

Equal Opportunity (EO) Preamble (Military Complaint Process Only)
Joint Base Langley-Eustis Equal Opportunity Office

1. **EO Policy and Purview:** The Air Force Equal Opportunity and Treatment (EOT) program is designed to ensure that Air Force EO policy against unlawful discrimination and sexual harassment against military personnel, family members and retirees based on **race, color, national origin, religion, sex, sexual orientation and sexual harassment**. The process seeks to also eliminate **bullying and hazing harassment**.

Air Force Instruction (AFI) 36-2710, *Equal Opportunity Program*, paragraph 2.1. states “It is the policy of the United States Government, the Department of Defense, and the Air Force not to condone or tolerate unlawful discrimination or harassment of any kind. This zero-tolerance policy ensures that once unlawful discrimination or harassment is alleged, immediate and appropriate action is taken to investigate and resolve the allegations, and that unlawful behavior is stopped. Any Airman, military or civilian, who engages in unlawful discriminatory practices or harassment of any kind may face disciplinary action. Air Force equal opportunity policy compliance is a function of leadership and command. Leaders and commanders will ensure all types of unlawful discrimination or harassment are stopped, and behavior corrected as soon as possible once they are made aware.” Unlawful discrimination against military members is any unlawful action that denies equal opportunity to persons or groups based on their race, color, sex (including sexual harassment), national origin, religion, or sexual orientation. These bases are collectively referred to as a “protected class.” The right to non-discrimination on the basis of religion includes the right to reasonable accommodation of one’s religious beliefs and practices.

2. **Limited Confidentiality and Referrals:** AFI 36-2710, para 4.1.3. states, “the Installation Equal Opportunity Office does not have the privilege of confidentiality with respect to allegations of unlawful discrimination or harassment, however, all information provided will be for official use only and the privacy of individuals will be protected to the extent permitted by law, directive, instruction and policy; that disclosure of case files falls under provisions of the Freedom of Information Act and Privacy Act.” The privacy of individuals will be protected as much as possible. This implies that we must report suspected wrongdoing or criminal activity. Further, information regarding your case may be disclosed to your chain of command or others who have an official need to know for this information in executing their official duties (e.g., SJA, IG, or those conducting high-level investigations). There are times when EO must make immediate referrals to the chain of command, OSI, SFS, SARC, or IG.

In addition, if your concern does not fall within the EO purview, we will assist in referring you to an appropriate helping agency. Military members, Retirees, and Family member complaints related to off-base or off-duty employment must be referred to the appropriate agency for resolution.

3. **Timelines.** You have 60 days to file a Formal Complaint. If you choose to file a Formal Complaint and the allegation(s) are more than 60 days old, you must submit a justification

waiver routed through the EO office explaining the circumstances. The Installation Commander is the deciding official in either approving or not approving the processing of formal complaints over 60 days IAW AFI 36-2710 para 4.15.1.

4. Applicable Definitions: The EO office does not handle sexual assault issues; however, we are required to explain both sexual harassment and sexual assault definitions to you. If you believe you will disclose information related to a sexual assault, or if you are not sure whether it is related to sexual assault, I must refer you to the installation SARC in order to protect your rights to explore your options for restricted confidential reporting of sexual assault. The SARC can provide assistance without prompting an investigation if you meet the criteria for making a restricted report. If the SARC determines that your issue is not related to sexual assault, the SARC may refer you back to the EO office for continued assistance within the EO purview. **Be advised if you disclose you are the victim of sexual assault during this interview, I must refer your complaint to OSI or SF for an investigation. Therefore, if you are a sexual assault victim and you want to explore the possibility of making a restricted report, you must speak with the SARC.**

a. Sexual Assault defined (AFI 90-6001): Intentional sexual contact characterized by use of force, threats, intimidation, or abuse of authority, or when the victim does not or cannot consent. The term includes a broad category of sexual offenses consisting of the following specific Uniform Code of Military Justice (UCMJ) offenses: rape, sexual assault, aggravated sexual contact, abusive sexual contact, forcible sodomy (forced oral or anal sex), or attempts to commit any of these acts. **If you feel your concern is related to sexual assault, STOP and inform the EO Specialist! If your concern is not related to sexual assault, please continue.**

b. Sexual Harassment defined (AFI 36-2710): involves unwelcome sexual advances, requests for sexual favors, and deliberate or repeated offensive comments or gestures of a sexual nature when: (1) Submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career; (2) Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person; or (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive environment; **and** is so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the environment as hostile or offensive. Use or condonation, by any person in a supervisory or command position, of any form of sexual behavior to control, influence, or affect the career, pay, or job of a member of the Armed Forces is prohibited. Any deliberate or repeated unwelcome verbal comments or gestures of a sexual nature by any member of the Armed Forces or civilian employee of the Department of Defense is prohibited. There is no requirement for concrete psychological harm to the complainant for behavior to constitute sexual harassment. Behavior is sufficient to constitute sexual harassment if it is so severe or pervasive that a reasonable person would perceive, and the complainant does perceive, the environment as hostile or

offensive. Sexual harassment can occur through electronic communications, including social media, other forms of communication, and in person.

