatment incident control and investigation. See AFI 71-101, Criminal Investigations, Counter-Intelligence and Protective Service for Air Force Office of Special Investigation (AFOSI) and Security Police investigative responsibilities.
- 1.8.2. Coordinates with other military services and local investigative and law enforcement agencies on EOT matters.

Section 1D—Major Commands (MAJCOM)**1.9. MAJCOM Director of Personnel (DP).**

- 1.9.1. Is responsible for implementation and oversight of MAJCOM MEO programs.
- 1.9.2. Ensures installations provide mandatory education and training in EOT and Human Relations on a recurring basis and at all levels of PME for all Air Force members and civilian employees, including general officers. (See Table 2.2. for education requirements.)

1.10. MAJCOM Assistant for Social Actions.

- 1.10.1. Monitors all MAJCOM Social Actions elements for Air Force policy compliance. AFD 36-27, paragraphs 1.6 and A1.2 outline guidance for "measuring compliance with policy."
- 1.10.2. Provides assistance and guidance to base-level Social Actions offices.
- 1.10.3. Develops command-wide EOT guidance, programs, and procedures for the field.
- 1.10.4. Identifies problem areas by analyzing trends. Advises base level offices of corrective and preventive actions on EOT matters.
- 1.10.5. Provides base Social Actions personnel with on-going formal training and guidance in appropriate specialties. Determines and requests MAJCOM Assistants for Social Actions requirements for training according to Air Force Catalog (AFCAT) 36-2223, US Air force Formal Schools and, when applicable, sends them to HQ USAF/DPCH.
- 1.10.6. Provides quality assessments and self-inspection items on an annual or as-needed basis to Social Actions offices within their respective MAJCOM. As a minimum, assess the following processes:
 - Human Relations Education.
 - EOT complaints.
 - Customer satisfaction.
 - The unit climate assessment.

AFI36-2706 1 DECEMBER 1996**11**

- AF Form 1271, Social Actions Record of Assistance.
- EOT incidents.
- Semi-annual wing climate assessment.

1.11. Air Force Space Command (AFSPC). Provides administrative, logistical, and other appropriate support for Air Force military and civilian staff members at DEOMI.

1.12. Air Education and Training Command (AETC). Budgets and finances the travel and per diem costs of Air Force students who attend DEOMI.

Section 1E—Other Agencies

1.13. Air Force Operations Support Center (AFOSC). AFOSC provides HQ USAF/DPCH with copies of Operations Event/Incident Report (OPREP-3) reports relating to EOT incidents.

1.14. National Guard Bureau (NGB). The Director, Equal Opportunity Directorate (NGB-EO):

- 1.14.1. Develops and monitors EOT plans, policy, and programs that apply to the ANG.
- 1.14.2. Establishes and administers the ANG Discrimination Complaint System and develops policies and procedures for processing, managing, and adjudicating unlawful discrimination complaints.
- 1.14.3. Controls attendance of ANG personnel at DEOMI, manages ANG quotas for DEOMI training, and approves and funds ANG adjunct faculty for DEOMI.

1.15. Air Force Reserve. The Chief of Personnel Division, Office of Air Force Reserve (HQ USAF/REP):

- 1.15.1. Develops and monitors EOT plans, policies, and programs that apply to the Air Force Reserve.
- 1.15.2. Ensures off-duty or non-duty behavior that affects the military workplace is covered by the unlawful discrimination and sexual harassment prevention programs, emphasizing the principle of "full-time values - part-time careers." An example of off-duty behavior that impacts the workplace is quid pro quo sexual harassment, i.e., 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.

1.16. Defense Equal Opportunity Management Institute (DEOMI). DEOMI's mission is to enhance combat and operational readiness through improved leadership by functioning as the DoD center of excellence in all facets of EOT and human relations education and training. DEOMI:

- 1.16.1. Provides basic skill training to Social Actions chiefs and EOT technicians. Technicians are awarded the AFSC 3S131 upon completion of the basic skill training.
- 1.16.2. Performs EOT and human relations research and acts as a clearing house to monitor and disseminate research findings on EOT and human relations.
- 1.16.3. Serves as the focal point for administering the Military Equal Opportunity Climate Survey (MEOCS) program.

Chapter 2

BASE SOCIAL ACTIONS OFFICE

Section 2A—General Information

2.1. EOT/HRE Program Objective. To improve mission effectiveness by assisting commanders at all levels in conducting programs for EOT/HRE.

2.2. Scope and Limitations:

2.2.1. Social Actions personnel must inform commanders of problems that may adversely affect members' behavior, health, duty performance, or the mission.

2.3. Publicizing Programs. The Social Actions staff must ensure Installation and Air Force EOT policy memorandums, along with the location and telephone number of the Social Actions office are posted in heavily trafficked areas. The areas should include, but not necessarily limited to, the Military Personnel Flight (MPF), commissary, base exchange, unit orderly rooms, and MWR facilities.

2.4. Developing a Referral Guide. The Social Actions staff and the Family Support Center (FSC) develop a referral guide by identifying on- and off-base Social Actions resources. If the base does not have a FSC, then the Social Actions Office alone develops a referral listing (updated annually). The Social Actions staff:

2.4.1. Provides a copy of this guide to all personnel at the Key Personnel Briefing (KPB).

2.4.2. Provides updated guides to all unit commanders and first sergeants.

2.5. Setting Up Social Actions Office Facilities. Locate Social Actions facilities centrally in one building that is accessible to all base personnel. Facilities should present a professional setting and must include:

2.5.1. Private consultation areas.

2.5.2. Classrooms for HRE.

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

2.6. Responding to Congressional and Other High-Level Inquiries. When responding to congressional and other inquiries under AFI 90-401, Air Force Relations with Congress that relate to EOT, coordinate responses with the MAJCOM Assistant for Social Actions and HQ USAF/DPCH as appropriate.

2.7. Establishing Unit Continuity Files. Base Social Actions Offices:

2.7.1. Establish a continuity file for each unit that has more than 50 military people. Each continuity file contains:

- Reports from the last two UCA visits.
- Documented KPBs.
- Data on EOT trends.

AFI36-2706 1 DECEMBER 1996**13**

- AF Form 3969, Commander's Unit Climate Assessment Critique.

2.7.2. Mark UCA reports and trend data **FOR OFFICIAL USE ONLY (FOUO)**.

2.7.3. Maintain and dispose of documentation in accordance with AFI 37-139, Disposition of Air Force Records--Records Disposition Schedule.

2.8. Using Audiovisual Materials. Social Actions Offices may show films and videos listed only on the audiovisual list of Air Force-approved films. Requests for film listings are made from the Defense Audio Visual Information System (DAVIS) through the Visual Information Manager:

2.8.1. To add a new film to the list, preview the film, then send a request memorandum to MAJCOM Assistant for Social Actions who will concur or nonconcur with the request, and forward it to HQ AFPC/DPSFS for final approval. Include in the request memorandum:

- The name of the film.
- The address of the film's distributor.
- The cost of the film.
- How you will use the film.

2.8.2. If approved, HQ AFPC/DPSFS will add the film to the audiovisual list of Air Force-approved films.

2.9. Armed Forces Disciplinary Control Board (AFDCB). An EOT staff representative will serve as a member of the Armed Forces Disciplinary Control Board (AFDCB). The AFDCB handles reports of off-base discriminatory practices adversely affecting members of the Air Force or their families. See AFI 31-213, Armed Forces Disciplinary Control Boards and Off-Installation Liaison and Operations, for detailed guidance.

2.10. Command Post. The Operations Support Center (command post) includes Social Actions in its incident reporting checklist. All EOT incidents categorized as major incidents under the criteria of paragraph 4.6.6 of this instruction and AFMAN 10-206, Operational Reporting, must be reported to higher headquarters through the Event and Incident reports (OPREP 3), RCS: HAF-XOO(AR)7118; JCS Publication volume 2, part 3, JCS Publication 25 and AFMAN 10-206.

Section 2B—Privacy Act and FOIA.

2.11. Privacy Act of 1974 and Freedom of Information Act (FOIA).

2.11.1. The Chief of Social Actions will review and serve as the "disclosure authority," as defined in AFI 37-131, Air Force Freedom of Information Act Program, for all social actions records which are determined to be responsive to a specific FOIA request. The Chief of Social Actions will provide the "denial authority" with a denial recommendation for those records to be denied in whole or in part as a result of a specific FOIA or Privacy Act request.

2.11.2. For guidance on responding to FOIA requests and disclosure of records, see, AFI 37-131 Air Force Freedom of Information Act Program and AFI 37-132, Air Force Privacy Act Program.

2.11.3. Under the Privacy Act of 1974, whenever individuals are requested to provide personal information for inclusion in a Social Actions record, such as their name or SSN, they must be informed of the following (see AFI 37-132):

- What law conveys authority for soliciting personal information.
- Whether disclosing that information is mandatory or voluntary.
- What is the principle purpose of collecting the information.
- What the information is routinely used for. Include only uses outside DoD with name of agency or activity and reason.
- What effects, if any, individuals can expect if they do not provide it.

2.12. Reviewing FOIA Requests. Coordinate all FOIA requests for Social Actions records with the local FOIA Office and the local SJA.

2.13. Using Computers. Establish procedures to protect information stored on computer hard drives and in network drives. Dispose of data from computer hardware and software that are established or maintained under this instruction according to AFI 37-139, Disposition of Air Force Records--Records Disposition Schedule.

2.14. Disposing Records. Dispose records that are established or maintained under this instruction according to AFI 37-139.

Section 2C—Special Procedures and Supplements

2.15. Procedures During Contingencies, Hostilities, and War:

2.15.1. At the discretion of the Installation Commander (IC), EOT staff functions focus on preventing EOT incidents and resolving complaints at bases directly involved in combat operations.

2.15.2. EOT personnel at all USAF locations focus on education and identifying and reporting to commanders acts, behaviors, or practices of unlawful discrimination which may undermine unit cohesiveness and mission capability.

2.16. MAJCOM Supplements to This Instruction:

2.16.1. Process supplements according to AFI 37-160, volume 1, The Air Force Publications and Forms Management Programs--Developing and Processing Publications.

2.16.2. Send supplements to HQ AFPC/DPSFS for review and approval with a copy to HQ USAF/DPCH.

2.16.3. HQ AFPC/DPSFS and HQ USAF/DPCH will review and approve MAJCOM Assistant for Social Actions supplements to this AFI.

2.17. Base-level Supplements. Send supplements to the MAJCOM Assistant for Social Actions for review and approval before publication

Section 2D—Managing Personnel

AFI36-2706 1 DECEMBER 1996**15**

2.18. Establishing an On-Call Roster. The Chief of Social Actions establishes and distributes an on-call roster of Social Actions personnel who are available outside normal duty hours to respond in an emergency to the command post, security police, emergency room, and Geographically Separated Unit (GSU) commanders.

2.19. Using Volunteers. The Chief of Social Actions may use volunteers to assist in Social Actions programs, but must screen all potential volunteers to ensure they have not committed substantiated acts of unlawful discrimination and that their integrity, motives, and maturity are appropriate for such duties.

2.19.1. Volunteers may be active duty military, civilian, retired, or family members.

2.19.2. Volunteers may assist in all phases of the EOT program except for:

- Conducting EOT/HRE classroom instruction.
- Analyzing Unit Climate Assessment (UCA) survey and interview data.
- Processing EOT incidents, complaints, complaint clarification, or inquiry.
- Conducting one-on-one interviews.

