

**BY ORDER OF THE
SECRETARY OF THE AIR FORCE**

**DEPARTMENT OF THE AIR FORCE
INSTRUCTION 36-2710**



20 JANUARY 2026

Personnel

EQUAL OPPORTUNITY PROGRAM

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

ACCESSIBILITY: Publications and forms are available on the e-Publishing website at www.e-publishing.af.mil for downloading or ordering.

RELEASABILITY: There are no releasability restrictions on this publication.

OPR: SAF/MRQ

Certified by: SAF/MR

Supersedes: DAFI 36-2710, 23 May 2024

Pages: 244

This instruction implements Air Force Policy Directive (DAFPD) 36-27, *Equal Opportunity* and is consistent with Department of Defense Directive (DODD) 1020.02E, *Civil Rights and Equal Opportunity in the DoD*. This instruction provides directive guidance and procedures in implementing the Department of the Air Force's (DAF) civilian equal employment opportunity (EEO) and military equal opportunity (MEO) policies and programs. This publication applies to military members subject to the Uniform Code of Military Justice (UCMJ) in Regular Air Force (RegAF), United States Space Force (USSF), the Air Force Reserve (AFR), the Air National Guard (ANG) under Title 10 United States Code (USC), United States Air Force Academy Cadets, eligible senior Reserve Officer Training Corps Cadets, and all DAF civilian personnel (except National Guard Technicians who are governed by National Guard Bureau (NGB) regulations, directives, and principles) subject to civilian administrative and/or disciplinary action under applicable laws and policies. It does not apply to contractor employees unless authorized by law or regulation to file a federal agency complaint. It does not apply to employees or applicants of the Army and Air Force Exchange Service. For specific applicability of protections and procedures, see "applicability" or "eligibility" statements within each chapter of this instruction. This instruction requires the collection and/or maintenance of information protected by the Privacy Act of 1974 authorized by DoDI 5400.11, "DoD Privacy and Civil Liberties Programs." The applicable system of records notices (SORN) F036 AF DP G, *Equal Opportunity and Sexual Assault Prevention and Response Reports* (January 22, 2009, 74 FR 4020); DoD-0020, Military Human Resource Records (MHRR) (May 15, 2024, 89 FR 42459); and EEOC/GOVT-1, *Equal Employment Opportunity Commission (EEOC) Complaints and Appeals Records at Equal Employment Opportunity in the Federal Government and Appeals Records* (April 26, 2006, 71 FR 24704). These SORNs are available at <https://dpclld.defense.gov/Privacy/SORNs/>. This

instruction contains reporting requirements subject to the Freedom of Information Act (5 USC § 552) and includes requirements which must comply with the Health Insurance Portability and Accountability Act's standards for information transactions and data elements (42 USC § 1320d) and privacy and security rules. Ensure all records generated as a result of processes prescribed in this publication adhere to Air Force Instruction (AFI) 33-322, *Records Management and Information Governance Program*, and are disposed in accordance with the Air Force Records Disposition Schedule, which is located in the Air Force Records Information Management System. Refer recommended changes and questions about this publication to the office of primary responsibility (OPR) using the DAF Form 847, *Recommendation for Change of Product*; route a DAF Form 847 from the field through the appropriate functional chain of command to SAF.MRQ.Workflow@us.af.mil. Compliance is mandatory for this instruction. This instruction may be supplemented at any level, but all supplements that directly implement this instruction must be routed to the Director, Department of the Air Force Equal Opportunity Program (SAF/MRQ) as the OPR for coordination prior to certification and approval. The authorities to waive wing, unit, delta or garrison level requirements in this publication are identified with a tier ("T-0, T-1, T-2, T-3") number following the compliance statement. Submit requests for waivers through the chain of command to the appropriate tier waiver approval authority or alternately to the publication OPR for non-tiered compliance items. See DAF Manual (DAFMAN) 90-161, *Publishing Processes and Procedures*, for a description of the authorities associated with the tier numbers. The DAF Equal Opportunity (EO) Career Field Manager (CFM) is the waiver authority for all T-1 compliance items associated with DAF EO career field training.

SUMMARY OF CHANGES

This document has been revised and should be completely reviewed. Changes include: updates to comply with executive orders, roles and responsibilities of DAF stakeholders, incorporates the Office of Special Trial Counsel (OSTC) in substantiated formal complaints of sexual harassment, updates language and timelines related to MEO complaint appeals, training requirements, and updates referenced in [Attachment 1](#). It also removes DAF policies on Affirmative Employment Program, barrier analysis obligation, Special Emphasis Programs, personal assistance services, reasonable accommodation of disability, training for Affirmative Employment Program Managers, Special Emphasis Program Managers, Disability Program Managers, DAF Barrier Analysis Working Group, and Installation Barrier Analysis Working Group, and Diversity, Equity, Inclusion, and Accessibility reporting requirements, which are now published in DAFI 36-2711, *Affirmative Employment and Disability Programs Policy*. All references to Headquarters Air Force (HAF) include the Secretariat, the Air Staff, and the Office of the Chief of Space Operations ("Space Staff").

Chapter 1—THE DEPARTMENT OF THE AIR FORCE EQUAL OPPORTUNITY

PROGRAM OVERVIEW

1.1.	Program Overview.....	9
1.2.	Program Purpose.....	9
1.3.	Program Scope and Applicability.	9

1.4.	The Department of the Air Force Equal Opportunity and Nondiscrimination Policy.	10
1.5.	The Department of the Air Force Equal Opportunity Commitment of Service.....	11
1.6.	DAF Unlawful Discrimination and Harassment Hotline.	12

Chapter 2—ROLES AND RESPONSIBILITIES **13**

2.1.	The Assistant Secretary of the Air Force, Manpower and Reserve Affairs (SAF/MR).	13
2.2.	Deputy Chief of Staff, Manpower, Personnel, and Services (AF/A1).....	16
2.3.	Deputy Chief of Space Operations for Personnel (SF/S1).....	17
2.4.	The General Counsel	17
2.5.	The Judge Advocate General (AF/JA).....	18
2.6.	Office of Special Trial Counsel (OSTC) (SAF/STC).	19
2.7.	Department of the Air Force Inspector General (SAF/IG).	19
2.8.	Deputy Chief of Staff for Logistics, Engineering, and Force Protection (AF/A4). .	19
2.9.	Director of Public Affairs (SAF/PA).	20
2.10.	Chief, Air Force Reserve (AF/RE).	20
2.11.	Headquarters, Air Force Reserve Command (AFRC).	20
2.12.	Chief, National Guard Bureau (CNGB).....	20
2.13.	Air National Guard Readiness Center Equal Opportunity Office (ANGRC/EO)....	20
2.14.	Air Force Personnel Center Commander (AFPC/CC).....	21
2.15.	Headquarters Air Education and Training Command (AETC).	27
2.16.	MAJCOM/FLDCOM Commander.....	28
2.17.	MAJCOM/FLDCOM Equal Opportunity Functional Manager.....	29
2.18.	Installation Commander.....	32
2.19.	Commanders (Unit, Tenant, Direct Reporting Unit, Geographically Separated Units, Forward Operating Agency) (and Civilian Equivalents).....	35
2.20.	Installation Equal Opportunity Directors.....	38
2.21.	Equal Opportunity Practitioners.	44
2.22.	Civilian Collateral Duty Equal Opportunity Practitioners (Civilian EEO Counselors).	48
2.23.	Installation Staff Judge Advocates (SJA).	48
2.24.	Installation Civilian Personnel Section (CPS).	49

Chapter 3—CIVILIAN EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT PROGRAM

	PROGRAM	50
3.1.	Overview.....	50
3.2.	Applicability.	50
3.3.	Complaint Process and Timelines Overview.	51
3.4.	Anonymity.	52
3.5.	Aggrieved Individuals and Complainants Rights and Responsibilities.	52
3.6.	Impartiality.....	52
3.7.	Connect to Care.	53
3.8.	Safeguarding Privacy.....	53
3.9.	Intake and Initiation of the EEO Complaint Process.	53
3.10.	Pre-Complaint Process.....	55
3.11.	Alternative Dispute Resolution in the Pre-Complaint Complaint Process.	56
3.12.	Final Interview and Notice of Right to File a Formal Complaint.	59
3.13.	Counselor’s Report.	60
3.14.	Sexual Harassment Complaints.	60
3.15.	Formal Complaint Process Pursuant to 29 CFR Part 1614.....	77
3.16.	EEOC Hearings.....	85
3.17.	Final Agency Actions	86
3.18.	Final Agency Decision Without a Hearing.	87
3.19.	Compliance with EEOC Orders and DAF Final Agency Actions.	88
3.20.	Negotiation of Settlements.....	88
3.21.	Alternative Dispute Resolution in the Formal Complaint Process.	91
3.22.	Formal Complaint Appeals.	91
3.23.	Agency Appeals.....	92
3.24.	Requests for Reconsideration.	92
3.25.	Class Action Complaints.	93
3.26.	Mixed Case EEO Complaints and Appeals.	96
3.27.	Conflicts of Interest.	98
3.28.	EEO Complaints in Joint Service Environments.	99
3.29.	Deployed Environments.	100
3.30.	Complaints Pertaining to DAF Programs and Activities.	101
3.31.	EEO Complaints Involving Non-Referral and Non-Selection of Positions.....	102

3.32.	Prohibited Personnel Practices.....	102
3.33.	Non-EO Contact Referrals.	103
3.34.	Connect to Care.	103
3.35.	Distress and Risk to Self or Others.	103
3.36.	Suspected Criminal or Extremist Activities.....	103
3.37.	DAF Unlawful Discrimination and Harassment Hotline Procedures.	104
Chapter 4—MILITARY EQUAL OPPORTUNITY PROGRAM COMPLAINT PROCESSES		105
4.1.	Overview.....	105
4.2.	Program Eligibility.	105
4.3.	Equal Opportunity General Assistance.	106
4.4.	Third Party Reporting.	106
4.5.	Military Equal Opportunity (MEO) Complaint Options and Timelines.	106
4.6.	Confidentiality and Privacy.	108
4.7.	Complainant Rights and Responsibilities.	108
4.8.	Acceptance of MEO Complaints.	108
4.9.	Maintaining Impartiality.	109
4.10.	Safeguarding Privacy.	109
4.11.	Intake and Initiation of the MEO Complaint Processes.	110
4.12.	Legal Sufficiency Reviews.	112
4.13.	Informal Complaint Process and Procedures.	112
4.14.	Military Equal Opportunity Formal Complaint Process (Excluding Sexual Harassment).	119
4.15.	Formal Complaints of Sexual Harassment Pursuant to the Procedures in 10 USC § 1561.	136
4.16.	Anonymous Complaints.	153
4.17.	MEO Complaint Use of Alternative Dispute Resolution (Facilitation Only).	155
4.18.	Connect to Care and Referral Types.	157
Table 4.1.	DAF Agencies for Non-EO Referrals.....	162
4.19.	Receiving Referrals from Other Agencies.	163
4.20.	Complex Issues.	165
4.21.	MEO Complaints	166
4.22.	MEO Complaints against.....	168

4.23.	MEO Complaints against All Officers and Civil Servants Grade 15 (or equivalent) other than Senior Officials (and Civilian Equivalents)	168
4.24.	DAF Unlawful Discrimination and Harassment Hotline Procedures.	168
4.25.	MEO Complaints in Joint Service Environments.	170
4.26.	Deployed Environments.	172
Chapter 5—	EQUAL OPPORTUNITY AND TREATMENT INCIDENTS	174
5.1.	Overview.....	174
5.2.	Scope.....	174
5.3.	Purpose.....	174
5.4.	Reporting EOTIs.....	174
5.5.	Suspected Criminal or Extremist Activities.....	175
5.6.	EOTI Classification.	176
5.7.	EOTI Notifications.	177
5.8.	EOTI Clarification.	179
5.9.	EOTI Clarification Report.	180
5.10.	EOTIs Involving Senior Officials.....	180
5.11.	EOTIs Involving Joint Services and/or Tenant Commands/Organizations.	181
5.12.	Social Media Incidents.....	181
5.13.	EOTI Documentation.....	183
Chapter 6—	EQUAL OPPORTUNITY TRAINING AND EDUCATION	184
6.1.	Overview.....	184
6.2.	Key Personnel Briefing.....	184
6.3.	First Duty Station Training.	185
6.4.	Newcomer’s Orientation.....	185
6.5.	Notification and Federal Employee Antidiscrimination and Retaliation Act (No FEAR Act) Training.	185
6.6.	Unlawful Discriminatory Harassment Response Training.	186
6.7.	Supervisor and Manager Unlawful Discriminatory Harassment Response Training.....	186
6.8.	Prohibited Harassment (Bullying and Hazing) Response Training.	186
6.9.	Sexual Harassment Confidential Reporting for Military Members Training.	186
6.10.	MEO Training for Military Members and DAF Civilians who Supervise Military Members.	187
6.11.	Sexual Harassment Response Awareness Education.....	187

6.12.	MEO Training at Pre-Commissioning Programs.....	187
6.13.	Military Equal Opportunity Training at Initial Entry Training	187
6.14.	Military Equal Opportunity Training at Professional Military Education Programs.	187
6.15.	Training Accessibility for DAF Civilian Employees.....	187
6.16.	Training Resources and Procedures.....	188
Chapter 7—CAREER FIELD MANAGEMENT AND TRAINING		190
7.1.	Overview.....	190
7.2.	Career Field Eligibility.	190
7.3.	Impartiality.....	190
7.4.	Enlisted Personnel Career Field Recruitment.	191
7.5.	Initial Skills Training	192
7.6.	Upgrade Training [DAF Military in the Position of MAJCOM/FLDCOM EO Functional Managers, EO Directors, and EO Practitioners Only].	194
7.7.	Intermediate and Advanced Training [DAF Civilians and Military in the Position of MAJCOM/FLDCOM EO Functional Managers, EO Directors, and EO Practitioners Only].	194
7.8.	Annual Refresher Training.	194
7.9.	Negotiation and Dispute Resolution (NDR) Managers and Practitioners.	195
7.10.	ADR Annual Refresher Training.	196
7.11.	Misconduct and Performance Issues.....	196
Chapter 8—DEPARTMENT OF THE AIR FORCE EQUAL OPPORTUNITY INFORMATION TECHNOLOGY SYSTEM; RECORDS COLLECTION, ACCESS, DISCLOSURE, MANAGEMENT, AND DISPOSITION; AND EQUAL OPPORTUNITY DATA COLLECTION AND REPORTING REQUIREMENTS		197
8.1.	The Department of the Air Force (DAF) Equal Opportunity (EO) Information Technology System.....	197
8.2.	Office of Management and Budget Exemption.	197
8.3.	System Access.	197
8.4.	Data Entry.	198
8.5.	Data Quality Control Reviews.	198
8.6.	System Technical Errors and Issues Reporting.....	199
8.7.	Records Collection, Management, and Disposition.....	199
8.8.	Demographic Data.	201

