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S/S By 30 April 86 with ch 4

Army Regulation 600-21

Personnel—General

Equal Opportunity Program in the Army

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Headquarters
Department of the Army
Washington, DC
30 April 1985

What is this?

You have just opened a new type of UPDATE publication.

In the future all administrative regulations and some DA pamphlets will be converted from the standard, two-column looseleaf format to the three-column UPDATE format.

Some UPDATE publications will be published separately like this one, while others will be organized as functional handbooks -- like the Unit Supply UPDATE handbook already in use in supply rooms throughout the Army. In all instances, users will not be required to post changes. They will always receive a fresh, up-to-date "posted" copy to make their jobs easier. Use of modern, computerized typography in UPDATE publishing gives the Army the ability to do this along with the potential for tremendous cost savings by freeing units from the time-consuming task of maintaining looseleaf publications.

In addition to a new format, UPDATE publications include some unique features as follows:

- o Summary of Change. Every UPDATE issue contains a Summary of Change. In the first printing of a book, the summary outlines the major topics covered by the publication. In subsequent printings, the summary outlines the major changes that have been made to the publication. Look for this summary in the front of every issue. It should help you "zero in" on areas that need your immediate attention.

- o Subscription Card. Look for the subscription card -- it is extremely important. You should use it to let your publications clerk know exactly how many copies of this UPDATE publication your unit needs. It is a two-part card -- you must complete part one and route it to your publications clerk. The publications clerk must then complete part two by consolidating your unit's total requirements. If you return your subscription card right away, you will receive the quantity you request of the next updated issue.

The Editors

SUMMARY of CHANGE

AR 600-21

Equal Opportunity Program in the Army

This Change 1 updates AR 600-21 by substituting the term "gender" for "sex" and the term "equal opportunity representative" for "unit discussion leader" when referring to individuals performing part-time equal opportunity (OE) duties at battalion and company level. It provides more information concerning the processing of EC complaints (para 2-6); changes chapter 4 to reflect the change in duration of the EO Staff Course at the Defense Equal Opportunity Institute from 3 weeks to 2 weeks; and adds chapter 5, which provides detailed information concerning EC Special/Ethnic Observances.

UPDATE Change Highlighting

The two techniques shown below are used to help readers identify new changes in administrative publications.

UPDATE Cancel and Underscore Technique

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| <p>1.</p> <p>Text as it appeared in the last UPDATE issue:</p> <p>The quick brown fox jumped over the lazy dog.</p> | <p>2.</p> <p><i>Change</i> text as it appears in this UPDATE issue:</p> <p>The quick brown <u>gray</u> fox jumped over <u>on</u> the lazy dog.</p> | <p>3.</p> <p><i>Fresh</i> text as it will appear in the next UPDATE issue:</p> <p>The quick gray fox jumped on the lazy dog.</p> |
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UPDATE Tint Technique

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| <p>1.</p> <p>Text as it appeared in the last UPDATE issue:</p> | <p>2.</p> <p><i>Restructured change</i> text as it appears in this UPDATE issue:</p> | <p>3.</p> <p><i>Fresh</i> text as it will appear in the next UPDATE issue:</p> |
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Chapter 4 Hours of Duty

Section I General

4-1. Authority

Managers of activities employing NAFI personnel are authorized to establish and change the tours of duty of such employees in accordance with this regulation.

4-2. Explanation of terms

a. *Administrative Workweek.* A period of 7 consecutive calendar days designated in advance by the appropriate official.

b. *Basic workweek.* The days and hours within the administrative workweek for a full-time or for a part-time employee during which an employee is expected to be on duty. These hours may be scheduled as regular, irregular, or rotating tours of duty.

c. *Full-time tour of duty.* A basic weekly tour consisting of 40 hours of duty each week.

Chapter 4 Alcoholic Beverages

Section I Introduction

4-1. General

This chapter prescribes policies and procedures for the use, control, and sale of alcoholic beverages Army-wide.

4-2. Authority

Policies and procedures in this chapter are developed under the following authority:

a. Section 6, 1951 Amendments to the Universal Military Training and Service Act (65 Stat. 88, 50 USC, App. 473) and DOD Directive 1015.3-R concerning the use, control, and sale of alcoholic beverages on Army installations within the United States (which includes the District of Columbia) and Puerto Rico.

b. International treaties and agreements as they pertain to alcoholic beverages overseas.

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Supersession Notice: This UPDATE publication supersedes the standard format bound edition of AR 600 21 dated 1 January 1984.

Distribution: Distribution of this issue has been made in accordance with DA Form 12-9A requirements for 600- series publications. The number of copies distributed to a given subscriber is the number of copies requested in Block 382 of the subscriber's DA Form 12-9A. AR 600 21 distribution is A for Active Army, ARNG and USAR.

Subscription Information: Valid account holders must use the enclosed subscription card to either increase or decrease the present quantity received of this publication. Complete the subscription card as shown in the instructions below. Mail it as soon as possible to ensure that you receive the correct number of copies you need when this publication is reprinted.

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Editorial Comments: This UPDATE publication contains editorial comments that are not in the original standard version. These comments were inserted when there was a need to clarify the placement of an element of text (for example, the location of a table). These comments are set in bold italic type and enclosed in parentheses.

Placement of Tables, Figures, Appendixes, and "R" Forms:

- Full-page tables, figures, and appendixes (in that order) in UPDATE publications are located after the last chapter of the publication. Less than full-page tables and figures will be placed nearest the first cited reference in the publication.

- All reproducible forms (R forms) included in UPDATE publications are located at the back of these publications and are in numerical sequence, beginning with DA Forms.

A Special Note About Forms and Local Reproduction: Forms are one of the Army's basic work tools. As the successful use of forms is closely related to the effective and efficient handling of personnel actions, the following general information about locally reproducible forms may be helpful to you:

- DA locally reproducible forms are designated with the suffix "R" as in DA Form XXXX-R.