2.20. Recruiting Social Actions Retrainees. Chief of Social Actions:

2.20.1. May recruit local personnel to retrain for Social Actions service.

2.20.2. Interviews retraining applicants.

2.20.3. Establishes and documents an observation period consisting of a minimum of 20 duty days of part-time duty in Social Actions before making a recommendation concerning retraining.

2.20.4. Makes a written recommendation concerning retraining to the individual's unit commander supported by considerations of:

A review of the member's military records.

The candidate's interview with the Chief of Social Actions.

The observation period.

The candidate's communication skills both written and verbal.

The unit commander's recommendation.

Any other relevant factors.

Section 2E—Social Actions Education

2.21. Responsibilities:

2.21.1. HQ AFPC/DPSFS develops, reviews, and updates all EOT educational objectives, materials, and programs.

2.21.2. DEOMI-trained Social Actions instructors will conduct education to meet the requirements listed in **Table 2.2.**, rules 6-11.

2.21.3. Instructors:

- Develop and maintain personalized lesson plans that are tailored to Air Force and the installation's EOT objectives.
- Get written approval for all lesson plans from the Chief of Social Actions before implementing them.

2.21.4. Chief of Social Actions:

- Evaluates (in writing) an entire education class of each instructor and keeps the evaluations on file.
- During the KPB, gives the IC and other key personnel an assessment of local EOT issues and their impact on mission effectiveness (Table 2.2., rule 9).
- Ensures HRE classes are updated into the Personnel Data System (PDS) using established data elements (DIN codes) for HRE.

2.21.5. ICs approve all recurring locally developed programs before they are implemented.

2.21.6. The MPF will schedule military personnel requiring HRE as part of the INTRO process. Social Actions will schedule special seminars or other training requirements directly with the squadrons or other organizations.

2.21.7. The Civilian Personnel Flight (CPF) will schedule civilian personnel for HRE. Social Actions will provide the CPF with class dates, times, location, and number of available slots. At the conclusion of each class, Social Actions will forward the civilian attendance roster to the CPF with the names of civilian attendees for the purpose of updating civilian personnel training records.

Section 2F—Informal Assistance

2.22. Conducting Assistance. Informal assistance may include referrals, conflict resolution, and general EOT program information. EOT technicians will document any service rendered. Document informal assistance on AF Form 1271, Social Actions Record of Assistance. Document informal complaints on AF Form 1587-1, EOT Informal Complaint Summary. See paragraph 4.14. for informal complaint process.

Section 2G—Reporting Requirements

2.23. Equal Opportunity and Treatment/Human Relations Education Summary (RCS: HAF-DP (SA)7204):

2.23.1. Base-level Social Actions:

- Completes an AF Form 3018, Equal Opportunity/ Human Relations Education Summary, at the end of each reporting period (1 October to 31 March and 1 April to 30 September).
- Sends the original report plus one copy to the MAJCOM Assistant for Social Actions within 10 calendar days of the close-out date.

2.23.2. The MAJCOM Assistant for Social Actions forwards a consolidated AF Form 3018 and a copy of each installation's report to arrive at HQ AFPC/DPSFS no later than the 25th of the month following the reporting period. MAJCOM Assistants for Social Actions will ensure the following information is included with the report:

- An assessment of the command's human relations climate.

AFI36-2706 1 DECEMBER 1996

17

- A summary of the command's EOT program, including a description of innovations, achievements, and a discussion of problems, solutions, and lessons learned. (State whether or not HQ USAF/DPCH or HQ AFPC/DPSFS assistance is needed.)
- MAJCOM Social Actions policy guidance issued during the previous 6 months.
- Recommendations for improving the Air Force EOT program.

2.23.3. This report is designated emergency status code C-2. Continue reporting during emergency conditions by normal precedence. Submit data requirements in this category as required or as soon as possible after submission of priority reports.

Table 2.1. Handling Requests for EOT Case File.

R U L E	A	B	C
	If the requester is	and the requester makes a (see note 1)	then
1	The complainant	functional request or written FOIA request	Release a copy of the case file, excluding personal information other than that of the requester (such as SSN, home addresses, and phone numbers), after coordinating the release of information through the legal office and the FOIA office. (See note 1). Do not release witness statements, conclusions, and recommendations listed in the complaint clarification letter, legal review, and commander's management actions under FOIA. See AFI 37-131 for the proper exemptions to apply in denying the materials listed. A denial or partial denial of any responsive document will result in a functional request automatically
2	The alleged offender	functional request or written FOIA request	being processed as a FOIA request. See AFI 37-131, para 15.2. Ensure "witness statements" are included as part of the information that will not be released. In all cases, consultation and coordination with the base FOIA and legal offices are recommended prior to release of information.
3	A witness or third party	functional request - or written FOIA	
4	SJA, commander, or first sergeant (see note 2)	written request for material needed to perform his or her duties (must have demonstrated a need to know)	Release to requester, and mark material as "FOUO."

NOTES:

18

AFI36-2706 1 DECEMBER 1996

1. Do not release clarification information when there is an on-going IG inquiry or investigation. All IG inquiries and investigations information will be determined for release by IG.

2. If requesters are not the SJA, commanders, first sergeants, or senior enlisted advisors (SEA), then absolutely without exception they cannot receive verbal or written information on any inactive or active case without filing a request through FOIA channels.

Table 2.2. Education Requirements.

R U L E	A	B	C	D
	If the individual is (see note 1)	then the curriculum package to use is (see notes 2, and 3)	and the training is required	and the minimum required length of training is
1	Officer's Orientation Course attendee	AFOOC Lesson Plan	during initial military training or attendance	(see note 3).
2	ROTC attendee	AFROTC Lesson Plan (see note 5)	during initial military training or attendance	(see notes 3 and 4).
3	Basic military trainee	737 Military Training Group Education Lesson Plan	during initial military training or attendance	(see note 3).
4	OTS trainee	OTS Lesson Plan (see note 5)	during initial military training or attendance	(see note 3).
5	USAFA cadet	USAFA Education Lesson Plan	within 30 duty days of arrival	2 hours.
6	a military member or DoD civilian employee on his or her first permanent duty assignment (see note 6)	First Duty Station Orientation (see note 7)	within 30 duty days of arrival (see note 8)	EOT: 5 hours.
7	a military member or civilian employee upon a second or subsequent permanent change of station	Newcomers Orientation Briefing (see note 9)	within 30 duty days of arrival	1 hour.

AFI36-2706 1 DECEMBER 1996

19

R U L E	A	B	C	D
	If the individual is (see note 1)	then the curriculum package to use is(see notes 2, and 3)	and the training is required	and the minimum required length of training is
8	a military member or DoD civilian employee at an overseas duty sta- tion as a second or subsequent duty assignment(see note 10)	Overseas Orientation Briefing	within 30 duty days of arrival	Social Actions: 1.5 hours (see note 11).
9	wing commander, group commander, squadron com- mander, section commander, senior enlisted advisor and first sergeants	Key Personnel Briefing	within 30 duty days of or appointment to position	1 hour.
10	an Airman Leader- ship School student	Lesson Plan elements from NCO PME curric- ulumAFI 36-2301, Pro- fessional Military Education	during course atten- dance	2 hours.
11	Major Command NCO Academy stu- dent	Lesson Plan elements from NCO PME curric- ulumAFI 36-2301	during course atten- dance	2 hours.
12	an Air University student attending PME course: Senior NCO Acad- emy (SNCOA), Squadron Officers School (SOS), Air Command and Staff College (ACSC), Air War College (AWC)	Lesson plan elements in basic course curricula	during PME atten- dance	(see note 3).

NOTES:

1. Other interested individuals, such as DoD spouses and Air Force civilian employees, may attend on a space-available basis.

2. Social Actions instructors may use only lesson plans that the Chief of Social Actions approves in writing.
3. Lesson plans, objectives, and length of training must comply with the Air Force EO program guidelines.
4. The base Social Actions Office conducts Reserve Officer Training Corp (ROTC) education during summer encampment. The optimum class size is between 15 and 20 students.
5. Emphasizes:
 - Roles and responsibilities of junior leaders related to the Air Force EOT program.
 - Air Force policy against unlawful discrimination and sexual harassment.
 - Resolution processes for addressing allegations of unlawful discrimination.
6. At a minimum, First Duty Station Orientation must cover:
 - Air Force policy as described in AFD 36-27.
 - Responsibilities of Air Force personnel.
 - Location and responsibilities of the Social Actions Office.
7. Class size is normally about 25.
8. Members should, if possible, receive education before arriving at GSUs.
9. Social Actions provides this briefing to base newcomers. Social Actions will provide the date, time, and location for all newcomers orientation briefings to the MPF and CPF. The MPF and CPF will schedule military and civilian members, respectively, for class attendance. As a minimum, the briefing must cover:
 - Air Force, MAJCOM, and local policies.
 - Local trends.
 - On- and off-base human relations climate.
 - Individual, supervisor, and manager's roles and responsibilities.
10. As required by MAJCOMs incorporates EOT policy, and intercultural relations education as part of the installation's local orientation program. If not required, rule 9 applies.
11. Course length varies with local requirements and emphasis.

AFI36-2706 1 DECEMBER 1996

21

Chapter 3**SOCIAL ACTIONS ASSESSMENT PROGRAMS****| Section 3A—Unit Climate Assessment (UCA) Program****3.1. Purpose and Scope:**

3.1.1. The UCA helps commanders at all levels assess their organization's EOT climate. A UCA identifies positive and negative factors that affect mission accomplishment and proposes corrective actions, when appropriate.

3.1.2. Conduct UCAs on a regularly scheduled basis for each unit with 50 or more military personnel assigned. Tailor the UCA to meet the needs of the commander. Conduct assessments:

- 6 months after assumption of command.
- Upon a commander's request.
- At least every 2 years.

3.1.3. Commanders will be apprised of the various instruments and methods to assess their unit's human relations climate. EOT personnel will advise commanders of these services at KPBs and upon request. EOT personnel should promote the UCA program and ensure commanders understand the positive benefits of these assessments as they relate to unit readiness.

3.1.4. The following survey instruments are available for use by commanders to evaluate their unit's human relations climate:

- Air Force-approved UCA Survey.
- Air Force Organizational Climate Survey (OCS).
- The DoD MEOCS

3.1.5. EOT personnel will:

- Assist commanders in the distribution and collection of surveys.
- Compile and analyze survey data results (Air Force survey).
- Conduct personal interviews.
- Consolidate interview findings.
- Prepare final unit outbriefs and written reports.
- Provide assistance to commanders desiring to use or administer the MEOCS.

3.1.6. The EOT staff furnishes the UCA report to the commander. The commander reviews and evaluates the report and determines what action, if any, is appropriate. UCA reports are the property of the requesting commander, protected to the maximum extent permitted under the FOIA. Requests for UCA reports from the IC, SJA, or other Air Force or DoD agency in the performance of official duties are official requests and are not considered a FOIA request, or processed in accordance with API 37-131.

3.1.7. AF Form 3969, Commander's Unit Climate Assessment Critique (CUCAC), is used to assess the quality of the UCA process in helping commanders determine the health and functioning effectiveness of their organizations:

3.1.7.1. At the conclusion of the UCA visit, the commander will complete the form and return it to the EOT Staff. The EOT staff will file it in the unit's continuity folder attached to the UCA final report.

3.2. Interviews of Civilian Personnel Flight (CPF):

3.2.1. A written request from the commander is required to conduct surveys or interviews of civilian employees as part of a UCA. The written request must be maintained in the unit continuity folder.