8.9.	EO Authorization to Access Records and Information.....	201
8.10.	Equal Employment Opportunity (EEO) Data Collection.	201
8.11.	Military Equal Opportunity (MEO) Data Collection.	201
8.12.	Above DAF Reporting Requirements.....	202
Table 8.1.	Above DAF EO Reporting Requirements.	203
Chapter 9—EQUAL OPPORTUNITY OUTREACH, FOCUS GROUPS, ASSESSMENTS, AND STAFF ASSISTANCE VISITS		206
9.1.	Overview.....	206
9.2.	Purpose.....	207
9.3.	Out and About Program.	207
9.4.	Focus Groups and Interviews.....	209
Table 9.1.	Focus Group Interview Size Recommendations.	211
9.5.	Installation Equal Opportunity Assessment Summary.	211
9.6.	Staff Assistance Visits (SAV).....	213
Attachment 1—GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION		217

Chapter 1

THE DEPARTMENT OF THE AIR FORCE EQUAL OPPORTUNITY PROGRAM OVERVIEW

1.1. Program Overview. This publication establishes guidance for the Department of the Air Force's (DAF) civilian equal employment opportunity (EEO) complaint program and military equal opportunity (MEO) program and activities in accordance with governing laws, Federal regulations, and Department of Defense (DoD) policies. The DAF Equal Opportunity (EO) Program provides oversight and implements both the EEO complaint program and MEO program to foster an environment of equal opportunity and nondiscrimination. The DAF EO Program prohibits unlawful discrimination and discriminatory harassment (including sexual harassment) against DAF civilian employees, former employees, and applicants for employment as well as prohibited discrimination, discriminatory harassment (including sexual harassment), and other forms of harassment (bullying and hazing) against military members described in this publication to support Airmen and Guardians (military and civilian) abilities to rise to their highest potential. The DAF EO Program supports the DAF's continuous efforts to be a model employer and a lethal force.

1.2. Program Purpose. The DAF EO Program provides timely, fair, and impartial services to Airmen and Guardians (military and civilian) such as complaint processing, outreach, EO-related training and education, assistance through alternative dispute resolution (ADR), and other related services. This includes ensuring that Airmen and Guardians (military and civilian) are equipped with knowledge about and have access to available resources such as trained EO practitioners and the DAF Unlawful Discrimination and Harassment Hotline.

1.3. Program Scope and Applicability. The publication implements both the civilian EEO complaint program and MEO program through the DAF EO Program. DAF EO policy compliance is a function of leadership and command. Leaders and commanders, including civilian equivalents, will ensure unlawful discrimination and discriminatory harassment (including sexual harassment) against DAF civilian employees, former employees, and applicants for employment, and prohibited discrimination, discriminatory harassment (including sexual harassment), and other forms of harassment (bullying and hazing) against military members described in this publication are stopped, and behavior(s) are corrected as soon as possible when made aware. **(T-0)** This publication supersedes all policy guidance within the DAF that is not expressly mandated by law or is inconsistent with this publication. Major commands (MAJCOM), field commands (FLDCOM), direct reporting units, field operating agencies, installations, or wing/delta policy supplements will be provided to and approved by SAF/MRQ in accordance with DAFMAN 90-161, *Publishing Processes and Procedures*.

1.3.1. The DAF EEO complaint program implements federal laws (Title VII of the Civil Rights Act (Title 42 United States Code (USC) § Section 2000e *et seq.*), the Age Discrimination in Employment Act (ADEA) (29 USC § 621 *et seq.*), the Equal Pay Act (29 USC § 206(d)), the Rehabilitation Act (29 USC § 791 *et seq.*), the Americans with Disabilities Act (ADA) (42 USC § 12101 *et seq.*), the Pregnant Workers Fairness Act (42 USC § 2000gg *et seq.*), the Genetic Information Nondiscrimination Act (GINA) (42 USC § 2000ff *et seq.*), Equal Employment Opportunity Commission (EEOC) regulations, and DoD policies on unlawful discrimination and discriminatory harassment (including sexual harassment) against

DAF civilian employees, former employees, and applicants for employment on the basis(es) of a protected class pursuant to 29 CFR Part 1614, *Federal Sector Equal Employment Opportunity*, the Equal Employment Opportunity Commission's Management Directive 110 (EEOC MD 110), *Federal Sector Complaints Processing Manual*, and the laws within EEOC's jurisdiction. This includes, for example, any race, sex, national origin, or religion, and on the basis of disability. For additional guidance, refer to [Chapter 3](#). **Note:** Harassment allegations that are not based on a protected class, as described in DoD Instruction (DoDI) 1020.04, *Harassment Prevention and Responses for DoD Civilian Employees*, are handled in accordance with DAF Instruction (DAFI) 36-147, *Civilian Conduct and Responsibility*.

1.3.2. The DAF MEO program implements federal laws and DoD policies on prohibited discrimination and discriminatory harassment (including sexual harassment) against military members as described in Department of Defense Instruction (DoDI) 1350.02, DoD Military Equal Opportunity Program and DoDI 1020.03, Harassment Prevention and Response in The Armed Forces on the basis(es) of a protected class. The DAF MEO program also addresses other forms of harassment (bullying and hazing) as described in DoDI 1020.03. For additional guidance, refer to [Chapter 4](#).

1.3.2.1. Prohibited discrimination and discriminatory harassment (including sexual harassment) includes the use of disparaging terms based on a protected class as described in DoDI 1350.02 and DoDI 1020.03 which can contribute to a hostile environment. Forms of harassment (bullying and hazing) can also include actions where an individual failed to use reasonable care and/or show caution under the circumstances (i.e., an individual showed a blatant and reckless disregard for another's wellbeing) and based on the severity, nature, and frequency of the conduct, would cause a reasonable person to believe he or she was in distress and subject to a hostile environment.

1.4. The Department of the Air Force Equal Opportunity and Nondiscrimination Policy. Military service and civilian employment in the Air Force and Space Force should be open to all persons who can meet the high standards to support military readiness. The DAF's mission success depends on Airmen and Guardians (military and civilian) at all levels having trust and confidence in themselves, in one another, and in their leadership to promote a command climate of EO and nondiscrimination where all Airmen and Guardians (military and civilian) are treated with dignity and respect. This helps ensure that the Air Force and Space Force can recruit and retain top talent to support force lethality and mission readiness. As such, the DAF will:

1.4.1. Foster and maintain a command climate that promotes EO and nondiscrimination for all Airmen and Guardians (military and civilian).

1.4.2. Prohibit, not tolerate or condone, and eliminate unlawful discrimination and discriminatory harassment (including sexual harassment) against DAF civilian employees, former employees, and applicants for employment and prohibited discrimination, discriminatory harassment (including sexual harassment), and other forms of harassment (bullying and hazing) against military members described in this publication.

1.4.3. Require DAF leaders, commanders, managers, supervisors, including civilian equivalents at all levels implement this publication at their respective levels, including:

1.4.3.1. Ensure that their Airmen and Guardians (military and civilian) are made aware of DAF EO policies and programs and can report violations without fear of retaliation or reprisal.

1.4.3.2. Develop and implement a program of positive action in all administrative and management matters, including recruitment, employment, retention, and promotion designed to promote EO and to identify and eliminate discriminatory practices and policies.

1.4.4. Provide sufficient resources to ensure effective and efficient operation of all DAF EO programs and activities.

1.4.5. Maintain a vigilant separation of the DAF EO investigative and defensive functions of the organization as an essential component of fairness and impartiality.

1.4.6. Ensure timely, fair, and impartial processing and resolution of all DAF EO complaints alleging unlawful discrimination and discriminatory harassment (including sexual harassment) against DAF civilian employees, former employees, and applicants for employment and prohibited discrimination, discriminatory harassment (including sexual harassment), and other forms of harassment against military members described in this publication. This may include taking appropriate preventative, corrective, and/or disciplinary action permissible by law and policy, as warranted, for substantiated MEO allegations and EEO complaints that have been adjudicated to be meritorious (by final agency decision issued either by the EEOC or DAF).

1.4.7. Ensure that any Airman or Guardian (military and civilian) who violates DAF EO policy may be subject to corrective, administrative, and/or disciplinary action as permissible by law and policy.

1.4.8. Provide reasonable accommodation to qualified individuals with disabilities who are employees or applicants for employment in accordance with federal law, unless to do so would impose undue hardship upon the DAF.

1.5. The Department of the Air Force Equal Opportunity Commitment of Service. When engaging with the DAF EO Program, Airmen and Guardians (military and civilians) will be:

1.5.1. Treated with dignity and respect in an environment free from unlawful discrimination and discriminatory harassment (including sexual harassment) against DAF civilian employees, former employees, and applicants for employment and prohibited discrimination, discriminatory harassment (including sexual harassment), and other forms of harassment (bullying and hazing) against military members described in this publication. **(T-0)**

1.5.2. Provided timely, fair, and impartial services by trained and competent EO directors and EO practitioners who will maintain high personal and professional standards. **(T-0)**

1.5.3. Afforded the opportunity to provide a statement of events from their perspective without opinion or judgment from EO directors and EO practitioners. **(T-0)**

1.5.4. Notified of any conflicts of interests that prevent EO directors and EO practitioners from being able to provide competent and impartial services. **(T-0)**

1.5.5. Provided privacy, where permissible by law and/or policy, on information disclosed to an EO practitioner with the understanding that EO does not have the privilege of confidentiality. **(T-0) Note:** Confidentiality cannot be provided during the formal EEO complaint process.

1.5.6. Informed of EO directors' and EO practitioners' obligation to report suspected criminal activity to the commander(s) (and civilian equivalents) and appropriate law enforcement agencies. **(T-0)**

1.5.7. Informed that EO directors and EO practitioners can facilitate referrals to available and eligible resources or services with consent of that Airman or Guardian. **(T-0)**

1.5.8. Asked to describe the incident to as few representatives as practicable and not be required to unnecessarily repeat a description of the incident. **(T-0)**

1.5.9. Protected from retaliation and/or reprisal. **(T-0)**

1.5.10. Permitted to be accompanied by a companion of choice (e.g., friend, coworker, etc.) or other representative who may support and assist a potential complainant. **(T-0)** For military sexual harassment complainants, this can include being accompanied by sexual assault response coordinators and sexual assault prevention and response victim advocates. **(T-1)**

1.6. DAF Unlawful Discrimination and Harassment Hotline. Per DoDI 1350.02, *DoD Military Equal Opportunity Program*, and DoDI 1020.03, *Harassment Prevention and Response in the Armed Forces*, Military Departments are required to establish a 24-hour toll-free or local hotline (advice line) to provide information on MEO and harassment policies and procedures. **(T-0)**

1.6.1. The DAF Unlawful Discrimination and Harassment Hotline (1-888-231-4058) will function as a referral line to facilitate potential EO concerns and/or complaints from Airmen and Guardians (military and civilian) to the appropriate installation for resolution and provide information on DAF EO policies and procedures, how to file complaints, and on what constitutes EEO complaints of unlawful discrimination and discriminatory harassment (including sexual harassment) and MEO complaints of prohibited discrimination, discriminatory harassment (including sexual harassment), and other forms of harassment (bullying and hazing). **(T-0)**

1.6.2. Airmen and Guardians (military and civilian) may contact this hotline to request information and assistance on matters that fall within the DAF EO Program purview.

1.6.3. The DAF Unlawful Discrimination and Harassment Hotline does not provide crisis intervention or victim advocacy services. With the DAF EO Program as a stakeholder in fostering the DAF's Connect to Care approach to help ensure Airmen and Guardians are provided and/or connected to comprehensive and appropriate support services, the hotline will connect callers with an appropriate helping agency on matters outside the scope of the DAF EO Program with the consent of the caller. **(T-0)**

1.6.4. The DAF Unlawful Discrimination and Harassment Hotline does not replace local installation or host EO office contact information or functions. If a caller provides intent to file an EEO or MEO complaint as described in this publication or requests eligible EO-related support, the hotline will refer the caller to the servicing installation EO office for complaint processing. **(T-1)**

Chapter 2

ROLES AND RESPONSIBILITIES

2.1. The Assistant Secretary of the Air Force, Manpower and Reserve Affairs (SAF/MR). As designated by the Secretary of the Air Force (SecAF), serves as the DAF Equal Employment Opportunity (EEO) Director pursuant to 29 CFR § 1614.102(b)(4) and is authorized to act for the SecAF to oversee policy and compliance matters that promote nondiscrimination and equal opportunity (EO) described in Headquarters Mission Directive (HAFMD) 1-24, *Assistant Secretary of the Air Force (Manpower and Reserve Affairs)*. This includes ensuring civilian equal employment opportunity (EEO) complaints of unlawful discrimination and discriminatory harassment (including sexual harassment) and military equal opportunity (MEO) complaints of prohibited discrimination, discriminatory harassment (including sexual harassment), and other forms of harassment (bullying and hazing) are processed and resolved. SAF/MR provides strategic, long-range, personnel and manpower oversight for policies and programs that affect the wellbeing of Airmen and Guardians (military and civilian).

2.1.1. Director, Department of the Air Force Equal Opportunity Program (SAF/MRQ). Under the authority and direction of SAF/MR, provides strategic-level and policy oversight over and implements the DAF's affirmative employment program (AEP), disability program (DP), reasonable accommodation, personal assistance services, EEO complaint program, and MEO program. SAF/MRQ will:

2.1.1.1. Oversee and implement the DAF EEO complaint program and MEO program as described in this publication to ensure Airmen and Guardians (military and civilian) have access to timely, fair, and impartial EO services and are equipped with knowledge about and have access to available EO resources.

