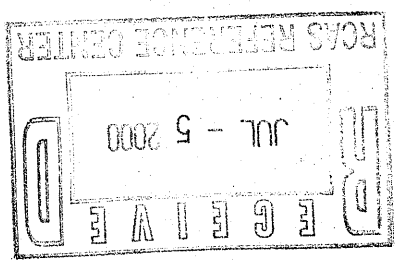
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Army Regulation 600-20

Personnel—General

Army Command Policy



Headquarters
Department of the Army
Washington, DC
15 July 1999

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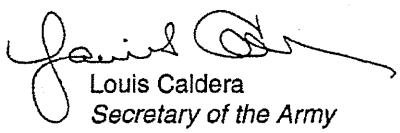
Headquarters
Department of the Army
Washington, DC
15 July 1999

*Army Regulation 600-20

Effective 15 August 1999

Personnel—General

Army Command Policy



Louis Caldera
Secretary of the Army

History. This printing publishes a revision of AR 600-20. Because the publication has been extensively revised, the changed portions have not been highlighted.

Summary. This regulation prescribes policy on basic responsibilities of command, military discipline and conduct, and enlisted aspects of command. It defines the responsibilities of noncommissioned officers and provides guidance on and responsibilities for Family Care Plans, accommodation of religious practices, relationship between soldiers of different ranks, and the Army Equal Opportunity (EO) Program. It implements Department of Defense DOD Directives, 1300.17, 1325.6, 1342.19, 1344.10, 1350.2, 1354.1, 1400.33, and DOD Instruction 5120.4.

Applicability. This regulation applies to the Active Army (AA), the Army National Guard (ARNG)/Army National Guard of the United States (ARNGUS), as modified by National Guard Regulations 600-21,600-100, 600-101, and 600-200, and the U.S. Army Reserve (USAR). Unless specifically addressed by conflicting contractual or statutory and regulatory standards or policies, this regulation also applies to Department of the Army Civilian employees. This regulation is applicable during full mobilization. Portions of this regulation which prescribe specific conduct are punitive and violations of these provisions may subject offenders to nonjudicial or judicial action under the Uniform Code of Military Justice (UCMJ). The equal opportunity terms found in the glossary are applicable only to uniformed personnel. AR 690-600 contains similar terms which are applicable to DA civilians.

Proponent and exception authority. The proponent of this regulation is the Deputy Chief of Staff for Personnel (DCSPER). The proponent has the authority to approve exceptions to this regulation that are consistent with controlling law and regulation. The proponent may delegate this authority in writing to an individual within the proponent agency who holds the grade of colonel or above.

Army management control process. This regulation does not contain management control provisions.

Supplementation. Supplementation of this regulation and establishment of command and local forms are prohibited without prior approval from HQDA (DAPE-HR-L), WASH DC 20310-0300. Supplementation of chapters 6 and 7 are permitted at major Army command level. A draft copy of each supplement must be provided to HQDA (DAPE-HR-L), WASH DC 20310-0300, for approval before publication.

Suggested improvements. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to HQDA (DAPE-HR-L), WASH DC 20310-0300.

Distribution. Distribution of this publication is made in accordance with Initial Distribution Number (IDN) 092389 intended for command levels A, B, C, D, and E for the Active Army, the Army National Guard, and the U.S. Army Reserve.

***Supersession.** This regulation supersedes AR 600-20, 30 March 1988 and DA Pam 600-75, 22 September 1993 and rescindes DA Form 7280-R, September 1993.

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Summary of Change

This revision provides—

- Policy guidance on relief for cause (para 2-17).
- Policy guidance on extremist organizations and activities (para 4-12).
- Policy guidance on relationships between soldiers of different rank (para 4-14).
- Policy on other prohibited relationships (para 4-15).
- Policy guidance on employment and volunteer work of a spouse (para 4-18).
- Policy guidance on homosexual conduct (para 4-19).
- Policy guidance on hazing (para 4-20).
- Policy guidance on informal funds (para 4-21).
- Additional policy guidance on political activities (para 5-3).
- Additional policy guidance concerning Family Care Plans (para 5-5).
- Revised policy guidance concerning Accommodation of Religious Practices (para 5-6).
- Additional policy guidance concerning on-post distribution of non-government printed materials (para 5-9).
- Additional policy guidance on the Army Equal Opportunity Program (chap 6).

Chapter 1
Introduction

1-1. Purpose
This regulation prescribes the policies and responsibilities of command, which include military discipline and conduct, and the Army Equal Opportunity Program.

1-2. References
Required and related publications and prescribed and referenced forms are listed in appendix A.

1-3. Explanation of abbreviations and terms
Abbreviations and special terms used in this regulation are listed in the glossary.

1-4. Responsibilities
The detailed responsibilities are listed and described in separate chapters under specific programs and command functions. This paragraph outlines those general responsibilities.

a. The Deputy Chief of Staff for Personnel (DCSPER) will formulate, manage, and evaluate command policies, plans, and programs that relate to:
   (1) Chain of command (para 2-1); designation of junior in the same grade to command (para 2-7); and assumption of command by the senior when the commander dies, is disabled, resigns, retires, or is absent (para 2-8).
   (2) Extremist organizations and activities (para 4-12), relationships between soldiers of different rank (para 4-14), other prohibited relationships (4-15), and homosexual conduct policy (para 4-19).
   (3) Political activities (para 5-3), Family Care Plans (para 5-5), and accommodation of religious practices (para 5-6).
   (4) The Army Equal Opportunity (EO) Program (paras 6-2 and 6-18)

b. The officials listed below have responsibilities for specific groups of personnel concerning awareness of the Army's accommodation of religious practices policies. Every enlisted soldier (including reenlistment), cadet, warrant officer, and commissioned officer applicant needs to be informed of the Army's accommodation of religious practices policies under this regulation (para 5-6).
   (1) The Judge Advocate General. All judge advocate officer accessions.
   (2) The Chief of Chaplains. All chaplain officer accessions. This principal HQDA official will also formulate and disseminate education and training programs regarding religious traditions and practices within the U.S. Army.
   (3) The Superintendent, U. S. Military Academy. All U.S. Military Academy cadet applicants.
   (4) The CG, U.S. Army Training and Doctrine Command (TRADOC). All Reserve Officer Training Corps cadets and all officer and warrant officer candidates.
   (5) The CG, U.S. Army Recruiting Command (USAREC). All enlisted and AMEDD officer accessions.

c. Commanders at all levels will implement and enforce the chain of command and Army command policies.

1-5. Command

a. *Privilege to command.* Command is exercised by virtue of office and the special assignment of members of the United States Armed Forces holding military grade who are eligible to exercise command. A commander is therefore a commissioned or warrant officer who, by virtue of grade and assignment, exercises primary command authority over a military organization or prescribed territorial area that under pertinent official directives is recognized as "command." The privilege to command is not limited solely by branch of Service except as indicated in chapter 2. A civilian, other than the President as Commander-in Chief (or National Command Authority), may not exercise command. However, a civilian may be designated to exercise general supervision over an Army installation or activity under the command of a military superior.

b. *Elements of command.* The key elements of command are authority and responsibility. Formal authority for command is derived from the policies, procedures, and precedents presented in chapters 1 through 3.

c. *Characteristics of command leadership.* The commander is responsible for establishing leadership climate of the unit and developing disciplined and cohesive units . This sets the parameters within which command will be exercised and, therefore, sets the tone for social and duty relationships within the command. Commanders are also responsible for the professional development of their soldiers. To this end, they encourage self-study, professional development, and continued growth of their subordinates' military careers.

(1) Commanders and other leaders committed to the professional Army ethic promote a positive environment. If leaders show loyalty to their soldiers, the Army, and the Nation, they earn the loyalty of their soldiers. If leaders consider their soldiers' needs and care for their well-being, and if they demonstrate genuine concern, these leaders build a positive command climate.

(2) Duty is obedient and disciplined performance. Soldiers with a sense of duty accomplish tasks given them, seize opportunities for self-improvement, and accept responsibility from their superiors. Soldiers, leader and led alike, work together to accomplish the mission rather than feed their self-interest.

(3) Integrity is a way of life. Demonstrated integrity is the basis for dependable, consistent information, decision-making, and delegation of authority.

(4) Professionally competent leaders will develop respect for their authority by—

(a) Striving to develop, maintain, and use the full range of human potential in their organization. This potential is a critical factor in ensuring that the organization is capable of accomplishing its mission.

(b) Giving troops constructive information on the need for and purpose of military discipline. Articles in the UCMJ which require explanation will be presented in such a way to ensure that soldiers are fully aware of the controls and obligations imposed on them by virtue of their military service. (See Art 137, UCMJ.)

(c) Properly training their soldiers and ensuring that both soldiers and equipment are in the proper state of readiness at all times. Commanders should assess the command climate periodically to analyze the human dimension of combat readiness. Soldiers must be committed to accomplishing the mission through the unit cohesion developed as a result of a healthy leadership climate established by the command. Leaders at all levels promote the individual readiness of their soldiers by developing competence and confidence in their subordinates. In addition to being mentally, physically, tactically, and technically competent, soldiers must have confidence in themselves, their equipment, their peers, and their leaders. A leadership climate in which all soldiers are treated with fairness, justice, and equity will be crucial to development of this confidence within soldiers. Commanders are responsible for developing disciplined and cohesive units sustained at the highest readiness level possible.

d. *Assignment and command.* Soldiers are assigned to stations or units where their services are required. The commanding officer then assigns appropriate duties. Without orders from proper authority, a soldier may only assume command when eligible according to chapter 2.

1-6. Military grade and rank

a. Military rank among officers of the same grade or of equivalent grade is determined by comparing dates of rank. An officer whose date of rank is earlier than the date of rank of another officer of the same or equivalent grade is senior to that officer. Grade and precedence of rank confers eligibility to exercise command or authority in the United States military within limits prescribed by law. (10 USC 741)

b. Grade is generally held by virtue of office or position in the Army. For example, second lieutenant (2LT), captain (CPT), sergeant first class (SFC), chief warrant officer two (CW2) are grades. Table 1-1 shows the grades in the Army in order of their precedence. It indicates the grouping of grades into classes, pay grades, titles of address, and abbreviations.

c. The pay grade is also an abbreviated numerical device with useful applications in pay management, personnel accounting, automated data organization, and other administrative fields. However, the numerical pay grade will not be used as a form of address or title in place of the proper title of address of grade. A soldier holding the numerical pay grade of E-5 will be addressed as Sergeant, not as "E-5." (See table 1-1.)

d. All chaplains are addressed as "Chaplain," regardless of military grade or professional title. When a chaplain is addressed in writing, grade is indicated in parentheses; for example, Chaplain (Major) John F. Doe.

e. Conferring honorary titles of military grade upon civilians is prohibited. However, honorary titles already conferred will not be withdrawn.

Table 1-1.
Grades of rank, U.S. Army

General Officers	
Grade of rank: General of the Army **Pay grade:** Special **Title of address:** General **Abbreviation:** GA (See footnote 1)	**Grade of rank:** Major General **Pay grade:** O-8 **Title of address:** General **Abbreviation:** MG
Grade of rank: General **Pay grade:** O-10 **Title of address:** General **Abbreviation:** GEN	**Grade of rank:** Brigadier General **Pay grade:** 0-7 **Title of address:** General **Abbreviation:** BG
Grade of rank: Lieutenant General **Pay grade:** O-9 **Title of address:** General **Abbreviation:** LTG	
Field Grade Officers	
Grade of rank: Colonel **Pay grade:** 0-6 **Title of address:** Colonel **Abbreviation:** COL	**Grade of rank:** Major **Pay grade:** 04 **Title of address:** Major **Abbreviation:** MAJ
Grade of rank: Lieutenant Colonel **Pay grade:** O-5 **Title of address:** Colonel **Abbreviation:** LTC	
Company Grade Officers	
Grade of rank: Captain **Pay grade:** 0-3 **Title of address:** Captain **Abbreviation:** CPT	**Grade of rank:** Second Lieutenant **Pay grade:** O-1 **Title of address:** Lieutenant **Abbreviation:** 2LT
Grade of rank: First Lieutenant **Pay grade:** 0-2 **Title of address:** Lieutenant **Abbreviation:** 1LT	
Warrant Officers	
Grade of rank: Chief Warrant Officer, Five **Pay grade:** W-5 **Title of address:** Mister (Mrs./Miss/Ms.) **Abbreviation:** CW5	**Grade of rank:** Chief Warrant Officer, Three **Pay grade:** W-3 **Title of address:** Mister (Mrs./Miss/Ms.) **Abbreviation:** CW3
Grade of rank: Chief Warrant Officer, Four **Pay grade:** W-4 **Title of address:** Mister (Mrs./Miss/Ms.) **Abbreviation:** CW4	**Grade of rank:** Chief Warrant Officer, Two **Pay grade:** W-2 **Title of address:** Mister (Mrs./Miss/Ms.) **Abbreviation:** CW2
Grade of rank: Warrant Officer, One **Pay grade:** W-1 **Title of address:** Mister (Mrs./Miss/Ms.) **Abbreviation:** WO1	

Table 1-1.
Grades of rank, U.S. Army

Cadets	
Grade of rank: Cadet, U.S. Military Academy **Pay grade:** Special **Title of address:** Mister/Miss/Ms./Cadet **Abbreviation:** CDT	**Grade of rank:** Cadet, Senior Advanced ROTC **Pay grade:** Special **Title of address:** Mister/Miss/Ms/Cadet **Abbreviation:** CDT
Candidates	
Grade of rank: Officer Candidate **Pay grade:** Special **Title of address:** Candidate **Abbreviation:** OC	**Grade of rank:** Warrant Officer Candidate **Pay grade:** Special **Title of address:** Candidate **Abbreviation:** WOC
Enlisted	
Grade or rank: Sergeant Major of the Army **Pay grade:** E-9 **Title of address:** Sergeant Major **Abbreviation:** SMA	**Grade of rank:** Staff Sergeant **Pay grade:** E-6 **Title of address:** Sergeant **Abbreviation:** SSG
Grade of rank: Command Sergeant Major (See footnote 2) **Pay grade:** E-9 **Title of address:** Sergeant Major **Abbreviation:** CSM	**Grade of rank:** Sergeant **Pay grade:** E-5 **Title of address:** Sergeant **Abbreviation:** SGT
Grade of rank: Sergeant Major (See footnote 3) **Pay grade:** E-9 **Title of address:** Sergeant Major **Abbreviation:** SGM	**Grade of rank:** Specialist (See footnote 4) **Pay grade:** E-4 **Title of address:** Specialist **Abbreviation:** SP4 (See footnote 5)
Grade of rank: First Sergeant **Pay grade:** E-8 **Title of address:** First Sergeant **Abbreviation:** 1SG	**Grade of rank:** Private First class **Pay grade:** E-3 **Title of address:** Private **Abbreviation:** PFC
Grade of rank: Master Sergeant **Pay grade:** E-8 **Title of address:** Sergeant **Abbreviation:** MSG	**Grade of rank:** Private **Pay grade:** E-2 **Title of address:** Private **Abbreviation:** PV2
Grade of rank: Sergeant First class **Pay grade:** E-7 **Title of address:** Sergeant **Abbreviation:** SFC	**Grade of rank:** Private **Pay grade:** E-I **Title of address:** Private **Abbreviation:** PV1
Grade of rank: Corporal **Pay grade:** E-4 **Title of address:** Corporal **Abbreviation:** CPL	

Table 1-1.
Grades of rank, U.S. Army

Notes.

1. Other abbreviations authorized for use in correspondence with the general public and agencies outside DOD, on identification (ID) cards, and in personal correspondence are listed in AR 25-50 and AR 310-50.
2. Personnel formally selected by DA for participation in the Command Sergeants Major Program
3. All E9s not formally selected for the Command Sergeants Major Program.
4. Specialist will rank immediately below corporal. This does not require or justify change to Table of Organization and Equipment (TOE) or Table of Distribution and Allowances (TDA).
5. Specialist and its abbreviation (SPC) will be used in written correspondence. All standard Installation/Division Personnel System (SIDPERS) transactions must be coded and entered using the preset code (SP4) until SIDPERS III is fielded.

1-7. Precedence between soldiers and other Service members serving with the Army

Members of other Services serving with the Army have equal status with Army soldiers of equivalent grade. (Comparable grades among the Services are shown in table 1-2.)

Table 1-2.
Comparable rank among the Services

Army	Air Force	Marine Corps	Navy
		Officers	
General of the Army	General of the Air Force		Fleet Admiral
General	General	General	Admiral
Lieutenant General	Lieutenant General	Lieutenant General	Vice Admiral
Major General	Major General	Major General	Rear Admiral (U)
Brigadier General	Brigadier General	Brigadier General	Rear Admiral (L)
Colonel	Colonel	Colonel	Captain
Lieutenant Colonel	Lieutenant Colonel	Lieutenant Colonel	Commander
Major	Major	Major	Lieutenant Commander
Captain	Captain	Captain	Lieutenant
First Lieutenant	First Lieutenant	First Lieutenant	Lieutenant (Junior Grade)
Second Lieutenant	Second Lieutenant	Second Lieutenant	Ensign
Chief Warrant Office Four	Chief Warrant Officer Four	Chief Warrant Officer Four	Chief Warrant Officer
Chief Warrant Office Three	Chief Warrant Officer Three	Chief Warrant Officer Three	Chief Warrant Officer
Chief Warrant Office Two	Chief Warrant Officer Two	Chief Warrant Officer Two	Chief Warrant Officer
Chief Warrant Office One	Chief Warrant Officer One	Chief Warrant Officer One	Chief Warrant Officer
		Cadets	
Cadet	Cadet	---	Midshipman
		Enlisted	
Sergeant Major of the Army	Chief Master Sergeant of the Air Force	Sergeant Major of the Marine Corps	Master Chief Petty Officer of the Navy
Command Sergeant Major	Chief Master Sergeant	Sergeant Major	Command Master Chief Petty Officer
Sergeant Major		Master Gunnery Sergeant	Master Chief Petty Officer
First Sergeant	Senior Master Sergeant	First Sergeant Officer	Senior Chief Petty
Master Sergeant	---	Master Sergeant	---
Sergeant First Class	Master Sergeant	Gunnery Sergeant	Chief Petty Officer
Staff Sergeant	Technical Sergeant	Staff Sergeant Class	Petty Officer First
Sergeant	Staff Sergeant	Sergeant Class	Petty Officer Second
Corporal	Sergeant	Corporal Class	Petty Officer Third

Table 1-2.
Comparable rank among the Services

Army	Air Force	Marine Corps	Navy
Specialist	---	---	---
Private First Class	Airman First Class	Lance Corporal	Seaman
Private	Airman	Private First Class	Seaman Apprentice
Private	Basic Airman	Private	Seaman Recruit

1-8. Precedence between members of the Army and members of foreign military services serving with the Army

Members of foreign military services serving with the U.S. Army have equal status with Army members of equivalent grade. When authorized by the President or the Secretary of Defense, members of foreign military service serving with the U.S. Army may exercise operational or tactical control, but may not exercise command over soldiers of the United States Army.

Chapter 2
Command Policies

2-1. Chain of Command

a. The chain of command assists commanders at all levels to achieve their primary function of accomplishing the unit's assigned mission while caring for personnel and property in their charge. A simple and direct chain of command facilitates the transmittal of orders from the highest to the lowest levels in a minimum of time and with the least chance of misinterpretation. The command channel extends upward in the same manner for matters requiring official communication from subordinate to senior.

b. Commanders are responsible for everything their command does or fails to do. However, commanders subdivide responsibility and authority and assign portions of both to various subordinate commanders and staff members. In this way, a proper degree of responsibility becomes inherent in each command echelon. Commanders delegate sufficient authority to soldiers in the chain of command to accomplish their assigned duties, and commanders may hold these soldiers responsible for their actions. The need for a commander or staff officer to observe proper channels in issuing instructions or orders to subordinates must be recognized.

c. Proper use of the chain of command is vital to the overall effectiveness of the Army. Commanders must acquaint all their soldiers with its existence and proper function. Effective communication between senior and subordinate soldiers within the chain of command is crucial to the proper functioning of all units. Therefore, soldiers will use the chain of command when communicating issues and problems to their leaders and commanders.

2-2. Open Door Policies

Commanders will establish an open door policy within their commands. Soldiers are responsible to ensure that the commander is made aware of problems that affect discipline, morale, and mission effectiveness; and an open door policy allows members of the command to present facts, concerns, problems of a personal or professional nature, or other issues which the soldier has been unable to resolve. The timing, conduct, and specific procedures of the open door policy are determined by the commander. He or she is responsible for ensuring that soldiers are aware of the command's open door policy.

2-3. Performance Counseling

Commanders will ensure that all members of their command receive timely performance counseling. Effective performance counseling of officer, noncommissioned officer (NCO), enlisted soldiers, and DA civilian employees helps to ensure that they are prepared to efficiently carry out their duties and accomplish the mission. AR 623-105 and AR 623-205 contain counseling requirements in conjunction with the evaluation reporting systems. Unit commanders will determine the timing and specific methods used to provide guidance and direction through counseling. FM 22-101 provides advice and makes suggestions concerning effective counseling. Providing regular and effective performance counseling to all soldiers, not just those whose performance fails to meet unit standards, is a command function. All commanders will ensure that their subordinate commanders have implemented and are maintaining an effective performance counseling program.

2-4. Staff or technical channels

Staff or technical channels may be used for sending reports, information, or instructions not involving variations from command policy and directives.

2-5. Command of installations, activities, and units

a. *Responsibility.* The senior regularly assigned United States Army officer present for duty normally has responsibility for the command of units, platoon level and above, except as shown in paragraphs 2-8a, 2-15, and 2-16.

b. *Command of installations.* Army installations are assigned to and operate under commanders of major Army commands (MACOMs) or, in selected cases, field operating agencies (FOAs). The installation commander is normally the senior commander on the installation. In addition to mission functions, the installation commander has overall responsibility for all real estate, facilities, base support operations, and activities on the installation. At those installations where the senior commander is assigned to a tenant organization, the MACOM/FOA to which the installation is assigned may designate the garrison commander as the installation commander subject to the following restrictions:

(1) Installation commanders will not exercise operational control over tenant organization missions. Relationships and responsibilities of the installation and tenant organizations should be established by support agreements. See FM 100-22.

(2) Installation commanders who are junior–in-grade will not exercise any aspect of command over senior officers.

(c) UCMJ authority will be governed by AR 27-10, para 5-2.

(2) Army commanders in the grade of lieutenant general or above may not assume command of Army installations, except where the installation serves as the location for an Army Corps, continental United States Army (CONUSA), or higher headquarters. An exception to this policy must be approved by GENERAL OFFICER MANAGEMENT OFFICE, CHIEF OF STAFF (DACS-GOM), 200 ARMY PENTAGON, WASH DC 20310-0200.

(3) MACOM commanders may relieve tactical commanders of installation responsibilities by designating a junior officer of the permanent station as installation commander.

(4) Command of installations and units under the Army Medical Department (AMEDD) will be as prescribed in AR 40-1.

c. *Announcement of assumption of command.* Assumption of command will be announced in a memorandum and will contain the information shown in figure 2-1. To preclude two separate documents, appointment (applies only to three and four star general officers) and assumption announcements may be included in a single memorandum as shown in figure 2-2.

DEPARTMENT OF THE ARMY
Organizational Name/Title
City, Site, ZIP+4

Office Symbol (MARKS NUMBER)

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Assumption of Command By Authority of (appropriate subparagraph).

The undersigned assumes command of (complete unit designation and unit identification code (UIC)), effective (time/date).

(Signature block)
NAME
GRADE, BRANCH
Commanding
(or the words "Acting Commander" as appropriate [see para 2-8a(3)])

Figure 2-1. Assumption of command

DEPARTMENT OF THE ARMY
Organizational Name/Title
City, State Zip+4

Office Symbol (MARKS NUMBER)

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Appointment of Commander.

By direction of the President, (grade, name, SSAN, and branch) is appointed commanding officer or commanding general of (complete unit designation and UIC), effective (date).

(Signature block)

Note. Authentication/signature block will include name, grade, and title.

Figure 2-2. Appointment of Commander

(1) *Oral assumption of command.* Oral assumption of command may be used by units not using orders or other documentation to announce assumption of command or when other circumstances necessitate. Oral assumption of command should be followed by a written assumption of command memorandum as expeditiously as possible.

(2) Distribution. *Distribution will be limited to one copy to each person* concerned, subordinate commands or elements, interested commands, or agencies, and the next higher headquarters. A copy will be placed in the files of the issuing command and/or the affected command. When a general officer, or general officer designee, assumes permanent command, one copy will be furnished to GENERAL OFFICER MANAGEMENT OFFICE, CHIEF OF STAFF (DACS-GOM), 200 ARMY PENTAGON, WASH DC 20310-0200.

(3) *Filing.* Organizations and units governed by AR 25-400-2 will file one copy of the assumption document under Organizational History files. Disposition is shown in those documents.

(4) *Correction and amendments.* Assumption of command documents will be amended, rescinded, or revoked by publishing the correct information in another assumption of command document. The document containing the correction will properly identify (by date) the document being corrected, and state to whom it pertains. The amended document will be distributed and filed, as appropriate.

d. *Optimum length of command tours.* The optimum length of command tours will be based on the needs of the Army, stability within units, the need for officers with command experience, and availability of personnel. Normal optimum command tours are as follows—

(1) For company grade, 18 months with a minimum of 12 months.

(2) For field grade, normal command tour length for battalion/brigade commanders is 24 months or coincidental with tour length for short tour. Commanding general (MG or above), in coordination with CG, Personnel Command (PERSCOM) may curtail or extend field grade command tours up to 30 days. MACOM commanders in coordination with the CG, Personnel Command (PERSCOM) may curtail or extend field grade command tours for 31 to 60 days. Chief of Staff, Army approval is required for curtailment and extensions of field grade command tours for more than 61 days or for any extensions of field grade command beyond the normal 24 months.

(3) In overseas areas where the tour length precludes such tenure of command, the command tour will coincide with the overseas tour.

(4) A battalion level command normally will not be held by a colonel. Accordingly, if a promotable lieutenant colonel serving as a battalion commander has a projected promotion date during the command tour, MACOM commanders will coordinate with PERSCOM to schedule a change of command date as close as possible to the projected promotion date of the officer. In cases where the change of command would adversely affect significant operational requirement, the MACOM commander will submit a request through the CG, PERSCOM to HQDA for exception to policy.

e. *Command by general officers.* Except as indicated in paragraph 2-8, a general officer will not be assigned without the prior approval of GENERAL OFFICER MANAGEMENT OFFICE, CHIEF OF STAFF (DACS-GOM), 200 ARMY PENTAGON, WASH DC 20310-0200.

f. *Command of dental units.* The senior Dental Corps officer, assigned or attached to a dental TOE unit deployed to receive and treat patients, will assume command of that unit until properly relieved.

g. *Command of veterinary units.* The senior veterinary officer assigned or attached to a veterinary unit deployed to care for Government-owned animals, for food inspection responsibilities, and/or for civic action programs, will assume command of that unit until properly relieved.

h. *Command of Active Army training units.* ARNGUS (when activated under Title 10, USC) and USAR officers serving on active duty or active duty for training under Title 10, USC may be assigned as acting commanders of AA training units during annual training. This includes authority under the Uniform Code of Military Justice (UCMJ), unless withheld by competent authority. Installation commanders implementing the authority granted by this paragraph will ensure that—

(1) Paragraphs 3-3 and 3-4 are followed.

(2) Reserve Component (RC) organizations have adequately trained their commanders according to the Manual for Courts-Martial (MCM) and AR 27-10.

(3) RC commanders receive orientation regarding the administration of military justice at the installation and the unit level.

(4) Necessary attachment orders, direction of the President authority, assumption of acting command letter, administrative measures, and appeal channels are accomplished.

(5) Staff or Command Judge Advocates monitor the fair and just administration of military justice.

i. *Active Guard Reserve officers.* Active Guard Reserve (AGR) officers may not command Active Army units.

2-6. Specialty immaterial commands

The senior officer regularly assigned and present for duty with logistical commands (or communication zone headquarters, sections, and areas) and similar specialty immaterial commands will assume command of the organization. (This provision applies unless the senior officer is ineligible under paras 2-15 or 2-16.)

2-7. Designation of junior in the same grade to command

The DCSPER is responsible for policy on the designation of junior in the same grade to command.

a. When two or more commissioned officers of the same grade, both of whom are eligible to command, are assigned to duty in the same command or organization, the President may assign the command of forces without regard to seniority by date of rank.

b. General officers are authorized to announce by direction of the President, the designation of one of several officers of the same grade within a command under their jurisdiction as a commander thereof.

(1) This refers to general officers commanding MACOMs, Armies, corps, installations, divisions, separate brigades, Regional Support Commands (RSC), general officer commands (GOCOM), and heads of DA Staff agencies. This may be done without regard to relative seniority. (See paras 2-5 and 2-8 for policy on general officers.) When an officer who is junior by date of rank is designated to command, a memorandum will be used to announce the appointment and will contain the information shown in figure 2-2.

(2) This appointment is used only if the duties of the position require exercising command. It is not used to assign a junior officer to a staff position that requires supervising and controlling activities of an officer senior by date of rank. In staff supervisory positions, commanders make such appointments merely by designation in a memorandum.

c. Commanders will not use the Presidential authority cited in this paragraph to appoint a junior member as their own successor, either temporarily or permanently. In some cases, a commander having authority under this paragraph may find it necessary to place a junior member in his or her position temporarily as acting commander. If so, a request stating the circumstances and asking for the appointment to be made will be sent to the next higher commander having authority under this paragraph. The next higher commander will review the request and make the appointment deemed necessary. Commanders will not issue a blanket designation without prior approval from the MACOM commander, and, in cases involving general officers, GENERAL OFFICER MANAGEMENT OFFICE, CHIEF OF STAFF (DACS-GOM), 200 ARMY PENTAGON, WASH DC 20310-0200. Each designation of a junior to a command position requires a separate action by the appropriate authority except when prior approval of a blanket designation has been authorized.

d. The authority in this paragraph will not be used to assign command functions to chaplains or, unless authorized by the Secretary of the Army or his or her appointee, to officers of the AMEDD except as in paragraph 2-16.

2-8. Death, disability, retirement, reassignment, or absence of the commander

a. *Commander of Army element.*

(1) If a commander of an Army element, other than a commander of a headquarters and headquarters element, dies, becomes disabled, retires, is reassigned, or is temporarily absent; the senior regularly assigned United States Army soldier will assume command.

(2) If the commander of a headquarters and headquarters element dies, becomes disabled, retires, is reassigned, or is temporarily absent; the senior regularly assigned United States Army soldier of the particular headquarters and headquarters element who performs duties within the element will assume command. For example, if a division headquarters and headquarters company commander is temporarily absent, the executive officer as the senior regularly assigned Army soldier who performs duties within the headquarters company would assume command and not the division commander.

(3) Senior regularly assigned United States Army soldier refers (in order of priority) to officers, warrant officers (WOs), cadets, NCOs, specialists, or privates present for duty unless they are ineligible under paragraphs 2-15 or 2-16. He or she assumes command until relieved by proper authority except as provided in c below. Assumption of command under these conditions is announced per paragraph 2-5. However, the announcement will indicate assumption as acting commander unless designated as permanent by the proper authority. It is not necessary to rescind the announcement designating an acting commander to assume duties of the commander "during the temporary absence of the regularly assigned commander" if the announcement gives the time element involved. A rescinding announcement is required if the temporary assumption of command is for an indefinite period.

b. *Head of DA Staff agency.* On the death, disability, or temporary absence of a head of a DA Staff agency, the next senior United States Army officer on duty in the office will become head until relieved by proper authority. (Exceptions may be ordered or required.) This does not apply to The Surgeon General and the Chief, National Guard Bureau. Functions of The Surgeon General are assumed by the next senior AMEDD officer. Functions of the National Guard Bureau (NGB) are assumed by the senior officer of the Army National Guard of the United States (ARNGUS) or the Air National Guard of the United States (ANGUS) on duty in the Bureau. (See section 10 USC 10505(d))

c. *Commanders of MACOMs.* A commander of a MACOM may continue to discharge the functions of command while absent from the limits thereof, if—

(1) Such absence is for a short period only.

(2) The commander has reasonable communication with the MACOM headquarters.

(3) The absence is not caused by physical disability.

d. *General officers.*

(1) During the temporary absence of the regularly assigned commander, MACOMs are authorized to assign general officers under their command to positions of command.

(2) Where more than one MACOM is represented on an installation, the line of succession of command may pass from one MACOM to another. The major Army commanders concerned should agree to the terms of such an arrangement by a memorandum of understanding and should publish necessary documentation. GENERAL OFFICER MANAGEMENT OFFICE, CHIEF OF STAFF (DACS-GOM), 200 ARMY PENTAGON, WASH DC 20310-0200 will be notified of the action taken.

2-9. Absence or disability of all officers of a unit

On death, disability, or absence of all officers of a unit normally commanded by an officer, the appropriate commander of the next higher command permanently assigns an officer to command, preferably of the branch to which the unit belongs. Pending assignment and arrival of the new commander, the senior warrant officer, cadet, NCO, specialist, or private regularly assigned to the unit will exercise temporary command. Restrictions on assuming command in paragraphs 2-15 and 2-16 apply. Assumption of command will be as noted in paragraph 2-8.

2-10. Emergency command

The senior officer, warrant officer, cadet, NCO, specialist, or private among troops at the scene of an emergency will assume temporary command and control of the soldiers present. These provisions also apply to troops separated from their parent units under battlefield conditions. The senior person eligible for command, whether officer or enlisted, within a prisoner of war camp or among a group of prisoners of war, or a group of personnel detained by hostile forces or elements will assume command according to grade and date of rank seniority without regard to service.

2-11. Functions of an individual in temporary command

A commander in temporary command will not, except in urgent cases, alter or annul the standing orders of the permanent commander without authority from the next higher command. Temporary command is defined to include command assumed under conditions outlined in paragraphs 2-8, 2-9, and 2-10. Such commanders will be considered temporary until designated as permanent, or until replaced by the proper senior commander.

2-12. Responsibility of successor

A commander who succeeds to any command or duty assumes the duties of his or her predecessor. The successor will assume responsibility for all orders in force and all the public property and funds pertaining to the command.

2-13. Separate commands of the U.S. Army serving together

a. When separate commands of the U.S. Army join (or perform duty) together, the senior regularly assigned U.S. Army officer present for duty with the commands concerned will command the forces unless otherwise directed by the President. He or she must not be ineligible under paragraph 2-15 or 2-16.

b. Section 317, title 32, United States Code states: "When any part of the National Guard that is not in Federal service participates in an encampment, maneuver, or other exercise for instruction, together with troops in Federal services, the command of the post, air base, or other place where it is held, and of the troops in Federal service on duty there, remains with the officers in Federal service who command that place and the Federal troops on duty there, without regard to the grade or date of rank of the officers of the National Guard not in Federal service who are temporarily participating in the exercise."

c. When USAR units take part in active duty for training or annual training at a post, the command of that post remains with the officers normally in command. This provision applies regardless of the grade or date of rank of the officers of the USAR unit who are temporarily taking part in training there.

