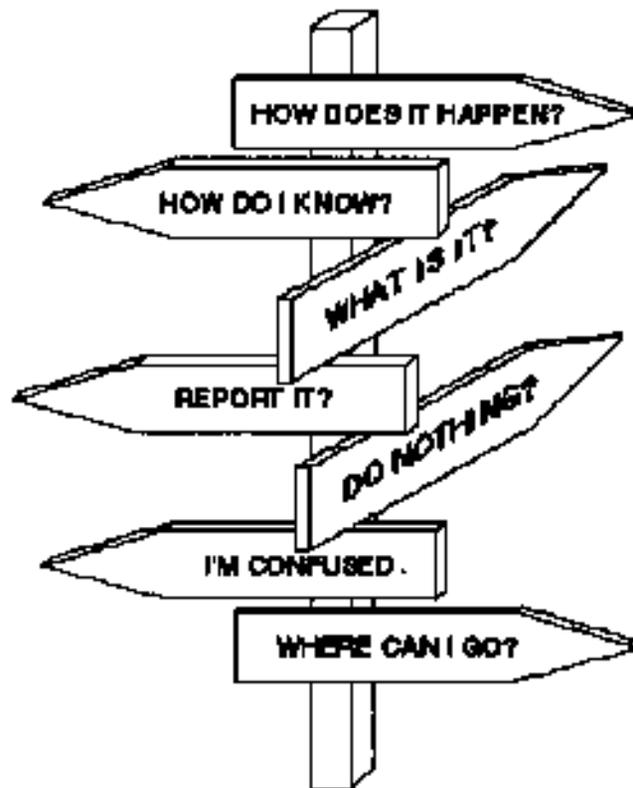


## COMPLAINT PROCEDURES



Do you know if sexual harassment exists?

### Identify the Problem

Do you know if discrimination and sexual harassment exist in your work environment? Look for the following indicators. Any of these elements may constitute sexual harassment or discrimination.

#### Physical Contact

Squeezing a worker's shoulder or putting a hand around his or her waist.

## **Complaint Procedures**

### **Gestures**

Puckering one's lips suggestively or making obscene signs with one's fingers or hands.

### **Jokes**

Telling off-color, ethnic or racial jokes.

Pictures.

Pin-ups, particularly those of scantily-clad individuals .

### **Comments**

Generalities that lump one group together and denigrate them.

### **Terms of Endearment**

Calling a co-worker "honey," "dear," "sweetheart," or some similar expression. The effect is the primary issue rather than intent. Even if the person "means nothing to you" or you have "used the term for years," you should be aware that these expressions are inappropriate.

### **Questionable Compliments**

• "Nice legs!" "You look hot in that outfit!" Compliments like these can make individuals feel uncomfortable or worse. Even if the person who received the "compliment" is not disturbed by it, others may be.

## **Evaluating Yourself**

The military is comprised of people with different back grounds, cultures, and beliefs. To strive for a more productive work atmosphere, get to know the people you work with and respect their individuality as they should yours. The following can help you get more out of work relationships.

- Does this behavior contribute to work output and mission accomplishment?
- Could this behavior offend or hurt other members in your organization?
- Could someone misinterpret my behavior as intentionally harmful or harassing?
- Could this behavior send out signals that invite inappropriate behavior by others?

- Do I treat people equal regardless of race, gender, religion, etc.?
- Do I care if I offend others?
- Do I really listen when someone tries to tell me something I do not want to hear?
- Do people feel comfortable being honest with me?
- Do my subordinates or co-workers tell me about behaviors that they find inappropriate?

### **Your Role and Responsibility**

When a conflict occurs in your workplace, what role do you play? To determine this, ask yourself a set of standard questions. The answers to these questions should help you decide the course of action.

- What happened?
- What was the result of the behavior?
- Did it disrupt the work environment?
- What are my responsibilities?

### **The Recipient**

Consider using an informal method of resolution if the behavior was minor. Only use this method if you feel it will permanently stop the offensive behavior without reprisal and you feel the offender should be given a chance to change.