2.1.1.2. Manage programming and implementation of the DAF EO Program budget.

2.1.1.3. Ensure and require, through oversight, effective quality control reviews for all data collected and tracked in the [Department of the] Air Force Equal Opportunity Network (AF EONet) to ensure data is accurate, complete, thorough, up-to-date, consistent, timely, and appropriately formatted to support DAF reporting requirements, data calls, and requests for information. This includes, but is not limited to, EEO and MEO complaint and alternative dispute resolution (ADR) data.

2.1.1.4. Communicate and coordinate with DoD, DAF, and other federal agencies on behalf of the DAF EO Program and serve as the point of contact for private sector EEO complaints regarding programs and activities conducted or assisted by the DAF.

2.1.1.5. Ensure, through oversight, all Air Force major commands (MAJCOM) and Space Force field commands (FLDCOM) and installations comply with EEO and MEO laws, regulations, executive orders, directives, policies, and meet all training and reporting requirements.

2.1.1.6. Develop and disseminate DAF policies on EEO and MEO complaint programs and EO-related education training in accordance with DAFI 90-160, *Publications and Forms Management* and Department of the Air Force Manual (DAFMAN) 90-161, *Publishing Processes and Procedures*.

2.1.1.7. Coordinate with Office of the Air Force General Counsel, Fiscal, Ethics and Administrative Law Division (SAF/GCA) and The Judge Advocate General (AF/JA) in development of Negotiation and Dispute Resolution Program (NDR) policy, guidance, training, and funding as described in DAFI 51-1201, *Negotiation and Dispute Resolution Program*.

2.1.1.8. Coordinate with SAF/GCA in development of guidance, training, and funding pursuant to DAFI 51-1201.

2.1.1.9. Oversee and manage the EEO and MEO complaint programs across the DAF by providing guidance on all program aspects and related issues that affect the readiness of all DAF personnel and taking corrective action or initiating program improvements as needed.

2.1.1.10. Provide policy guidance, clarification, and direction for Air Force Personnel Center Equal Opportunity Operations (AFPC EO Operations), MAJCOM/FLDCOM EO functional managers, installation EO directors, installation commanders, forward operating agencies, direct reporting units, and geographically separated units (GSUs).

2.1.1.11. Advise DAF senior leaders and other higher headquarters officials who have program responsibility for, or an interest in, matters affecting the employment and advancement of all Airmen and Guardians (military and civilian) within the DAF EO Program purview.

2.1.1.12. Represent the DAF at DoD, federal agency, academia, and industry meetings, conferences, trainings, working groups, and other internal and external venues to promote and advance DAF EO Program equities.

2.1.1.13. Support installation EO offices and installation-level EO program activities, including the NDR Program, ensuring all DAF personnel are aware of, and have access to, DAF EO Program services and resources.

2.1.1.14. Provide oversight on DAF EO training and education training programs to include reviewing for statutory and policy compliance. Submit all EO training and education to Defense Equal Opportunity Management Institute (DEOMI) for review in accordance with DoDI 1020.03, *Harassment Prevention and Response in the Armed Forces*, and DoDI 1350.02, *DoD Military Equal Opportunity Program*, and to the Department of the Air Force Learning Committee (DAFLC) for validation in accordance with DAFMAN 36-2689, *Training Program*, before AFPC EO Operations implements and disseminates to the EO functional community.

2.1.1.15. Coordinate with the Inspections Directorate (SAF/IGI) on the DAF EO Program compliance standards in accordance with DAFI 90-302, *The Inspection System of the Department of the Air Force*.

2.1.1.16. Through the DAF EO Career Field Manager (CFM), serve as the day-to-day advisor and advocate for the DAF EO career field, addressing issues and coordinating specialty concerns across various programs and staffs. The DAF EO CFM manages and implements the DAF EO Career Field Program in accordance with DAFI 36-2670, *Total Force Development*, and AFMAN 36-2100, *Military Utilization and Classification*. **Note:** The Air National Guard (ANG) EO MAJCOM functional manager or designee serves as the ANG EO CFM.

2.1.1.17. Maintain the official DAF EO public website and ensure relevant and up-to-date resources, reports, and other required information is published to the website to align with laws, regulations, executive orders, directives, and DoD and DAF policies.

2.1.1.18. Serve as the DAF representative and liaison to the DEOMI on matters related to EEO and MEO.

2.1.1.19. In coordination with the DAF EO CFM, review and update the Air Force Handbook 1, *Airman*, and the Space Force Handbook 1-1, *Guardian Spirit*, as it pertains to EO objectives.

2.1.1.20. Performs all functions of the EEO director user role in the Federal Sector EEO Portal (FEDSEP). This includes approving any FEDSEP registration requests, managing all other FEDSEP roles within the DAF, and certifying the EEOC MD 715 Report using FEDSEP.

2.1.1.21. Oversee and implement policies, procedures, and activities for the DAF AEP and DP, to include reasonable accommodation and personal assistance services, in accordance with federal laws, regulations, executive orders, and DoD and DAF policies as described in DAFI 36-2711, *Equal Employment Opportunity: Affirmative Employment and Disability Programs*. This includes providing guidance on AEP and DP aspects and related issues that affect the readiness of all DAF civilian personnel and taking corrective action or initiating program improvements as needed.

2.1.2. Director, Air Force Review Boards Agency (SAF/MRB). As designated by SecAF, renders final agency decisions and final orders on individual EEO complaints of unlawful discrimination and harassment pursuant to 29 CFR § 1614.110, and serves as the final appeal authority for formal MEO complaints. SAF/MRB will decide whether to appeal decisions of the administrative judges of the Equal Employment Opportunity Commission (EEOC) for civilian formal EEO complaints.

2.1.2.1. Air Force Civilian Appellate Review Office (AFCARO) (SAF/MRBA). As a subordinate to Director, Air Force Review Board Agency, serves as the office of primary responsibility (OPR) and official authority for all phases of the formal EEO complaint process subsequent to issuance of a report of investigation. This includes analyzing formal EEO complaints and preparing all final agency decisions and final orders for SAF/MRB signature.

2.1.2.1.1. Coordinates with the Personnel and Information Law Division (AF/JACL) and the Office of the Air Force General Counsel, Fiscal and Administrative Law Division (SAF/GCA) on appeals and requests for reconsideration processed between the DAF and the EEOC and acts as DAF liaison with the EEOC, and DoD's Investigations and Resolutions Directorate (IRD).

2.1.2.1.2. Performs quality control of IRD investigation reports to include redaction and sanitation of the report of investigation and associated investigative files.

2.1.2.1.3. Notifies the Air Force Inspector General, Senior Official Inquiries Directorate (SAF/IGS), consistent with DAFI 90-301, *Inspector General Complaints Resolution*, when a senior official is named as a responsible management official in an EEO formal complaint.

2.1.2.1.4. Has access to and updates the AF EONet for civilian EEO complaints that includes providing final agency decisions. AFCARO will inform respective installation EO offices through email of such updates.

2.1.2.1.5. Reports and ensures DAF compliance with final EEOC orders. Ensures through oversight that agency representatives provide timely proposed briefs.

2.1.2.1.6. In coordination with SAF/MRQ as appropriate, posts notification of a final finding (all appeal remedies have been exhausted) of discrimination (including retaliation) that has been made against DAF in accordance with the Elijah E. Cummings Federal Employee Antidiscrimination Act of 2020, amending Notification and Federal Employee Antidiscrimination and Retaliation (No FEAR) Act of 2002. The notice must be posted within 90 days of such findings, be linked directly from DAF's public internet website for a period of one year, and state that a finding of discrimination (including retaliation) has been made, including identifying the date on which the finding was made, the date of each discriminatory act, the law(s) violated, and to advise employees of the rights and protections available under applicable civil rights laws. For each finding of discrimination, within 90 days of a final decision or judgment of a discrimination finding, the DAF must submit to the EEOC a report stating whether disciplinary action has been proposed against a federal employee as a result of the violation and the reasons for any disciplinary action.

2.2. Deputy Chief of Staff, Manpower, Personnel, and Services (AF/A1). Develops and implements policies, guidance, and programs for military and civilian personnel, resilience, violence prevention, Community Action Board (CAB) and Community Action Team (CAT), and sexual assault prevention and response (SAPR) as described in HAFMD 1-32, *Deputy Chief of Staff of The Air Force Manpower, Personnel, and Services*.

2.2.1. Promotes and implements nondiscrimination and EO policies for DAF programs and activities within the AF/A1 purview conducted or assisted by the DAF or receiving federal financial assistance as described in DoDD 5500.11, *Nondiscrimination in Federally Assisted Programs*, and DoDD 1020.1, *Nondiscrimination on the Basis of Handicap in Programs and Activities Conducted by the Department of Defense*. This includes schools operated by the DAF in the United States.

2.2.2. Supports the EO career field (military and civilian) and is required to provide adequate resources, to include training, to execute the DAF EO Program at all levels of the DAF in accordance with federal laws, regulations, executive orders, directives, DoD, and DAF policies.

2.2.3. Directorate of Civilian Force Management (AF/A1C). Under the authority and direction of AF/A1, develops force management policies for DAF civilian personnel throughout the talent management cycle to include implementing civilian standards of conduct that address civilian harassment allegations not based on an EEO protected class (i.e., Anti-Harassment Program) as described in DoDI 1020.04, *Harassment Prevention and Responses for DoD Civilian Employees*, and DAFI 36-147, *Civilian Conduct and Responsibility*.

2.2.4. Integrated Resilience Directorate (AF/A1Z). Under the authority and direction of AF/A1, oversees and implements the DAF's Integrated Resilience Program, CAB/CAT, and

SAPR Program as described in DAFI 90-5001, *Integrated Resilience*, and DAFI 90-6001, *Sexual Assault Prevention and Response (SAPR) Program*.

2.2.4.1. Through the Integrated Resilience Program, serves as the OPR for the DAF's integrated primary prevention policies, programs, and activities and for implementing prevention requirements in DoDI 6400.09, *DoD Policy on Integrated Primary Prevention of Self-Directed Harm and Prohibited Abuse or Harm*, and DoDI 6400.11, *DoD Integrated Primary Prevention Policy for Prevention Workforce and Leaders*, to include command climate assessments (e.g., Defense Organizational Climate Survey [DEOCS]) and integrated primary prevention plans.

2.2.4.2. Through the Integrated Resilience Program, oversees and implements DAF's primary prevention of workplace violence (e.g., harassment, sexual harassment, hazing, and bullying) policy, procedures, programs, and trainings.

2.2.4.3. Through the SAPR Program, serves as the OPR for restricted (confidential) and unrestricted reporting options and victim advocacy to service member sexual harassment victims as described in DAFI 90-6001. **Note:** Victim advocacy services via the SAPR program do not replace the MEO complaint processes available to service members, as described in this publication. Service members electing an unrestricted report for sexual harassment with the SAPR program may also choose to file a separate MEO complaint alleging sexual harassment through the EO office or can go directly to their commander to report the allegation.

2.2.5. Directorate of Military Force Management Policy (AF/A1P). Under the authority and direction of AF/A1, develop policies and procedures for annotating substantiated MEO and EEO complaints in enlisted and officer performance reports and tracking systems as described in DoDI 1020.03. This includes requiring such reports and tracking systems be reviewed for substantiated MEO and EEO complaints prior to selection for promotion and other favorable personnel actions. This directorate is also responsible for policies and procedures pertaining to involuntary separations for substantiated formal complaints of sexual harassment.

2.3. Deputy Chief of Space Operations for Personnel (SF/S1). Develops Space Force personnel policies, guidance, programs, and legislative initiatives as well as provides coordination on departmental publications to meet United States Space Force strategic objectives force sustainment to include: family matters, resilience programs, quality of work/life initiatives, commanders' programs, military and civilian personnel.

2.4. The General Counsel of the Department of the Air Force (SAF/GC). Advises the SecAF and Headquarters DAF in all matters covered by this publication. The roles between SAF/GC and the AF/JA are delineated in HAFMD 1-14, *General Counsel and The Judge Advocate General*.

2.4.1. The Deputy General Counsel for Fiscal, Ethics and Administrative Law (SAF/GCA) serves as the OPR for providing SAF/GC legal support on civilian EEO policy and program matters.

2.4.2. SAF/GCA also serves as the office of primary responsibility for the NDR Program policy and program matters and executes the functions and authorities of the Dispute Resolution Specialist for the DAF. Refer to DAFI 51-1201, *Negotiation and Dispute Resolution Program*, for additional information and guidance.

2.5. The Judge Advocate General (AF/JA). Advises the SecAF, Chief of Staff of the Air Force, Chief of Space Operations, and Headquarters DAF on all matters covered by this publication and provides legal oversight through the AF/JA functional chain. AF/JA serves as the primary legal advisor to the DAF on matters of EO litigation. In accordance with 10 USC § 9037, AF/JA provides independent legal advice to all levels of command.

2.5.1. Air Force Civil Law and Litigation Directorate (AF/JAC). Delivers legal services to support and defend the DAF in judicial and administrative proceedings that arise out of or affect DAF activities as well as directs civil law matters and administers the legal assistance and preventive law programs.

2.5.1.1. Provides, through the Personnel and Information Law Division (AF/JACL), legal advice and reviews on formal EEO complaints to installation commanders, installation staff judge advocates (SJA), civilian personnel sections (CPS), human resource offices (HRO), and installation EO offices. **Note:** Legal reviews are for internal use and management official access only. Legal reviews are covered by attorney-client privilege and are protected from disclosure under the Freedom of Information Act and are not to be released without prior authorization from AF/JACL.

2.5.1.2. Designates an attorney from AF/JACL who will act as the DAF representative in litigation of individual complaints filed under 29 CFR Part 1614, *Federal Sector Equal Employment Opportunity*. AF/JAC will designate an attorney who has not previously advised the commander or other dismissal authority with respect to acceptance or dismissal of the same complaint for legal services performed by AF/JACL. For legal services performed by Robins Air Force Base, Hill Air Force Base, Tinker Air Force Base, Wright-Patterson Air Force Base, ANG units, and AFRC bases with Regular Air Force (RegAF) judge advocates, these organizations will designate an attorney, for services performed by those respective organizations, who has not previously advised the commander or other dismissal authority with respect to acceptance or dismissal of the same complaint.

