

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

<b>SPECIALIST JEREMY HALL, <u>et al.</u>,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 08-2098-JWL-DJW</b>
	)	
<b>MAJOR FREDDY J. WELBORN, <u>et al.</u>,</b>	)	
	)	
<b>Defendants.</b>	)	

**EXHIBIT F  
TO DEFENDANTS' MOTION TO DISMISS**

Army Pamphlet 350-20

**Department of the Army  
Pamphlet 350-20**

**Training**

# **Unit Equal Opportunity Training Guide**

**Headquarters  
Department of the Army  
Washington, DC  
1 June 1994**

**UNCLASSIFIED**

# ***SUMMARY of CHANGE***

DA PAM 350-20

Unit Equal Opportunity Training Guide

This change 1--

- o Addresses policy changes in Interim Change IO4, AR 600-20.
- o In addition, three lesson plans have been rewritten to provide detailed information on equal opportunity (EO) complaint procedures, EO violations subject to the Uniform Code and Military Justice, and prevention of sexual harassment.
- o DA Pam 350-20, 30 August 1993, is changed as follows:
  - Paragraphs 1-4a, 7-2b, 14-4, and Figure 14-2 and Overhead Transparency 14-2: *For sex readgender.*
  - Paragraph 1-5b: *For military units read units*
  - Paragraph 1-6: *For will follow read should follow.*
  - Figure 2-1: *Add two bullets*
    - \*Post clear policy statements
    - \*Provide feedback to complainant
  - Paragraphs 3-1 through 3-4: *Are replaced in toto.*
  - Paragraph 3-5, heading: *For SYMBOLISM DEFINED read CULTURAL SYMBOLS*
  - Paragraph 3-5, In text directly following the heading: *For symbology read symbols*
  - (Chapter 4) Lesson Plan 4: *is replaced in toto.*
  - Paragraph 5-2: *For is ... read is that which is arbitrarily based on a person's race, color, gender, national origin, or religion.*
  - Paragraph 5-4 to end of chapter is replaced.
  - (Chapter 6) Lesson Plan 6: *is replaced in toto.*
  - Paragraph 7-3b: *For sex-based read gender-based*
  - Paragraph 7-4 to end of chapter: *is replaced.*
  - (Chapter 8) Lesson Plan 8: *is replaced in toto.*
  - Paragraph 9 -14b: *For many Hispanic read some people*  
*For a Hispanic soldier read such a person*  
*For Hispanics read similar soldiers*

--Paragraph 9-14c: *For* many Native Americans would rather read a Native American may prefer to

--Paragraph 9-14d: *For* outrank read supervise  
*For* who, either ... non-assertive, read who culturally were taught to be non-aggressive.  
*Beginning with* *For* example, through the end of the chapter: Delete

--Paragraph 10-1h: *For* NOTE: Per AR 600-20 ... command. read NOTE:Per 600-20, commanders are strongly encouraged to conduct an internal EO climate assessment within 90 days of their assumption of command and once annually thereafter.

--Paragraph 10-2, heading: *For* ASSESSMENT-MANAGEMENT TOOLS FOR LEADERS read EQUAL OPPORTUNITY ASSESSMENT-INDICATORS FOR LEADERS

--Paragraph 10-2b, second bullet: *For* Surveys ... command. read Surveys are normally administered at unit level by an EOA or EOR.

--Paragraph 10-2, Figure 10-1, third bullet: *For* AAA read AAP

--Paragraphs 10-9 and 10-10: are replaced in toto.

--Paragraph 11-3: *Insert this text after the third bullet:* Consult with EOA to assist in developing an action plan to address specific concerns.

--Paragraph 13-2: *For* you must read You should

--Paragraph 14-4a: *For* sex-based read gender-based

--Paragraph 14-7b *For* uses implicit read uses or condones implicit or explicit

--Paragraph 14-8, the text immediately following the heading, WOMEN IN THE MILITARY SERVICE: Delete

--Paragraph 14-16: *For* (MCOES) read (MEOCS)

--Paragraph 15-2, Figure 15-1, fifth bullet is changed: *For* Fast process read Deliberate and thorough

--Para 15-7, heading: *For* FAST PROCESS OF HANDLING COMPLAINTS read DELIBERATE AND THOROUGH HANDLING OF COMPLAINTS

--Paragraph 15-14: *For* UCMJ awards, read awards, UCMJ actions, promotion ...

--Paragraph 15-17, heading and paragraph text: *For* 25-5 read 26-6

--Appendix B (formerly Appendix A): Remove and replace overhead transparencies (OTs); 2-1, 4-1, 4-2, 4-3, 4-4, 4-5, 4-6, 4-7, 4-8, 6-1, 7-3, 8-1, 8-2, 8-3, 8-4, and 8-5

--Appendix C (formerly Appendix B): remove and replace in toto.

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## **FOREWORD**

### **INTRODUCTION**

This country was founded on the basic values of freedom, dignity, respect, and opportunity for all. In an ongoing struggle to ensure that these rights are enjoyed by all citizens, we must continue to educate ourselves and our soldiers on the importance of equal opportunity (EO). Through this education we can better appreciate the cultural diversity that has helped make this country great. Through education we can create an environment in which soldiers can excel.

Equal opportunity and treatment are given to all soldiers, their families, and Department of the Army (DA) civilians. This is done without regard to race, color, gender, religion, or national origin. To uphold this policy, the chain of command has a continuing challenge; it must provide a command climate that fosters attitudes and behavior about equal opportunity which lead to cohesion and mission accomplishment.

Values, attitudes, and prejudices gained before enlistment or commissioning do not automatically dissolve or change when someone puts on an Army uniform. Too often these values, attitudes, and prejudices can lead to the misunderstanding, frustration and suspicion of others. Knowing and accepting this will help you to understand the impact of EO training on command climate.

A positive, proactive EO environment helps units' effectiveness. It promotes morale, teamwork, and results in a high degree of unit cohesion and esprit de corps. People perform most efficiently in an atmosphere free of intergroup friction and discord. Therefore, a healthy EO environment is a key factor in developing and maintaining unit readiness.

### **PURPOSE OF THIS PAMPHLET**

This pamphlet provides lesson plans for conducting unit EO training as specified in Chapter 6, AR 600-20. These lesson plans are for use in officer and NCO professional development sessions.

Each plan offers important information which gives soldiers and DA civilians the knowledge to improve unit harmony, effectiveness, and mission accomplishment. The key to successful training with these EO lesson plans is the same as with any other program: command support and participation.

### **LESSON PLAN STRUCTURE**

Although numbered sequentially, each lesson plan is independent of the others in this publication. To maintain this independence, repetition of subject matter among the

lesson plans exists. Lesson plans containing additional or more completely developed explanations of a concept or topic being discussed will be referenced in an instructor note.

Administrative data are listed at the start of each plan, and practical exercises are present where applicable. Also, acronyms and abbreviations are defined in each lesson plan.

### **LESSON PLAN USE**

These lesson plans have been designed to provide comprehensive topical information about equal opportunity. Decide what information your soldiers and DA civilians need, and choose the lesson plans that contain that information. Use them in total, expand them, tailor them, or sequence them based upon your needs.

### **INSTRUCTIONAL TECHNIQUES**

The following are recommended teaching techniques to use with these lesson plans:

- Use this material in small group sessions limited to no more than 20 to 25 people. Small group discussion is highly desirable; it encourages the sharing of ideas and derives maximum benefits from the experiences of each group member. Larger groups placed auditorium-type settings restrict interpersonal communication.
- Unit commanders should be involved in this vital training. At a minimum, they should make opening comments.
- The unit chain of command should lead and take part in all discussions.

### **APPLICABILITY**

The contents of this pamphlet apply to all members of the US Army, DAC workforce, US Army Reserve, and the Army National Guard.

### **EO TRAINING MATERIAL**

Various training support packages (TSPs) on equal opportunity are available for use in the TRADOC service schools and NCO academies. These TSPs contain much of the same material as found in this pamphlet.

Training Circular 26-6, Commander's Equal Opportunity Handbook, serves as a "tool-kit" for the commander in implementing Army EO policy.

The proponent of this publication is the Adjutant General School. Send comments and recommendations on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to Commandant, Adjutant General School (ATZI-AGP-P) Bldg 401-C, 8899 East 56th Street, Indianapolis, IN 46216-5530.

## Training

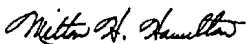
### Unit Equal Opportunity Training Guide

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**By Order of the Secretary of the Army:**

**GORDON R. SULLIVAN**  
General, United States Army  
Chief of Staff

**Official:**

  
**MILTON H. HAMILTON**  
Administrative Assistant to the  
Secretary of the Army

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reorganization required some figure numbers referenced in the text to be changed: in paragraph 14-4b, the reference to OT 4-5 was changed to OT 14-3; in paragraph 14-9, the reference to OT 14-5 was changed to OT 14-4; in paragraph 15-14, the reference to OT 15-3 was changed to OT 15-2. The References section is now Appendix A; Appendix B is now the Overhead Transparencies section (formerly Appendix A); Appendix C is now the Practical Exercise Handouts section (formerly Appendix B). In paragraph 15-19, the reference to Appendix B now refers to Appendix C. Other than these minor changes, no content has been changed.

**Summary.** This pamphlet provides lesson plans for conducting unit EO training as specified in Chapter 6, AR 600-20. These lesson plans are for use in officer and NCO professional development sessions. Each plan offers important information which gives soldiers and DA civilians the knowledge to improve unit harmony, effectiveness, and mission accomplishment. The key to successful training with these EO lesson plans is the same as with

any other program: command support and participation.

**Applicability.** The contents of this pamphlet apply to all members of the US Army, DAC workforce, US Army Reserve, and the Army National Guard.

**Proponent and exception authority.** The proponent of this publication is the Adjutant General School.

**Suggested Improvements.** Users are invited to send comments and suggested improvements to the Commander, SSC-FBH, ATTN: Commandant, Adjutant General School (ATZI-AGP-P), Bldg. 401-C, 8899 E. 56th Street, Indianapolis, IN 46216-5530.

**Distribution.** Distribution of this publication is made in accordance with DA Form 12-09-E, block number 4357 requirements for DA Pam 350-20, Unit Equal Opportunity Training Guide. Approved for public release: distribution is unlimited.

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## **Glossary**



## Chapter 1

### Lesson Plan 1—The Army's Equal Opportunity Program

#### 1-1. OVERVIEW

- a. **TASK:** Describe the Army's Equal Opportunity (EO) Program.
- b. **CONDITIONS:** In a classroom environment.
- c. **STANDARDS:** Correctly describe the components of the Army's EO Program.
- d. **TARGET AUDIENCE:** Leaders and soldiers at all levels.
- e. **RECOMMENDED INSTRUCTION TIME:** 20 minutes.
- f. **INSTRUCTOR REQUIREMENTS:** One instructor per class of no more than 20 to 25 students.
- g. **EQUIPMENT NEEDED FOR THE INSTRUCTION:** Overhead projector, overhead transparencies (OTs), chalkboard and chalk or butcher paper and magic marker.
- h. **TOPICS COVERED:** This lesson plan gives a brief overview of the parts of the Army's EO Program. The topics covered are the concept of EO, its history, policy, staffing, and complaint procedures. Sexual harassment is also discussed. Each of these topics is examined in more detail in following lesson plans.

*Note.* Ask the group the following question: "Why does the Army have an EO Program?" After several responses *paraphrase* the following:

#### 1-2. HISTORY

a. During the 1960's a committee known as the Kerner Commission was appointed to study racial unrest. It concluded that racism was the cause of serious problems nationally and on military installations and ships. The Department Of Defense (DOD) then conducted a two-year study which reinforced the Kerner Commission's findings; racism was the problem.

b. The recommendations from the DOD study committee were used to start the military's Race Relations/Racial Awareness program. This was the forerunner of the current EO Program.

#### 1-3. POLICY

*Note.* Briefly discuss the Army's EO policy. Show OT 1-1, THE ARMY'S EO POLICY.

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#### THE ARMY'S EQUAL OPPORTUNITY POLICY

- Equal treatment for soldiers and family members
- Applies both on and off post
- Applies to total environment (living and working)
- Provides an environment free of sexual harassment

Figure 1-1. The Army's Equal Opportunity Policy

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a. The policy of the US Army is to provide equal opportunity and treatment for all soldiers and their families, both on and off post, and for and Department of the Army Civilians (DACs). The process of affirmative action applies here. Affirmative actions are positive actions taken by DA activities to ensure that EO occurs.

b. The concept of equal opportunity is based solely on merit, fitness, capability, and potential. It is given without regard to race, color, religion, gender, or national origin.

#### 1-4. SEXUAL HARASSMENT

a. Sexual harassment conflicts with the EO Program because it is a form of gender discrimination. It involves

unwelcome sexual advances, requests for sexual favors, and other kinds of verbal or physical conduct of a sexual nature.

*b.* Sexual harassment is not limited to the workplace. It can occur almost anywhere, and it violates acceptable standards of character and fairness required of all soldiers. It also harms mission accomplishment and unit cohesion. Such behavior by soldiers or Army civilians **will not be tolerated**.

## **1-5. STAFFING**

*Note.* Briefly discuss the Army's staffing responsibilities. Show OT 1-2, STAFFING FOR THE ARMY'S EO PROGRAM.

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### **STAFFING FOR ARMY'S EO PROGRAM**

- Commanders
- Equal Opportunity Advisers (EOAs)
- Equal Opportunity Representatives (EORs)

**Figure 1-2. Staffing for Army's EO Program**

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*a.* The EO program is designed to contribute to mission accomplishment, cohesion, and readiness. Therefore, it is a responsibility of leadership and a function of command.

*b.* Commanders are the EO officers for their units. They are helped by brigade-level EO advisers, unit-level EO representatives, and other EO advisers.

*c.* Staff military personnel with EO as a primary duty are called Equal Opportunity Advisers (EOAs). They are assigned to help commanders at all levels. Soldiers chosen to perform EOA duties attend a 16-week course at the Defense Equal Opportunity Management Institute.

*d.* At the unit level, Equal Opportunity Representatives (EORs) help and advise unit commanders on the equal opportunity program. Soldiers selected to perform EOR duties attend a local 2-week course conducted by EOAs.