Consider formal channels if the incident and behavior is serious, absolutely unacceptable, or repeated (especially after telling the offender to stop). Serious behaviors may include: asking for sexual favors in return for a good performance appraisal; making supervisory decisions because of a person's race or gender; or denying leave because of different religious beliefs.

Take responsibility to see that discrimination and sexual harassment are stopped without reprisal.

### **The Offending Person**

- Stop the behavior immediately!
- If you feel you may have discriminated against or sexually harassed someone, take action.

- **Apologize.** Ask another person or supervisor for advice and accompany you to the recipient, or intervene on your behalf.
- **Talk to the recipient and discuss how you can communicate more effectively.**
- **If a formal complaint has been filed, seek legal counsel or assistance to understand your rights.**
- **Seek help from an agency that can assist you in getting on track (e.g. ,Chaplain, Social Actions, Family Support).**

### **The Friend or Co-Worker**

- **If you are approached by a friend or co-worker who feels he or she was discriminated against or sexually harassed, take action.**
- **Encourage the recipient to approach the offending person directly or use other informal resolution methods.**
- **Offer to accompany the recipient to the offending person, his or her chain of command, or an agency to file a formal complaint.**
- **If the situation is serious, encourage the recipient to seek help through Social Actions or the EEO counseling system.**
- **Take responsibility to see that discrimination and sexual harassment are stopped and there is no reprisal.**

### **The Supervisor**

- **If you observe or are approached about sexual harassment, take action.**
- **Advise the person who was offended, if civilian, of their right to seek help through the EEO process.**
- **Advise the offending person to stop immediately. If the offender is a supervisor, report it to the next level or encourage the recipient to do the same.**
- **Act promptly and take corrective action if you supervise the offending individual.**
- **Warn all parties immediately against behavior which may look like direct or indirect reprisal.**
- **Inform the chain of command.**

- Take responsibility to see that sexual harassment is stopped and that there is no reprisal.

### **The Commander**

- If you are the commander of the recipient, offending person, or have observed discrimination or sexual harassment, take action.
- Encourage resolution at the lowest level.
- Brief the alleged offender of his or her rights.
- Discuss behaviors that the recipient may perceive as direct or indirect reprisal. Talk about steps to report reprisal.
- Recommend mediation, if appropriate.
- Provide timely resolution and feedback to the recipient or alleged offender.
- Enforce strong sanctions against violations.
- Follow-up with all involved individuals.
- Take responsibility to see that sexual harassment is stopped and that there is no reprisal.

### **Solve the Problem**

To help combat discrimination and sexual harassment in your organization, never ignore the problem, speak up and seek help. There are two ways to go about this. You can attempt to resolve the problem either informally or formally.

#### **Informal Resolution**

Speak with the offender. Approach the individual(s) in person. Give yourself time to collect your thoughts or cool down. Stay focused on the behavior and its impact. Write down your thoughts before approaching the individual(s) involved. Use common courtesy and ensure your approach is not disrespectful.

#### **◆ Example:**

"You're a good trainer but I can't concentrate on the task with you rubbing my arm. It makes me feel uncomfortable."

**Keep records.** Include each event, date, time, location, what happened, what was said, how you felt, and the names of any witnesses or others victimized by this person.

**Write letters.** You can write a letter to the offender. Include the following in your letter:

- A description of the unwelcome behavior,
- Date(s) and time(s) the behavior occurred,
- A clear message that you want the behavior to stop,
- A warning that if behavior does not stop, you will take further action,
- Your signature and date.
- Make a copy for your personal records and consider having someone witness the transfer of the letter.

**Ask others.** Ask another person to talk with the individual(s) involved, accompany you, or intervene on your behalf. Consider asking others if they have experienced similar treatment from the offender.

**Go to chain of command.** Go to your supervisor or others in your chain of command and ask for their assistance in resolving the situation.