2.5.1.3. Conducts legal sufficiency reviews for all full dismissal letters prepared for signature by the installation commander or his or her designee. For acceptance or partial acceptance of complaints, a legal sufficiency review from AF/JACL is optional. If the EEOC orders an award for compensatory damages and/or attorney's fees, AF/JACL will review the complainant's claim for compensatory damages and attorney's fees and advise the commander with administrative control over the claim on the amount to be paid. AF/JACL negotiates fee agreements with opposing parties. When there is a finding of unlawful discrimination or harassment by an EEOC administrative judge, AF/JACL may negotiate an alternative settlement agreement.

2.5.1.4. Prepares briefs, motions, and other appellate pleadings as appropriate, in support of the DAF position on appeals or Request for Reconsideration for cases handled by AF/JACL. AF/JACL provides the above legal services at all locations across the United States and overseas, including AFMC Tenant units at those locations, except at Robins Air Force Base, Hill Air Force Base, Tinker Air Force Base, Wright-Patterson Air Force Base, ANG units, and AFRC bases with Regular Air Force (RegAF) judge advocates. These organizations will provide all legal services within their respective organizations except for the Air Force Materiel Command (AFMC) units and AFRC bases with RegAF judge advocate general(s) assigned. The representation in federal court and EEOC class actions

are always the responsibility of AF/JACL. References to AF/JACL in this publication also refer to these legal offices.

2.5.1.5. Collaborate, as appropriate, with leaders and SAF/GCA to establish NDR policy and procedures to promote and expand the use of ADR and conflict management practices, including elimination of barriers to their use.

2.6. Office of Special Trial Counsel (OSTC) (SAF/STC). Responsible for supporting the investigation and for the prosecution of 14 categories of offenses under the Uniform Code of Military Justice (UCMJ), including offenses of sexual harassment punishable under Article 134, UCMJ, in each instance in which a formal complaint is made and such formal complaint is substantiated in accordance with the procedures in this regulation. The OSTC provides expert, specialized, independent, and ethical representation of the United States in the investigation and trial-level litigation of covered offenses, as prescribed by Article 1(17), UCMJ, and other offenses over which the office exercises authority pursuant to Article 24a, UCMJ. OSTC reports directly to SecAF with no intervening authority.

2.7. Department of the Air Force Inspector General (SAF/IG). Provides policy guidance, develops procedures, and establishes and evaluates the Department of the Air Force Inspector General (IG) Complaints Resolution Program to include matters related to reprisal, restriction, and complaints against DAF senior officials that include MEO allegations. SAF/IG independently assesses and reports on the overall readiness, economy, efficiency, and discipline of the DAF to the SecAF through specified inquiries, investigations, and inspections. SAF/IG provides oversight and guidance to the Air Force Office of Special Investigations (AFOSI) in accordance with HAFMD 1-20, *Office of the Inspector General*.

2.7.1. Complaints Resolution Directorate (SAF/IGQ). Provides policy guidance, develops procedures, and establishes and evaluates the SAF/IG Complaints Resolution Program to include matters related to reprisal, restriction, and complaints against DAF non-senior official personnel as described in DAFI 90-301, *Inspector General Complaints Resolution*. This includes establishing guidance on commander directed investigations (CDI) as described in DAFMAN 1-101, *Commander Directed Investigations*.

2.7.2. Senior Official Inquiries Directorate (SAF/IGS). Establishes policies and procedures to manage and execute the DAF Senior Official Complaints Program to include conducting inquiries of complaints and allegations that include MEO allegations made against senior DAF officials in the grade of O-7 select and above, senior executive service (SES) or equivalent, and other identified categories as described in DAFI 90-301.

2.7.3. Inspections Directorate (SAF/IGI). Establishes inspection policy, guidance, and oversight for Air Force and Space Force IG and functional program inspections, assessments, and evaluations in accordance with DAFI 90-302, *The Inspection System of the Department of the Air Force*.

2.8. Deputy Chief of Staff for Logistics, Engineering, and Force Protection (AF/A4). Promotes and implements nondiscrimination and EO policies for DAF programs and activities within the AF/A4 purview conducted or assisted by the DAF or receiving federal financial assistance as described in DoDD 5500.11 and DoDD 1020.1. This includes but is not limited to loans, contracts, transfers, leases, or other disposition activities impacting installed equipment, facilities, structures, properties, museums, and historic buildings maintained by DAF.

2.8.1. The Directorate of Security Forces (AF/A4S) is designated as the responsible agency for establishing policies and procedures for managing independent investigators of sexual harassment and conducting independent investigations of formal complaints of sexual harassment pursuant to procedures in 10 United States Code (USC) § 1561, *Complaints of sexual harassment: independent investigation*. This includes providing SAF/MRQ, commanders, installation equal opportunity offices, inspector general offices, judge advocates, AFOSI, and OSTC a process and mechanism to have timely and regular access to independent investigators to refer formal complaints of sexual harassment for independent investigation. This also includes providing SAF/MRQ access to investigative data and trends analysis.

2.8.1.1. AF/A4S Sexual Harassment Investigations Division will facilitate formal complaints of sexual harassment being appropriately assigned to an independent investigator, make all required notifications, communicate with the required parties, monitor the progress of the investigation through completion, and ensure that the first O-6 in the alleged offender's chain of command, and OSTC where required, receives the report of investigation within required timelines.

2.9. Director of Public Affairs (SAF/PA). Provides direction, guidance, and oversight for public affairs operations across the DAF in accordance with HAFMD 1-28, *Director of Public Affairs*. SAF/PA is responsible for enhancing the resiliency, morale, and readiness of DAF personnel by communicating the DAF's key themes and messages. This includes providing guidance on public affairs matters affecting the DAF EO Program as well as promoting EO and nondiscrimination policies and programs consistent with this publication.

2.10. Chief, Air Force Reserve (AF/RE). Implements and integrated personnel, operations, and maintenance policies and programs for the Air Force Reserve (AFR) and provides oversight in support of DAF policies as described in HAFMD 1-42, *Chief of Air Force Reserve*. This includes promoting and implementing nondiscrimination and EO policies and programs in accordance with this publication. AF/RE is the designated OPR for specific programs for Air Force Reserve Command (AFRC) and provides oversight in support of DAF policies.

2.11. Headquarters, Air Force Reserve Command (AFRC). Develops and monitors EO policies and programs in accordance with this publication as they apply to the AFR Component. Approves training allocations and oversees the scheduling of AFRC members for the Equal Opportunity Advisor Reserve Component Course at the DEOMI. **Note:** AF/RE is the designated OPR for specific programs for AFRC and provides oversight in support of DAF policies.

2.12. Chief, National Guard Bureau (CNGB). Promulgates nondiscrimination and EO and programs through the Office of Equal Opportunity Compliance (NGB-EO) for all National Guard members to include developing and promulgating joint military and civilian EO policies, programs, regulations, and instructions for processing and adjudicating unlawful discrimination and sexual harassment complaints brought by ANG members in a Title 32 status and Title 5 employees under appointment authority of NGB/CF at the NGB, ANG Readiness Center, and their field operating locations and under the authority of the Adjutant Generals of the various National Guards or the Commanding General of the District of Columbia National Guard.

2.13. Air National Guard Readiness Center Equal Opportunity Office (ANGRC/EO). Functions as the installation EO director for the ANG Readiness Center (ANGRC) and reports to the installation commander. This includes implementing self-inspections and program assessments; conducting ADR, out and abouts, and training; and processing unlawful

and prohibited discrimination complaints for Air Force Title 5 and ANG Title 10 members assigned to the ANGRC, NGB, or any GSU aligned with the ANGRC. All Air Force Title 5 complaints will be forwarded to the AFCARO for final agency decision determinations.

2.13.1. ANG EO MAJCOM functional manager (NGB-EO-EC). Manages the ANG MEO program across all ANG wings to include developing and disseminating ANG MEO program plans, policies and training consistent with DAF and NGB policies. **Note:** NGB-EO Complaints Management and Adjudication Branch manages Title 32 complaint processing for the ANG.

2.13.2. Performs applicable duties of the MAJCOM/FLDCOM EO functional manager for ANG.

2.13.3. Serves as the ANG EO career field manager for ANG EO practitioners and manages all ANG EO practitioner deployments.

2.13.4. Prioritize attendance of ANG EO practitioners at the Equal Opportunity Advisor Reserve Component Course at DEOMI and selects and funds ANG adjunct faculty for DEOMI.

2.14. Air Force Personnel Center Commander (AFPC/CC). Responsible for executing personnel policy by developing, coordinating, and implementing standards, systems, programs and procedures for military and civilian personnel operations in accordance with AFMD 37, *Air Force Personnel Center (AFPC)*. Promotes and implements nondiscrimination and EO policies for programs and activities consistent with this publication.

2.14.1. Air Force Personnel Center Directorate of Personnel Programs (AFPC/DPP). Under the authority and direction of the AFPC commander, responsible for interpreting and implementing policies, executing authorities, and developing, coordinating, and implementing guidance, standards, processes, systems, programs, training, procedures, and actions for the DAF personnel programs portfolio. This includes providing overall operational guidance and execution of the DAF EO policies, programs, training, and procedures to meet laws, regulations, executive orders, directives, and DoD and DAF policies for the EEO and MEO programs. Additionally, AFPC/DPP will:

2.14.1.1. Provide operational guidance and oversight, assistance, and training to MAJCOM/FLDCOM management officials and CPSs regarding provisions of this publication. This includes providing operational guidance, training, and assistance to CPS as it pertains to civilian conduct-based actions.

2.14.1.2. Ensure effective quality control reviews are conducted for all data collected and tracked in the AF EONet to ensure data is accurate, complete, thorough, up-to-date, consistent, timely, and appropriately formatted to support DAF reporting requirements, data calls, and requests for information. This includes, but is not limited to, EEO and MEO complaint and ADR data.

2.14.2. Air Force Personnel Center Equal Opportunity Operations (AFPC EO Operations). Under the direction and oversight of AFPC/DPP, responsible for providing day-to-day operational management, functional expertise, operational guidance and procedures, and technical assistance to MAJCOM/FLDCOM EO functional managers and installation EO

directors on all matters within the DAF EO Program purview in this publication. AFPC EO Operations will:

2.14.2.1. Serve as a liaison between SAF/MRQ, MAJCOM/FLDCOM EO functional managers, and installation EO directors on matters related to or affecting the DAF EO Program. This includes providing timely responses to and coordination with EO functional community inquiries submitted to AFPC EO Operations.

2.14.2.1.1. Participate in monthly teleconferences with SAF/MRQ and MAJCOM/FLDCOM EO functional managers. This includes providing agenda inputs to SAF/MRQ no later than 48 hours prior to the teleconference and providing AFPC EO Operations meeting minutes notes to SAF/MRQ no later than seven duty days after the teleconferences.

2.14.2.1.2. Ensure SAF/MRQ is included on all AFPC EO Operations communications to MAJCOM/FLDCOM EO functional managers where AFPC EO Operations is providing operational guidance or disseminating information to the EO functional community stemming from statutory and policy updates.

2.14.2.2. Ensure MEO and EEO complaints are coordinated and processed in a timely manner by an appropriate installation EO office when a complaint involves a MAJCOM/FLDCOM EO functional manager, multiple installations, external agencies, or when other extenuating circumstances occur.

2.14.2.3. Refer dissatisfaction and conflict of interest complaints raised by complainants through outside agencies or higher headquarters to an appropriate MAJCOM/FLDCOM EO functional manager for processing at the installation level.

2.14.2.4. Monitor all DAF EO Program activities for compliance, to include identifying and resolving installation and MAJCOM/FLDCOM level operational needs.

2.14.2.5. Review operational procedures suggestions, inspection/audit reports (e.g., Department of Defense Inspector General, SAF/IG, Government Accountability Office [GAO], etc.), and other relevant assessment and evaluation (e.g., DoD On-Site Installation Evaluation (OSIE) Reports, Comprehensive Integrated Primary Prevention (CIPP) Plans, etc.) resources to identify trends, issues, and courses of action that affect the DAF EO Program.

2.14.2.6. Oversee the implementation and management of the AF EONet, which is the DAF system of record for centralized, case-level collection, maintenance, and reporting of DAF EEO and MEO complaints, general assistance, and other data as described in this publication.

2.14.2.6.1. Grant AF EONet access to MAJCOM/FLDCOM EO functional managers, installation EO directors, EO practitioners, and any personnel assigned to support an installation EO office with the need for system access as part of an official duty for the EO office who have successfully completed training requirements as described in Chapters 7 and 8.