- The authority for local reproduction of DD Forms and their use is given in the directive.

- Sources for forms not authorized for local reproduction i.e., stocked forms, are the AG publications centers or as stated in the authorizing directive. Since these forms may NOT be reproduced locally, they must be requisitioned.

- The copies of "R" forms at the back of publications printed in UPDATE are for your use in making local reproduction. Have them printed through your Forms Management Officer (FMO). In accordance with AR 310-1, paragraphs 4-26 and 4-25, the FMO may authorize the reproduction of a form in a

modified format more convenient to local users. Those provisions permit back-to-back printing, carbon sets, and continuous construction for word processing use.

- AR 310-1, paragraph 4-28, also authorizes overprinting of locally fixed processing information. The idea behind this authorization to overprint is to reduce the amount of time a typist has to spend repeating local standardized requirements.

- The rules for procuring printing differs from place to place; therefore, your FMO may not be able to approve the printing. In such a case the decision to overprint, or not to overprint, locally required information would be made at the lowest level where printing decisions are made.

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<p>PART 2 FOR COMPLETION BY UNIT PUBLICATION CLERK Use one of these cards to transcribe all section requirements into one unit subject or on them immediately.</p> <table border="1"> <tr> <th colspan="5">PUBLICATION ACCOUNT NO.</th> </tr> <tr> <td>Block</td> <td>Letter</td> <td>Digit</td> <td>Digit</td> <td>Digit</td> </tr> <tr> <td>12 14</td> <td>0000</td> <td></td> <td></td> <td></td> </tr> </table> <p>Publications Clerk These blocks MUST be filled in</p>		PUBLICATION ACCOUNT NO.					Block	Letter	Digit	Digit	Digit	12 14	0000			
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Effective 1 February 1984

Personnel—General

Equal Opportunity Program in the Army

The original form of this regulation was first published on 1 January 1984

This UPDATE publishes a new Change 3, which is effective 30 April 1985.

By Order of the Secretary of the Army:

JOHN A. WICKHAM, JR.
General United States Army
Chief of Staff

Official:

DONALD J. DELANDRO
Brigadier General, United States Army
The Adjutant General

Summary. This revised regulation on the Army Equal Opportunity (EO) Program—

- a. Includes policy on sexual harassment.
- b. Changes the title of the EO staff officer and noncommissioned officer to EO adviser (EOA).
- c. Describes typical EOA duties.
- d. Modifies requirements for selection and training as EOAs.
- e. More explicitly defines the role of the unit discussion leader.
- f. Clarifies affirmative action plan procedures.
- g. Expands guidance concerning imposition of off-limit sanctions.

Applicability. This regulation applies to the Active Army, and the U.S. Army Reserve. It also applies to U.S. Army elements and agencies worldwide; civilian supervisors of military personnel; members and units of

the Army National Guard when called to Active Federal Service; and members and units of the US Army Reserve when serving on active duty, active duty for training, annual training, or inactive duty training status. It applies to all proponent agencies of administrative publications.

Impact on New Manning System. This regulation does not contain information that affects the New Manning System.

Supplementation. Supplementation of this regulation at major Army command level is permitted, but is not required. A draft copy of each supplement must be provided to HQDA (~~DAPE-HRR~~), (~~DAPE-HRI-E~~), WASH DC 20310-0300, for approval before publication.

Interim changes. Interim changes to this regulation are not official unless they are authenticated by The Adjutant General. Users will destroy interim changes on their expiration dates unless sooner superseded or rescinded.

Suggested improvements. The proponent agency of this regulation is the Office of the Deputy Chief of Staff for Personnel. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to HQDA (~~DAPE-HRR~~), (~~DAPE-HRI-E~~), WASH DC 20310-0300.

Distribution: To be distributed in accordance with DA Form 12-9A requirements for AR, Personnel General: Active Army, ARNG, USAR—A.

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Glossary

*This regulation supersedes AR 600-21, 20 June 1977; DA Pam 600-16, 20 June 1977; and DA Pam 600-42, 1 March 1977.

RESERVED

Chapter 1 General

1-1. Purpose

a. This regulation establishes the Department of the Army (DA) Equal Opportunity (EO) Program. The objective of the EO Program is to formulate, direct, and sustain a comprehensive effort that ensures fair treatment of all soldiers based solely on merit, fitness, capability, and potential, which supports readiness. Specifically, this effort is designed to—

(1) Provide EO for military personnel and their family members both on and off-post.

(2) Contribute to mission accomplishment, cohesion, and readiness.

b. This regulation does not implement the provisions of either the Age Discrimination in Employment Act of 1967 (sections 630 thru 634, title 29, United States Code) or Title VII of the Civil Rights Act of 1964 (section 2000e, title 42, United States Code).

1-2. References

Related publications are listed in appendix A.

1-3. Explanations of abbreviations and terms

Abbreviations and special terms used in this regulation are explained in the glossary.

1-4. Responsibilities

a. Heads of Army Staff agencies and their field operating agencies. These persons will—

(1) Be responsible for Army-wide policies and plans pertaining to the Army EO Program.

(2) Be responsible for overall evaluation and assessment of the Army EO Program.

(3) Formulate, maintain, and implement the Headquarters, Department of the Army (HQDA) Affirmative Action Plan (AAP).

(4) Establish selection criteria for Army personnel attendance at the Defense Equal Opportunity Management Institute (DEOMI).

(5) Allocate quotas among the Active Army, Army National Guard (ARNG), and U.S. Army Reserve (USAR) for training at DEOMI.

b. Chief, National Guard Bureau (CNGB) and Chief, U.S. Army Reserve (CAR). The CNGB and CAR will—

(1) Monitor and evaluate implementation of EO policies and programs in their respective components.

(2) Establish sufficient staff positions in their respective offices and make sufficient resources available to adequately carry out EO Program requirements.

(3) Select Army Reserve Component (RC) personnel to attend the DEOMI.