3.2.2. EOT personnel must coordinate in advance all requests to conduct surveys or interviews of civilian employees with the CPF. The CPF will provide necessary notifications to local union representatives prior to conducting such surveys or interviews. The CPF will, as appropriate, assist in administering surveys and interviews of civilian employees.

3.3. Social Actions UCA Report. File a copy of each UCA report in the unit's continuity folder.

Section 3B—"Out and About" Climate Assessment

3.4. Purpose. To gather information on EOT and quality of life issues for the wing, unit or appropriate agency chief. Document "out and About" assessments on AF Form 1271.

Section 3C—Installation EOT Climate Assessment

3.5. Wing Climate Assessment Committee:

3.5.1. Purpose. The Wing Climate Assessment Committee (WCAC) provides the IC and subordinate and tenant unit commanders with an assessment of the base EOT climate at least twice a year

3.5.2. A Wing Climate Assessment Committee will be held, at the direction of the IC. The committee will meet at least twice a year covering the periods October to March and April to September. The committee's agenda will include reviewing semi-annual statistics and trends and developing counter measures to neutralize any identified threat to good human relations. The IC will ensure minutes of the WCAC are documented and will be maintained by the EOT office. The minutes will serve as a source document to support requests for climate assessment analysis. The IC assigns duties to WCAC members and chairs the committee. The following organizations will provide representatives:

- Equal Employment Opportunity Office.
- MPF.
- Housing Referral Office.
- Chaplain.
- Social Actions.
- Family Support Center.
- Public Affairs.
- Security Police.

AFI36-2706 1 DECEMBER 1996**23**

- Judge Advocate.
- Civilian Personnel.
- Services.
- AFOSI.
- Senior Enlisted Advisor.
- Other members deemed appropriate by the IC.

3.5.3. As a minimum, the WCAC will provide the IC with:

- An analysis of UCAs conducted within the report period.
- Number of unlawful discrimination complaints and EOT incident reports.
- Information that may impact the EOT climate, such as equity in:
 - Promotions.
 - Involuntary separations.
 - Unfavorable Information Files.
 - Discipline (Article 15s and courts-martial).
 - Awards and Decorations

3.5.4. The installation commander may also request an installation-wide climate assessment. EOT personnel may use current data (3 - 6 months) from previous unit UCAs or administer an installation-wide assessment.

Chapter 4**EQUAL OPPORTUNITY AND TREATMENT (EOT) PROGRAM****Section 4A—Installation****4.1. Installation Commander (IC):**

- 4.1.1. Provides for an environment that is free from unlawful discrimination and sexual harassment.
- 4.1.2. Develops policies to prevent unlawful discrimination and sexual harassment, and ensures those policies are prominently posted in locations and areas frequented by the base population.
- 4.1.3. Ensures personnel attend HRE as required.
- 4.1.4. Reviews all closed EOT cases on a monthly basis.
- 4.1.5. Acts to repeal any instruction or change any practice, including reprisal, that does not support equal opportunity policy.
- 4.1.6. Directs the assessment of the base human relations climate.
- 4.1.7. Ensures appropriate disciplinary and corrective actions are taken if unlawful discrimination or reprisal is substantiated.
- 4.1.8. Ensures rating and reviewing officials evaluate compliance with directives prohibiting unlawful discrimination and sexual harassment and document serious or repeated deviations.
- 4.1.9. Decides first level appeals of formal complaints of discrimination.

4.2. Chief, Social Actions:

- 4.2.1. Serves as the commander's staff officer for the EOT program.
 - 4.2.1.1. Provides central point at installation level to receive formal and informal complaints of unlawful discrimination and maintains a staff of fully qualified and trained EOT counselors.
- 4.2.2. Promotes EOT to senior leadership on the installation and to the base population.
- 4.2.3. Manages budget, manpower, and resource issues for Social Actions.
- 4.2.4. Ensures only DEOMI-qualified graduates conduct base-level EOT/HRE instruction programs.
- 4.2.5. Helps GSUs with Social Actions-related issues as outlined in the local host-tenant agreement.
- 4.2.6. Oversees the Social Actions staff.
- 4.2.7. Evaluates the EOT Social Actions office at least twice a year using the compliance measure provided by the MAJCOM Assistant for Social Actions.
- 4.2.8. Evaluates, in writing, base-level Social Actions education programs at least once a year.

4.3. Geographically Separated Unit (GSU) Commanders:

- 4.3.1. Provide for an environment that is free from unlawful discrimination and sexual harassment.

AFI36-2706 1 DECEMBER 1996**25**

4.3.2. Direct the assessment of GSU's human relations climate. UCAs are conducted for all units with 50 or more assigned military personnel every 24 months or more frequently upon request by the GSU commander. The host Social Actions office will perform UCAs for GSUs.

4.3.3. Ensure unit members are able to present EOT complaints without fear of reprisal. The host Social Actions office will provide complaint processing assistance for GSU commanders. The services to be provided by the host Social Actions office should be outlined in a Host/Tenant Support Agreement per AFI 25-201, Support Agreements Procedures.

4.3.4. Ensure assigned personnel attend HRE as required. The host Social Actions office will provide training as requested by the GSU commander.

4.3.5. Ensure appropriate disciplinary and corrective actions are taken if unlawful discrimination or reprisal is substantiated.

4.3.6. Ensure rating and reviewing officials evaluate compliance with directives prohibiting unlawful discrimination and sexual harassment and document serious or repeated deviations.

4.3.7. Appoint officers or noncommissioned officers (NCOs) with the rank of TSgt or above to perform EOT-related duties outlined in this instruction:

- Individuals selected to perform EOT-related duties must be mature, responsible, and not be assigned as members of the Inspector General (IG) staff.
- The host Social Actions office will develop training plans and provide training for GSU personnel selected to perform EOT-related duties. As a minimum, such training will consist of the following: conducting UCAs, reporting EOT incidents, handling initial complaint interviews, and limited fact-finding as deemed appropriate by the GSU commander.

Section 4B—Responsibilities**4.4. EOT Specialists:**

4.4.1. Conduct and process complaint and incident clarifications.

4.4.2. Maintain close liaison with on- and off-base agencies, establishments, advisory councils, and special emphasis groups. Serves as advisor for special observances.

4.4.3. Conduct HRE, including KPBs.

4.4.4. Gather and evaluate EOT-related data from SP, IG, HC, MPF, and other agencies for trend analysis, including security police blotters, incident reports, and MWRS logs.

4.4.5. Provide assistance to IG inquiry officers.

4.4.6. Prepare 7204 Reports and other higher headquarters reports.

4.4.7. Conduct clarifications for off-base housing complaints when installations are not serviced by a Housing Referral Office.

4.4.8. Conduct Social Actions unit and wing climate assessment visits.

4.4.9. Provide guidance and referral assistance related to the EOT/HRE programs.

4.4.10. Assist the IC in developing EOT (including sexual harassment) policy statements for their base.



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Department of Defense
Office of General Counsel
1600 Defense Pentagon
Washington, D.C. 20301-1600

FAX

Date: 22 October 1998
Total Number of Pages: See note below
(including cover)
To: Ms. Jennifer Klein or Ms. Julie Fernandes
Phone: (202) 456-6266; (202) 456-2216

FROM: Helen Sharetts-Sullivan, Associate Deputy General Counsel
Phone: (703) 695-1078, Fax: (703) 693-7616
Email: sullivan@osdgc.osd.mil

Comments:

Ms. Klein/Ms. Fernandez,

Eddie Correia had asked that we provide copies of regulations specifically indicating that the cadets, air cadets and midshipmen of the military academies were covered by Department of Defense and applicable Military Department implementing regulations prohibiting discrimination based on race, color, national origin, and sex. I am faxing to you in two separate transmissions applicable United States Military Academy (4 pages); United States Naval Academy (18 pages), and United States Air Force Academy (27 pages) regulations. These regulations implement Military Department and Department of Defense regulations prohibiting discrimination. By a third transmission, I will send you the Department of Air Force Regulation covering discrimination complaints by military members, including air cadets. That regulation (Air Force Instruction 36-2706 (47 pages)) also is available on-line at "<http://afpubs.hq.af.mil/elec-products/series.stm>."

We are still working our response to Eddie's memo to me.

Helen Sullivan

If all of the pages are not received, or if they are not legible, please contact the action officer.

WARNING: Most Fax machines produce copies on thermal paper. The image produced is highly unstable and will deteriorate significantly in a few years. It should be copied on a plain paper copier prior to filing as a record.

DEPARTMENT OF THE AIR FORCE
34th Training Group (USAFA)
September 1997
USAF Academy CO 80840

AFCW INSTRUCTION 36-2706

PERSONNEL

Military Equal Opportunity (EO)/Human Relations (HR) Program

PURPOSE: This publication implements Air Force Policy Directive (AFPD) 36-27, Social Actions; Air Force Instruction, 36-2706, Military Equal Opportunity and Treatment Program; DoD Directive 1350.2 with Changes 1 and 2, Department of Defense Military Equal Opportunity Program, December 23, 1988, and DoD Instruction 1350.3, Military Equal Opportunity Assessment (MEOA), DoD Directive 1300.17, Accommodations of Religious Practices Within the Military Services, 17 October 1988.

This instruction outlines the requirements of the 34th Training Wing (34 TRW/CC) and the Cadet Wing Equal Opportunity (EO) and Human Relations Education (HR) Program. It applies to 34 TRW military personnel and cadets subject to the Uniform Code of Military Justice (UCMJ), and all 34 Training Wing civilian personnel subject to administrative and/or disciplinary action under applicable directives or implementing instructions governing civilian disciplinary or adverse actions. This instruction describes responsibilities for implementing this instruction, prohibitions concerning discrimination, and EO/HR requirements for 34 TRW and cadet personnel.

SUMMARY OF REVISIONS

This AFCWI contains EO program information taken from AFCWI 36-2701, Equal Opportunity and Treatment (EOT)/Human Relations Education (HRE) Program. It also contains information from the AFCWI 51-201, United States Air Force Academy (USAFA) Conduct, Discipline and Probation System and AFCWI 38-101, Cadet Wing Command, Organization, and Duties. This AFCWI expands EO program objectives; requires documentation in performance reports for serious or repeated EO violations; expands informal assistance; requires documenting all EO/HR issues in AFCW Form 1587-1, 34th Cadet Wing EO Informal Complaint Summary; clarifies mediation process; includes guidance on accommodation of religious practices; adds more terms and updates the definitions of existing terms; deletes age as a category of "unlawful discrimination" and deletes ethnic group as a basis for filing a complaint. Furthermore, it provides procedures for reporting and tracking Cadet Wing EOT/HR issues. It also includes education requirements for cadets, as well as recommended education for Air Officers Commanding (AOCs), Military Training Advisors (MTAs) faculty and staff.

Supersedes AFCWI 36-2701, November 1995
OPR: 34 TRW/CWCR (MSgt Adcox)

Certified by: Col David L. Connors
Pages: 27/Distribution: F, X

1

1. Organization Actions

1.1. Program Objectives. The primary objective of the EO program is to improve mission effectiveness by promoting an environment free from personal, social, or institutional barriers which prevent Air Force members from rising to the highest level of responsibility possible based on their individual merit, fitness, and capability. The EO program:

1.1.1. Is a function of leadership and command based on fairness, equity, and justice.

1.1.2. Seeks to eliminate unlawful discrimination against military, civilian, and cadet personnel based on race, color, religion, sex, or national origin. Unlawful discrimination and sexual harassment are contrary to good order and discipline and counterproductive to combat readiness and mission accomplishment. Unlawful discrimination against Air Force personnel or their family members, civilian employees, and cadets, on or off base, will not be tolerated.