2.14.2.6.2. Provide technical assistance and operational guidance to the EO functional community in accessing, inputting, tracking, and reporting information into the AF EONet. This includes developing, implementing, and disseminating resources such as

- procedures, processes, and training materials to equip the EO functional community with the knowledge and skills to effectively utilize the AF EONet.
- 2.14.2.6.3. Track and resolve system-wide issues and errors reported by the EO functional community affecting the AF EONet. Ensure issues and errors are provided to the appropriate technical support team for remedy.
- 2.14.2.6.4. Ensure the AF EONet, in coordination with SAF/MRQ, collects MEO and EEO data elements to meet applicable statutory and DoD data reporting requirements.
- 2.14.2.6.5. Ensure the AF EONet complies with all statutory and DoD requirements regarding collection and maintenance of information protected by the Privacy Act of 1974 as described in DoDD 5400.11, *DoD Privacy Program*, and AFI 33-332, *Air Force Privacy and Civil Liberties Program*.
- 2.14.2.6.6. Provide input on resourcing needs for the AF EONet to the Directorate of Plans and Integration (AF/A1X) and SAF/MRQ through the AFPC commander, as appropriate.
- 2.14.2.6.7. Ensure MEO and EEO complaint, NDR Program, and other relevant DAF EO activities (e.g., general assistance, contacts, referrals) data is able to be updated in the AF EONet to support higher headquarters reviews and inquiries.
- 2.14.2.7. Provide technical assistance and operational guidance to the EO functional community in executing this publication and relevant statutory and DoD and DAF policies and initiatives affecting the DAF EO Program. This includes developing, implementing, and disseminating resources such as procedures, processes, templates, and training materials to equip the EO functional community with the knowledge and skills to effectively implement the DAF EO Program.
- 2.14.2.8. Develop and implement EO training and education within the DAF EO Program purview as required by laws, regulations, executive orders, GAO, and DoD and DAF policies and initiatives (e.g., DoD Independent Review Commission on Sexual Assault in the Military). This includes, but is not limited to, developing, and implementing learning objectives, curricula, training plans, lesson plans, training assessments, and other relevant training materials and resources to effectively execute EO training and education and training requirements across the DAF. AFPC EO Operations will ensure legal sufficiency reviews are conducted on all training and education products.
- 2.14.2.8.1. Develop and implement EO training and education that comply with training requirements to include learning objectives in accordance with DoDD 1440.1, DoDI 1020.03, DoDI 1020.04, and DoDI 1350.02.
- 2.14.2.8.2. Submit to SAF/MRQ all EO training and education for statutory and policy compliance reviews before implementation.
- 2.14.2.8.3. Through SAF/MRQ, submit EO training and education to DEOMI for review in accordance with DoDI 1020.03 and DoDI 1350.02 and to the DAFLC for validation in accordance with DAFMAN 36-2689 before implementation. AFPC EO Operations will provide all required training and education materials and support SAF/MRQ during the DEOMI review and the DAFLC validation processes.

- 2.14.2.8.4. Conduct annual reviews on all EO training and education to validate currency with law and policy and as required, update learning objectives, curricula, training plans, lesson plans, evaluation plans, training assessments, and other relevant training materials and resources to effectively execute EO training and education across the DAF. Training validation for currency will be submitted to SAF/MRQ annually. Through SAF/MRQ, submit EO training and education updates to DEOMI for review and to the DAFLC for validation before implementation when required.
- 2.14.2.8.5. Develop and implement Newcomer Orientation, First Duty Station training, sexual harassment awareness education, key personnel briefings, and all other statutory, GAO, DoD and DAF policy, and DoD and DAF senior leader directed training within the DAF EO Program purview and as directed. This includes coordinating with relevant functional communities to determine if required training content (e.g., learning objectives) that overlap with DAF EO and other DAF programs can be combined and executed across other existing DAF trainings led by other functional communities, or if AFPC EO Operations will be required to incorporate into existing EO training or develop new EO training(s). Refer to [Chapter 6](#) for training requirements to be implemented.
- 2.14.2.8.6. Serve as DAF EO course content manager and point of contact for the No FEAR Act training and provide support to Learning Division of the Directorate of Force Development (AF/A1DL), AETC Learning Services, or other identified DAF office in developing and reviewing training content curricula. This includes implementing the training and tracking the number of individuals trained on a biennial basis. The Air Force myLearning is the primary source for No FEAR Act training at this time, however, AFPC EO Operations will develop and implement No FEAR Act training to be used by installation EO directors for DAF civilian employees without access to myLearning. This includes, but is not limited to, developing, and implementing learning objectives, curricula, training plans, lesson plans, training assessments, instructor/facilitator guides, participant guides, and other relevant training materials and resources to effectively execute this training.
- 2.14.2.8.7. In coordination with the SAF/MRQ and AETC, review all EO related learning objectives, curricula, training plans, and other relevant training materials and resources for officer and enlisted professional military education and basic military training courses.
- 2.14.2.9. Respond to data calls, request for information, and other-directed tasks to support statutory and policy reporting requirements, congressional inquiries, audits and review (e.g., GAO, DoD Inspector General, SAF/IG, Air Force Audit Agency), and DoD and DAF senior leader inquiries within the DAF EO Program purview. This includes assisting in formulating official DAF responses and ensuring official DAF data is accurate and consistently reported to DoD, Congress, and other relevant agencies.
- 2.14.2.10. Coordinate with SAF/MRQ to assign EO-related congressional and other high-level inquiries to appropriate MAJCOM/FLDCOM EO functional managers for processing in AFI 90-401, *Relations with Congress*.
- 2.14.2.11. Complete and submit annual and quarterly statistical reports to support DAF reporting requirements including, but not limited to:

- 2.14.2.11.1. Prepare the annual EEOC Form 462, *Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints*, in collaboration with SAF/MRBA, SAF/GCA, and AF/JACL for SAF/MR approval and for timely submission to the EEOC. AFPC EO Operations is responsible for engaging and coordinating in a timely manner with SAF/MRBA, SAF/GCA, and AF/JACL. Refer to [Chapter 8](#) for additional guidance.
- 2.14.2.11.2. Prepare quarterly and annual *Notification and Federal Employee Antidiscrimination and Retaliation Act* (No FEAR Act) Reports and submit to SAF/MRQ for review and to post to the DAF EO public website.
- 2.14.2.12. Maintain, manage, and operate the DAF Unlawful Discrimination and Harassment Hotline which functions as a referral line to facilitate potential EO concerns and/or complaints from Airmen and Guardians (military and civilian) to the appropriate installation for resolution and provide information on DAF EO policies and procedures, how to file complaints, and on what constitutes civilian EEO complaints of unlawful discrimination and discriminatory harassment (including sexual harassment) and MEO complaints of prohibited discrimination, discriminatory harassment (including sexual harassment), and other forms of harassment (bullying and hazing). **Note:** While the hotline does not provide crisis intervention or victim advocacy services, the hotline will connect/refer callers with the appropriate helping agency.
- 2.14.2.12.1. Ensure the hotline is accessible to Airmen and Guardians to include responses back to missed calls with a voicemail requesting a call back no later than 48 hours, to the extent practicable. **Note:** Any calls/voicemails about an anonymous complaint will not receive a call back.
- 2.14.2.12.2. Process and/or refer call inquiries or request for assistance by verifying whether the matter or concern of the caller is within the DAF EO Program. AFPC EO Operations will provide timely responses to callers on general EO-related inquiries and/or refer callers with the appropriate helping agency. If a caller provides with intent to file an EEO or MEO complaint as described in this publication or requests eligible EO-related support, AFPC EO Operations will refer the hotline call to the servicing installation EO office for processing via the respective MAJCOM/FLDCOM EO functional manager within 24 hours of receiving the call, to the extent practicable. Refer to [Chapter 4](#) for additional guidance.
- 2.14.2.12.3. Ensure military members who call the hotline about sexual harassment are informed about their eligibility to receive victim advocacy services by the SAPR office for sexual harassment and that the installation EO office can facilitate an in-person, virtual, or telephonic referral to the SARC or sexual assault prevention and response victim advocate (SAPR VA) prior to the military member disclosing a sexual harassment allegation to the EO office to preserve their restricted reporting option.
- 2.14.2.12.4. Provide SAF/MRQ quarterly updates, and as directed, on number of calls, types of calls (e.g., civilian, military, others, etc.), issues/concerns reported (e.g., complaint inquiries, anonymous complaints, request for installation EO contact information, non-EO request of contact information, referrals, dissatisfaction with EO office), trends, and any issues/barriers with operating the hotline.

2.14.2.13. Schedule all DEOMI initial skills training for eligible DAF (military and civilian) EO personnel. **Note:** The DAF EO Program meets this statutory requirement through DEOMI initial skills training. However, SAF/MRQ maintains discretion on how and where this training requirement is met to include utilizing SAF/MRQ approved alternate courses through AETC that AFPC EO Operations will support. NGB-EO-EC approves training allocations and oversees the scheduling of ANG members for DEOMI. The AFR or designee approves training allocations and oversees the scheduling of AFRC members for DEOMI.

2.14.2.14. Support the biennial EO worldwide functional training workshops in coordination with the DAF EO CFM and attend EO-related conferences, as requested.

2.14.2.15. Maintain the AFPC EO Operations SharePoint site as the central repository for relevant and up-to-date resources needed to implement the DAF EO Program such as laws and regulations, DoD and DAF policies, operational guidance, operating standards, procedures, processes, templates, forms, training materials, contact rosters, and other relevant external governmental resources (e.g., EEOC, DEOMI). AFPC EO Operations will comply with DoDI 5200.48, *Controlled Unclassified Information*, DAFI 16-1403, *Controlled Unclassified Information*, AFI 33-332, *Air Force Privacy and Civil Liberties Program*, AFI 33-322, *Records Management and Information Governance Program*, and AFI 17-130, *Cybersecurity Program Management*, when uploading and storing information on the AFPC EO Operations SharePoint.

2.14.2.16. Ensure current information (e.g., DAF installation EO office contact information) is provided to SAF/MRQ for the official DAF EO public website and shared on the AFPC EO Operations SharePoint.

2.14.2.17. Develop and publish DAF EO effective data quality control review operational procedures for all data collected and tracked in the AF EONet to be implemented by AFPC EO Operations, MAJCOM/FLDCOM EO functional managers, and installation EO directors to ensure data is accurate, complete, thorough, up-to-date, consistent, and appropriately formatted to support DAF reporting requirements, data calls, and requests for information. This includes, but is not limited to, EEO and MEO complaint and ADR data.

2.14.2.17.1. Submit effective quality control review operational procedures to SAF/MRQ for policy review prior to implementation.

2.14.2.17.2. Review and update effective quality control review operational procedures annually to verify for currency.

2.14.2.17.3. Conduct effective data quality control reviews for EEO and MEO complaint, equal opportunity treatment incidents (EOTI), and other required data collected and tracked in the AF EONet to ensure all data is accurate, complete, thorough, up-to-date, consistent, timely, and appropriately formatted to support DAF reporting requirements, data calls, and requests for information. Effective quality reviews will be conducted at least quarterly and before any data is submitted to SAF/MRQ or higher headquarters DAF.

2.14.2.18. Review installation, MAJCOM/FLDCOM, and DAF EO data trends and advise respective or affected EO offices and MAJCOM/FLDCOM EO functional manager on corrective and preventative courses of action for EO matters.

2.14.2.19. Provide data analysis on data collected and tracked in the AF EONet to identify, interpret, monitor, and report findings and trends, and provide recommendations and courses of action as directed.

2.14.2.20. Serve as the point of contact for EEO and MEO issues or questions directed to the DAF EO Program through DAF EO public website and DAF Unlawful Discrimination and Harassment Hotline.

2.14.2.21. Collaborate with the Integrated Resilience Division (AFPC/DPFZ) on initiatives that overlap with or have DAF EO Program equities as necessary.

2.14.2.22. Ensure any packages (e.g., appeals, etc.) to be submitted to SAF/MRQ for review, approval, or coordination are first reviewed for accuracy, completeness, thoroughness, up-to-datedness, consistency, timeliness, and appropriately formatted. Packages that are not complete will be returned to AFPC EO Operations for appropriate action. AFPC EO Operations will provide written acknowledgment of received packages (e.g., appeals, etc.) to the respective MAJCOM/FLDCOM EO functional manager within 48 hours of receipt of the package(s). AFPC EO Operations will also provide in writing within 48 hours to the respective MAJCOM/FLDCOM EO functional manager the date when the package was submitted to and accepted by SAF/MRQ. If AFPC EO Operations responses are not provided within 48 hours, AFPC EO Operations will provide written explanations of the delay to the respective MAJCOM/FLDCOM EO functional manager to then forward to the respective installation EO director.

2.14.2.23. Ensure data pulled from the AF EONet to be used in reports, briefings, informational papers, etc. for purposes other than day-to-day operational functions (e.g., promotion screenings, data calls for SAF/MRQ, etc.) is coordinated and approved by SAF/MRQ prior to release to external to DAF agencies (e.g., Congress, DoD, other federal agencies, etc.) and intra-agency DAF other than SAF/MR. AFPC EO Operations will ensure adequate time is provided to SAF/MRQ to review data and pre-brief DAF senior leaders as warranted.

2.14.2.24. Serve as the point of contact to support the DAF Officer Promotion Screening process by reporting any open MEO and EEO complaints against officers and any adverse information (e.g., substantiated MEO complaints) against officers as described in DAFI 90-301, *Inspector General Complaints Resolution*.

2.14.3. Air Force Personnel Center Systems Support (AFPC/DSY). Provides AFPC/DPP and SAF/MRQ data support for EO reporting requirements as described in this publication.

2.15. Headquarters Air Education and Training Command (AETC). Executes doctrine development, lessons learned, officer accessions, and the military and civilian professional education and training initiative, programs, and/or services as described in AETC Mission Directive 103, *Air University (AU)*.

2.15.1. Ensures MEO and harassment prevention and response training requirements are incorporated at all levels of professional military development from the accession point to the

assumption of senior leader grade in accordance with DoDI 1350.02 and DoDI 1020.03. This includes basic military training and officer and enlisted professional military education and leadership development.

2.15.2. Coordinates with SAF/MRQ and AFPC EO Operations on all EO related curricula, training plans, and other relevant training materials and resources to ensure statutory and policy compliance and for submission to DEOMI for review before implementation in accordance with DoDI 1350.02 and DoDI 1020.03.

2.15.3. Provides SAF/MRQ and AFPC EO Operations access to EO related curricula, training plans, and relevant training materials to support data calls, reports, and audits from Congress, GAO, DoD, and DAF senior leaders.

2.16. MAJCOM/FLDCOM Commander. Promotes and implements nondiscrimination and EO policies for programs and activities consistent with laws, regulations, executive orders, directives, and DoD and DAF policies. Ensures retaliation and/or reprisal will not be tolerated. Ensures the MAJCOM/FLDCOM EO Program and respective installation programs (including the ADR component of EEO and MEO complaint programs) are implemented and supported. This includes ensuring the program operates in accordance with laws, regulations, EEOC guidelines, executive orders, directives, and DoD and DAF policies.

2.16.1. Ensures Airmen and Guardians (military and civilian) under their purview are made aware of the DAF EO Program and policies, informed that they can report violations or allegations without fear of retaliation or reprisal, and have the right to file EEO complaints of unlawful discrimination and discriminatory harassment (including sexual harassment) and MEO complaints of prohibited discrimination, discriminatory harassment (including sexual harassment), and other forms of harassment (bullying and hazing) described in this publication.