(4) Develop management information and reporting requirements to determine progress toward affirmative action goals.

(5) Establish EO training consistent with HQDA policy and command needs.

c. Commanding General, U.S. Army Forces Command (CG, FORSCOM). The CG, FORSCOM will—

(1) Supervise and evaluate the unit EO training program conducted by USAR troop program units.

(2) Coordinate with the Office of the Chief, Army Reserve (OCAR) in conducting EO seminars for U.S. Army Reserve (USAR) general officers on a continuing basis.

(3) Establish adequate compliance monitoring procedures to assure the attainment of program objectives for the USAR.

d. Commanding General, U.S. Army Training and Doctrine Command (CG, TRADOC). The CG, TRADOC will—

(1) Develop EO doctrine.

(2) Develop EO instruction and associated training materials for use in the training base and throughout the Army.

(3) Maintain liaison with DEOMI in developing training doctrine and materials.

(4) Conduct required EO education and training in TRADOC service schools and training centers.

(5) Provide assistance and instructional materials to service schools not under the jurisdiction of TRADOC. These service schools include the Judge Advocate General School, U.S. Army Health Services Command school, and the U.S. Army War College.

(6) Monitor the instruction presented by DEOMI and evaluate how well the DEOMI meets Army requirements including service-specific instruction.

(7) Develop and provide Army-unique EO instruction through correspondence courses available to all Army personnel.

e. Commanders of major Army commands (MACOMs). These commanders will—

(1) Monitor execution of the EO program in all commands, installations, agencies, and activities under their jurisdiction.

(2) Establish EO training consistent with HQDA policy and command needs.

(3) Provide support, as appropriate, for EO matters in host and tenant agreements developed according to AR 5-8, paragraph 5c.

(4) Ensure that EO programs for military personnel and EEO programs for civilian personnel complement each other.

(5) Provide personnel, funding, and other resources to carry out the EO Program.

f. Commanding General, U.S. Army Military Personnel Center (CG, MILPERCEN). The CG, MILPERCEN will—

(1) Develop statistical data concerning race and gender for personnel management purposes when required by HQDA.

(2) Select personnel, in coordination with HQDA (DAPE-HRR), (DAPE-HRL-E), to attend DEOMI.

(3) Control DEOMI student quotas (military and civilian) for the Army.

(4) Distribute Active Army personnel who are EOAs based upon command authorizations.

g. Commanders at all levels. The commanders are EO officers and, as such, are assisted by EO advisers and other members of the staff who can advise on EO matters in their areas of responsibility. These commanders will—

(1) Develop and implement EO programs for their organizations.

(2) Identify discriminatory practices affecting soldiers and their families and initiate corrective actions to include followup.

(3) Promote EO and interpersonal harmony for all military personnel, their family members, and civilian employees.

(4) Conduct EO training on a continuing basis for commanders, and for civilian and military staff personnel that is consistent with requirements established by HQDA, the MACOM, and this regulation.

(5) Monitor and assess the execution of EO programs and policies at all levels within their areas of responsibility.

(6) Ensure prompt followup and appropriate action to resolve allegations of discrimination by soldiers or their family members.

(7) Ensure involvement of public affairs personnel at every level of command in planning, executing, and monitoring equal opportunity programs.

Chapter 2 Policy

2-1. General

a. The policy of the United States Army is to provide equal opportunity and treatment for uniformed members and their families irrespective of race, color, religion, sex, gender, or national origin and to provide an environment free of sexual harassment. This policy—

(1) Applies both on and off post.

(2) Extends to soldiers and their families.

(3) Applies to soldiers' working, living, and recreation environments (including both on- and off-post housing).

b. Soldiers will not be accessed, classified, trained, assigned, promoted, or be otherwise managed on the basis of race, color, religion, sex, gender, or national origin except—

(1) As the direct combat probability coding policy applies to women. (See AR 611-101, AR 611-112, and AR 611-201.)

(2) As necessary to support established affirmative actions goals.

c. Nothing in this regulation will be interpreted to limit the prerogatives of the Chief of Chaplains to carry out responsibilities in AR 10-5, paragraph 2-35a.

2-2. Sexual harassment

Sexual harassment is an unwelcome form of sex discrimination. It is not limited to the work environment and can occur at almost any place. Sexual harassment violates acceptable standards of integrity and impartiality required of all Army personnel and interferes with mission accomplishment and unit cohesion. Many of the acts and neglects

that constitute sexual harassment are prohibited and punishable under civil and military law as criminal acts of a sexual nature, and should be treated as such. Any military member or civilian employee is engaging in sexual harassment who—

a. Through behavior of a sexual nature attempts to control, influence, or affect the career, pay, or job of a military member or civilian employee.

b. Makes deliberate or repeated verbal comments or gestures of a sexual nature that are offensive to the person to whom addressed.

c. Makes abusive physical contact of a sexual nature.

2-3. Chain of command

The chain of command, whether military or civilian, is the primary channel for correcting discriminatory practices and for communications on EO matters.

2-4. Staffing

a. Minimum staffing requirements.

(1) Staff personnel with EO as a primary duty will be assigned to assist commanders at installations, organizations, and agencies down to and including brigade-level and equivalent commands. Assignment as an EOA will not be a collateral or part-time duty at brigade-level or higher commands. Personnel may be assigned additional duty in EO at battalion-level and lower. Primary duty positions are specified in applicable manning documents. Minimum grades for EO advisers are—

(+)a) Officer: Captain (O3).

(+)b) Enlisted: Sergeant First Class/Pia-
toon Sergeant (E7).