2-14. Separate commands of the several military services of the United States serving together

a. When separate commands of the several military services join (or perform duty) together, or personnel of another Service serve with the Army, operational control by an officer of one Service over the units or members of the other Services may be given by agreement between the Services concerned, or as directed by the National Command Authority (NCA), by the commander of a unified command to which the separate commands are assigned, or by agreement between two or more commanders of unified commands to which the separate commands are assigned. When the different commands of the Army, Navy, Air Force, Marine Corps, and Coast Guard join or serve together, the officer highest in grade in the Army, Navy, Air Force, Marine Corps, or Coast Guard, who is otherwise eligible to command, will command all those forces unless otherwise directed by the President. (See 10 USC 747.)

b. Unless otherwise directed by property authority in the operational chain of command, the commander of the joint forces exercises operational control of the forces of each service. This will be done through the commander of each component who will retain responsibility for such intra-service matters as administration, discipline, internal organization, and unit training. Ordinarily, an accused shall not be tried by a court-martial convened by a member of a different armed force unless the accused can not be delivered to his or her own service without manifest injury to the Armed Forces. However, commanders of unified combatant commands may convene courts-martial over members of any of the Armed Forces, and commanders of joint commands or joint task forces who have authority to convene a general court-martial may convene a court-martial for the trial of members of another Armed Force when specifically empowered by the President or Secretary of Defense as a general court-martial convening authority (see MCM, Rule for Courts-Martial 201 (e)).

2-15. Ineligibility for command of post or activity

A person will be considered ineligible for command of a post or activity when—

a. Quartered there, but has a headquarters or office elsewhere.

b. A student at a Service school or civilian institution or undergoing individual training, instruction, or TDY enroute at a post where he or she is not a part of the command.

c. Not permanently assigned, and/or the unit involved is not permanently assigned to the post.

d. Assigned primarily as a permanent member of a board.

e. Prohibited from assuming command by statute or by paragraph 2-16.

f. Assigned specific duty aboard a military vessel or aircraft where the officers particular duty, specialty, or MOS does not technically qualify him or her to assume the duty of ship's master or aircraft commander.

g. In arrest. (A person under arrest is ineligible to exercise command of any kind.)

2-16. Restrictions

a. *Officers on duty in DA Staff agencies.* Officers on duty or detailed to any of the Services or Staff agencies and bureaus of DA (including heads thereof) will not normally assume command of troops other than those of the Service, staff, or bureaus where they are on duty. Exceptions must be directed by proper authority.

b. *Officers of the AMEDD.*

(1) Officers of the AMEDD may exercise command within the AMEDD according to AR 40-1.

(2) As an exception, officers of the Medical Service Corps may command troops not part of the AMEDD when authorized by the Secretary of the Army; commanders of MACOMs, Army groups, armies, corps, divisions, or comparable units; chiefs of the military Services; or heads of other DA Staff agencies.

c. *Chaplains.* A chaplain has rank without command. (See 10 USC 3581.) Although chaplains may not exercise command, they have authority to exercise functions of operational supervision and control.

d. *Commanding officer of troops on transports.* Military personnel embarking on Military Sealift Command vessels are available for command duty unless otherwise indicated in their travel orders, or by reason of their branch of Service. General officers will be excluded from this requirement. Designation of Colonels will be at the discretion of the terminal commander.

e. *USAR unit commanders.* The authority delegated under paragraph 2-7 will apply in the following cases when it is not practical to assign the senior officer to command—

(1) When the USAR officer selected to command a USAR unit, while in Reserve duty training status, is junior in date of rank (AR 600-8-29) to other officers of the same grade assigned to that unit.

(2) When a USAR unit is ordered to active duty, and the assigned unit commander is junior in date of rank (AR 600-8-29) to other assigned officers of the same grade.

f. *Warrant officers.* When assigned duties as station, unit, or detachment commander, warrant officers are vested with all power usually exercised by other commissioned officers. (See AR 611-112, para 1-7, for exceptions.)

g. *Partially disabled officers.* Partially disabled officers continued on active duty under AR 635-40, chapter 6, will be assigned to positions in which their special qualifications make them of particular value to the Service. Such officers will not be assigned to command positions unless the assigning authority determines that the person—

(1) Has the medical (physical) career potential to serve in combat situations.

(2) Is able to serve until the age for mandatory retirement.

h. *Inspectors General.* An officer detailed to duty as an inspector general will not assume command of troops while so detailed. However, an inspector general is not precluded from assuming temporary command of an organization if he or she—

(1) Is the next senior regularly assigned Army officer of the organization.

(2) Is not otherwise ineligible.

(3) Has been relieved from detail as an inspector general during the period of temporary command.

i. *Program executive officers.* With the exception of the CG, U.S. Army Corps of Engineers, and the CG, U.S. Army Space and Missile Defense Command, an officer assigned as a program executive officer (PEO) will not assume command of troops, installations, or activities while so assigned. Requests for exceptions for general officers, other than those specified above, will be submitted to GENERAL OFFICER MANAGEMENT OFFICE, CHIEF OF STAFF (DACS-GOM), 200 ARMY PENTAGON, WASH DC 20310-0200.

j. *Professors at the United States Military Academy.* Officers appointed as permanent professors at the United States Military Academy (USMA) exercise command only in the academic departments of USMA. (10 USC 4334).

2-17. Relief for cause

a. When a senior commander loses confidence in a subordinate commander's ability to command due to misconduct, poor judgment, the subordinate's inability to complete assigned duties, or for other similar reasons, the senior commander has the authority to relieve the subordinate commander. Relief is preceded with formal counseling by the commander or supervisor unless such action is not deemed appropriate or practical under the circumstances. Although any commander may temporarily suspend a subordinate from command, final action to relieve an officer from any command position will not be taken until after written approval by the first general officer (to include one frocked to the grade of brigadier general) in the chain of command of the officer being relieved is obtained. Any action purporting to finally relieve an officer from any command position prior to the required written approval will be considered for all purposes as a temporary suspension from assigned duties rather than a final relief from command for cause. If a general officer (to include one frocked to the grade of brigadier general) is the relieving official, no further approval of the relief action is required, however, AR 623-105 and AR 623-205 concerning administrative review of relief reports remain applicable.

b. If a relief for cause is contemplated on the basis of an informal investigation under AR 15-6, the referral and comment procedures of that regulation must be followed before initiating or directing the relief. This does not preclude a temporary suspension from assigned duties pending completion of the procedural safeguards contained in AR 15-6. Any action purporting to initiate or direct a relief for cause on the basis of an informal investigation under AR 15-6 taken prior to completion of the procedural safeguards of AR 15-6 will be considered for all purposes as a temporary suspension from assigned duties.

Chapter 3
Enlisted Aspects of Command

3-1. Delegation of authority

Commanders and their staffs, at all levels of command, are responsible for ensuring proper delegation of authority to NCOs by their seniors. This policy applies whether the senior is an officer, WO, or another NCO.

3-2. Noncommissioned officer support channel

a. The NCO support channel (leadership chain) parallels and complements the chain of command. It is a channel of communication and supervision from the command sergeant major to first sergeant and then to other NCOs and enlisted personnel of the units. Commanders will define responsibilities and authority of their NCOs to their staffs and subordinates. This NCO support channel will assist the chain of command in accomplishing the following—

(1) Transmitting, instilling, and ensuring the efficacy of the professional Army ethic. (See FM 100-1 for an explanation of the professional Army ethic.)

(2) Planning and conducting the day-to-day unit operations within prescribed policies and directives.

(3) Training of enlisted soldiers in their MOS as well as in the basic skills and attributes of a soldier.

(4) Supervising unit physical fitness training and ensuring that unit soldiers comply with the weight and appearance standards of AR 600-9 and AR 670-1.

(5) Teaching soldiers the history of the Army, to include military customs, courtesies, and traditions.

(6) Caring for individual soldiers and their families both on and off duty.

(7) Teaching soldiers the mission of the unit and developing individual training programs to support the mission.

(8) Accounting for and maintaining individual arms and equipment of enlisted soldiers, and unit equipment under their control.

(9) Administering and monitoring the NCO professional development program, and other unit training programs.

(10) Achieving and maintaining courage, candor, competence, commitment, and compassion.

b. AR 611-201 and TC 22-6 contain specific information concerning the responsibilities, command functions, and scope of NCO duties.

(1) Sergeant Major of the Army. This is the senior sergeant major grade and designates the senior enlisted position of the Army. The sergeant major in this position serves as the senior enlisted adviser and consultant to the Chief of Staff, Army.

(2) Command Sergeant Major. This position title designates the senior NCO of the command at battalion or higher levels. He or she carries out policies and standards, and advises the commander on the performance, training, appearance, and conduct of enlisted soldiers. The command sergeant major administers the unit Noncommissioned Officer's Professional Development Program (NCODP).

(3) First Sergeant. The position of first sergeant designates the senior NCO at company level. The first sergeant of a separate company or equivalent level organization administers the unit NCODP.

(4) Platoon Sergeant. The platoon sergeant is the key assistant and adviser to the platoon leader. In the absence of the platoon leader, the platoon sergeant leads the platoon.

(5) Section, squad, and team leaders. These direct leaders are the NCOs responsible at this level.

c. NCO disciplinary policies are shown below.

(1) NCOs are important to maintaining discipline in the Army. The policies prescribed in this subparagraph should be considered together with the provisions of chapter 4 of this regulation, AR 27-10, and the MCM.

(a) NCOs have the authority to apprehend any person subject to trial by court-martial under the MCM (Article 7, UCMJ, and para 302(b), Rules for Courts-Martial (RCM)) and chapter 4 of this regulation.

(b) NCOs may be authorized by their commanders to order enlisted soldiers of the commanding officer's command or enlisted soldiers subject to the authority of that commanding officer into arrest or confinement per the MCM (para 304(b), RCM).

(2) NCOs do not have authority to impose nonjudicial punishment on other enlisted soldiers under the MCM (Article 15, UCMJ.) However, the commander may authorize an NCO in the grade of sergeant first class or above, provided such person is senior to the soldier being notified, to deliver the DA Form 2627 (Record of Proceedings under Article 15, UCMJ) and inform the soldier of his or her rights. In cases of nonjudicial punishment, the recommendations of NCOs should be sought and considered by the unit commanders.

(3) As enlisted leaders of soldiers, NCOs are essential to furthering the efficiency of the company, battery, or troop. This function includes preventing incidents that make it necessary to resort to trial by courts-martial or to impose nonjudicial punishment. Thus, NCOs are assistants to commanders in administering minor nonpunitive corrective actions as found in AR 27-10 and Part V, paragraph 1g of the MCM. "Nonpunitive measures" are not "nonjudicial punishment."

(4) In taking corrective action with regard to subordinates, NCOs will be guided by and observe the principles listed in chapter 4.

d. NCO prerogatives and privileges are shown below. NCOs will—

(1) Function only in supervisory roles on work details and only as NCOs of the guard on guard duty, except when temporary personnel shortages requires the NCO to actively participate in the work detail.

(2) Be granted such privileges as organization and installation commanders are capable of granting and consider proper to enhance the prestige of their enlisted troop leaders.

3-3. Precedence of relative grade

Among enlisted soldiers of the same grade in active military service to include retired enlisted soldiers on active duty, precedence or relative grade will be determined as follows—

According to date of rank.

b. By length of active Federal Service in the Army when dates of rank are the same.

c. By length of total active Federal Service when a and b above are the same.

d. By date of birth when a, b, and c are the same—older is more senior.

3-4. Date of rank, enlisted soldiers

a. On enlistment in the—

(1) U.S. Army (any component) with no previous military service, the Date of rank (DOR) of the enlistment grade is the same as the date of enlistment.

(2) Regular Army (RA) following discharge from the USAR (Delayed Entry Program) (DEP), the DOR of the enlistment grade is the same as the date of enlistment in the RA.

(3) U.S. Army (any component) of a former commissioned officer or warrant officer with no previous enlisted military service, the DOR of the enlistment grade is the same as the date of enlistment.

(4) U.S. Army (any component) of a former enlisted member of the Armed Forces, other than the Army, if enlisted in the—

(a) RA, the DOR of the enlistment grade is the date of enlistment in the RA.

(b) ARNGUS and enlists—

1. More than 24 months after discharge, the DOR of enlistment grade is the date of enlistment.
2. Within 24 months of the last discharge in the same grade held at the discharge, the DOR will be adjusted to reflect the original DOR plus elapsed time since discharge.
3. Within 24 months of last discharge in a grade lower than held at discharge, the DOR will be adjusted to reflect the original DOR (of the grade in which enlisting) plus elapsed time since discharge.

(c) USAR and enlists—

1. More than 12 months after discharge, the DOR of enlistment grade is the date of enlistment.
2. Within 12 months following discharge, the DOR will be adjusted to reflect the original DOR (of the grade in which enlisting) plus elapsed time since discharge.

b. On subsequent enlistment/reenlistment—

(1) Without a break in military service of more than 90 days, the soldier retains the DOR of the grade held prior to reenlistment.

(2) With a break in military service of more than 90 days and reenlists in the—

(a) RA. The DOR of the enlistment grade is the date preceding the reenlistment date by a period equal to the length of time previously served in the RA in the same or higher grade than that in which reenlisted. Service performed prior to reduction to a pay grade lower than that in which a soldier reenlists is not creditable.

(b) ARNGUS or USAR—

1. More than 24 months following discharge from the RA, ARNGUS or USAR, the DOR of the enlistment grade is the date of reenlistment.
2. Within 24 months of last discharge from the RA, ARNGUS or USAR. The DOR of the enlistment grade will be adjusted to reflect the original DOR plus elapsed time since discharge.

(3) A Reserve of the Army enlisted soldier serving on an extended active duty (EAD) in the Active Army enlists in the RA. The DOR of the enlisted grade is the date of the RA enlistment. An earlier DOR may be awarded on previous RA enlisted service.

(4) A Reserve of the Army officer with prior RA enlisted service entitled to reenlist in the RA per 10 USC 3258. The DOR is the date preceding the reenlistment date by a period equal to the length of time previously served on active duty in the same or higher grade than that in which enlisted. For example, a USAR captain leaves the Army as a result of a Reduction in Force. She previously served as a sergeant. She reenlists and is promoted immediately to staff sergeant. Her date of rank as a staff sergeant is the date that she was commissioned as a second lieutenant.

(5) A former officer or warrant officer with prior enlisted service in the Army, without reenlistment entitlement under 10 USC 3258, enlists in the U.S. Army (any component). The DOR of the enlisted grade is the date of reenlistment back dated to include the time spent in the highest enlisted grade held before being commissioned or appointed. Service performed prior to reduction to a pay grade lower than that in which a soldier reenlists is not credible.

(6) On removal from the Temporary Disability Retired List (TDRL) a sddier—

(a) Immediately reenlists in the component of the Army from which he or she had been placed on the TDRL. The DOR is the original DOR held prior to placement on the TDRL.

(b) Subsequently enlists in a component of the Army other than that from which he or she had been placed on TDRL. The DOR of the enlistment grade will be determined under b, above.

(7) Soldiers promoted to a higher enlisted grade after returning from TDRL—

(a) Sergeant and below. Soldiers returning from TDRL will be considered for promotion if eligible. If promoted the DOR will be the date of current entry on active duty.

(b) Staff sergeant and above—

1. If in the zone for consideration while in TDRL, the soldier will be considered for promotion. If selected, DOR will be the date they would have been promoted had they not been on TDRL.
2. DOR with peers will be granted if soldier was previously selected for promotion by a DA Centralized Promotion Selection Board; placed on TDRL before promotions were made through their sequence number.

c. On call or ordered to Active Duty (AD) or Active Duty for Training (ADT).

(1) An ARNGUS or USAR soldier is ordered to EAD in the Active Army, to include mobilization, but not including orders to active duty under 10 USC 12304 or 12302 a call of the National Guard into Federal Service under 10 USC 3500, or a call of members of the militia into Federal Service under chapter 15 of title 10, USC. The DOR is a date preceding the date of entry on EAD by a period spent on active status in the grade in which ordered to EAD subject to the following conditions—

(a) Only service performed after the most recent break in service is creditable. For the purpose of this paragraph, a period during which the soldier was not a member of the Armed Forces is a break in service if such a period is in excess of 90 days (enlisted soldier) or 180 days (former officers).

(b) Service performed prior to reduction to a pay grade lower than that in which a person enters on EAD is not credited.

(2) An ARNGUS or USAR soldier is ordered to AGR status, full-time National Guard duty (FTNGD), AD for special work (ADSW), temporary tour of active duty (TTAD), AD under 10 USC 12304 or 12302, ADT, a call of the National Guard into Federal Service under 10 USC 12301, 12302,12303, and 12304, or a call of the militia into federal service under chapter 15 of title 10, USC. The DOR of the grade in which ordered to AD or ADT is the date on which the soldier was advanced or promoted in that grade. If voluntarily reduced to enter on AD or ADT, the date of rank will be the date of the rank to which reduced as if the soldier had never attained a higher grade.

(3) A retired soldier is called or ordered to AD (includes EAD, TTAD, and mobilization). The DOR of the grade in which ordered to AD will be stated on the AD orders. It is computed by adding, at the time of retirement, the period of time between the date of the retirement and the date of return to AD. In case of additional periods of inactive service, the DOR is adjusted further.

d. On advancement, promotion, reduction, and grade restoration.

(1) The DOR for advancement and promotion to a higher grade is the date specified in the instrument of promotion or, when no date is specified, is the date of the instrument of promotion.

(2) The DOR for the lateral appointment to a different grade within the same pay grade is date held in the grade from which the appointment was made.

(3) The DOR for the grade held during a period in which lost time occurs will be adjusted to reflect lost time accumulated for any reason. This paragraph is retroactive to include adjustment of DOR held during previous periods of lost time.

(4) The DOR of a grade to which reduced for inefficiency or failure to complete a school course is the same as that previously held in that grade. If reduction is to a higher grade than that previously held, it is the date the soldier was eligible for promotion under the promotion criteria set forth for that grade.

(5) The DOR on reduction for all other reasons is the effective date of reduction. (See AR 27-l0, chapter 3, when a soldier is reduced under Article 15, UCMJ.)

(6) The DOR on restoration to a grade from which reduced following a successful appeal of the reduction or action by a superior authority to mitigate the punishment, is the date held before the reduction. (See AR 27-10, chap 3 when a soldier is reduced under the MCM (Article 15, UCMJ).)

(7) The DOR on restoration to a higher grade held before reduction to comply with requirements to enter initial active duty for training (IADT), or to attend school under an Army program will be the DOR held prior to reduction.

(8) The DOR of an ARNGUS/USAR soldier promoted to a higher grade held before acceptance of the reduction of one or more grades, without prejudice, due to lack of position vacancy, unit reorganization, unit inactivation/deactivation, or for entry on FTNGD, AD, or ADT will be a date preceding the promotion by a period equal to the length of time previously served in the grade to which promoted.

Chapter 4
Military Discipline and Conduct

4-1. Military discipline

a. Military discipline is founded upon self-discipline, respect for properly constituted authority, and the embracing of the professional Army ethic with its supporting individual values. Military discipline will be developed by individual and group training to create a mental attitude resulting in proper conduct and prompt obedience to lawful military authority.

b. While military discipline is the result of effective training, it is affected by every feature of military life. It is manifested in individuals and units by cohesion, bonding, and a spirit of teamwork; by smartness of appearance and action; by cleanliness and maintenance of dress, equipment, and quarters; by deference to seniors and mutual respect between senior and subordinate personnel; by the prompt and willing execution of both the letter and the spirit of the legal orders of their lawful commanders; and by fairness, justice, and equity for all soldiers, regardless of race, religion, color, gender, and national origin.

c. Commanders and other leaders will maintain discipline according to the policies of this chapter, applicable laws and regulations, and the orders of seniors.

4-2. Obedience to orders

All persons in the military service are required to strictly obey and promptly execute the legal orders of their lawful seniors.

4-3. Military courtesy

a. Courtesy among members of the Armed Forces is vital to maintain military discipline. Respect to seniors will be extended at all times. (See AR 600-25, chap 4.)

b. The actions of military personnel will reflect respect to both the National Anthem and the National Colors. The courtesies listed in AR 600-25, appendix A, should be rendered the National Colors and National Anthem at public events whether the soldier is off or on duty, whether he or she is in or out of uniform. Intentional disrespect to the National Colors or National Anthem is conduct prejudicial to good order and discipline and discredits the military service.

4-4. Soldier conduct

a. Ensuring the proper conduct of soldiers is a function of command. Commanders and leaders in the Army, whether on or off duty or in a leave status, will—

(1) Ensure all military personnel present a neat, soldierly appearance.

(2) Take action consistent with Army regulation in any case where a soldier's conduct violates good order and military discipline.

b. On public conveyances in the absence of military police, the person in charge of the conveyance will be asked to notify the nearest military police and arrange to have them, if necessary, take custody of military personnel. In serious situations, such as physical assault, the person in charge of the conveyance will be asked to stop at the first opportunity and request local police assistance. In all such cases, the local police will be advised to telephone (collect) the nearest Army post or Army headquarters.

c. When an offense endangering the reputation of the Army is committed elsewhere (not on a public conveyance) and military police are not available, civilian police will be requested to take appropriate action.

d. When military police are not present, the senior officer, WO, or NCO present will obtain the soldier's name, grade, social security number, organization, and station. The information and a statement of the circumstances will be sent to the soldier's commanding officer without delay. If the soldier is turned over to the civilian police, the above information will be sent to the civilian police for transmittal to the proper military authorities.

4-5. Maintenance of order

Army and Marine Corps Military Police, Air Force Security Police, and members of the Navy and Coast Guard Shore Patrols are authorized and directed to apprehend Armed Forces members who commit offenses punishable under the UCMJ. Officers, WOs, NCOs, and petty officers of the Armed Forces are authorized and directed to quell all quarrels, frays, and disorders among persons subject to military law and to apprehend participants. Those exercising this authority should do so with judgment and tact. Personnel so apprehended will be returned to the jurisdiction of their respective Service as soon as practical. Confinement of females will be according to AR 190-47.

4-6. Exercising military authority

a. Military authority is exercised promptly, firmly, courteously and fairly. Commanders should consider administrative corrective measures before deciding to impose nonjudicial punishment. Trial by court-martial is ordinarily inappropriate for minor offenses unless lesser forms of administering discipline would be ineffective. (See MCM, Part V, and chap 3, AR 27-10.)

b. One of the most effective administrative corrective measures is extra training or instruction (including on-the-spot correction). For example, if soldiers appear in an improper uniform, they are required to correct it immediately; if they do not maintain their housing area properly, they must correct the deficiency in a timely manner. If soldiers have training deficiencies, they will be required to take extra training or instruction in subjects directly related to the shortcoming.

(1) The training, instruction, or correction given to a soldier to correct deficiencies must be directly related to the deficiency. It must be oriented to improving the soldier's performance in his or her problem area. Corrective measures may by taken after normal duty hours. Such measures assume the nature of training or instruction, not punishment. Corrective training should continue only until the training deficiency is overcome. Authority to use it is part of the inherent powers of command.

(2) Care should be taken at all levels of command to ensure that training and instruction are not used in an oppressive manner to evade the procedural safeguards applying to imposing nonjudicial punishment. Deficiencies satisfactorily corrected by means of training and instruction will not be noted in the official records of the soldiers concerned.

4-7. Disciplinary powers of the commanding officer

a. Commanding officers exercise broad disciplinary powers in furtherance of their command responsibilities. Discretion, fairness, and sound judgment are essential ingredients of military justice.

b. Commanders will familiarize themselves with their powers and responsibilities as outlined in MCM, AR 27-10, AR 600-37, AR 635-200 and other authorities. Legal advice is available from supporting judge advocates.

c. Disciplinary measures are tailored to specific offenses and individual offenders. Commanders will neither direct subordinates to take particular disciplinary actions, nor unnecessarily restrict disciplinary authority of subordinates. (See Articles 37, and 98, UCMJ, and AR 27-10 regarding the proper exercise of authority by commanders.)

4-8. Settlement of local accounts on change of station

To ensure organizations and individuals have properly settled their accounts, commanders will—

a. Make every effort to settle local accounts of their organizations before movement.

b. Take action to promptly settle organizational accounts with local firms when unable to settle before movement.

c. Take action as needed when soldiers under their command issue checks against an account with insufficient funds or fail to clear their personal accounts before departure from their stations. This includes consideration under Articles 15, 121, 123a, 133, or 134, Uniform Code of Military Justice. When indebtedness information is received after a soldier departs from the station, the commanding officer of the station at which personal accounts remain unsettled will take action outlined in AR 600-15.

4-9. Civil status of members of the Reserve component

a. Reserve Component members, not serving on active duty, are not for most purposes considered officers or employees of the United States solely by reason of their Reserve status. They may accept and receive pay for employment in any civil branch of the public service, in addition to any pay and allowances they may be entitled to under the laws governing members of RCs.

b. A member of the RC, not serving on active duty, may practice his or her civilian profession or occupation before or in connection with any department of the Federal Government unless prohibited by law.

c. Conflict of interest laws impose limitations on activities in which persons may engage after terminating active duty or employment by the United States. A reservist who has handled a government matter shall not, while in a civilian status, represent any party, other than the government, in connection with the same particular matter. (See 18 USC 207.) While handling government matters, reservists will not take any direct or indirect action in a particular matter in which they have an outside financial interest. (See 18 USC 208; DODD 5500.7-R, para 5-408.)

d. ARNG and USAR soldiers who are officers and employees of the United States or the District of Columbia are entitled to a leave of absence from their civilian employment when ordered under Title 39, District of Columbia Code to ADT or annual training (AT). This leave of absence will be granted without loss of pay, time, or efficiency rating on all days during which they are ordered to duty with troops or field exercises, or for instruction, for periods not over 15 days in any calendar year. As an exception, officers and employees of the United States or of the District of Columbia who are members of the Army National Guard of the District of Columbia are authorized leave for all days (no limit) on which they are ordered under Title 39, District of Columbia Code to duty for parades or encampment under 5 USC 6323.

e. ARNG and USAR soldiers may accept and be paid for civil employment with any foreign government, when approved by the Secretary of the Army and the Secretary of State. This includes any concern controlled in whole or in part by a foreign government. AR 600-291 is used for processing applications.

4-10. Participation in support of civilian law enforcement agencies

a. Military support of civilian law enforcement is governed by the Posse Comitatus Act (18 USC 1385), 10 USC Sections 371-382, DODD 5525.5, and AR 500-51. Commanders will not sanction use of military personnel in support of civilian law enforcement agencies in the 50 states, the District of Columbia, the Common Wealth of Puerto Rico, or United States Territories, except when authorized by law. Because this is a complex area of the law, commanders and law enforcement personnel should consult with their servicing judge advocate or legal advisor.

b. Military personnel may report crimes or other suspicious activities to civilian police agencies or cooperate with civilian authorities in their capacities as private citizens. Military law enforcement personnel may exchange information with civilian authorities according to AR 500-51.

4-11. Membership campaigns

DA recognizes and benefits from the activities of many worthy organizations, associations, and clubs. Many of these organizations enjoy close, historical ties with the military community and are composed largely of active or retired military personnel. DA support of private organizations is strictly regulated by DODI 1000.15 and DODD 5500.7-R.

a. In supporting such organizations and associations, post commanders and heads of DA Staff agencies will—

(1) Ensure membership among personnel under their jurisdiction is truly voluntary.

(2) Prohibit any practice that involves or implies compulsion, coercion, influence, or reprisal in the conduct of membership campaigns. This prohibition includes repeated orientations, meetings, or similar counseling of persons who have chosen not to join after given a chance to do so. It also includes using membership statistics in support of supervisory influence.

(3) Prohibit any practice that involves or implies DA sponsorship or endorsement of the organization and its activities.

(4) Prohibit the use of government property, facilities, or services, e.g., golf course membership, as an inducement to join a private organization.

b. This policy does not prohibit commanders from informing personnel without coercion about membership in such organizations. When doing so, commanders will ensure they do not favor one organization over others.

4-12. Extremist organizations and activities

Participation in extremist organizations and activities by Army personnel is inconsistent with the responsibilities of military service. It is the policy of the United States Army to provide equal opportunity and treatment for all soldiers without regard to race, color, religion, gender, or national origin. Enforcement of this policy is a responsibility of command, is vitally important to unit cohesion and morale, and is essential to the Army's ability to accomplish its mission. It is the commander's responsibility to maintain good order and discipline in the unit. Every commander has the inherent authority to take appropriate actions to accomplish this goal. This paragraph identifies prohibited actions by soldiers involving extremist organizations, discusses the authority of the commander to establish other prohibitions, and establishes that violations of prohibitions contained in this paragraph or those established by a commander may result in prosecution under various provisions of the UCMJ. This paragraph must be used in conjunction with DODD 1325.6, Subject: Guidelines for Handling Dissident and Protest Activities Among Members of the Armed Forces.

a. *Participation.* Military personnel must reject participation in extremist organizations and activities. Extremist organizations and activities are ones that advocate racial, gender or ethnic hatred or intolerance; advocate, create, or engage in illegal discrimination based on race, color, gender, religion, or national origin or advocate the use of or use force or violence or unlawful means to deprive individuals of their rights under the United States Constitution or the laws of the United States, or any State, by unlawful means.

b. *Prohibitions.* Soldiers are prohibited from the following actions in support of extremist organizations or activities. Penalties for violations of these prohibitions include the full range of statutory and regulatory sanctions, both criminal (UCMJ), and administrative.

   (1) Participating in public demonstrations or rallies.

   (2) Attending a meeting or activity with the knowledge that the meeting or activity involves an extremist cause when on duty, when in uniform, when in a foreign country (whether on or off duty or in or out of uniform), when it constitutes a breach of law and order, or when it is likely to result in violence or when in violation of off limits sanctions or commander's order.

   (3) Fund raising activities.

   (4) Recruiting or training members (including encouraging other soldiers to join).

   (5) Creating, organizing or taking a visible leadership role in such an organization or activity.

   (6) Distributing literature on or off a military installation, the primary purpose and content of which concerns advocacy or support of extremist causes, organizations, or activities; and it appears that the literature presents a clear danger to the loyalty, discipline, or morale of military personnel, or the distribution would materially interfere with the accomplishment of a military mission.

c. *Command authority.* Commanders have the authority to prohibit military personnel from engaging in or participating in any other activities that the commander determines will adversely affect good order and discipline or morale within the command. This includes, but is not limited to, the authority to order the removal of symbols, flags, posters, or other displays from barracks, to place areas or activities off-limits (see AR 190-24), or to order soldiers not to participate in those activities that are contrary to good order and discipline or morale of the unit or pose a threat to health, safety, and security of military personnel or a military installation.

d. *Command Options.* Commander's options for dealing with a soldier's violation of the prohibitions include—

(1) UCMJ action. Possible violations include—

(a) Article 92—Violation or failure to obey a lawful general order or regulation.

(b) Article 116—Riot or breach of peace.

(c) Article 117—Provoking speeches or gestures.

(d) Article 134—General article, specifically, conduct which is prejudicial to good order and discipline or service discrediting.

(2) Involuntary separation for unsatisfactory performance or misconduct, or for conduct deemed prejudicial to good order and discipline or morale.

(3) Reclassification actions or bar to reenlistment actions, as appropriate.

(4) Other administrative or disciplinary action deemed appropriate by the commander, based on the specific facts and circumstances of the particular case.

e. *Command Responsibility.* Any soldier involvement with or in an extremist organization or activity, such as membership, receipt of literature, or presence at an event, could threaten the good order and discipline of a unit. In any case of apparent soldier involvement with or in extremist organizations or activities, whether or not violative of the prohibitions in subparagraph b, commanders must take positive actions to educate soldiers, putting them on notice of the potential adverse effects that participation in violation of Army policy may have upon good order and discipline in the unit and upon their military service. These positive actions include-

(1) Educating soldiers regarding the Army's equal opportunity policy. Commanders will advise soldiers that extremist organizations' goals are inconsistent with Army goals, beliefs, and values concerning equal opportunity.

(2) Advising soldiers that any participation in extremist organizations or activities:

(a) Will be taken into consideration when evaluating their overall duty performance, to include appropriate remarks on evaluation reports.

(b) Will be taken into consideration when selections for positions of leadership and responsibility are made.

(c) Will result in removal of security clearances, where appropriate.

(d) Will result in reclassification actions or bar to reenlistment actions as appropriate.

(3) The commander of a military installation or other military controlled facility under the jurisdiction of the United States shall prohibit any demonstration or activity on the installation or facility that could result in interference with or prevention of orderly accomplishment of the mission of the installation or facility, or present a clear danger to loyalty, discipline, or morale of the troops. Further, such commanders shall deny requests for the use of military controlled facilities by individuals or groups that engage in discriminatory practices or for activities involving such practices.

f. Commanders should seek the advice and counsel of their legal advisor when taking actions pursuant to this policy.

4-13. Army language policy

English is the operational language of the Army. Soldiers must maintain sufficient proficiency in English to perform their military duties. Their operational communications must be understood by everyone who has an official need to know their content, and, therefore, must normally be English. However, commanders may not require soldiers to use English unless such use is clearly necessary and proper for the performance of military functions. Accordingly, commanders may not require the use of English for personal communications which are unrelated to military functions.

4-14. Relationships between soldiers of different rank

a. The term "officer," as used in this paragraph, includes both commissioned and warrant officers unless otherwise stated. The provisions of this paragraph apply to both relationships between Army personnel and between Army personnel and personnel of other military services. This policy is effective immediately, except where noted below, and applies to different-gender relationships and same-gender relationships.

b. Relationships between soldiers of different rank are prohibited if they:

(1) Compromise, or appear to compromise, the integrity of supervisory authority or the chain of command.

(2) Cause actual or perceived partiality or unfairness.

(3) Involve, or appear to involve, the improper use of rank or position for personal gain.

(4) Are, or are perceived to be, exploitative or coercive in nature.

(5) Create an actual or clearly predictable adverse impact on discipline, authority, morale, or the ability of the command to accomplish its mission.

c. Certain types of personal relationships between officers and enlisted personnel are prohibited. Prohibited relationships include—

(1) On-going business relationships between officers and enlisted personnel. This prohibition does not apply to landlord/tenant relationships or to one-time transactions such as the sale of an automobile or house, but does apply to borrowing or lending money, commercial solicitation, and any other type of on-going financial or business relationship. Business relationships which exist at the time this policy becomes effective, and that were authorized under previously existing rules and regulations, are exempt until March 1, 2000. In the case of Army National Guard or United States Army Reserve personnel, this prohibition does not apply to relationships that exist due to their civilian occupation or employment.

(2) Dating, shared living accommodations other than those directed by operational requirements, and intimate or sexual relationships between officers and enlisted personnel. This prohibition does not apply to—

(a) Marriages that predate the effective date of this policy or are entered into prior to March 1, 2000.

(b) Until March 1, 2000, relationships (dating, shared living accommodations, and intimate or sexual relationships) outside of marriage that predate the effective date of this policy.