2.16.2. Ensures the DAF EO policy, complaint procedures, sexual trauma informational poster, and other required materials are prominently posted in all personnel and DAF EO offices and other high traffic locations throughout the MAJCOM/FLDCOM to include prominently posting the contact information for the servicing DAF EO Office.

2.16.3. Ensures substantiated MEO and EEO complaints are annotated in enlisted and officer performance reports and tracking systems and requires such reports and tracking systems be reviewed for substantiated MEO and EEO complaints prior to selection for favorable personnel actions.

2.16.4. Ensures the MAJCOM/FLDCOM EO functional manager direct reports to them to align with Elijah E. Cummings Federal Employee Antidiscrimination Act of 2020, 29 CFR Part 1614, and the EEOC MD 110. This ensures the MAJCOM/FLDCOM commander is informed of the effectiveness, efficiency, compliance, issues, and overall status and trends of the MAJCOM/FLDCOM and relevant installation EO programs.

2.16.5. Ensures that adequate facilities, office support equipment, and financial resources are provided to the MAJCOM/FLDCOM and respective installation EO offices to effectively execute the EO Program in accordance with applicable laws, regulations, executive orders, directives, and DoD and DAF policies. This includes ensuring that the MAJCOM/FLDCOM EO functional manager will have a private office space available for discussing sensitive EO related matters to include handling and/or processing complaints.

2.17. MAJCOM/FLDCOM Equal Opportunity Functional Manager. Administers his or her respective MAJCOM/FLDCOM EO Program and serves as subject matter expert (SME) and advisor to MAJCOM/FLDCOM senior leaders on DAF EO programming matters. NGB-EO-EC functions as a MAJCOM/FLDCOM EO functional manager. The MAJCOM/FLDCOM EO functional managers will:

2.17.1. Report to and have direct access to the MAJCOM/FLDCOM commander align with Elijah E. Cummings Federal Employee Antidiscrimination Act of 2020, 29 CFR Part 1614, and the EEOC MD 110. This ensures being able to fully inform MAJCOM/FLDCOM commander of the effectiveness, efficiency, compliance, issues, report findings, and overall status and trends of the MAJCOM/FLDCOM EO Program and the respective installation programs. This includes communicating with the MAJCOM/FLDCOM commander at minimum semiannually on such EO matters to include trend data and other pertinent EO information.

2.17.2. Complete initial skills training and annual refresher training as described in [Chapter 7](#). Initial skills training will be successfully completed to gain access to the AF EONet.

2.17.3. Collaborate with AFPC EO Operations between wings/deltas, installations, MAJCOMs/FLDCOMs, and higher headquarters to ensure compliance with laws, regulations, EEOC guidelines, executive orders, directives, and DoD and DAF policies. The MAJCOM/FLDCOM EO functional manager may supplement DAF EO guidance, programs, and procedures for his or her respective MAJCOM/FLDCOM in accordance with DAFI 90-160 and DAFMAN 90-161. Supplemental guidance will be coordinated through SAF/MRQ following the DAF publication process.

2.17.4. Provide guidance and assistance to his or her respective installation EO offices in executing this publication and relevant statutory and DoD and DAF policies and initiatives affecting the DAF EO Program.

2.17.5. Coordinate applicable exceptions to policy with SAF/MRQ following the DAF publication process per DAFI 90-160 and DAFMAN 90-161. The MAJCOM/FLDCOM EO functional manager will ensure AFPC EO Operations is informed of such actions for optic and tracking purposes.

2.17.6. Monitor, balance, and program for manpower and resources, in coordination with his or her MAJCOM/FLDCOM comptroller, for his or her respective installation EO offices to ensure budgets are properly allocated and managed.

2.17.7. Track and manage installation EO personnel inbound and outbound. This includes tracking and verifying that installation EO directors and EO practitioners are appropriately trained and, where required, complete initial skills training within six months of appointment to their position as described in [Chapter 7](#).

2.17.8. Conduct the MEO complaint process when an installation EO director and/or EO practitioner is named in a complaint, presenting a conflict of interest to process at the affected installation. The MAJCOM/FLDCOM EO functional manager may designate another installation EO practitioner within the MAJCOM/FLDCOM other than the affected installation to assist in processing MEO and EEO complaints while ensuring consideration is taken on the installation EO offices' workload. The MAJCOM/FLDCOM EO functional manager will inform AFPC EO Operations when complaints have been filed against installation EO directors

within 48 hours of receipt of the complaint. AFPC EO Operations will then inform SAF/MRQ within 48 hours of notification from the MAJCOM/FLDCOM EO functional managers. Refer to **Chapter 4** for additional guidance.

2.17.9. Ensure complaints received through the DAF Unlawful Discrimination and Harassment Hotline are routed to the appropriate installation EO office, in coordination with AFPC EO Operations. For complaints involving multiple installations, MAJCOMs/FLDCOMs, or other agencies, the MAJCOM/FLDCOM EO functional managers will identify the OPR for complaint processing in coordination with their respective MAJCOM/FLDCOM commander, IG, and/or judge advocate. MAJCOM/FLDCOM EO functional manager will ensure AFPC EO Operations is informed of such actions for optic and tracking purposes. MAJCOM/FLDCOM EO functional managers may consult AFPC EO Operations as needed.

2.17.10. Serve as a member of the MAJCOM/FLDCOM CAB and CCAT in accordance with DAFI 90-5001.

2.17.11. Ensure MEO and EEO complaint, NDR Program, and other relevant DAF EO activities (e.g., general assistance, contacts, referrals) data is maintained and updated in the AF EONet as described in **Chapter 8**.

2.17.12. Conduct effective quality control reviews for data collected and tracked in the AF EONet for his or her respective MAJCOM/FLDCOM to ensure data is accurate, complete, thorough, up-to-date, consistent, timely, and appropriately formatted to comply with laws, regulations, and policies. Effective quality control reviews will be conducted at least quarterly and throughout the year to support DAF reporting requirements, data calls, and requests for information.

2.17.12.1. This includes providing thorough oversight of and assistance with MEO and EEO complaints, EEOC Form 462, Equal Opportunity and Treatment Incidents (EOTI), education and training, ADR data, and other DAF EO activities to ensure all information and data are accurate, complete, thorough, up-to-date, consistent, and timely.

2.17.12.2. Validate and reconcile the EEOC Form 462 for his or her respective MAJCOM/FLDCOM within 15 calendar days of quarterly closeout and notify AFPC EO Operations, via email once complete.

2.17.13. Analyze trend data and other pertinent EO information at minimum semiannually and advise his or her respective installation EO directors and installation commanders on trends, issues, and corrective and preventative courses of actions. The MAJCOM/FLDCOM EO functional manager will share with SAF/MRQ through AFPC EO Operations any identified issues, trends, recommendations, and best practices that may have broader implications to that MAJCOM/FLDCOM or to the DAF, as directed.

2.17.14. Compile EEO data under the DAF EO Program purview to support MAJCOM/FLDCOM barrier analysis and action plans to mitigate EEO barriers to personnel policies, practices, and working conditions. This includes supporting the EEOC MD 715 Report in coordination with the MAJCOM/FLDCOM AEPM. Refer to **Chapter 8** of this publication and DAFI 36-2711 for additional guidance.

2.17.15. Augment the MAJCOM/FLDCOM IG throughout inspections, assessments, and evaluations. Perform continual evaluation, to include monitoring Management Internal Control Toolset (MICT) self-assessments, and the Inspector General Evaluation Management System (IGEMS) data.

2.17.16. Coordinate with MAJCOM readiness points of contact to ensure installation-level EO practitioners are correctly postured/aligned to the appropriate posturing code. ARC personnel will coordinate with their appropriate readiness point of contact.

2.17.17. Collaborate with MAJCOM/FLDCOM agencies, CAT members, and other relevant stakeholders on matters with DAF EO Program equities.

2.17.18. Process and respond to congressional and other high-level inquiries on matters within the DAF EO Program purview in accordance with AFI 90-401, *Relations with Congress*, in coordination with AFPC EO Operations and SAF/MRQ. The MAJCOM/FLDCOM EO functional managers will include SAF/MRQ on all correspondence sent in response to congressional and other higher-level inquiries.

2.17.19. Comply with data calls, request for information, and other-directed tasks to support statutory and policy reporting requirements, congressional inquiries, audits and review, and DoD and DAF senior leader inquiries within the DAF EO Program purview. This includes conducting effective quality control reviews before submitting data and information to SAF/MRQ and AFPC EO Operations.

2.17.20. Facilitate supplemental training workshops and attend other professional forums addressing EO issues and determine MAJCOM/FLDCOM representation at these events. Refer to [Chapter 7](#) for additional guidance.

2.17.21. Ensure staff assistance visits (SAV) for an installation EO Program are coordinated with appropriate EO functional managers and gatekeepers in accordance with DAFI 90-302, *The Inspection System of the Department of the Air Force*. Refer to [Chapter 9](#) for additional guidance.

2.17.22. The MAJCOM/FLDCOM EO functional manager will prioritize and focus on implementing the MAJCOM EO Program. Any activities that may diminish the effectiveness of MAJCOM/FLDCOM EO functional managers in the performance of their DAF EO responsibilities are not acceptable. The MAJCOM/FLDCOM EO functional manager position will not be combined with another position in the organization. MAJCOM/FLDCOM EO functional managers will not be constrained by additional duties that detract from their primary EO responsibilities.

2.17.22.1. To ensure impartiality in accordance with laws, regulations, and policies, the MAJCOM/FLDCOM EO functional manager will not execute any duties that subsequently disqualify him or her from or may cause a conflict of interest in conducting unbiased execution of the DAF EO Program, to include overseeing EEO and processing and overseeing MEO complaints in accordance with laws, regulations, and policies. This includes not serving as SARCs, SAPR VAs; victim advocates; AEPs; DPMs; integrated primary prevention workforce; counter-insider threat liaison; servicing legal office staff; any role within civilian personnel; or other duties that may cause conflicts of interest. This also includes not executing extremist activity functions to include conducting training on these issue areas.

2.17.23. When processing MEO complaints, the MAJCOM/FLDCOM EO functional manager serves in the capacity of an EO practitioner and will comply with all laws, regulations, and policies, to include timelines and notification requirements, as described in this publication. This includes implementing EO practitioner responsibilities per paragraphs 2.21 through 2.21.22.

2.17.24. For packages (e.g., appeals, EOTIs, etc.) requiring AFPC EO Operations or SAF/MRQ coordination, MAJCOM/FLDCOM EO functional managers will conduct effective quality control reviews before forwarding those packages to AFPC EO Operations. MAJCOM/FLDCOM EO functional managers will forward written acknowledgment from AFPC EO Operations of received packages to the respective installation EO director within 48 hours of receipt from AFPC EO Operations. If AFPC EO Operations has not provided a written acknowledgment to the respective MAJCOM/FLDCOM EO functional manager within 48 hours after submission of the packages to AFPC EO Operations, the respective MAJCOM/FLDCOM EO functional manager will follow up with AFPC EO Operations every five duty days to receive a status update from AFPC EO Operations and forward the status to the respective installation EO director. If MAJCOM/FLDCOM EO functional managers have not received from AFPC EO Operations status updates within 60 duty days after submission to SAF/MRQ, MAJCOM/FLDCOM EO functional managers will follow up every 15 duty days with AFPC EO Operations for a status update until the package has been adjudicated and/or returned. MAJCOM/FLDCOM EO functional manager will forward the status updates to the respective installation EO director within 48 hours of receipt.

2.18. Installation Commander. Promotes and implements nondiscrimination and equal opportunity policies for programs and activities consistent with laws, regulations, executive orders, directives, and DoD and DAF policies. This includes taking proactive steps to prevent, correct, and eliminate unlawful discrimination and discriminatory harassment (including sexual harassment) against DAF civilian employees, former employees, and applicants for employment and prohibited discrimination, discriminatory harassment (including sexual harassment), and other forms of harassment (bullying and hazing) against military members consistent with this publication. Installation commanders will:

2.18.1. Ensure Airmen and Guardians (military and civilian) are made aware of the DAF EO Program and policies, informed that they can report violations or allegations without fear of retaliation or reprisal, and have the right to file EEO complaints of unlawful discrimination and discriminatory harassment (including sexual harassment) and MEO complaints of prohibited discrimination, discriminatory harassment (including sexual harassment), and other forms of harassment (bullying and hazing) described in this publication.

2.18.2. Ensure the EEO and MEO programs are implemented at all serviced and tenant organizations under his or her command. This includes using supplemental policy guidance, communication, education, training, enforcement, and assessment as core elements of program effectiveness and repealing any policies or practices that counter or conflict with the DAF EO policy. Ensure the NDR Program, where applicable and where the installation EO director also serves as the NDR program manager, are implemented at all serviced and tenant organizations under his or her command.

2.18.3. Ensure the DAF EO policy, complaint procedures, sexual trauma informational poster, and other required materials are prominently posted in all personnel and DAF EO offices and

other high traffic locations throughout the installation to include prominently posting the contact information for the installation EO office and DAF Unlawful Discrimination and Harassment Hotline.

2.18.4. Appoint an installation EO director (minimum grade GS-12 or E-7 unless otherwise dictated by the unit manpower document) in writing. In deployed locations, the EO director position will be no lower than the grade of E-6. Installation commanders are encouraged to engage with their respective MAJCOM/FLDCOM EO functional manager for questions or insight on the DAF EO Program when appointing installation EO directors as needed.

2.18.5. Ensure the installation EO director direct reports to and is under the immediate supervision of the installation commander to align with Elijah E. Cummings Federal Employee Antidiscrimination Act of 2020, 29 CFR Part 1614, and the EEOC MD 110. This ensures the installation commander is informed of the effectiveness, efficiency, compliance, issues, and overall status and trends of the installation EO Program.

2.18.6. Ensure the installation EO director and EO practitioners complete all required training as described in [Chapter 7](#).

2.18.7. Ensure the installation EO director is not aligned under the CPS or Office of the IG or assigned as a SJA, or director of staff to comply with federal laws and regulations to ensure impartiality.

2.18.8. Ensure all assigned EO directors and practitioners are available and properly trained to effectively execute the installation EO Program.