**Generic approach.** Perhaps your concern is that the individual needs to be educated or the unit's policy needs to be reemphasized. If so, ask for assistance from an agency such as your unit's Equal Opportunity (EO) representative or Equal Opportunity Advisor (EOA) and attempt to resolve the issue without implicating anyone. They can be helpful in conducting classes on sexual harassment.

**Consider mediation.** Mediation is a process which is non-adversarial in nature. It is provided through the skills of a trained mediator. Its focus is the mutually satisfactory resolution of disputes. The parties involved arrive at what each of them agree is fair or at least the best available resolution through the mediation process. You may want to try this option prior to filing a formal complaint. If the method does not work, other options are available. Some people may use mediation if they are concerned about safeguarding the relationship; want to safeguard their privacy; believe they do not have enough evidence for a formal complaint; or simply want to try this option. Individuals can still pursue a formal complaint if they are not satisfied with the mediation process. Your EOA can explain the process and advise individuals on the feasibility of using this approach.

## **Formal Resolution**

Sexual harassment can have serious consequences for unit cohesion and teamwork. The Army complaint procedures are designed to address concerns specifically related to discrimination based on race, color, national origin, religion, sex, age, and if civilian, handicapping condition. All Army personnel and their dependents have the right to a thorough and expedient investigation on EO concerns when they perceive an injustice or incident of unfair treatment has occurred. If you feel uncomfortable with the informal process or are not able to resolve an issue at that level, a number of agencies are available to assist you.

**The Chain of Command:** We encourage you to use your chain of command first before seeking outside resolution. If the problem is within the chain or if you do not want to use this avenue, there are several base agencies that can assist.

**Equal Opportunity Representative (EOR):** They are responsible for operating the installation's Equal Opportunity and Treatment Program. They are also the focal point for processing military complaints.

**Equal Opportunity Advisors (EOA):** Provide advisory assistance to commanders and investigating officers in investigation and resolution of discrimination and sexual harassment complaints.

**The Inspector General (IG):** The IG is the principal agency for receiving and investigating complaints about an installation's work environment and leadership. This agency conducts inquiries and investigations for violations of Army policy. The IG is also the focal point for reporting any reprisals which may occur.

**The Housing Referral Office (HRO):** The HRO is responsible for monitoring and administering the installation's housing referral program. The HRO will receive and investigate complaints of discrimination in the rental or sale of off-post residences.

**The Chaplain:** Serves as advisor to the installation commander on all religious matters and provides guidance on religious practices, family and marital counseling, and other secular or non-secular services. The chaplain is the expert on issues concerning religious discrimination or accommodation.

**The Staff Judge Advocate (SJA):** The SJA is responsible to the Commander on all legal matters. He serves as an advisor in litigating criminal charges and prosecuting military personnel for criminal offenses. The SJA also reviews discrimination reports to determine if they require further investigation or if evidence supports a violation of Army policy.

## **Reprisal**

Each of us has a right to report sexual harassment or discrimination without fear of reprisal. Acts of reprisal against an individual should be reported.

Reprisal occurs if someone threatens you or your career because you filed a complaint or discussed an issue with your chain of command or another agency. It could include negative performance ratings, letters of counseling or reprimand, non-recommendation for re-enlistment, etc.

Sometimes reprisal is difficult to recognize. It could include withholding training, denying opportunities to compete for awards and recognition, or job assignments designed to limit career progression. For example, "weaken" an individual's performance report or not considering them for Civilian of the Quarter.

If a person knowingly files a false statement or tries to use the complaint system in retaliation against an individual, he or she can be punished. However, a complaint that is "not substantiated" does not automatically fall into that category.

Acts of reprisal are illegal. It not only affects the recipient, but can spread rapidly throughout the unit. Reprisal or retaliation against an individual for complaining destroys faith in unit leadership and can damage the human relations climate. Reprisal also jeopardizes unit effectiveness, morale and cohesion.