## **1-6. COMPLAINT PROCEDURES**

Soldiers filing complaints should follow command channels to make their grievances known. Commanders must ensure that soldiers are fully aware of procedures for obtaining redress of grievances. This includes complaints against members of the chain of command. These procedures must be published and displayed where all unit soldiers can see them.

*Note.* Summarize the lesson and ask for questions.



## Chapter 2

### Lesson Plan 2—Duties and Responsibilities of Equal Opportunity Leaders

#### 2-1. OVERVIEW

- a. *TASK*: Identify Equal Opportunity (EO) leadership's duties and responsibilities.
- b. *CONDITIONS*: In a classroom environment.
- c. *STANDARDS*: Identify EO leadership's duties and responsibilities.
- d. *TARGET AUDIENCE*: Soldiers of squad leader level and above.
- e. *RECOMMENDED INSTRUCTION TIME*: 20 minutes.
- f. *INSTRUCTOR REQUIREMENTS*: One instructor per class of no more than 20 to 25 students.
- g. *EQUIPMENT NEEDED FOR THE INSTRUCTION*: Overhead projector, overhead transparencies (OTs), chalkboard and chalk or butcher paper and magic marker.
- h. *TOPICS COVERED*: The duties and responsibilities of the commander, first sergeant, EOA, and EOR in managing the EO Program.

#### 2-2. UNIT COMMANDER

Commanders are the EO officers for their units. They are helped by the unit's chain of command, the Equal Opportunity Representative (EOR), and the Equal Opportunity Adviser (EOA). These people have invaluable training and experience and can advise you on EO matters. Commanders have the following responsibilities:

*Note.* Show OT 2-1, UNIT COMMANDER'S RESPONSIBILITIES.

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#### UNIT COMMANDER'S RESPONSIBILITIES

- Develop and implement EO programs.
- Identify discriminatory practices affecting soldiers and their families and start corrective actions, to include follow-up.
- Promote EO and interpersonal harmony for all soldiers and their family members.
- Conduct EO training on a continuing basis.
- Monitor and assess how well EO programs are run.
- Ensure prompt follow-up and appropriate action to resolve complaints of discrimination and sexual harassment.
- Post clear policy statements.
- Provide feedback to complainant.

Figure 2-1. Unit Commander's Responsibilities

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#### 2-3. CHAIN OF COMMAND

The unit commander is responsible for carrying out the EO program at unit level per AR 600-20. To help with this task, other members of the chain of command have the following roles and responsibilities.

*Note.* Show OT 2-2, CHAIN OF COMMAND'S ROLES AND RESPONSIBILITIES.

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## CHAIN OF COMMAND'S ROLES AND RESPONSIBILITIES

First Sergeant  
Platoon Sergeant  
Squad Leader  
Section/Team Leader  
Equal Opportunity Representative (EOR)  
Equal Opportunity Advisor (EOA)

Figure 2-2. Chain of Command's Roles and Responsibilities

---

### 2-4. FIRST SERGEANT

a. In addition to being the eyes and ears of the commander, the first sergeant has the following EO duties and responsibilities:

- Ensure that all unit soldiers get EO training. (Members of the chain of command or supervisors lead EO sessions or are present to answer questions).
- Ensure that EO policies are publicized and enforced.
- Actively seek to identify discriminatory practices early on, and start actions to remove the contributing factors.
- Counsel subordinates on EO roles and responsibilities.
- Ensure that unit personnel are aware of complaint processing procedures.
- Advise the EOR on duties and responsibilities of EO training and complaint processing.
- Assist other agencies that can help in resolving complaints (for example, Housing, IG, etc.)
- Ensure that complaints are quickly processed per AR 600-20 when allegations of discrimination or sexual harassment are made.
- Help the EOA as required.
- Ensure that effective EO training is conducted.
- Be a positive role model in EO matters.

b. The EO duties of platoon, squad, and team- or section-level leaders are like those of the first sergeant, but with a narrower scope.

### 2-5. EQUAL OPPORTUNITY REPRESENTATIVE

*Note.* Ask the following questions: "Have any of you ever worked with an Equal Opportunity Representative (EOR)?" "Do you know what an EOR does?" After several responses, show OT 2-3, EQUAL OPPORTUNITY REPRESENTATIVE.

Unit EORs help commanders of units at battalion level and below. This is an additional duty. See your local command policy for EOR selection criteria. The EOR has the following responsibilities:

- Help the commander and first sergeant (1SG) prepare and conduct EO training.
- Establish and maintain liaison between units and their EOAs.
- Help prepare and conduct ethnic observances.
- Recognize and assess indicators of the EO climate, and advise commanders on suitable actions.
- Refer soldiers with complaints to the appropriate agency for help. (If the complaint involves the commander, the EOR refers it to the EOA and informs the commander.)

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## **EQUAL OPPORTUNITY REPRESENTATIVE**

**Equal Opportunity Representatives  
are Unit Soldiers trained to help  
commanders carry out the equal  
opportunity program within units.**

**Figure 2-3. Equal Opportunity Representative**

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### **2-6. EQUAL OPPORTUNITY ADVISER**

The functions of the EOR and EOA are similar, but the EOA's scope is much broader. They are assigned to help commanders at installations, agencies, and organizations down to brigade level. Being an EOA is a full-time duty with the following specific duties and responsibilities:

- Issue Department of Defense and Department of the Army EO policies.
- Recognize and assess indicators of institutional and individual discrimination.
- Recognize overt and subtle sexual harassment.
- Recommend appropriate action to stop discrimination and sexual harassment.
- Collect, organize, and interpret demographic data on all aspects of EO climate.
- Help commanders develop realistic affirmative action plans, and monitor their progress.
- Train EORs.
- Develop and present EO training.
- Receive and act upon individual complaints.
- Plan and conduct ethnic observances.
- Help develop unit EO policies.

*Note.* Summarize the lesson and ask for questions.

## Chapter 3

### Lesson Plan 3—Cultural Issues Related to Equal Opportunity

#### 3-1. OVERVIEW

- a. *TASK*: Identify cultural issues related to Equal Opportunity (EO).
- b. *CONDITIONS*: In a classroom environment.
- c. *STANDARDS*: Recognition of cultural issues related to EO.
- d. *TARGET AUDIENCE*: Leaders and soldiers at all levels.
- e. *RECOMMENDED INSTRUCTION TIME*: 20 minutes including practical exercises (PEs).
- f. *INSTRUCTOR REQUIREMENTS*: One instructor per class of no more than 25 students.
- g. *EQUIPMENT NEEDED FOR THE INSTRUCTION*: Overhead projector, overhead transparencies (OTs), chalkboard and chalk or butcher paper and magic markers, Practical Exercises 3-1 and 3-2.
- h. *TOPICS COVERED*: Cultural symbols, cultural symbolism and professional symbolism.

#### 3-2. INTRODUCTION

- a. The military is probably the most culturally and racially diverse organization in the country. New soldiers meet and mix with people they view as "different." Often for the first time, they have to adapt to differences in behaviors, speech, dress, etc.. The result of this can be culture shock.
- b. Resistance to making adjustments can create problems not only for soldiers, but also for their leaders. It is therefore essential that all soldiers gain an understanding of cultural differences and relationships.

*Note.* Distribute the Practical Exercises 3-1 and 3-2. Divide the class into at least four equal groups and give them 5 to 10 minutes to complete the PEs. Have a spokesperson from each group present possible answers for the PEs to the class.

#### 3-3. PRACTICAL EXERCISE 3-1

- a. *SITUATION*: You are the platoon sergeant within a company-size element. Several white soldiers have complained about Puerto Rican soldiers displaying the Puerto Rican national flag in the windows of their privately owned vehicles (POVs). Their perception is that the Puerto Rican soldiers are sending a message that says they love Puerto Rico more than they love the United States of America. The white soldiers request a policy be established to ban displaying of national flags (of any culture) on the military installation.
- b. *QUESTION*: What are the EO issues and concerns from this scenario? What action, if any, should you take to address concerns of your soldiers?
- c. *ANSWER*: The scenario presents several different problems. The first issue is that displaying of national or cultural flags and symbols is a privilege which can be withdrawn, and not a right. Should your commander feel that displaying of certain symbols in the unit area is a detriment to team work and unit cohesion, he or she has the authority to withdraw the privilege. Second issue is whether the concerns of the soldiers are legitimate and require intervention by the chain of command. Finally, can the request by the soldiers to ban flags from the installation be realistically honored? If it is determined that the perception about displaying Puerto Rican flags is one of misunderstanding then it may be appropriate to conduct cultural awareness training. However, leaders should not overlook the fact that displaying of certain signs and symbols can be used to antagonize others as well as express cultural pride.

#### 3-4. PRACTICAL EXERCISE 3-2

- a. *SITUATION*: You are the squad leader in an infantry unit. While walking through your unit area, you over hear two African-American soldiers in your squad refer to one another as "home boys".
- b. *QUESTION*: How do you feel about the soldiers calling each other "home boy"? Should you take any action? If so, what and why?
- c. *ANSWER*: The term "home boy" is sometimes used as a greeting or an expression to show brotherhood or close cultural ties. Slang or other cultural expressions are frequently used by soldiers in addressing one another. However, leaders should be cautious when such terms are used between soldiers of different rank. Such familiarity can cause disciplinary problems when one soldier has to take orders from another with whom they perceived a personal relationship. Sometimes these expressions take on a derogatory meaning or can be misunderstood when soldiers outside the cultural group attempt to use the same expression. It is important that leaders are aware of certain cultural expressions and the positive or negative impact that they can have for a unit's EO climate.

#### 3-5. CULTURAL SYMBOLS

Symbols are acts, sounds, or objects which are not important in themselves, but which direct attention to something that is considered important. Most groups use symbols to show belonging and membership. Just as social organizations, religions, businesses, and political parties have their own sets of symbols, so do various ethnic groups. To understand group symbols or cultural symbolism, you must be aware of the self-concepts which have evolved within racially and culturally different groups. These concepts have often developed as a reaction to isolation from and rejection by the

power establishment. They are expressed through a strong identity and solidarity. There comes with this an increase in personal pride and in public identity. The following are examples of group symbols:

*a. GESTURES.* Certain physical gestures or "body language" may be used by ethnic groups to show pride or solidarity. The symbols used by different cultural groups are often viewed by others as a lack of professionalism, display of resentment, or outward hostility rather than as gestures of unity and cultural expression. (Example: ritual handshake)

*b. CLOTHING.* On special occasions many ethnic groups express a pride in their culture by wearing clothing that symbolizes their heritage. (Examples: Irish-Americans wearing green articles on Saint Patrick's Day and German-Americans putting on lederhosen (leather trousers) for German festivals.)

*c. LANGUAGE.* Certain verbal expressions may also be considered as symbols. Most of these express feelings of brotherhood or unity. (Example: The greeting, "What's up bro'?'")

### **3-6. CULTURAL SYMBOLISM**

A cultural symbol is an item or way of behaving which carries a special meaning for an ethnic or racial group. For soldiers and leaders, knowing about cultural symbols and their importance to individuals and group identity is very important. It is vital to creating and maintaining effective human relations. This leads to unit cohesion. Some examples of cultural symbols are pinatas, flags, special handshakes, and inscriptions on hats and shirts. These symbols help develop a healthy morale and esprit-de-corps among soldiers, but they need to be understood to be effective.

### **3-7. PROFESSIONAL SYMBOLISM**

The military uniform in itself is a professional symbol. It stands for the Army and all of its fine traditions: the ribbons denote acts of heroism and service; the unit crest expresses the heritage and traditions of the unit; and the insignia indicates rank and status within the military structure.

*Note.* Paraphrase the following: Leaders and soldiers at all levels need to accept cultural differences. A leader's awareness of these differences can have a positive impact on mission accomplishment. The more a leader knows about the ethnic cultures of the soldiers assigned to his or her unit, the better are the chances for developing and maintaining unit cohesion and readiness. This is a goal of the Army's EO program.

*Note.* Summarize the lesson and ask for questions.

## Chapter 4

### Lesson Plan 4—Prevention of Sexual Harassment

#### 4-1. OVERVIEW

- a. *TASK*: Identify situations of sexual harassment and recommend appropriate corrective action.
- b. *CONDITIONS*: In a classroom environment.
- c. *STANDARDS*: Correctly identify situations of sexual harassment and recommend appropriate corrective action.
- d. *TARGET AUDIENCE*: Leaders and soldiers at all levels.
- e. *RECOMMENDED INSTRUCTION TIME*: 120 minutes including practical exercises (PEs).
- f. *INSTRUCTOR REQUIREMENTS*: One instructor per class of no more than 25 students.
- g. *EQUIPMENT NEEDED FOR THE INSTRUCTION*: Overhead projector, overhead transparencies (OTs), Figures 4-1 through 4-8 chalkboard and chalk or butcher paper and magic markers, PEs 4-1 and 4-2.
- h. *MAJOR TOPICS COVERED*: The Army's program for preventing sexual harassment; policy; categories of sexual harassment; sexual harassment behavior, victim impact, sexual harassment checklist, coping mechanisms, components of prevention; and recommended techniques in dealing with sexual harassment.

#### 4-2. INTRODUCTION

*Note*. Paraphrase the following statements:

- a. The elimination of sexual harassment has been a long-standing goal of the Army's EO program. The Army has made a great deal of progress towards an effective policy of prevention. During recent years the issue of sexual harassment has received significant media and political attention in both government and in private sectors. This heightened awareness on the causes of sexual harassment has intensified national debate on prevention strategies.
- b. Sexual harassment affects everyone. It victimizes males as well as females and can occur at any time, and is not limited to the workplace.
- c. The eradication and prevention of sexual harassment is not just a moral imperative; it is a readiness issue. Army leaders continue to re-energize efforts to effect a policy of zero tolerance. Sexual harassment effects unit cohesion and mission effectiveness and violates acceptable standards of equality and fair play. Sexual harassment drains our limited resources and destroys unit morale. It detracts from a positive unit climate that promotes individual growth and teamwork, vital to combat readiness. For these reasons sexual harassment cannot and will not be tolerated.