(c) Situations in which a relationship which complies with this policy would move into non-compliance due to a change in status of one of the members (for instance, a case where two enlisted members are married and one is subsequently commissioned or selected as a warrant officer).

(d) Personal relationships outside of marriage between members of the National Guard or Army Reserve, when the relationship primarily exists due to civilian acquaintanceships, unless the individuals are on active duty (other than annual training) or Full-time National Guard duty (other than annual training).

(e) Personal relationships outside of marriage between members of the Regular Army and members of the National Guard or Army Reserve when the relationships primarily exists due to civilian association and the Reserve component member is not on active duty (other than annual training) or Full-time National Guard duty (other than annual training).

(f) Soldiers and leaders share responsibility, however, for ensuring that these relationships do not interfere with good order and discipline. Commanders will ensure that personal relationships which exist between soldiers of different ranks emanating from their civilian careers will not influence training, readiness, or personnel actions.

(3) Gambling between officers and enlisted personnel.

d. These prohibitions are not intended to preclude normal team building associations which occur in the context of activities such as community organizations, religious activities, family gatherings, unit-based social functions, or athletic teams or events.

e. All military personnel share the responsibility for maintaining professional relationships. However, in any relationship between soldiers of different grade or rank the senior member is generally in the best position to terminate or limit the extent of the relationship. Nevertheless, all members may be held accountable for relationships that violate this policy.

f. Commanders should seek to prevent inappropriate or unprofessional relationships through proper training and leadership by example. Should inappropriate relationships occur, commanders have available a wide range of responses. These responses may include counseling, reprimand, order to cease, reassignment, or adverse action. Potential adverse action may include official reprimand, adverse evaluation report(s), nonjudicial punishment, separation, bar to reenlistment, promotion denial, demotion; and courts martial. Commanders must carefully consider all of the facts and circumstances in reaching a disposition that is warranted, appropriate, and fair.

4-15. Other prohibited relationships

a. *Trainee and soldier relationships.* Any relationship between permanent party personnel and IET trainees not required by the training mission is prohibited. This prohibition applies to permanent party personnel without regard to the installation of assignment of the permanent party member or the trainee.

b. *Recruiter and recruit relationships.* Any relationship between permanent party personnel assigned or attached to the United States Army Recruiting Command and potential prospects, applicants, members of the Delayed Entry Program (DEP), or Members of the Delayed Training Program (DTP) not required by the recruiting mission is prohibited. This prohibition applies to United States Army Recruiting Command Personnel without regard to the unit of assignment of the permanent party member and the potential prospects, applicants, DEP members, or DTP members.

4-16. Fraternization

Violations of paragraphs 4-14b, 4-14c, and 4-15 may be punished under Article 92, UCMJ, as a violation of a lawful general regulation.

4-17. Standards of conduct

Department of the Army personnel must place loyalty to country, ethical principles, and law above private gain and other personal interests. The performance of their duties should be in keeping with the highest tradition of military and civilian service to the U.S. Government.

a. *Guidance.* Minimum standards of conduct required of all Soldiers and Army civilians are prescribed by the Joint Ethics Regulation, DODD 5500.7-R. That regulation provides Army personnel with guidance on a multitude of ethical issues including the avoidance of conflicts of interests between their commercial/financial interest and their official duties.

b. *Annual training.* Commanders at all levels will ensure that all Army personnel required to file either a public or confidential financial disclosure report, contracting officers, procurement officials, and others identified by an Army ethics counselor, receive annual ethics training as prescribed by DODD 5500.7-R.

4-18. Employment and volunteer work of spouse

a. The Army affirms the rights of a spouse of a soldier to pursue and hold a job, attend school, or perform volunteer services on or off a military installation. No DA official will, directly or indirectly, impede or otherwise interfere with these rights. Moreover, no DA official will use the preferences and requirements of the Army or any other DOD component to influence the employment, educational, or volunteer service decisions of a spouse. Neither will such decision of a spouse, nor the marital status of the soldier affect, favorably or adversely, the performance evaluations, assignments, or promotion opportunities of the soldier.

(1) In discharging their responsibilities, members of military promotion, continuation, and similar personnel selection boards are prohibited from considering the marital status of a soldier, or the employment, educational, or volunteer service activities of a soldier's spouse. AR 135-155, AR 135-205, AR 140-158, and AR 600-8-29 provide specific policies governing board conduct.

(2) Personnel decisions, including those related to the assignments of soldiers, will not be affected favorably or adversely, by the employment, educational or volunteer services activities of a soldier's spouse, or solely by reason of a soldiers marital status. AR 140-10, AR 614-30, AR 614-100, AR 614-200, and AR 690-700 provide specific policies. Exceptions may be—

(a) Necessary to alleviate the personal hardship of a soldier or spouse upon the request of the soldier concerned, such as when a family member requires specialized medical treatment or educational provisions or similar personal preference accommodations.

(b) Needed to facilitate the assignment of dual-military couples to the same geographic area.

(c) Required by law such as instances in which a prohibited conflict of interest may exist between the official duties of a soldier and the employment of the soldier's spouse. DODD 5500.7-R, The Joint Ethics Regulation, provides specific policies.

(d) Made by the Assistant Secretary of Defense (Personnel and Readiness), with the concurrence of the General Counsel, on a case-by-case basis, for reasons of national security, that marital status is an essential assignment qualification for particular military billets or positions.

(3) Performance appraisals on soldiers, including officer and enlisted evaluations reports, will not contain any information regarding the employment, educational or volunteer service activities of the soldier's spouse, or reflect favorably or adversely on the member based solely on the soldier's marital status. AR 623-1, AR 623-105, and 623-205 provide specific policies.

b. Violations of this policy provide a basis for disciplinary action under the UCMJ in addition to appropriate administrative sanctions.

4-19. Homosexual conduct policy

The DCSPER is responsible for the U.S. Army Homosexual Conduct Policy.

a. *General.*

(1) This policy implements section 654 of Title 10, United States Code. Department of Defense has stated that the suitability of persons to serve in the Army is based on their conduct and their ability to meet required standards of duty performance and discipline.

(2) Definitions are as follows:

(a) *Bisexual.* A person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in both homosexual and heterosexual acts.

(b) *Homosexual.* A person, regardless of sex, who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts as further described in (3) below.

(c) *Sexual orientation.* An abstract sexual preference for persons of a particular sex, as distinct from a propensity or intent to engage in sexual acts.

(3) *Homosexual conduct.* "Homosexual conduct" is a homosexual act, a statement by a soldier that demonstrates a propensity or intent to engage in homosexual acts, the solicitation of another to engage in homosexual act or acts, or a homosexual marriage or attempted marriage.

(a) A "homosexual act" means any bodily contact, actively undertaken or passively permitted, between members of the same sex for the purpose of satisfying sexual desires and any bodily contact (for example, hand-holding, slow dancing, or kissing) that a reasonable person would understand to demonstrate a propensity or intent to engage in such bodily contact.

(b) A "statement by a person that he or she is a homosexual or bisexual or words to that effect" means language or behavior that a reasonable person would believe intends to convey the statement that a person engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts. This may include statements such as "I am a homosexual," "I am gay," "I am a lesbian," "I have a homosexual orientation," and the like.

(c) A "homosexual marriage or attempted marriage" is when a person has married or attempted to marry a person known to be of the same biological sex (as evidenced by the external anatomy of the person involved).

b. *Accession policy.* A person's sexual orientation is considered a personal and private matter and is not a bar to entry or continued service unless manifested by homosexual conduct in a manner described in a(3). Applicants for enlistment, appointment, or induction into the Army will not be asked or required to reveal whether they are heterosexual, homosexual or bisexual. Applicants also will not be required to reveal whether they have engaged in homosexual conduct unless independent evidence is received indicating that the applicant engaged in such conduct or unless the applicant volunteers a statement that he or she is a homosexual or bisexual or words to that effect. Homosexual conduct is grounds for barring entry into the army, except as provided in AR 601-210. Applicants will be informed of the laws and regulations governing sexual conduct in the armed services, including homosexual conduct as defined in a(3). AR 601-210, and NGBR 600-200 governs the Army accession policy.

c. *Separation policy.* Homosexual conduct is grounds for separation from the army under the terms set forth in paragraph a (3). AR 635-100, AR 635-200, AR 135-175, and 135-178, govern Army separation policies.

d. *Guidelines for command-directed fact-finding inquiries into homosexual conduct.*

(1) *Responsibilities.*

(a) Only a soldier's commander is authorized to initiate fact-finding inquiries involving homosexual conduct. A commander may initiate a fact-finding inquiry only when he or she has received credible information that there is a basis for discharge. Commanders are accountable for ensuring that inquiries are conducted properly and that no abuse of authority occurs.

(b) A fact-finding inquiry may be conducted by the commander personally or by a person he or she appoints. It may consist of an examination of the information reported or a more extensive investigation as necessary.

(c) The inquiry should gather all credible information that directly relates to the grounds for possible separation. Inquiries shall be limited to the actual circumstances directly relevant to the specific allegations.

(d) If a commander has credible evidence of possible criminal conduct, he or she shall follow the procedures outlined in the AR 27-10 and AR 195-2.

(e) These guidelines do not apply to activities of CID and other DOD law enforcement organizations that are governed by AR 195-2.

(2) *Basis for conducting inquiries.*

(a) A commander will initiate an inquiry only if he or she has credible information that there is a basis for discharge. Credible information exists when the information, considering its source and the surrounding circumstances, supports a reasonable belief that a soldier has engaged in homosexual conduct. It requires a determination based on articulable facts, not just a belief or suspicion.

(b) A basis for discharge exists if—

1. The soldier has engaged in a homosexual act.
2. The soldier has said that he or she is a homosexual or bisexual, or made some other statement that indicates a propensity or intent to engage in homosexual acts, or
3. The soldier has married or attempted to marry a person of the same sex.

(3) Credible information does not exist, for example, when—

(a) The individual is suspected of engaging in homosexual conduct, but there is no credible information, as described that supports the suspicion.

(b) The only information is the opinion of others that a soldier is a homosexual.

(c) The inquiry would be based on rumor, suspicion, or capricious claims concerning a soldier's sexual orientation.

(d) The only information known is an associational activity such as going to a gay bar, possessing or reading homosexual publications, associating with known homosexuals, or marching in a gay rights rally in civilian clothes. Such activity, in and of itself, does not provide the evidence of homosexual conduct.

(4) Credible information exists, for example, when—

(a) A reliable person states that he or she observed or heard a soldier engaging in homosexual acts, or saying that he or she is a homosexual or bisexual or is married to a member of the same sex.

(b) A reliable person states that he or she heard, observed or discovered a soldier make a spoken or written statement that a reasonable person would believe was intended to convey the fact that he or she engages in, attempts to engage in, or has the propensity or intent to engage in homosexual acts.

(c) A reliable person states that he or she observed behavior that amounts to a nonverbal statement by a soldier that he or she is a homosexual or bisexual—i.e., behavior that a reasonable person would believe intended to convey the statement that the soldier engages in, attempts to engage in, or has the propensity or intent to engage in homosexual acts.

(5) Procedures.

(a) Informal fact-finding inquiries and administrative separation procedures are the preferred method of addressing homosexual conduct. This does not prevent disciplinary action or trial by courts-martial when appropriate.

(b) Commanders shall exercise sound discretion regarding when credible information exists. They shall examine the information and decide whether an inquiry is warranted or whether no action should be taken.

(c) Commanders or appointed inquiry officers shall not ask, and soldiers shall not be required to reveal whether a soldier is a heterosexual, homosexual, or bisexual. However, upon receipt of credible information of homosexual conduct, (as described in a(3)) commanders or appointed inquiry officials may ask soldiers if they engaged in such conduct. The soldier should first be advised of the DOD policy on homosexual conduct (and rights under Article 31(b), UCMJ, if applicable). Should the soldier choose not to discuss the matter further, the commander should consider other available information. Nothing in this provision precludes questioning a soldier about any information provided by the soldier in the course of the fact-finding inquiry or any related proceedings. Nor does it provide the soldier with any basis for challenging the validity of any proceeding or the use of any evidence, including a statement by the soldier in any proceeding.

(d) At any given point in the inquiry, the commander or appointed inquiry official must be able to clearly and specifically explain which grounds for separation he or she is attempting to verify and how the information being collected relates to those specific separation grounds.

(e) A statement by a soldier that he or she is a homosexual or bisexual creates a rebuttable presumption that the soldier engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts. The soldier shall be given the opportunity to present evidence demonstrating that he or she does not engage in, attempt to engage in, or has a propensity or intent to engage in homosexual acts.

(f) The soldier bears the burden of proving, by a preponderance of evidence, that he or she is not a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in, homosexual acts.

(6) *Legal effect.* The procedures set forth in this paragraph create no substantive or procedural rights.

e. *Investigation policy.* Investigations or inquiries will not be initiated solely to determine whether a member is a heterosexual, homosexual, or bisexual. There must be credible information that a basis for disciplinary action or discharge exists. The information that constitutes the basis of the investigation must be deemed credible by the criminal investigation organization commander as well as the soldier's commander in most cases. AR 195-2, Criminal Investigating Activities, provides guidance on the investigation of sexual misconduct.

f. *Security.* Individuals will not be asked or required to reveal on personnel security questionnaires whether they are heterosexual, homosexual, or bisexual. An individual's sexual conduct, whether homosexual or heterosexual, is a legitimate security concern only if it could make an individual vulnerable to exploitation or coercion, or indicate a lack of trustworthiness, reliability or good judgment that is required of anyone with access to classified information. AR 380-67 provides additional guidance.

g. *Training.*

(1) All officers and enlisted personnel of the Active Army and Reserve Components will receive briefings upon entry and periodically thereafter with a detailed explanation of regulations governing sexual conduct by members of the Armed Forces. Briefings will include policies on homosexual conduct and applicable laws in accordance with section 654 of Title 10, United States Code and Article 137, Uniform Code of Military Justice (UCMJ).

(2) The Army uses the DoD Homosexual Conduct Policy Training Plan as a guide in training commanders and personnel involved in recruiting, accession processing, criminal investigations, and administrative separations. The training plan includes detailed hypotheticals that illustrate how military personnel should approach specific, concrete scenarios under the new DoD policy on homosexual conduct.

4-20. Hazing

The Army has been and continues to be a values based organization where everyone is encouraged to do what is right by treating others as they should be treated - with dignity and respect. Hazing is fundamentally in opposition to our values and is prohibited.

a. *Definition.* Hazing is defined as any conduct whereby one military member or employee, regardless of Service or rank, unnecessarily causes another military member or employee, regardless of Service or rank, to suffer or be exposed to an activity which is cruel, abusive, oppressive, or harmful.

(1) Hazing includes, but is not limited to any form of initiation "rite of passage" or congratulatory act that involves: physically striking another in order to inflict pain; piercing another's skin in any manner; forcing or requiring the consumption of excessive amounts of food, alcohol, drugs, or other substances; or encouraging another to engage in illegal, harmful, demeaning or dangerous acts. Soliciting or coercing another to participate in any such activity is also considered hazing. Hazing need not involve physical contact among or between military members or employees; it can be verbal or psychological in nature.

(2) When authorized by the chain of command and not unnecessarily cruel, abusive, oppressive, or harmful, the following activities do not constitute hazing:

(a) the physical and mental hardships associated with operations or operational training;

(b) administrative corrective measures, including verbal reprimands and a reasonable number of repetitions of authorized physical exercises;

(c) extra military instruction or training;

(d) physical training or remedial physical training;

(e) other similar activities.

(3) Whether or not such actions constitute hazing, they may be inappropriate or violate relevant civilian personnel guidance depending on the type of activities and the assigned duties of the employee involved.

b. *Scope.* Hazing is not limited to superior-subordinate relationships. It may occur between peers or even, under certain circumstances, may involve actions directed towards senior military personnel by those junior in rank or grade to them (for example, a training instructor hazing a student who is superior in rank). Hazing has at times occurred during graduation ceremonies or similar military "rites of passage." However, it may also happen in day-to-day military settings. It is prohibited in all cases, to include off-duty or "unofficial" celebrations or unit functions. Express or implied consent to hazing is not a defense to violation of this regulation.

c. Command responsibilities. Enforcement of this policy is a responsibility of commanders at all levels. Commanders will devote particular attention to graduation or advancement ceremonies as well as other occasions or settings which might put soldiers "at risk" for voluntary or involuntary hazing. These situations will be supervised properly, respectful of all participants, perpetuate the best of the traditions which the Army embraces, and leave all participants and spectators feeling proud to be a member of or associated with the U.S. Army.

d. Command options. This paragraph is punitive with regards to soldiers. Violators of this policy may be subject to Article 92 of the UCMJ (Failure to obey a lawful general order or regulation). Other applicable UCMJ articles include Article 80 (Attempts), Article 81 (Conspiracy), Article 93 (Cruelty and maltreatment), Article 124 (Maiming), Article 128 (Assault), Article 133 (Conduct unbecoming an officer and a gentleman), and Article 134 (Drunk and disorderly conduct, and/or Soliciting another to commit an offense). Civilian employees who violate this policy may also be subject to adverse action or discipline in accordance with applicable laws and regulations. Commanders should seek the advice and counsel of their legal advisor when taking actions pursuant to this paragraph.

4-21. Informal funds

Commanders may authorize informal funds. Examples of informal funds are office coffee, cup and flower, and annual picnic funds. These funds are subject to the following guidelines.

a. Use is limited to expenses consistent with the purpose and function of the fund.
b. Only one individual is to be responsible for fund custody, accounting, and documentation. Annually, this individual 's supervisor is advised of the fund's financial status.
c. Operation of the fund will be consistent with Army values and DODD 5500.7-R, Joint Ethics Regulation.

Chapter 5
Other Responsibilities of Command

5-1. General

This chapter discusses additional responsibilities concerning certain soldier activities and practices whose regulation are inherent aspects of command. Violation of this chapter will provide a basis for disciplinary action under the UCMJ for those subject to its provisions.

5-2. Appearance before congressional committees

The Department of the Army will provide maximum information about its operation and activities to congressional committees. This information is subject to AR 380-5, paragraph 7-101a. When asked to appear before a congressional committee, Army military personnel will coordinate with the Chief of Legislative Liaison, Office of the Secretary of the Army for guidance or assistance. Coordination will be accomplished with the Assistant Secretary of the Army (Financial Management and Comptroller) on matters pertaining to the budget. See AR 1-20 for additional guidance.

5-3. Political activities

The DCSPER is responsible for policy on soldier participation in political activities as follows:

a. *Obligations as a citizen.* Soldiers are expected to carry out their obligations as citizens. However, while on active duty, soldiers (including full-time National Guard) are prohibited in certain cases from engaging in certain political activities. The following principles apply—

(1) A soldier on active duty may—

(a) Register, vote, and express his or her personal opinion on political candidates and issues, but not as a representative of the Army.

(b) Make monetary contributions to a political organization.

(c) Attend partisan and nonpartisan political meetings or rallies as a spectator when not in uniform.

(2) A soldier on active duty will not—

(a) Use his or her official authority or influence for interfering with an election; affecting the course or outcome of an election; soliciting votes for a particular candidate or issue; or requiring or soliciting political contributions from others.

(b) Be a candidate for, or hold, civil office except under the conditions set forth in this chapter.

(c) Participate in partisan political management, campaigns, or conventions.

(d) Make campaign contributions to another member of the Armed Forces serving on active duty or an employee of the Federal Government.

(3) Appendix B provides guidelines and examples of permissible and prohibited political activities.

(4) Appendix C provides selected Federal statues restricting certain types of political activities by members of the Armed Forces.

b. *Participation in local nonpartisan political activities.* This regulation does not preclude participation in local nonpartisan political campaigns, initiatives, or referendums. A soldier taking part in local nonpartisan political activity, however, will not—

(1) Wear a uniform or use any government property or facilities while participating.

(2) Allow such participation to interfere with, or prejudice, the performance of the soldier's performance of military duties.

(3) Engage in conduct that in any way may imply that the Army has taken an official position on, or is otherwise involved in, the local political campaign or issue.

c. *Candidate for elective office.* A member on active duty may not—

(1) Campaign as a nominee, or as a candidate for nomination for civil office, except as authorized in this chapter. When circumstances warrant, the installation commander (or general court-martial convening authority) may permit the soldier to file such evidence of nomination or candidacy for nomination, as may be required by law. Such permission will not authorize activity while on active duty that is otherwise prohibited by this regulation, DOD Directive, or Federal statutes.

(2) Become a candidate for any civil office while serving an initial tour of EAD or a tour of EAD that the member agreed to perform as a condition of receiving schooling or other training wholly or partly at U.S. Government expense.

d. *Election or appointment to civil office.*

(1) Except as authorized by this chapter, or otherwise provided for by law, no member on active duty may hold or exercise the function of civil offices—

(a) In the U.S. Government that are an elective office, requires an appointment by the President and with the advice and consent of the Senate, or is in a position on the executive schedule under section 5 USC 5312-5317.

(b) In the government of a state; the District of Columbia; a territory, possession, or commonwealth of the United States; or in any political subdivision thereof.

(2) A member may hold or exercise the function of a civil office in the U.S. Government that is not described in his chapter when assigned or detailed to such office or to perform such functions.

(3) As long as they are not serving on EAD, enlisted members and Reserve officers may hold partisan and nonpartisan civil office if such office is held in a private capacity and does not interfere with the performance of military duties. Additionally, enlisted members on EAD may seek and hold nonpartisan civil office as a notary public or member of a school board, neighborhood planning commission, or similar local agent, as long as such office is held in a private capacity and does not interfere with the performance of military duties.

(4) A soldier on active duty may serve as a regular or reserve civilian law enforcement officer or as a member of a civilian fire or rescue squad. Such service will be in a private capacity, will not involve the exercise of military authority, and will not interfere with the performance of military duties.

(5) A soldier elected or appointed to a prohibited civil office may request retirement and will be retired if eligible for retirement. If the soldier does not request or is not eligible for retirement, the soldier shall be discharged or released from active duty, as determined by the Secretary of the Army.

(6) The separation and retirement requirements above, do not apply if the member declines to serve in the prohibited office; if the Secretary of the Army determines that the member should not be released from active duty based on the needs of the Army; or if the member is—

(a) Obligated to fulfill an active duty service commitment.

(b) Serving or has been issued orders to serve in an area that is overseas, remote, a combat zone, or a hostile fire pay area.

(c) Ordered to remain on active duty while the subject of an investigation or inquiry.

(d) Accused of an offense under UCMJ, 10 USC, Chapter 47, or serving a sentence or punishment for such offense.

(e) Pending an administrative separation action or proceedings.

(f) Indebted to the United States.

(g) On active duty during a period of declared war, a national emergency, or other period when a unit of the Reserve or National Guard has been called to active duty.

(h) In violation of an order or regulation prohibiting the soldier from assuming or exercising the function of civil office.

(7) A soldier who refuses to decline to serve in a prohibited civil office after being denied separation or retirement under this chapter, may be subject to disciplinary or adverse administrative action.

(8) No actions undertaken by a soldier in carrying out assigned military duties will be invalidated solely by virtue of the soldier having assumed or exercised the functions of a civil office in violation of this chapter.

5-4. Command aspects of medical care

a. *Necessary medical care.* A soldier on active duty or active duty for training will usually be required to submit to medical care considered necessary to preserve his or her life, alleviate undue suffering, or protect or maintain the health of others. Commanders may order the examination of any soldier in their command when warranted. The medical treatment facility commander will determine if hospitalization of the soldier is appropriate.

b. *Mental Health Evaluation Requirements.* When a commander determines it is necessary to refer a soldier for a mental health evaluation, the commander shall ensure compliance with the provisions of DODD 6490.1, which limits the use of mental health evaluations in situations where adversarial actions are involved.

c. *Medical care with or without the soldier's permission.*

(1) *Emergency medical care.* Emergency medical care required to save the life, health, or fitness for duty of the soldier may be performed. This is determined by the attending physician. If the soldier should refuse treatment required, and the unit commander is not available, the hospital commander may order the treatment given.

(2) *Immunizations.* Commanders will ensure that soldiers are continually educated concerning the intent and rationale behind both routine and theater-specific or threat-specific military immunization standards. Immunizations required by AR 40-562 or other legal directive may be given involuntarily (except as prescribed in para 5-6 of this regulation). The intent of this authorization is to protect the health and overall effectiveness of the command, as well as the health of the individual soldier. In cases where invduntary immunization is being considered, the following procedures and limitations apply.

(a) Under normal circumstances, actions will not be taken to involuntarily immunize soldiers. If a soldier declines to be immunized the commander will—
   1. Ensure that the soldier understands the purpose of the vaccine.
   2. Ensure that the soldier has been advised of the possibility that the disease may be naturally present in a possible area of operation or may be used as a biological weapon against the United States and its allies.
   3. Ensure that the service member is educated about the vaccine and has been able to discuss any objections with medical authorities.
   4. Counsel the solder, in writing, that he or she is legally required to be immunized; that if the soldier continues to refuse to be immunized that he or she will be legally ordered to do so, and that failure to obey the order may result in UCMJ and/or administrative action for failure to obey a lawful order (Article 92 of the UCMJ) as deemed appropriate by the commander.
   5. Order the soldier to receive the immunization.

(b) If, after any of the steps listed in paragraph 5-4c(2)(a), a soldier elects to be immunized, adverse action will not normally be taken based solely on the initial declination.

(c) When a General Court Martial Convening Authority (GCMCA) or his delegated representative determines that conditions of imminent threat exist (where the threat of naturally occurring disease or use of biological weapons is reasonably possible) soldiers may be involuntarily immunized. Involuntary immunization(s) will not be ordered by a commander below the GCMCA unless authority to do so has been properly delegated by the GCMCA. Prior to ordering involuntary immunizations, all of the steps outlined in subparagraph (a) above should be followed, situation permitting. In performing this duty, unit personnel will only use the amount of force necessary to assist medical personnel in administering the immunization.

(3) Isolation and quarantine for cases of suspected or proven communicable disease may be appropriate.

(4) Detention on closed wards may be required when needed to ensure proper medical supervision or to protect the soldier or others from harmful acts.

(5) Medical care related to the mental disorders of soldiers who are found incompetent by a medical board may be given, provided life or health is not likely to be endangered by such procedures or care. (This provision also applies if the soldier is believed incompetent and medical board action is pending.) These soldiers may also be given routine medical care needed to treat minor ailments.

(6) Medical care of a diagnostic nature may be undertaken in order to determine whether a situation exists that would authorize other medical care to be performed.

(7) Physical examinations and associated procedures, and dental or radiological examinations may be required when one or more of the following apply—
   (a) Required by law or regulation.
   (b) Authorized to be performed without consent by law or other regulations.

(c) Directed by an individual's commander or other appropriate official in order to determine the individual's fitness for duty.

(8) Nothing in this paragraph limits the authority of appropriate officials to order the performance of medical procedures for the purpose of obtaining evidence without the consent of the individual concerned, and without board action in cases where such procedures are authorized under other regulations or the Military Rules of Evidence, MCM.

d. Refusal to submit to medical care other than care described in paragraph 5-4c.

(1) Soldiers who refuse to submit (or whose court-appointed guardian or other legal representative objects) to recommended medical care will be referred to a medical board. (See AR 40-3, para 7-5.)

(2) Soldiers will be referred to a medical board if they refuse to submit to dental care and/or radiographic (X-Ray) procedures deemed necessary by the installation dental surgeon to create dental record and panographic records of the oral dentition to—

(a) Aid in remains identification.

(b) Treat dental conditions judged to be prejudicial to military operations or deployment which may result in evacuation or treatment within the first 12 months. (See AR 40-400)

(3) When a soldier refuses to submit to recommended care because of religious practices, the provision of paragraph 5-6 apply.

e. Medical board proceedings when medical care is refused.

(1) The examining medical boards report should contain the following information—

(a) Statement that the proposed treatment will relieve the incapacity and aid the soldier's return to a duty status.

(b) Statement that the proposed treatment is an established procedure that qualified and experienced physicians ordinarily would recommend and undertake.

(c) Statement that the soldier's refusal to undergo treatment is reasonable or unreasonable. In the case of a mentally incompetent soldier, statement that compulsory treatment is warranted. Consideration should be made of the risks ordinarily associated with the proposed treatment, the soldier's age, general physical condition, and his or her reasons for refusing treatment.

(2) Generally, refusal of medical care is considered unreasonable without substantial evidence that the treatment is inadvisable. However, in deciding whether refusal of medical treatment, including surgery, is reasonable or unreasonable, the board should consider among other things—

(a) Existing evidence that the physical or mental treatment is inadvisable.

(b) Previous unsuccessful operations and procedures.

(c) Any special risks involved in the proposed medical treatment.

(3) The report of the medical board proceedings will show the need and risk of the proposed medical care refused by the soldier. Moreover, it will show that the soldier was given the chance to appear in person and will indicate if the soldier's condition permitted appearing. The report will further show that the soldier was given the chance to submit a written statement explaining the grounds for refusal. Any statement submitted will be sent with the report.

(4) Soldiers believed to be incompetent will be aided by a representative who may appear in their behalf. The representative need not be legally qualified.

(5) The soldier will be informed of the approved findings and advised whether the board has determined that the proposed medical care is needed to—

(a) Protect the soldier's health.

(b) Protect the health of others.

(c) Enable the soldier to perform his or her duties properly.

(6) The board findings must also state that the proposed care will have a positive effect.

f. *Results of medical board proceedings.* Soldiers must be given the results of the board proceedings and offered the opportunity to accept the prescribed medical care. If the soldier still refuses, the medical treatment facility commander will send the medical board proceedings to HQDA (DASG-HS-AS), 5109 LEESBURG PIKE, FALLS CHURCH, VA 22041-3258 for review. When refusal to submit to the prescribed medical care is based on religion, the Surgeon General (TSG) will refer the medical board proceedings to the DCSPER for review and an advisory opinion before action.

(1) TSG will either approve or disapprove the medical board proceedings and return them to the medical treatment facility commander.

(2) If TSG approves the medical board proceedings, the soldier is again given the chance to accept treatment. If the soldier persists in refusing the medical care, the medical treatment facility commander refers the matter to the proper Special Court-Martial Convening Authority. Copies of the medical board proceedings are provided. If the Special Court-Martial Convening Authority orders the soldier to submit to treatment and the soldier refuses to obey, the commander may take—

(a) Disciplinary action according to MCM.

(b) Administrative action to separate the soldier from service through retirement, discharge, or other legal means.

5-5. Family care plans

a. The DCSPER is responsible for policy on family care plans as follows:

(1) The Army assists the soldier in providing for the care of his or her family members. Mission, readiness, and deployability needs especially affect Active Army (AA), ARNG, and USAR single parents and dual military couples with family members. Plans must be made to ensure family members are properly and adequately cared for when the soldier is deployed, on temporary duty (TDY), or otherwise not available due to military requirements. ARNG and USAR soldiers are subject to those policies and regulations, and will implement plans during any period of absence for annual training, regularly scheduled unit training assemblies, emergency mobilization and deployment, or other type of active duty. Emergency-essential civilians who meet the criteria set forth in paragraph 5-5a are encouraged to have a Family Care Plan which follows the guidelines set forth in this regulation.

(2) DA Form 5305-R (Family Care Plan) is the means by which soldiers provide for the care of their family members when military duties prevent the soldier from doing so. It will include proof that guardians and escorts have been thoroughly briefed on the responsibilities they will assume for the sponsor/soldier and the procedures for accessing military and civilian facilities and services on behalf of the family members of the sponsor/soldier. It will attest that the guardian and escort agreed to provide care and have been provided all necessary legal authority and means to do so.

(3) As a minimum, proof will consist of the following attachments to DA Form 5305-R: DA Form 5841-R (Power of Attorney) or equivalent delegation of legal control (unsigned until deployment), DA Form 5840-R (Certificate of Acceptance as Guardian or Escort), DD Form 1172 (Application for Uniformed Services Identification Card DEERS enrollment) for each family member (note: AR-600-8-14 directs that ID cards will be issued for children under age 10 who reside with a single parent or dual military couple), DD Form 2558 (Authorization to start, stop, or change an allotment for Active Duty or Retired Personnel; unsigned until deployment), or other proof of financial support arrangements; and a letter of instruction to the guardian/escort (see DA Form 5304-R (Family Care Plan Counseling Checklist)).

(4) Soldiers are responsible for implementing the Family Care Plan and thus ensuring the care of their family members. When operational or security considerations prevent the soldier from implementing the plan, it will be used by appropriate military or civilian authorities to obtain care for such family members. DA Form 5305-R may be executed at any time when conditions warrant and family care is necessary due to the required military absence of the soldier. DA Forms 5304-R (Family Care Counseling Checklist), 5305-R, 5840-R, and 5841-R will be locally reproduced on 8 1/2 x 11 inch paper. Copies for local reproduction purposes are at the back of this regulation. These forms will also be available on the USAPA web site and the Army Electronic Library (AEL) CD-ROM.

b. Commanders of AA and RC soldiers, regardless of the soldier's grade, will conduct or arrange for Family Care Plan counseling and require a Family Care Plan be completed when any of the following apply—

(1) A pregnant soldier who—

(a) Has no spouse; is divorced, widowed, or separated; or is residing without her spouse.

(b) Is married to another service member of an Active or Reserve component of any service (Army, Air Force, Navy, Marines or Coast Guard).

(2) A soldier who has no spouse; is divorced, widowed or separated, or is residing apart from his or her spouse; who has joint or full legal and physical custody of one or more family members under the age of 19 or who has adult family member(s) incapable of self-care regardless of age.

(3) A soldier who is divorced (not remarried) and who has liberal or extended visitation rights by court decree which would allow family members to be solely in the soldier's care in excess of 30 consecutive days.

(4) A soldier whose spouse is incapable of self-care or is otherwise physically, mentally, or emotionally disabled so as to require special care or assistance.

(5) A soldier categorized as half of a dual-military couple of the AA or RC of any service (Army, Air Force, Navy, Marines or Coast Guard) who has joint or full legal custody of one or more family members under age 19 or who has adult family member(s) incapable of self-care regardless of age.

c. Soldiers must arrange for the care of their family members so as to be—

(1) Available for duty when and where the needs of the Army dictate.

(2) Able to perform assigned military duties without interference of family responsibilities.

d. Enlisted soldiers will be counseled on voluntary and involuntary separation whenever parenthood interferes with military responsibilities (see DA Form 5305-R) under provision of—

(1) AR 635-200 for AA soldiers.

(2) AR 135-178 for USAR and ARNGUS soldiers.

(3) AR 135-91 for ARNG soldiers.

e. Officers will be counseled on voluntary and involuntary separations whenever parenthood interferes with military responsibilities (see DA Form 5305-R) under provision of—

(1) AR 600-8-24 for AA soldiers and USAR and ARNGUS officers serving on active duty or on active duty for training (ADT) for a period in excess of 90 days.

(2) AR 135-175 for ARNGUS and USAR soldiers, except for officers serving on active duty or on ADT for a period in excess of 90 days.