1.1.3. Encourages members to use the chain of command to identify and correct unlawful discriminatory practices. This includes processing and resolving complaints of unlawful discrimination and sexual harassment. The chain of command is responsible for creating an environment free from unlawful discrimination and sexual harassment.

1.1.4. Ensures rating and reviewing officials evaluate in compliance with the DoD and Air Force directives prohibiting unlawful discrimination and sexual harassment and document serious and repeated deviations from such directives in the performance report. Memberships in groups espousing supremacist causes or advocating unlawful discrimination must be considered in evaluating and assigning members. (See AFI 51-903, Dissident and Protest Activities)

1.2. Organizations That Discriminate. Military members and their family members must not be arbitrarily denied access to on or off base facilities in the United States or overseas. Organizations that deny personnel access because of their race, color, religion, sex, or national origin, or which otherwise in the judgment of the installation commander engage in de facto discrimination, will be denied use of military facilities or resources.

1.3. Off base Discrimination. Commanders must impose "off-limits" sanctions using the procedures in AFI 31-213, Armed Forces Disciplinary Control Boards and Off-Installations Liaison and Operations. Sanctions are imposed when there is substantive information indicating that an establishment or area frequented by their personnel presents conditions that adversely affect the health, safety, welfare, morale, or morals of such personnel. Efforts to combat unlawful discrimination must continue despite pending results of suits initiated under the Civil Rights Act of 1964 and 1991, Title II, III, and IV as amended (Title 42, U.S.C., Chapters 20 and 21 et. seq.).

AFCWI 36-2706, 6 Sep 1997

3

1.4. 34 TRW/CC: Responsible for the EO/HR Program within the Cadet Wing.

1.4.1. Provides for an environment free of unlawful discrimination and sexual harassment. Directs all commanders, supervisors, and cadets to support the purpose and intent of the EO policy.

1.4.2. Develops policies to prevent unlawful discrimination and sexual harassment, and ensures those policies are prominently posted in locations and areas frequented by the Cadet Wing population. Ensures members of the Cadet Wing are advised on Air Force policies concerning EO.

1.4.3. Ensures Training Wing and Cadet Wing personnel attend HR education as required in Attachments 3 and 4.

1.4.4. Acts to repeal any Cadet Wing instruction or change any practice, including reprisal, that does not support equal opportunity policy.

1.4.5. Directs the assessment of the Cadet Wing HR climate.

1.4.6. Ensures appropriate disciplinary and corrective actions are taken if unlawful discrimination or reprisal is substantiated.

1.4.7. Ensures rating and reviewing officials evaluate in compliance with directives prohibiting unlawful discrimination and sexual harassment and documents serious or repeated deviations.

1. 5. Human Relations Division, Center for Character Development (34 TRW/CWCR):

1.5.1. Serves as staff office for 34 TRW/CC on Cadet Wing EO/HR Program. Process owner of Cadet Wing EO/HR tracking.

1.5.2. Keeps 34 TRW/CC apprised of discriminatory practices and HR issues within the Cadet Wing even when no formal complaint has been submitted.

1.5.3. Develops and maintains EO/HR directives impacting the Cadet Wing.

1.5.4. Develops, monitors, modifies, and assesses the Cadet Wing EO/HR Program.

1.5.5. Assists AOCs, squadron commanders, group commanders, and cadets to prevent, eliminate, or neutralize factors that adversely affect the Cadet Wing EO/HR climate.

1.5.6. Serves as the Cadet Wing advisor and consultant on EO/HR issues, to include discrimination, sexual harassment, and diversity.

1.5.7. Directs the Cadet Wing's EO/HR climate assessment effort and briefs the 34 TRW/CC on findings and trends. Provides courtesy copy to Social Actions (10 ABW/SA) and the Inspector General (IG).

1.5.8. Gathers data from SA and the IG on EO/HR issues involving cadets and impacting the Cadet Wing.

1.5.9. Consolidates EO/HR trends, studies, and statistical analyses throughout the Cadet Wing. Briefs 34 TRW/CC (monthly and/or quarterly) on informal and formal EO/HR issues in the Cadet Wing.

1.5.10. Plans future program development and initiates appropriate research and evaluation on EO/HR issues impacting the Cadet Wing.

1.5.11. Provides the Academy 10 ABW/SA a copy of the Cadet Wing HR educational plan.

1.5.12. Maintains contact with other Academy, Air Force, Department of Defense, and civilian agencies that have collateral EO/HR responsibilities and interests.

1.5.13. Convenes and attends conferences, workshops, and other professional forums that address EO/HR issues.

1.6. 34 TRG/CC:

1.6.1. Provides an environment free of unlawful discrimination and sexual harassment.

1.6.2. Ensures unit members are able to present EO complaints without fear of reprisal.

1.6.3. Ensures cadets and 34 TRG assigned personnel attend EO/HR education as required in Attachments 3 and 4.

1.6.4. Ensures appropriate disciplinary and corrective actions are taken if unlawful discrimination or reprisal is substantiated.

1.6.5. Ensures rating and reviewing officials evaluate in compliance with directives prohibiting unlawful discrimination and sexual harassment and documents serious or repeated deviations.

1.6.6. Provides 34 TRW/CWCR with a monthly Disciplinary Summary.

AFCWI 36-2706, 6 Sep 1997

5

1.7. 10 ABW/SA:

1.7.1. Conducts and processes complaint and incident clarifications.

1.7.2 Documents cadet discrimination (informal and formal) complaints lodged with the SA Office, including those referred to other agencies.

1.7.3. Clarifies cadet discrimination complaints when the chain of command mechanism is not appropriate or cadet decides to file a formal complaint.

1.7.4. Notifies and briefs appropriate commanders of discriminatory circumstances within the Cadet Wing, even when no formal complaint has been submitted.

1.7.5. Provides 34 TRW/CWCR with data on issues or complaints filed by Cadet Wing members or impacting the Cadet Wing.

1.7.6. Consolidates EO/HR trends, studies, and statistical analyses throughout the Academy, to include the assessment of the Cadet Wing, provided by the HR Division.

1.7.7. Keeps 34 TRW/CC apprised of discriminatory circumstances within the Cadet Wing even when no formal complaint has been submitted.

1.7.8. Briefs the USAFA/CC quarterly on base-wide EO/HR issues, to include the Cadet Wing.

1.8. HQ USAFA/IG:

1.8.1. Documents complaints of unlawful discrimination and sexual harassment lodged with the IG office.

1.8.2. Except for Senior Official cases, SA is the Office of Primary Responsibility (OPR) for EO complaints. Other than Senior Official allegations, IG will only accept EO complaints when directed by higher headquarters, or when the Appointing Authority directs the IG to look into the matter after consulting with the local legal office (normally when a SA complaint clarification cannot fully resolve the issues). When cases are referred to SA, EO personnel are responsible for responding to the complainant. After referring the complaint, the IG takes no further action (other than informing the complainant of the referral), unless otherwise directed by the Appointing Authority or higher headquarters.

1.8.3. Conducts inquiries and/or investigations of unlawful discrimination or sexual harassment complaints. If the complaint contains allegations of EO violations plus allegations under other complaint categories that can be separated, the IG will refer the EO issues to Social Actions then

AFCWI 36-2706, 6 Sep 1997

initiate an investigation into the other allegations as appropriate, unless otherwise directed by higher headquarters. The IG will notify the complainant and SA in writing.

1.8.4. When EO violation allegations cannot be separated from other complaint issues, IG will instruct the investigation/inquiry officer (IO) to receive a pre-brief from EO personnel and use EO personnel as the source of technical advice on the EO issues (attach an EO person as an IO assistant if required). After the Staff Judge Advocate (10 ABW/SJA) reviews and the Appointing Authority approves the report, provide EO personnel the case findings and commander action taken, as appropriate.

1.8.5. Briefs the USAFA/CC quarterly on base-wide IG issues, to include HR concerns jointly with SA.

1.8.6. Provides 34 TRW/CWCR with information on EO complaints lodged in the IG office which impact the Cadet Wing.

2. Cadet Wing Equal Opportunity Program

2.1. Program Objective. The Cadet Wing EO program is designed to ensure compliance with the AF EO policy against discrimination and sexual harassment. The program is a function of Cadet Wing leadership and command, based on fairness, equity, and justice. The EO program addresses the total spectrum of cadet military life through the standards of EO, treatment, selection, and representation.

2.2. Organizations that Discriminate. Military personnel and cadets must be allowed access to on and off base facilities in the United States. Organizations that unlawfully deny Cadet Wing personnel access by their bylaws, rules, regulations, constitutions, and engage in discrimination will not use Cadet Wing facilities and/or base resources.

2.3. Human Relations Division Staff:

2.3.1. Develops lesson plans for the Cadet Professional Military Education (PME) and other training on various EO/HR issues impacting the Cadet Wing.

2.3.2. Provides Cadet Wing Human Relations Education Officers (HREOs) guidance and training on how to address and resolve concerns.

2.3.3. Conducts EO/HR education for the Cadet Wing (cadets, AOCs, MTAs).

2.3.4. Assists Cadet Wing commanders, AOCs, other 34 TRW staff and cadets in addressing and resolving EO/HR concerns impacting the Cadet Wing.

AFCWI 36-2706, 6 Sep 1997

7

- 2.3.5. Conducts and/or facilitates focus group discussions concerning EO/HR topics.
- 2.3.6. Directs the assessment of the Cadet Wing social climate and makes recommendations regarding EO/HR issues.
- 2.3.7. Performs research for implementation into all EO/HR curriculum development.
- 2.3.8. Manages the Cadet Wing Diversity Management Program.
- 2.3.9. Provides AOCs with guidance and EO/HR indoctrination training on how to address and resolve concerns. Serve as their consultant and advisor on EO/HR issues.
- 2.3.10. Provides AOCs with a list of referral agencies.

2.4. Group/Squadron AOC:

- 2.4.1. Understands that equal opportunity and HR is a leadership issue.
- 2.4.2. Ensures members of their organizations are free to present an EO/HR complaint and protect members who file an EO/HR complaint from reprisal or retaliation.
- 2.4.3. Encourages members to discuss problems and complaints within the chain of command, including the appropriate cadet and officer chain of command, before seeking alternate channels. Use Attachment 1 as a guide in resolving issues.
- 2.4.4. Ensures members know the procedures for filing a formal complaint when the chain of command procedures are not appropriate.
- 2.4.5. Briefs members that unlawful discrimination and sexual harassment will not be tolerated, practiced, or condoned, and will be met with administrative or judicial action.
- 2.4.6. Informs members of their organization of their right to file an EO/HR complaint.
- 2.4.7. Takes action to end discrimination. Investigates allegations of discrimination promptly and fairly through appropriate channels.
- 2.4.8. Monitors and understands the EO/HR climate in the unit and takes appropriate actions to correct any deficiencies.
- 2.4.9. Notifies their staff and chain of command of EO/HR concerns, issues, and trends. Consults with group consultant and CWCR's EO staff on EO/HR issues or situations with EO/HR implications.

2.4.10. Documents all EO/HR issues on AFCW Form 1587-1. (Attachment 2).

2.5. Cadet Chain of Command:

2.5.1. Ensures the squadrons work toward accomplishing set HR goals and objectives, in all of areas: military, academic, athletic, and character development.