(2) One full-time enlisted EOA will be available to each brigade-level or equivalent commander, and one full-time officer EOA will be available to each division-level or equivalent commander. Staffing at higher levels (corps, MACOM) will be commensurate with EO program management requirements. Staffing should, as a minimum, provide a sergeant major and either a lieutenant colonel or major at each large MACOM such as U.S. Army, Europe and Seventh Army; FORSCOM; and TRADOC. There will be at least one officer and one enlisted EO position authorized at each large installation and for each level of command above division or equivalent. Installations will have at least one enlisted EO position authorized unless covered by one of the above criteria. Civilian substitutions for these minimum staffing requirements are not authorized. Any staffing authorized beyond these minimum requirements may be either military or civilian.

b. *Command and staff relationship.* The principal EOA will have direct access to the commander at all times. So long as the above condition is met, where the EO office is placed within the organization is a matter of local command discretion or other applicable directives.

c. *The EO Program and the Equal Employment Opportunity (EEO) Program relationship.* The EO program for military personnel and the EEO program for civilian personnel are separate and distinct. EOAs will not supervise EEO personnel, nor will EEO personnel supervise EOAs. However, integrating EO/EEO training, seminars, discussions, and shared use of training materials and facilities is encouraged when doing so promotes understanding, efficiency, economy, and the common interests of both programs. Staff personnel assigned to positions having EO as a primary duty will not be assigned further duties in other human development functions such as drug and alcohol abuse, Army Community Services, chaplains' programs, CHAMPUS, or weight control.

d. *Roles and duties of EOAs.* The actual duties of EOAs and relative emphasis on each duty will vary according to type of unit or level of command, and unit composition and location. Typical roles and duties of EOAs are as follows:

(1) Understands and articulates Department of Defense (DOD) and Army policies concerning equal opportunity as stated in this regulation.

(2) Recognizes and assesses indicators of institutional and individual discrimination in organizations.

(3) Recognizes sexual harassment in both overt and subtle forms.

(4) Recommends remedies appropriate to reduce or prevent discrimination and sexual harassment.

(5) Collects, organizes, and interprets demographic data concerning all aspects of EO climate assessment.

(6) Assists commanders in the development of realistic affirmative action plans, and to monitor progress of plans.

(7) Trains unit discussion leaders (UDLs) equal opportunity representatives (EORs) to conduct classes, discussions, and seminars at the unit level.

(8) Conducts training sessions pertaining to equal opportunity, discrimination, and prevention of sexual harassment.

(9) Plans and conducts executive seminars on affirmative action plans, equal opportunity, discrimination, and prevention of sexual harassment.

(10) Receives and acts upon individual complaints.

(11) Assists in the planning and conduct of ethnic observances. (See chap 5.)

2-5. Off-post activities, on-post activities, and off-limits actions

a. *Off-post activities.* Title II of the Civil Rights Act of 1964 addresses the practice of discrimination and segregation in public accommodations. This includes privately owned establishments such as hotels, restaurants, gasoline stations, theaters, and places of entertainment. The commander concerned will ensure that the facts surrounding allegations of discriminatory practices are fully developed. The commander will also ensure that individuals and organizations

alleged to practice such discrimination are given a full and fair opportunity to challenge the particular allegations. If all reasonable efforts and alternatives fail to eliminate off-post discriminatory practices in public accommodations, commanders are authorized to place the facilities off-limits. (See AR 190-24, para 2-7.) Military personnel outside the United States are not protected under Title II of the Civil Rights Act of 1964 while off-post. Nonetheless, the commander concerned will take whatever actions are available and appropriate to attempt to eliminate discriminatory practices in public accommodations outside the United States that affect members of his or her command and their families. Commanders will promote awareness of the laws of the nation that pertain to this issue. All cases of discrimination and resultant action by commanders, which result in the imposition of off-limits sanctions, will be reported to the HQDA (~~DAPE-HRR~~); (~~DAPE-HRL-E~~), WASH DC 20310-0300.

b. *Off-limits sanctions.* Off-limits sanctions may be appropriate for establishments that falsely claim to be private clubs, fraternal or otherwise, and public accommodations with discriminatory policies and practices. If discriminatory practices off-post are found to be directed at selected members of a command and if all efforts at conciliation prove unsuccessful, off-limits sanctions will be considered in accordance with AR 190-24.

c. *Off-limits sanctions and private establishments.* A commander ordinarily may not apply off-limits sanctions to a bona fide private establishment, club, activity, or organization. However, such an entity may be placed off-limits if all the following conditions are met:

(1) It is open to service members in general, or to service members who meet specific objective criteria (such as E5 and above), but segregates or discriminates against other service members on the basis of race, color, religion, ~~sex~~ gender, or national origin when they otherwise meet the general or specific criteria.

(2) It is not primarily political or religious in nature.

(3) The commander, in consultation with the Inspector General, Staff Judge Advocate, and the EOA, determines that the available facts support the allegations of unlawful discrimination after affording the management of the establishment, club, activity, or organization a full and fair opportunity to challenge or refute allegations.

(4) Reasonable efforts by the commander to bring about voluntary termination of the discriminatory practices are unsuccessful.

(5) The commander determines that continued discrimination by the establishment, club, activity, or organization will undermine the morale, discipline, or loyalty of service members in the command.

d. *On-post activities.* All on-post facilities and official activities must be open, as appropriate, to all DOD personnel and family members irrespective of race, color, religion,

sex, gender, or national origin. Installation commanders have the responsibility for ensuring that an organization taking advantage of or using on-post facilities (whether on a reimbursable basis or otherwise) does not engage in unlawful discriminatory practices. It is not enough to depend solely on the published by-laws or the constitution of the organization. The commander must assess the organization's actual membership practices and its effect upon the command. In cases where questionable practices exist or allegations of discrimination are made, the burden of proof rests with organization members. The organization must convince the commander that it does not engage in de facto discrimination. Failure to substantiate absence of discriminatory practices will result in denial of use of on-post facilities.