Leaders should clearly state opposition to reprisal of any type. Leaders must train subordinates and continually address the negative consequences of reprisal actions and their impact on the environment. Leaders can cultivate a climate in which the resolution of complaints is accepted as part of mission accomplishment. Actions such as co-workers making jokes or comments, ostracizing recipients or alleged offenders, or posting anonymous notes on the bulletin boards impact the unit. Commanders and supervisors must observe behavior, actions and moods within the unit to be aware of and act quickly if reprisal (real or perceived) occurs. Leaders must also act quickly if "anonymous reprisals" happen within the unit.

Acts of reprisal or intimidation of any type are illegal and will not be tolerated.

## **Working Relationships**

A goal of every Army leader is for human relations to have a positive meaning. It is to a leader's benefit to treat people fairly, with respect and dignity. This creates a conducive working environment where subordinates look forward to coming to work, learning, doing their job, and working side-by-side with their co-workers.

Effective human relations does not mean forsaking military standards, common courtesy, and discipline. Human relations translates to supervisors showing concern for people and acquiring knowledge about and respect for the background, values, goals, needs, and skills of subordinates. Good leaders are willing to listen, respond, and demonstrate trust and confidence in each individual's ability to do the job. These leaders also treat individuals and groups with respect and dignity.

Supervisors must foster a work environment that is conducive to accomplishing the mission. Treating everyone with respect and dignity is absolutely essential to ensuring everyone is developing and working toward their full potential.

## **Barriers**

Over the history of our nation we have seen how differences can create conflict and a hostile work environment. If not properly handled, conflict and other negative behaviors, based on actual or perceived differences, can be detrimental to teamwork and unit cohesion. Pitfalls can occur that should be dealt with on the spot. The following examples are barriers to good human relations:

**"I don't want to talk about it."** Ignoring the issue of discrimination and sexual harassment won't make it go away. Doing nothing about it can only increase the likelihood that your organization could be involved in legal disciplinary action. Increasingly, recipients who feel they have nowhere to turn within their organizations take their complaints to formal channels.

**"It only happens to women."** Perhaps more often than you think, sexual harassment does affect men, as well as women. Studies show that the number of nontraditional sexual harassment complaints is increasing. Sexual harassment can also affect co-workers negatively. Everyone in your organization can be harmed by sexual harassment.

**"Sex doesn't belong in the workplace."** Many people confuse the issue of sexual harassment with sex or sexual attitudes and behavior. Sexual harassment isn't about sex or healthy personal relationships. It is an expression of power by one individual over another that can be personally devastating to the recipient and others.

**"We can't even enjoy a good joke anymore."** Sexual harassment and racial jokes aren't funny. It is no laughing matter when a person's self-worth and job performance suffer because of inappropriate behavior. What may seem like harmless behavior to one person can be offensive to another. It is important to understand that this type of behavior can be a form of illegal discrimination.

**"If they are in this country, they should speak clear English."** Some people react to accents negatively. They may even be rude when someone does not speak "proper" English. People have accents either because of ethnicity or the region of country they come from. English may also be their second language. Some people consider them to

be less intelligent, less competent, and less trustworthy. Individuals deserve to be treated fairly in any situation.

Likewise, people make judgments about others based on the kinds of expressions they use because of where they're from. Such expressions include "yonder," "y'all," or "Sho'nough." Assumptions can also be made about "hip hop" language. The people who speak this way are sometimes thought to be uneducated, or less intelligent.

**"We're from different backgrounds; how can we communicate?"** People have different experiences which account for many of the problems that occur when they try to interact cross-culturally or across genders. Cultural, racial, and gender differences affect our experiences. Our experiences; or lack of them, directly relate to our ability to communicate and be understood. Sharing experiences and opening the lines of communication can often bridge these gaps.

## **Respect**

Respect is the key to combating discrimination and sexual harassment in the Army.

Resolve conflicts immediately and at the lowest level.

Explore options that will improve unit relationships.

Sensitize yourself and your subordinates to the issues.

Promote positive human relations.

Eliminate unacceptable behaviors.

Consider the needs of your organization.

Take a stand against discrimination and sexual harassment.