2.5.2. Supervises all squadron activities through delegation of authority to squadron staff while requiring necessary feedback to retain knowledge of squadron performance.

2.5.3. Ensures squadron compliance with standards outlined in AFCW directives, instructions, and policies.

2.5.4. Holds staff meetings and commander's call to keep the squadron informed of policies and squadron activities.

2.5.5. Ensures effective communication system is in place to pass information rapidly up and down the squadron chain of command

2.5.6. Responsible for the morale, welfare, and safety of the cadets in his/her squadron.

2.5.7. Routinely advises the AOC and Group Commander on the activities and HR climate of the squadron.

2.5.8. Understands, monitors, and corrects, as needed, EO/HR issues in the squadron.

2.5.9. Encourages members to discuss problems with the individual(s) involved, the HREO, or the cadet chain of command before seeking alternate channels.

2.5.10. Ensures squadron members are briefed on the right to file a complaint without receiving retaliation or reprisal.

2.5.11. Briefs AOC and HREO on all EO/HR concerns, regardless of whether or not a complaint is filed. Document all EO/HR issues or situations with EO/HR implications on AFCW Form 1587-1 (Attachment 2).

2.6. Individual Responsibilities:

2.6.1. Address concerns/issues with the individual(s) involved. This action shifts the

AFCWI 36-2706, 6 Sep 1997

9

responsibility to the individual(s) involved to resolve issues at their level.

2.6.2. If not comfortable discussing the issues with the individual, use the chain of command. The chain of command is the primary and preferred method of resolving concerns.

2.6.3. Consults with the squadron representatives for assistance in resolving concerns.

2.6.4. If concerns are not resolved, consults with the HR Division for assistance and/or referral to the appropriate agency.

2.6.5. If EO/HR issues are not resolved within the Cadet Wing, file formal complaints at the 10 ABW/SA office. If the complaint cannot be resolved, or is against a senior officer, file the complaint through the HQ USAFA/IG.

2.7. Wing HREO:

2.7.1. Confers regularly with the Wing Commander to ensure policies and procedures are consistent with the HR Program.

2.7.2. Guards against practices in the Cadet Wing and the Academy environment that are inconsistent with the HR Program.

2.7.3. Supervises HR orientation and training courses during Basic Cadet Training.

2.7.4. Directs and supervises the four group HREOs.

2.7.5. Monitors the conduct of all HREOs. Should the ability of the HREO to perform his/her duty become suspect, the Wing HREO, with the group HREO will direct an investigation to determine the individual's suitability to continue as a HREO.

2.7.6. Directs and supervises other members in developing training used by squadron representatives.

2.7.7. Supervises the HR training conducted in the Cadet Wing.

2.7.8. Obtains reports from SA office and disseminates throughout the Cadet Wing after consulting with 34 TRW/CWCR.

2.7.9. Assists 34 TRW/CWCR in the assessment of the Cadet Wing EO/HR Climate.

2.7.10. Assists in the development of EO/HR training for the Cadet Wing, AOCs, and the 34 TRW staff.

2.7.11. Serves as a primary liaison between the Cadet Wing and CWCR to facilitate cadet EO/HR effort.

2.7.12. Chairs the Cadet HR Council (CHRC) and advises the Cadet Wing Commander on EO/HR issues impacting the Cadet Wing.

2.7.13. Assists in addressing EO/HR issues or concerns in the Cadet Wing. Documents all EO/HR issues on AFCW Form 1587-1. Names are not required on EO/HR issues resolved at HREOs level and not requiring an AF Form 10.

2.8. Group HREO:

2.8.1. Confers regularly with the Wing HREO and Group Commander to ensure the group HR Program is consistent with the Wing HR Program.

2.8.2. Conducts training for respective squadron representatives on HR issues.

2.8.3. Provides a monthly report to the Wing HREO summarizing cadet counseling activities and observations concerning group climate.

2.8.4. Periodically updates the Group, through the squadron representatives, concerning the activities of the 34 TRW/CWCR.

2.8.5. Documents all counseling, education, and activities in the Group and forwards the information to the Wing HREO and CWCR.

2.8.6. Serves as a liaison between the Group Commander and the Wing HREO.

2.8.7. Advises the Wing HREO on the status of HR issues within the group. Documents all EO/HR issues on AFCW Form 1587-1. Names are not required on EO/HR issues resolved at HREOs level and not resulting in an AFCW Form 10, Report of Conduct action.

2.8.8. Meets with the squadron representatives at least once a month.

2.8.9. Supports the wing HREO on education efforts and advises the group level supervisors and the cadet chain of command on EO/HR issues.

2.8.10. Conducts EO/HR training for the squadron representatives in the group.

AFCWI 36-2706, 6 Sep 1997

11

2.8.11. Assists in assessing the Cadet Wing EO/HR climate and makes recommendations on issues.

2.8.12. Supervises the overall direction and efforts of the squadron representatives in the group.

2.9. Squadron Human Relations Representative:

2.9.1. Receives certification and training as prescribed by 34 TRW/CWCR.

2.9.2. Facilitates and educates squadron members on race, sex, color, religion, national origin, etc.

2.9.3. Counsels cadets to help resolve differences or personal problems, but **does not serve in an investigative role**. Consults with CWCR on all allegations of unlawful discrimination and/or sexual harassment and any other issues that appear to have EO/HR implications.

2.9.4. Educates the squadron in areas concerning EO/HR policies in the Air Force and Cadet Wing.

2.9.5. Provides a monthly report through the Squadron Commander and the Group HREO to the Wing HREO and 34 TRW/CWCR summarizing cadet counseling activities and observations concerning the squadron climate.

2.9.6. Periodically updates the squadron concerning the activities of the 34 TRW/CWCR.

2.9.7. Documents all counseling, education, etc., activities in the squadron on the USAFA Form 30. Document all EO/HR issues on AFCW Form 1587-1. Names are not required on EO/HR issues resolved at HREOs level and did not result in an AFCW Form 10 action. However, the chain of command must be briefed on issues resolved at your level.

2.9.8. Attends all Group and Wing HREO meetings and training.

2.10. Cadet Interaction Committee (CIC):

2.10.1. Addresses issues impacting the successful integration, performance, and quality of life for all cadets.

2.10.2. Advises USAFA senior leadership on relevant policy matters impacting the successful integration, performance, and quality of life for all cadets.

2.10.3. Members will include, but are not limited to, senior representatives (or designees at the O-5, O-6 level). Membership will include, as a minimum, the following organizations:

34 TRW/CV; 34 TRW/CWC (Chair); 34 TRG/CC (Alternate Chair); Dean of Faculty (DF); Director of Athletics (AH); Quality and Institutional Research (QI); Director of Admissions (RR); Staff Chaplain (HC); IG, and 10 ABW/SA. Additionally, the following will serve as advisors to the CIC: 34 TRW/CWCR, Institutional Research (XPR), Cadet Human Relations Council (CHRC), Wing HREO or representative, CICs of Way of Life Committee, Los Padrinos, American Indian Sciences and Engineering Society, Corbin, Prior-Enlisted Committee, etc.

2.10.4. Meets quarterly, as a minimum, or on as needed basis, to provide necessary emphasis on EO/HR issues.

2.11. Cadet Human Relations Council

2.11.1. Facilitates equal opportunity and positive HR within the Cadet Wing, and advises the Academy staff, through the cadet chain of command and/or 34 TRW/CWCR, of EO/HR concerns.

2.11.2. Members will include all Group HREOS, all squadron representatives, a member from the Way of Life Committee, Los Padrinos, American Indian Sciences and Engineering Society, Corbin, Prior-Enlisted Committee, etc.

2.11.3. Meets monthly, as a minimum, or on as needed basis, to provide necessary emphasis on EO/HR issues.

2.12. Cadet Interest/Support Groups:

2.12.1. Includes the Way of Life Committee; Los Padrinos; Corbin; and American Indian Sciences and Engineering Society.

2.12.2. Identifies and addresses to the CHRC contemporary EO/HR issues impacting their group and the Cadet Wing.

2.12.3. Executive officers or representative must attend the CHRC meetings and/or programs.

2.12.4. Attends the CIC as needed to advise on issues relevant to their organization and the Cadet Wing.

2.13. Informal Complaint Process is for individuals who elect not to file a formal complaint, but want resolution at the lowest level.

AFCWI 36-2706, 6 Sep 1997

13

2.13.2. Individuals may orally address or prepare written correspondence to the offending individual advising him or her the behavior was inappropriate and continued behavior may or will result in possible complaint with the chain of command or formal complaint.

2.13.3. Individuals may request intervention through a peer or the squadron representative.

2.13.4. Individuals are encouraged to use the chain of command (i.e., request assistance from the cadet chain of command, AOC, Group AOC, squadron representative, etc.) to informally resolve unlawful discrimination and sexual harassment.

2.13.5. Individuals may use the mediation process to mutually resolve disputes.

2.13.6. Individuals may lodge and document informal complaints of unlawful discrimination and sexual harassment with the SA office.

2.14. Mediation Process. The prompt and fair resolution of EO/HR complaints enhances morale, combat readiness and mission accomplishment. With the consent of the individuals, mediation may be used to resolve certain complaints of discrimination in a fair, impartial, and timely manner. Mediation is intended to facilitate communications between the disputants, in an appropriate and private setting, and lead to the early resolution of informal EO complaints to the satisfaction of the individuals involved.

2.14.1. The Cadet Wing processes fairly, impartially, and in a timely manner all unlawful discrimination and sexual harassment complaints.

2.14.2. The Cadet Wing will resolve military EO/HR disputes as early as possible. Ensure mediations are conducted immediately to resolve unlawful discrimination and sexual harassment complaints and to reach an early resolution.

2.14.3. Alternative Dispute Resolution (ADR) (mediation) will be used to resolve complaints, whenever possible, with the consent of the individuals involved.

2.14.4. Mediation does not prohibit an individual from filing a formal complaint within the allotted time (60 days). If the mediation agreement is broken, the individual may file a formal complaint of unlawful discrimination with the SA office.

2.14.5. Mediation is an informal resolution process and mediated equal opportunity issues will be documented on AFCW Form 1587-1. (Attachment 2)

2.15. Allegations Other Than Unlawful Discrimination or Sexual Harassment. If the individual does not allege unlawful discrimination, sexual harassment, or the issue does not have an equal opportunity implication, HREOs, squadron commanders, and AOCs should use AFCW Form 10 or USAFA Form 30. Additionally, concerns outside the EO and HR purview do not have to be routed through CWCR.

2.16. Documenting EO Concerns/Complaints. EO complaints resolved within the Cadet Wing chain of command will be documented on AFCW Form 1587-1.

2.16.1. AOC, MTA, Cadet squadron chain of command, and HREOs will consult with CWCR on allegations of unlawful discrimination and sexual harassment.

2.16.2. The CWCR Group Consultant and the SA staff assigned to CWCR will review documentation and help AOCs, MTAs, cadet squadron chain of command, and HREOs clarify and label the issues as sexual harassment, unlawful discrimination, etc. in accordance with AFI 36-2706 and AFCWI 36-2706.

2.16.3. All EO and HR issues resolved within the chain of command will be documented in AFCW Form 1587-1. This includes issues that result in an AFCW Form 10 action. A copy of the completed AFCW Form 1587-1 and AFCW Form 10 will be forwarded to CWCR for data collection and trend analysis. Another copy will be forwarded to the Policy and Evaluation Office (34 TRG/PE).