2-6. Procedures for processing complaints

a. Individuals will be encouraged to use command channels for redress of grievances. Commanders will ensure that members are fully aware of procedures for obtaining redress of complaints including those against members of the chain of command. These procedures will be in writing and will be displayed at all times where all unit members have access to them.

b. Individuals may present such complaints to the chain of command, inspectors general, or equal opportunity advisers. How and by whom the complaint is formally processed is a command responsibility. 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 appropriate level.

c. If, upon completion of an informal inquiry by the commander or agency receiving the complaint, the facts indicate that a formal investigation is warranted, a recommendation will be made to the commander having the authority to direct such an investigation. Those commanders will then review the facts presented and if they determine that a formal investigation is appropriate they will cause the appointment of a disinterested officer under the provisions of AR 15-6, the Uniform Code of Military Justice, or other applicable authority to conduct the investigation. It may be inappropriate for equal opportunity advisers or their immediate supervisors who conduct the informal inquiry to formally investigate that same complaint within an organization.

2-7. Housing complaints

Complaints of discrimination involving unequal treatment because of race, color, religion, sex, gender, or national origin will be forwarded to the local housing referral office for processing. (See AR 210-51.)

2-8. Evaluation report entries

When evaluating personnel, rating officials will consider the extent and effectiveness of

leadership and support in EO and EEO matters according to this regulation. (See AR 623-105, para 4-13; AR 623-205, para 6-5; and DA Pam 690-25 for reporting procedures.)

2-9. Civilian schooling

Army personnel pursuing an education program at an institution that unlawfully discriminates in the admission or subsequent treatment of students will not be financially assisted from appropriated fund resources. Exceptions to this policy will be considered when the applicant has previously attended the institution in question and will suffer personal hardship through loss of earned credits if a transfer is required. Requests for exception will be sent to HQDA(DAAG-ED), WASH DC 20310.

2-10. Legal assistance

Within the framework of the legal assistance program, legal officers may be provided so that members of the Armed Forces who are denied federally protected rights are accorded due process of law. If the civil rights of members of the Armed Forces seem endangered and an appearance in court or other legal action beyond the authority of the legal assistance officer is required, the matter will be reported to The Judge Advocate General (HQDA(DAJA-LT), WASH DC 20310) for possible referral to the Department of Justice. (See AR 27-40.)

2-11. Affirmative actions

Affirmative actions will be comprised of planned, achievable steps to eliminate practices that deny equal opportunity to soldiers and their families. These steps are as follows:

a. AAPs will be developed and implemented by heads of Army Staff agencies and their field operating agencies and by each MACOM, installation, separate unit, agency, and activity down to and including brigade or equivalent level. Plans will include conditions requiring affirmative action, remedial action steps (with goals and milestones as necessary), and a description of the end-condition sought for each condition included. AAPs will be reviewed at least annually to assess the effectiveness of action steps, to initiate new actions, and to sustain goals already achieved. Subjects for affirmative action plans will be as prescribed by this headquarters plus those deemed necessary by the responsible commander.

b. Each commander required to develop an AAP will provide a copy to the next higher commander.

c. Commanders of battalions and lower level units are not required to have AAPs.

2-12. Training

a. Minimum DA criteria for local unit training programs are as follows:

(1) Members of the chain of command (including supervisors) will participate in unit EO sessions as discussion leaders or as

resource persons for answering questions concerning policies and practices. At company and battery-level, a representative of the leadership structure (such as platoon sergeant) will normally be the unit discussion leader.

(2) The commander will incorporate EO training into the overall training plan for the unit. Unit training will focus on the following:

(a) Army policies on EO, affirmative actions, and sexual harassment.

(b) Objectives of the Army EO program.

(c) Objectives of affirmative actions.

(d) Behavioral characteristics and other indicators of EO problems.

(e) The impact of individual and institutional discrimination on mission accomplishment.

(f) Identifying and countering sexual harassment.

(g) Legal consequences applicable to individuals participating in acts of sexual harassment.

(h) Individual responsibilities concerning equal opportunity and prevention of sexual harassment.

(i) The importance of honest and open interpersonal communications in promoting a healthy equal opportunity climate.

(3) UDLEORs are unit members trained to assist commanders to carry out the EO program within units. Commanders authorized EOAs will see that each unit (company and battery-level) has a UDLEAN EOR. EOAs who are graduates of the Defense Equal Opportunity Management Institute 16-week course will train UDLEORs structuring the training to meet local conditions. Instruction in other subject areas related to or supportive of EO objectives may be provided by personnel from other agencies or program areas.

b. EO courses will be conducted through—

(1) Formal training in Army training centers, Army service schools, reserve officer training courses, USAR School, Army area schools, and individual units.

(2) Special training of Army leaders and managers.

(3) Unit training sessions that stimulate lateral and vertical communications on EO matters.

c. Education and training by target group covers the following:

(1) *Enlisted skill level 1*. Formal training on EO subjects will be conducted during initial entry training and will include—

(a) Army policies on EO and affirmative actions.

(b) An awareness of racial, cultural, and gender-related differences and attitudes as they relate to Army missions and activities.

(c) Complaint procedures according to this regulation, and AR 20-1, AR 210-51, and AR 600-20.

(d) Legal and career consequences for those who do not comply with EO policies.

(e) Identifying and countering sexual harassment.

(2) *Enlisted skill level 2.* Education for junior noncommissioned officers (NCOs) will include—

(a) All items in (1) above.

(b) Review of Army policies on EO and affirmative actions.

(c) Leadership performance counseling and EO complaint procedures.

(d) Behavioral characteristics and other indicators of EO problems.

(e) The leadership role supportive of EO and affirmative actions.

(3) *Officer basic and warrant officer orientation courses.* Commissioned officers and warrant officers attending the officer basic courses and warrant officer orientation courses will receive training in—

(a) All items in (2) above.

(b) The role of the supervisor in EO and affirmative actions.

(4) *Officer advanced level and enlisted skill levels 3 and 4.* Commissioned and warrant officers in officer advanced courses and NCOs in advanced NCO courses will receive training in—

(a) All items in (3) above.