*Note*. The term "civilian employees" used in this lesson plan, refers to Department of Army civilian employees (DACs) working either appropriated fund or non-appropriated fund position, and Army family members who are contract employees. Prior to class review Army policy regarding senior-subordinate relationships and fraternization in AR 600-20 and DA PAM 600-35.

#### 4-3. POLICY

a. Sexual harassment is defined in AR 600-20 as follows: Sexual harassment is a form of gender discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- (1) 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
- (2) submission to or rejection of such conduct by a person is made as a basis for career or employment decisions affecting that person, or
- (3) such conduct interferes with an individual's performance or creates an intimidating, hostile, or offensive environment.

b. The definition further states that any person in a supervisory or command position who uses or condones implicit or explicit sexual behavior to control, influence, or affect the career, pay, or job of a military member or civilian employee is engaging in sexual harassment. Similarly, any military member or civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature is also engaging in sexual harassment.

#### 4-4. CATEGORIES OF SEXUAL HARASSMENT

Soldiers and civilians need to have a clear understanding of some of the basic principles which are critical to identifying types of behavior which constitute sexual harassment. Two of these include "quid pro quo" and "hostile environment." Also, soldiers and civilians should understand "unwelcome" as viewed by a "reasonable woman" or "reasonable person standard," and the relevancy of impact versus intent.

*Note*. Show OT 4-1, CATEGORIES OF SEXUAL HARASSMENT.

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## CATEGORIES OF SEXUAL HARASSMENT

"Quid Pro Quo"  
Hostile Environment

## RELATED ELEMENTS OF SEXUAL HARASSMENT

Impact Vs Intent  
Reasonable Person and Reasonable Woman Standards

Figure 4-1. Categories of Sexual Harassment

---

### 4-5. QUID PRO QUO

a. "Quid pro quo" which is a Latin term essentially means "this for that." In relation to sexual harassment, it refers to conditions placed upon a person's career or terms of employment in return for sexual favors. This may involve threats of poor performance evaluations, firing, or a variety of other adverse actions if the victim does not submit to requests for sexual advances. One can still be a victim despite the appearance of willingly submitting to sexual advances; the threat to a person's job or career only has to be implied.

b. Quid pro quo can also involve promising favorable actions such as career advancement, promotions, and other benefits should the victim accede to the sexual advances of the harasser.

c. Incidents of quid pro quo can also have an adverse effect on third persons. It can result in allegations of sexual favoritism, or gender discrimination when a person feels unfairly deprived of recognition, advancement, or other career opportunities due to favoritism shown to another soldier or civilian employee based on a sexual relationship. An example would be assigning a squad member who finds out that his or her squad leader recommends another soldier for promotion based upon promised or actual sexual favors, not upon merit or ability.

### 4-6. HOSTILE ENVIRONMENT

a. A "hostile environment" occurs when soldiers or civilians are subjected to offensive, unwanted, and unsolicited comments and behavior of a sexual nature. Unwanted and unsolicited in this case means that the behavior was not requested or asked for in any terms. This form of sexual harassment has been identified as the most prevalent within the military.

b. A "hostile environment" brings the topic of sex or biased gender differences into the workplace in any one of a number of forms. It does not, however, necessarily include the more blatant or easily identifiable acts of quid pro quo. Rather, it normally includes those actions in "the grey areas" or the less obvious kinds of behavior which are based on gender differences.

c. An example of "hostile environment" often observed in the old Army would have been a predominantly male-oriented workplace where soldiers and their leaders frequently used derogatory feminine terms in describing unsatisfactory male performance, e. g., "wimp," "sissy," or "mama's boy." In addition, they would have used language that contained sexual connotations or was gender based such as certain jody calls during physical training. This environment may have tolerated or even encouraged posting of sexually oriented cartoons and pictures in the work and living areas. Also, telling of sexually explicit jokes and sharing sexist attitudes and opinions were likely prevalent. These behaviors created a hostile environment, whether or not women directly worked in or visited the immediate area.

*Note.* Emphasize that women do not have to be present or be a member of an organization for sexual harassment or hostile environment to occur; men can be sexually harassed by other men.

### 4-7. RELATED ELEMENTS OF SEXUAL HARASSMENT

In addition to the two basic categories of "Quid Pro Quo" and Hostile Environment, soldiers and civilian employees need to be aware of other related elements to identify behavior that constitutes sexual harassment.

### 4-8. IMPACT VS INTENT

a. Soldiers and civilians must understand that what they may consider to be joking or horseplay must be evaluated on its appropriateness and offensiveness as perceived by the recipient.

b. When attention of a sexual nature is neither wanted, initiated, nor solicited, it is considered "unwelcome."

Assessing whether the behavior is appropriate or offensive must be done from the perspective of the recipient, not the alleged harasser.

c. In determining whether such behavior constitutes sexual harassment, a primary concern is the impact of the act upon the victim, not the intent of the alleged harasser. An excuse such as, "I was only joking" is irrelevant. In the event of a complaint, the impact of an incident or series of incidents will be viewed from the complainant's perspective. The issue of intent on the part of the perpetrator is not a relevant factor in determining whether sexual harassment has occurred.

*Note.* You may inform the class that commanders may consider intent when adjudicating an appropriate command response or specific corrective actions.

#### **4-9. REASONABLE PERSON AND REASONABLE WOMAN STANDARDS**

a. Another variable in assessing the impact or expected reaction to sexual harassment is measured by the "reasonable person standard" or the "reasonable woman standard." These standards are used to predict the expected reaction to or impact of perceived offensive behaviors on the recipient. They ensure adequate sensitivity to a person's feelings and perspective while avoiding extremes. The standard asks, "How would a reasonable person under similar circumstances react or be affected by such behavior?" When the complainant is a woman, the evaluation would pose, "How would a reasonable woman be affected or react?"

b. The purpose of adopting a "reasonable woman's standard" is to avoid the issue of male bias which could exist in a "reasonable person's standard." Because of our socialization, men and women can watch the same behavior, but have a very different perspective about what they saw and what they were feeling.

*Note.* Provide a contemporary or current event or local issue as an example.

#### **4-10. SEXUAL HARASSMENT BEHAVIOR**

Earlier we stated that sexual harassment could enter the work environment in a number of ways. Sexual harassment behavior is a major factor for determining hostile environment and can be categorized into four basic forms: verbal comments, nonverbal gestures, printed material and physical contact. The following are common examples:

*Note.* Show OT 4-2, SEXUAL HARASSMENT BEHAVIOR.

---

### **SEXUAL HARASSMENT BEHAVIOR**

Verbal Comments  
Nonverbal Gestures  
Printed Material  
Physical Contact

**Figure 4-2. Sexual Harassment Behavior**

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#### **4-11. VERBAL COMMENTS**

a. Examples of verbal comments include telling sexual jokes and using profanity, off-color sexual comments, threats; or barking, growling, oinking, and whistling at passersby in describing certain sexual attributes about one's physical appearance.

b. Telling sexual jokes is one of the toughest forms of harassment to confront. It is not necessarily because of the different perceptions about the offensiveness of the joke, but rather the intent of the person telling the joke is often viewed as being "all in fun" with no deliberate attempt to hurt or do harm. Even those who are offended may laugh along rationalizing that tolerating the storyteller is a form of group camaraderie. However, this rarely is the case. Often the opposite reaction occurs creating a lack of respect and a "here we go again" response when the joker approaches.

c. Another kind of verbal behavior is using innocent "terms of endearment" such as "honey," "baby," "sweetheart" or "dear" in referring to soldiers or civilian co-workers. Initially this form of harassment appears innocent until someone demands that his or her appropriate title be used. When the victim's request is not honored and the behavior is repeated or escalated to another form, it can be classified as creating a hostile environment.



#### **4-12. NONVERBAL GESTURES**

Examples of nonverbal gestures are leering, ogling (giving the person "the eye" or "once over"), blowing kisses, licking lips, or winking. Nonverbal forms of sexual harassment may take on a more hostile appearance after the victim has rejected the advances of the harasser. Examples in males could be gestures of impending violence such as a clinched fist, stern facial expressions, or lowering their pants to tuck in their shirts in the presence of women. Examples by females could be adjusting their clothing, showing legs or cleavage, or wiggling in the presence of men.

#### **4-13. PRINTED MATERIAL**

Examples of printed material include sexually oriented notes, letters, or faxes. Other examples include visibly posting sexual sayings such as bumper stickers, cartoons, posters, calendars, pin-ups, or sexually oriented pictures and quotations found on seat covers or sun-visors where people work or meet.

#### **4-14. PHYSICAL CONTACT**

Examples of physical contact are touching, patting, hugging, pinching, grabbing, cornering, and kissing. Other examples include playing footsie-kneesie, blocking a passageway, providing unsolicited back and neck rubs, or unsolicited clothing adjustments. Often times sexual assault and rape are defined as physical forms of sexual harassment. Soldiers and civilians should understand that sexual assault and rape are clearly criminal acts and punishable under the UCMJ. When either occur it should be immediately reported to the military police or other law enforcement agencies.

#### **4-15. VICTIM IMPACT**

*Note.* Show OT 4-3, VICTIM IMPACT.

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### **VICTIM IMPACT**

**Interferes with Work Performance  
Creates Hostile Environment  
Promotes Negative Stress  
Creates Fear and Anxiety**

**Figure 4-3. Victim Impact**

---

*a.* Soldiers and civilians must understand the devastating affects sexual harassment can have on a victim and on unit readiness. Problems due to sexual harassment can manifest themselves in a number of ways. Some are very obvious, while others may be well hidden and not so visible.

*b.* The first and most obvious impact sexual harassment has on victims is that it interferes with their work performance. A soldier or civilian employee who has to fend off offensive and repeated sexual attacks cannot perform quality work.

*c.* Sexual harassment also creates a hostile environment by placing unreasonable stress on the victim. Sexual harassment promotes a negative form of stress that can affect everyone in the workplace. The impact of this form of stress on the victim can be devastating. It can affect not only the victim's ability to perform effectively on the job, but can also have an adverse impact on off duty time.

*d.* Sexual harassment also puts a high degree of fear and anxiety into the workplace. When the harassment is quid pro quo, the fear of loss of job or career opportunities can undermine a unit's teamwork and morale. The bottom line is this: anyone who is sexually harassed will be less productive, and the command climate will likely suffer. Soldiers and civilian employees can only reach their full potential in an environment that fosters dignity and respect.

#### **4-16. SEXUAL HARASSMENT CHECKLIST**

*Note.* In order to adequately assess whether an incident or behavior is or is not sexual harassment, students must apply the questions in the check list. Take this time to summarize and check learning. Ask the class for an example of behavior for each question.

*Note.* Show OT 4-4, SEXUAL HARASSMENT CHECKLIST.

Determining whether a specific incident or behavior constitutes sexual harassment is significant in the prevention process. The following questions, which are not meant to be all inclusive, can help in that determination:

- Is the behavior inappropriate for the workplace?
- Is the behavior sexual in nature or connotation?
- Is the conduct unwanted, unwelcome, or unsolicited?
- Do the elements of power, control, or influence exist?
- Does the situation indicate a quid pro quo relationship?
- Does the behavior create a hostile or offensive environment?
- Is the behavior repeated as it relates to gender treatment?
- How would a "reasonable person" or "reasonable woman" be affected?

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### SEXUAL HARASSMENT CHECKLIST

- o Is the behavior inappropriate for the workplace?
- o Is the behavior sexual in nature or connotation?
- o Is the conduct unwanted, unwelcome, or unsolicited?
- o Do the elements of power, control, or influence exist?
- o Does the situation indicate a quid pro quo relationship?
- o Does the behavior create a hostile or offensive environment?
- o Is the behavior repeated as it relates to gender treatment?
- o How would a "reasonable person" or "reasonable woman" be affected?

Figure 4-4. Sexual Harassment Checklist

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#### 4-17. COPING MECHANISMS

In order to adequately understand the impact that sexual harassment can have on a victim, soldiers and civilians should be aware of common coping mechanisms. They must recognize the behavior patterns that they themselves or others are victims might elicit in trying to cope with a stressful situation. Coping mechanisms such as denial, rationalization, and avoidance, are the more prevalent types of behaviors associated with sexual harassment.

*Note.* Show OT 4-5, COPING MECHANISMS.

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### COPING MECHANISMS

Denial  
Rationalization  
Avoidance

Figure 4-5. Coping Mechanisms

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#### 4-18. DENIAL

Denial is the most frequently used coping mechanism in that it offers an immediate remedy for dealing with a sexual harassment incident. Denial allows the victim to "write the incident off" as if it did not take place. It provides relief by mentally removing the victim from the incident. This removal keeps the person from feeling negative emotions and diminishes the necessity to respond. The incident may occur again, but a victim in complete denial may never acknowledge the existence of the behavior. A person in denial will not admit that the incident ever took place.

#### 4-19. RATIONALIZATION

*a.* Rationalization is another coping mechanism that allow victims of sexual harassment to avoid dealing with an emotional incident. This coping mechanism gives them a logical way of making personal excuses for their own behavior as well as for the behavior of others. Comments such as, "The joke wasn't really directed at me" or "I'm not that kind of person" are frequently heard.

*b.* Another form of rationalization relates to a person dealing with a sense of having little or no power. An excuse like, "What can I do? I'm just a subordinate with no visibility in the workplace." Rationalization also excuses the behavior of the harasser. The victim might say, "Surely he isn't really like that" or "She was just having fun."

*c.* Rationalization as well as denial precludes or reduces personal feelings of pain and injustice. This is especially true in senior-subordinate relationships where avoiding retaliation may be more important than recognizing personal feelings.

*d.* Joking about the harassment is another form of rationalization used to release tension and strengthen one's self-esteem. Victims may even assume that by laughing at the behavior, they draw attention away from themselves and reduce their feelings of being victimized by someone who has power and influence over them. Making fun out of a sexually harassing situation allows the victim to consider the actions of the perpetrator as circumstantial and negate their own feelings about the incident.