2.18.9. Ensure that adequate facilities, office support equipment, and financial resources are provided to the installation EO office to effectively execute the EO Program in accordance with applicable laws, regulations, executive orders, directives, and DoD and DAF policies.

2.18.9.1. Ensure that the installation EO office is resourced with private offices for consultations, complaint processing, interviews, and meetings with personnel that involve sensitive and need to know information to allow for privacy per DAFMAN 32-1084, *Standard Facility Requirements*. When feasible, the SAPR and EO offices should be in close proximity but not in the same office as each other and should be in an area on the installation where all personnel have easy access, through their own private entryway with controlled foot traffic to provide as much privacy as possible.

2.18.9.2. Ensure the installation EO office is in an area on the installation where individuals with disabilities have easy access to the EO office space (e.g., elevators, ramps, equipment, alternate accessible locations, etc.) in accordance with applicable laws and policies.

2.18.9.3. Ensure the installation EO office has access to conference space and classrooms to implement EO training and education requirements.

2.18.10. Ensure all subordinate commanders foster environments of nondiscrimination and equal opportunity and respond to unlawful discrimination and discriminatory harassment (including sexual harassment) against DAF civilian employees, former employees, and applicants for employment and prohibited discrimination, discriminatory harassment (including sexual harassment), and other forms of harassment (bullying and hazing) against

military members as described in this publication. Ensure retaliation and/or reprisal will not be tolerated.

2.18.11. Ensure substantiated MEO complaints are annotated in enlisted and officer performance reports and tracking systems and require such reports and tracking systems to be reviewed for substantiated MEO complaints prior to selection for favorable personnel actions.

2.18.12. Exercise authority to accept or dismiss (in whole or in part) civilian EEO complaints pursuant to 29 CFR § 1614.107. This authority may be delegated in writing to the deputy commander or installation EO director provided the installation EO director has not otherwise counseled the aggrieved individual with respect to the complaint.

2.18.13. Ensure DAF civilian employees, supervisors, and managers provide full cooperation to EEO officials and investigators, EEOC officials, and DAF legal representatives on inquiries, investigations, or other official proceeding in accordance with applicable laws and policies.

2.18.14. Ensure personnel support CDIs and MEO complaint clarifications by providing timely access to information, as appropriate.

2.18.15. Exercise final authority to waive complaint timelines for formal MEO complaints.

2.18.16. Review with the installation EO director all MEO and EEO complaints monthly for complaint processing timeliness, retaliation and reprisal prevention, and other significant issues and trends identified by the installation EO director.

2.18.17. Advocate for and ensure the availability of the NDR Program.

2.18.18. Approve or disapprove first level appeals on MEO formal complaints.

2.18.19. Make the final determination on EOTI classifications.

2.18.20. Direct the semiannual installation equal opportunity assessment summary (IEOAS).

2.18.21. Ensure military and civilian personnel complete all required EO training and education. Approve locally developed supplements to approved DAF EO training and education curricula and any other locally developed training and education materials, such as but not limited to lesson plans, handouts, and audiovisual materials.

2.18.22. Ensure military members experiencing sexual harassment have access to and are referred to the SAPR office for victim advocacy support and to the EO office to file a MEO complaint. The EO office does not provide victim advocacy services and cannot take unrestricted or restricted reports for sexual harassment. For additional information about military member sexual harassment victim advocacy, refer to DAFI 90-6001.

2.18.23. Ensure that the EO office regularly communicates with the SAPR office and other stakeholders (e.g., commanders, judge advocate, security forces (SF), AFOSI, etc.), as appropriate, to ensure sexual harassment complaint and victim advocacy procedures are streamlined, communicated, and implemented across their respective installation. Great care will be taken to ensure that military members' privacy is maintained, as appropriate and permissible by law.

2.18.24. Ensure that installation EO directors and EO practitioners prioritize and focus on implementing the installation EO Program. Any activities that may diminish the effectiveness of installation EO director and EO practitioners in the performance of their DAF EO

responsibilities are not acceptable. The installation EO director and EO practitioner position will not be combined with another position in the organization unless otherwise stated in this publication. Installation EO director and EO practitioners will not be constrained by additional duties that detract from their primary EO responsibilities.

2.18.24.1. To ensure impartiality in accordance with laws, regulations, and policies, the installation EO director and EO practitioners will not be assigned any duties that subsequently disqualify them from or may cause a conflict of interest in conducting unbiased execution of the DAF EO Program, including processing EEO and MEO complaints in accordance with laws, regulations, and policies. This includes not serving as SARCs; SAPR VAs; victim advocates; AEPs; DPMs; integrated primary prevention workforce; counter-insider threat liaison; servicing legal office staff; any role within civilian personnel; or other duties that may cause a conflict of interest. This also includes ensuring installation EO directors and EO practitioners will not be assigned to execute countering insider threat or extremist activity functions to include training on these issue areas. Installation EO directors and EO practitioners will prioritize and focus on implementing the installation EO Program.

2.18.25. Receive training from the installation EO office when assuming command. This is accomplished through the key personnel briefing conducted by the installation EO office. Refer to [Chapter 6](#) for additional guidance.

2.18.26. Complete all EO training and education as required by laws, regulations, and policies. Refer to [Chapter 6](#) for additional guidance.

2.18.27. Ensure EO personnel are not used to administer or implement the Defense Organizational Climate Survey (DEOCS), or other command climate assessments (CCA) responsibilities aligned with the DAF integrated primary prevention workforce as described in DoDI 6400.11 and DAFI 90-5001. Attempting to use EO personnel for such purposes will interfere with competing statutory and policy obligations, to include processing MEO and civilian EEO complaints and supporting multiple congressional annual reporting requirements that overlap with the DEOCS survey window. Additionally, the shift of CCAs (e.g., DEOCS) focus on risk and protective factors across multiple forms of violence and negative behaviors is outside the purview of the EO program. Commanders are also encouraged to seek assistance from their respective integrated primary prevention office.

2.18.28. Ensure the installation EO office has timely access to pertinent information and relevant portions of data sets, reports, and/or findings with DAF EO Program equities (e.g., discrimination, sexual harassment, harassment [bullying and hazing]) needed to conduct EEO and MEO complaint processing, EOTI classifications, and to monitor and track other EO related matters that may contribute to the overall installation's climate and mission readiness. This includes, but is not limited to, access to personnel data (e.g., performance reports, promotions, and awards), legal data (Article 15, Courts-Martial, etc.), unit historical trend data, SF blotters, and portions of CCAs with DAF EO equities. Agencies in which data may be needed from include, but is not limited to, SF, IG, integrated primary prevention workforce, military personnel section, CPS, and chains of command.

2.19. Commanders (Unit, Tenant, Direct Reporting Unit, Geographically Separated Units, Forward Operating Agency) (and Civilian Equivalents). Promotes and implements nondiscrimination and EO policies for programs and activities consistent with laws, regulations,

executive orders, directives, and DoD and DAF policies. This includes taking proactive steps to respond, prevent, correct, eliminate, and ensuring all allegations of unlawful discrimination and discriminatory harassment (including sexual harassment) against DAF civilian employees, former employees, and applicants for employment and prohibited discrimination, discriminatory harassment (including sexual harassment), and other forms of harassment (bullying and hazing) against military members are thoroughly addressed consistent with this publication. Commanders (and civilian equivalents) will:

2.19.1. Ensure Airmen and Guardians (military and civilian) under their purview are made aware of and have access to the DAF EO Program and policies, informed of and encouraged to report violations or allegations without fear of retaliation or reprisal, and informed that they have the right to file EEO complaints of unlawful discrimination and discriminatory harassment (including sexual harassment) and MEO complaints of prohibited discrimination, discriminatory harassment (including sexual harassment), and other forms of harassment (bullying and hazing) described in this publication.

2.19.1.1. Endorse and communicate DoD and DAF EO policies and programs to all their personnel and ensuring that there is no tolerance for unlawful discrimination and discriminatory harassment (including sexual harassment) against DAF civilian employees, former employees, and applicants for employment and prohibited discrimination, discriminatory harassment (including sexual harassment), and other forms of harassment (bullying and hazing) against military members in the DAF.

2.19.1.2. Inform their Airmen and Guardians (military and civilian) of the available EEO and MEO reporting options and procedures.

2.19.1.3. Ensure a Memorandum of Agreement or Memorandum of Understanding is established to ensure MEO and EEO support services are available, if applicable.

2.19.2. Ensure the complainant and alleged offender(s) understand their rights when allegations of unlawful discrimination and discriminatory harassment (including sexual harassment) by DAF civilian employees former employees, and applicants for employment and prohibited discrimination, discriminatory harassment (including sexual harassment), and other forms of harassment (bullying and hazing) by military members are filed with the installation EO office or when their Airman or Guardian reports allegations directly to the command/commander.

2.19.3. Ensure every effort is made to protect the identity and privacy of Airmen and Guardians (military and civilian) when an EEO or MEO complaint is filed consistent with this publication.

2.19.4. Advise military members and civilian personnel of available support resources and support efforts to restore workplace efficiency.

2.19.5. Consider taking immediate and appropriate corrective, administrative, disciplinary, and/or actions when violations of DoD and DAF EO policy occur and when an EEO or MEO complaint is substantiated as defined in [Attachment 1](#) of this publication.

2.19.6. For MEO informal complaints filed with the installation EO office or when their Airman or Guardian reports allegations directly to the command/commander, respond to and informally resolve such matters in a timely matter. Refer to [Chapter 4](#) for additional guidance.

2.19.6.1. Coordinate with the installation EO director to serve as or to appoint an EO practitioner to provide SME on DAF EO policy for all CDIs involving EO allegations. EO directors and practitioners will not conduct the CDI nor recommend whether to substantiate or not substantiate allegations or recommend corrective, administrative, and/or disciplinary actions.

2.19.6.2. Thoroughly complete and provide monthly to the installation EO office a Commander Worked Issue (CWI) Worksheet, detailing MEO-related issues worked within their unit as informal complaints, to include any CDI and anonymous complaints to ensure tracking and monitoring as required by laws and policies.

2.19.7. For all MEO formal complaints, other than sexual harassment, provide initial notification to the General Court Martial Convening Authority (GCMCA) within five duty days of receipt of the complaint. Formal complaints of sexual harassment are referred to AF/A4S Sexual Harassment Investigations Division to facilitate independent investigations pursuant to the procedures in 10 USC § 1561. Refer to [Chapter 4](#) for additional guidance.

2.19.8. For MEO formal complaints of sexual harassment, provide initial notification to the GCMCA within 72 hours of receipt of the complaint in accordance with procedures in 10 USC § 1561. Refer to [Chapters 3](#) and [4](#) for additional guidance.

2.19.9. Provide all briefings, notices, reports, and referrals to military and civilian complainants and alleged offenders as prescribed in this publication throughout the EEO and MEO complaint processes.

2.19.10. Commanders will provide military complainants (and civilian complainants with a formal complaint pursuant to procedures in 10 USC § 1561) and alleged offenders information about available on- and off- installation support resources, to include military and civilian emergency medical support services as well as public and private programs that are available to provide counseling, treatment, and other support.

2.19.11. Advise their military members of their eligibility to receive victim advocacy services for sexual harassment through the SAPR office and that they can facilitate an in-person, virtual, or telephonic referral to the SARC and/or SAPR VA prior to the military member disclosing a sexual harassment allegation to the command or EO office to preserve their restricted reporting option. For additional information about military member sexual harassment victim advocacy, refer to DAFI 90-6001.

2.19.12. Advise military members that sexual harassment victim advocacy services through the SAPR office do not replace the MEO complaint processes available to military members. As such, military members electing an unrestricted report with the SAPR office to receive sexual harassment victim advocacy services may also choose to file a separate MEO complaint alleging sexual harassment through the EO office or can go directly to their commander or SF to report the allegation.

2.19.13. Receive training from the installation EO office when assuming command. This is accomplished through the key personnel briefing conducted by the installation EO office. Refer to [Chapter 6](#) for additional guidance.

2.19.14. Complete all EO training and education as required by laws, regulations, and policies. Refer to [Chapter 6](#) for additional guidance.

2.19.15. Annotate substantiated MEO complaints in enlisted and officer performance briefs and tracking systems and review such reports and tracking systems for substantiated MEO complaints prior to selection for favorable personnel actions.

2.19.16. Will not use EO personnel to administer or implement DEOCS or other CCAs responsibilities aligned with the DAF integrated primary prevention workforce as described in DoDI 6400.11 and DAFI 90-5001. Attempting to use EO personnel for such purposes will interfere with competing statutory and policy obligations, to include processing MEO and EEO complaints and supporting multiple congressional annual reporting requirements that overlap with the DEOCS survey window. Additionally, the shift of CCAs (e.g., DEOCS) focus on risk and protective factors across multiple forms of violence and negative behaviors outside the purview of the EO program. Commanders are also encouraged to seek assistance from their respective integrated primary prevention office.

2.20. Installation Equal Opportunity Directors. Provides program management and administers their respective installation EO Program in accordance with applicable laws, regulations, executive orders, directives, and DoD and DAF policies to include ensuring program impartiality. This includes serving as SME and advisor to the installation commander, other commanders (and civilian equivalents), and installation stakeholders on EO related matters as described in this publication. Installation EO directors will:

2.20.1. Report to and have direct access to the installation commander to align with Elijah E. Cummings Federal Employee Antidiscrimination Act of 2020, 29 CFR Part 1614, and the EEOC MD 110. This ensures being able to fully inform the installation commander of the effectiveness, efficiency, compliance, issues, and overall status and trends of the installation EO Program.

2.20.2. If appropriate and as requested, assist the installation commander in developing supplemental EO policy and guidance, including forwarding requests to supplement policy for review in accordance with procedures outlined in DAFMAN 90-161, *Publishing Process and Procedures*.

2.20.3. Complete initial skills training and annual refresher training as described in [Chapter 7](#). Initial skills training will be successfully completed to gain access to the AF EONet.

2.20.4. Manage the budget, manpower, and resources for their respective installation EO offices. Ensure that all requirements with legal implications are priority funded before everything else. Travel for workshops, symposiums, and training should be prioritized and funded at the installation EO director's discretion notwithstanding installation commander directives.