## **Effective Communication**

- **Be open about differences.** Don't ignore them. Share how your background has influenced you.
- **Encourage questions about the things that make you different.** For example, "I'd like to learn about that holiday you celebrate. Will you tell me about it?"
- **Make a point to make friends with people different from you.** Share any concerns.
- **For example, if a new friend has a disability,** you might ask, "Does it help if I hold the door for you, or would you rather I not?"

- Don't make someone a spokesperson for his or her group. "So, what do Hispanics think about this?" Don't suggest the person is an exception, "You're not like other Blacks I've met."
- Avoid telling racial or sexual jokes, even jokes about your own group. It encourages more of the same. Be careful with other kinds of humor such as the "friendly insult."
- Make your feelings known if someone says an unfair remark about a group.
- Emphasize common experiences that unify rather than differences that divide. Regardless of culture, race, gender, religion, and a host of other factors, people around the world share the need to communicate with others and engage in meaningful work.

## Questions and Answers

**Question:** How do I protect myself from false charges of sexual harassment or discrimination?

**Answer:** First, do not have a reputation in your unit as someone who tells sexual or racial jokes, makes inappropriate comments/innuendos, or is the toucher/hugger. Second, make sound job decisions based on objective criteria and clear professional standards. Third, document those decisions.

**Question:** What are sexually suggestive visuals or objects?

**Answer:** If you wonder whether a visual or object could be sexually suggestive, take it home, it doesn't belong in the workplace. If you have or allow sexually suggestive visuals or objects in your workplace, recognize that they: create potential for a complaint; do not reflect a professional image; and contribute to creating an offensive, hostile, and intimidating work environment.

**Question:** If someone means no harm by "friendly" behavior and "harmless" joking, not intending to hurt any feelings, is he or she still guilty of sexual harassment or discrimination?

**Answer:** Probably yes. The determination of whether a behavior is sexually harassing is not necessarily based on how it is intended, but how it is received. The guidelines refer to "unwelcome" sexual advances and conduct, either verbal or physical, which have the effect of creating an intimidating, hostile or offensive work environment. If the actions are received this way, the behavior is considered harassment.

**Question:** We've got both men and women in our work group and we like to tell jokes and make comments. What if we get a new person who doesn't like this behavior? Do we have to change because of one person?

**Answer:** Yes. If the workplace behavior is sexual and unwelcome, or if jokes are offensive to a co-worker, that behavior could be discrimination or sexual harassment.

**Question:** What's the big deal about having sexually oriented pictures, cartoons, and calendars around work? They aren't wrong or bad, are they?

**Answer:** Sexually oriented visuals can be used as evidence in sexual harassment complaints. They can contribute toward creating an offensive, intimidating, and hostile work environment. These visuals portray males and females more as sexual objects than as professionals. They also reflect the attitude of the person displaying them.

**Question:** Can an individual be sexually harassed even if the behavior is not directed to him or her?

**Answer:** If unwanted sexually harassing behavior is occurring in your work environment, it is sexual harassment even if it is not directed toward you.

**Question:** When a person wears provocative clothing, isn't he or she asking for comments?

**Answer:** Regardless of what a person wears, another person does not have the right to sexually harass them. Each individual has the responsibility to dress appropriately for the job.

## **Definitions**

**Discrimination.** Any action that unlawfully or unjustly results in unequal treatment of persons or groups based on race, color, gender, national origin, religion, and, if civilian, handicapping conditions, for which distinctions are not supported by legal or rational considerations.

**Disparaging terms.** Terms used to degrade or connote negative statements pertaining to race, color, gender, national origin, or religion. These terms include insults, printed material, visual material, signs, symbols, posters, or insignia. The use of these terms constitutes unlawful discrimination.

**Prejudice.** A negative feeling or dislike based upon a faulty and inflexible generalization (i.e., prejudging a person or group without knowledge or facts).

**Racism.** Any attitude or action of a person or institutional structure which subordinates a person or group because of race.

**Reprisal.** Taking or threatening to take an unfavorable personnel action or withholding or threatening to withhold a favorable personnel action against an individual for attempting to communicate to a supervisor, commander, inspector general, member of congress, or any established grievance channel.