#### 4-20. AVOIDANCE

Avoidance as a coping mechanism can have a detrimental effect on victims of sexual harassment. Unlike denial and rationalization, the behavior associated with avoidance is easily misinterpreted as abnormal, inappropriate, or bizarre. The victims will sometimes behave out of character, exhibiting a host of excuses in an attempt to remove themselves from the harasser or an offensive environment. Claiming illness can keep a soldier on sick-call or, in the case of civilians, on sick leave. Depending on the severity of the harassment, avoidance can cause actual physical ailments such as an upset stomach, headaches, or other health-related problems. Soldiers and civilians who fail to come to work because of sexual harassment increase absenteeism; this hinders the unit's ability to effectively accomplish its mission.

#### 4-21. COMPONENTS OF PREVENTION

*a.* Increased emphasis on dealing with sexual harassment in the Army is not only inevitable, but it is highly proper. Because our armed forces are needed to protect our nation's security, tolerating inappropriate behavior or discrimination could be disastrous.

*b.* The necessary components of an organization's program to end sexual harassment must include total leadership commitment, career-long mandatory training in prevention of sexual harassment, a clearly established mechanism for reporting sexual harassment, and clear demonstration through disciplinary action that certain kinds of behavior will not be tolerated.

*Note.* Show OT 4-6, COMPONENTS OF PREVENTION. Paraphrase and modify the following to meet your target audience.

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### COMPONENTS OF PREVENTION

Total Leadership Commitment  
Career-Long Training  
Reporting Sexual Harassment  
Disciplinary/Administrative Actions

Figure 4-6. Components of Prevention

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#### 4-22. TOTAL LEADERSHIP COMMITMENT

*a.* The effectiveness and success of any prevention program is dependent upon the support of soldiers and unit leaders. Without full support, the Army's effort to prevent and eradicate sexual harassment will lose its momentum and effectiveness.

*b.* Commitment is multifaceted. It starts with the publication of clear and detailed policies. There must be commitment, personal example, and an effective way to monitor actions and enforce them. Leaders must ensure that soldiers and civilians understand their responsibility and commitment to support Army policy on preventing sexual harassment. They must have a sense of caring and openness to problem-solving.

*Note.* Show or provide the class with Prevention of Sexual Harassment Policy Memorandums used within your command.

c. A policy memorandum on the prevention of sexual harassment should emphasize the same points required for unit training which are: the Army's definition of sexual harassment (AR 600-20, Army Command Policy), behavioral examples of sexual harassment (which are addressed in this chapter), a personal statement from the commander in support of Army stating that sexual harassment will not be tolerated within the unit, a list of sanctions which may be used against offenders, an encouragement to unit personnel to report incidents of sexual harassment to the chain of command or other appropriate agencies, and a list of resources and agencies that can help resolve sexual harassment complaints.

d. The policy memorandum should also include the telephone numbers of the organization and/or installation-level EO office and the Sexual Harassment HOTLINE.

*Note.* Ask class members when and where they last received training in the prevention of sexual harassment. This will allow you to point out to the class where the system is working or the need for increased emphasis for conducting EO training.

#### **4-23. CAREER-LONG TRAINING**

a. The elimination of sexual harassment begins with a policy of career-long training to identify and prevent inappropriate behaviors. In addition to sequential and progressive training in required military and civilian supervisor courses, unit training in the prevention of sexual harassment (POSH) is required during biannual unit training.

*Note.* Minimum requirements for unit EO training are covered in Chapter 6 of AR 600-20. Paraphrase the following as appropriate for target audience:

b. The quality and effectiveness of unit training is of primary concern. The most effective approach to training to prevent sexual harassment is through interactive discussion in small groups of mixed gender. Situational vignettes or scenarios should be used to stimulate discussion among unit personnel. The training focus should be equal to the level of experience and breadth of responsibilities for each target audience.

c. Unit training for junior enlisted will: define sexual harassment and gender discrimination, sanctions which may be used to punish offenders, techniques for soldiers to deal with sexual harassment, and methods of filing a complaint through the EO complaint system.

d. Unit training for officers, junior NCOs, and civilian supervisors will reinforce the aforementioned training. In addition, emphasis should be placed on promoting a healthy work environment within the section or unit as well as on techniques of receiving, handling, and resolving complaints. Training on the unit's EO complaint system must include the leader's responsibilities in processing informal and formal complaints with strong emphasis on preventing reprisal actions against complainants.

e. Training at unit level for senior-level noncommissioned officers, warrant officers, officers, civilian managers, and senior executive service personnel will discuss strategies for fostering a healthy command environment and using appropriate sanctions for harassers. In addition, it will reinforce previous EO training received at more junior levels.

*Note.* If your class is targeted at unit leaders, mention that they may ask their brigade or installation-level EOA and unit EOR to help them prepare the training.

#### **4-24. REPORTING SEXUAL HARASSMENT**

a. All soldiers, and their family members have the right to prompt and thorough redress of EO grievances without fear of intimidation or reprisal. Refer to AR 600-20 which contains detailed information on the Army's EO complaint process.

b. The chain of command is the primary channel for handling and correcting allegations of sexual harassment. Although a number of alternate channels are available, soldiers and DA civilians are encouraged to bring their complaints to the first-line supervisor for resolution at the lowest possible level. Should complainants feel uncomfortable in bringing their concerns to the chain of command or the allegation of sexual harassment is against a member of the chain, a number of alternate agencies are available to assist in the complaint process. Some of these agencies include the Inspector General's Office, Chaplain, Office of the Staff Judge Advocate, and the organization or installation Equal Opportunity Advisor. Complaints of sexual harassment may be filed formally or informally. An informal complaint is one in which the complainant does not wish to file his or her grievance in writing. In attempting to resolve the problem at the lowest possible level, it may not be necessary to involve the commander or other members of the chain of command. In some cases, although not a guarantee, the confidentiality of the complainant may be maintained. Soldiers, family members, or civilians who wish to file a formal complaint must submit a sworn statement using DA Form 7279-R. The complainant is responsible for providing all pertinent information to include a detailed description of the incident and the names of witnesses and other involved parties.

*Note.* Inform the class that with respect to sexual harassment, a complainant should not be overly concerned about collecting sufficient evidence to support his or her allegation before filing a complaint.

c. Complainants have 60 calendar days from the date of the alleged incident in which to file a formal complaint of sexual harassment. The commander who acknowledges the complaint has 14 calendar days (or within three weekend

drill periods for Reserve Components) to resolve the complaint or provide written feedback to the complainant. An extension of an additional 30 calendar days may be required in special circumstances. At the conclusion of the commander's inquiry or investigation, the complainant will be informed in writing as to whether his or her complaint was substantiated and the appropriate action taken.

d. Should the complainant disagree with the findings or actions taken to resolve the complaint, the complainant may file an appeal. Appeals must be submitted within 7 calendar days (next drill period for ARNG or USAR) of being notified as to the final disposition of the complaint. The appeal should be filed with the commander who processed the complaint, next higher commander within the chain, or with the commander who has General Court Martial convening authority. Should complainants feel that they are victims of intimidation or reprisal actions, they must report such incidents to the chain of command or other alternate agencies.

#### 4-25. DISCIPLINARY/ADMINISTRATIVE ACTIONS

*Note.* Show OT 4-7, SEXUAL HARASSMENT BEHAVIORS SUBJECT TO DISCIPLINARY ACTIONS (UCMJ). Transition by stating "We have discussed the basic principles and Army policy for identifying and preventing sexual harassment. We shall now look at some of the consequences for violating that policy."

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SEXUAL HARASSMENT BEHAVIORS SUBJECT TO DISCIPLINARY ACTIONS (UCMJ)	
OFFENSE	UCMJ ARTICLE
Making sexual comments or gestures	Art 89 disrespect toward superior officer Art 91 insubordinate conduct towards a WO or NCO Art 117 provoking speech & gestures Art 134 indecent language
Offering rewards for sexual favors	Art 134 bribery and graft
Making unsolicited or unwelcome sexual contact with intent to gratify lust or sexual desire	Art 134 indecent assault
Threatening the career, job, or salary of a person unless he or she "cooperates"	Art 127 extortion Art 134 communicating a threat
Engaging in or condoning sexual harassment behaviors	Art 92 failure to obey an order or regulation Art 133 conduct unbecoming an officer
Influencing or threatening the career, pay or job of another person in exchange for sexual favors	Art 93 cruelty and maltreatment

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**Figure 4-7. Sexual Harassment Behaviors Subject to Disciplinary Actions (UCMJ)**

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a. Commanders have a wide variety of options in administering corrective actions or punishment for inappropriate behavior. The UCMJ has a number of articles which may be used to deal with equal opportunity and sexual harassment policy violators. Offenses which are identified as severe forms of sexual harassment are clearly punishable under the UCMJ. (See Figure 4-7.)

b. In addition to the UCMJ, there are a number of administrative actions that can be used to include the following: bars to reenlistment, memoranda of admonishment and reprimand, relief for cause, rehabilitative transfer, correctional training; formal counseling, and denial of certain privileges. When there is a sexual harassment violation, the block "Supports EO/EEO" on a military rating forms must be marked accordingly. Punishment and administrative sanctions are clear messages that sexual harassment will not be condoned or tolerated.

#### 4-26. RECOMMENDED TECHNIQUES FOR DEALING WITH SEXUAL HARASSMENT

a. All soldiers and civilian employees have a responsibility to help resolve acts of sexual harassment and are encouraged to report them to the chain of command or appropriate agencies. There are certain actions victims can take to help them deal with sexual harassment situations.

b. Confronting the harasser is always encouraged, but depending on the severity of the act, directly confronting the harasser may be inappropriate. When reporting a sexual incident a victim should report the specifics of the incident to give the chain of command a chance to resolve the issue. Soldiers and civilian employees are also responsible for submitting legitimate complaints.

c. Commanders are required to educate their personnel on complaint procedures and in addition should provide them with a source to help prevent or resolve sexual harassment behaviors in the unit or work area. The following techniques are not meant to replace the chain of command, but can be valuable tools in dealing with inappropriate behavior. This following list is prioritized to denote a victim's increased involvement.

Note. Show OT 4-8, TECHNIQUES FOR PREVENTION.

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### TECHNIQUES FOR PREVENTION

Diary	Letter
Talking	Confronting
Intermediary	Reporting

Figure 4-8. Techniques for Prevention

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#### 4-27. DIARY

a. Keeping a record of daily events is a way to help victims clarify situations and events that affect them emotionally. Like a diary, the information that is recorded should resemble a journal of personal notes. These notes should be factual and include details to include time, location, and names of those present during each incident. Those who elect to use this strategy, however, should be cautioned not to keep their diary in the work area nor should they let others see or read their notes. Like "bad press," this could create additional problems that have nothing to do with resolving the harassment, especially if coworkers and supervisors perceive that the victim is only "keeping book."

b. The purpose of the diary is to help victims of sexual harassment sort through their feelings and emotions before taking action. In the event the victim decides to file a complaint, the diary can be useful in recalling specifics on who, what, when, and where. A diary that is used to record information about sexual harassment should not be kept indefinitely. The victim should decide within a reasonable length of time to act rather than continue to record information. Finally, the victim should not merely rely solely upon a diary as evidence to support a case of sexual harassment. Without proper translation the diary could be misinterpreted and detract from dealing with the harassment.

#### 4-28. TALKING

a. Talking to others is a strategy that should be considered when dealing with a sexual harassment situation. Talking has a number of benefits. It can lead a person to alternatives in trying to correct another person's behavior or other environmental problems.

b. Talking to others in and of itself is a great stress reliever. When people are under stress they may become less effective or productive on the job because their ability to think clearly is diminished. Talking to others in the work area is also a way to clarify perception about what is happening. In other words, do others see things the same way or is this an act of being overly sensitive.

c. Another advantage of talking is that it can provide the victim with alternatives on how to address sexual harassment problems. When victims are unable to stop the harassment and have to file a complaint, the fact that someone else was informed helps support the victim's allegations.

d. Whomever the victim elects to talk to should have their trust, confidence, and preferably a leadership role in the organization.

e. Soldiers and civilians must be cautioned, however, that talking to others, in and of itself, will not resolve the problem; victims must at some time decide to act. If they only talk about being a victim and fail to report the sexual

harassment to the chain of command, they may be labeled as troublemakers which detracts from their legitimate complaint.

#### **4-29. INTERMEDIARY**

*a.* A victim may want to take a more direct approach in attempting to stop a sexual harassment situation. However, he or she may feel intimidated, apprehensive or reluctant to speak to the harasser directly. In such cases, a co-worker, supervisor, or another leader can serve as an intermediary and speak to the offender on behalf of the victim. Hopefully, the person who is asked to be an intermediary is not also intimidated. If so, chances for success by this means are minimal at best.

*b.* An intermediary does not speak for the victim, but relates what behavior the victim wants stopped. The discussion must be serious throughout so as to leave the impression that the offensive behavior is not being taken lightly. Again, the intermediary must speak to specific types of behavior and let the harasser know that any further behavior will be reported to the chain of command or appropriate agency. If the intermediary is senior to the harasser, the language used in the discussion must be more directive.

#### **4-30. LETTER**

*a.* Another strategy for confronting sexual harassment is to write the harasser a letter. The letter should be professional, polite, and specific about what behaviors are offensive and unwelcome. The letter should contain at least three parts: first, an objective description of the behavior or incident(s) without evaluating the harasser or providing editorial comments; second, a description of how the victim is affected by the behavior; and finally, what the victim wants the harasser to do to correct the problem.

*b.* The advantages of this technique are that it gives the victim a chance to handle the situation, it avoids formal charges and public confrontations, and it gives the harasser an opportunity to look at the impact of his or her behavior. It may also minimize or prevent retaliation against the writer.

*c.* Victims should be warned that a letter also can be interpreted by the harasser as a sign of weakness or intimidation. Therefore, the victim should be prepared to report the incident should the harassment continue. Victims of sexual harassment should keep a copy of the letter in the event a formal complaint is required. Copies should not be provided to others unless they are involved in the complaint process.

#### **4-31. CONFRONTING**

*a.* Confronting the harasser directly can be an effective method for dealing with unwanted, offensive behavior. Soldiers and civilian employees are encouraged to take this course of action whenever it is appropriate to do so. However, depending on the severity of the act and victim's own confidence for success, direct confrontation may not be appropriate in all circumstances. Victims should be aware that successful confrontation involving severe forms of harassment does not preclude reporting the harassment to the chain of command.