(3) NGR 635-101 for ARNG soldiers.

f. Pregnant soldiers (who meet the criteria established in para 5-5b(1)) will be counseled—

(1) In the AA, according to AR 600-8-24 for officers and AR 635-200 for enlisted soldiers.

(2) In the ARNG and USAR, according to AR 135-91.

(3) On costs of maternity care obtained from civilian sources and the limitations concerning maternity care in military medical facilities.

(4) Using DA Form 5304-R as soon as pregnancy is identified but not later than 90 days prior to the expected date of birth of the child. Pregnant soldiers should receive Family Care Plan counseling at the time of pregnancy counseling to ensure the soldier is informed of the responsibilities if she chooses to remain on active duty.

(5) That they must complete and have an approved DA Form 5305-R showing their intentions for family care not later than 60 days prior to the date of the birth of the child. DA Forms 5840-R and 5841-R or other guardianship documents, DD Form 1172, DD Form 2558 will be completed and DA Form 5305-R recertified not later than 45 days following the date of birth of the child.

g. The unit commander—

(1) May designate an authorized representative to conduct Family Care Plan counseling using DA Form 5304-R and to initial and sign the counseling form in the commander's behalf.

(2) Is the sole approving authority for DA Form 5305-R. This responsibility will not be delegated.

(3) May authorize an additional 30 days (60 days total from date of counseling) to all AA soldiers and 60 days (90 days total from the date of counseling) to all RC soldiers for completion, including submission and final approval of DA Form 5305-R with attendant documents.

(4) Must ensure that all required documents are in order, and must be satisfied that the Family Care Plan meets the requirements and appears to be workable and durable.

(5) Should disapprove DA Form 5305-R if the required attachments are not present unless extenuating circumstances exist.

(6) May consider extenuating circumstances in approving DA Form 5305-R, but must understand that the soldier is considered non-deployable until a Family Care Plan is validated and approved.

(7) Must adequately test the validity and durability of the Family Care Plan, to include contacting the designated guardian(s) prior to final approval or recertification.

(8) Will provide the soldier 30 days from date of the first disapproval to submit additional documentation or evidence to support the Family Care Plan.

(9) Will provide the soldier a reasonable period of time to attempt to rework a Family Care Plan found to be deficient at time of mobilization, processing for overseas movement, or deployment. Ordinarily, a soldier will be afforded at least 30 days to correct deficiencies in a plan unless a shorter period is specified by the unit commander due to the urgency and/or nature of the deployment, or due to the nature of the deficiencies.

(10) May authorize leave per AR 600-8-10 for a deployed soldier to return home when the circumstances beyond the soldier's control preclude the designated guardian from exercising those responsibilities.

(11) Should consider initiating a bar to reenlistment against soldiers who fail to properly manage personal, marital, or family affairs, or who fail to provide or maintain adequate Family Care Plans.

(12) Should consider initiating involuntary separation proceedings against soldiers who fail to provide and maintain adequate Family Care Plans.

(13) Should take action to ensure as commander he or she is aware of other situations which may create changes in the status of his or her soldiers with regards to the soldier's responsibility to support family members. These include but are not limited to the following—

(a) Death or disability of spouse.

(b) Legal separation when initial agreements have identified the soldier as custodial parent or guardian of one or more family members.

(c) Divorce proceedings awarding joint or full custody of family members to the soldier.

(d) Court decrees awarding visitation rights to the soldier, for more than 30 consecutive days at a time, and the soldier has not remarried.

(e) Adoption.

(f) Assumption of foster care responsibilities.

(g) Guardianship agreement for children or adults incapable of self-care to temporarily or permanently reside with the soldier.

(h) Extended periods of absence by the spouse for schooling, hospitalization, employment, etc.

(i) Expiration of current power of attorney, change in guardianship due to PCS, change of temporary care provider, etc.

h. Individual Ready Reserve (IRR), Individual Mobilization Augmentee (IMA), Standby Reserve, Category I and II retirees, and Inactive National Guard personnel who meet the criteria outlined in paragraph 5-5b (1) through (5) are required to maintain valid Family Care Plans to ensure their availability for active duty during a mobilization. Therefore—

(1) CG, Army Reserve Personnel Command (ARPERSCOM) will establish specific procedures for counseling, submission, validation, and recertification of Family Care Plans for USAR personnel and category I/II retirees.

(2) Director, Army National Guard will establish specific procedures for the counseling, submission, validation, and recertification of Family Care Plans for Inactive National Guard personnel.

i. All married soldiers who have family members are encouraged to complete and maintain a Family Care Plan even if not specifically required to do so by this regulation. To do so assists the spouse, commander, rear detachment commander, Family Assistance Center, or next of kin providing care for dependent family members in the event the spouse is injured, ill, incapacitated, or otherwise unable to provide care for the dependent family member. Counseling of such is also encouraged.

j. Soldiers must use the utmost care and consideration in the designation of guardians to care for family members.

(1) Guardians should be persons whom the soldier would have no reservations entrusting the total welfare of his/her children or other family members. Guardians should be persons who are able to exercise that responsibility over extended periods of time, if necessary.

(2) Soldiers have the responsibility to thoroughly brief guardians on arrangements made by the soldier, location of all pertinent documents, and procedures for accessing military and civilian facilities, services, entitlement and benefits on behalf of the dependent family members. Guardians should be made aware that such designation does not authorize them access to any of the military facilities, services, entitlement, or benefits for personal use, but only as agent for the dependent family members for which they have been designated guardian. Installation commanders are authorized to issue agents' letters to designated guardians upon request and presentation of proper documentation (such as DA Form 5841-R, DA Form 5840-R, child(ren)'s ID cards, or application for same).

(3) Note: If the guardian is located in an overseas area other than where the soldier is stationed, family member's attendance at Department of Defense Dependent Schools (DODDS) and other schools may require an exception to policy due to lack of command sponsorship. The soldier and/or guardian must request the exception; it is not automatic.

k. Procedures for completing DA Form 5304-R and DA Form 5305-R. For all assignments, continental United States (CONUS) and outside the continental United States (OCONUS):

(1) DA Form 5304-R will be used for counseling soldiers who fall into categories outlined in paragraph 5-5b as soon as possible upon arrival at the unit of assignment, and will be initialed and signed—

(a) During unit inprocessing, after any event requiring completion of a Family Care Plan, or at pre-deployment processing (PDP).

(b) By pregnant soldiers not later than 90 days prior to the expected date of birth of the child.

(c) By single parents and dual-military couples with family members.

(d) By both members of the dual-military couple and the respective commanders or designated representative. This assures both unit commanders that soldiers and their military spouses have made necessary arrangements for the escort, temporary, and primary guardianship responsibilities for family member. Dual-military couple soldiers with family members will be counseled together when practicable.

(e) By unit commander or designated representative and held in the unit suspense files pending completion of DA Form 5305-R. It will be returned to the soldier when no longer needed for suspense action.

(2) DA Form 5305-R will be—

(a) Completed and approved within 30 days for AA soldiers and 60 days for ARNG and USAR soldiers from the date of counseling.

(b) Signed by both members of a dual-military couple and, if possible, both commanders. The same plan should be submitted by both members of the dual-military couple, and neither member should be identified in the plan as the temporary or long-term guardian. Once both commanders have approved and signed the plan, the commander whose soldier is least likely to deploy should retain the original plan and forward a copy of the complete plan to the other commander. If both members are equally likely to deploy, but one is a soldier and the spouse is a member of another service, the original plan should be kept on file in the soldier's unit and a copy forwarded to the spouse's unit. If both are soldiers and equally likely to deploy, it is inconsequential which commander has the original copy of the plan.

(c) Recertified at least annually by initialing and dating the DA form 5305-R. This must be done during the anniversary of the soldier's birth month, after any change of circumstance requiring a change in the Family Care Plan, or whenever the soldier is mobilized, deployed, or processed for pre-deployment. Commanders should ensure that all information is current and all documents are still up-to-date and legally valid.

(3) OCONUS assignment and deployment procedures are as follows:

(a) All single parent and dual-military couples with family members who receive assignment instructions for an OCONUS assignment must be counseled again and must have their DA Form 5305-R recertified not later than 30 days before the final out-processing date at the losing installation. If an adequate Family Care Plan is not submitted within 30 days, the soldier is not considered deployable, will not depart the command, and the commander will consider initiating involuntary separation proceeding. A copy of the approved DA Form 5305-R will be filed in the soldier's out-processing file. A copy of the DA Form 5305-R will be placed in the Military Personnel Records Jacket (MPRJ) as a transfer document. The losing unit commander will retain a copy for 90 days after the soldier departs.

(b) Soldiers must arrange for an escort and transportation for family members and a guardian in CONUS or United States territory to care for their family members in the event their family members are evacuated from OCONUS. If Noncombatant Evacuation Operation (NEO) procedures are not initiated and soldiers are alerted for deployment, soldiers residing in government quarters may request approval for guardians to reside in those quarters in their absence. NEO standing operations should make maximum use of Family Care Plans to ensure successful operations. Soldiers may also request that they, as a single parent or one member of a dual-military couple, be authorized to personally escort family member back to CONUS-located guardian. They will be given the opportunity provided time allows and advanced return or early return of family member paperwork is initiated per local command polices, the Joint Federal Travel Regulation, and Defense Foreign Clearance Guide guidance.

(c) Soldiers unable to provide the unit commander with the required DA Form 5305-R and attendant documents will be ineligible for overseas assignment. They should be considered for processing for separation from military service. Policies regarding eligibility for overseas assignment are contained in AR 614-30.

(d) Enlisted soldiers without adequate Family Care Plans should be considered for separation processing by their unit commanders under the following regulations:
1. AR 635-200 for AA soldiers.
2. AR 135-178 for ARNGUS and USAR soldiers.
3. AR 135-91 for ARNG soldiers.

(e) Officers without adequate Family Care Plans should be considered for separation processing by their unit commanders under the following:
1. AR 600-8-24 for AA soldiers.
2. AR 135-175 for ARNGUS and USAR soldiers.
3. NGR 635-101 for ARNG soldiers.

(f) ARNGUS and USAR soldiers performing duty on an active duty status (AT, ADT, ADSW, TTAD, AGR, etc.,) OCONUS must re-certify DA Form 5305-R with attendant documents before embarkation to show that adequate care for their family members has been provided for during their absence and in the event that their return to CONUS is delayed. Soldiers unable to provide the required documentation will not deploy to perform AT OCONUS.

l. DA Form 5305-R with attachments will be filed in the unit files and destroyed 90 days after the soldier departs on permanent change of station (PCS) orders. In CONUS and OCONUS if the PCS move is a "same-installation" move and the soldier can maintain the same Family Care Plan, the soldier will be allowed to take the original DA Form 5305-R to the gaining unit and need not generate a new DA Form 5305-R. The gaining commander should certify the existing DA Form 5305-R when the soldier arrives in the new unit.

(1) Provide a copy of the DA Form 5305-R to the soldier, dual-military couple spouse, and dual-military spouse's commander.

(2) Place a copy of the DA Form 5305-R in the MPRJ which accompanies the departing soldier to the gaining unit.

(3) Ensure that in the event of deployment, the Family Care Plan files remain with the rear detachment, or if no rear detachment remains, with the Family Assistance Center servicing the departing unit. ARNG and USAR commanders must ensure Family Care Plan files are transferred to State Area Command (STARC)/Regional Support Command (RSC)/ General Officer Command (GOCOM) before departing home station.

m. A copy of DA Form 5305-R with copies of DA Form 5840-R, 5841-R, and/or other appropriate documents will be provided to the Child Development Center (CDC) if the CDC certified home care provider is designated as temporary guardian. AR 608-10 paragraph 2-13a requires that a copy of DA Form 5305-R be on file at the military CDC if the soldier's family members are enrolled in the day care or extended care program.

n. Commanders must stress the soldier's obligation to both the military and to his/her family members. Moreover, they must ensure soldiers understand they will not receive special consideration in duty assignments or duty stations based on their responsibilities for family members unless enrolled in the Exceptional Family Member Program (EFMP). (See AR 608-75 for more information.) The main evidence that soldiers have made adequate arrangements for the care of their dependent family members will be the execution of DA Form 5305-R with its attendant document listed below:

(1) DA Form 5841-R, special power of attorney or other legal documents designating escort, temporary and primary guardian(s) (unsigned until the soldier is deployed).

(2) Notarized DA Form 5840-R from person(s) named in power of attorney.

(3) Completed DD Form 1172 for each family member.

(4) Completed DD Form 2558 (unsigned until deployment) or proof of other adequate financial arrangements for care of family members.

(5) Letters of instructions containing additional pertinent information for escorts, temporary or long-term guardians (see DA Form 5840-R).

o. Commanders will encourage soldiers to consult with a legal assistance attorney about having a will prepared. The Family Care Plan does not require a will, and soldiers will not be ordered to obtain a will. When a will is prepared, it will not be retained in the unit files. Soldiers will be encouraged but not required to ensure that information regarding the location of a soldier's will is contained in the Family Care Plan.

p. AA commanders will continue to use the Family Care Counseling Report (SIDPERS AAC-C43) until such time as SIDPERS 3 comes on line.

q. Maximum feasible testing of the validity and durability of Family Care Plans will be accomplished (for example, during exercises, alerts, PDP, mobilization, deployment, annual training, and other unit activities) to ensure information in a soldier's DA Form 5305-R is correct, up-to-date, and workable. Family Care Plans found to be invalid during the above testing will be revised/recertified within 30 days of the finding. For ARNG and USAR soldiers, it will be revised/recertified within 60 days unless mobilization mission requirements preclude authorizing that amount of time.

5-6. Accommodating religious practices

a. The Army places a high value on the rights of its soldiers to observe tenets of their respective religious faiths. The Army will approve requests for accommodation of religious practices unless accommodation will have an adverse impact on unit readiness, individual readiness, unit cohesion, morale, discipline, safety, and/or health. As used in this regulation, these factors shall be referred to individually and collectively as "military necessity" unless otherwise stated. Accommodation of a soldier's religious practices must be examined against military necessity and cannot be guaranteed at all times.

b. The DCSPER will establish policy on the accommodation of religious practices within the U.S. Army.

c. The following will ensure that every enlisted (to include reenlistment), warrant, cadet, and commissioned officer applicant is informed of the Army's religious accommodation policy as set forth in this regulation and, furthermore, that applicants acknowledge in writing that they have been so informed:
   (1) Commanding General, U.S. Army Recruiting Command (for initial enlisted and AMEDD officer accessions).
   (2) Commanding General, U.S. Army Training and Doctrine Command (TRADOC) (for all Reserve Officer Training Corps cadets, warrant officer candidates, and officer candidates).
   (3) The Judge Advocate General (for all judge advocate officer accessions).
   (4) The Chief of Chaplains (for all chaplain officer accessions).
   (5) Superintendent, United States Military Academy (USMA)(for all USMA cadet applicants).

d. The Chief of Chaplains will serve as advisor to the DCSPER on matters pertaining to religious accommodation and formulate and disseminate education and training programs regarding religious traditions and practices within the U.S. Army.

e. The Commanding General, TRADOC, will ensure that training on the provisions of this chapter is provided for commanders, chaplains, and judge advocates.

f. Unit commanders will approve/disapprove requests for accommodation of religious practices. If a commander determines partial or complete denial is appropriate, he/she shall prepare a memorandum specifying the basis for denial and provide a copy of the memorandum to the soldier. Commanders who rescind a previously approved religious accommodation shall prepare a memorandum specifying the basis for rescission and provide a copy of the memorandum to the soldier. Denial or rescission must be based upon one or more of the criteria discussed in 5-6a.

g. (1) Requests for religious accommodation generally fall into five major areas:
   (a) Worship practices.
   (b) Dietary practices.
   (c) Medical practices.
   (d) Wear and appearance of the uniform.
   (e) Personal grooming.

(2) Requests for accommodation which are religiously based, but do not fall into one of these areas, will be handled IAW paragraph 5-6h of this regulation.
   (a) *Worship Practices.* Some religious groups have worship requirements which conflict with the soldier's normal availability for duty; for example worship on days other than Saturday or Sunday, a 25-hour Sabbath, or special holy days or periods. These will be accommodated except when precluded by military necessity. If the time required for religious worship falls within normal duty hours or duty rosters, the soldier may request exception from those hours and rosters. The soldier, however, must be prepared to perform alternative duty or duty hours. Commanders may grant ordinary leave as an option to soldiers who desire to observe lengthy holy periods or days.

(b) *Dietary Practices.* Some faith groups have religious tenets which prohibit the eating of specific foods, or prescribe a certain manner in which food must be prepared. A soldier with a conflict between the diet provided by the Army and that required by religious practice may request an exception to policy to ration separately. Religious belief is grounds for granting such an exception. The soldier may also request permission to take personal supplemental rations when in a field or combat environment.

(c) *Medical Practices.*

1. Some religious practices conflict with normal Army medical procedures. These practices include beliefs in self-care, and prohibitions against immunizations, blood transfusions, or surgery.
2. A soldier whose religious tenets involve self-care may request accommodation for non-emergency or non-life-threatening illness or injury. However, the unit and medical treatment facility commanders will consider the time constraints for the soldier to recuperate without military medical care when determining whether or not to grant the request for accommodation.
3. Soldiers who refuse to submit (or whose court-appointed guardian or other legal representative objects) to recommended medical treatment because of religious objections will be referred to an ad hoc committee established by the medical commander. The composition of and procedures followed by this committee are at the discretion of that commander, except that the committee must include a chaplain and be chaired by a medical corps officer. In addition, all committee members must be composed wholly of officers or full-time employees of the federal government.
4. The medical board's report will include the following information:
   - Proposed treatment required to relieve the incapacity and aid the soldier's return to duty status, and expectation to perform such treatment.
   - The need for the medical care refused by the soldier.
   - Reasonableness of the soldier's refusal to undergo treatment. (The risks ordinarily associated with the proposed treatment, the soldier's age, general physical condition, and the reasons for refusing treatment will be considered and articulated in this report.)
   - Evidence that the soldier was given the opportunity to appear before the board in person; submit a written statement; or submit written statements from a member of his or her faith group. If circumstances do not permit the soldier to appear in person or submit a written statement (or both), or the soldier declines to appear in person or submit a written statement; then the board will include this information in the report.
5. Soldiers believed incompetent will be aided by an appointed representative who may appear on their behalf. The representative need not be legally qualified. Rationale for the determination of incompetency will be included in the report. All soldiers referred to committee will have the right to a representative.

6. The Army's concern is with the possible effects of accommodation on the soldier's health and ability to carry out assigned tasks, the health of others, and the military medical system. If the examining board finds that the proposed medical care is needed based on any of these concerns, then the soldier must be informed and given the opportunity to accept the prescribed medical care. If the soldier still refuses the medical treatment commander will forward the medical board proceedings to The Surgeon General (TSG), who will approve or disapprove the medical board proceedings and return them to the medical treatment facility commander.
7. TSG will provide a copy of this determination to HQDA, ODCSPER, ATTN: DAPE-HR-L, Washington, DC 20310-0300.
8. If TSG approves the medical board proceedings, the soldier is again given the opportunity to accept the treatment. If the soldier refuses, the medical treatment facility refers the matter to the soldier's special court-martial convening authority for action as that authority deems appropriate.
9. In emergency situations the medical treatment facility may order, or the attending physician may take, immediate steps IAW local MTF policy to save a soldier's life regardless of religious practices or objections.
10. Immunization requirements for soldiers are described in AR 40-562. Soldiers whose religious practices conflict with the requirements of AR 40-562 may request temporary waivers of immunization requirements through command channels. AR 40-562 grants surgeons general authority to waive immunization requirements in cases of religious objections to immunizations under certain circumstances. Waiver approval authority is retained by appropriate MACOM medical authority and waivers from private physicians are not authorized. (See AR 40-562, para 13.1, 13.4-13.64)

(d) *Wear and Appearance of the Uniform.* Religious jewelry, apparel, or articles (hereafter referred to as religious items) may be worn while in uniform if they are neat, conservative, and discreet. Religious items which are neat, conservative, and discreet are those which meet the wear and appearance of the uniform standards delineated in AR 670-1. Except as noted in the following paragraphs, wear of religious items which do not meet the standards of AR 670-1 is not authorized and will not be accommodated.

(3) Wear of religious items which are not visible or apparent when in duty uniform is authorized, unless precluded by specific mission-related reasons (which will normally be of a temporary nature). Examples of such items include (but are not limited to) religious jewelry worn under the duty uniform or copies of religious symbols or writing carried by the individual in wallets or pockets. Wear of religious items which are visible or apparent are governed by the standards of AR 670-1.

(4) Religious jewelry, for example, which is visible or apparent when in duty uniform is authorized if it meets the standards of AR 670-1. Jewelry bearing religious symbols or worn for religious reasons will not be singled out for special accommodation, restriction, or prohibition; all wear and appearance standards will apply equally to religious and non-religious jewelry.

(5) Religious items which do not meet the standards of AR 670-1 may be worn by soldiers in uniform while they are present at a worship service, rite, or other ritual distinct to a faith or denominational group. Commanders may, for operational or safety reasons, limit the wear of non-subdued items of religious apparel during services conducted in the field based on military necessity.

(6) Religious headgear may be worn while in uniform if the headgear meets the following criteria.
   (a) The religious headgear is subdued in color (generally black, brown, green, dark or Navy blue, or a combination of these colors).
   (b) The religious headgear is of a style and size which can be completely covered by standard military headgear.
   (c) The religious headgear bears no writing, symbols, or pictures.
   (d) Wear of the religious headgear does not interfere with the wear or proper functioning of protective clothing or equipment.
   (e) Religious headgear which meets these criteria is authorized irrespective of the faith group from which it originates.
   (f) Religious headgear will not be worn in place of military headgear under circumstances when the wear of military headgear is required (for example, when the soldier is outside or required to wear headgear indoors for a special purpose).

(7) Chaplains may wear religious attire as described in AR 670-1, CTA 50-909, and AR 165-1 in the performance of religious services and other official duties as required. Commanders may not prohibit chaplains from wearing those religious symbols which are part of the chaplain's duty uniform.

(8) Physical Training (PT) Uniforms. PT uniforms present a particular problem for soldiers of both genders and many religious faiths, due to concerns about modesty. Such concerns are not only religious, but at times are based in social or regional perspectives. Differences in physiology and physical comfort levels between individual soldiers also affects wear of the PT uniform. Commanders have the authority to prescribe uniformity in PT formations. They will, however, consider the factors noted above if doing so.

(9) *Personal Grooming.* The Army does not accommodate exceptions to personal grooming standards for religious reasons except as noted below.
   (a) Grooming practices based in religious reasons will not be singled out for special accommodation, restriction, or prohibition. The grooming standards contained in AR 670-1 will apply equally to religious and non-religious grooming practices.
   (b) As an exception to this policy, religious-based exceptions to policy previously given soldiers under the provisions of this regulation prior to 1 January 1986 continue in effect as long as the affected soldiers remain otherwise qualified for retention. However, soldiers previously granted authority to wear unshorn hair, unshorn beard, or permanent religious jewelry will not be assigned permanent change of station or temporary duty out of CONUS due to health and safety considerations.

h. *Requests for accommodation.*

(1) Requests for religious accommodation of wear and appearance of the uniform and personal grooming practices will not be entertained, subject to exceptions provided in paragraph 5-6g(4) and (5), above. The provisions of AR 670-1 apply.

(2) Soldiers will submit requests for religious accommodation on other matters to their immediate commander. The commander may approve the request either informally or formally (in writing), or disapprove it. Commanders will respond to requests for religious accommodation within 10 working days of receipt.

(3) If a commander approves a request informally the issue is closed, except that the commander will assist the soldier in completing those actions necessary to the accommodation (for example, obtaining permission to ration separately or adjusting the unit duty roster).

(4) If the commander approves a request formally, the commander will provide the soldier with written notice of the accommodation. The accommodation will then remain in effect unless revoked, in writing by the commander who originally granted it (due to changed conditions), by a subsequent commander of that unit; by a commander of a gaining unit if the soldier is transferred; or by a higher commander. If the accommodation is revoked, the written notice of revocation, accompanied by a copy of the original accommodation, will constitute an appeal and will be forwarded through command channels, without further attachments, IAW the routing described in paragraph (5) below.

(5) If the commander disapproves the request, he or she will afford the soldier the opportunity to appeal the disapproval. This appeal will be done by means of a memorandum from the soldier, through each level of command (to specifically include MACOM) to the Deputy Chief of Staff for Personnel, ATTN: DAPE-HR-L, Washington, DC 20310-0300. The memorandum will include, at a minimum the name, rank, social security number, unit, and MOS of the soldier; the nature of the accommodation requested, the religious basis for the request, and endorsements by commander(s). Enclosures will accompany the memorandum. Mandatory enclosures are a memorandum from a chaplain, and a copy of legal review. Optional enclosures include statements by peers or officials of the soldier's faith group, copies of religious writings, statements, or doctrinal declarations bearing on the soldier's request, documents pertaining to the character of the soldier's service, and (if appropriate) a statement from the soldier explaining in more detail the nature of the request.

(a) The assigned unit chaplain, or other chaplain determined by the senior chaplain present, will interview the soldier concerning the request for accommodation. A memorandum stating that this interview has occurred will accompany the request for appeal. This memorandum will address the religious basis and sincerity of the soldier's request. The chaplain is not required to recommend approval or disapproval, but may do so if desired. Memoranda from other chaplains may accompany the appeal as optional attachments, but do not meet the requirement for interview by the assigned unit chaplain or one determined by the senior chaplain present.

(b) Evidence of legal review will be in accordance with local Staff Judge Advocate procedures. A legal advisor will review the appeal packet for legal sufficiency and may make a recommendation for disposition of the appeal. The review will also state whether the appeal memorandum and enclosures are complete within the provisions of this regulation.

(6) If a commander at any level approves the request for accommodation, written approval will be returned to the soldier through channels. If the commander disapproves it, the packet will be so endorsed and forwarded to the next level of command.

(7) If all levels of command disapprove the request for accommodation, the packet will be forwarded to the Deputy Chief of Staff for Personnel, ATTN: DAPE-HR-L, for final decision.

(8) The DCSPER's decision will be transmitted through channels to the soldier requesting accommodation within 30 days after receipt of the request. Appeals to decisions by the DCSPER will not be entertained. Religious accommodations granted by the DCSPER may only be revoked by the DCSPER.

(9) Appeals to denials of accommodation will reach the DCSPER within 30 days after the soldier submits the appeal (60 days OCONUS).

(10) Soldiers whose appeals are denied may request separation from the Army under the provisions of AR 635-200, paragraph 5-3. Commissioned or warrant officers who request separation for reasons of religious accommodation will follow the application for release from active duty as prescribed in AR 600-8-24 (for other than Regular Army [OTRA]), or apply for an unqualified resignation as outlined in AR 635-120 (for Regular Army [RA]). All personnel separated or discharged from the U.S. Army because of conflict between their religious practices and military requirements will be subject to recoupment of Federal funds as outlined in referenced regulations.

j. Nothing in this regulation shall be construed to limit the authority of commanders to enforce standards by means of all applicable provisions of the Uniform Code of Military Justice while requests and appeals are being processed. Soldiers are obligated to adhere to orders and standards set by their immediate commanders.

k. The Committee for the Review of Accommodation of Religious Practices within the U.S. Army is dissolved effective on the publication date of this regulation.

5-7. Prohibition of military labor unions

a. *Incompatibility with military service.*

(1) Soldiers must be prepared to fight and if necessary, place their own personal safety in jeopardy in order to defend the Constitution of the United States and their fellow citizens. Therefore, discipline and prompt obedience to the lawful orders of seniors are essential and time-honored elements of the American military tradition. From the earliest Articles of War, laws and regulations have prohibited conduct detrimental to the military chain of command and lawful military authority.

(2) Unionization of the Army is incompatible with the military chain of command. It would undermine the role, authority, and position of the commander. It would impair the morale and readiness of the Army. Therefore, soldiers will not take part in conventional labor-management negotiation or collective bargaining with their military and civilian seniors. Nor will they take part in strikes, slowdown, picketing, or other traditional forms of job actions.

(3) Circumstances that could constitute a threat to the ability of the Army to perform its mission are not comparable to circumstances that could constitute a threat to the ability of Federal civilian agencies to perform their functions.

b. *Responsibilities.* Installation commanders will report activities prohibited by this regulation immediately to HQDA (DAPE-HR-S), WASH DC 20310-0300. Reports will be made by priority message and information copies will be sent to intermediate commanders.

c. *Prohibited activities.*

(1) *Enrollment and membership.*

(a) A member of the Army, knowing of the activities of a particular military labor organization may not—

1. Join or maintain membership in such an organization.
2. Attempt to enroll another member of the Armed Forces as a member of such an organization.

(b) No person on a military installation, and no member of the Armed Forces, may enroll in a military labor organization or solicit or accept dues or fees for such an organization from any member of the Armed Forces.

(2) *Negotiation or bargaining.*

(a) No person on a military installation, and no member of the Armed Forces, may negotiate or bargain, or attempt through any coercive act to negotiate or bargain with any civilian officer, or employee, or any member of the Armed Forces on behalf of members of the Armed Forces concerning the terms or conditions of service of such members.

(b) No member of the Armed Forces and no civilian officer, or employee, may negotiate or bargain on behalf of the U.S. Government concerning the terms or conditions of military service of members of the Armed Forces with any persons who represents or purports to represent members of the Armed Forces.

(3) *Strikes or other concerted labor actions.*

(a) No person on a military installation, and no member of the Armed Forces may organize or attempt to organize, or participate in, any strike, picketing, march, demonstration, or other similar form of concerted action involving members of the Armed Forces that is directed against the Government of the United States and that is intended to induce any civilian officer or employee, or any member of the Armed Forces to—

1. Negotiate or bargain with any person about the terms or conditions of service of any member of the Armed Forces.
2. Recognize any military labor organization as a representative of individual members of the Armed Forces in connection with any complaint or grievance of any such member arising out of the terms or conditions of service of such member in the Armed Forces.

3. Make changes in the terms or conditions of military service in the Armed Forces of individual members of the Armed Forces.

(b) No person may use any military installation for any meeting, march, picketing, demonstration, or other similar activity for the purpose of engaging in any activity prohibited by this regulation.

(c) No member of the Armed Forces, and no civilian officer or employee, may permit or authorize the use of any military installation for any meeting, march, picketing, demonstration, or other similar activity which is for the purpose of engaging in any activity prohibited by this regulation.

(4) *Representation.* A military labor organization may not represent, or attempt to represent any member of the Armed Forces before any civilian officer or employee, or any member of the Army, in connection with any grievance or complaint of any such member arising out of the terms or conditions of service of such member of the Army.

(5) Violations of this policy provide a basis for disciplinary action under UCMJ in addition to appropriate administrative sanctions.

d. *Permitted activities.*

(1) This regulation will not limit the rights of soldiers to—

(a) Belong to lawful organizations other than military labor organizations.

(b) Present complaints through established military channels.

(c) Seek or receive information or counseling from authorized sources.

(d) Be represented by authorized counsel in any legal or quasi-legal proceeding, according to applicable laws and regulations.

(e) Petition the Congress for redress of grievances.

(f) Take other administrative action for administrative or judicial relief as is authorized by applicable laws and regulations.

(2) This regulation does not prevent eligible DA civilian employees from belonging to labor unions.

e. Making determinations.

(1) To determine if an organization is a military labor organization and if it is in violation of this regulation, the following will be evaluated—

(a) Its history and operation.

(b) Its constitution and bylaws.

(c) The evidence gathered for any suspected prohibited act.

(2) To determine if a person belongs to a military labor organization and if he or she is in violation of this regulation, the following will be evaluated—

(a) His or her history and conduct.

(b) The evidence gathered for any suspected prohibited act.

(3) To determine if a person acted for a military labor organization when he or she committed a prohibited act, the following will be considered—

(a) The frequency of such acts.

(b) The position of the person in the organization.

(c) If the acts were known and condemned or disavowed by the organization's leadership.

f. *Gathering information.* Personnel gathering information about persons and organizations to make the determinations required by this chapter must strictly comply with AR 380-13. Counterintelligence or security investigation personnel may not gather such information. The organization itself should be considered the primary source of information.

5-8. Complaints or accusations against military personnel

a. *Guidelines for implementation.* The policies outlined in this paragraph are intended to provide broad and general guidance. The Inspector General Action Request System (which differs in procedure from that found in this para) is governed by AR 20-1. Accusations of a criminal nature are reported and investigated according to AR 195-1. Complaints by soldiers and family members of discrimination based upon race, color, religion, national origin, and gender (including sexual harassment) follow the procedures set forth in Chapters 6 and 7 of this regulation. Complaints of wrongdoing made by soldiers against their commander pursuant to Article 138, UCMJ, should be prepared, submitted, and resolved following the guidance in AR 27-10, chapter 20. Complaints or accusations that fall within the Military Whistleblower Protection Act (10 U.S.C. 1034) are addressed in DODD 7050.6 and AR 20-1.

b. *Command responsibilities.* When commanders are apprised of complaints or accusations against military personnel, they will be expected to inquire into the matter and attempt a resolution. When a written complaint or accusation is received against military personnel, commanding officers of units or installations will take action as noted below. All complaints will be acknowledged and/or documented in writing.

(1) Complaints forwarded from higher headquarters.

(a) When final action on a complaint received from higher headquarters for investigation and a report of findings is completed, the complaint will be returned to that headquarters. It will be accompanied by the report of investigation. Unless a higher headquarters reserved decision on the disposition of the complaint or accusation pending receipt of investigation, the case will be disposed of at the lowest level having authority consistent with the gravity of the case. When higher headquarters has reserved the right to approve disposition of the case, the report of investigation will be returned and final action withheld pending disposition instructions. Higher headquarters normally will reserve the right of final disposition only in cases involving complex issues or cases the commander desires in the interest of justice to ensure uniform handling throughout the command.

(b) Complaints received after a soldier is transferred will be forwarded to the soldier's gaining organization. The headquarters sending the complaint will be advised of the results of the commander's investigation.

(2) Complaints received by units or installations.

(a) When warranted, the complaint will be investigated. Proper action will be taken as noted in b(1) above.

(b) If the commander believes the complaint does not warrant an investigation, the statement "does not warrant investigation" will be recorded on the complaint, followed by the initials of the commander or an officer designated by the commander. The complainant will be advised a decision was made that further action on the complaint is not warranted. Such complaints will be maintained and disposed of per AR 25-400-2.

(3) Complaints concerning retired personnel. Complaints or accusations against retired personnel not on active duty should be referred to the servicing Staff Judge Advocate for appropriate action.

c. *Disciplinary or adverse action.* Commanders and supervisors are prohibited from initiating any type of disciplinary or adverse action against any soldier or civilian employee because the individual registered a complaint—

(1) With an inspector general (including inspectors general of DOD, the other Services, or other Federal agencies).

(2) With a member of the person's chain of command or supervisor.

(3) With an Equal Opportunity Office.