2.16.4. EO issues that result in AF Form 10 action must include names of individuals involved. The names of individuals do not have to be included in AFCW Form 1587-1 on those EO/HR issues that do not result in AFCW Form 10 action.

2.17. Reprisals. Any taking or threatening to take an unfavorable action or withholding or threatening to withhold a favorable personnel action, or any other act of retaliation against a cadet for making or preparing to make a protected communication cannot and will not be tolerated.

2.17.1. AOCs, MTAs, and the Cadet squadron chain of command will take necessary precautions to ensure individuals who raise concerns do not receive any form of retaliation from the chain of command, peers, or other cadets.

2.17.2. Individuals who believe they are recipients of reprisal actions must immediately seek assistance from their Cadet squadron chain of command, AOCs, or the IG.

2.18 Religious Accommodation. Based on the constitutional right of the free exercise of religion in accordance with DoD policy.

AFCWI 36-2706, 6 Sep 1997

15

2.18.1. Commanders should approve requests for accommodation of religious practices when accommodation will not have an adverse impact on military readiness, unit cohesion, standards, or discipline.

2.18.2. Commanders are expected to respect the religious beliefs and practices of all Air Force members in a manner consistent and fair to all.

2.18.3. Support of religious accommodation practices does not necessarily reflect agreement or belief in such practices by a commander, chaplain, unit, or the Air Force.

2.19. General Guidelines of Accommodation. Nothing in these guidelines will be interpreted as requiring a specific form of accommodation in individual circumstances.

2.19.1. The lowest level of command should resolve conflicts of accommodating religious practices such as, but not limited to, worship opportunities, dietary practices, medical practices, Sabbath observance, and wearing of religious apparel.

2.19.2. Accommodating religious practices of military members should not have an adverse impact on military readiness, individual or unit readiness, unit cohesion, health, safety standards, or discipline.

2.19.3. As a matter of command discretion, commanders will not usually schedule training exercises on major religious holy days. Commanders should consider such factors as the location of training, the threat, and the impact on individual or unit readiness, unit cohesion, discipline, health, and safety standards in scheduling training.

2.19.4. Accommodation of religious practices cannot be guaranteed and is subject to change if circumstances warrant.

2.20. General Procedures. The member initiates the request for accommodation at the lowest level.

2.20.1. The requester may be required to submit the request for accommodation in writing.

2.20.2. The requester may seek the advice of a military chaplain.

2.20.3. The senior chaplain serves as advisor to the commander concerning requests for accommodation.

2.20.4. The unit commander [AOC] should consider the following factors when considering a request for accommodation of religious practices:

2.20.4.1. The importance of military requirements in terms of individual and unit readiness, health and safety, discipline, morale, and cohesion.

2.20.4.2. The importance of the accommodation to the requester.

2.20.4.3. The cumulative impact of repeated accommodations of a similar nature.

2.20.4.4. Alternative means available to meet the requested accommodation.

2.20.4.5. Previous treatment of the same or similar requests.

2.20.5. When the accommodation of religious practices is not in the best interest of the unit and continued conflict between the unit's requirements and the individual's religious practices is apparent, other options may be considered. These include, but are not limited to, reassignment, reclassification, and separation.

2.20.6. Commanders may refer unusual or difficult questions about requested accommodations through the chain of command to AF/HC or AF/DP.

DAVID L. CONNORS, Colonel, USAF
Commander, 34th Training Group

AFCWI 36-2706, 6 Sep 97 Attachment 1

17

R U L E	GUIDELINES ON COMPLAINT PROCESSING	
	A	B
	If the complainant or complaint	then
1.	Alleges unlawful discrimination/sexual harassment that involves homosexual conduct.	Refer the individual to the Commander.
2.	Alleges use of racial, sexual, religious, etc., slurs.	If at all possible, address the concern with the individual. If not comfortable discussing the issue with the offender, use the cadet chain of command. Document on AFCW Form 1587-1.
3.	Alleges unlawful discrimination/sexual harassment against someone in the cadet chain of command.	Address concern with the Squadron commander. Notify AOC. Document on AFCW Form 1587-1.
4.	Alleges unlawful discrimination or sexual harassment against the AOC.	Refer the complaint to the Appropriate Group AOC or the 34 TRG/CC. Document on AFCW Form 1587-1.
5.	Alleges unlawful discrimination or sexual harassment and wants to file a formal complaint.	Notify AOC. Coordinate With CWCR for referral to 10 ABW/SA. Document on AFCW Form 1587-1.
6.	Alleges unlawful discrimination against senior officer.	Notify AOC. Coordinate with CWCR for referral to the IG. Document in AFCW Form 1587-1.
7.	Involves sexual assault, rape, or abuse.	Contact the Cadet Counseling Center or the Sexual Assault Hotline (330-5929)

18

AFCWI 36-2706, 6 Sep 1997 Attachment 1

GUIDELINES ON COMPLAINT PROCESSING		
R U L E	A	B
	If the complainant or complaint	then
8.	Is anonymous. ◀	Notify AOC. If allegations are serious consider requesting a commander directed inquiry/ investigation. Clarify allegations included in the complaint. Document on AFCW Form 1587-1
9.	Alleges discrimination against an off-base establishment- other than a landlord or realtor.	Notify AOC. Coordinate With CWCR for referral to the 10 ABW/SA. Document on AF Form 1587-1

AFCWI 36-2706, 6 Sep 97 Attachment 2

19

34 th CADET WING EQUAL OPPORTUNITY INFORMAL COMPLAINT SUMMARY				Case No.	Process Time (days)
PRIVACY ACT STATEMENT Priority: Title 10 United States Code 8013 and Department of Defense Directive 1350.2 Principal Purposes: 1) Collecting and reporting essential data on unlawful discrimination or sexual harassment 2) Ensuring resolution and follow up of all discrimination complaints allegations Uses: None Disclosure: Disclosure of SSN is voluntary. SSN, if furnished, will be used to facilitate search for records applicable to complaints					
Check the following that applies: CWCR Consult _____ HREO Consult _____ Disciplinary Action (attach to Form 10) _____					
1. Name (Last, First, MI)		2. SSN		3. Class Yr	4. Duty Phone
5. Squadron	6. Cadet Grade	7. Race	8. Ethnic Group	9. Sex	☐ Male ☐ Female
10. Nature of Complaint (Mark all that apply) _____ AF Policy _____ Verbal _____ Non Verbal _____ Physical					
11. Area of Complaint (Mark all that apply) _____ Commander _____ Supervisor _____ USAFA/AF Policy _____ Individual/Coworker					
12. Category of Discrimination/Assistance (Mark all that apply)					
_____ Race _____ Sex _____ National Origin _____ Color _____ Sexual Harassment _____ Religion _____ Other (specify) _____			13. Alleged Offender's Demographics Race _____ Sex _____ Ethnic Grp _____ (Cadet) Grade _____ Class Year _____ Squadron _____		
14. Explanation of Concern/Complaint (Be specific. Include details necessary to explain the nature of the complaint, e.g., race, sex, religion. If disciplinary action is being taken include names of participants involved. State if there were witnesses to the incident and/or any individual's allegation(s) were reported to previously)					
15. Date	16. Signature of Interviewer (HREO, AOC/MTA, Cadet Command or CWCR Consultant)				17. Signature of Complainant (optional)
18. Resolution Option(s) Selected: _____ Group Command _____ AOC/MTA _____ Cadet Command _____ HREO					
19. Remarks (Indicate any referrals made and perceived status of resolution, as of date signed above)					
Actions Taken:					
CWCR USE ONLY					
20. Follow Up Date (if required)		21. Follow Up With		Comment:	
22. Status: Resolved _____ Unresolved _____ Formal Complaint _____ (Date to IG or SA ____/____/____)					
23. Date Closed	24. Signature (Group Consultant)		25. Signature (Chief, CWCR)		
AFCW Form 1587-1					

20

AFCWI 36-2706, 6 Sep 1997 Attachment 3

HUMAN RELATIONS EDUCATION REQUIREMENTS

R U L E	A	B	C	D
	If the individual is EO/HR	then the curriculum package to use is	and the training required is	the required length for
1	Basic Cadet	EOT Policies/Individual Responsibilities/Complaint Procedures	Initial Basic Cadet Training (BCT)	2 hours
		Reflections on HR Issues	BCT I and II	6 hours
2	CADET (4 yr plan*)	Sexual Harassment/ Discrimination/Interpersonal Communication/Diversity Management/Open Forum	approximately every 45 days	10 hrs per cadet per AY
3	HREO	EOT Policies/Roles and Responsibilities/Concepts of Discrimination/Sexual Harassment/ Conflict and Complaint Resolution/ Facilitation Training	beginning of semester	16 hours
4	BCT CADRE	EOT Policies/Conflict Resolution/CCs Responsibilities/ Facilitation Training Experiential Exercises	Spring semester	2 hours 2 hours 2 hours
5	NEW FACULTY	EOT Policies/Respect and Dignity in the Classroom/ Conflict Resolution	Winter and Summer	1 hour
6	AOCs/MTAs	EOT Policies/CCs Roles and Responsibilities/USAFA Resources/Facilitator Training/ Practicum	Summer	8 hours
7	CLES	EOT Policies/CCs Roles and Responsibilities/Conflict Resolution	Spring and Winter	1.5 hrs
8	CLPP	EOT Policies/CCs Roles and Responsibilities/Conflict Resolution/Social Climate	Summer and Winter	1.5 hrs

*See Attachment 4 for the Cadet HR Educational Plan.

AFCWI 36-2706, 6 Sep 97 Attachment 4

21

CADET HUMAN RELATIONS EDUCATIONAL PLAN

CLASS YEAR	TOPICS	TIME REQUIRED	METHOD
Fourth	Sexual Harassment: Human Relations-Language and Behavior	1 hour	CPME
	Experiential Exercises on Sexual Harassment	1 hour	HREO
	Discrimination: Socialization	1 hour	CPME
	Experiential Exercise on Socialization	1 hour	HREO
	Diversity Management: Concepts of Diversity	1 hour	CPME
	Experiential Lesson on Concepts of Diversity	1 hour	HREO
	Interpersonal Communication: Assertiveness	1 hour	CPME
	Experiential Lesson on Assertiveness	1 hour	HREO
	Open Forum: Cadet Wing/Squadron HR Issue	4 hours	HREO
Third	Sexual Harassment: Preventing an Accident	1 hour	CPME
	Experiential Lesson on Sexual Harassment	1 hour	HREO
	Discrimination: Sexism - Supervisor's Challenge	1 hour	CPME
	Experiential Exercise on Sexism	1 hour	HREO
	Diversity Management: Perceptions	1 hour	CPME
	Experiential Lesson on Perceptions	1 hour	HREO
	Interpersonal Communication: Listening	1 hour	CPME
	Experiential Lesson on Listening	1 hour	HREO
	Open Forum: Cadet Wing/Squadron HR Issue	4 hours	HREO
Second	Sexual Harassment: Resolving Sexual Harassment	1 hour	CPME
	Experiential Lesson on Sexual Harassment	1 hour	HREO
	Discrimination: Racism	1 hour	
	CPME		
	Experiential Lesson on Racism	1 hour	HREO
	Diversity Management: 10 Aspects of Culture	1 hour	CPME
	Experiential Lesson on 10 Aspects of Culture	1 hour	HREO
	Interpersonal Communication: Coping with Conflict	1 hour	CPME
	Experiential Lesson on Coping with Conflict	1 hour	HREO
	Open Forum: Cadet Wing/Squadron HR Issue	4 hours	HREO
First	Sexual Harassment: A Leader's Role: Zero Tolerance	1 hour	CPME
	Experiential Lesson on Sexual Harassment	1 hour	HREO
	Discrimination: Discrimination	1 hour	CPME
	Experiential Lesson on Discrimination	1 hour	HREO
	Diversity Management: Managing Diversity	1 hour	CPME
	Experiential Lesson on Managing Diversity	1 hour	HREO
	Interpersonal Communication: Managing Conflict	1 hour	CPME
	Experiential Lesson on Managing Conflict	1 hour	HREO
	Open Forum: Cadet Wing/Squadron HR Issue	4 hours	HREO

CPME = Cadet Professional Military Education

TERMS

1. **Chain of Command**. The chain of command begins with any commander who may impose or consider the appeal of the imposition of nonjudicial punishment over a complaint pursuant to the UCMJ, the Manual for Courts-Martial, or AFI 51-202, Nonjudicial Punishment Guide. The chain of command includes any superior commander vested with either special or general court-martial convening authority over the complaint as a result of assignment or attachment to that commander's command.

a. **34 TRW Chain of Command**. 34 TRW/CC is responsible for command of the Air Force Cadet Wing. 34 TRW/CC authority is delegated to his/her staff, group, and squadron AOC.

b. **Cadet Chain of Command**. Cadets occupying job positions perform many operational, support, and managerial tasks necessary for the daily functioning of the AFCW. Cadets are responsible to their cadet supervisors, and ultimately, 34 TRW/CC for performance of their duties.