*b.* Victims of sexual harassment should be encouraged to confront their harasser at the time of the act or very soon thereafter and do so in a professional manner. The victim should tell the harasser exactly what behavior is offensive and unwanted. However, the victim should be cautioned when using this approach not to verbally attack the harasser, but calmly describe the behavior. Finally, victims should let the harasser know how they feel and that his or her behavior will be reported to the chain of command if the behavior is continued or repeated.

#### **4-32. REPORTING**

The decision to report an incident of sexual harassment is often viewed as a last resort by most victims. This is due to their fear of involvement, fear of reprisal, or fear of being identified as one who complains. Reporting does have its place even when the victim has been successful in stopping the harassment. Depending on the severity of the incident, "reporting" may be the appropriate first course of action. Reporting may also be the final choice when prior coping efforts have failed and no alternative remains. Reporting must deal with facts so that the commander or other leaders can address specific issues and talk to valid witnesses.

*Note.* At this time divide the class into four equal groups. Give them sufficient time to read the scenario to themselves and then allow 15 to 20 minutes for group consensus on the PE questions. Have each group elect a spokesperson to report responses.

#### **4-33. PRACTICAL EXERCISE 4-I**

##### *a. SITUATION:*

(1) You are a squad leader in HHC, USAG. You supervise six soldiers, five men and one woman. The woman, SPC Donna Johnson, was assigned to the company about three months ago. Until two weeks ago you were very pleased with SPC Johnson's work. She was willing and able to take on additional responsibilities when asked and seemed to be getting along well with all the men. But now you're thinking you may have misjudged her. Lately her work hasn't been up to par. Her material reports have been incomplete, accountability of her equipment is constantly inaccurate, and lately she has been "riding sick call." When you talked to her about it, she seemed distracted and said she would try to improve.

(2) You've also noticed that one of the other soldiers, SPC Matt Thomas, spends a lot of time with SPC Johnson.

You overheard him telling her a dirty joke one day, but she smiled and seemed to find it funny. On another occasion you heard him make a comment about her figure, to her face and in front of the other men. SPC Thomas can sometimes be obnoxious, but everyone likes him and puts up with his bad behavior. SPC Johnson hasn't complained to you, but you feel uneasy about the whole situation.

*b. QUESTIONS:*

- (1) Do you think sexual harassment has occurred in this situation? Why or why not?
- (2) What is your responsibility as a supervisor? Should you wait for SPC Johnson to complain or speak to you?
- (3) Do you need more information? What other issues and concerns should you address?
- (4) What will you do about SPC Johnson's job performance?

*c. ANSWERS:*

(1) Yes. SPC Johnson is being sexually harassed by SPC Thomas. SPC Thomas' behavior is inappropriate and constitutes actions which might be interfering with SPC Johnson's work. Even though SPC Johnson has not complained, SPC Thomas' behavior has the potential for creating a hostile environment and should not be tolerated.

(2) Your responsibility as supervisor in this situation is to correct SPC Thomas' behavior. You should not wait until SPC Johnson complains. You then should counsel SPC Johnson on her work performance to determine the cause of her lower productivity.

(3) Yes. As SPC Johnson's supervisor you need to determine why her performance has fallen off. You need to also determine the extent and severity of SPC Thomas' behavior towards SPC Johnson and the involvement of other members in your section. The sexual harassment by SPC Thomas could have had an impact on SPC Johnson's duty performance, however your observations are sufficient to make an on-the-spot correction and counsel SPC Thomas on his inappropriate behavior.

(4) What you do about SPC Johnson's performance will depend a great deal on what you determine to be the cause of her reduced productivity. You must counsel her to determine if her poor performance is due to environmental factors or other related concerns.

*Note.* Give the class Practical Exercise 4-2. Let the students read each scenario then discuss the answers among themselves for 15-20 minutes. The scenarios are meant to generate thinking about the various aspects of sexual harassment. In addition the students will gain further insight into understanding concepts and problems with identifying sexual harassment behaviors.

#### **4-34. PRACTICAL EXERCISE 4-2**

*a. SITUATIONS:*

(1) *SITUATION A:* CPT Bob Jack overheard two of his co-workers, CPT Lisa Gray and 1LT Adam West, laughing quietly, whispering, and flirting with each other. The next time CPT Jack passed CPT Gray, he winked and said, "Hi, sweet thing," and looked her over, all in a joking manner. CPT Gray was angry and offended and told him so. **QUESTION:** Did CPT Jack sexually harass CPT Gray?

(2) *SITUATION B:* When Tom Bennet, a civilian supervisor of military personnel, gets his work group together for their monthly planning session, he always asks SSG Carol Jackson to take notes and make coffee. His work group consists of three administrative assistants—SSG Jackson, SSG Kelvin Bridges, and SSG Reginald Gibson. **QUESTION:** Is Tom sexually harassing SSG Jackson?

(3) *SITUATION C:* Throughout the day, MSG York has to drop by the job site to oversee the work of his crew, which is made up of three women and eight men. When he passes SFC Monica Thomas or SSG Pamela Hey he occasionally pats one of them or gives them a "little pinch" or a hug. He has never said anything really sexual to either of them, and they've never objected to his occasional touches. **QUESTION:** Is MSG York sexually harassing the women?

(4) *SITUATION D:* MAJ Chong really likes his subordinates, and he makes it a point to treat everyone the same. He especially likes to joke and tease in what he feels is a good-natured way. He makes comments like "How's your love life?" and "Don't do anything I wouldn't do", but MAJ Chong would never be lewd or offensive. None of his subordinates has ever objected, and sometimes they laugh. **QUESTION:** Is this sexual harassment?

(5) *SITUATION E:* Last night MSG Donald Reese went to a business dinner meeting arranged by his boss, CPT Ora Issacs. He expected the whole office staff to be there, but it was just the two of them. The restaurant was dimly lit, with a very romantic atmosphere. After a few drinks MSG Reese realized that the only business to be discussed was CPT Issacs' attraction to him. Just before suggesting that they go to her house for a nightcap, she mentioned MSG Reese's upcoming Noncommissioned Officers Evaluation Report (NCOER). **QUESTION:** Is CPT Isaacs sexually harassing MSG Reese?

(6) *SITUATION F:* SGT Martha White is very attracted to her supervisor, SFC Dan Black. Since they're both single, she asked him over for dinner one Friday evening. After a very pleasant evening and a few too many drinks, they ended up spending the night together. **QUESTION:** Is this sexual harassment?

*b. ANSWERS:*

(1) *SITUATION A:* Yes. CPT Jack's behavior was inappropriate and constitutes sexual harassment. His action has the potential for creating a hostile environment. Although the behavior displayed by CPT Gray and 1LT West is not identified as sexual harassment it appears inappropriate for the work place.



(2) *SITUATION B*: No. There is no rationale given in the scenario as to why Mr Bennet has SGT Jackson take notes and make coffee, it appears to be discrimination based upon gender role stereotyping, and not sexual harassment. There is not enough information to determine why Mr Bennet assigned SGT Jackson these specific duties during the monthly planning sessions.

(3) *SITUATION C*: Yes. Based upon the scenario MSG York's behavior appears to be a physical form of sexual harassment. The question is "pats where and pinches where?" There is nothing in this scenario which would indicate that MSG York's behavior is either sexual or offensive but, his physical touching of his subordinates was neither requested nor asked for, and thus has the potential for creating a hostile environment. The behavior is also only directed at two of the three women on the job site. Therefore it appears gender based and inappropriate. His behavior could also be perceived as a form of preferential treatment by the men on the job site and cause for a complaint of treatment that is based on gender difference.

(4) *SITUATION D*: No. This is not sexual harassment. Though some may view MAJ Chong's comments as a subtle form of harassment, his actions should not be viewed as sexual or offensive. He treats both men and women the same. However, as the supervisor his comments may be inappropriate.

(5) *SITUATION E*: Yes. CPT Issacs' behavior is a "quid pro quo" form of sexual harassment. Although she has not mentioned sex in her conversation with MSG Reese, she has made it clear that there is a direct connection between his response to her suggestion for a nightcap at her place and his next NCOER.

(6) *SITUATION F*: No. However it is clearly inappropriate for supervisors and their subordinates to get involved romantically. This behavior can damage unit morale and discipline. This is also a possible UCMJ violation, fraternization.

## Chapter 5

### Lesson Plan 5—Discrimination

#### 5-1. OVERVIEW

- a. *TASK*: Identify situations of discrimination and recommended appropriate corrective action.
- b. *CONDITIONS*: In a classroom environment.
- c. *STANDARDS*: Correctly identify situations of discrimination and recommend appropriate corrective action.
- d. *TARGET AUDIENCE*: Leaders and soldiers at all levels.
- e. *RECOMMENDED INSTRUCTION TIME*: 60 minutes including practical exercises (PEs).
- f. *INSTRUCTOR REQUIREMENTS*: One instructor per class of no more than 20 to 25 students.
- g. *EQUIPMENT NEEDED FOR THE INSTRUCTION*: Overhead projector, overhead transparencies (OTs), chalk-board and chalk or butcher paper and magic markers.
- h. *TOPIC COVERED*: Definitions of discrimination.

#### 5-2. INTRODUCTION

When we speak of discrimination in terms of equal opportunity (EO), we are not talking about a person's ability to recognize the differences between things. For example, it does not refer to your ability to discriminate (or distinguish) between good and bad workmanship. That is a matter of good judgment. You have every right to do it. The type of discrimination that the Army will not tolerate is that which is arbitrarily based on a person's race, color, gender, national origin, or religion. This kind of treatment is punishable under the Uniform Code of Military Justice (UCMJ).

#### 5-3. DISCRIMINATION DEFINED

- a. Here is a basic definition of discrimination:

*Note.* Show OT 5-1, DISCRIMINATION.

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#### DISCRIMINATION

Making a difference in treatment on a basis other than individual merit.

Figure 5-1. Discrimination

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- b. In other words, discrimination is inflicted by one person or group on another person or group by giving unequal treatment. Unequal actions, practices, and policies are founded on prejudice and deprive the recipients of EO. Prejudicial actions are based on a variety of factors including these.

*Note.* Show OT 5-2, FACTORS IN DISCRIMINATION.

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#### FACTORS IN DISCRIMINATION

Race  
Gender  
Skin color  
Religion  
National Origin

Figure 5-2. Factors in Discrimination

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c. As you can see, none of these factors has anything to do with someone's individual merit or personal achievements.

d. Discrimination can be sub-categorized as individual, small group, and institutional, but these divisions all have a common element: actions or practices which have a deferential and harmful impact. They all violate current organizational and social norms and deprive people of EO.

e. Leaders must recognize and eliminate practices of discrimination whenever possible. In order to follow the Army's EO policy, commanders must monitor recommendations for promotions, awards, punitive and non-punitive actions, and other areas to ensure they are based solely on merit, fitness, and capability potential.

#### **5-4. PRACTICAL EXERCISE 5-1**

*Note.* Distribute practical exercises 5-1, 5-2, and 5-3. Give the class 10 to 15 minutes to complete them, then discuss.

a. *SITUATION:* Specialist (SPC) Gutierrez and Private First Class (PFC) Torres were talking about the forthcoming Hispanic Heritage Month observance. Their conversation was in Spanish. SFC Stevens came up and said "You are in America" and told them to stop speaking Spanish.

b. *QUESTION:* This is an example of which of the following?

- (A) Prejudice, but not discrimination.
- (B) Discrimination, but not prejudice
- (C) Prejudice and discrimination.
- (D) Neither prejudice nor discrimination.

c. *ANSWER:* (C) Interfering with their personal conversation, stating they were Americans, and ordering them to stop speaking Spanish is an act of discrimination based on prejudice. English is the operational language of the Army, however, personal conversations, especially off-duty, may take place in any language.

#### **5-5. PRACTICAL EXERCISE 5-2**

a. *SITUATION:* You are the Platoon Sergeant for the support platoon. Recently two female soldiers were assigned to your unit. Both women hold primary MOS as wheeled vehicle mechanics. When they arrived, the unit was short two clerks. The unit had two men from the motor pool filling the positions until the new clerk-typists arrived. Both men hold a secondary MOS of clerk-typist. During inprocessing, you learned that both women can type 60 words per minute. Although neither soldier holds a primary or secondary clerk-typist MOS, you decide to send the two men back to the motor pool and give the typist jobs to the women. You feel that the women would be happier in an office environment, and their typing skills justify your decision.

b. *QUESTION:* This is an example of which of the following?

- (A) Proper utilization without discrimination.
- (B) Improper utilization without discrimination.
- (C) Discrimination, but proper utilization.
- (D) Discrimination and improper utilization.

c. *ANSWER:* (D) Based upon the scenario this is a case of discrimination based on gender role stereotyping. It is also improper utilization of personnel based on MOS qualification and position assignments.

#### **5-6. PRACTICAL EXERCISE 5-3**

a. *SITUATION:* You are the first sergeant of a company sized unit. One of your platoon sergeants present you with information that he believes supports a case of discrimination within the unit's awards and promotion system. At this time it does not appear that someone deliberately influenced either system. However, the data does indicate a significant disparity between unit personnel based on race and gender.

b. *QUESTION:* What action(s) do you believe are required to address this problem raised by the platoon sergeant?

c. *ANSWER:* Initially you must determine what is the cause of the disparity in awards and promotions. This can be accomplished by an informal inquiry, or if warranted, a formal investigation. Review unit records pertaining to award nominees and promotion eligibility. You must determine whether the situation is an inherent EO problem or whether there are certain practices and functions within the command that intentionally or unintentionally treat soldiers differently because of race or gender.

## Chapter 6

### Lesson Plan 6—EO Violations Subject to the UCMJ Actions

#### 6-1. OVERVIEW

- a. TASK:* Identify EO violations which are subject to disciplinary actions under Uniform Code of Military Justice (UCMJ).
- b. CONDITIONS:* In a classroom environment.
- c. STANDARDS:* Identify the EO violation or offense and appropriate UCMJ article(s).
- d. TARGET AUDIENCE:* Leaders and soldiers at all levels.
- e. RECOMMENDED INSTRUCTION TIME:* 40 minutes.
- f. INSTRUCTOR REQUIREMENTS:* One instructor per class of no more than 25 students.
- g. EQUIPMENT NEEDED FOR THE INSTRUCTION:* Overhead projector, overhead transparencies (OTs), Figure 6-1, chalkboard and chalk OR butcher paper and magic markers.
- h. TOPIC COVERED:* EO violations subject to charges under UCMJ.