(4) And/or cooperated with an official Government investigation of a complaint.

d. *False statements.* Knowingly false statements made by a complainant or a witness are excepted from the prohibition in c above. Persons who make such knowingly false statements are potentially subject to court-martial or other disciplinary measures (soldiers), to prosecution by civil authorities (civilians and civilian employees) or to disciplinary action under the Federal Personnel Manual (civilian employees).

e. *Unfavorable information.* Unfavorable information concerning a soldier will not be filed in his or her record except as provided in AR 600-37, chapter 3.

5-9. On-post distribution of nongovernment printed materials

a. *Access to news and publications.* The maintenance of loyalty, discipline, and morale among soldiers is essential if the Army is to provide a reliable and effective military force responsive to the national security missions assigned pursuant to lawful authority. At the same time, soldiers are generally entitled to free access to news and publications.

b. *Policy.* Installation commanders will encourage and promote the availability of books, periodicals, and other printed media which present a wide range of viewpoints on public issues to soldiers. Such media should include those emphasizing the standards of loyalty, patriotism and discipline which are common to the Armed Forces. However, installation commanders will not, except as provided in this paragraph and in AR 360-81, take action to control or restrict dissemination, even if these publications are believed to be in poor taste or unfairly critical of Government policies or officials. The installation commander will be guided by the principle that, except in cases in which a publication constitutes a clear danger to military loyalty, discipline, or morale, or specifically violates the law or regulatory authority, military personnel are entitled to the same free access to publications as are other citizens.

c. *Distribution outlets.* An installation commander may impose a requirement that distribution of printed media may not be made except through regularly established and approved distribution outlets, unless prior approval is obtained from the commander or authorized representative. AR 210-7, AR 210-10, and AR 360-81 provide further explanation and guidance. The installation commander may, without informing higher headquarters, or Department of the Army in advance, take appropriate action to prevent the distribution of non-DOD commercial publications by persons who have not obtained the required approval or have not complied with this regulation, AR 210-7, AR 210-10, and AR 360-81. Except when the publication in question is published primarily for advertising or promotional purposes, a denial of a request for distribution will be reported as required in paragraph d below.

d. *Restrictions on dissemination.* If it appears that a publication presents a clear danger to the loyalty, discipline, or morale of soldiers, the installation commander may, without prior approval of higher headquarters, delay distribution on property subject to his/her control. The commander will consider whether the act of restriction will in itself result in the publication in question achieving notoriety and increased circulation to military personnel through off-post sources.

(1) The commander's directive to delay distribution will be in writing.

(2) Concurrently with imposing a delay authorized above, the installation commander will inform, by telephone, the next major commander and HQDA (SAPA), WASH DC 20310.

(3) When a delay in dissemination of a publication through either official or unofficial outlets is imposed by the commander, he or she will, within 5 working days thereafter—

(a) Review the publication in question.

(b) Prepare a written recommendation to HQDA which provides the basic facts for the determination that distribution of the subject publication would present a clear danger to the loyalty, discipline, or morale of the soldiers on his or her installation.

(c) Send recommendation, together with a copy of the subject publication, to HQDA (SAPA) WASH DC 20310. Appropriate information copies should also be provided to intermediate headquarters.

(4) Reports required in (2) and (3) above are "exempt reports" under AR 335-15.

(5) The delay in distribution will remain in force until a determination to approve or disapprove the request is made by HQDA.

e. *Distribution of commercial publications.* On-post distribution of commercial publications will be restricted as defined in AR 360-81. All commercial publications distributed free of charge will not carry any advertisement which implies discrimination with regard to the race, religion, color, gender, or national origin of the purchaser, user or patron. The publication will place its readers and advertisers on notice of this requirement by including in a prominent location the following: "Everything advertised in this publication must be made available for purchase, use, or patronage without regard to the race, religion, color, gender, or national origin of the purchaser, user, or patron."

f. *Distribution of command information newspapers.* The distribution of command information newspapers (either Army funded or civilian enterprise) will be governed by AR 360-81. Distribution through official channels will be authorized.

5-10. The Total Army Family Program

The Army places a high value on both military and personal preparedness. Commanders have an obligation to provide assistance to establish and maintain personal and family affairs readiness.

a. *Concept*

(1) The Total Army Family (TAF) consists of soldiers (Active Army, ARNG, and USAR), civilian employees, and retirees, (regardless of marital status), and their legal family members (if any).

(2) The Total Army Family Program (TAFP) includes those family assistance services and related programs which support quality of life, readiness, and retention and meet the Army's obligation to soldiers, civilian employees and their families by ensuring the effective interface between family assistance and family support.

(a) Family Assistance is the contractual or statutory obligation the Army has to provide assistance (e.g., ID cards, Defense Enrollment Eligibility Reporting System (DEERS), Civilian Health and Medical Program of the Uniformed Services [CHAMPUS], TRICARE) to its soldiers, civilian employees, and retirees, regardless of marital status, and with or without any legal family members. This obligation also extends to the programs and services commanders use to fulfill their morale, welfare, and quality of life responsibilities, such as Army Community Service (ACS); Child Development Services; Youth Services; Morale, Welfare, and Recreation (MWR) programs etc.

(b) Family Support is the mutual reinforcement provided to soldiers, civilian employees, and retirees regardless of marital status), and their family members-both immediate and extended. Examples include Family Support Groups, newsletters, telephone trees, and other volunteer programs and activities.

b. *Responsibilities*

(1) The Assistant Chief of Staff for Installation Management (ACSIM) will establish policy and ensure coordination and integration of the TAFP through the U.S. Army Community and Family Support Center (USACFSC). USACFSC will—

(a) Provide guidance, technical assistance, and consultation to support the development and implementation of family initiative programs, and services.

(b) Identify needs and design and conduct Army-wide soldier and family member training and awareness events.

(c) Determine requirements and develop training packages for individuals accountable for Army family program execution.

(d) Provide consultation and liaison with the Army National Guard and U.S. Army Reserve to ensure interaction of Active Army and Reserve component family assistance and support issues.

(2) Heads of other HQDA staff agencies (and FOA, if appropriate) will be responsible for Army-wide policies, plans and initiatives within their areas of proponency pertaining to the TAFP.

(3) Army National Guard.

(a) The National Guard Bureau is the Army's lead agency for the establishment and execution of family assistance for Total Army families at all levels of contingency and mobilization.

(b) The NGB, through the NGB Family Program Manager will—

1. Provide policy, guidance, technical assistance, and consultation to support the development and implementation of the TAFP within the Army National Guard.
2. Identify, design, and provide Army National Guard soldiers and family members training and awareness support.
3. Develop training for individuals responsible for family program execution.

(4) Chief, Army Reserve (CAR), through the Office of the Chief, Army Reserve Family Program Manager will—

(a) Provide policy, guidance, technical assistance, and consultation to support the development and implementation of the TAFP within the USAR.

(b) Identify, design, and provide USAR soldier and family member training and awareness support.

(c) Develop training for individuals responsible for family program execution.

(d) Ensure that Regional Support Commands have staffed the centralized family readiness officer to meet assigned duties and responsibilities.

(5) MACOM commanders will provide an environment which encourages an effective family program. At a minimum, MACOM commanders will—

(a) Ensure command emphasis at the unit level.

(b) Identify and input fiscal and personnel resource requirements for the TAFP as part of the command operating budget process.

(c) Provide for soldier, civilian, retiree and family member participation in quality of life matters. Ensure inclusion of single soldiers in quality of life programs/initiatives.

(6) USARC/CONUSA/Installation/STARC/ RSC/ GOCOM commanders at all levels will provide an environment which encourages an effective family program and will at a minimum:

(a) Ensure command emphasis to the unit level.

(b) Ensure the designation of a TAFP point of contact as an additional duty in each unit below installation/STARC/RSC/ GOCOM level.

(c) Identify and input fiscal and personnel resource requirements for the TAFP as part of the command operating budget process.

(d) Ensure soldier, civilian, retiree, and family member awareness of the TAFP.

(e) Ensure soldier, civilian, retiree, and family member access to entitlements, family programs, and family services.

(f) Provide for soldier, civilian, retiree and family member participation in quality of life programs. Ensure inclusion of single soldiers in quality of life programs and initiatives.

(g) Installations/STARCs will ensure/facilitate appropriate coordination of TAFP elements for all components within their geographical area of responsibility during peacetime or any levels of contingency or mobilization.

(7) Unit commanders at all levels will provide an environment which encourages an effective family program and at a minimum will—

(a) Appoint a TAFP point of contact as an additional duty.

(b) Provide pre-deployment briefings as required.

(c) Ensure soldier and family member awareness of the TAFP.

(d) Ensure soldier and family member access to entitlements, family programs, and family service.

(e) Ensure the proper documenting and monitoring of personal affairs readiness of soldiers, to include Family Care Plans (see paragraph 5-5).

(f) Ensure inclusion of single personnel in quality of life programs and initiatives.

(8) Family Program Coordinators will—

(a) Advise the commander concerning the impact of the TAFP on retention, readiness, training, and mobilization/ deployment.

(b) Coordinate the development of the TAFP.

(c) Coordinate the development of resource requirements to support the TAFP.

(d) Coordinate public/community/employer awareness and support of the TAFP.

(e) Serve as command liaison with military and civilian agencies involved in resourcing and supporting the TAFP.

(9) Soldiers bear primary responsibility for their family and personal affairs readiness. They should support and participate in the TAFP. At a minimum soldiers will—

(a) Keep themselves and their families informed concerning key (unit) personnel information, benefits, programs, etc. Ensure that information regarding the TAFP is provided to family members.

(b) Support, and where appropriate, encourage their family members to support the programs, services and activities designed to maintain and/or enhance the quality of life and well being of all members of the Total Army Family. (Many of those programs, services, and activities are primarily dependent upon volunteers to ensure their success and continued effectiveness.)

5-11. Federal Parent Locator Service

Title 10, Section 113, of the U.S. Code requires that current addresses of soldiers be available to the Federal Parent Locator Service. The Defense Enrollment Eligibility Reporting System (DEERS) serves as DOD's centralized personal locator service. Commanders will ensure that all soldiers update new residential addresses on the DEERS system within 30 days after the new address is established. Soldiers assigned overseas, or whose residential address should not be disclosed in the commander's judgment due to security or safety concerns, will provide a duty address to the DEERS system.

5-12. Military Whistleblower Protection Act

Department of the Army personnel are prohibited from taking acts of reprisal against any soldier for filing a complaint of unlawful discrimination or sexual harassment (See DoD Directive 7050.6).

a. No person shall restrict a member of the Armed Services from making a protected communication with a member of Congress; an Inspector General; a member of a DoD audit, inspection, investigation or law enforcement organization; or any other person or organization (including any person in the chain of command) designated under this regulation or other administrative procedures to receive such communication.

b. Soldiers shall be free from reprisal for making or preparing a protected communication.

c. No employee or soldier may take or threaten to take an unfavorable personnel action, or to withhold or threaten to withhold a favorable personnel action, in reprisal against any soldier for making or preparing a protected communication.

d. The chain of command shall ensure complainants are protected from reprisal or retaliation for filing equal opportunity complaints. Should soldiers be threatened with such an act, or should an act of reprisal occur, they must report these circumstances to the DoD Inspector General. If the allegation of reprisal is made known to any agency authorized in this regulation to receive complaints, the agency should refer the complaint to the DoD Inspector General. It is strongly encouraged to simultaneously report such threats or acts of reprisal to the appropriate chain of command. The DoD IG Hotline number is 1(800) 424-9098 or DSN 664-8799, and may be used to report threats or acts of reprisal. Personnel calling from outside the continental United States may dial (703) 604-8569; or, mail a letter to Department Of Defense Inspector General, ATTN: Defense Hotline, 1900 Defense Pentagon, Washington, DC 20301-1900.

Chapter 6
Equal Opportunity Program In The Army

6-1. Purpose

The Equal Opportunity (EO) program formulates, directs, and sustains a comprehensive effort to maximize human potential and to ensure fair treatment for all persons based solely on merit, fitness, and capability in support of readiness. EO philosophy is based on fairness, justice, and equity. Commanders are responsible for sustaining a positive EO climate within their units. Specifically, the goals of the EO program are to—

a. Provide EO for military personnel, and family members, both on and off post and within the limits of the laws of localities, states, and host nations.

b. Create and sustain effective units by eliminating discriminatory behaviors or practices that undermine teamwork, mutual respect, loyalty, and shared sacrifice of the men and women of America's Army.

c. Additionally, in many circumstances, DA civilians may use the Equal Employment Opportunity complaint system. AR 690-600 provides further guidance.

6-2. Responsibilities

a. The Deputy Chief of Staff for Personnel. The DCSPER will—

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

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

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

(4) Establish selection criteria, in coordination with the CG, U.S. Total Army Personnel Command (PERSCOM), for Army personnel to attend the Defense Equal Opportunity Management Institute (DEOMI).

(5) Coordinate, in conjunction with the CG, PERSCOM, EO training seat allocations at DEOMI.

(6) Coordinate the distribution of training seats at DEOMI between the Active Army and the U.S. Army Reserve (USAR).

(7) Include Equal Opportunity Advisor (EOA) staffing requirements in authorization documents.

(8) Establish and maintain a sexual harassment and sexual abuse assistance line to assist victims of harassment or abuse with information which will allow them to report the harassment or abuse to their local authorities and/or seek emotional counseling from local resources. Army Assistance Line number is 1-800-267-9964.

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

(1) Develop, monitor, and evaluate the implementation of EO policies and programs in their components.

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

(3) Select Army National Guard and Reserve personnel to attend the DEOMI.

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

(5) Establish EO training for units and professional military education courses consistent with HQDA policy and command needs.

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

(1) Supervise and evaluate the unit EO training program conducted by the numbered armies in continental United States (CONUS).

(2) Coordinate, on a continuing basis with the Office of the Chief, Army Reserve (OCAR), to conduct EO seminars for USAR general officers assigned to Army Reserve Commands/General Officer Commands (RSCs/GOCOMs) and for key military and civilian staff assigned to those commands.

(3) Assess and evaluate USAR EO programs.

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

(1) Develop EO training doctrine and training materials. Coordinate development with HQDA.

(2) Develop EO instruction and associated training materials for use in the accession/initial-entry-training base, in professional military education courses throughout the Army and in units. Training will be interactive, small group oriented and testable.

(3) Conduct required EO education and training in TRADOC Service schools and training centers.

(4) Evaluate the effectiveness of training conducted in TRADOC Service schools and training centers.

(5) Provide assistance and instructional materials to schools not under the jurisdiction of TRADOC. These schools include, but are not limited to The Judge Advocate General's School, Army Medical Department Center and School, Inspector General Course, and U.S. Army War College.

(6) Develop the program of instruction and evaluate the conduct of the Army Service Specific Training (ASST) for Army personnel attending the resident and reserve training courses at DEOMI.

(7) Develop EO correspondence courses available to all Army personnel.

(8) Establish the Soldier Support Institute (SSI) as the proponent for EO training.

e. *Commanders of Major Army Commands (MACOM).* These commanders will—

(1) Monitor the execution of the EO Program in all commands, installations, agencies, and activities (to include Army Reserve and Army National Guard units when activated) under their jurisdiction.

(2) Schedule EO training for units consistent with HQDA policy and command needs.

(3) Provide support, as appropriate, for EO matters in all host and tenant support agreements.

(4) Ensure EOAs deploy with assigned units.

(5) Ensure military and civilian EO/EEO programs complement each other.

(6) Provide personnel, funding, and other resources to carry out the EO Program. Funding may be used for the continuous education of command EOAs, local training for equal opportunity representatives (EORs), staff assistance visits (SAVs) by headquarters personnel, and ethnic observances/special commemorations for the entire installation's personnel.

(7) Ensure installations maintain EO assistance lines to provide advice and information on unlawful discrimination and sexual harassment. These assistance lines shall provide procedural information on the filing of EO complaints and clarify what constitutes acts of sexual harassment. Complaints shall not be received over the telephone. Personnel with complaints must file them in person. The assistance line shall also provide information on the complaint appeals process to include access to higher levels of authority if resolution cannot be accomplished at the installation level. The assistance line may also be used to provide information to leaders on the procedures to follow in handling sexual harassment complaints. Personnel serving as assistance line operators must be well trained in Army policies and procedures for processing EO complaints.

(8) Submit Quarterly Narrative and Statistical Report (QNSR) IAW procedures outlined in para 6-16.

f. *Commanding General, U.S.* Total Army Personnel Command (CG, PERSCOM). The CG, PERSCOM, will—

(1) Maintain statistical data concerning racial/ethnic designation category (REDCAT) and gender for the management of personnel systems and affirmative action initiatives.

(2) Determine the need for training seats at DEOMI for the Annual Structure Manning and Decision Review (SMDR) for the Program Objective Memorandum (POM) years.

(3) Program personnel, in coordination with HQDA, ODCSPER, ATTN: DAPE-HR-L, to attend DEOMI.

(4) Control DEOMI military student training allocations for the Army.

(5) Assign active duty military personnel to meet Army EOA requirements.

(6) Demographically align EOAs with population of the U.S. Army as a whole.

g. *Commanders at all levels.* Commanders at all levels are the EO officers for their commands. All commanders will—

(1) Be personally responsible and accountable for the EO climate within their units.

(2) Develop and implement EO programs for their organizations that enhance unit cohesion, esprit, and morale.

(3) Upon receipt of a DA Form 7279-R (Equal Opportunity Complaint Form), the Commander will, within 72 hours, provide a description of the allegations through command channels to their general court-martial convening authority. DA Form 7279 will be locally reproduced on 8 ½ by 11-inch paper. A copy for reproduction purposes is located at the back of this regulation. DA Form 7279-R will also be available on the USAPA web site and the Army Electronic Library (AEL) CD-ROM

(4) Identify unlawful discriminatory practices affecting military personnel and family members, initiate corrective actions, and provide follow-up and feedback throughout problem resolution.

(5) Promote EO and interpersonal harmony for all military personnel and family members.

(6) Assign EOAs to their personal or coordinating staff as prescribed in paragraph 6-4, below. The EOAs must attend staff meetings and be included in unit training exercises and deployments in order to accomplish their EO mission.

(7) The commander will be in the EOA rating scheme.

(8) Conduct EO training on a continuing basis for all assigned and attached personnel. Training must be consistent with this regulation, MACOM directives, and local guidance.

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

(10) Involve public affairs personnel at every level of command in planning and publicizing EO programs and initiatives.

(11) Publish and post separate, written command policy statements for EO, the prevention of sexual harassment, and equal opportunity complaint procedures. All statements will be consistent with Army policy. Statements must include an overview of the command's commitment to the EO program and reaffirm that unlawful discrimination and sexual harassment will not be practiced, condoned, or tolerated. The policy statements will explain how and where to file complaints. Additionally, the statements shall include complainant's protection from acts or threats of reprisal. These statements are required for each MACOM, installation, separate unit, agency, and activity down to company/troop/battery or equivalent level. For more information on sexual harassment policy statements, see para 7-2b.

(12) Company level commanders will conduct a unit climate assessment within 90 days (180 days for USAR units) of assuming command and annually thereafter. Administration of the Command Climate Survey must be a part of the assessment for battery/company commanders. Information on conducting this assessment may be found in appendix F. Commanders should supplement any survey efforts with individual and group interviews, the analysis of unit records and statistical information (awards, promotions, reenlistment, incidents of misconduct resulting in punishment under the Uniform Code of Military Justice (UCMJ)), and with complaint reports. This assessment will provide a baseline for the commanders to develop action plans and implement program initiatives.

(13) Encourage soldiers to use their chain of command to address issues.

(14) Take appropriate action to prevent incidents of intimidation, harassment, or reprisal against individuals who file an EO complaint.

(15) Take appropriate action against those who violate Army policy.

(16) Monitor the demographics of the Equal Opportunity Representatives (EORs) in their command to ensure it reflects that of the unit as a whole.

(17) Report all EO training at the quarterly training brief.

h. *EOA Responsibilities.* The actual duties of EOAs, relative emphasis, and time allotted to each duty vary according to type of unit or level of command, unit composition, and location. EOAs are agents for cultural change and act as the eyes and ears for the commander. EOAs will not be assigned further duties that may create a conflict of interest. Equal Opportunity Advisors will -

(1) Understand and articulate Department of Defense (DOD) and Army policies concerning equal opportunity.

(2) Assist the commander in implementing a Consideration of Others Program.

(3) Recognize and assess indicators of institutional and individual discrimination in organizations.

(4) Recognize sexual harassment in both overt and subtle forms.

(5) Recommend appropriate remedies to eliminate and prevent unlawful discrimination and sexual harassment.

(6) Continuously assess the command climate through formal surveys, interviews and accessibility to the unit.

(7) Collect, organize, and interpret demographic data concerning all aspects of EO climate assessment.

(8) Assist commanders in assessing, planning, implementing and evaluating the EO program.

(9) Prepare input for the Quarterly Narrative Statistical Review (QNSR), which supports the Army's Military Equal Opportunity Assessment (MEOA).

(10) Train unit EORs and institutional training course\ service school instructors to assist commanders/commandants in meeting their EO responsibilities.

(11) Organize or assist with training sessions that pertain to equal opportunity, unlawful discrimination, prevention of sexual harassment, and the Consideration of Others Program.

(12) Assist in evaluating the effectiveness of unit training conducted by commanders.

(13) Plan and help conduct executive seminars for senior leadership, on EO action plans and affirmative actions, equal opportunity, unlawful discrimination, the Consideration of Others Program and the prevention of sexual harassment.

(14) Receive and assist in processing individual complaints of unlawful discrimination and sexual harassment and conduct EO inquiries according to the commander's guidance.

(15) Provide advisory assistance to commanders and investigating officers in the investigation and resolution of unlawful discrimination and sexual harassment complaints.

(16) Review and comment on investigative reports of equal opportunity complaints for compliance with DoD and DA EO policy and objectives.

(17) Conduct follow-up assessments of all formal EO complaints.

(18) Assist in the planning and conduct of ethnic observances/special commemorations, as outlined in table 6-1.

(19) Assist commanders in developing the EO policy for their unit.

(20) Maintain, where appropriate, informal liaison with community organizations fostering civil rights. If the EOA decides to become a member of such organizations in his/her private capacity, he/she must coordinate with the servicing judge advocate to preclude possible conflicts of interest.

(21) Conduct staff assistance visits to subordinate units and other headquarters (equivalent or lower).

(22) Conduct or attend Equal Opportunity coordination training at least once quarterly at the installation level.

(23) Assist commanders in the development of realistic affirmative action plans and monitor progress of plans.

Table 6-1
Special commemorations/ethnic observances timetable

Month: January **Dates:** 3d Monday **Observance:** Martin Luther King, Jr., Birthday **Authority/comment:** Public Law 98-144, Nov. 83 (Federal holiday)
Month: February **Dates:** **1-28/29** **Observance:** African-American/Black History Month **Authority/comment:** First Presidential Proclamation, Feb. 76
Month: March **Dates:** 1-31 **Observance:** Women's History Month **Authority/comment:** Public Law 100-9, Mar 87
Month: April/May **Dates:** Sunday to Sunday for Week Incorporating Yom Hashoah **Observance:** "Days of Remembrance" for Victims of the Holocaust **Authority/comment:** Public Law 96-388, Oct. 80
Month: May **Dates:** 1-31 **Observance:** Asian Pacific Heritage Month **Authority/comment:** First Presidential Proclamation, May 91
Month: August **Dates:** 26 **Observance:** Women's Equality Day **Authority/comment:** First Presidential Proclamation, Aug. 73
Month: September/October **Dates:** 15 Sep. - 15 Oct. **Observance:** National Hispanic Heritage Month **Authority/comment:** Public Law 100-402, Aug. 88
Month: November **Dates:** 1-30 **Observance:** National Native American Indian Heritage Month **Authority/comment:** Public Law 102-188, Mar 92

i. *Equal opportunity representatives/leaders (EORs/EOLs) Responsibilities.* EORs will assist commanders at the battalion-level or equivalent and below in carrying out the EO Program within their units. EORs serve a special duty at small unit level. Commanders must appoint EORs in their units who are members of the chain of command in the rank of SSG through 1LT. Soldiers who are graduates of DEOMI and have been awarded enlisted Skill Qualifying Identifier (SQI) Q or officer Additional Skill Identifier (ASI) 5T are still available to perform as additional unit EORs after successful completion of their special duty tour as an EOA. Brigade or higher headquarters' EOAs are available to train unit EORs using the 80 hour Training Support Package (TSP) published by the EO Proponency Office, Soldier Support Institute. EOAs are authorized to supplement that training package to meet local needs and conditions. Instruction in other subject areas related to, or supportive of EO objectives, such as the Consideration of Others Program, may be provided by personnel from other agencies or program areas during this training. Typical roles and duties of EORs are as follows-

(1) Assist commanders in the recognition of detractors from a healthy unit EO climate.

(2) Continuously assist commanders in the conduct of unit climate assessments.

(3) Prepare and assist the commander in the conduct of EO training.

(4) Establish and maintain liaison with other EORs and with the EOA at higher headquarters.

(5) Assist commanders and assigned project officers in preparing and conducting ethnic observances and special commemorations.

(6) Assist complainants by referring them to an appropriate agency for assistance. Complaints referred to another agency will be reported to the EOA. EORs may not conduct investigations and are not trained to fully advise AR 15-6 investigating officers in their conduct of EO complaint investigations. Any commissioned officer performing the additional duty of an EOR, may be asked (in the capacity of a commissioned officer and as a disinterested, third party) to conduct investigations. Yet, those situations should not concern EO complaints within their organization.

(7) Serve as a resource person for EO matters in the unit.

6-3. Equal Opportunity Policy

a. The U.S. Army will provide equal opportunity and fair treatment for military personnel, family members and DA civlians without regard to race, color, gender , religion, or national origin, and provide an environment free unlawful discrimination and offensive behavior. This policy-

(1) Applies both on and off post, during duty and non-duty hours.

(2) Applies to working, living, and recreational environments (including both on and off-post housing).

b. Soldiers will not be accessed, classified, trained, assigned, promoted, or otherwise managed on the basis of race, color, religion, gender, or national origin. The assignment and utilization of female soldiers is partially governed by federal law. AR 600-13, Army Policy for the Assignment of Female Soldiers, prescribes policies, procedures, responsibilities, and the position coding system for female soldiers.

c. Rating and reviewing officials shall evaluate each member's commitment to elimination of unlawful discrimination and/or sexual harassment and document significant deviations from that commitment in evaluation reports. Substantiated formal complaints require a "Does not support EO" on the NCOER or the OER. This documentation includes administering appropriate administrative, disciplinary, or legal action(s) to correct inappropriate behavior.

d. This chapter does not implement the provisions of either the Age Discrimination in Employment Act of 1967 (Sections 630 through 634, Title 29, United States Code) or Title VII of the Civil Rights Act of 1964 (Section 2000e, Title 42, United States Code). Physical disability and age controls are not addressed due to overriding concerns of medical fitness and deployability of military personnel.

6-4. Staffing

a. *Minimum military staffing requirements.*

(1) EOAs will be assigned to the personal or coordinating staff of commanders at installations, organizations, and agencies that are brigade-level (or equivalent) and higher. Assignments will not be as collateral or part-time duty. Primary duty position authorizations and requirements that comply with this guidance are to be documented in applicable personnel management authorization documents. Authorized positions will not be eliminated without prior approval by the Secretary of the Army.

(2) Active duty military staffing.

(a) Each brigade-level or equivalent unit will have, as a minimum, one full-time EOA with the rank of SFC or higher. Each division will have four EOAs: one officer (LTC) and three noncommissioned officers (NCOs) (one MSG and two SFC). Corps staff will have one officer (LTC) and three NCOs (one SGM, one MSG and a SFC). At most Major Army Commands (MACOM), there will be three EOAs: one officer (LTC) and two NCOs (one SGM and one MSG or SFC). FORSCOM, TRADOC and USAREUR will have an additional NCO in the grade of SFC. At HQDA there will be four officers (LTC and three MAJs) and four NCOs (one SGM and three SFCs) At the Soldier Support Institute (SSI) there will be three EOAs: one officer (LTC) and two NCOs (one SGM and one MSG).

(b) In addition to the above-stated unit staffing requirements, small installations (less than 10,000 soldiers) or base support battalions (BSBs) are authorized one enlisted EOA (SFC). Large installations (greater than 10,000) and area support groups (ASGs) are authorized two enlisted EOAs (MSG and SFC).

(c) Installation EOAs will provide geographic support for units without a dedicated EOA in their specific region. Installation commanders will establish Memoranda of Agreement with tenant units without EOA support to ensure that those tenant units receive EOA support from the installation. Installation EOAs will also support non-deploying soldiers whose unit EOA deployed with their unit.

(d) Civilian substitutions for the above minimum staffing requirements are not authorized. Any staffing authorized beyond these minimum requirements may be either military EOAs or civilians officially assigned to and trained for such duties. Assignment of EO duties to civilians must be in strict accordance with applicable position classification standards and guidelines.

(3) US Army Reserve (USAR) staffing. An EOA will be assigned to the staff of each brigade-level unit or brigade equivalent unit. One officer EOA (minimum rank LTC) and one enlisted EOA (minimum rank MSG) will be assigned to the staff of each RSC/GOCOM and division-level or equivalent unit. Civilian substitutions are not authorized.

(4) Army National Guard (ARNG) staffing requirements are established by the CNGB. Civilian substitutions are not authorized.

b. *Location in the organizational structure.* EOAs assigned on the unit's Table of Distribution and Allowances (TDA), should be attached to a specified unit (as described above) for duty, administration, and UCMJ, because they support that specific commander.

c. *The EO Program and the Equal Employment Opportunity (EEO) Program relationship.* The EO program for military personnel and the EEO program for civilian personnel share the same foundations in similar goals and objectives. However, their practice and execution are considerably different. Separate laws and/or regulatory guidance and policy guide each program. The EEO Program implements laws which address employment issues for civilian employees and applicants for employment. The roles and missions of the EOA and EEO officer are not interchangeable. EOAs will not supervise EEO personnel, nor will EEO personnel supervise EOAs. EO and EEO offices will not be consolidated under the direction of one or the other program principals. There are areas in which EO and EEO programs can and should be integrated when doing so promotes understanding, efficiency, economy and common interests of both programs. These areas include the planning and execution of special observances, Consideration of Others Program, development of affirmative action plans, some aspects of training, and coordination of administrative support.

6-5. EOA Selection And Assignment Policy

a. *Selection Policy.* The CG, PERSCOM, will select qualified officers and NCOs for duty as EOAs in accordance with the following selection requirements –

(1) Outstanding duty performance. Includes a review of the individual's evaluation reports.

(2) Stability in personal affairs. Soldier will not have a recent history of severe domestic or personal problems (excluding divorce), chronic indebtedness, excessive use of alcohol, or any use of illegal drugs. Individuals withdrawn for cause from any Human Reliability or Personal Reliability Program during the two years preceding the nomination will need a waiver from HQDA, ODCSPER, ATTN: DAPE-HR-L, 300 Army Pentagon, Washington, DC 20310-0300.

(3) Must not have been punished under the provisions of the UCMJ during the 5 years preceding the nomination or have a history of frequent punishments under Article 15, UCMJ.

(4) Must have a minimum of 2 years of service remaining upon completion of the DEOMI course.

(5) Must meet Army fitness and body composition standards.

(6) Must be competitive for promotion.

(7) Must have not previously declined or been disenrolled (academic or disciplinary) from NCOES or Officer Professional Development Course.

(8) Have a GT score of 110 (waiverable).

(9) Maintain a minimum PULHES profile of 111221 (waiverable).

(10) Must maintain qualification standards throughout tour. Units will notify PERSCOM through channels when an EOA fails to meet minimum qualification standards.

(11) In addition to the above requirements, officers must—

(a) Have a bachelor's degree.

(b) Be an active duty officer in the grade of LTC or above, except as noted in paragraph 6-4a(2)(a). USAR officers must be at least in the grade of LTC. ARNG officer grade requirements are established by CNGB.

(c) Officers assigned to the DEOMI as instructors can be in the grade of CPT or above.

(d) Field Grade officers must be graduates of, or have received Military Education Level (MEL) 4 credit for, Command and General Staff College.

(12) In addition to requirements (1) through (10) above, active duty and USAR enlisted soldiers (requirements for ARNG enlisted soldiers are established by the CNGB) must—

(a) Be a high school graduate (or equivalent) and possess the potential to complete college-level courses. Soldiers who are unable to score at a 12th grade level in all measured areas of the Test of Adult Basic Education (TABE) will not be assigned to EOA duty. The soldier's test results will become part of their out-processing paperwork that will be checked off by the unit commander prior to travel to DEOMI, and taken to DEOMI for inclusion in their student packet.

(b) Be a SFC or SSG(P), or above, with less than 18 years time in service upon completion of DEOMI (Waiverable for SGM and MSG).

(c) Have served in a leadership position.

(d) Not be assigned to back-to-back special duty assignments (e.g., drill sergeant to EOA or recruiter to EOA).

b. *Volunteers.* Any officer or NCO who meets the selection criteria in paragraph 6-5a may volunteer for duty as an EOA by submitting a written request to his/her Branch Manager. Enlisted requests will be submitted through the first LTC in the chain of command, who will endorse the request with a statement of suitability for EOA duties.

c. *Tour lengths for EOAs.*

(1) *Active Duty Enlisted.* Tours for enlisted personnel assigned to CONUS units will be 24 months (exclusive of training time) with the possibility for extension of one year. Tours for enlisted personnel assigned OCONUS will be the prescribed tour length of that assignment based on status (accompanied/ unaccompanied). Those soldiers assigned to a one-year OCONUS tour will be assigned the additional one-year in CONUS.

(2) *Active Duty Officer.* Tours for officers assigned to CONUS units will be 24 months (exclusive of training time). Tours for officers assigned OCONUS will be the prescribed tour length for short tours or 18 months (exclusive of training time) for long tours.

(3) *USAR or NGB.* USAR or NGB EOA tours will be a minimum of three years upon completion of DEOMI and a maximum of six years. Reserve Component EOAs will obtain school quotas through the Army Training Requirements and Resource System (ATRRS) for course attendance in either the 15-week resident course or the three-phase Reserve Component (RC) EOA course at the DEOMI within 60 days of assignment as an EOA. USAR soldiers must complete the Reserve Component course within 1 training year of completion of the initial resident phase. Requests to exceed the 1-year completion requirement must be forwarded through the chain of command to the Commandant, DEOMI, Patrick AFB, FL 32925-3399. Each request will be handled on a case-by-case basis and will require justification of the soldier's inability to complete the course within the allotted time. However, commanders must closely monitor training status to ensure course completion is expedited to the maximum extent possible. Army National Guard soldiers must complete the course within 18 months of assignment to duty position. Failure to complete the course will result in removal from the EOA position.

d. *Early Release.*

(1) The Director, Enlisted Personnel Management Directorate (EPMD), PERSCOM is authorized to approve/disapprove the early release of enlisted EOAs from the EO program when:

(a) The EOA has been selected for promotion to SGM and the current unit of assignment cannot place him or her; the EOA will be moving to a command NCO position (1SG); or the EOA is a CSM designee.

(b) The EOA's commander has notified PERSCOM in writing, through the MACOM, that the EOA is being reassigned as a 1SG or CSM.