(b) Program management skills for evaluating the unit EO environment to include individual and institutional discrimination and the use of the AAP.

(5) *Command and staff college-level (CSC) and enlisted skill level 5.* Training conducted during CSC, the warrant officer senior course, the first sergeants' course, and the sergeants major course will include—

(a) Review of Army policies on EO and affirmative actions.

(b) Specific roles and responsibilities of senior officers and NCOs in carrying out installation and MACOM EO programs.

(c) Effective employment of the staff EO adviser.

(d) Impacts of individual and institutional discrimination on mission accomplishment.

(e) Goals and objectives of the Army EO program and the benefits to be derived from the program.

(f) Identifying and countering sexual harassment.

(6) *Army War College.* Education conducted at the Army War College and other professional military education for senior officers will include—

(a) The goals and objectives of the DOD and DA EO programs.

(b) The international (host nation) aspects of EO.

(c) The relationship of EO to readiness and mission capability.

(d) Army leadership responsibilities in identifying and countering sexual harassment.

(e) Roles and functions of the MACOM EOA and EO program management in large organizations.

(7) *Training for senior officials.* A continuing education program for senior personnel will be provided through the Pre-

command Course, the New General Officer Orientation Course, command and staff college-level courses, and senior service colleges. Seminars in EO for general officers, key staff personnel, and civilian supervisors are required at least annually. These seminars will be conducted as prescribed by the MACOM. Emphasis will be on contemporary problems in EO, sexual harassment, and other topics as prescribed by this headquarters.

Chapter 3 Reports

3-1. Authority to collect and maintain data

HQDA will collect, record, and maintain racial, ethnic, and gender data and statistics required to support the Army EO program to include AAP requirements. Heads of DA Staff elements, MACOMs, separate agencies, and other activities and commands required to publish AAPs are authorized to collect, record, and maintain data and statistics. Race, population group, and gender designations for use by agencies that maintain these data and statistics are in AR 680-29, paragraphs 1-29, 1-61, and 1-71.

3-2. Narrative and Statistical Report on Equal Opportunity Progress (RCS CSGPA-1471(R1))

MACOMs and designated heads of Army staff agencies or directorates will submit a Narrative and Statistical Report on Equal Opportunity Progress. This report will cover the preceding fiscal year and is due at HQDA (~~DAPE-HRR~~), (~~DAPE-HRL-E~~), WASH DC 20310 not later than 1 February annually. HQ, FORSCOM will submit reports for USAR troop program units with an information copy to the Office of the Chief, Army Reserve (HQDA(DAAR-PE), WASH DC 20310). This report will outline the progress made in achieving the established EO goals as reflected in the AAP for the organization. It will assess achievements and shortfalls, and include plans or actions programmed to correct problems or conditions that currently exist. (See fig 3-1.)

Narrative and Statistical Report on Equal Opportunity Progress (RCS CSGPA-1471 (R1))

- A. Commander's assessment of command conditions.
- B. Statistical analysis.
- C. Affirmative actions including:
 - (1) Goals achieved.
 - (2) Goals not achieved and why.
 - (3) Actions planned to achieve and/or to modify goals.
- D. Community affairs.

Figure 3-1. Format for a narrative and statistical report on equal opportunity progress
(RCS CSGPA-1471 (R1))

Chapter 4

Attendance at the Defense Equal Opportunity Management Institute

4-1. General

a. *Selection.* Candidates for training as EOAs will be carefully selected to ensure that only qualified officers and NCOs are chosen. Personnel assigned to active duty adviser positions will be DEOMI graduates. Reserve Component EO personnel who have completed one or more phases of the Equal Opportunity Management Institute Course (resident or nonresident) will be eligible to complete the course even if reassigned to another ~~military occupational specialty (MOS)~~ Military Occupational Specialty-Enlisted (MOS-ENLD) or specialty skill identifier (SSI). Both officer and NCO candidates will come from volunteers and branch nominees. Any officer or NCO who meets the selection criteria listed in paragraph 4-2 may volunteer for training and duty as an EOA by submitting a written request to HQDA(DAPC-EPM-A), ALEX VA 22332. Requests will be submitted through the first field officer in the chain of command who will indorse the request with a statement about the suitability of the officer or NCO for EOA duties.

b. *Attendance.* The DEOMI curriculum consists of two resident courses: a 16-week regular course and a 32-week staff course. Although graduates of both courses will be fully certified as EOAs, the staff course is intended for those programmed for assignment to corps (or equivalent) level and higher. A 1-year course consisting of resident and nonresident training is conducted for RC personnel. Reserve Component personnel may attend both the 16-week and the 32-week resident courses when space is available.

c. *Certification.* Upon successful completion of the 16-week regular course, the Institute will certify graduates for award of the appropriate ~~MOS~~MOS-ENLD, skill qualification identifier (SQI) or ASI. The CG, MILPERCEN will award the appropriate designator to all DEOMI graduates within 60 days of graduation. Only graduates of DEOMI may be designated as EOAs.

d. *Selection.* The CG, MILPERCEN will select qualified officers and NCOs for training as EOAs.

e. *Removal of EO ASI.* The EO ASI may be withdrawn from members of the Active Army only if approved by HQDA(DAPE-HRR)(DAPE-HRL-E).