#### 6-2. INTRODUCTION

*a.* A significant aspect of the Army's EO program is leader commitment and command support. This implies that EO, as with any other mission in the Army, must be subject to the full range of administrative and disciplinary actions to correct or punish personnel for inappropriate and illegal behaviors. A soldier's disobedience and misconduct may result in consequences unlike any in civilian life. For instance, sexual harassment by a soldier can seriously disrupt a unit's mission accomplishment, which could be fatal on the battlefield. Therefore, soldiers and their leaders must have a clear understanding of not only what behaviors are inappropriate, but also understand the consequences for engaging in or condoning such behavior.

*b.* When confronted with an EO violation the leader must consider a number of factors. Some of these include the severity of the behavior, the frequency of the act(s), and the circumstances under which the violation occurred. When considering an appropriate course of action to correct the violation the leader may first pursue a number of administrative actions such as on-the-spot correction, formal counseling, training, a memorandum of reprimand, or if warranted administrative separation.

#### 6-3. UCMJ ACTIONS

*a.* When the EO violation is a more serious breach of discipline such as deliberate or repeated offenses or the violation constitutes a criminal act, punishment under the Code should be considered. Not every EO violation will warrant UCMJ actions, however soldiers and their leaders must have a clear picture as to which offenses are subject to the Code.

*b.* The action taken to address the offense must be appropriate to the specific facts surrounding each incident.

*c.* The following is a list of the more prevalent EO violations which are addressed as offenses and subject to action(s) under the UCMJ.

*Note.* Show and discuss OT 6-1, EO VIOLATIONS SUBJECT TO UCMJ ACTIONS.

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## EQUAL OPPORTUNITY VIOLATIONS SUBJECT TO UCMJ ACTIONS

OFFENSE	ARTICLE
Making racial or sexual comments and/or gestures	Art 89 disrespect toward superior officer Art 91 insubordinate conduct towards WO or NCO Art 117 provoking speech or gestures Art 134 indecent language
Offering rewards for favors which constitute an EO violation	Art 134 bribery and graft
Making unsolicited and unwelcome sexual contact	Art 134 indecent assault
Attempts or offers with unlawful force or violence to do bodily harm to another person because of race, color, religion, national origin, or gender	Art 128 assault
Threatening the career, job, or salary of another unless they "cooperate"	Art 127 extortion Art 134 communicating a threat
Engaging in or condoning EO violation	Art 92 failure to obey an order or regulation Art 133 conduct unbecoming an officer
Influencing or threatening the career, pay or job of another person in exchange for sexual favors	Art 93 cruelty and maltreatment
Making false statements	Art 107 false official statement

Figure 6-1. Equal Opportunity Violations Subject to UCMJ Actions

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d. Soldiers and their leaders must clearly understand the impact and consequences of EO violations. Leaders set the standard and lead by example. They must ensure that their subordinates know the policy on inappropriate behaviors. Leaders must take immediate action to correct EO violations and when warranted pursue sanctions under the UCMJ. A key factor in maintaining a positive EO climate is for everyone to know how to prevent an EO violation and keep situations from escalating to the point of legal actions. When soldiers understand that certain behaviors are illegal and subject to severe disciplinary actions the more likely they are to support the program and ensure their behavior is in compliance.

*Note.* Summarize the lesson and ask for questions.

## Chapter 7

### Lesson Plan 7—Enforcement of Equal Opportunity Policies

#### 7-1. OVERVIEW

- a. *TASK*: Define enforcement of equal opportunity (EO) policies.
- b. *CONDITIONS*: In a classroom environment.
- c. *STANDARDS*: Identify violations of EO policies and take corrective actions based upon Army command policy and leadership principles.
- d. *TARGET AUDIENCE*: Leaders at squad level and above.
- e. *RECOMMENDED INSTRUCTION TIME*: 15 minutes including the practical exercise (PE).
- f. *INSTRUCTOR REQUIREMENTS*: One instructor per class of no more than 20 to 25 students.
- g. *EQUIPMENT NEEDED FOR THE INSTRUCTION*: Overhead projector, overhead transparencies (OTs), chalkboard and chalk or butcher paper and magic markers, PE 7-1 handout.
- h. *TOPICS COVERED*: EO policy, EO violations, and a leader's EO enforcement responsibilities.

#### 7-2. PRINCIPLES OF THE EQUAL OPPORTUNITY PROGRAM

- a. As a leader, among your duties and responsibilities is enforcing the Army's and your organization's EO policies. For your review, here are the policy's main points:

*Note.* Show OT 7-1, ARMY'S EQUAL OPPORTUNITY POLICY. (See Lesson Plans 1 and 14 for discussion of sexual harassment.)

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#### ARMY'S EQUAL OPPORTUNITY POLICY

- Equal treatment for soldiers and family members
- Both on and off post
- Total environment (living and working)
- Environment free of sexual harassment

Figure 7-1. Army's Equal Opportunity Policy

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- b. The EO program provides equal treatment for all soldiers and their family members. The program applies both on and off post and includes both living and working environments. It also provides an environment free of sexual harassment.

#### 7-3. EQUAL OPPORTUNITY VIOLATIONS

Two of the major EO violations are discrimination and sexual harassment.

*Note.* Show OT 7-2, MAJOR EO VIOLATIONS. (See Lesson Plans 5 and 14 for more complete discussions of these points.)

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#### MAJOR EO VIOLATIONS

- Discrimination (based on race, color, gender, religion, or national origin)
- Sexual harassment

Figure 7-2. Major EO Violations

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a. **DISCRIMINATION.** Behavior based on prejudice is always abusive, and it is a major EO violation. This is discrimination in the worst sense of the term. It deprives people of their rights because of race, color, gender, religion, or national origin.

b. **SEXUAL HARASSMENT.** The Army defines sexual harassment as a form of gender discrimination. It involves unwelcome sexual advances, requests for sexual favors, and other types of gender-based verbal, nonverbal, or physical contact.

#### **7-4. EO ENFORCEMENT RESPONSIBILITIES FOR LEADERS**

You must take your duties and responsibilities seriously in every unit program. A leader who is active in supporting and enforcing the Army's and unit's EO policies will help to create and sustain an EO climate which improves overall readiness.

*Note.* Ask the class: What are your responsibilities for enforcing Equal Opportunity (EO) policies? After several responses, show and discuss O.T. EO ENFORCEMENT TECHNIQUES FOR LEADERS, Figure 7-3.

*Note.* Distribute practical exercises PE 7-1 and PE 7-2. Give the class 5 to 10 minutes to form answers, then discuss their answers.

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### **EO ENFORCEMENT TECHNIQUES FOR LEADERS**

- \* Lead by example
- \* On-the-spot correction (informal counseling)
- \* Formal counseling (written)
- \* Nonjudicial punishment (Article 15, and memorandum of reprimand, etc.)
- \* Use of OER and NCOER
- \* Judicial punishment (court-martial)
- \* Bar to reenlistment
- \* Separation action

**Figure 7-3. EO Enforcement Techniques for Leaders**

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#### **7-5. PRACTICAL EXERCISE 7-1**

a. **SITUATION:** Private Ann Medis hates her unit's physical fitness training. She does not hate exercising or physical athletics. She is tired of the remarks made by men in the unit, such as "can you make those moves for me, Baby?" or "I know how we can sweat together". When she went to the squad leader and complained, he stated that she wasn't cut out for the Army and was being over sensitive. He said, "the men were just joking — don't take it personally."

b. **QUESTION:** Are leader actions required? If so, what?

c. **ANSWER:** Yes. Leadership actions are definitely required in this scenario. PVT Medis is a victim of a hostile environment. It is the responsibility of the squad leader to correct the behavior of the soldiers and or report the matter to the chain of command. The squad leader should also be counseled for condoning the behavior of the men in his unit, once brought to his attention and for not taking appropriate action.

#### **7-6. PRACTICAL EXERCISE 7-2**

a. **SITUATION:** Corporal Jones is the squad leader in the 1st Platoon. During a recent company party, several members of his organization were clustered around the day room swapping war stories and telling jokes. He notices several members of his squad huddled near the pool table. As he approaches the group, he notices that they are passing around a piece of mimeographed paper. Upon joining their conversation, he is handed the paper which contains derogatory ethnic cartoons. Although Corporal Jones is surprised and a little upset about the paper being passed around, he laughs and pretends to go along with the caricatures. The next day he talks to the platoon sergeant about what happened. She informs him that she has already received several complaints about the incident, but she couldn't do anything about it because she could not determine who initiated the paper.

*b. QUESTION:* What EO responsibilities, if any, are required of the individual soldiers, squad leader, platoon sergeant, and chain of command?

*c. ANSWER:*

(1) EO responsibilities in this scenario should have started with any soldier in the group stating such behavior should be curtailed. Since no one in the group took corrective action it then became Corporal Jones responsibility. Upon his arrival he should have made an on-the-spot correction by informing his soldiers that such behavior is inappropriate and in violation of Army EO Policy. When leaders pretend to go along with any ethnic or gender related joke, they endorse the behavior as being ok.

(2) The platoon sergeant's response that nothing could be done, in this case, is inappropriate. Incidents of this nature can have a far reaching impact on unit cohesion. The platoon sergeant should bring this incident to the attention of the chain of command, i.e. the platoon leader or company commander. The squad leader and platoon sergeant need to ensure that all actions involving their EO responsibilities have been pursued.

(3) The commander, as a minimum, may only decide to call those involved, or gather the entire company for refresher training on the Army's EO Policy as it applies to this situation. In the event of a formal complaint the commander may elect to conduct an inquiry or full investigation into the incident. The appropriate corrective action(s) will be based on the findings from the inquiry or investigation.



## Chapter 8

### Lesson Plan 8—Army Equal Opportunity Complaint Procedures

#### 8-1. OVERVIEW

- a. *TASK*: Describe equal opportunity complaint procedures of the Equal Opportunity Program.
- b. *CONDITIONS*: In a classroom environment.
- c. *STANDARDS*: Describe the equal opportunity complaint procedures.
- d. *TARGET AUDIENCE*: All leaders and soldiers.
- e. *RECOMMENDED INSTRUCTION TIME*: 50 minutes.
- f. *INSTRUCTOR REQUIREMENTS*: One instructor per class of 25 students.
- g. *EQUIPMENT NEEDED FOR THE INSTRUCTION*: Overhead projector, overhead transparencies (OTs) Figures 8-1 through 8-4, chalk and chalkboard or butcher paper and magic markers.
- h. *TOPICS COVERED*: Types of complaints; alternative agencies; entering the EO complaint process; the right to appeal; and protection against reprisal or intimidation.

#### 8-2. INTRODUCTION

a. Discrimination and sexual harassment can have serious consequences for unit cohesion and teamwork essential to winning on the battlefield. The Army's EO complaint process is designed to address grievances specifically related to discrimination based on race, color, national origin, religion or gender. All soldiers, family members, and DA civilians have the right to thorough and expedient investigations of their EO grievances when they perceive an injustice or incident of unfair treatment. They may report acts of discrimination and other EO violations to the chain of command or to others appropriate individuals.

b. The chain of command is the primary channel for handling allegations and correcting incidents of discrimination or sexual harassment. Although a number of alternative agencies are available, soldiers and DA civilians are encouraged to bring their complaints to the first-line supervisor for resolution at the lowest possible level.

c. The commander, with the help of the chain of command and NCO support channel, is responsible for ensuring that all soldiers and DA civilians are fully aware of the procedures for having their complaints heard. These procedures are required to be in writing and prominently posted in the unit or work area.

*Note.* Indicate that written complaint procedures should also provide the following: the name and telephone number of the organization's EOA and/or EOR and the installation EO/Sexual Harassment "HOTLINE". Provide information on each category as it relates to your command.

d. This lesson addresses a number of initiatives that are designed to increase the overall effectiveness of the Army's EO complaint process.

e. In recent years there appeared to be a loss of faith and confidence by soldiers and their leaders in the Army's EO complaint system. Soldiers frequently complained of little or no feedback after their complaint had been filed. Both investigation and processing of complaints typically moved very slowly. This sometimes resulted in no actions being taken as witnesses, complainants, and alleged perpetrators changed duty stations or retired from active service. If a complaint could not be validated, more than likely little more was done to resolve the concerns of the complainant. Soldiers also lacked a viable appeal process. The fear of reprisal in reporting discrimination or sexual harassment complaints caused such complaints to be reported less frequently or not at all.

f. Revisions to AR 600-20 resulted in significant changes in the complaint process and addressed many concerns that soldiers and leaders may have had. The new system allows complaints to be solved at the lowest possible level. In addition, it identifies the use of alternative agencies, external to the unit, which can help process EO complaints and identify appropriate resolutions.

g. The complaint system is a significant part of the unit's overall EO program. Regardless of which agency the complainant chooses, the chain of command must be responsible for resolving allegations.

*Note.* Refer to AR 600-20, Chapter 6, for detailed instruction on procedures for processing EO complaints. Show OT 8-1, TYPES OF COMPLAINTS.

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## TYPES OF COMPLAINTS

Formal  
Informal

Figure 8-1. Types of Complaints

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### 8-3. TYPES OF COMPLAINTS

Equal opportunity complaints fall into two general categories, informal and formal:

#### 8-4. INFORMAL COMPLAINTS

*a.* An informal complaint is one in which the complainant does not wish to file in writing. This type of complaint facilitates resolution of EO grievances at the lowest level. In addition, the resolution of an informal complaint may not require involving the chain of command.

*b.* Informal complaints are not subject to timeline suspense nor are they reportable to higher headquarters. However, they are no less important and should be addressed with a sense of urgency and a sincere intent to resolve the complaint. Although not a guarantee, the confidentiality of the complainant may be maintained. Should it be necessary to conduct a formal investigation to resolve an informal complaint, the complainant may be required to make a sworn statement or file a formal complaint on DA Form 7279-R.