(c) PERSCOM is able to select, train, and assign a replacement for the outgoing EOA expeditiously to eliminate a gap in coverage.

(d) necessary for cause.

(2) The CG, PERSCOM, is authorized to approve/disapprove the early release of officer EOAs from the EO program when:

(a) The EOA has been selected for promotion and the current unit of assignment cannot place him or her.

(b) The EOA has been selected for a Command Selection List (CSL).

e. *Relieved from EO duty.* The active Army EOA relieved from EO duty will receive a Relief for Cause Evaluation Report. This will occur immediately following the removal from duty.

f. *Removal of the EOA SQI.* The EO SQI or ASI may be withdrawn from the active Army EOA only if approved by HQDA for active Army soldiers, a state AG for ARNG, or the Chief, Army Reserve for USAR. A memorandum signed by the commander, with a copy of the Relief for Cause Evaluation Report will be forwarded through the MACOM and PERSCOM to HQDA, ODCSPER, ATTN: DAPE-HR 300 Army Pentagon, Washington DC 20310-0300.

g. *Recurring EOA duty.* EOAs will not serve consecutive EOA duties without prior approval from CG, PERSCOM, a state AG, or OCAR.

6-6. Attendance At The Defense Equal Opportunity Management Institute (DEOMI)

a. *Attendance.*

(1) Enlisted personnel selected for EOA duty by PERSCOM will be programmed to attend the 15-week EO Advisor course at DEOMI. The course is described in paragraph 6-6b below.

(2) Officers in the grade of LTC will attend the 6-week EO Program Manager Course (EOPMC). Officers may attend the 15-week course when space is available.

(3) Reserve Component Full Time Support (FTS) EO personnel filling an authorized, full-time EO Specialist position, who have previously completed one or more phases of the RC EOA Course (resident or non-resident) at DEOMI are eligible to attend and complete the 15-week course. Even if these soldiers are reassigned to another military occupational specialty-enlisted (MOS-ENLD) or specialty skill identifier (SSI), they can complete the course.

b. *Resident Courses.* The DEOMI curriculum consists of two resident courses: a 15-week EO advisor course and a 6-week EO Program Manager course. The 15-week course is designated to train personnel for assignment as full-time EOAs. The 6-week EO Program Manager Course (EOPMC) is intended for those personnel who have supervisory or managerial responsibilities or to train officers serving as EOAs at division level and above. A three-phase Reserve Component EO Advisor Course, consisting of two 2-week resident phases and one nonresident phase, is conducted for ARNG and USAR personnel.

c. *Certification.* Upon successful completion of the 15-week Equal Opportunity Advisor Course and the resident/non-resident RC Equal Opportunity Advisor Course, DEOMI recommends graduates for the awarding of SQI Q (enlisted) and ASI 5T (officers). Officers attending the 6-week EO Program Manager Course will receive course code PAQ in their official records. The CG, PERSCOM, will award the appropriate designator upon the soldiers' successful completion of DEOMI. Only graduates of the DEOMI courses listed above are designated as EOAs.

d. *Scheduling of training.* The CG, PERSCOM, programs qualified active duty officers and NCOs for training and duty as EOAs. The CNGB and CAR program Army National Guard and U.S. Army Reserve soldiers for EOA duty. CG PERSCOM controls DEOMI training seats for active duty and USAR personnel. CNGB controls training seats for Army National Guard for the DEOMI Reserve Component and EO Program Orientation for Managers Courses. Commands will use the following procedures to acquire these allocations:

(1) Commanders desiring to send officers and NCOs on temporary duty (TDY) to DEOMI and then return to their units as EOAs will send their requests through their MACOMs. MACOMs will forward applications for officers to CG, PERSCOM, 200 Stovall Street, ATTN: TAPC-OPB-D, Alexandria, VA 22332-0400. For NCOs, forward applications to CG, PERSCOM, ATTN: TAPC-EPM-A, 2461 Eisenhower Ave., Alexandria, VA 22331-0454.

(2) Units must request training seats in writing and requests must arrive at PERSCOM no later than 45 days before the starting date of a requested class.

(3) Reserve Component personnel must have an ATRRS allocation to be considered for attendance. This is applicable to ARNG unit members, and USAR troop program unit (TPU) members, AGR and military technicians assigned to a major Army National Guard or Army Reserve Command (MUSARC) headquarters and performing day-to-day EO duties as listed in their job descriptions or performance standards.

6-7. Off-Post Activities, On-Post Activities, And Off-Limit Actions

a. *Off-post activities.* Title II of the Civil Rights Act of 1964 addresses the practice of discrimination and segregation in public establishments. These public establishments include privately owned establishments such as hotels, restaurants, gasoline stations, theaters, places of entertainment, and community housing (e.g., apartments). The installation commander will ensure that the facts surrounding allegations of discriminatory practices are fully developed. The commander will also ensure those individuals and organizations alleged to practice such unlawful discrimination are given a full and fair opportunity to challenge particular allegations. If all reasonable efforts and alternatives fail to eliminate off-post discriminatory practices in public accommodations, installation commanders are authorized to place those facilities off-limits after requesting such action through the servicing Armed Forces Disciplinary Control Board (AFDCB). Military personnel outside the United States are not protected under the Civil Rights Act of 1964 while off-post. However, the commander will take whatever actions are available and appropriate to eliminate discriminatory practices in public accommodations outside the United States that affect soldiers, civilians or family members of his/her command. Commanders must promote awareness of the pertinent laws of the host nation.

b. *Off-limits sanctions.* Off-limits sanctions may be appropriate for public accommodations and establishments falsely claiming to be private clubs (fraternal or otherwise) with discriminatory policies and practices. If discriminatory practices off-post are found to be directed at selected soldiers in a command and efforts at conciliation prove unsuccessful, imposition of off-limits sanctions according to AR 190-24 may be appropriate.

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

(1) It is open to military personnel in general or to soldiers who meet specific objective criteria (such as sergeant and above) but segregates or discriminates against other soldiers solely on the basis of race, color, religion, gender, or national origin.

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

(3) The installation commander, in consultation with his/her key staff, determines that the available facts support the allegations of unlawful discrimination after affording the management of the establishment, club, activity, or organization a full and fair opportunity to challenge or refute allegations.

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

(5) The commander determines that continued unlawful discrimination by the establishment, club, activity, or organization undermines the morale, discipline, or loyalty of soldiers in the command.

d. *On-post activities.* All on-post facilities and official activities are open, as appropriate, to all DoD personnel and family members without regard to race, color, religion, gender, or national origin. Installation commanders are responsible for ensuring that an organization taking advantage of or using on-post facilities (whether on a reimbursable basis or otherwise) does not engage in unlawful discriminatory practices. It is not enough to depend solely on the published bylaws or the constitution of the organization. The installation commander must assess the organization's actual membership practices and their effect upon the command. In cases where the installation commander determines that credible information of discriminatory practices by an on-post private organization has been presented, the organization has the burden of proving it did not engage in discriminatory practices. Failure to substantiate the absence of discriminatory practices will result in a denial of the use of on-post facilities. However, the provisions of this paragraph do not prohibit the installation commander from approving the operation of private organizations that restrict membership to one gender if one or more of the following apply-

(1) The private organization's purpose is philanthropic and, by tradition, its membership has been of one sex

(2) The private organization's purpose and functions is to benefit one sex, and its membership is composed of that sex (Examples are scouting organizations or women's and men's sporting associations.)

(3) The private organization has a specific purpose and function that restricts membership to one sex, but also has a counterpart organization with the same purpose and function. (Examples are women's and mens's sport club, women's and men's civic associations, and boy and girl scouting organizations.)

6-8. Procedures For Processing Equal Opportunity Complaints

a. *Individual rights.* Soldiers, family members and DA civilians have the right to-

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

(2) Communicate with the commander concerning their complaints.

(3) Receive assistance when submitting a complaint.

(4) Receive training on the Army's Equal Opportunity complaint and appeals process.

b. *Individual responsibility.* Individuals are responsible for:

(1) Advising the command of the specifics of sexual harassment and unlawful discrimination complaints and providing the command an opportunity to take appropriate action to rectify/resolve the issue.

(2) Submitting only legitimate complaints and exercising caution against unfounded or reckless charges.

c. *While not required,* it is recommended that the individual attempt to resolve a complaint by first informing the alleged offender that the behavior must stop.

d. *Filing and Processing Equal Opportunity Complaints.* For filing and processing of EO or sexual harassment complaints, follow the procedures as outlined in appendix E.

6-9. Housing complaints

Complaints of housing discrimination involving unequal treatment because of race, color, religion, gender, or national origin will be forwarded to the local housing division for processing. AR 210-50 provides policy for housing issues.

6-10. Evaluation reports

a. *Entries.* The performance evaluation process provides commanders and supervisors an excellent opportunity to discuss their goals, objectives and expectations of the EO and EEO programs. In counseling session, commanders and supervisors should discuss these programs as expressions of the Army's Values and encourage support of these programs and how they intend to evaluate individual behaviors and actions. When evaluating officers or enlisted soldiers, or Department of the Army civilian employees, rating officials will evaluate those individuals' commitment to the goals and objectives of the EO or EEO program. This includes the individuals' actions or non-actions toward the prevention and elimination of unlawful discrimination and/or sexual harassment. Raters are required to document significant deviations from that commitment and identify instances of reprisal/retaliation taken by the rated individual in that evaluation report. (See AR 623-105, para 4-13; AR 623-205, paras 6-5 and 6-6)

b. *Appeals.* Appeals of officer evaluation reports due to alleged unlawful discrimination, sexual harassment, or reprisal will be conducted according to the procedures specified in AR 623-105. Appeals of noncommissioned officer evaluation reports, based on allegations of unlawful discrimination, sexual harassment, or reprisal, will be submitted according to the procedures outlined in AR 623-205.

6-11. Civilian schooling

Army personnel pursuing an educational program at an institution that unlawfully discriminates in the admission or subsequent treatment of students will not be financially assisted from appropriated fund resources. Exceptions to this policy will be considered when the applicant has previously attended the institution in question and will suffer personal hardship through loss of earned credits if a transfer is required. When soldiers seek continuation of civilian schooling with schools barred from receiving DoD or DA funds because they discriminate in their admission practices or subsequent treatment of students, they will request an exception to policy through command channels.

6-12. Legal assistance

Within the framework of the legal assistance program, legal assistance may be provided to soldiers who believe they have been denied federally protected rights. If the civil rights of soldiers seem endangered and an appearance in court or other legal action beyond the authority of the legal assistance officer is required, the matter will be reported to The Judge Advocate General (HQDA (DAJA-CL), Washington DC 20310-2200) for possible referral to the Department of Justice. (See AR 27-40)

6-13. Affirmative Action plans

Affirmative Action Plans (AAPs) are planned, achievable steps that eliminate practices denying equal opportunity to soldiers and their families, and that monitor progress toward these goals.

a. Each MACOM, installation, separate unit, agency, and activity down to and including brigade-level or equivalent will develop and implement AAPs. DA Pam 600-26 is the HQDA AAP that monitors the centralized personnel management processes for which HQDA has responsibility. Heads of staff proponent agencies and their field operating agencies provide input to this AAP. Unit AAPs will be written IAW DA PAM 600-26.

b. Units will review AAPs annually to assess the effectiveness of past actions; to initiate new actions, and to sustain, monitor, or delete goals already achieved.

c. Commanders will provide a copy of their AAP to the next higher commander.

d. Affirmative action plans for civilian employees will be established in accordance with Army Regulation 690-12, Equal Employment Opportunity and Affirmative Action.

6-14. Training

a. Minimum criteria for local unit training programs.

(1) The commander will incorporate EO training into the overall training plan for the unit. The Soldier Support Institute publishes training tools (DA Pam 350-20, Unit Equal Opportunity Training Guide, and TC 26-6, Commander's Equal Opportunity Handbook) that may assist commanders in developing required training. Active Army and reserve components commanders of TOE/MTOE/TDA units will add the following topics to their quarterly or yearly training briefings:

(a) Type and dates of human relations training conducted by the unit since last Quarterly Training Brief (QTB) /Yearly Training Brief (YTB).

(b) Type and dates of human relations training scheduled for the unit before the next QTB/YTB.

(c) The number of EOAs/EORs required, authorized, on hand and the training they have completed or scheduled prior to next QTB/YTB.

(d) Date last command climate survey was conducted and date next command climate survey is scheduled.

(2) Leaders will conduct mandatory unit EO/sexual harassment training quarterly. Commanders will document training on the unit's training schedule and lead the training. In their training documentation, commanders must include type of training; instructor; date, time and length of training; roster of attendees and issues covered in the session. From time to time, different issues will be of local or Army-wide importance and require special emphasis and attention by unit commanders. As a minimum, two of the quarters will consist of Prevention of Sexual Harassment training. (see paragraph 7-8) The other two quarters will consist of training that is interactive, small group, discussion-based, and can focus on these topics—

(a) Objectives of the Army EO program.

(b) Army and local command policies on EO and affirmative action.

(c) Objectives of AAPs and EO action plans.

(d) Behavioral characteristics and other indicators of EO problems, what are and are not appropriate and acceptable behaviors leading to unit cohesion and teamwork.

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

(f) Proper handling of EO complaints and the EO complaint system.

(g) Identifying, dealing with, preventing, and eliminating racial and ethnic discrimination and sexual harassment.

(h) Legal and administrative consequences of participating in acts of unlawful discrimination and sexual harassment.

(i) Individual responsibilities of both soldiers and DA civilians concerning equal opportunity and the prevention and eradication of sexual harassment (i.e., identifying inappropriate behaviors, handling complaints, developing techniques in dealing with sexual harassment, developing assertiveness skills, submitting complaints in the event the situation cannot be handled on-the-spot or one-on-one, and reporting incidents to the chain of command).

(j) The importance of honest and open interpersonal communications in promoting a healthy unit climate.

(k) Unit climate assessment—what it is, what it is used for, what makes it important, how it is done, what its results mean and what to do about various results.

(l) Review of actual unit climate assessment findings and amplification of issues raised. If appropriate, the commander will discuss issues that surface from assessment and develop an action plan to improve unit climate with unit members.

(3) The chain of command and other leaders (commander, command sergeant major, sergeant major, first sergeant, civilian supervisors, and others) will be present and participate in unit EO sessions.

(4) Brigade-sized units and higher headquarters will conduct EO and prevention/eradication of sexual harassment training (executive level seminars) twice a year. Training will be small group, interactive and discussion-based. It should emphasize findings determined as a result of unit command climate assessments.

b. Generally, training for Army War College (AWC) and Pre-Command Course (PCC) will cover—

(1) Planning and resourcing the implementation of the Army's EO program.

(2) Creating positive command climates that promote fair and equal treatment and that create opportunities for all soldiers, civilians, and family members by-

(a) Publishing policies and evaluating subordinate unit EO initiatives.

(b) Ensuring that EO training is focused on the roles, duties, and responsibilities for EO and the prevention and eradication of sexual harassment; on leader skills needed to handle soldier issues to include racial, cultural, and gender considerations; and on preventing, detecting, and avoiding conditions and situations that could lead to unprofessional behaviors and acts.

(c) Conducting unit climate assessments, analyzing the data, and using feedback to improve living and working environments.

(d) Promptly investigating complaints and incident reports, taking action against offenders, correcting conditions and situations that could lead to incidents/complaints, and implementing actions to prevent recurrence.

(e) Utilizing EOAs to monitor unit environment and to assist in the development of unit training and in the resolution of complaints.

(f) Planning and conducting special/ethnic observance activities.

(g) Monitoring and evaluating own and subordinate unit AAPs.

c. Generally, training for the Brigadier General Orientation Course and the Assistant Division Commander Course will cover:

(1) Planning and resourcing the implementation of the Army's EO program.

(2) Creating positive command climates that promote fair and equal treatment and that create opportunities for all soldiers, civilians, and family members.

(3) Contemporary issues in EO and the prevention and eradication of sexual harassment.

6-15. Authority to collect and maintain data

The Office of the Deputy Chief of Staff, Personnel, HQDA, will collect, record, and maintain racial, ethnic group, and gender data and statistics needed to support the Army EO Program, to include AAP reporting requirements. Heads of DA Staff elements, MACOMs, separate agencies, and other activities and units required to support these efforts are authorized to collect, record, and maintain data and statistics. Statistical data is maintained for various aspects of the personnel management subject areas, using the racial, ethnic, and gender codes found in AR 680-29.

6-16. Narrative and statistical reports on equal opportunity progress

All MACOMs will submit a Quarterly Narrative and Statistical Report (QNSR) on equal opportunity progress to HQDA NLT 30 days following the end of each quarter. Reports will be submitted to the Human Resources Directorate, Office of the Deputy Chief of Staff for Personnel via electronic mail. Units will utilize the automated EO database. Reports will include the following information:

a. *Complaint information.* Total number of formal Army complaints filed by quarter, according to type (i.e. gender, ethnicity, racial, religious, or sexual harassment), and whether or not the reports are pending, substantiated or unsubstantiated. Data also include information on the complainant's unit, rank, race, gender, date of complaint, method of resolution, action taken, the commander's assessment of the Human Relations Climate of his or her unit and comments.

b. *Command profile.* Command position breakout (brigade, battalion, company commanders, CSMs and 1SGs) by racial, ethnic and gender groups.

c. *Population report.* Unit population racial, ethnicity and gender groups.

d. *Major Subordinate Command (MSC) data.* Listing of all MSCs with breakout of total number of brigades, battalions and companies (MSC MACOM will be included). Also reflects number of EOAs required, authorized, and on hand.

e. *EOA listing.* Alphabetical listing of all EOAs with information on race, gender, unit, level, staffing (TDA or TOE) and comments. Also includes date EOA arrived and replacement data.

f. *Quarterly EO report.* Who conducted Command Inspection Programs (CIP)/Staff Assistance Visits (SAV), numbers of training sessions conducted, and number of Commanders and 1SGs who attended commander's courses.

g. *Unit assessment (UA) report.* Listing of UAs conducted for the quarter by MSC or unit level to include the tool (MEOCS, TDAS, DA Pam 600-69, the Command Climate Survey that is mandatory for company commanders, etc.) used to conduct the UA, and comments.

6-17. Training for civilian duty positions In the Military Equal Opportunity Program at the Defense Equal Opportunity Management Institute

a. *Allocations.* Civilian allocations for the DEOMI will be controlled by the CG, PERSCOM. The CNGB, CG FORSCOM, and the CAR will control allocations for their respective Reserve elements and will prescribe the way in which civilian requests are submitted.

b. *Application.* Commanders desiring to send civilians who are officially assigned to duties in the Army EO Program to the DEOMI will send an application to the appropriate MACOM. If approved, the MACOM will request a training seat from PERSCOM (TAPC-OPA-E), Alexandria, VA 22332-0400. If all training seats are filled, the request will be considered for a later class if the MACOM desires. Requests for allocations must be submitted in writing to arrive at PERSCOM no later than 45 days before the starting date of the requested class.

c. *Command notification of the DEOMI.* When the requesting command receives an approved training seat, the command will provide the Commandant at DEOMI: name, grade, SSN, educational level, military mailing address, and telephone number of the candidate for training and the desired course number.

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

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

(2) Occupy or be scheduled to occupy an officially assigned position in the military EO program in accordance with applicable position classification standards and guidelines.

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

e. *Request procedures.* MACOMs, when requesting allocations, will send the following information to PERSCOM:

(1) Class desired to attend.

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

f. *Funding.* Attendee's current unit of assignment provides funding for any "temporary duty and return".

6-18. Equal opportunity special/ethnic observances

Equal opportunity special/ethnic observances are conducted to enhance cross-cultural awareness among all soldiers, civilian employees and their families. These observances recognize the achievements and contributions made by members of specific racial, ethnic, or gender groups in our society. The observances should also promote understanding, teamwork, harmony, pride and esprit among all groups, not just within the specific group being honored.

a. HQDA, ODCSPER possesses general staff responsibility for establishing policy and identifying the time period for each observance.

b. MACOM and installation commanders will—

(1) Develop, plan and conduct observances during the designated time frame as outlined in Table 6-1 or as otherwise directed by HQDA.

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

(3) Encourage all members of the military community to contribute to and participate in the planning, implementation and conduct of the observance activities.

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

(5) Select and announce an appropriate theme for the observance, consistent with the spirit of the event and the needs of the local community. National or DoD themes are often published which may be used to augment the activities.

c. EO Program management or education and training funds may be spent on activities and publications which are intended to promote cross-cultural harmony and awareness. Examples of permissible expenditures include guest speakers, artistic or cultural activities, food exhibits or samples (samples are not intended as meals or refreshments). Additionally, funds may be allocated to commercial entertainment as part of an educational awareness program. Commanders will ensure that projected events amplify the contributions made to the Army and to society by the featured ethnic, gender or racial group.

d. Commanders will publicize the cultural/ethnic event in post newspapers and bulletins to provide widest dissemination possible.

e. Commanders will form a standing committee to plan cultural observances. Members of the committee may include the EOA, Morale, Welfare and Recreations (MWR) officer, Public Affairs Officer (PAO), club managers, unit chaplains, DoD dependent school representatives, resource management personnel, and other individuals as necessary.

f. Commanders will encourage maximum use of recreational facilities to include the post library, recreation center, theater, etc. for use during observation of the special events. Suggested activities include the following:
   (1) Special displays in libraries
   (2) Expositions and displays of arts and crafts
   (3) Special music or drama programs
   (4) Programs featuring historical achievements and contributions by various ethnic groups to government, education, industry, religion, music and theater
   (5) Speeches from local chain of command and DoD civilians

g. Activities will be designated and scheduled to allow for maximum attendance by all soldiers and civilians within the command. Commanders will establish a policy that ensures that all personnel desiring to participate in these observances are given a reasonable opportunity to do so.

h. A consolidated annual observance recognizing members of all racial/ethnic/gender groups may be conducted in addition to (but will not be used in place of) the observances listed in table 6-1.

Chapter 7
Prevention Of Sexual Harassment

7-1. Overview
The prevention of sexual harassment is a commander's responsibility. The EOA plays a pivotal role by assisting the commander with policy awareness, training, command climate assessments, complaints processing and overall advisory assistance concerning the prevention of sexual harassment.

7-2. Chain Of Command Responsibilities
Commanders and supervisors will—

a. Ensure that assigned personnel are familiar with the Army policy on sexual harassment.

b. Publish and post written command policy statements for the prevention of sexual harassment. All statements will be consistent with Army policy. They will include the local command's commitment to the Army's policy against sexual harassment and will reaffirm that sexual harassment will not be tolerated. The statement will explain how and where to file complaints and shall include the fact that all complainants will be protected from acts or threats of reprisal. Each MACOM, installation, separate unit, agency, and activity down to company, troop or battery level will publish a sexual harassment command policy statement. Units should coordinate these policy statements with the servicing staff judge advocate or legal advisor before publishing them.

c. Continually assess and be aware of the climate of command regarding sexual harassment. Identify problems or potential problems. Take prompt, decisive action to investigate all complaints of sexual harassment. Either resolve the problem at the lowest possible level or, if necessary, take formal disciplinary or administrative action. Do not allow soldiers to be retaliated against for filing complaints. Continually monitor the unit and assess sexual harassment prevention policies and programs at all levels within area of responsibility. Ensure all leaders understand that if they witness or otherwise know of incidents of sexual harassment, they are obligated to act. If they do not, they themselves are also guilty of sexual harassment.

d. Set the standard.

7-3. Policy

a. The policy of the Army is that sexual harassment is unacceptable conduct and will not be tolerated. Army leadership at all levels will be committed to creating and maintaining an environment conducive to maximum productivity and respect for human dignity. Sexual harassment destroys teamwork and negatively affects combat readiness. The Army bases its success on mission accomplishment. Successful mission accomplishment can be achieved only in an environment free of sexual harassment for all personnel.

b. The prevention of sexual harassment is the responsibility of every soldier and DA civilian. Leaders set the standard for soldiers and DA civilians to follow.

7-4. Definition

a. Sexual harassment is a form of gender discrimination that involves unwelcomed 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, career, or

(2) Submission to, or rejection of, such conduct by a person is used as a basis for career or employment decisions affecting that person, or

(3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile or offensive working environment.

b. 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 soldier or civilian employee is engaging in sexual harassment. Similarly, any soldier or civilian employee who makes deliberate or repeated unwelcomed verbal comments, gestures, or physical contact of a sexual nature is engaging in sexual harassment.

7-5. Categories of sexual harassment

a. *Verbal.* Examples of verbal sexual harassment may include telling sexual jokes, using sexually explicit profanity, threats, sexually oriented jody calls, sexual comments, whistling in a sexually suggestive manner, and describing certain sexual attributes about one's physical appearance. Verbal sexual harassment may also include using terms of endearment such as "honey", "babe", "sweetheart", "dear", "stud" or "hunk" in referring to soldiers, civilian co-workers or family members.

b. *Nonverbal.* Examples of nonverbal sexual harassment may include staring at someone (i.e. "undressing someone with one's eyes"), blowing kisses, winking, or licking one's lips in a suggestive manner. Nonverbal sexual harassment also includes printed material. Examples may include displaying sexually oriented pictures, cartoons or using sexually oriented screen savers on one's computer. Further examples include sending sexually oriented notes, letters, faxes, or e-mail.

c. *Physical Contact.* Examples of physical sexual harassment may include touching, patting, pinching, bumping, grabbing, cornering or blocking a passageway, kissing, and providing unsolicited back or neck rubs. Sexual assault and rape, which may be extreme forms of sexual harassment, are serious criminal acts. When these acts occur, report them immediately to the chain of command, military police, or other law enforcement agencies.

7-6. Types of sexual harassment

a. *Quid Pro Quo.* Quid Pro Quo is a Latin term meaning "this for that". This term refers to conditions placed on a person's career or terms of employment in return for sexual favors. It involves implicit or explicit threats of adverse action if the person does not submit or promises of favorable actions if the person does submit. Examples include demanding sexual favors in exchange for a promotion; award or favorable assignment; disciplining or relieving a subordinate who refuses sexual advances and threats of poor job evaluation for refusing sexual advances. Incidents of "quid pro quo" may also have a harassing effect on third persons. It may result in allegations of sexual favoritism or general discrimination when a person feels unfairly deprived of recognition, advancement or career opportunities due to favoritism shown to another soldier or civilian employee based on a sexual relationship. An example would be a soldier who is not recommended for promotion and who believes that his or her squad leader recommended another soldier in his or her squad for promotion based upon provided or promised sexual favors, not upon merit or ability.

b. *Hostile environment.* A hostile environment occurs when soldiers or civilians are subjected to offensive, unwanted and unsolicited comments or behaviors of a sexual nature. If these behaviors unreasonably interferes with their performance, then the environment is classified as hostile. A hostile environment brings the topic of sex or gender differences into the workplace in any one of a number of forms. It does not necessarily include the more blatant acts of "quid pro quo." It normally includes nonviolent sexual behaviors that are gender-biased. Examples include use of derogatory gender-biased terms, comments about body parts, suggestive pictures, explicit jokes and unwanted touching.

7-7. Techniques of dealing with sexual harassment

All soldiers and civilians have a responsibility to help resolve acts of sexual harassment. Examples of how to accomplish this follow:

a. *Direct approach.* Confront the harasser and tell him/her that the behavior is not appreciated, not welcomed and that it must stop. Stay focused on the behavior and its impact. Use common courtesy. Write down thoughts before approaching the individual involved.

b. *Indirect approach.* Send a letter to the harasser stating the facts, personal feelings about the inappropriate behavior and expected resolution.

c. *Third party.* Request assistance from another person. Ask someone else to talk to the harasser, to accompany the victim, or to intervene on behalf of the victim to resolve the conflict.

d. *Chain of Command.* Report the behavior to immediate supervisor or others in chain of command and ask for assistance in resolving the situation.

e. *File a formal complaint.* Details for filing an informal or formal complaint are included in Appendix E.

7-8. Training

The elimination of sexual harassment within a unit begins with a policy of aggressive and progressive training to identify and prevent inappropriate behavior. Conduct progressive, interactive small group sexual harassment training twice each year. Soldiers must understand what sexual harassment is, how to recognize it, how to prevent it, how to report it and the consequences of engaging in sexual harassment.

a. The quality and effectiveness of unit training are of primary concern. The most effective approach to training to prevent sexual harassment is through interactive discussion in small groups of mixed gender. Situation vignettes or scenarios should be used to facilitate discussion among unit soldiers and civilians. Role playing is also an effective training means. The training focus should be appropriate to the level of the experience and breadth of responsibilities of each target audience. Unit commanders must attend this training and evaluate its content and quality.

b. Unit training for junior enlisted and civilian employees will focus on defining sexual harassment and gender discrimination, sanctions which may be used to punish harassers, techniques for soldiers to deal with sexual harassment and methods of filing a complaint through the complaint system.

c. Unit training or professional development training for junior officers, noncommissioned officers 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 for receiving, handling and resolving complaints. Training on the EO complaint system must include leader responsibilities in processing informal and formal complaints. It must emphasize the prevention of reprisal actions against complainants.

d. Training at unit level for senior noncommissioned officers, warrant officers, officers, civilian managers and senior executive service will focus on fostering a healthy command climate and using appropriate means for determining a healthy command climate. This training will also focus on sanctions for offenders. In addition, it will reinforce the elements of training they receive at a more junior level.

e. Leaders may enlist the service of their brigade or higher level Equal Opportunity Advisor or DA PAM 350-20 (Unit Equal Opportunity Training Guide), Chapter 4, to help prepare and conduct Prevention of Sexual Harassment (POSH) training.

f. Commanders will document POSH training on the unit's training schedule and on individual soldier training records. Documentation will include type, instructor, date, time, length of training, roster of attendees, and issues covered in the session.

g. The chain of command and EOA's will attend and participate in POSH sessions.

h. Sexual misconduct training is not an Equal Opportunity issue. This training must be conducted by qualified personnel, separately from sexual harassment training, so as not to confuse the two.

7-9. Complaints

Filing and processing of sexual harassment complaints follow the same procedures as outlined in appendix E for EO complaints. Charges of sexual misconduct are to be processed through legal/ law enforcement channels, not equal opportunity channels.

Appendix A
References

Section I
Required Publications

AR 15-6
Procedures for Investigating Officers and Boards of Officers. (Cited in paras 2-l7b, 6-2 and appendix E.)

AR 27-10
Military Justice. (Cited in paras 3-2b, 3-4d, 4-6, 4-7, 5-8, and appendix E.)

AR 40-562
Immunization and Chemoprophyaxis (Cited in para. 5-4)

AR 600-8-24
Officer Transfers and Discharges. (Cited in para 5-5.)

AR 623-105
Officer Evaluation Reporting System. (Cited in paras 2-3; 2-17; 4-l8 and 6-10.)

AR 623-205
Enlisted Evaluation Reporting System. (Cited in paras 2-3; 2-l7; and 6-10.)

AR 670-1
Wear and Appearance of Army Uniforms and Insignia (Cited in papas 3-2a and 5-6.)

DODD 5500.7-R
Joint Ethics Regulation (Cited in para 4-9c, 4-15, 4-18c.)

DODD 6490.1
Mental Health Evaluation of Member of the Armed Forces (Cited in para 5-4b)

DODD 7050.6
Military Whistleblower Protection (Cited in para 5-8a and 5-12.)

DODI 1000.15
Private Organizations on DoD Installations (Cited in para 4-11.)

DA Pam 600-26
The Department of the Army Affirmative Action Plan. (Cited in para 6-6 and 6-13.)

DA Pam 600-75
Accommodating Religious Practices. (Cited in para 5-6.) Manual for Courts-Martial, United States Government Printing Office, 1998 (Cited in paras 2-5h, 2-14b, 3-2, 3-4, 4-6, 4-7, 5-5.)

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

AR 1-20
Legislative Liaison

AR 5-5
Army Studies and Analyses

AR 10-5
Organization and Functions, Headquarters, Department of the Army

AR 20-1
Inspector General Activities and Procedures

AR 25-50
Preparing and Managing Correspondence

AR 25-400-2
The Modern Army Record Keeping System (MARKS)

AR 27-40
Litigation

AR 40-1
Composition, Mission, and Functions of the Army Medical Department

AR 40-400
Patient Administration. (Cited in para 5-4.)

AR 40-562
Immunization and Chemoprophylaxis

AR 135-18
The Active Guard Reserve (AGR) Program

AR 135-91
Service Obligations, Methods of Fulfillment, Participation Requirements, and Enforcement Procedures

AR 135-155
Promotion of Commissioned Offices and Warrant Officers Other than General Officers

AR 135-175
Separation of Officers

AR 135-178
Separations of Enlisted Personnel

AR 135-205
Enlisted Personnel Management

AR 140-10
Army Reserve: Assignments, Attachments, Details and Transfers

AR 140-158
Enlisted Personnel Classification, Promotion, and Reduction

AR 165-1
Chaplain Activities in the United States Army

AR 190-24
Armed Forces Disciplinary Control Boards and Off-Installation Liaison and Operations

AR 190-47
The Army Corrections System

AR 195-1
Army Criminal Investigation Program

AR 210-7
Commercial Solicitation on Army Installations

AR 210-10
Administration

AR 210-50
Housing Management

AR 310-25
Dictionary of United States Army Terms

AR 310-50
Authorized Abbreviations, Brevity Codes, and Acronyms

AR 335-15
Management Information Control System

AR 340-21
The Army Privacy Program

AR 350-1
Army Training

AR 350-100
Officer Active Duty Service Obligation

AR 360-5
Army Public Affairs, Public Information

AR 360-61
Community Relations

AR 360-81
Command Information Program

AR 380-5
Department of the Army Information Security Program

AR 380-13
Acquisition and Storage of Information Concerning Nonaffiliated Persons and Organizations

AR 500-51
Emergency Employment of Army ans Other Resources—Support to Civilian Law Enforcement

AR 600-3
The Army Personnel Proponent System

AR 600-8-2
Suspension of Favorable Personnel Action (Flags)

AR 600-8-10
Leaves and Passes

AR 600-8-14
Identification Cards, Tags, and Badges

AR 600-8-29
Officer Promotions

AR 600-9
The Army Weight Control Program

AR 600-15
Indebtedness of Military Personnel)

AR 600-25
Salutes, Honors, and Visits of Courtesy

AR 600-37
Unfavorable Information

AR 600-200
Enlisted Personnel Management System

AR 600-291
Foreign Government Employment

AR 601-280
Army Retention Program

AR 608-10
Child Development Services

AR 608-75
Exceptional Family Member Program

AR 611-101
Commissioned Officer Classification System

AR 611-112
Manual of Warrant Officer Military Occupational Specialties

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

AR 614-30
Oversea Service

AR 614-100
Officer Assignment Policies, Details, and Transfers

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

AR 623-1
Academic Evaluation Reporting System)

AR 635-40
Physical Evaluation for Retention, Retirement, or Separation

AR 635-200
Enlisted Personnel

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

AR 690-11
Mobilization Planning and Management

AR 690-12
Equal Employment Opportunity and Affirmative Action

AR 690-400
Total Army Performance Evaluation System

AR 690-600
Equal Employment Opportunity Discrimination Complaints

AR 690-700
Personnel Relations and Services

DA Pam 25-30
Consolidated Index of Army Publications and Blank Forms

DA Pam 310-1
Index of Administrative Publications

DA Pam 350-20
Unit Equal Opportunity Training Guide

DA Pam 600-3
Commissioned Officer Development and Career Management

DA Pam 600-8
Management and Administrative Procedures

DA Pam 600-69
Unit Climate Profile, Commanders Handbook

FM 22-101
Leadership Counseling

FM 100-1
The Army

CTA 50-900
Clothing and Individual Equipment

CTA 50-909
Field and Garrison Furnishings and Equipment

NG Reg 600-21
Army National Guard Equal Opportunity Program

NG Reg 600-22
National Guard Military Discrimination Complaint System

NG Reg 600-200
Enlisted Personnel Management

NG Reg 635-101
Efficiency and Physical Fitness Boards

NGR 635-101
Efficiency and Physical Fitness Boards. (Cited in paras 5-5c and 5-5k.)