4-2. Selection requirements

Officer and enlisted personnel who attend DEOMI will meet the following selection requirements:

a. Demonstrate outstanding performance of assigned duties and be recommended in writing by an officer in the candidate's chain of command in the rank of major or higher.

b. Exhibit stability in personal affairs and not have a recent history of severe domestic or personal problems (excluding divorce), chronic indebtedness, excessive use of alcohol, or any use of illegal drugs. Individuals withdrawn for cause from any Human Reliability or Personal Reliability Program during the 2 years preceding the nomination will need a waiver from HQDA(DAPE-HRR)(DAPE-HRL-E), WASH DC 20310-0300.

c. Must not have been punished under the provisions of the Uniform Code of Military Justice (UCMJ) during the 2 years preceding the nomination or have a prior history of frequent UCMJ punishments.

d. Must have a minimum of 2 years of service remaining upon completion of the DEOMI course.

e. Must meet Army fitness standards.

f. Officers must have a minimum of 2 years' college credit

g. Enlisted personnel must be high school graduates or equivalent.

h. Must be competitive for further advancement.

i. Enlisted must be in grade E7 (E6 promotable acceptable)

j. Officers must be in grade O3

k. Enlisted must be Advanced Noncommissioned Officers Course graduates or selectees.

l. Enlisted must be qualified in their primary MOS.

m. Enlisted must receive chain of command evaluation

4-3. DA civilian EO staff officer training

a. *Quotas.* Civilian quotas for DEOMI will be controlled by the CG, MILPERCEN. The CNGB and the CG, FORSCOM will control quotas for their respective elements and will prescribe the way in which civilian requests will be submitted.

b. *Application.* Commanders desiring to send civilian EO staff officers to DEOMI will make application to the appropriate MACOM. If approved, the MACOM will request a quota from HQDA(DAPC-OPP-E), ALEX VA 22332. If all quotas are filled, the request will be considered for a later class if the MACOM desires. Requests for quotas must be submitted in writing to arrive at MILPERCEN not later than 45

days before the starting date of the requested class.

c. *Command notification of DEOMI.* When the requesting command receives an approved quota, the command will provide the Director, DEOMI, Patrick Air Force Base, FL 32923, the name, grade, SSN, educational level, military mailing address of the candidate for training and the desired course number.

d. *Civilian personnel selection requirements.* Civilian personnel prerequisites for attendance at DEOMI are as follows:

(1) Be in grade GS-7 or above or be slated for promotion to GS-7 upon completion of the course.

(2) Occupy or be scheduled to occupy an EOA position.

(3) Be considered suitable for EO duties as determined in an interview conducted by the commander on whose staff the person will be assigned.

e. *Request procedures.* MACOMs when requesting quotas will send the following information to MILPERCEN:

(1) Class desired to attend.

(2) Willingness to accept a quota in a subsequent class if the requested class is filled.

f. *Funding.* Funding for temporary duty will be provided by attendee's unit of assignment.

Chapter 5 Equal Opportunity Special/Ethnic Observances

5-1. Purpose

Annual equal opportunity special/ethnic observances are designed to enhance cross-cultural awareness and promote harmony among all uniformed members, their families, and the civilian work force. These activities are extensions of the Army's equal opportunity education and training objectives.

5-2. EO special/ethnic observances

There are events, activities, or occasions set aside annually to recognize the achievements and contributions made by members of specific racial or ethnic groups in our society.

5-3. Observance

a. Deputy Chief of Staff for Personnel, Headquarters, Department of the Army has general staff responsibilities for establishing policy and identifying and outlining the period for each observance.

b. MACOM and installation commanders will—

(1) Develop, plan, and conduct annual observances consistent with the timetable in table 5-1 or as directed by HQDA.

(2) Program necessary funding to conduct annual observance activities within the established EO Program budget.

(3) Encourage all members of the military community (soldiers' family members,

and civilian employees) to contribute and participate in the planning, implementation, and conduct of observance activities.

(4) Involve members of the staff elements and subordinate activities in the development and conduct of observance functions.

Table 5-1
Special/ethnic observances annual timetable

Month: February
Dates: 1-28/29
Observance: Afro-American/Black History
Authority/Comment: Historically observed

Month: March
Dates: 2nd or 3rd week
Observance: Women's History Week
Authority/Comment: Presidential Proclamation

Month: May
Dates: 1st or 2nd week
Observance: Asian Pacific Heritage Week
Authority/Comment: PL 95-419, 5 October 1978

Month: August
Dates: 26
Observance: Women's Equality Day
Authority/Comment: Anniversary of 19th Amendment Ratification

Month: September
Dates: 2nd Week
Observance: National Hispanic Heritage Week
Authority/Comment: PL 90-498 17 September 1968

Month: September
Dates: In 4th Week
Observance: Native American Day
Authority/Comment: Historically observed

5-4. Guide to commanders

a. Specific modifications in the timetable at table 5-1 will be made and disseminated by HQDA(DAPE-HRL-E) when necessary; otherwise, MACOM or installation commanders and EO staffs should plan their activities according to dates and periods specified.

b. Expenditure of funds for such activities is permitted within Equal Opportunity Program management or education and training in accordance with policies established by the Comptroller General decisions B200017 (dated 10 March 1981) and B199387 (dated 23 March 1982). These decisions permit expenditure of funds for guest speakers, artistic or cultural activities, food exhibits or samples (the samples will not be intended as meals or refreshments), publications, and so forth, as long as the intent is to promote crosscultural harmony and awareness. Pay for entertainment-type activities incident to an agency-sponsored Black History Program is legitimate if the performance is part of an educational awareness program. Commanders will ensure that the projected events amplify contributions to society made by members of the ethnic or racial group being commemorated.

c. Commanders should publicize the cultural/ethnic events in local information medias (for example, bulletins, Post newspapers, and so forth). Timely announcements should be made to ensure that all personnel are aware of the events.

d. Commanders are encouraged to form a standing committee representing the various units, staff activities, and special interest groups in the community to plan appropriate activities well in advance of the date. Appropriate members of such a committee include the Equal Opportunity Adviser staff officer or noncommissioned officer (NCO), recreation services officer, public affairs officers, education staff officer, club managers, chaplain, dependent school representative, representative from the budget office, and other appropriate representatives. Integration of the total unit or community in arranging, planning, coordinating, programming, scheduling, and the staffing details of such activities will help ensure success.

e. Commanders should encourage maximum use of recreational facilities (libraries, recreation centers, Dependent Youth Activities, theater groups, and so forth). Suggested activities include the following:

- (1) Special displays in libraries.
- (2) Expositions and displays of arts and crafts.
- (3) Special musical or drama programs.
- (4) Programs featuring historical achievements and contributions in such fields as Government, education, industry, religion, music, and theater.
- (5) Leaders from the chain of command including DOD civilians as guest speakers.

f. Activities should be designed to afford maximum attendance of all uniformed and civilian members of the command, installation, or activity. Commanders should establish and disseminate policy which ensures that all personnel desiring to participate in observance activities are given a reasonable opportunity to do so.

g. A consolidated annual observance recognizing members of all racial/ethnic groups may be conducted in addition to (but should not be in place of) the observances in table 5-1.