*Note.* The mere fact that a soldier wants his or her complaint handled informally does not prevent or exempt allegations from formal investigation. If formal investigation or intervention by the chain of command is required to resolve an informal complaint, then the soldier should be encouraged to submit DA Form 7279-R (EO Complaint Form).

#### 8-5. FORMAL COMPLAINTS

*a.* A formal complaint follows a prescribed process. A soldier files a formal complaint by submitting a sworn written statement on the Equal Opportunity Complaint Form, DA Form 7279-R. The soldier identifies on the complaint form, the alleged concern(s), names the parties and witnesses involved, describes the incident(s) or behavior, and specifies the date(s) of the occurrence(s). The soldier also states the EO basis of the complaint (i.e., discrimination based upon gender, race, ethnicity, religious affiliation, or sexual harassment) and what action he or she would like taken in resolving the complaint.

*b.* Attention to detail in filing the complaint is important. Detailed information on the form provides the commander and other members of the chain of command with facts to determine the validity of the allegations.

*c.* Formal complaints are recorded and reported by each command in quarterly and annual unit complaint reports. In addition to a copy of DA Form 7279-R, documentation on the final disposition of the complaint is kept at the first echelon of command authorized an EOA for a period of two years after the resolution of or final decision on the complaint.

*d.* Soldiers and family members have 60 calendar days from the date of the alleged offense in which to file a formal complaint. This time limit was established to set a reasonable parameter for investigating and resolving complaints (e.g., availability of witnesses, accurate recollection of events, and timely remedial action). The commander may, at his or her discretion, choose to investigate and take action on complaints filed after the 60 calendar day period.

*Note.* Ensure that the class understands that allegations that are criminal in nature are exempt from the 60-calendar day rule and will be immediately referred to Military Police or CID.

#### 8-6. COMPLAINTS AGAINST A MEMBER OF THE CHAIN OF COMMAND

Soldiers must also know procedures for filing formal EO complaints against members of the chain of command. Soldiers who wish to file a formal complaint against the command staff or other members of the chain of command may use a number of alternative channels. These include a higher echelon commander, the organization or installation Command Sergeant Major (CSM), Equal Opportunity Advisor (EOA), chaplain, Office of the Staff Judge Advocate (OSJA), Provost Marshal Office (PMO) or Criminal Investigators (CID), Adjutant General (AG), Housing Referral Office (HRO), and the Inspector General (IG).

*Note.* The timelines and procedures outlined in this lesson plan do not apply to complaints filed with the IG. Complaints filed with the IG will be processed outside of EO channels in accordance with AR 20-1. Now show OT 8-2, COMPLAINTS AGAINST A MEMBER OF THE CHAIN OF COMMAND/USE OF ALTERNATIVE AGENCIES.

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## COMPLAINTS AGAINST A MEMBER OF THE CHAIN OF COMMAND/ USE OF ALTERNATIVE AGENCIES

EOA	HRO
CHAPLAIN	IG
PMO	AG
SJA	

Figure 8-2. Complaints Against a Member of the Chain of Command/Use of Alternative Agencies

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### 8-7. ALTERNATIVE AGENCIES

a. Although handling EO complaints through the chain of command is strongly encouraged, this is not the only channel for addressing EO grievances. Should the complainant feel uncomfortable in filing a complaint with the chain of command, or should the complaint be against a member of the chain of command, a number of alternative agencies exist to assist in processing EO complaints.

b. In attempting to resolve an EO allegation, the soldier decides whether their complaint should be given to the first line supervisor, higher echelon commanders or an alternative agency. Alternative agencies have specific command responsibilities that make them a viable asset in helping soldiers and family members resolve EO grievances.

c. Commanders are responsible for ensuring that soldiers are not discouraged from using these agencies. Should the receiving agency determine that the complaint should be referred to another agency or the chain of command, the referral will be accomplished within three calendar days. The following are frequently used agencies with a brief description of each agency:

- Equal Opportunity Adviser (EOA): Is assigned to help commanders at brigade or higher levels to implement their EO program. The EOA is trained to receive, process, and conduct inquiries into complaints of discrimination and sexual harassment. In addition, the EOA has the expertise to make recommendations for corrective actions and sanctions against violators of EO policies.
- Chaplain: Serves as advisor to the command 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 subject matter expert on addressing issues concerning religious discrimination or accommodation.
- Provost Marshal (PM): Is primarily responsible for receiving and investigating violations of the UCMJ which are criminal in nature. The PM is responsible to the Commander for monitoring the treatment of soldiers and investigating complaints of discrimination or unfair treatment by off-post activities.
- Staff Judge Advocate (SJA): Is responsible to the Commander on all legal matters. The SJA serves as an advisor in litigating criminal charges and prosecuting soldiers for criminal offenses; assesses trends in administering punishment and allegations of discrimination in administering military justice; may receive complaints about discrimination in legal proceedings or about administering judicial and nonjudicial punishment.
- Housing Referral Office (HRO): Is responsible for monitoring and administering the installation's housing referral program. The HRO will receive and investigate complaints of discrimination in rental or sale of off-post residents.
- Inspector General (IG): Serves as advisor to the commander on all matters of command. The IG is responsible for monitoring and inspecting command functions which are essential to mission effectiveness and combat readiness. The IG's office is the principal agency for receiving and investigating complaints about command environment and leadership. (See para. 1-4, AR 20-1.)
- Adjutant General (AG): Responsible to the commander on all personnel management issues. The AG can receive a variety of administrative appeals and requests for personnel actions related to EO allegations.

*Note.* Show OT 8-3, ENTERING THE COMPLAINT PROCESS.

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## ENTERING THE COMPLAINT PROCESS

Determine nature of allegations  
Prepare DA Form 7279-R  
Determine appropriate agency  
Swear to complaint  
Consult with EOR or EOA

Figure 8-3. Entering the Complaint Process

---

### 8-8. ENTERING THE EO COMPLAINT PROCESS

a. Deliberate resolution of EO and sexual harassment complaints is in the best interest of both the soldier filing the complaint and the command. Although submission of EO complaints to the chain of command is strongly encouraged, it is the soldier or family member that ultimately determines where the complaint will be initiated. The nature and circumstances surrounding certain allegations will dictate whether alternative agencies are more appropriate. For example, complaints concerning discrimination related to on-post activities would be more appropriately handled by the installation commander. However, regardless of what agency handles a formal complaint, the complainant must be sworn to the complaint on DA Form 7279-R. Any complaint which identifies criminal activity will be referred to the proper commander or agency for processing. Complaints of sexual assault or rape will immediately be referred to the appropriate medical agency for the collection of evidence in a criminal investigation and in treating and counseling the victim. Claims of discrimination in housing, both on and off post, will be referred to the housing referral office.

b. Complaints filed with the IG's office will be processed as an Inspector General Action Requests (IGARS) IAW AR 20-1. No timeline will be imposed on conducting the investigation or feedback to the complainant. Complaints filed against promotable colonels, general officers, IG of all components, members of the Senior Executive Service, or Executive Schedule personnel will be reported to the Investigations Division, U.S. Army Inspector General Agency within five calendar days of receipt.

c. Regardless of what agency or commander receives the complaint, the chain of command has 14 calendar days (or three weekend drill periods for Reserve Components) in which to resolve or refer it to a higher echelon commander. The commander who has the responsibility for resolving the complaint may request an extension of up to 30 additional calendar days (or two weekend drills for Reserve Components) after the initial 14-day suspense.

d. Receipt of complaints will be annotated in writing on a DA Form 7279-R, Part Id. If the receiving agency decides not to investigate but to refer the complaint to another agency or, with the consent of the complainant, back to the appropriate commander, the referral must be made within 3 calendar days (at the next drill period for reserve components), with the written acknowledgment of the commander or agency receiving the referral (DA Form 7279-R, Part 10a).

### 8-9. CONSULTING WITH THE EOR OR EOA

a. The unit Equal Opportunity Representative (EOR) or the organization or installation Equal Opportunity Advisor (EOA) serves as a ready resource to help commanders and their soldiers resolve EO grievances. Before submitting a formal complaint, the complainant may want to consider consulting with the EOR or EOA to clarify their concerns or discuss alternatives in resolving EO grievances.

b. Soldiers should not expect EO personnel to take sides nor direct them in resolving their complaint. Whether at unit or higher echelons, EO personnel can serve as an alternative agency to receive and process EO complaints. They can be invaluable assets to commanders and soldiers in identifying and developing courses of action to resolve situations of discrimination or sexual harassment.

*Note.* Show OT 8-4, EO COMPLAINT PROCESS

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## EQUAL OPPORTUNITY COMPLAINT PROCESS

Inquiry or Investigation  
Feedback to Complainant  
Right to Appeal  
Protection Against Reprisal or  
Intimidation

Figure 8-4. Equal Opportunity Complaint Process

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### 8-10. CONDUCTING THE INQUIRY OR INVESTIGATION

The Unit commander will conduct an inquiry and or determine whether sufficient evidence exists to warrant a full investigation. The EOA may also assist the commander in conducting this inquiry. Should the commander determine that full investigation is required then he or she will forward the complaint to the battalion or brigade level commander for the appointment of an AR 15-6 investigating officer. The investigating officer will review the complaint, obtain lists of witnesses from the complainant and alleged perpetrator(s), and should consult with the command EOA. The investigating officer is required to interview the complainant, alleged perpetrator(s), and all applicable witnesses. In addition the investigating officer will review appropriate records and reports. If during the investigation the investigating officer suspects a criminal offense has been committed then the involved parties will be advised of their rights under Article 31, UCMJ. The investigating officer will provide a written report to the commander on the results of the investigation. The commander appointing the AR 15-6 investigation will review the facts and take appropriate action.

### 8-11. FEEDBACK TO COMPLAINANT

*a.* It is extremely important for complainants to be kept informed on the disposition of their complaint or the progress of the inquiry or investigation. One of the primary criticisms heard in evaluations of complaint systems is that soldiers receive very little, if any, feedback on the results of investigations or actions being taken by the command to punish offenders or remedy the situation.

*b.* Whether the complaint is formal or informal, the complainant should be provided feedback on the disposition of his or her grievance. Initial written feedback to the complainant on DA Form 7279-R must be forwarded within 14 calendar days after receipt of the complaint. Written feedback will consist of investigative findings and an affirmation that appropriate action is being considered or taken to resolve the complaint.

*c.* Within 30 calendar days of the initial feedback (44 total calendar days), complainants should receive a final written disposition to their complaint. In the event feedback or final disposition is not received in the prescribed time limits, complainants should request feedback verbally or in writing through their immediate chain of command.

### 8-12. THE RIGHT TO APPEAL

Should the complainant be dissatisfied with the disposition of his or her complaint or the corrective actions taken by the chain of command, he or she has the right to appeal. Appeals must be submitted within seven calendar days (at the next drill period for Reserve Component) following written notification on the final disposition of the complaint. An appeal to an EO complaint can be submitted to the soldier's immediate commander or the next higher commander. The final decision authority for appeals will rest with the General Court Martial Convening Authority for that major command. An exemption exists for those organizations that have Memorandums of Understanding (MOU) or Memorandums of Support that delegate UCMJ authority to the local commander. An appeal must be submitted using DA Form 7279-R, Part IV. In preparing an appeal, the complainant should indicate whether he or she desires an appointment to speak with the appeal authority. On a separate piece of paper, the complainant specifies exactly, what issues (i.e., disposition, investigation, or corrective actions) he or she has disagreement. The appeal authority has 14 calendar days (30 calendar days for Reserve Component) to respond to complainant. The general court-martial convening authority will have "final decision authority" for appeals in that major command.

### 8-13. PROTECTION AGAINST REPRISAL OR INTIMIDATION

*a.* Department of the Army personnel are prohibited from taking any action that discourages soldiers or family members from filing a complaint or seeking assistance to resolve an EO issue. Army personnel are also prohibited from taking any disciplinary or other adverse action against a soldier for filing a complaint, seeking assistance, or cooperating with an investigating officer. However, this does not preclude taking action against those who file fraudulent complaints or give false statements.

b. It is the responsibility of the chain of command to ensure that all complainants are protected against reprisal or retaliation for filing EO complaints. Should soldiers or their family members be threatened with such reprisals or should an act of retaliation occur, they should immediately report the incident to the chain of command, the local Inspector General, or the next higher echelon commander.

*Note.* Review actions by the complainant, summarize the lesson, and reinforce learning. Show OT, ACTIONS BY THE COMPLAINANT, Figure 8-5.

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### **ACTIONS BY THE COMPLAINANT**

- o Determine Nature of Complaint
- o Identify Specific Facts and Witnesses
- o Consult with EOA/EOR
- o Prepare DA FORM 7279-R
- o Swear to Complaint
- o Ask for Copy of DA FORM 7279-R
- o Concur with Alternative Agency on Referral
- o Inform Chain of Command of Any Additional Facts or New Witnesses
- o Receive Initial Feedback
- o Receive Final Disposition
- o Accept Commander's Decision or Appeal Within Seven Calendar Days
- o Report Acts of Intimidation or Reprisal

Figure 8-5. Actions by the Complainant

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## Chapter 9

### Lesson Plan 9—Leadership Issues Related to Cultural Diversity

#### 9-1. OVERVIEW

- a. **TASK:** Identify leadership issues related to cultural diversity.
- b. **CONDITIONS:** In a classroom environment.
- c. **STANDARDS:** Describe leadership issues related to cultural diversity.
- d. **TARGET AUDIENCE:** Leaders at squad level and above.
- e. **RECOMMENDED INSTRUCTION TIME:** 60 minutes.
- f. **INSTRUCTOR REQUIREMENTS:** One instructor per class of no more than 20 to 25 students.
- g. **EQUIPMENT NEEDED FOR THE INSTRUCTION:** Overhead projector, overhead transparencies (OTs), chalkboard and chalk or butcher paper and magic markers.
- h. **TOPICS COVERED:** Managing diversity vs. managing equal opportunity (EO), misunderstandings based upon communications, stereotypes, assumption, lack of common experiences, responses to physical differences, and values and beliefs.