TC 22-6
The Amy Noncommissioned Officer Guide

Section III
Prescribed Forms

DA Form 5304-R
Family Care Plan Counseling Checklist. (Prescribed in para 5-5.)

DA Form 5305-R
Family Care Plan. (Prescribed in para 5-5.)

DA Form 5840-R
Certificate of Acceptance as Guardians or Escort. (Prescribed in para 5-5.)

DA Form 5841-R
Power of Attorney. (Prescribed in para 5-5.)

DA Form 7279-R
Equal Opportunity Complaint Form. (Prescribed in para 6-2 and appendix E.)

DA Form 7279-1-R
Equal Opportunity Complaint Resolution Assessment. (Prescribed in appendix E.)

Section IV
Referenced Forms

DA Form 2627
Record of Proceedings Under Article 15, UCMJ

DA Form 3881
Rights Warning Procedure/Waiver Certificate

DD Form 1172
Application for Uniformed Services Identification Card DEERS Enrollment

DD Form 2558
Authorization to Start, Stop, or Change an Allotment

Appendix B
Guidelines on Political Activity

B-1. Purpose
This appendix provides specific guidance on those political activities which are permitted or prohibited.

B-2. Examples of Permissible Political Activity
A soldier on active duty may—

a. Register, vote, and express a personal opinion on political candidates and issues, as a private citizen, but not as a representative of the Armed Forces.
b. Promote and encourage other soldiers to exercise their voting franchise, if such promotion does not constitute an attempt to influence or interfere with the outcome of an election.
c. Join a political club and attend its meetings when not in uniform.
d. Serve as an election official, if such service is not as a representative of a partisan political party, does not interfere with military duties, is performed while out of uniform, and has the prior approval of the installation commander.

e. Sign a petition for specific legislative action or a petition to place a candidate's name on an official election ballot, if the signing does not obligate the soldier to engage in partisan political activity and is done as a private citizen and not as a representative of the Armed Forces.

f. Write a letter to the editor of a newspaper expressing the soldier's personal views on public issues or political candidates, if such action is not part of an organized letter-writing campaign or concerted solicitation of votes for or against a political party or partisan political cause or candidate.

g. Make monetary contributions to a political organization, party or committee favoring a particular candidate or slate of candidates, subject to the limitation under section 441a, title 2, United States Code (2 USC 441a) and section 607, title 18, United States Code (18 USC 607).

h. Display a political sticker on the soldier's private vehicle.

B-3. Examples of prohibited political activities

Per the statutory restrictions in section 973 (b), title 10, United States Code (10 USC 973(b)) and the policies established in section d of DoD Directive 1344.10, and implemented in chapter 5 of this regulation, a soldier on active duty will not:

a. Use official authority or influence to interfere with an election, affect the course or outcome of an elections, solicit votes for a particular candidate or issue, or require or solicit political contributions from others.

b. Be a candidate for civil office in Federal, State, or local government, except as authorized in this regulation, or engage in public or organized soliciting of others to become partisan candidates for nomination or election to civil office.

c. Participate in partisan political management or campaigns or make public speeches in the course thereof.

d. Make a campaign contribution to another member of the Armed Forces or to a civilian officer or employee of the United States for promoting a political objective or cause.

e. Solicit or receive a campaign contribution from another member of the Armed Forces or from a civilian officer or employee of the United States for promoting a political objective or cause.

f. Allow or cause to be published partisan political articles signed or written by the soldier that solicit votes for or against a partisan political party or candidate.

g. Serve in any official capacity or be listed as a sponsor of a partisan political club.

h. Speak before a partisan political gathering of any kind for promoting a partisan political party or candidate.

i. Participate in any radio, television, or other program or group discussion as an advocate of a partisan political party or candidate.

j. Conduct a political opinion survey under the auspices of a partisan political group, or distribute partisan political literature.

k. Use contemptuous words against the officeholders described in section 888, title 10, United States Code (10 USC 888).

l. Perform clerical or other duties for a partisan political committee during a campaign or on an election day.

m. Solicit or otherwise engage in fund raising activities in Federal offices or facilities, including military reservations, for a partisan political cause or candidate.

n. March or ride in a partisan political parade.

o. Display a large political sign, banner, or poster (as distinguished from a bumper sticker) on the top or side of a private vehicle.

p. Participate in any organized effort to provide voters with transportation to the polls if the effort is organized by, or associated with, a partisan political party or candidate.

q. Sell tickets for, or otherwise actively promote, political dinners and similar fund-raising events.

r. Attend partisan political events as an official representative of the Armed Forces.

B-4. Political activities not expressly permitted or prohibited

Some activities not expressly prohibited may be contrary to the spirit and intent of this policy. In determining whether an activity violates the traditional concept that military personnel should not engage in partisan political activity, rules of reason and common sense will apply. Any activity that could be viewed as associating the Department of the Army directly or indirectly with a partisan political cause or candidate will be avoided.

B-5. Local nonpartisan political activities

This policy does not preclude participation in local nonpartisan political campaigns, initiatives, or referendums. A soldier taking part in local nonpartisan political activity, however, will not:

a. Wear a uniform or use any Government property or facilities while participating.

b. Allow participation to interfere with, or prejudice, the soldier's performance of military duties.

c. Engage in conduct that in any way may imply that the Department of the Army has taken an official position on, or is otherwise involved in, the local political campaign or issue.

B-6. USAR and ARNG soldiers on active duty tours

Reserve component soldiers on active duty tour regardless of length engaging in permissible political activity will:

a. Give full time and attention to the performance of military duties during prescribed duty hours.

b. Avoid any outside activities that may be prejudicial to the performance of military duties or are likely to bring discredit upon the United States Army.

c. Refrain from participating in any political activity while in military uniform, as proscribed by AR 670-1, or using Government facilities or resources.

Appendix C
Statutory Restrictions Pertaining to Political Activity by Members of the Armed Forces

C-1. General

Members of the Armed Forces are prohibited by various provisions of Titles 2, 10, and 18 United States Code, from engaging in certain types of political activity. The statutory provisions most directly applicable to members of the Armed Forces are presented in this appendix.

C-2. Section 441a, Title 2 United States Code, Limitation on Contributions and Expenditures

"(a) Dollar limits on contributions

(1) No person shall make contributions—

(A) to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate exceed $1,000;

(B) to the political committees established and maintained by a national political party, which are not the authorized political committees of any candidate, in any calendar year which, in the aggregate, exceed $20,000; or

(C) to any other political committee in any calendar year which in the aggregate, exceed $5,000.

(2) No multicandidate political committee shall make contributions—

(A) to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $5,000;

(B) to the political committees established and maintained by a national political party, which are not the authorized political committees of any candidate, in any calendar year, which, in the aggregate, exceed $15,000; or

(C) to any other political committee in any calendar year which, in the aggregate, exceed $5,000.

(3) No individual shall make contributions aggregating more than $25,000 in any calendar year. For the purposes of this paragraph, any contribution made to a candidate in a year other than the calendar year in which the election is held with respect to which such contribution is made, is considered to be made during the calendar year in which such election is held.

(4) For the purposes of the limitations imposed by this section, all contributions made by a person, either directly or indirectly, on behalf of a particular candidate, including contributions which are in any way earmarked or otherwise directed through an intermediary or conduit to such candidate, shall be treated as contributions from such person to such candidate. The intermediary or conduit will report the original source and the intended recipient of such contribution to the Commission and to the intended recipient."

C-3. Section 44lf, Title 2 United States Code, Contributions in name of another prohibited

"No person shall make a contribution in the name of another person or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person".

C-4. Section 441g, Title 2 United States Code, Limitation on contribution of currency

"No person shall make contributions of currency of the United States or currency of any foreign country to or for the benefit of any candidate which, in the aggregate, exceed $100, with respect to any campaign of such candidate for nomination for election, or for election, to Federal office.

C-5. Section 973, Title 10 United States Code, Duties: Officers on Active Duty; Performance of Civil Functions Restricted

"(a) No officer of an armed force on active duty may accept employment if that employment requires him to be separated from his organization, branch, or unit, or interferes with the performance of his/her military duties.

(b) (1) This subsection applies—

(A) to a regular officer of an armed force on the active-duty list (and a regular officer of the Coast Guard on the active duty promotion list);

(B) to a retired regular officer of an armed force serving on active duty under a call or order to active duty for a period in excess of 180 days; and

(C) to a reserve officer of an armed force serving on active duty under a call or order to active duty of a period in excess of 180 days.

(2) (A) Except as otherwise authorized by law, an officer to whom this subsection applies may not hold, or exercise the functions of, a civil office in the Government of the United States

(i) that is an elective office;

(ii) that requires an appointment by the President by and with the advice and consent of the Senate; or

(iii) that is a position in the Executive Schedule under sections 5312 through 5317 of Title 5.

(B) An officer to whom this subsection applies may hold or exercise the function of a civil office in the Government of the United States that is not described in subparagraph (A) when assigned or detailed to that office or to perform those functions.

(3) Except as otherwise authorized by law, an officer to whom this subsection applies may not hold or exercise, by election or appointment, the function of a civil office in the Government of a State, The District of Columbia, or a territory, possession, or a commonwealth of the United States (or of any political subdivision of the Government).

(4) Nothing in this subsection shall be construed to invalidate any action undertaken by an officer in furtherance of assigned official duties."

(c) An officer to whom subsections (b) applies may seek and hold nonpartisan civil office on an independent school board that is located exclusively on a military reservation.

C-6. Section 592, Title 18 United States Code, Troops at polls

"Whoever, being an officer of the Army or Navy, or other person in the civil, military or naval service of the United States, orders, brings, keeps, or has under his authority or control any troops or armed men at any place where a general or special election is held, unless such force be necessary to repel armed enemies of the United States, shall be fined not more than $5,000 or imprisoned not more than five years, or both; and be disqualified from holding any office of honor, profit, or trust under the United States.

This section shall not prevent any officer or member of the Armed Forces of the United States from exercising the right of suffrage in any election district to which he may belong, if otherwise qualified according to the laws of the State in which he offers to vote."

C-7. Section 593, Title 18 United States Code, Interference by Armed Forces
"Whoever, being an officer or member of the Armed Forces of the United States, prescribes or fixes or attempts to prescribe or fix, whether by proclamation, order or otherwise, the qualifications of voters at any election in any State; or Whoever, being such officer or member, prevents or attempts to prevent by force, threat intimidation, advice or otherwise any qualified voter of any State from exercising the right of suffrage at any general or special election; or Whoever, being such officer or member, orders or compels or attempts to compel any election officer in any State to receive a vote from a person not legally qualified to vote; or Whoever, being such officer or member, imposes or attempts to impose any regulations for conducting any general or special election in a State, different from those prescribed by law; or Whoever, being such officer or member, interferes in any manner with an election officer's discharge of his duties—Shall be fined not more than $5,000 or imprisoned not more than five years, or both; and disqualified from holding any office of honor, profit or trust under the United States. This section shall not prevent any officer or member of the Armed Forces from exercising the right of suffrage in any district to which he may belong, if otherwise qualified according to the laws of the State of such district."

C-8. Section 594, Title 18 United States Code, Intimidation of voters
"Whoever intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, Presidential Elector, Member of the Senate, Member of the House of Representatives, Delegate from the District of Columbia, or Resident Commissioner, at any election held solely or in part for the purpose of electing such candidate, shall be fined not more than $1,000 or imprisoned not more than one year, or both."

C-9. Section 596, Title 18 United States Code, Polling Armed Forces
"Whoever, within or without the Armed Forces of the United States, polls any member of such forces, either within or without the United States, either before or after he executes any ballot under any Federal or State law, with reference to his choice for his vote for any candidate or states, publishes, or releases any result of any purported poll taken from or among the members of the Armed Forces of the United States or including within it the statement of choice for such candidate or of such votes cast by any member of the Armed Forces of the United States, shall be fined not more than $1,000 or imprisoned for not more than one year, or both." The word "poll" means any request for information, verbal or written, which by its language or form of expression requires or implies the necessity of an answer, where the request is made with the intent of compiling the result of such answers obtained, either for the personal use of the person making the request, or for the purpose of reporting the same to any other person, persons, political party, incorporated association or corporation, or for the purpose of publishing the same orally, by radio, or in written or printed form."

C-10.Section 597, Title 18 United States Code, Expenditures to Influence Voting
"Whoever makes or offers to make an expenditure to any person, either to vote or withhold his vote, or to vote for or against any candidate; and Whoever solicits, accepts, or receives any such expenditure in consideration of his vote or the withholding of his vote—Shall be fined under Title 18, US Code or imprisoned not more than one year, or both; and if the violation was willful, shall be fined under Title 18, US Code or imprisoned not more than two years, or both."

C-11.Section 602, Title 18 United States Code, Solicitation of political contributions

It shall be unlawful for:

(1) a candidate for the Congress;

(2) an individual elected to or serving in the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress;

(3) an officer or employee of the United States or any department or agency thereof; or

(4) a person receiving any salary or compensation for services from money derived from the Treasury of the United States to knowingly solicit, any contribution within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 from any other such officer, employee, or person. Any person who violates this section shall be fined under Title 18, US Code or imprisoned not more than three years, or both."

C-12.Section 603, Title 18 United States Code, Making political contributions

"(a) It shall be unlawful for an officer or employee of the United States or any department or agency thereof, or a person receiving any salary or compensation for service from money derived from the Treasury of the United States, to make any contribution within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 to any other such officer, employee or person or to any Senator or Representative in, or Delegate or Resident Commissioner to the Congress, if the person receiving such contribution is the employer or employing authority of the person making the contribution. Any person who violates this shall be fined under Title 18, US Code or imprisoned not more than three years, or both.

(b) For purposes of this section, a contribution to an authorized committee as defined in section 302(e)(1) of the Federal Election Campaign Act of 1971 shall be considered a contribution to the individual who has authorized such committee"

C-13.Section 606, Title 18 United States Code, Intimidation to secure political contributions

"Whoever, being one of the officers or employees of the United States mentioned in section 602 of this title, discharges or promotes, or degrades, or in any manner changes the official grade or compensation of any other officer or employee, or promises or threatens so to do, for giving or withholding or neglecting to make any contribution of money or other valuable thing for any political purpose, shall be fined under Title 18, US Code or imprisoned not more than three years, or both."

C-14.Section 607, Title 18 United States Code, Place of solicitation

"(a) It shall be unlawful for any person to solicit or receive any contribution within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 in any room or building occupied in the discharge of official duties by any person mentioned in section 603, or in any navy yard, fort, or arsenal. Any person who violates this section shall be fined under Title 18, US Code or imprisoned not more than three years, or both.

(b) The prohibition in subsection (a) shall not apply to the receipt to contributions by persons on the staff of a Senator or Representative in, or Delegate or Resident Commissioner to, the Congress, provided, that such contributions have not been solicited in any manner which directs the contributor to mail or deliver a contribution to any room, building, or other facility referred to in subsection (a), and provided that such contributions are transferred within seven days of receipt of a political committee within the meaning of section 302(e) of the Federal Election Campaign Act of 1971."

C-15.Section 608, Title 18 United States Code, Absent Uniformed Services Voters and Overseas Voters

"(a)Whoever knowingly deprives or attempts to deprive any person of a right to vote under the Uniformed and Overseas Citizens Absentee Voting Act shall be fined in accordance with this title or imprisoned not more than five years, or both

(b) Whoever knowingly gives false information for the purpose of establishing the eligibility of any person to register or vote under the Uniformed and Overseas Citizens Absentee Act, or pays or offers to pay, or accepts payment for registering or voting under such Act shall be fined in accordance with this title or imprisoned not more than five years, or both."

C-16.Section 609, Title 18 United States Code, Use of Military Authority to Influence Vote of Member of Armed Forces

"Whoever, being a commissioned, noncommissioned, warrant, or petty officer of an Armed Force, uses military authority to influence the vote of a member of the Armed Forces or to require a member of the Armed Forces to march to a polling place, or attempts to do so, shall be fined in accordance with this title or imprisoned not more than five years, or both. Nothing in this section shall prohibit free discussion of political issues or candidates for public office."

Appendix D
Findings. Congress makes the following findings:

D-1. Section 8 of Article I of the Constitution of the United States commits exclusively to the Congress the powers to raise and support armies, provide and maintain a navy, and make rules for the Government and regulation of the land and naval forces.

D-2. There is no constitutional right to serve in the Armed Forces.

D-3. Pursuant to the powers conferred by section 8 of Article I of the Constitution of the United States, it lies within the discretion of the Congress to establish qualifications for and conditions of service in the Armed Forces.

D-4. The primary purpose of the Armed Forces is to prepare for and to prevail in combat should the need arise.

D-5. The conduct of military operations requires members of the Armed Forces to make extraordinary sacrifices, including the ultimate sacrifice, in order to provide for the common defense.

D-6. Success in combat requires military units that are characterized by high morale, good order and discipline, and unit cohesion.

D-7. One of the most critical elements in combat capability is unit cohesion, that is, the bonds of trust among individual service members that make the combat effectiveness of a military unit greater than the sum of the combat effectiveness for the individual unit members.

D-8. Military life is fundamentally different from civilian life in that—

a. The extraordinary responsibility of the Armed Forces, the unique conditions of military service, and the critical role of unit cohesion, require that the military community, while subject to civilian control, exist in a specialized society; and.

b. The military society is characterized by its own laws, rules, customs, and traditions, including numerous restrictions on personal behavior, that would not be acceptable in civilian society.

D-9. The standards of conduct for members of the Armed Forces regulate a member's life 24 hours each day beginning at the moment the member enters the military status and not ending until the person is discharged or otherwise separated from the Armed Forces.

D-10. Those standards of conduct, including the Uniform Code of Military Justice, apply to a member of the Armed Forces at all times that the member has a military status, whether the member is on base or off base, and whether the member is on duty or off duty.

D-11. The pervasive application of the standards of conduct is necessary because members of the Armed Forces must be ready at all times for worldwide deployment to a combat environment.

D-12. The worldwide deployment of United States military forces, the international responsibilities of the United States, and the potential for involvement of the Armed Forces in actual combat routinely make it necessary for members of the Armed Forces involuntarily to accept living conditions and working conditions that are often spartan, primitive, and characterized by forced intimacy with little or no privacy.

D-13. The prohibition against homosexual conduct is a longstanding element of military law that continues to be necessary in the unique circumstances of military service.

D-14. The Armed Forces must maintain personnel policies that exclude persons whose presence in the Armed Forces would create an unacceptable risk to the Armed Forces' high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.

D-15. The presence in the Armed Forces of person's who demonstrate a propensity or intent to engage in homosexual acts would create an unacceptable risk to the high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.

Appendix E
EO/Sexual Harassment Complaint Processing System

E-1. Entering the complaints processing system

The EO complaints processing system addresses complaints that allege unlawful discrimination or unfair treatment on the basis of race, color, religion, gender, and national origin. Attempts should always be made to solve the problem at the lowest possible level within an organization. Complaints by civilian personnel alleging discrimination should be handled in accordance with the procedures contained in AR 690-600, or as described in DoD and Department of the Army policy implementing 10 U.S. Code 1561, or as provided for in any applicable collective bargaining agreement.

a. Informal complaint.

(1) An informal complaint is any complaint that a soldier, family member or DA civilian does not wish to file in writing. Informal complaints may be resolved directly by the individual, with the help of another unit member, the commander or other person in the complainant's chain of command. Typically, those issues that can be taken care of informally can be resolved through discussion, problem identification, and clarification of the issues. An informal complaint is not subject to time suspense nor is it reportable. It is recommended that anyone working on the resolution of informal complaints should prepare a memorandum of record (MFR). The MFR would include information indicating nature of complaint and identifying pertinent information to assist in the identification of unit's command climate.

(2) Although the processing of EO complaints through the unit chain of command is strongly encouraged, it will not serve as the only channel available to soldiers to resolve complaints. Should the complainant feel uncomfortable in filing a complaint with his/her unit chain of command, or should the complaint be against a member of that chain of command, a number of alternative agencies exist through which the issues may be identified for resolution. Each of these agencies provides expertise in very specific subject areas. Commanders will not preclude soldiers from using these channels in accordance with the procedures inherent/established by these agencies:

(a) Someone in a higher echelon of the complainant's chain of command

(b) Equal Opportunity Advisor

(c) Inspector General

(d) Chaplain

(e) Provost Marshal
(f) Medical agency personnel
(g) Staff Judge Advocate
(h) Chief, Community Housing Referral and Relocation Services Office (CHRRS)

(3) In some informal complaints, the person or agency receiving the complaint may be able to resolve the issue while maintaining the confidentiality of the complainant, as in the case of the chaplain or a lawyer. While maintenance of confidentiality should be attempted, it will neither be guaranteed nor promised to the complainant by agencies other than the chaplain or a lawyer.

(4) Initial actions by these alternative agencies are the same for informal and formal complaints. Any alternative agency that receives an informal complaint of unlawful discrimination or sexual harassment has the obligation to talk with the complainant. The agency should advise the complainant of his/her rights and responsibilities; listen to the complainant and find out as much information as possible concerning the complaint (including what the reasons are behind the complaint and why the individual is using the alternative agency opposed to his or her chain of command); tell the complainant what role that agency has (e.g., direct action on behalf of the complainant, information gathering, or referral to another agency or the commander for their action); what support services are available from other organizations that may help resolve the issues; explain the complaint system (principally, the differences between informal and formal complaints); and, then attempt to assure resolution of the issue (through mediation, intervention, counseling, training, etc.).

(5) The commander must eliminate underlying causes of all complaints. More members of the unit, other than complainant and alleged perpetrator, are affected by complaints, especially those that go unresolved.

b. Formal complaint.

(1) A formal complaint is one that a complainant files in writing and swears to the accuracy of the information. Formal complaints require specific actions, are subject to timelines, and require documentation of the actions taken.

(2) An individual files a formal complaint using a DA Form 7279-R

(3) In Part I of DA Form 7279-R, the complainant will specify the alleged concern, provide the names of the parties involved and witnesses, describe the incident(s)/behavior(s), and indicate the date(s) of the occurrence(s). For EO complaints, the complainant will also state the equal opportunity basis of the complaint (e.g., unlawful discrimination based upon race, color, religion, gender, or national origin. Complainant will be advised of the importance of describing the incident(s) in as much detail as possible to assist in the investigative process).

(4) The block entitled, "Requested Remedy" serves a variety of purposes for both the complainant and the command. The information in this block can vary in terms of the complainant's expectations of the investigative process and his or her reasonableness and credibility. If expectations that are not likely to be met come to the surface, they should be dispelled by the receiving agency (during acceptance of the complaint) through an explanation of the process and the possible outcomes. If the complainant's response is vindictive, vengeful, or malicious, and seems extreme in light of the events or circumstances, this may be helpful to the commander or investigating officer in terms of motive and believability.

(5) Soldiers have 60 calendar days from the date of the alleged incident in which to file a formal complaint. This time limit is established to set reasonable parameters for the inquiry or investigation and resolution of complaints, to include ensuring the availability of witnesses, accurate recollection of events, and timely remedial action. If a complaint is received after 60 calendar days, the commander may conduct an investigation into the allegations or appoint an investigating officer according to paragraph 5 below. In deciding whether to conduct an investigation, the commander should consider the reason for the delay, the availability of witnesses, and whether a full and fair inquiry or investigation can be conducted.

(6) The complainant should file his or her complaint with the commander at the lowest echelon of command at which the complainant may be assured of receiving a thorough, expeditious, and unbiased investigation of the allegations. Depending on the various aspects of the complaint and individuals involved, that lowest level commander may not be the immediate company or even battalion level commander of the complainant.

E-2. Actions of alternative agencies

The agencies listed in paragraph 1a(2) of this Appendix also serve as alternative avenues available to soldiers for registering formal EO complaints. Initial actions by these alternative agencies are the same for informal and formal complaints. Upon receipt of a formal EO complaint of unlawful discrimination or sexual harassment, the alternative agency has the obligation to talk with the complainant, advise him/her of his/her rights and responsibilities, find out as much information as possible concerning the complaint (including what the reasons were for using the alternative agency and what the complainant's expectations might be for resolution of the complaint). The agency should also tell the complainant what role that agency has (action, information gathering, or referral to another agency or the commander for their action), what support services are available from other organizations, what the complaint processing procedures are (principally, the differences between informal and formal complaints) and what will be done with the individual's complaint. Receipt of formal complaints by any alternative agency (except Inspector General) will be annotated in writing on the DA Form 7279-R, Part I, item 9b. If the alternative agency decides not to do an inquiry or conduct its own investigation and decides to refer the complaint to another agency or to the appropriate commander for his/her investigation, that referral must be made within 3 calendar days (at the next MUTA 4 or other regularly scheduled training for Reserve components). For the purposes of receiving EO complaints, any commissioned officer is authorized to administer oaths and should do so in block 9a, DA Form 7279-R prior to referring the complaint to the appropriate commander. The commander or agency receiving the referral will acknowledge receipt of the complaint (DA Form 7279-R, Part I, item 10a). In cases where the complaint is best resolved by the chain of command, the alternative agency would refer the complaint to the commander at the lowest echelon of command at which the complainant may be assured of receiving a thorough, expeditious, and unbiased investigation of the allegations.

a. If during the course of an inquiry or investigation the receiving agency or commander identifies criminal activity, the complaint will be immediately referred to the proper agency (Provost Marshal or CID) for investigation.

b. Incidents of sexual assault and rape will immediately be referred to medical agencies for the procurement of forensic evidence and for assistance in the treatment and counseling of the victim.

c. Allegations of unlawful discrimination in housing, both on and off post, will be referred to the housing division for processing under the provisions of AR 210-50.

d. If a complaint is filed against a promotable colonel, an active or retired general officer, inspectors general of any component, members of the Senior Executive Service, or Executive Schedule personnel, the allegation will be transferred directly to the Investigations Division, U.S. Army Inspector General Agency, ATTN: SAIG-IN, Pentagon, Washington, DC 20310-1700 by rapid but confidential means within 5 calendar days of receipt.

E-3. Complaints filed with the Inspector General

a. Complaints filed with the Inspector General will be processed as Inspector General Action Requests (IGARS) according to AR 20-1, rather than under the procedures outlined in this regulation. As such, no timelines will be imposed on the conduct of the investigation and/or on feedback to the complainant, and DA Form 7279-R will not be maintained.

b. Inspector General investigations are confidential and protected from unauthorized disclosure. They will include consultations with persons or activities as deemed appropriate by the Inspector General.

c. Receipt of the complaint will be acknowledged to the complainant and an estimated completion date provided. If the action is not completed by that date, the complainant will be notified and given a new estimated completion date.

E-4. Actions of the Commander upon receipt of complaint

a. Upon receipt of a complaint, the commander will ensure that the complainant has been sworn to the complaint (Block 9a, DA Form 7279-R). If not, the commander will administer the oath and annotate it on the complaint form. The commander will fill out block 10a acknowledging receipt of the complaint form. All formal complaints will be reported within 72 hours to the first General Courts-Martial Convening Authority (GCMCA) in the chain of command. Additionally, the commander will provide a progress report to the GCMCA authority 20 days after the date on which the investigation commenced and 14 days thereafter until completion.

b. The commander will either conduct an investigation personally or immediately appoint an investigating officer according to the provisions of AR 15-6. Depending on the magnitude of the complaint, the commander may deem it necessary to ask the next senior commander in the chain of command to appoint the investigating officer.

c. The commander will establish and implement a plan to protect the complainant, any named witnesses, and the alleged perpetrator from acts of reprisal. The plan will include, as a minimum, specified meetings and discussions with the complainant, alleged perpetrator, named witnesses, and selected members of the chain of command and coworkers.

(1) Content of the discussions with the above named individuals will include the definition of reprisal with examples of such behavior; the Army's policy prohibiting reprisal; the complainant's rights and extent of Whistleblower Protection afforded complainants, witnesses, and the alleged perpetrator under DoD Directive 7050.6; encouragement to all the aforementioned individuals to report incidents and/or threats of reprisal; the procedures to report acts and/or threats of reprisal; the consequences of reprisal; possible sanctions against violators; a reminder of the roles and responsibilities of the leadership in the prevention of reprisal and protection of all parties involved; the command's support of a thorough, expeditious and unbiased investigation and good faith in attempting to resolve the complaint; and the need to treat all parties in a professional manner both during and following the conduct of the investigation.

(2) Discretion will be used to determine the extent of information provided and the numbers of personnel addressed in the discussions with the chain of command and coworkers. Investigating officers will treat all those they interview professionally and courteously and will limit their discussion to only those issues relating to the specific complaint.

(3) To prevent the plan from becoming an administrative burden, the plan need only consist of a one-page list (in bullet format) of actions to be accomplished. The commander shall annotate the names of the personnel addressed and initial and date the actions as they are completed. The commander shall provide a copy of the completed plan to the investigating officer and the EOA. The investigating officer will include the commander's plan to prevent reprisal as an exhibit in the investigative findings. The EOA will retain a copy of the commander's plan to prevent reprisal with the completed case file and use the plan to conduct follow-up assessment of the complaint.

E-5. Timeliness of action

Rapid resolution of EO complaints is in the best interest of both the complainant and the command. After receipt of the complaint, the commander to whom the complaint was given has 14 calendar days (or three weekend drill periods for Reserve components) in which to conduct an investigation, either personally or through appointment of an investigating officer. If the complaint was referred to the commander from an alternate agency, or if the commander refers the complaint to an alternate agency, the 14 calendar days begins from the date the complaint was referred. If, due to extenuating circumstances, it becomes impossible to conduct a complete investigation within the 14 calendar days allowed (or three MUTA 4 training drill periods for Reserve components), that commander may obtain an extension from the next higher commander for usually not more than 30 calendar days (or two MUTA 4 drill periods for Reserve components). After the initial 14-day suspense, all requests for extension must be requested in writing from the next higher echelon commander. Upon receipt of an extension, the commander must inform the complainant of the extension, its duration, and the reasons for which it was requested. Any additional extensions must be approved in writing by the first general officer in the chain of command. Failure to adhere to prescribed timelines will result in automatic referral of the complaint to the next higher echelon commander for investigation and resolution.

E-6. Conduct of the investigation

a. *Investigation.* The purpose of any investigation of unlawful discrimination or sexual harassment is to determine to the maximum extent possible what actually occurred, to assess the validity of allegations made by the complainant, to advise the commander of any leadership or management concerns which might contribute to perceptions of unlawful discrimination and poor unit command climate, and to recommend appropriate corrective actions. The commanding officer is responsible for ensuring the investigation is complete, thorough, and unbiased.

b. *Initial actions.* The commander who acts as the appointing authority shall provide the investigating officer (IO) a copy of orders assigning him or her as the IO officer and the initiated DA Form 7279-R, which identifies the complainant and lists the allegations to be investigated. The IO shall review AR 15-6, Procedure for Investigating Officers and Boards of Officers, and AR 600-20, Army Command Policy, to review procedures applicable to the conduct of the investigation. Should the commander elect to investigate the allegations him or herself, the procedures for investigating officer apply to the commander.

c. *Legal advice.* The investigating officer will meet with the servicing Staff Judge Advocate or legal advisor to review how the conduct of the investigation should be conducted under AR 15-6 and AR 600-20. The discussion should include the specific requirements of both regulations, advice on how investigations are conducted, and advice on how to question an interviewee who is suspected of committing a violation of the UCMJ.

d. *EOA assistance.* The investigating officer (the commander or appointed investigating officer) will meet with the unit's Equal Opportunity Advisor prior to conducting the investigation. The EOA will assist the investigating officer in the development of questions to be addressed to the complainant, the alleged perpetrator, and any witnesses or third parties. The EOA's skills in complaint handling, conflict resolution, and training in the subtleties of discrimination and sexual harassment enable him or her to advise investigative officers in these complex areas. The EOA will ensure the focus of the investigation is placed squarely on assessing the validity of the allegations and avoids shifting the focus of the investigation against the complainant. The EOA will remain available to the investigating officer for consultation and assistance throughout the conduct of the investigation.

e. *Conduct of interviews.* The investigating officer must interview every individual who may have first-hand knowledge of the facts surrounding the validity of the allegations. The investigating officer must also interview everyone who can substantiate the relationship or corroborate the relationship between the complainant and the alleged perpetrator. The investigating officer must interview the person who initially received the formal complaint, the complainant(s), any named witnesses, and the alleged perpetrator. The investigating officer should normally interview the alleged perpetrator after interviewing other witnesses, so that he or she will have a complete understanding of the alleged incident. If needed prior to the conclusion of the investigation, the investigating officer should conduct a second interview of the complainant and the alleged perpetrator. The investigating officer may choose to re-interview certain witnesses for clarification of conflicting statements. Should unit policies or procedures be called into question as contributing factors to perceptions of unlawful discrimination or hostile environment, the investigating officer will interview responsible members of the chain of command. It may be advisable to interview coworkers of the complainant and the alleged perpetrator for knowledge they may have about the alleged incidents or the relationship that exists between the complainant and alleged perpetrator.

f. *Identification of criminal act.* If, when interviewing any soldier, including the alleged perpetrator, the investigating officer reasonably suspects that the individual has committed an offense in violation of the UCMJ, the investigating officer must advise the soldier of his/her rights under Article 31, UCMJ. Investigating officers should consult with their servicing judge advocate or legal advisor before giving Article 31 rights warnings, and should record the suspect's election on DA Form 3881 (Rights Warning Procedure/Waiver Certificate). If the soldier being questioned asks for a lawyer (i.e., asserts his or her right to counsel), questioning must stop immediately and the interview must be terminated. Questioning may resume only in the presence of a lawyer, if the soldier initiates further discussion or if the soldier has consulted with a lawyer and thereafter waives his/her rights pursuant to a proper rights advisement. Similarly, questioning of a soldier must stop immediately if a soldier indicates the desire to remain silent. Once this right is asserted, questioning may resume only if the soldier initiates further questioning or if after an appropriate interval, the soldier waives his or her rights pursuant to a proper rights advisement. (See Article 31, UCMJ; Military Rules of Evidence 304 and 305, Manual for Courts-Martial).

g. *Supporting documents.* The investigating officer should secure copies of any documents that might substantiate or refute the testimony of the complainant, alleged perpetrator, or named witnesses. These documents may include copies of unit and personnel records and the complainant's personal documents. The investigating officer will also procure a copy of the Commander's plan to prevent reprisal for inclusion in the final report of investigation.

h. *Unit climate, policies and procedures.* During the course of the investigation, the investigative officer should note concerns or observations of unit policy, procedures, and individual leadership or management techniques that may have a dysfunctional effect upon unit climate and foster discriminatory behavior and/or a hostile environment.

i. *Investigative findings and recommendations.* When the investigation is completed, the investigating officer should review the evidence, determine if the investigation adequately addresses allegations, make factual findings about what occurred, and provide recommendations consistent with the findings.

j. *EOA review.* Prior to submission of the report to the appointing authority, the investigating officer and EOA will meet and review the report. The EOA will attach a memorandum documenting his/her review.

k. *Investigative report.* The following items are required enclosures to the report presented to the appointing authority—

(1) Orders of appointment as investigating officer.