Do you fully understand the difference between sexual harassment and sexual assault?

Yes _____

No _____

c. Unlawful Discrimination defined: Any unlawful action that denies equal opportunity to persons or groups based on their race, color, sex, national origin, religion, or sexual orientation.

d. Institutional Discrimination defined: As used in the military equal opportunity program, the action by an institution (or system), through the implementation of policies and procedures that deprive a person or group of a right because of race, color, national origin, religion, sex, or sexual orientation. Such discrimination may occur covertly, overtly, intentionally, or unintentionally.

e. Harassment defined: For the purposes of this instruction, harassment is defined pursuant to DoDI 1020.03 behavior that is unwelcome or offensive to a reasonable person, whether oral, written, or physical, that creates an intimidating, hostile, or offensive environment. Harassment can occur through electronic communications, including social media, other forms of communication, and in person. Harassment may include offensive jokes, epithets, ridicule or mockery, insults or put-downs, displays of offensive objects or imagery, stereotyping, intimidating acts, veiled threats of violence, threatening or provoking remarks, racial or other slurs, derogatory remarks about a person's accent, or displays of racially offensive symbols. Activities or actions undertaken for a proper military or governmental purpose, such as combat survival training, are not considered harassment. Unlawful harassment includes creating an intimidating, hostile working environment for another person on the basis of a protected class. The use of disparaging terms with respect to a person's protected class contributes to a hostile working environment and will not be tolerated.

f. Bullying defined: For the purposes of this instruction, while not a form of unlawful harassment under equal opportunity law, bullying as defined by DoDI 1020.03 is also a prohibited form of conduct. Bullying includes acts of aggression by Service members or DoD civilian employees, with a nexus to military service, with the intent of harming a Service member either physically or psychologically, without a proper military or other governmental purpose. Bullying may involve the singling out of an individual from his or her coworkers, or unit, for ridicule because he or she is considered different or weak. It often involves an imbalance of power between the aggressor and the victim. Bullying can be conducted through the use of electronic devices or communications, and by other means including social media, as well as in person.

g. **Hazing defined:** For the purposes of this instruction, hazing is defined pursuant to DoDI 1020.03. Hazing includes conduct which physically or psychologically injures or creates a risk of injury without a proper military or governmental purpose for the initiation into, admission into, affiliation with, change in status or position within, or a condition for continued membership in any military or DoD civilian organization.

5. Have you tried to resolve this situation through your chain of command?

Yes _____ No _____ If yes, with whom and when: _____

6. Have you spoken to anyone else or to another agency about this situation?

Yes _____ No _____ If yes, with whom and when: _____

7. REQUIRED INFORMATION FOR EO ASSISTANCE:

Name:	Date:
Unit/Squadron:	Grade:
AFSC:	Hispanic: Yes/No
Race:	Gender/Sex:
Duty Phone:	Home Phone:
Supervisor's name/grade:	DoD Identification Number:
Date of Incident:	On Duty/Off Duty
Protected category (race, color, religion, national origin, sex, bullying, hazing):	
Nature of allegation (crude/offensive behavior, unwanted sexual attention, sexual coercion, other):	
<i>Circle all applicable</i>	
Area of concern: 1) CC; 2) Supervisor; 3) Individual/co-worker; 4) Military subordinate; 5) Military person of higher rank, not in chain of command; 6) person in local community; 7) DoD/Civilian Employee GS 1-12; 8) DoD/Civilian Employee GS 13-15; 9) DoD Civilian Employee SES; 10) Civilian Contractor; 11) AF/DoD Policy; 12) Other (please specify)	
<i>Circle all applicable</i>	
Relationship of alleged offender to complainant: 1) Military co-worker; 2) In chain of command; 3) Military person of higher rank, not in the chain of command; 4) Military subordinate; 5) Other military person(s); 6) Person in local community; 7) DoD Civilian Employee supervisor/co-worker/subordinate; 8) Civilian Contractor co-worker; 9) Other (please specify)	

8. Please list your allegations/concerns (who, what, when, where, why, how)

Please continue on separate page if needed

9. ALLEGED OFFENDER INFORMATION:

Name:	Unit:
Duty Phone:	Race:
Gender:	Ethnic Group:
Grade:	AFSC:
Confronted AO? Yes / No	If yes, what happened?