**Sexism.** Attitudes and beliefs that one gender is superior to another.

**Sex discrimination.** The action taken by an individual to deprive a person of a right because of their sex. Such discrimination can occur overtly, covertly, intentionally, or unintentionally.

**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:

- Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of a person's job, pay or career, or
- Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive work environment.

The above definition emphasizes that workplace conduct, to be actionable as "abusive" 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 abusive.

◆ **Note:**

*"Workplace" is an expansive term for military members and may include conduct on- or off-duty, 24 hours a day.*

Any person in a supervisor 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. 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.

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**Here are some helpful agencies that will be able to assist you:**

**EO Advisor: DSN 767-3632; Commercial 703-617-3632**

**HQ Chaplain: DSN 767-2564; Commercial 703-617-2564**

**Inspector General: DSN 767-8070; Commercial 703-617-8070**

**Legal Assistance: DSN 767-0238; Commercial 703-0238**

**EQUAL OPPORTUNITY COMPLAINTS**

1. Procedures are established to positively respond to allegations of unfair treatment based on race, color, religion, gender, or national origin; and/or allegations of sexual harassment. Individuals are encouraged to use command channels for redress of grievances. Commanders will ensure that soldiers are aware of the procedures for obtaining redress of complaints including those against members of the chain of command. The procedures must be displayed on unit bulletin boards at all times.

2. It is the commanders/directors responsibility to ensure that complaints received are properly processed in accordance with guidelines set forth herein. It is the responsibility of the chain of command or staff agency receiving the complaint to conduct an informal inquiry into the allegations, determine if the complaint has merit and, if so, assist the commander in resolving the complaint at the lowest level.

3. Individual rights. Soldiers, family members, and Department of Army Civilians (DAC) have the right to:

- a. Present a complaint without fear of intimidation, reprisal, or harassment.
- b. Communicate with commander concerning their complaint.
- c. Receive assistance in filing a complaint.
- d. Receive training on complaint and appeals process.

4. Individual Responsibilities. Individuals have the responsibility to:

a. Try to resolve a complaint by informing the alleged offender that behavior must stop. (This may not always be plausible, depending on severity)

b. Give command the opportunity to take appropriate action to resolve the issue.

c. Submit only legitimate complaints and exercise caution against unfounded or reckless charges.

5. Entering the complaints processing system. The EO complaints processing system addresses complaints that allege unlawful discrimination or unfair treatment on the basis of race, national origin, color, sex, and/or religious affiliation, or sexual harassment. Attempts should always be made to solve complaints at the lowest possible level within an organization.

6. Informal complaint.

a. An informal complaint is any complaint that an individual does not wish to file in writing. Informal complainant's may be resolved by the individual, with the help of a unit member, commander, or someone else in the complainant's chain of command. An informal complaint is not subject to time suspense nor is it reportable. However, a memorandum of record should be prepared by whom ever worked on resolving the matter. Memorandum should include information indicating nature of complaint and identifying pertinent information to assist in the identification of the unit's command climate. Memorandums should be passed on to and maintained by unit EOR.

b. Although the processing of Equal Opportunity complaints through the chain of command is strongly encouraged, it will not serve as the only channel available. Alternate agencies exist therefore commanders/directors will not preclude anyone from using these channels (in accordance with the procedures inherent/established by these agencies) :

(a) Higher echelon in the chain of command.

(b) Equal Opportunity Advisor.

(c) Inspector General.

(d) Chaplain.

(e) Provost Marshal/Criminal Investigation Command (CID) .

(f) Medical agencies.

(g) Staff Judge Advocate.

(h) Housing Referral Office.

c. In some cases, the person or agency receiving the complaint may be able to resolve the issue while keeping confidentiality of the complainant. While confidentiality can be attempted, it will neither be guaranteed nor promised to the complainant by agencies other than the chaplain or a lawyer.

d. The actions of alternative agencies are the same for informal and formal complaints. Any alternative agency that receives an informal complaint of discrimination or sexual harassment has the obligation to talk with the complainant. The agency should find out as much information as possible concerning the complaint, and tell the complainant what role the agency has and what will be done with the individual's complaint.