2. **Complainant**. A service member [cadet and civilian employees] who submits allegations of unlawful discrimination and sexual harassment.

3. **Complaint**. An allegation of unlawful discrimination based on race, color, national origin, religion, or sex (to include sexual harassment).

a. **Formal Complaint**. Allegation of unlawful discrimination or sexual harassment that is submitted in writing.

b. **Informal Complaint**. Allegation of unlawful discrimination or sexual harassment, made either orally or in writing, that is not submitted as a formal complaint.

4. **Complaint Clarification**. A process of gathering information for the commander or individual who has jurisdiction over the alleged offender. The clarification helps the commander to determine whether a "preponderance of evidence" exists that unlawful discrimination or sexual harassment has occurred.

5. **Congressional Inquiries**. Complaints addressed to members of Congress, senators, or congressional staffers.

6. **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 [and civilian employees] are ensured to rise to the highest level of

responsibility possible in the military profession, dependent only on merit, fitness, and capability.

7. **EO Issue**. An overt act, directed toward an individual, group, or institution, that is motivated by or has overtones of unlawful discrimination on the basis of age, color, national origin, race, religion, or sex.

8. **Equal Opportunity (EO)**. The right of all persons to participate in, and benefit from, programs and activities for which they are qualified. These programs and activities shall be free from social, personal, or institutional barriers that prevent people from rising to the highest level of responsibility possible. Persons shall be evaluated on individual merit, fitness, and capability, regardless of race, color, sex, national origin, or religion.

9. **Ethnic and Racial Categories**. The basic racial and ethnic categories for DoD reporting are defined as follows:

a. ***American Indian or Alaskan Native***. A person having origins in the original peoples of North America.

b. ***Asian or Pacific Islander***. A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands. This area includes China, India, Japan, Korea, the Philippine Islands, and Samoa.

c. ***Black (Not of Hispanic Origin)***. A person having origins in any of the original peoples of Africa.

d. ***Hispanic***. A person having origins in any of the original peoples of Mexico, Puerto Rico, Cuba, Central or South America, or of other Spanish cultures, regardless of race.

e. ***White (Not of Hispanic Origin)***. A person having origins in any of the original peoples of Europe, North Africa, or the Middle East.

10. **Inconclusive**. A finding that results when, at the conclusion of the an inquiry or investigation, there is insufficient evidence to make a determination whether the allegation of unlawful discrimination or sexual harassment did or did not occur.

11. **Inquiry**. The process of gathering the facts surrounding an allegation by checking records, reviewing applicable directives, examining material evidence, and interviewing persons who may have direct knowledge of the facts.

12. **Legal Sufficiency Review**. A review of an investigation into a formal complaint of unlawful discrimination or sexual harassment to determine whether:

- a. The investigation complies with all applicable legal and administrative requirements;
- b. The investigation adequately addresses the matters complained of;
- c. The evidence supports the findings of the investigating officer or board;
- d. The conclusions and recommendations of the investigating officer or board are consistent with the findings; and,
- e. Any errors or irregularities exist, and, if so, their legal effect, if any.

13. **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.

14. **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.

15. **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. A member of Congress.
- b. Any member of a DoD audit, inspection, investigation, or law enforcement organization.
- c. Any other person or organization designated pursuant to component regulations or other established administrative procedures to receive such communications.
- d. This person or organization includes the IG, Air Force Fraud, Waste, and Abuse monitors, SA personnel, and designated individuals of a member's chain of command.

AFCWI 36-2706, 6 Sep 1997 Attachment 5

25

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 wrong doing.

16. **Race**. A division of human beings identified by the possession of traits that are transmissible by descent and that are sufficient to characterize persons possessing these traits as a distinctive human genotype.

17. **Religion**. A personal set or institutionalized system of attitudes, moral or ethical beliefs, and practices that are held with the strength of traditional religious views, characterized by ardor and faith, and generally evidenced through specific religious observances.

18. **Reprisal**. Taking or threatening to take an unfavorable personnel action or 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.

19. **Sexual Harassment**. A form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

a. Submission of such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career, (quid pro quo) or

b. Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person (quid pro quo) or

c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

This definition emphasizes that workplace conduct, to be actionable as "abusive work environment" harassment, need not result in concrete psychological harm to the victim, but rather need only be so severe or pervasive that a reasonable person would perceive, and the victim does perceive the work environment as hostile or offensive. (**"Workplace" is an expansive term for military members and may include conduct on or off duty, 24 hours a day.**) Any person in a supervisory or command position who uses or condones any form of sexual behavior to control, influence, or affect the career, pay, or job of a military member or civilian employee is engaging in sexual harassment. Similarly, any military member or civilian

employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature in the workplace is also engaging in sexual harassment.

20. **Substantiated EO Complaint.** A complaint where the preponderance of the evidence (more likely to have occurred than not occurred) indicates unlawful discrimination based on race, color, religion, sex, national origin, or sexual harassment.

21. **Unlawful Discrimination.** Includes discrimination on the basis of color, national origin, race, religion, or sex that is not otherwise authorized by law or regulation.

In 34 TRW, *discrimination* is also defined as conduct or statements which reveal an inability or unwillingness to provide equal opportunity and fair and impartial treatment to an individual or group because of race, sex, religion, color, or national origin. (AFCWI 51-201)

AFCWI 36-2706, 6 Sep 1997 Attachment 6

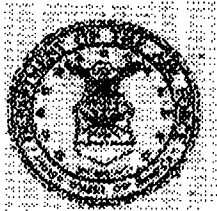
27

CLASSES OF OFFENSES AND RECOMMENDED ASSOCIATED PUNISHMENTS:

- Class A.** Minor infractions of procedures, standards, or directives. 1-10 demerits, 0-10 confinements, 1-14 days restriction. Awarding level: Squadron Commander or higher.
Examples: 10d/0C/0T/0 days or 10/5C/0T/5 days.
EO/HR Example: First time use of disparaging terms (racial, sexual, religious, national origin, etc.) toward an individual, and the use of terms would not likely escalate or affect squadron morale. Additionally, the recipient of the remark expressed desire to resolve the issue at the lowest level.
- Class B.** Duty related offenses; more serious violations of standards. 11-20 demerits, 11-20 confinements, up to 1 month restriction. Awarding level: AOC or higher.
Examples: 15d/11C/0T/21 days or 20d/20C/0T/1 month.
EO/HR Example: Individual posted racist/sexist poem. The squadron members were intimidated and offended by the individual's action, morale is likely to be affected.
- Class C.** Behavior or relationship offenses; negligent infractions of procedures, directives, or standards. 21-30 demerits, 21-30 confinements and/or tours, 1-2 months restriction. Awarding level: Group AOC or higher. Examples: 25d/15C/10T/6 weeks or 30d/0C/30T/2 months.
EO/HR Example. Repeated use of disparaging terms, repeated (unwelcome) display of sexually harassing behavior, blatant discriminatory act, etc. that is affecting the squadron's morale and cohesion. Individuals are intimidated by the behavior.
- Class D.** Serious violations of established standards or conduct violations indicating continued disregard for standards; alcohol-related issues; sexual misconduct.
- D1:** 31-40 demerits, 31-40 tours, 2-3 months restriction. Awarding level: Group AOC or higher. Example. 40d/9C/41T/4 months.
- D2:** 41-50 demerits, 41-50 tours, 3-4 months restriction. Awarding level: 34 TRG/CC or higher. Example. 50d/9C/41T/4 months.
- D3:** 50+ demerits, 50+tours, 5-6 months restriction (up to 150d/0C/150T/6 months) Awarding level: 34 TRW/CC. This is reserved for issues involving multiple violations separable by time and/or circumstance as determined by the IO, Group AOC, 34 TRG/PE, 34 TRG/CC or 34 TRW/CC. EO/HR Example: Physical form of sexual harassment, use of racial slurs resulting in assault, disruption of mission, teamwork, morale, etc.

NOTE: In all cases, commanders decide on what are appropriate actions to take on case-by-case basis. Commanders usually take into consideration the seriousness of the offense, first or repeated, the record of the individual(s) involved, the impact of the behavior on the individual, flight, or squadron, etc. Consultation with legal office prior to taking action is highly encouraged.

**BY ORDER OF THE
SECRETARY OF THE AIR FORCE**



**AIR FORCE INSTRUCTION 36-2706
1 DECEMBER 1996**

Personnel

**MILITARY EQUAL OPPORTUNITY AND
TREATMENT PROGRAM**

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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This Air Force Instruction (AFI) gives the requirements of the Air Force Equal Opportunity and Treatment (EOT) program. It applies to all military personnel subject to the Uniform Code of Military Justice (UCMJ), Reserve Officer Training Corps (ROTC), Air Force Reserve, and all Air Force civilian personnel subject to administrative and or disciplinary action under applicable directives or implementing instructions governing civilian disciplinary or adverse actions. Air National Guard (ANG) personnel are not subject to the UCMJ unless on Federal active duty status under Title 10, United States Code (U.S.C.). It implements Air Force Policy Directive (AFPD) 36-27, *Social Actions*, 3 September 1993; Department of Defense (DoD) Directive 1325.6, *Guidelines for Handling Dissident and Protest Activities Among Members of the Armed Forces*, 12 September 1969, with Changes 1 and 2; DoD Directive 1350.2, *Department of Defense Military Equal Opportunity (MEO) Program*, 18 August 1995; DoD Instruction 1350.3, *Affirmative Action Planning and Assessment Process*, 29 February 1988; and DoD Directive 1300.17, *Accommodations of Religious Practices Within the Military Services*, 17 October 1988.

The Privacy Act of 1974 applies to this instruction. Each form that is subject to the provisions of AFI 37-132 must contain a Privacy Act Statement, either in the form itself or attached to it. The authorities to collect personal information and maintain the records listed in this instruction are Title 42, U.S.C., Section 290 ee-3, et seq., and Executive Orders 9397 and 11478. **Attachment 1** contains a glossary of references, abbreviations, acronyms, and terms.