#### 9-2. DIVERSITY DEFINED

*Note.* Ask the following question: “What is meant by diversity?” After several responses show OT 9-1, DIVERSITY.

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#### DIVERSITY

The condition of being different.

Figure 9-1. Diversity

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- a. This is a general dictionary definition. In other words, it means dissimilarity and variance between things. The differences could be in size, weight, age, texture, and so on.

*Note.* Ask the following question: “What is meant by managing diversity?” After several responses, show OT 9-2, MANAGING DIVERSITY.

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#### MANAGING DIVERSITY

A way of creating an environment that will enable all people to reach their full potential in pursuing organizational objectives.

Figure 9-2. Managing Diversity

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- b. As you can see, we have now gone from the general to the specific. We are now talking about running business organizations such as the Army.

#### 9-3. MANAGING DIVERSITY VERSUS MANAGING EQUAL OPPORTUNITY

*Note.* Ask the following: “What are some of the similarities between managing diversity and managing EO?” After several responses, provide the following information:

- Full use of one’s potential regardless of race, color, gender, religion, or national origin.
- Acceptance of differences in people and building on them for the benefit of the organization.
- Recognizing that the organization will have to change its culture to create an environment to meet the needs of its soldiers. An example of this is unmarried, pregnant soldiers being able to stay in military service. Years ago they were separated when the

pregnancy was revealed.

*Note.* Ask the following question: "What are some of the major concerns or problems a leader might face in managing a culturally diverse organization?" After several responses discuss the following:

#### **9-4. MISUNDERSTANDINGS BASED UPON COMMUNICATIONS**

Although English is the language used for all official Army matters, communication problems still exist. Here are some of the reasons:

*Note.* Show OT 9-3, FACTORS CAUSING COMMUNICATION PROBLEMS.

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#### **FACTORS CAUSING COMMUNICATION PROBLEMS**

- Communication style
- Nonverbal communication
- Trust
- Accents
- Jargon

**Figure 9-3. Factors Causing Communication Problems**

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#### **9-5. COMMUNICATION STYLE**

a. Even when the same language is used, people create and interpret information differently. Therefore, the message intended is not always the message received.

b. Differences in communication styles can make the sender of the message appear to be pushy, rude, aggressive, passive, etc. Factors involved in this are volume and rapidity of speech, tone of voice, and emphasis on key words.

#### **9-6. NONVERBAL COMMUNICATION**

a. Nonverbal communication is the sum total of our body's communication. It is how our body communicates or sends a message. Nonverbal communication changes meaning with time and has different meanings for different people or groups.

b. Studies show that 50 percent of a message's impact comes from body movements or nonverbal communication. For example, crossing your arms indicates defiance. Putting your hand on your chin shows thought.

c. Leaders need to understand the importance of checking nonverbals when communicating. This might give them a clearer picture of how the soldier is reacting to the discussion. However, we cannot assume that we understand what the body language is saying. We must check for clarity when verbal or nonverbal messages are being sent.

#### **9-7. TRUST**

a. Trust plays an important role in intercultural, interracial, and inter-gender communication. Some ethnic groups and women are sometimes suspicious of their supervisors. Because experiences may have led them to be leery, there may sometimes be problems with the interactions.

b. A lack of trust can result not only in miscommunications, but also in no communications.

#### **9-8. ACCENTS**

a. Some people react negatively to accents. They may even be rude when someone does not speak "proper" English.

b. People have accents either because of ethnicity or region of country from which they come or because English is their second language. Some people consider them to be less intelligent, less competent, and even less trustworthy.

c. Leaders need to judge if accent interferes with the ability to communicate or perform. If accents do not interfere, then individuals need to focus more on listening to what is being said, and not on how it is said.

#### **9-9. JARGON**

a. People make judgments about others based on the kinds of expressions they use because of the region of country



from which they come. Such expressions include “yonder,” “haint,” “y’all,” and “sho’nuf.” These speakers are sometimes thought to be uneducated, or less intelligent.

b. Leaders need to understand that certain terms are unique to individuals from certain regions and do not indicate their level of intelligence or educational.

## **9-10. STEREOTYPES**

a. A stereotype is a standardized mental picture that one person or group of people holds in common about another person or group of people.

b. Stereotyping is done by almost everyone at some time. Many people do it to justify their conduct in relation to the group they have categorized.

c. Some stereotypes can be interpreted as positive or negative in the eyes of another; for example, Asians are intelligent and Hispanics are emotional. However, positive stereotyping can be just as dangerous as negative stereotyping.

## **9-11. ASSUMPTIONS**

An assumption is the act of taking something for granted or supposing. Assumptions about people often blind the assumer to what the individuals are actually like, say, or do.

## **9-12. LACK OF COMMON EXPERIENCES**

a. The fact that people have different experiences accounts for many of the problems that occur when they try to interact cross-culturally or across genders.

b. Cultural, racial, and gender differences affect our experiences. Our experiences or lack of them directly relate to our ability to communicate and be understood.

c. We might hear and understand the words, but are unable to relate them to an experience we have had; we are therefore unable to get the meaning of the communication. For example, if you are from an extended or broken family, the word “family” might have a different meaning or emotional charge for you than for someone from a nuclear family.

## **9-13. RESPONSES TO PHYSICAL DIFFERENCES**

a. Emotional responses to physical differences may hinder effective communications between or among groups.

b. Beliefs of superiority or inferiority associated with physical differences interfere with the communication process and the way people treat each other. They often foster racism and sexism.

## **9-14. VALUES AND BELIEFS**

*Note.* Ask the question, “What are values?” After several responses are given, show OT 9-4, VALUES.

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### **VALUES**

**Beliefs found in our moral system which  
regulate our behavior.**

**Figure 9-4. Values**

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a. Values are a type of belief centrally located within our personal value system. They regulate how we should or should not behave. Our values are often adopted unconsciously from a larger, societal value system.

b. How we interact with others is quite often based on our value systems and beliefs. When people hold different values or have different beliefs, communication may be difficult, and problems may arise. For example, some people value extended families and have close kinship ties. A leader not placing the same values on family members outside the immediate family might not be willing to grant an emergency leave to such a person wanting to attend a great-uncle’s funeral. This can have a negative impact on the relationship of not only the soldier requesting the leave and the commander. It can create anger among other similar soldiers in the organization who hear the story.

c. People are also motivated and respond to praise differently based on values and culture. It is important that

leaders know what type of motivators to use and how to praise or reward. For example, a Native American may prefer to be recognized in a manner that does not draw a lot of individual attention to them.

*d.* Problems can also arise in an organization when some soldiers who value aggressive behavior supervise other soldiers who culturally were taught to be non-aggressive.

## Chapter 10

### Lesson Plan 10—Techniques for Equal Opportunity Climate Assessment

#### 10-1. OVERVIEW

- a. **TASK:** Identify techniques for equal opportunity (EO) climate assessment.
- b. **CONDITIONS:** In a classroom environment.
- c. **STANDARDS:** Correctly identify methods of assessing unit EO climate and climate indicators.
- d. **TARGET AUDIENCE:** Leaders at squad level and above.
- e. **RECOMMENDED TIME:** 30 minutes including the practical exercise (PE).
- f. **INSTRUCTOR REQUIREMENTS:** One instructor per class of no more than 20 to 25 students.
- g. **EQUIPMENT NEEDED FOR THE INSTRUCTION:** Overhead projector, overhead transparencies (OTs), chalkboard and chalk or butcher paper and magic markers.
- h. **TOPICS COVERED:** Leaders' assessment-management tools, methods for assessing EO climate, and indicators of intergroup unrest.

*Note.* Per AR 600-20, commanders are strongly encouraged to conduct an internal EO climate assessment within 90 days of their assumption of command and once annually thereafter.

#### 10-2. EQUAL OPPORTUNITY ASSESSMENT-INDICATORS FOR LEADERS

- a. The presence in a unit of intergroup concerns, tensions, and disruptive incidents is a human relations problem. However, you can discover and overcome these conflicts.

*Note.* Show OT 10-1, EQUAL OPPORTUNITY CLIMATE ASSESSMENT TOOLS.

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#### EQUAL OPPORTUNITY CLIMATE ASSESSMENT TOOLS

- MP Blotter Reports
- Unit Surveys
- AAP Compliance monitoring reports
- Reports of off-post discrimination
- Reports of unit disturbances
- Complaints about the PX
- Commander's call and command info. sessions
- EO seminar feedback
- MEOCS
- DA PAM 600-69
- Command and IG inspection reports

Figure 10-1. Equal Opportunity Climate Assessment Tools

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- b. The leadership chain has many tools available to show whether potential problems or actual EO abuses exist in their organizations. Here are these assessment tools:

- Military police blotter reports.
- Surveys are normally administered at unit level by an EOA or EOR.
- Affirmative action plan (AAP) compliance monitoring reports. This is also usually a duty of the brigade or separate command.
- Reports of off-post discrimination in facilities, housing, and treatment in general.
- Reports of conflicts within in the unit.

- Reports and complaints about the PX and other on-post facilities not providing certain products and services for soldiers of a particular race or cultural background. For example, barber and beauty supplies, ethnic magazines, and special grooming aids might be mentioned.
- Reports of disorders in the club systems.
- Reports of disorders in the officer, NCO, or enlisted club system.
- Commanders call and command information sessions.
- EO seminar feedback. This is normally a brigade or separate command function.
- Military Equal Opportunity Climate Survey (MEOCS).
- DA Pam 600-69, Unit Climate Profile Commander's Handbook.
- Command and inspector general (IG) inspection reports.

c. While using these tools you, as a leader, may learn that you have personally contributed to the problem areas. If this happens, do not become defensive and rationalize, project, displace, or otherwise blame the victim for leadership failures. The presence of incidents does not mean that you have lost control. Your challenge is to examine what and how the problem developed and then to follow up with constructive recommendations and actions.

d. *Do not assume that everything is running smoothly merely by the lack of incidents or statistics.* Seek out those who are "shielding you" from looking beyond the surface issues. Also, examine the communication patterns and decision processes.

### 10-3. METHODS FOR ASSESSING EO CLIMATE

Besides formal reports and studies, use the following informal methods of assessing the EO climate:

*Note.* Show OT 10-2, METHODS FOR ASSESSING EO CLIMATE.

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#### METHODS FOR ASSESSING EO CLIMATE

- Informal and positive two-way communication
- Open-door leadership policy
- Understandable unit procedures
- Positive ethnic recognition
- Equal treatment monitoring

Figure 10-2. Methods for Assessing EO Climate

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### 10-4. INFORMAL AND POSITIVE TWO-WAY COMMUNICATION

Make active efforts to communicate with unit personnel and subordinate leaders.

- Visit dining halls, dayrooms, places of work, and community facilities alone, before, during, and after duty hours.
- Conduct interpersonal communication exercises to emphasize active listening and feedback.
- Offer feedback on observed behavior to keep channels of communication open.
- Train yourself in doing the jobs of the enlisted soldiers.
- Look to see if supervisors are checking work areas.
- Check to see if supervisors are able to do the jobs they assign others to do.

### 10-5. OPEN-DOOR LEADERSHIP POLICY

Use an open-door policy to receive comments from unit members. This will stop rumors and help detect those attitudes that might cause problems later.

- Check if subordinates (platoon sergeants, squad leaders, etc.), are "blocking the door" to convince you that no one has problems.
- Learn to "walk through your own open doors." Get out daily to communicate with your soldiers.

#### **10-6. UNDERSTANDABLE UNIT PROCEDURES**

a. Review the unit's administrative procedures to ensure that all soldiers understand the content and basis of command decisions. These decisions must be steps toward increasing chain of command credibility.

b. Ask yourself these process (How and Who) questions:

- Who in the chain of command influences who?
- Who are the informal leaders?
- How are decisions made?
- Who listens to whom?
- Who dominates staff meetings?
- How is time managed?
- Who participates, who does not?

#### **10-7. POSITIVE ETHNIC RECOGNITION**

Think of ways to foster understanding among unit officers and enlisted members from all ethnic backgrounds.

- Maximize hometown news releases.
- Develop a publicity bulletin board in the billets.
- Conduct cross-cultural training and ethnic events.

#### **10-8. EQUAL TREATMENT MONITORING**

Monitor the unit's administration for trends that show possible unfairness, inequality, or apathy in such areas as promotions, training, duty rosters, duty positions and assignments, and administering UCMJ actions.

#### **10-9. INDICATORS OF INTERGROUP UNREST**

a. An analysis of intergroup tension indicators in Army units has been conducted by the Department of the Army and the Army Research Institute. The results show that certain common conditions seem to exist before violence erupts.

b. Here are the most significant indicators:

- Group participation in intergroup incidents.
- Meetings of groups to the exclusion of others.
- Negative polarization off post and on post.
- Increased frequency and nature of complaints of alleged discrimination.
- Use of abusive words and display of offensive symbols.
- Low unit morale.
- Discriminatory practices in surrounding civilian communities.
- Increase in intergroup unrest in civilian society.
- Indifferent responses by soldiers who have one cultural background to orders given by soldiers who have another.
- Increased use of offensive language, both orally and written, in public places.
- Control of dayrooms or other on-post facilities by certain groups to the exclusion of others.
- Poor personal appearance by soldiers.
- Poor military courtesy by soldiers.
- Increased number in AWOLs.
- Claims of unfairness in promotions.
- "Cutting in" at dining facility lines with the aid of members of one's own group.
- Cooks' distribution of food servings varying in size according to in-group, out-group.
- Increase in incidents of thefts, robberies, and assaults.
- Interpretation of ethnic separatism as a sign of hostility.
- Reluctance to discuss group differences in mixed company.
- Resistance to authority.
- Failure or unwillingness to use established complaint channels.
- Unwillingness by leaders to openly acknowledge group differences.
- Lack of respect for the military police (MPs).
- Increase in the volume and nature of rumors.
- Unwillingness to communicate between superior and subordinates.
- Resentment upon being asked to explain why groups do not associate with each other.
- Claims of extra duties and details being assigned according to groups.
- Impatience in understanding some soldiers' difficulties with using the English language.
- Frequent fights (individual and group) between or among members of different groups.
- Any off-post incident that arises with inter-group overtones.