Name:	Unit:
Duty Phone:	Race:
Gender:	Ethnic Group:
Grade:	AFSC:
Confronted AO? Yes / No	If yes, what happened?

10. WITNESS INFORMATION:

Do you have any direct witnesses to support your allegation? Yes _____ No _____

Name:	Unit:
Duty Phone:	Gender:
Race:	Ethnic Group:
Grade:	Specific Knowledge of Complaint/What is expected to be known:

Name:	Unit:
Duty Phone:	Gender:
Race:	Ethnic Group:
Grade:	Specific Knowledge of Complaint/What is expected to be known:

11. Do you have any documentation to support your allegation? Yes _____ No _____

If yes, please list document(s) you will provide:

12. **COMPLAINT OPTIONS:** If your concerns fall within the EO purview, you have two options available:

a. **INFORMAL**: This option attempts to resolve issues at the lowest level. There is no time limit in filing Informal Complaints from when the allegation(s) occurred or when you first learned of the allegations. To resolve complaints informally, you may:

i. Use the chain of command (e.g., request assistance from their supervisor, first sergeant or commander) to informally resolve unlawful discrimination complaints.

** Only the Commander is an option for Sexual Harassment complaints

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

iii. Request intervention by a co-worker.

iv. Opt for the Alternative Dispute Resolution process (facilitation) to mutually resolve disputes (reference AFI 36-2710, Chapter 4).

The EO Specialist will follow up with you every five calendar days during the Informal Complaint process until closure.

b. **FORMAL**: This option allows the EO office to conduct a complaint clarification. There is a 60 day time limit in filing a Formal Complaint from when the allegation(s) occurred or when you first learned of the allegations. The purpose of the clarification is to gather the facts of the matter and determine whether the allegations are supported by a preponderance of credible evidence. The EO office will keep you informed of the status at every five calendar days. Formal complaints may only be withdrawn in writing with the approval of the EO Director. You have the option to elect the use of facilitation to resolve concerns at any stage of the formal process prior to the completion of the clarification report. Formal complaint timelines are as follows:

Unlawful Discrimination: (20 Calendar Days Total)	Sexual Harassment: (14 Calendar Days Total)
EO Office: 9 calendar days to conduct clarification	EO Office: 6 calendar days to conduct clarification
SJA: 6 calendar days to conduct a legal review	SJA: 4 calendar days to conduct a legal review
CC: 5 calendar days to outline intended actions	CC: 4 calendar days to outline intended actions
<ul style="list-style-type: none"> • Extensions may be granted by the EO Director in five day increments if necessary by the requesting office. • Sexual harassment investigations will also include GCMCA reporting IAW Title 10, U.S. Code Section 1561 & AFI 36-2710 	

Upon completion of either clarification, we will ask you to return for an out-brief on the outcome of the complaint. You will receive the following information:

- a. The findings of your allegations (i.e., substantiated or unsubstantiated; NOT the corrective/disciplinary actions taken by CC)
- b. The appeal process
- c. Referral to the IG if you have experienced reprisal or retaliation
- d. (Formal Complaints only) Your satisfaction or dissatisfaction with the complaint process.
- e. The EO office will conduct a final follow-up within **14 calendar days** of the first out-brief.

Complainant Election: Informal Complaint _____ Formal Complaint _____

*Request Commander informal resolution (allegations of sexual harassment only) _____

I **DO NOT** want to file a complaint at this time _____

13. **APPEALS:** Appeal processes are available for both informal and formal complaint processes. The sole mechanism for appealing the disposition of an informal complaint is to file a formal complaint. The complainant of an unsubstantiated formal complaint and the offender (s) of a substantiated formal complaint may appeal the findings respectively. There are no formal complaint appeal channels available for dependents or retirees beyond a formal complaint. The IC, MAJCOM/CV, and SAF/MRB are authorized to decide appeals. Complainants and offenders must submit appeals through the EO office within 30 calendar days after the out-brief/notification on the results of the complaint.

14. **REPRISAL & FOIA/PRIVACY ACT:** Complainants will be directed to report to the IG any form of reprisal for contacting the EO office or for filing a complaint. Disclosure of case file information falls under the FOIA and Privacy Act guidelines.

Interviewee Printed Name

EO Specialist Printed Name

Interviewee Signature

EO Specialist Signature

Date

Date