SUMMARY OF REVISIONS

This AFI contains Equal Opportunity and Treatment (EOT) program information taken from AFI 36-2701, *Social Actions Program*, chapters 1, 2, 3, and 7 with the following changes: expands the EOT program objectives (paragraph 1.1.); requires documentation in performance reports for serious or repeated EOT violations (paragraph 1.1.4.); explains HQ USAF/DP responsibilities (paragraph 1.4.); updates HQ USAF/DPCH responsibilities (paragraph 1.5.1.); explains various Air Force organization's responsibilities to the Defense Equal Opportunity Management Institute (DEOMI) (paragraphs 1.11. and

1.12.); changes the requirements for Social Actions instructors; provides procedures for adding films to the audiovisual list of Air Force-approved films (paragraph 2.8.1.); modifies use of volunteers (paragraph 2.19.); reduces observation period for retrainees to 20 duty days (paragraph 2.20.3.); expands informal assistance (paragraph 2.22.); renames Unit Orientation Briefing to Newcomers Orientation Briefing and expands the training requirement to 1 hour (Table 2.2.); replaces and renames staff assistance visit program to the unit climate assessment program and deletes substance abuse assessment (paragraph 3.1.); modifies procedures for including civilians in the unit climate assessment program (paragraph 3.2.2.); explains the Wing Climate Assessment report and Wing Climate Assessment Committee (WCAC) (paragraph 3.5.); deletes chief, Social Actions substance abuse responsibilities (paragraph 4.2.); updates responsibility of geographically separated unit (GSU) commanders (paragraph 4.3.); encourages the use of informal resolution before formal complaints (paragraph 4.9.1.); clarifies complaints involving DoD contractors (paragraph 4.10.); changes approval authority for withdrawing formal complaints from the Installation Commander to the Chief, Social Actions (paragraph 4.17.2.); expands complaint clarification processing time to 20 dutydays (paragraph 4.19.1.); clarifies guidance on EOT Inquiry Assistance (paragraph 4.23.); clarifies appeals for administrative findings of unlawful discrimination or no unlawful discrimination (paragraph 4.25.); explains that commanders can administer appropriate disciplinary action while an appeal is pending (paragraph 4.25.3.); includes guidance on Article 31, Rights of Advisement (paragraph 4.28.); explains the use of feedback in complaint clarifications (paragraph 4.29.); includes guidance for mediation (paragraph 4.32.); includes guidance on accommodation of religious practices (paragraph 4.40.); changes from 6 months to 60 days the time limit to file a complaint (Table 4.1.); updates guidance on IG referrals; changes definition of senior official from O-6 (colonel) to an O-7 (brigadier general) (Attachment 1); adds more terms and updates the definitions of existing terms (Attachment 1); deletes age as a category of "unlawful discrimination" (Attachment 1); and deletes ethnic group as a basis for filing a complaint (Attachment 1). A | indicates revision from the previous edition

Chapter 1—ORGANIZATION ACTIONS

Section 1A General Information

- 1.1. Program Objectives. The EOT program: 7
- 1.2. Organizations That Discriminate. 7
- 1.3. Off-base Discrimination. 7

Section 1B Office of the Deputy Chief of Staff Personnel

- 1.4. Air Force Deputy Chief of Staff for Personnel (HQ USAF/DP): 7
- 1.5. Air Force Human Resources Development Division (HQ USAF/DPCH): 8
- 1.6. Air Force Personnel Center, Field Activities Division, Social
Actions Branch (HQ AFPC/DPSFS): 9

Section 1C Headquarters, United States Air Force

- 1.7. Judge Advocate General of the Air Force (HQ USAF/JA): 10
- 1.8. Air Force Chief of Security Police (HQ USAF/ SP): 10

Section 1D Major Commands (MAJCOM)

10

AFI36-2706 1 DECEMBER 1996	3
1.9. MAJCOM Director of Personnel (DP).	10
1.10. MAJCOM Assistant for Social Actions.	10
1.11. Air Force Space Command (AFSPC).	11
1.12. Air Education and Training Command (AETC).	11
Section 1E Other Agencies	11
1.13. Air Force Operations Support Center (AFOSC).	11
1.14. National Guard Bureau (NGB). The Director, Equal Opportunity Directorate (NGB-EO):	11
1.15. Air Force Reserve.	11
1.16. Defense Equal Opportunity Management Institute (DEOMI).	11
Chapter 2—BASE SOCIAL ACTIONS OFFICE	12
Section 2A General Information	12
2.1. EOT/HRE Program Objective.	12
2.2. Scope and Limitations:	12
2.3. Publicizing Programs.	12
2.4. Developing a Referral Guide.	12
2.5. Setting Up Social Actions Office Facilities.	12
2.6. Responding to Congressional and Other High-Level Inquiries.	12
2.7. Establishing Unit Continuity Files. Base Social Actions Offices:	12
2.8. Using Audiovisual Materials.	13
2.9. Armed Forces Disciplinary Control Board (AFDCB).	13
2.10. Command Post.	13
Section 2B Privacy Act and FOIA.	13
2.11. Privacy Act of 1974 and Freedom of Information Act (FOIA).	13
2.12. Reviewing FOIA Requests.	14
2.13. Using Computers.	14
2.14. Disposing Records.	14
Section 2C Special Procedures and Supplements	14
2.15. Procedures During Contingencies, Hostilities, and War:	14
2.16. MAJCOM Supplements to This Instruction:	14
2.17. Base-level Supplements.	14

Section 2D	Managing Personnel	14
2.18.	Establishing an On-Call Roster.	15
2.19.	Using Volunteers.	15
2.20.	Recruiting Social Actions Retrainees. Chief of Social Actions:	15
Section 2E	Social Actions Education	15
2.21.	Responsibilities:	15
Section 2F	Informal Assistance	16
2.22.	Conducting Assistance.	16
Section 2G	Reporting Requirements	16
2.23.	Equal Opportunity and Treatment/Human Relations Education Summary (RCS: HAF-DP (SA)7204):	16
Table 2.1.	Handling Requests for EOT Case File.	17
Table 2.2.	Education Requirements.	18
Chapter 3—	Social Actions Assessment Programs	21
Section 3A	Unit Climate Assessment (UCA) Program	21
3.1.	Purpose and Scope:	21
3.2.	Interviews of Civilian Personnel Flight (CPF):	22
3.3.	Social Actions UCA Report.	22
Section 3B	"Out and About" Climate Assessment	22
3.4.	Purpose.	22
Section 3C	Installation EOT Climate Assessment	22
3.5.	Wing Climate Assessment Committee:	22
Chapter 4—	EQUAL OPPORTUNITY AND TREATMENT (EOT) PROGRAM	24
Section 4A	Installation	24
4.1.	Installation Commander (IC):	24
4.2.	Chief, Social Actions:	24
4.3.	Geographically Separated Unit (GSU) Commanders:	24
Section 4B	Responsibilities	25
4.4.	EOT Specialists:	25

AFI36-2706 1 DECEMBER 1996	5
4.5. Unit Commanders:	26
Section 4C Reporting and Clarifying EOT Incidents	26
4.6. EOT Incidents.	26
4.7. Incident Clarification:	27
4.8. Higher Headquarters Reporting Requirements:	27
Section 4D EOT Complaints	28
4.9. Purpose of the EOT Complaint Process.	28
4.10. Lodging Equal Employment Opportunity (EEO) Complaints.	28
4.11. Immediate Referral:	28
4.12. Cases Involving Senior Officials (O-7 and above), Colonels and Colonels Select: ...	28
4.13. Complaints Processing Procedures - :	29
4.14. Informal Complaint Process:	29
4.15. Allegations Other Than Unlawful Discrimination.	30
4.16. Documenting Complaints.	30
4.17. Filing or Withdrawing Formal Complaints:	30
4.18. Clarifying Complaints.	31
4.19. Clarification Process:	31
4.20. Requesting Extensions.	31
4.21. IG Inquiries and Investigation.	31
4.22. Briefing the Alleged Offender.	31
4.23. Equal Opportunity (EO) Inquiry or Investigation Assistance. EOT Personnel;	32
4.24. Resolving Differences Over Cases.	32
4.25. Military Equal Opportunity Appeal Process:	32
4.26. Follow-up Action.	34
4.27. Reprisals.	34
4.28. Rights Advisement During EOT Complaint Clarifications:	34
4.29. Complaint Feedback.	35
4.30. Procedures for Air National Guard (ANG) Personnel:	35
4.31. Procedures for Family Members:	36
Section 4E Mediation	36
4.32. Overview of Mediation.	36

4.33. Minimum Training Requirement:	36
4.34. EO Technicians:	36
4.35. Case File Maintenance:	37
4.36. Reporting and Documentation.	38
4.37. Follow-up.	38
4.38. Commander Advisement.	38
4.39. Disposition.	38
Section 4F Accommodation of Religious Practices	38
4.40. Religious Accommodation:	38
4.41. General Guidelines of Accommodation.	38
4.42. General Procedures:	39
4.43. Forms Prescribed.	39
Table 4.1. Social Actions Formal Complaints Processing Responsibilities.	40
Attachment 1—GLOSSARY OF REFERENCES, ABBREVIATIONS, ACRONYMS, AND TERMS	42

AFI36-2706 1 DECEMBER 1996

7

Chapter 1

ORGANIZATION ACTIONS

Section 1A—General Information

1.1. Program Objectives. The primary objective of the EOT program is to improve mission effectiveness by promoting an environment free from personal, social, or institutional barriers that prevent Air Force members from rising to the highest level of responsibility possible based on their individual merit, fitness, and capability. The EOT program:

1.1.1. Is a function of leadership and command based on fairness, equity, and justice.

1.1.2. Seeks to eliminate unlawful discrimination against military personnel based on race, color, religion, sex, or national origin. Unlawful discrimination and sexual harassment are contrary to good order and discipline and counterproductive to combat readiness and mission accomplishment. Unlawful discrimination against Air Force personnel or their family members, on or off base, will not be tolerated.

1.1.3. Encourages members to use the chain of command to identify and correct unlawful discriminatory practices. This includes processing and resolving complaints of unlawful discrimination and sexual harassment. The chain of command is responsible for creating an environment free from unlawful discrimination and sexual harassment.

1.1.4. Ensures rating and reviewing officials evaluate compliance with DoD and Air Force directives prohibiting unlawful discrimination and sexual harassment and document serious and repeated deviations from such directives in performance reports. Membership in groups espousing supremacist causes or advocating unlawful discrimination must be considered in evaluating and assigning members. (See AFI 51-903, Dissident and Protest Activities.)

1.2. Organizations That Discriminate. Military members and their family members must not be arbitrarily denied access to on or off base facilities in the United States or overseas. Organizations that deny personnel access because of their race, color, religion, sex, or national origin, or which otherwise in the judgment of the installation commander engage in de facto discrimination, will be denied use of military facilities or resources.

1.3. Off-base Discrimination. Commanders must impose "off-limits" sanctions using the procedures in AFI 31-213, Armed Forces Disciplinary Control Boards and Off-Installation Liaison and Operations. Sanctions are imposed when there is substantive information indicating that an establishment or area frequented by their personnel presents conditions which adversely affect the health, safety, welfare, morale, or morals of such personnel. Efforts to combat unlawful discrimination must continue despite pending results of suits initiated under the Civil Rights Act of 1964 and 1991, Titles II, III, and IV as amended (Title 42, U.S.C., chapters 20 and 21 et. seq.).

Section 1B—Office of the Deputy Chief of Staff Personnel

1.4. Air Force Deputy Chief of Staff for Personnel (HQ USAF/DP):