## 7. Formal complaint.

a. A formal complaint is one that results from an inability to resolve an issue informally or from an act or acts that may appear to warrant an official investigation. Formal complaints require specific actions, in a timely manner, and an audit trail of the actions taken.

b. An individual files a formal complaint using a DA Form 7279-R, Equal Opportunity Complaint Form. This form will be locally reproduced on 8 1/2 by 11 inch paper.

c. Soldiers, family members, or DAC have 60 calendar days from the date of the alleged incident to file a formal complaint. This time limit is established to set reasonable parameters for the inquiry or investigation and resolution of complaints, also to insure the availability of witnesses, accurate recollection of events, and timely remedial action.

d. A complaint should be filed with the commander at the lowest echelon of command or EO advisor at which the complainant may be assured of receiving a thorough, and unbiased investigation of the allegations.

e. Actions of alternative agencies. The agencies listed in paragraph 6.b. also serve as alternative avenues available for filing any formal EO complaints. Initial actions by alternative agencies are the same for informal and formal complaints

## 8. Actions of commander upon receipt of complaint.

a. Upon receipt of a complaint, the commander will ensure that the soldier, family member, and (DAC) has sworn to the complaint.

b. An inquiry will be conducted by the commander to determine if evidence exists to warrant a full investigation. Should such evidence exist, the commander will refer the case to the battalion or brigade level commander for the appointment of an AR 15-6 investigating officer.

c. The investigating officer will provide a written report to the commander of the results of the investigation. The Equal Opportunity Office will review the findings of the investigation to ensure compliance with DOD/DA policies and objectives.

9. Timelines of action. Rapid resolution of EO complaints is in the best interest of both the person filing the complaint and of the command. After receipt of the complaint, the commander has **14 calendar days** in which to conduct an investigation or to refer the case to a higher echelon commander. If the investigation takes more than 14 days, an extension of 30 days can be granted from the next higher echelon commander. Upon receipt of an extension, the commander must inform the complainant of the extension. Any additional extensions must be approved in writing by the first general officer in the chain of command.

10. EOA assistance. A commander and any investigating officer **will** obtain the assistance of an EOA to assess the complaint and/or the process of the inquiry or investigation. An EOA's skills in complaint handling and conflict resolution and training in the subtleties of discrimination and sexual harassment enable him or her to advise the commander or any investigating officer in this complex area.

11. Feedback to the complainant. The commander will give written feedback to the complainant on DA Form 7279-R, within 14 calendar days after acknowledgment of the complaint.

12. Appeals Process. If the complainant perceives the investigation failed to reveal all relevant facts to substantiate the allegations, or that the actions taken by the command on his or her behalf were insufficient to resolve the complaint, the complainant has the right to appeal to the next higher commander in his or her chain of command.

a. The appeal must be presented within 7 calendar days following notification of the results of the investigation and acknowledgment of the actions of the command to resolve the complaint. The complainant must provide a brief statement which identifies the basis of the appeal. This will be done in writing on the DA Form 7279-R, Part IV, and returned to the commander who either conducted the investigation or appointed the investigating officer.

b. Once the commander receives the appeal, he or she has 3 calendar days to refer the appeal to the next higher commander. The commander to which the appeal is made has 14 calendar days to review the case and act on the appeal (i.e. approve it, deny it, or order an additional investigation). Not later than the 14th calendar day following receipt of the appeal, this commander shall provide written feedback to the complainant on the results of the appeal.

**13. Follow-up Assessment.** The EOA will conduct a follow-up assessment of all equal opportunity complaints, both for substantiated and unsubstantiated complaints, 30-45 days following the final decision rendered on the complaint.

**14. Disposition of Complaints.** After the complainant's case is closed, the entire complaint packet will be filed by the Equal Opportunity Office. The complaint file is then retained by EO office, using the Army Management and Record Keeping System (MARKS) guidance for maintenance and disposition of the records.