Appendix A Related Publications

A related publication is merely a source of additional information. The user does not have to read it to understand this regulation.

AR 5-8
Host-Supported Activity Relationships
(Intraservice)

AR 10-5
Department of the Army

AR 15-6
Procedures for Investigating Officers and
Boards

AR 20-1
Inspector General Activities and Procedures

AR 27-40
Litigation

AR 190-24
Armed Forces Disciplinary Control Boards
and Off-Installation Military Enforcement

AR 210-51
Army Housing Referral Service Program

AR 335-15
Management Information Control System

AR 350-1
Army Training

AR 360-5
Public Information

AR 360-61
Community Relations

AR 600-20
Army Command Policy and Procedures

AR 611-101
Commissioned Officer Specialty Classifica-
tion System

AR 611-201
Enlisted Career Management Fields and
Military Occupational Specialties

AR 614-200
Selection of Enlisted Soldiers for Training
and Assignment

AR 623-105
Officer Evaluation Reporting System

AR 623-205
Enlisted Evaluation Reporting System

AR 680-29
Military Personnel, Organization, and Type
of Transaction Codes

DA Pam 570-series
Manpower Management

DA Pam 690-25
Equal Employment Opportunity and
Evaluation

CPR 700
Personnel Relations and Services (General)

FPM 713
Federal Personnel Manual

Glossary

Section I Abbreviations

AAP

affirmative action plan

ARNG

Army National Guard

ASI

additional skill identifier

CAR

Chief, Army Reserve

CG

commanding general

CNGB

Chief, National Guard Bureau

CSC

Command and Staff College

DA

Department of the Army

DEOMI

Defense Equal Opportunity Management Institute

DOD

Department of Defense

EEO

equal employment opportunity

EO

equal opportunity

EOA

equal opportunity adviser

EOR

equal opportunity representative

FORSCOM

US Army Forces Command

HQDA

Headquarters, Department of the Army

MACOM

major Army command

MILPERCEN

US Army Military Personnel Center

MOS

military occupational specialty

MOS-ENLD

military occupational specialty—enlisted

NCO

noncommissioned officer

OCAR

Office of the Chief, Army Reserve

RC

Reserve Component

SQI

skill qualification identifier

SSI

specialty skill identifier

TRADOC

US Army Training and Doctrine Command

UCMJ

Uniform Code of Military Justice

UDL

~~unit discussion leader~~

USAR

US Army Reserve

Section II

Terms

Action step

Specific action or task undertaken to eliminate or neutralize a problem and to achieve an objective. This includes the agency taking action, a completion date, and an established goal.

Affirmative actions

Positive actions by DA activities directed toward insuring that all soldiers and their families are afforded equal opportunity in the Army. Affirmative actions include identifying opportunities for minority groups and encouraging interest in these opportunities in order to compensate for disadvantages and inequities which have resulted from past discrimination.

Affirmative action plan

A management document that consists of statements of attainable goals and timetables. This document is required of all Army organizations, commands, agencies, and activities down to brigade (or equivalent) level. It is designed to achieve equal opportunity for all military personnel. Affirmative action plans will concern conditions where—

- a. Affirmative action is needed.
- b. Practicable strategies to remedy the conditions are available and explained.
- c. The end-conditions sought are clearly expressed.

Complainant

A military member, military family member, or civilian employee of the Army who submits a complaint of discrimination.

Establishment

Any entity which either recognizes itself or is recognized as such by the community at large. Specifically, any corporation, partnership, school, training center, or educational

institution, club, fraternal, social, or political group.

Equal opportunity

Consideration and treatment based upon merit, fitness, and capability irrespective of race, color, religion, sexgender, or national origin.

Equal opportunity advisors

Officers, noncommissioned officers, and Department of the Army civilians serving in full-time equal opportunity positions, at brigade (or equivalent) level, or higher.

Ethnicity

The quality of being distinguishable from the general population on the basis of actual or perceived cultural criteria such as language, lifestyle, religion, and mores. For purposes of this regulation, ethnicity is included within the meaning of national origin. Residents of Puerto Rico may be covered under national origin in cases of discrimination.

Goal

An objective based on realistic, measurable prospects of attainment.

Housing discrimination

Denying or attempting to deny housing to Army personnel because of race, color, religion, sexgender, or national origin. Housing of unmarried personnel on the basis of sexgender (for example, female-only or male-only barracks) is not considered discriminatory within the interest of this regulation.

Institutional discrimination

Different treatment of individuals in an organization which—

- a. Occur based on race, color, religion, sexgender, or national origin.
- b. Results from the normal functioning of the organization.
- c. Operates to the consistent disadvantage of a particular group.

Personal racism, sexism, or bigotry

The acting out of prejudices by an individual or group of individuals against another individual or group because of race, color, religion, sexgender, or national origin.

Minority group

Any group distinguished from the general population in terms of race, color, religion, sexgender, or national origin.

Sexual harassment

Advances, requests for favors, and other sexually related verbal or physical conduct when—

- a. Submission to such conduct is made either explicitly or implicitly a condition of a person's job, pay, or career status.
- b. Submission to or rejection of such conduct by a person is used as a basis for career

or employment decisions affecting this person.

c. Such conduct interferes with a person's performance of duty or otherwise creates an intimidating, hostile, or offensive environment.



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