



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
UNITED STATES ARMY GARRISON BAUMHOLDER
UNIT 23746
APO AE 09034-0003

IMEU-BMH-ZA

14 JUL 2010

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Policy Letter 2-6, Equal Opportunity (EO) Complaint Procedures

1. Purpose: To establish equal opportunity complaint procedures within USAG Baumholder.

2. Applicability: This policy directive is applicable to all Soldiers, Civilians, and Family Members assigned or attached to this command. In addition, this memorandum will apply to Civilians whose allegations are non-work related. This policy applies both on and off post, during duty hours, in working, living, and recreational environments.

3. General: The chain of command is the preferred channel for resolving discriminatory practices and for addressing equal opportunity grievances. Soldiers and their Family Members will make maximum use of the command channels for the resolution of equal opportunity grievances.

4. Procedures:

a. It is the right of every Soldier, Civilian, and Family Member to:

(1) Present a complaint to the command without fear of intimidation, reprisal, or harassment.

(2) Communicate with their respective commander concerning their equal opportunity complaint or concern.

(3) Receive training on the Army's equal opportunity complaint and appeal process.

(4) Receive assistance when submitting a complaint.

b. A number of alternative agencies exist through which a complaint may be processed. These agencies include the Inspector General (IG), Equal Opportunity Advisor (EOA), Chaplain, Director of Emergency Services (DES), Staff Judge Advocate, Housing Referral Office, or higher echelon in the chain of command. Complaints will be processed IAW the procedures inherent to these agencies.

c. Commanders will not preclude Soldiers or Family Members from using these channels.

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5. Responsibilities:

a. Individuals. It is the Individual's responsibility to:

(1) Attempt to resolve a complaint by first informing the alleged offender that the behavior must stop or request assistance from a third party to confront the offender.

(2) Advise the chain of command of details concerning the discrimination or sexual harassment complaint.

(3) Provide the chain of command an opportunity to resolve or rectify the issue.

(4) Submit only legitimate complaints.

b. Chain of Command. The chain of command is responsible for:

(1) Communicating matters of EO significance to unit personnel and higher headquarters.

(2) Correcting discriminatory practices by conducting rapid, objective and impartial inquiries to resolve complaints of discrimination or sexual harassment.

(3) Encouraging the reporting of legitimate EO complaints.

(4) Preventing reprisal for those who submit complaints.

(5) Taking appropriate action against those who violate Army policy.

c. Alternate Agencies. It is the responsibility of these agencies to:

(1) Talk with the complainant and find out as much information as possible concerning the complaint.

(2) Tell the complainant what role the agency has (action, information gathering, or referral).

(3) Inform the complainant what action will be taken with the complaint.

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6. Complaint Process:

a. Informal Complaint.

(1) An informal complaint is any complaint that Soldiers or Family Members do not wish to file in writing.

(2) The complaint may be resolved by the individual, another unit member, or a person in the complainant's chain of command. It is not subject to time suspension's and not reported.

b. Formal Complaints.

(1) Soldiers and Family Members have 60 calendar days from the date of an alleged incident in which to file a formal complaint.

(2) A Soldier or Family Member files a formal complaint by submitting a sworn statement on an Equal Opportunity Complaint Form (DA Form 7279-R). The receiving agency has three calendar days to refer the complaint to the commander or an alternate agency.

(3) Upon receipt of a formal complaint, the commander has 14 calendar days in which to conduct and complete an inquiry or investigation into the alleged incident. After 14 calendar days, the commander must seek approval of an extension from the next higher echelon in the chain of command not to exceed 30 calendar days. This request must be approved by the first General Officer in the chain of command.

(4) The complainant must be notified at all times of the status of the complaint and any extension granted. The complainant must receive written feedback from the commander. The feedback will state the findings of the inquiry or investigation, and that the appropriate action is being taken, but will delineate the specific action.

(5) If the complainant is unsatisfied with the results of the inquiry or investigation, the complainant has the right to appeal to the next higher echelon in the chain of command within seven calendar days of the final resolution. Complaints unresolved at USAG Baumholder will be appealed to USAG Wiesbaden.

(6) Any allegations that are criminal in nature are exempt from the 60 calendar day rule. Any such allegation will be immediately referred to the Military Police or Criminal Investigation Division.

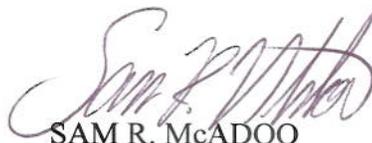
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c. Protection against reprisal.

Soldiers and civilians assigned to this command are prohibited from taking action that discourages an individual from seeking assistance or filing a complaint when resolving EO issues. If a Soldier or Family Member feels they have been threatened with such an act, or should an act of this nature occur, the circumstances should be reported to the chain of command, Inspector General, or to a higher headquarters as soon as possible.

7. POC for this memorandum is the Garrison Equal Opportunity Advisor (EOA) at 485-6510.



SAM R. McADOO
LTC, SC
Commanding

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