(2) Copy of the DA Form 7279-R with attached continuation sheets.

(3) Copy of the completed/initialed Commander's Plan to prevent reprisal.

(4) List of questions developed with Equal Opportunity Advisor.

(5) Statements/synopses of interviews with complainant(s), named witnesses, and alleged perpetrator(s) and relevant members of the chain(s) of command.

(6) Copies of supporting documents.

(7) Description/assessment of unit policies, procedures which may have contributed to perceptions of unlawful discrimination or sexual harassment within the unit.

(8) Written approval of next higher echelon commander for any approved extensions.

(9) Written explanation of extenuating circumstances that prevented the investigating officer from interviewing any named witnesses, complainants, or alleged perpetrators.

(10) Written review by the Equal Opportunity Advisor.

E-7. Actions By The Appointing Authority (Commander) Upon Receipt Of The Report Of The Investigation

The appointing authority will submit the report of investigation to the servicing Staff or Command Judge Advocate for a determination of legal sufficiency. After the legal review is completed, the appointing authority will decide whether further investigation is necessary or whether to approve all or part of the findings and recommendations. If the appointing authority is senior to the alleged perpetrator's commander, the appointing authority may refer the matter to that unit commander for appropriate action(s), unless the appointing authority or a more senior commander has reserved authority to take action on Equal Opportunity matters.

a. *Actions to resolve complaints.* A complaint is resolved by action to restore benefits and privileges lost because of unlawful discrimination or sexual harassment. Punitive or administrative actions against an offender do not necessarily change offending behaviors or rectify the situation for the individual complainant or unit. Commanders will take corrective action to preclude recurrence of discriminatory or sexually harassing conduct and address any management deficiencies or other contributing factors that caused the allegations to be raised. Commanders will also look at the causes of why complainants raised unsubstantiated complaints. Actions taken (or to be taken) by the commander and the chain of command will be annotated on DA Form 7279-R, Part III. Specific actions taken against the perpetrator will not be annotated on the form. This information will be discussed with the complainant. The commander and/or EOA will also inform the complainant and the subject(s) of the complaint of his/her right to appeal and make them aware of timelines and procedures to file that appeal. The complainant and subject(s) will sign and date the DA Form 7279-R to acknowledge receiving this information. This acknowledgment does not necessarily signify the complainant's agreement with the findings or actions taken to resolve the complaint.

(1) *Actions upon substantiated complaint(s).* A substantiated EO discrimination or sexual harassment complaint is a complaint that, after the completion of an inquiry or investigation, provides evidence to indicate that the complainant was more likely than not treated differently because of his or her race, color, national origin, gender, or religious affiliation. The standard of proof is a "preponderance of the evidence" standard. This means that the findings of the investigation must be supported by a greater weight of evidence than supports a contrary conclusion, or—in other words—evidence which, after considering everything that is presented, points to one particular conclusion as being more credible and probable than any other conclusion. The "weight of the evidence" is not determined by the number of witnesses or volume of exhibits, but by considering all the evidence and evaluating such factors as the witness's demeanor, opportunity for knowledge, information possessed, ability to recall and relate events, and other indications of veracity. When an allegation of discrimination is substantiated, that finding is annotated on the DA Form 7279-R, Part II. The commander must decide what corrective action to take. Corrective action may be administrative or punitive.

(a) *Administrative action.* Offenders will, as a minimum, undergo counseling by a member of the chain of command, presumably their company-level commander. Commanders have the full range of administrative actions available to them to deal with offenders of Army policy on equal opportunity (including the prevention/eradication of sexual harassment), to include discharge from the Service, bar to reenlistment, adverse performance evaluations and/or specific comments concerning non-support of EO/EEO programs on evaluation reports, relief for cause, administrative reduction, admonition, reprimand, administrative withholding of privileges, and rehabilitative transfer to another unit. Commanders should determine whether the victim desires to be transferred to another unit, but should not subject the complainant to "double victimization" by requiring that he or she be transferred to another unit while leaving the offender in the unit.

(b) *UCMJ.* Violators of Army policies on equal opportunity and the prevention/eradication of sexual harassment, whose conduct violates a punitive article of the UCMJ, may be charged and prosecuted. Nonjudicial punishments (e.g., Article 15) will be posted in the unit area in accordance with AR 27-10. Courts-Martial convictions may be published in installation newspapers and/or posted in the unit area where deemed appropriate.

(2) *Actions upon an unsubstantiated complaint.* An unsubstantiated complaint is one for which the preponderance of evidence (i.e., the greater weight of evidence) does not support and verify that the alleged unlawful discrimination or sexual harassment occurred. In this situation, the commander should determine whether the allegations, though unsubstantiated, might be indicative of problems in the unit, which require resolution through EO initiatives or other leadership actions. Should the complaint be found unsubstantiated, the commander will notify the complainant in writing (DA Form 7279-R, Part II) and, consistent with the limitations of the Privacy Act and the Freedom of Information Act (FOIA), provide the complainant with a copy of the results of the investigation. The complainant will sign and date the DA Form 7279-R to acknowledge receiving this information. This acknowledgment does not necessarily signify the complainant's agreement with the actions taken.

(3) *Avoid victim focus.* Actions to resolve complaints should focus on changing inappropriate behavior of offending personnel and avoid targeting the complainant. The complainant's job and status should not be affected unless he or she requests such a remedy, and the chain of command will do so only after weighing the impact on readiness.

). *Feedback.* The commander shall provide periodic feedback, throughout the process, to the complainant and the alleged perpetrator on the status of the investigation.

(1) The commander shall provide written feedback to the complainant not later than the 14th calendar day (by the end of the third MUTA 4 period for Reserve components) after receiving the complaint and then provide updates every 14 calendar days (three MUTA 4 drill periods) until final resolution. Written feedback should incorporate any verbal updates provided to the complainant. Written feedback will be as complete as possible consistent with limitations of the Privacy Act and the FOIA. Whenever possible, the commander should meet with the complainant to discuss the status of the investigation to include findings and actions to resolve the issue. Oral feedback should be consistent with the limitations of the Privacy Act and the FOIA.

(2) Commanders shall also provide writtenl feedback to the alleged perpetrator on the outcome of the investigation and subsequent actions to be taken by the chain of command. The chain of command is advised to use discretion in limiting feedback to personnel involved. This feedback should also be consistent with the limitations of the Privacy Act and the FOIA.

E-8. Appeals process

If the complainant perceives the investigation failed to reveal all relevant facts to substantiate the allegations, or that the actions taken by the command on his or her behalf were insufficient to resolve the complaint, the complainant has the right to appeal to the next higher commander in his or her chain of command. The complainant may not appeal the action taken against the perpetrator, if any is taken. If subject(s) of the complaint perceive the investigation has failed to reveal all relevant facts to prove his or her innocence, he or she has the right to appeal to the next higher commander in his or her chain of command. Geographically remote units, field operating agencies, and various other organizations (including tenant units on the installation) shall promulgate Memoranda of Understanding or Installation Standing Support Agreements between the installation (supporting) commander and their units. These documents will serve to provide the necessary guidance to unit personnel for the courses of action to be taken with appeals. EO appeals that may potentially leave the Army chain of command must be forwarded to HQDA, ODCSPER, Attention: DAPE-HR-L for resolution.

a. The appeal must be presented within 7 calendar days (at the next MUTA 4 drill period for Reserve components) following notification of the results of investigation and acknowledgment of the actions of the command to resolve the complaint. The complainant must provide a brief statement that identifies the basis of the appeal. This will be done in writing on the DA Form 7279-R, Part IV, and the complaint form will be returned to the commander in the chain of command who either conducted the investigation or appointed the investigating officer.

b. Once the appeal is initiated by the complainant, the commander has three calendar days (or one MUTA 4 drill period for Reserve components) to refer the appeal to the next higher unit commander (or installation commander for those tenant units with Memoranda of Understanding that designate an appellate authority).

c. The commander to which the appeal is made has 14 calendar days (or three MUTA 4 periods for Reserve components) to review the case and act on the appeal (i.e. approve it, deny it, or conduct an additional investigation). Not later than the 14th calendar day following receipt of the appeal (or appropriate RC timelines), this commander shall provide written feedback, consistent with Privacy Act and FOIA limitations, to the complainant on the results of the appeal. This process applies equally to subsequent appeals submitted through the chain of command.

E-9. Final Resolution Upon Appeal

Complaints that are not resolved at brigade level may be appealed to the General Courts-Martial Convening Authority. The only exception to this is where organizations have Memorandums of Understanding or Support that delegate Uniform Code of Military Justice authority to a local commander. Decisions at this level are final.

E-10. Follow-up assessment

The Equal Opportunity Advisor (EOA) will conduct a follow-up assessment of all formal equal opportunity and sexual harassment complaints, both for substantiated and unsubstantiated complaints, 30 to 45 calendar days (four to six MUTA 4 drill periods for Reserve components) following the final decision rendered on the complaint. The purpose of the assessment is to measure the effectiveness of the actions taken and to detect and deter any acts or threats of reprisal. The EOA will also assess the complainant's satisfaction with the procedures followed in the complaint process to include timeliness, staff responsiveness and helpfulness, and resolution of the complaint. The findings of this assessment will be annotated on DA Form 7279-1-R (Equal Opportunity Complaint Resolution Assessment) and maintained by the EOA. The EOA shall present findings and recommendations to the commander for further consideration/action within 15 calendar days (second MUTA 4 drill period for Reserve components). After the commander reviews the EOA findings and recommendation, the assessment is attached to the original complaint and maintained with the rest of the file. DA Form 7279-1-R will be locally reproduced on 8 ½ by 11-inch paper. A copy for reproduction purposes is located at the back of the regulation. DA Form 7279-1-R will also be available on the USAPA web site and the Army Electronic Library (AEL) CD-ROM.

E-11. Documentation/reporting of formal complaints

a. After the complainant's case is closed, the entire complaint packet will be filed by the EOA who is the first in the complainant's chain of command.

b. The EOA retains the complaint file. Complaints will be retained on file for 2 years from the date of the final decision on the case, using Army Management and Record Keeping System (MARKS).

c. In addition to the completed DA Forms 7279-R and 7279-1-R, the EOA will retain the following information (using the memorandum for record format) for each case:

   (1) The name, rank, and organization of the individual who conducted the inquiry/investigation;

   (2) Complete report of investigation to include written review by EOA and servicing Staff Judge Advocate; and,

   (3) The status or results of any judicial action, nonjudicial punishment, or other action taken to resolve the case.

d. Numbers of formal EO and sexual harassment complaints received in units will be reported to and then consolidated by MACOMs. MACOMs will submit a quarterly narrative and statistical report to HQDA, ODCSPER, ATTN: DAPE-HR-L, 300 Army Pentagon, Washington, DC 20310-0300.

E-12. Actions Against Soldiers Submitting False Complaints

Soldiers who knowingly submit a false equal opportunity complaint (a complaint containing information or allegations that the complainant knew to be false) may be punished under the UCMJ.

E-13. Complaint procedures for reservists serving In the Individual Ready Reserve Or those reservists not assigned to a unit

a. *Complaint filed during active duty tour.* Complaint procedures will remain the same as for active duty personnel. Active and reserve Army commanders, upon receiving a complaint from members of the Individual Ready Reserve (IRR) or IMA, from soldiers performing active duty for special work or temporary tour of active duty, or from any reservist who is not a member of a troop program unit, will make every attempt to resolve the complaint prior to the completion of the soldier's active duty tour.

(1) *Timelines.* Should the complaint be filed but not resolved prior to the soldier's release from active duty (REFRAD), the timelines will be modified. The active or reserve component commander will have 30 calendar days from the filing of the complaint to notify the complainant of the results of the investigation/actions taken to resolve the complaint.

(2) *Appeals.* The complainant and subject(s) of the complaint will have 30 calendar days from notification of the results of the investigation to file an appeal. Appeals filed more than 30 calendar days after notification must be accompanied by a written explanation of the reasons for delay. The commander has the discretion to consider an appeal based on its merits.

(3) *Final decision.* Notification of the commander's final decision will be provided to the complainant and subject(s) of the complaint with information copies to the next higher headquarters and Army Reserve Personnel Command (AR-PERSCOM) within 30 calendar days of the receipt of the appeal.

b. *Complaint filed subsequent to REFRAD.* In the event the complaint is filed after the active duty tour has ended, the complainant will file a sworn complaint on DA Form 7279-R (Part I through item 9a) to the AR-PERSCOM EOA. (Soldiers may contact the AR-PERSCOM EO office for this form at Commander, AR-PERSCOM, ATTN: ARPC-ZEQ, 9700 Page Boulevard, St. Louis, MO 63132-5200.) Upon the receipt of DA Form 7279-R, AR-PERSCOM will forward the complaint to the appropriate commander of the subject(s) of the complaint active duty unit for investigation.

(1) *Timelines.* That commander will have 30 calendar days from date of receipt of the complaint to conduct an investigation and to provide feedback to the complainant. (Extensions, not to exceed an additional 45 calendar days, may be granted by higher echelon commander.)

(2) *Appeals.* Complainants and subject(s) of the complaint will have 30 calendar days from notification of the results of investigation/to appeal/decline appeal. Appeals filed more than 30 calendar days after notification must be accompanied by a written explanation of the reasons for delay. The commander has the discretion to consider an appeal based on its merits.

(3) *Final notification.* Within 30 calendar days of receipt of appeal, the commander will provide notification of final decision to the complainant and subject(s) of the complaint, next higher headquarters, and AR-PERSCOM.

E-14. Complaint procedures for Army National Guard soldiers called to active duty
While on active duty, to include active duty training, Active Guard/Reserve (AGR) under Title 10, USC, and Active Duty Special Work (ADSW) under Title 10, USC, Army National Guard soldiers will follow the complaint procedure outlined in this regulation. When not on active duty under Title 10, USC, National Guard Soldiers will follow the complaints procedures outlined in NGR (AR) 600-22, National Guard Military Discrimination Complaint System.

a. *Complaints filed during active duty tour.* Complaint procedures will remain the same as for active duty personnel. Commanders receiving a complaint from Army National Guard soldiers on active duty will make every attempt to resolve the complaint prior to the completion of the soldier's active duty tour.

(1) *Timelines.* When an Army National Guard unit is to be released from active duty and the commander of that unit has an unresolved complaint against a member or facility of the active duty component, the commander will turn over the complaint for processing to the first active component commander in the chain of command. Should a complaint be filed but not resolved prior to the soldier's completion of active duty or the release of the National Guard unit from active duty, the timelines will be modified. The active component commander will have 30 calendar days from the filing of the complaint to notify the complainant and subject(s) of the complaint of the results of the investigation. Should the complaint be filed against a member of the Army National Guard unit and the Army National Guard unit is released from active duty prior to resolution, the complaint will be processed filed according to NGR (AR) 600-22.

(2) *Appeals.* The complainant and subject(s) of the complaint will have 30 calendar days from receipt of the notification of the results of the investigation to file an appeal. Appeals filed more than 30 calendar days after notification must be accompanied by a written explanation of the reasons for delay. The commander has the discretion to consider an appeal based on its merits.

(3) *Final decision.* Written notification of the final decision will be made to the complainant and subject(s) of the complaint with information copies to the next higher headquarters, the Adjutant General of the complainant's state, and the Army National Guard Bureau Complaints Management and Support Activity (NGB CMSA) within 30 calendar days of receipt of the appeal.

b. *Complaints filed after release from active duty.* An Army National Guard soldier may file a complaint with the State Equal Employment Manager (SEEM) based upon unlawful discrimination that occurred while the soldier was on active duty. The complaint must be filed within 180 calendar days of the date of the alleged unlawful discrimination or of the time that the soldier knew or reasonably should have known of the unlawful discrimination. The complainant must file a sworn statement on DA Form 7279-R, Part I. Upon the receipt of DA Form 7279-R, the SEEM will forward the complaint to the appropriate active component commander for processing with a copy to NGB CMSA.

(1) *Timelines.* The active component commander will have 30 calendar days from the receipt of the complaint to conduct an investigation and to provide feedback to the complainant. (Extensions, not to exceed an additional 45 calendar days, may be granted by higher echelon commander).

(2) *Appeals.* The complainant and subject(s) of the complaint will have 30 calendar days from receipt of the notification of the results of the investigation to file an appeal. Appeals filed more than 30 calendar days after notification must be accompanied by a written explanation of the reasons for delay. The commander has the discretion to consider an appeal based on its merits.

(3) *Final decision.* Notification of the final decision will be provided to the complainant and subject(s) of the complaint with information copies to the next higher headquarters, the Adjutant General of the complainant's state, and NGB CMSA within 30 calendar days of the receipt of the appeal.

Appendix F
Command Climate Survey

F-1. Requirement
Company commanders (company-level equivalents) will administer the Command Climate Survey as follows: (1) within 90 days (Active Army) or 180 days (Army National Guard, U.S. Army Reserve) of assuming command and (2) annually thereafter. At their discretion company commanders may administer the survey more often and may also use additional survey instruments to assess the unit climate. The survey is voluntary for commanders above company level.

F-2. Confidential results
Because this survey is first administered shortly after a change of command, the results should not be seen as a reflection upon the new commander but simply as a starting point for improving the unit's command climate. Results are intended for the company commander only and are not reported up the chain of command.

F-3. Compliance
After the company commander has administered and analyzed the Command Climate Survey and has developed action plans, the brigade Equal Opportunity Advisor (EOA), will note completion in the brigade Quarterly Narrative Statistical Report (QNSR). Completion of the Command Climate Survey is an item that is checked under the Command Inspection Program.

F-4. Role of the Equal Opportunity Adviser (EOA)
The EOA role is to discuss assessment results with the commander to aid in developing action plans. Results are best when the commander takes a proactive role in analyzing data and planning for unit improvements.

F-5. Obtaining the Command Climate Survey
Copies of the Command Climate Survey are found in Appendices A-B. of the Department of the Army Pamphlet 600-69 (Command Climate Survey Handbook). Additionally, the most current version will always be posted and available for downloading from the internet by using the following address and instructions: (1) go to website http://www.odcsper.army.mil; (2) click on "Enter Here," "Information Index," "Human Resources," and "Command Climate Survey."

F-6. Automated version of Command Climate Survey
A computerized version of the survey (which operates on 286 or better personal computers) can be downloaded from website http://www.odcsper.army.mil. This version allows for quickly tabulating results and enables commanders to add up to ten additional questions of their own design. Responses from paper-and-pencil versions of the survey can also be entered into the computer to avoid having to tabulate the results by hand.

F-7. Training materials for using the Command Climate Survey and developing action plans
For more details on analyzing the data and developing an action plan, see website http://www.odcsper.army.mil. A detailed on-line training package is available for downloading. Additionally, Training Circular 26-6 (Commander's Equal Opportunity Handbook) provides useful information on conducting a climate assessment and using the Command Climate Survey.

F-8. Anonymity.
Survey results are anonymous. When a race/ethnic or gender group consists of fewer than five members, do not split results for that group. For example, if a unit has only four females, do not separate the results for females or for males. If there are only four African Americans in the unit, consider combining the results for all non-whites and compare the results for race-ethnic minorities versus the majority. The computerized version of the Command Climate Survey automatically suppresses results for groups with fewer than five individuals.

Glossary

Section I
Abbreviations

AA
Active Army

AAP
Affirmative Action Plan

ACS
Army Community Services

AD
active duty

ADL
Active Duty List

ADSW
active duty for special work

ADT
active duty for training

AFDCB
Armed Forces Disciplinary Control Board

AGR
Active Guard Reserve

AMEDD
Army Medical Department

ANCOC
Advanced Noncommissioned Officers Course

ANSR
Annual Narrative and Statistical Report

RSC
Army Reserve Command

ARNG
Army National Guard

ARNGUS
Army National Guard of the United States

AR-PERSCOM
Army Reserve Personnel Command

ASI
additional skill identifier

AT
annual training

ATRRS
Army Training Requirement and Resources System

AUS
Army of the United States

AWC
Army War College

BCT
Basic combat training

BNCOC
Basic Noncommissioned Officers Course

CAR
Chief, Army Reserve

CDS
Child Development Services

CGSC
Command and General Staff College

CHAMPUS
Civilian Health and Medical Program of the Uniformed Services

CID
Criminal Investigation Division

CNGB
Chief, National Guard Bureau

CONUS
continental United States

CONUSA
continental United States armies

DA
Department of the Army

DCSPER
Deputy Chief of Staff for Personnel

DEERS
Defense Enrollment Eligibility Reporting System

DEOMI
Defense Equal Opportunity Management Institute

DEP
Delayed Entry Program

DoD
Department of Defense

DODDS
Department of Defense Dependent Schools

DOPMA
Defense Officer Personnel Management Act

DOR
Date of rank

DP
Direction of the President

EAD
extended active duty

EEO
Equal Employment Opportunity

EFMP
Exceptional Family Member Program

EO
Equal Opportunity

EOA
Equal Opportunity Adviser

EOL
Equal opportunity leader

EOPM
Equal Opportunity Program Manager

EOR
Equal opportunity representative

EORC
Equal Opportunity Representative Course

EOSA
Equal opportunity staff adviser

FCP
Family Care Plan

FOA
Field Operating Agency

FPC
Family Program Coordinator

FORSCOM
Forces Command

FSG
Family Support Group

FTNGD
Fulltime National Guard duty

GOCOM
General Officer Command

GT
general technical

HQDA
Headquarters, Department of the Army

IADT
initial active duty for training

ID Card
identification card

IET
initial entry training

IG
Inspector General

IGAR
Inspector General Action Request

IMA
individual mobilization augmentee
individual Mobilization Augmentation

IRR
individual Ready Reserve

JAGC
Judge Advocate General's Corps

JER
Joint Ethics Regulation

MACOM
major Army command

MCM
Manual for Courts-Martial

MEOCS
Military Equal Opportunity Climate Survey

MOS
Military occupation speciality

MOS-ENLD
Military occupational specialty—enlisted

MPRJ
Military Personnel Records Jacket

MRE
meals-ready-to-eat

MUTA
Multiple Unit Training Assembly

MWR
Morale, Welfare and Recreation

NCO
noncommissioned officer

NCODP
Noncommissioned Officer Professional Development Program

NEO
noncombatant evacuation operation

NGB
National Guard Bureau

NGB CMSA
National Guard Bureau Complaints Management and Support Activity

NGR
National Guard Regulation

OAC
Officer Advanced Course

OBC
Officer Basic Course

OCAR
Office of the Chief, Army Reserve

OCONUS
outside continental United States

OCS
Officer Candidate School

ODCSPER
Office of the Deputy Chief of Staff for Personnel

ORB
officer records brief

OTIG
Office of the Inspector General

OTJAG
Office of the Judge Advocate General

OTSG
Office of the Surgeon General

PCC
Pre-command course

PCS
permanent change of station

PDP
predeployment processing

PEBD
pay entry basic date

PEO
Program Executive Officer

PERSCOM
Personnel Command***

PLDC
Primary Leadership Development Course

POI
program(s) of instruction

POSH
Prevention of Sexual Harassment

PSC
Personnel Service Center

RA
Regular Army

RC
Reserve Component

RCM
Rules for Courts-Martial

RCS
Reports Control Symbol

REDCAT
Race and ethnic Designation Category

REFRAD
release from active duty

ROTC
Reserve Officer's Training Corps

RSC
Regional Support Command

SEEM
State Equal Employment Manager

SIDPERS
Standard Installation/Division Personnel System

SMC
Sergeants Major Course

SQI
special qualification identifier

SSC
Senior Service College

SSI
specialty skill identifier

STARC
State Area Command

TABE-II
Test of Adult Basic Education (Level II)

TAF
Total Army Family

TAFP
Total Army Family Program

TDA
Tables of Distribution and Allowances

TDAS
Training Diagnostic Assessment System

TDRL
Temporary Disability Retired List

TDY
temporary duty

TJAG
The Judge Advocate General

TOE
Table(s) of Organization and Equipment

TPU
troop program unit

TRADOC
U.S. Army training and Doctrine Command

TSG
The Surgeon General

TSP
Troop Support Packages

TTAD
temporary tour of active duty

UCMJ
Uniform Code of Military Justice

UIC
unit identification code

USAR
U.S. Army Reserve

USARC
U.S. Army Reserve Command

USASMA
United States Army Sergeants Major Academy

USC
United States Code

USMA
United States Military Academy

USTAPC
U.S. Total Army Personnel Command***

WO
warrant officer

WOBC
Warrant Officer Basic Course

WOCS
Warrant Officer Candidate School

WOSSC
Warrant Officer Senior Staff Course

Section II
Terms

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

Active Army
Consists of—

(1) Regular Army soldiers on active duty.
(2) Army National Guard of the United States (ARNGUS) and Army Reserve soldiers on active duty (except as excluded below).
(3) Army National Guard soldiers in the service of the United States pursuant to a call.
(4) All persons appointed, enlisted, or inducted into the Army without component.

Active Duty (AD)
Full-time duty in the active military service of the United States, including full-time training duty; annual training duty; attendance while in the active military service, at a school designated as a service school by law or by Secretary of the military department concerned. This term does not include Full-time National Guard Duty (10 USC 101 (d)(1)).

Active Status
The status of a member of a Reserve component not in the inactive Army National Guard, on inactive status list, or in the retired Reserve.

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

a. Affirmative action is needed.
b. Practicable strategies to remedy the conditions are available and explained.

c. The end conditions sought are clearly expressed.

Army National Guard
The Army portion of the recognized militia of the several states, Commonwealth of Puerto Rico and District of Columbia whose units and members are federally recognized.

Army National Guard of the United States
A Reserve Component of the Army, all of whose members are members of the Army National Guard.

Chain of command
The sequence of commanders in an organization who have direct authority and primary responsibility for accomplishing he assigned unit mission while caring for personnel and property in their charge.

Civil office
A nonmilitary office involving the exercise of the powers of authority of civil government, to include elective or an appointed office in the U.S. Government, a U.S. territory or possession, State, county, municipality, or official subdivision thereof.

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

Date of rank
The date on which an officer or enlisted actually or constructively was appointed in a particular grade. The date will be calculated based on criteria established in this regulation and is the first rule for determining relative seniority for officers and enlisted holding the same grade.

Dual-Military Couple
A soldier (AA or RC) married to another service member (AA or RC) of the Army, Air Force, Navy, Marines, or Coast Guard. A dual-military parent is one who shares with his/her military spouse all parental responsibilities for family members acquired through birth or legal decree who are in physical custody of the service member and who are under the age of 19 years or who are beyond 19 years but are mentally or physically incapable of self care.

Emergency Essential Civilian Employee
A U.S. citizen currently employed to occupy and discharge the duties of an emergency essential civilian position. The individual may work in either an overseas activity assigned a mobilization mission, or in a CONUS organization and be positioned in the event of hostilities or a crisis situation. Such employees are expected to sign a "DoD Civilian Employee Oversees Emergency-Essential Position Agreement."

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

Equal opportunity advisers
Officers and noncommissioned officers serving in full-time equal opportunity positions, at brigade (or equivalent) level, or higher. In addition to military EOAs, DA civilian employees may be officially assigned to military equal opportunity program duties according to applicable position classification standards and guidelines.

Establishment
An entity which either recognizes itself or is recognized as such by the community at large. Specifically, any corporation , partnership, school, training center, or educational institution, club, fraternal, social, or political group.

Ethnic origin
The quality of being distinguishable from the general population on the basis of actual or perceived cultural criteria such as language, religion, and more. For purposes of this regulation, ethnic origin is included within the meaning of national origin.

Extended Active Duty
AD under a call or order performed by a member of the ARNGUS or USAR when end strength accountability passes from the ARNG or USAR to the Active Army.

Family member
As used in paragraph 5-5, "Family Care Plans" this expression refers to a child under the age of 19 or any other member who depends upon the sponsor for total support and or care.

Full-time service
Any service in connection with a civil office that is likely to interfere with regular military duties.

Goals
An objective based on realistic, measurable prospects of attainment.

Grade
A step or degree in a graduated scale of office or rank that is established and designated as a grade by law or regulation. For example, second lieutenant (2LT), captain (CPT), sergeant first class (SFC), chief warrant officer two (CW2) are grades.
(See 10 USC, section 741.) Table 1-1 shows the grades in the Army in order of their precedence. Table 1-1 indicates the grouping of grades into classes, pay grades, titles of address, and abbreviations.

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

Institutional discrimination
Different treatment of individuals in an organization which—

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

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

Nonpartisan political activity
Activity supporting or relating to candidates not representing, or issues not specifically identified with, national or State political parties and associated or ancillary organizations. Issues relating to Constitutional amendments, referendums, approval of municipal ordinances, and others of similar character and are not considered under this regulation as specifically being identified with national or State political parties.

Original appointment
Any appointment in a Reserve or Regular Component of the Armed Forces that is neither a promotion nor a demotion. Officers may receive more that one "original appointment."

Partisan political activity
Activity supporting or relating to candidates representing, or issues specifically identified with, national or State political parties and associated or ancillary organization.
Personal racism, sexism, or bigotry
The acting out of prejudices by an individual or group of individuals against another individual or group because of race, religion, color, gender, or national origin.

Placement on the active duty list
The date on which a commissioned officer entered on active duty on his or her current tour of service on the active duty list.

Rank
The order of precedence among members of the Armed Forces. Military rank among officers of the same grade or of equivalent grade is determined by comparing dates of rank. An officer whose date of rank is earlier that the date of rank of another officer of the same or equivalent grade is senior to that officer.

Senior regularly assigned United States Army officer
The officer whose appointed place of duty is the company, battalion or brigade to which assigned. If the company commander is absent, the executive officer, if he/she is the senior officer who performs duty in the company, will assume command. Likewise, if the battalion commander is absent, the senior officer assigned to the battalion (normally the executive officer) will assume command. If an officer is senior to the executive officer and is assigned to the company or battalion, but who works in the division headquarters or a maintenance unit, the executive officer would still assume command.

Single Parent
A soldier who is the responsible adult who by reason of birth or legal decree, has physical custody of and the legal and moral responsibility to provide for the care and well-being of a child under the age of 19 years or for a person beyond 19 years of age who is mentally or physically incapable of self care. Persons who fit this category are generally regarded as parents with full or joint custody of children, and who are unmarried, divorced, widowed, or residing apart from their spouse.

Spouse
The husband or wife of a soldier. If such person is also in the military service, see Dual-Military couple.

Subject(s) of Complaint
Refers to the alleged perpetrator(s).

Uniformed service
The Army, Navy, Air Force, Marine Corps, Coast Guard, The Commissioned Corps of the Public Health Service and the Commissioned Corps of the National Oceanic and Atmospheric Administration.

Section III
Special Terms

Equal Opportunity Terms

Affirmative action
Methods used to achieve the objectives of the Equal Opportunity Program. Process, activities, and systems designed to identify, eliminate, prevent, and work to overcome the effects of unlawful discriminatory treatment as it affects the recruitment, training, assignment, utilization, promotion, retention, and separation of military personnel.

Complaint
An allegation of unlawful discrimination based on race, color, national origin, religion, or sex.

Informal Complaint
Allegations of unlawful discrimination or sexual harassment that do not require written documentation. These complaints may be voiced to the offending party, to someone in a position of authority, or both. The intention is that the offending behavior will cease with no further action required.

Formal Complaint
Allegation of unlawful discrimination or sexual harassment that is submitted in writing to proper authority and processed through official complaint channels.

Complainant
A member of the military who submits a complaint of unlawful discrimination.

Discrimination
Illegal, arbitrary treatment of a person or group based on race, color, national origin, religion, or sex.

Equal Opportunity
The right of all persons to participate in and benefit from programs and activities for which they are qualified. These programs and activities shall be free from social, personal, or institutional barriers that prevent people from rising to the highest level of accountability possible. Persons shall be evaluated only on individual merit, fitness, capability, and potential, regardless of race, color, sex national origin, or religion, except as prescribed by statute, or other Service policy.

Ethnic group
A segment of the population that possesses common characteristics and a cultural heritage based to some degree on: faith or faiths; shared traditions, values or symbols; literature, folklore, or music; an internal sense of distinctiveness; and/or an external perception of distinctiveness.

Ethnic and racial categories
The basic racial and ethnic categories for DoD reporting are defined as follows:

a. American Indian or Alaskan Native. A person having origins in the original peoples of North America.

b. *Asian or Pacific Islander.* A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands. This area includes China, India, Japan, Korea, the Philippine Islands, and Samoa.

c. *Black (not of Hispanic Origin).* A person having origins in any of the original peoples of Africa.

d. *Hispanic.* A person having origins in any of the original peoples of Mexico, Puerto Rico, Cuba, or Central or South America, or of other Spanish cultures, regardless of race.

e. *White (not of Hispanic Origin).* A person having origins in any of the original peoples of Europe, North Africa, or the Middle East.

Legal sufficiency review
A review of an investigation into a discrimination complaint to determine whether—

a. The investigation complies with all applicable legal and administrative requirements.

b. The investigation adequately addresses the matters complained of.

c. The evidence supports the findings of the investigating officer or board.

d. The conclusions and recommendations of the investigating officer or board are consistent with the findings.

e. Any errors or irregularities exist, and if so, their legal effect.

National origin
An individual's or ancestor's place of origin. Also applies to a person who has the physical, cultural, or linguistic characteristics of a national group.

Protected communication
A lawful communication to any member of the chain of command, a Member of Congress, an Inspector General or any member of a DoD audit, inspection, or law enforcement organization, including any office or command official designated to receive equal opportunity complaints from service members, in which a military member makes a complaint or discloses information that he or she reasonably believes evidences a violation of law or regulation, gross mismanagement, a gross waste of funds, a gross abuse of authority, or a substantial and specific danger to public health or safety.

Race
A division of humans identified by the possession of traits that are transmissible by descent and that are sufficient to characterize as a distinctive human type.

Religion
A personal set or institutionalized system of attitudes, moral or ethical beliefs, and practices that are held with the strength of traditional religious views, characterized by ardor or faith, and generally evidenced through specific religious observances.

Reprisal
Taking or threatening to take an unfavorable personnel action or withholding or threatening to withold a favorable personnel action, or any other act of retaliation, against a military member for making or preparing a protected communication.

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