2.20.5. Provide guidance and assistance to their respective installation commanders and stakeholders in implementing this publication and relevant statutory and DoD and DAF policies and initiatives affecting the DAF EO Program.

2.20.6. Ensure timely processing of EEO and MEO complaints while ensuring that reasonable effort is made to resolve complaints at the lowest possible level at the earliest possible time in accordance with laws, regulations, and policies as described in this publication. This includes ensuring appropriate coordination, documentation, and notification of all EEO and MEO complaint processing activities are conducted by the installation EO office and assist EO practitioners with their responsibilities. EO directors will ensure that all EEO complaint-related

timelines are met with respect to providing Notice of Right to File a Formal Complaint, requesting an agency representative, requesting investigation from IRD, and other timelines as applicable by 29 CFR Part 1614 and EEOC MD 110. Refer to Chapters 3 and 4 for additional guidance for EEO and MEO complaint processing.

2.20.7. Advocate for and make available the NDR Program to Airmen and Guardians (military and civilians) for ADR as described in this publication. If serving as a NDR Program Manager or in coordination with the NDR Program Manager, act to resolve disputes and provide NDR Program services in per DAFI 51-1201. This includes maintaining a list of DAF mediators, both certified and apprenticing, on an active roster at their respective location. At installations that do not have a history of significant workplace dispute activity, in lieu of maintaining a roster of internal mediators, mediators or other third-party neutrals may be obtained from other sources.

2.20.8. Utilize the EO MICT Self-Assessment Checklist (SAC) to assess the installation EO Program at least twice per year (January and July) for effectiveness and efficiency of operations from key stakeholders. As requested, the installation EO director will provide a copy of the completed SAC and any analysis of the EO MICT SACs to their respective MAJCOM/FLDCOM EO functional manager and AFPC EO Operations to support any trend analysis as needed. For ANG, the EO MICT SAC is an annual requirement. Refer to DAFI 90-302, *The Inspection System of the Department of the Air Force*, for additional information MICT.

2.20.9. Installation EO directors will validate and reconcile all sections of the EEOC Form 462 quarterly. Installation EO directors will submit a copy of the EEOC Form 462 to their respective MAJCOM/FLDCOM EO functional manager, with a courtesy copy to the installation commander, within 10 calendar days of closeout.

2.20.10. Conduct an installation equal opportunity assessment summary (IEOAS) at least semiannually. This includes briefing the IEOAS findings, to include actionable recommendations, to the installation CAT and CAB at least semiannually. Refer to [Chapter 9](#) for additional guidance.

2.20.11. Brief the installation commander monthly on all MEO and EEO complaints for complaint processing timeliness, retaliation/reprisal prevention, and other significant issues and trends identified by the installation EO director.

2.20.12. Promote the DAF EO Program to respective installation military and civilian senior leaders and all Airmen and Guardians (military and civilian). This includes ensuring the installation workforce receives adequate information on the availability of EEO and MEO complaint programs and to qualified trained EO practitioners.

2.20.13. Ensure the DAF EO policy, EEO and MEO complaint procedures, EO office contact information (e.g., telephone and office location), sexual trauma informational poster, other required materials, and DAF Unlawful Discrimination and Harassment Hotline are publicized and prominently posted in installation EO offices and other high traffic locations throughout the installation. The areas for posting may include, but are not limited to, the force support squadron, commissary, exchange facilities, and the installation's authorized social media resources.

2.20.14. Support (GSUs) on EO-related issues outlined in the local host-tenant agreements, where applicable.

2.20.15. Serves as a member of the installation CAB and CAT in accordance with DAFI 90-5001.

2.20.16. Collaborate with their respective integrated primary prevention workforce and other installation CAT members to support integrated prevention plans and activities where issues and topics are within the DAF EO purview.

2.20.17. Not administer or implement, nor assign to EO practitioners, the DEOCS or other CCAs responsibilities aligned with the DAF integrated primary prevention workforce as described in DoDI 6400.11 and DAFI 90-5001. Attempting to use EO personnel for such purposes will interfere with competing statutory and policy obligations, to include processing MEO and EEO complaints and supporting multiple congressional annual reporting requirements that overlap with the DEOCS survey window. Additionally, the shift of CCAs (e.g., DEOCS) focus on risk and protective factors across multiple forms of violence and negative behaviors outside the purview of the EO program.

2.20.17.1. DEOCS responsibilities, such as but not limited to, analyzing data, and conducting review sessions and outbriefs with commanders (and civilian equivalents), will be implemented by the integrated primary prevention workforce.

2.20.17.2. The DAF's integrated primary prevention workforce is responsible for implementing other CCA and prevention requirements in DoDI 6400.11 to include the integrated prevention plan(s). For additional information, refer to DAFI 90-5001.

2.20.17.3. The installation EO director will collaborate with their respective integrated primary prevention workforce and other installation CAT members to encourage Airmen and Guardians (military and civilian) to participate in CCAs (e.g., DEOCS). This may be accomplished during EO trainings, out and abouts, and at other engagements or interactions with Airmen and Guardians (military and civilian).

2.20.18. Equip and empower EO practitioners to implement their duties and responsibilities as described in this publication. Installation EO directors will ensure any additional duties assigned to EO practitioners will not significantly affect the EO practitioners' ability to implement their primary duties and responsibilities. Ensure EO practitioners have direct access to the installation EO director.

2.20.19. Ensure all EO practitioners have completed initial skills training, upgrade training, and annual refresher training as described in [Chapter 7](#).

2.20.20. Review and approve any EO practitioner personalized information (e.g., introduction, transitions, closing) developed for DAF EO trainings prior to implementation. Refer to [Chapter 6](#) for more guidance.

2.20.21. Conduct an annual written instructor evaluation for each training session all EO practitioners conduct to assess for, but not limited to, instructional skills and abilities, performance, and demonstration of subject matter expertise to ensure training effectiveness and efficiency in communicating the DAF EO Program to Airmen and Guardians (military and civilian). This will be documented on the AETC Form 281A, *Instructor Evaluation Checklist*.

2.20.22. Ensure there is a sufficient EEO complaint caseload to effectively utilize and justify the need for civilian collateral duty EO practitioners. Installation EO directors will ensure civilian collateral duty EO practitioners successfully complete required training to gain access to the AF EONet as described in [Chapter 7](#). Installation EO directors will ensure civilian collateral duty EO practitioners only support the processing of EEO complaints and will not conduct MEO complaint processing, ADR assistance, or other DAF EO functions. Installation EO directors will coordinate with the collateral duty EO practitioner's supervisor to ensure those job duties are correctly reflected in the collateral duty EO practitioner's primary position description.

2.20.23. Maintain a collaborative working relationship with servicing legal, personnel, and other appropriate stakeholders and organizations with equities to ensure compliance with legal, regulatory, and policy requirements.

2.20.24. Ensure MEO and EEO complaints, NDR Program, and other relevant DAF EO activities (e.g., general assistance, contacts, referrals) data is maintained and updated in the AF EONet.

2.20.24.1. Ensure all EEO and MEO complaints filed with the installation EO Office are entered in the AF EONet within three duty days from when the EEO or MEO complaint was filed with an installation EO office. For extenuating circumstances, such as system-wide or internet connectivity issues, this timeframe can be extended up to five duty days from when the EEO or MEO complaint was filed. Refer to [Chapter 8](#) for additional guidance.

2.20.24.2. Conduct effective quality control reviews of all DAF EO data and information collected and tracked in the AF EONet for their respective installation EO office to ensure data are accurate, complete, thorough, up-to-date, consistent, timely, and appropriately formatted to comply with laws, regulations, and policies. Effective quality control reviews will be conducted monthly and throughout the year to support DAF reporting requirements, data calls, and requests for information.

2.20.25. Maintain and safeguard EEO and MEO complaint documentation as the custodian of the official record in accordance with AFI 33-322, *Records Management and Information Governance Program*. This includes ensuring EEO and MEO complaint documentation is protected in compliance with the Privacy Act of 1974, Freedom of Information Act, and other relevant laws and regulations. Ensure all records will be kept in accordance with the Air Force Records Disposition Schedule located in the Air Force Records Information Management System. Refer to [Chapter 8](#) for additional guidance.

2.20.26. Review and ensure all required EEO complaint documentation and reports (e.g., Counselor's Reports) are completed in accordance with EEOC MD 110. Refer to [Chapter 3](#) for additional guidance.

2.20.27. Provide administrative and logistical support to the DoD's Investigations and Resolutions Directorate (IRD) for EEO complaints. Coordinate the utilization of court reporters, if applicable, and ensure the court reporters provide the required number of transcripts to IRD.

2.20.28. Comply with data calls, request for information, and other-directed tasks to support statutory and policy reporting requirements, congressional inquiries, audits and review, and DoD and DAF senior leader inquiries within the DAF EO Program purview.

2.20.29. Ensure all required EO training and education are conducted using DAF approved materials (e.g., lesson plans, curricula, etc.) developed by AFPC EO Operations. Refer to **Chapter 6** for additional guidance. Refer to the AFPC EO Operations SharePoint at <https://usaf.dps.mil/teams/14101/SitePages/Home.aspx> and/or contact your MAJCOM/FLDCOM EO functional managers or AFPC EO Operations for operational guidance and training materials.

2.20.30. Prioritize and focus on implementing the installation EO Program. Any activities that may diminish the effectiveness of installation EO directors and EO practitioners in the performance of their DAF EO responsibilities are not acceptable. The installation EO director and EO practitioner position will not be combined with another position in the organization unless otherwise stated in this publication. Installation EO directors and EO practitioners will not be constrained by additional duties that detract from their primary EO responsibilities.

2.20.30.1. To ensure impartiality in accordance with federal laws, regulations, and policies, the installation EO director will not execute or assign to EO practitioners any duties that subsequently disqualify him or her from or may cause a conflict of interest in conducting unbiased execution of the DAF EO Program, to include processing EEO and MEO complaints in accordance with laws, regulations, and policies. This includes not serving as SARCs; SAPR VAs; victim advocates; AEPs; DPMs; integrated primary prevention workforce; counter-insider threat liaison; servicing legal office staff; any role within civilian personnel; or other duties that may cause a conflict of interest. This also includes not executing or assigning EO practitioners counter insider threat or extremist activity functions, including conducting training on these issue areas. Installation EO directors will prioritize and focus on implementing the DAF EO Program.

2.20.31. Ensure DAF EO Commitment of Service is implemented when the installation EO offices engages with all Airmen and Guardians (military and civilian) as described in **Chapter 1** of this publication.

2.20.32. Ensure Airmen and Guardians (military and civilian) are informed that an EO practitioner can facilitate referrals and warm hand-offs to available and eligible resources or services with consent of that Airman or Guardian. This supports the DAF's Connect to Care approach as described in DAFI 90-5001 and DAFI 90-6001.

2.20.33. For individuals who come in contact with the installation EO office that appear emotionally distraught or may present a risk to themselves or others, ensure EO practitioners conduct person-to-person hand-offs with the individual's immediate commander (and civilian equivalents) or designee (e.g., first sergeant). In emergency situations of imminent threat to self or to others, ensure EO practitioners contact law enforcement for assistance and then notify the individual's immediate commander (and civilian equivalents) or designee (e.g., first sergeant). Where there is no risk to EO practitioners' safety, ensure EO practitioners do not leave the individual alone and conduct person-to-person warm hand-off when support arrives.

2.20.34. Ensure that military members seeking assistance from the EO office are advised of their eligibility to receive victim advocacy services for sexual harassment through the SAPR

office and that the EO office can facilitate an in-person, virtual, or telephonic referral to the SARC or SAPR VA prior to the military member disclosing a sexual harassment allegation to the EO office to preserve their restricted reporting option. This includes ensuring that the military member understands that the EO office cannot provide victim advocacy services and cannot take unrestricted or restricted reports. For additional information about military member sexual harassment victim advocacy, refer to DAFI 90-6001.

2.20.34.1. Ensure that military members understand that sexual harassment victim advocacy services through the SAPR office do not replace the MEO complaint processes. This includes ensuring that military members electing an unrestricted report with the SAPR office to receive sexual harassment victim advocacy understand that they may also choose to file a separate MEO complaint alleging sexual harassment through the EO office or can go directly to their commander to report the allegation.

2.20.34.2. Regularly communicate with the SAPR office and other stakeholders (e.g., commanders, judge advocate, SF, AFOSI, etc.), as appropriate, to ensure sexual harassment procedures are streamlined, communicated, and implemented across their respective installation. Great care will be taken to ensure that military members' privacy is maintained, as appropriate and permissible by law.

2.20.34.3. Advise commanders at all levels that military sexual harassment victim advocacy services through the SAPR office do not replace the MEO complaint processes available to military members and that formal complaints of sexual harassment are referred to AF/A4S Sexual Harassment Investigations Division to facilitate independent investigations pursuant to the procedures in 10 USC § 1561 and as prescribed in this publication.

2.20.35. Inform appropriate level commanders (and civilian equivalents) of EO related issues that may adversely affect an Airman's or Guardian's behavior, health and wellness, duty performance, or mission readiness, as appropriate.

2.20.35.1. The installation EO director will ensure this notification is documented in the AF EONet on a DAF Form 1271, *Equal Opportunity Record of Assistance/Contact*, as a non-EO assistance unless there is an existing DAF Form 1587, *Military Equal Opportunity Formal Complaint*, or DAF 1587-1, *Military Equal Opportunity Informal Complaint*, associated with a military member. Refer to [Chapter 4](#) for additional guidance.

2.20.36. Ensure the installation EO office establishes an electronic and/or hardcopy continuity folder for each unit or organization serviced by that office in accordance with the Air Force Records Disposition Schedule. Electronic records are the media of choice for use, storage, and maintenance. New record management systems containing paper records must be approved by the Air Force Records Officer in accordance with AFI 33-322, *Records Management and Information Governance Program*. Each continuity folder will contain at minimum the following:

2.20.36.1. Tab 1: Documented key personnel briefings.

2.20.36.2. Tab 2: Unit specific DAF Forms 1271.

2.20.36.3. Tab 3: Out and about visits (DAF Form 1271).

2.20.36.4. Tab 4: Memorandum from commanders regarding EO issues worked within the unit. This includes the CWI Worksheet along with the corresponding DAF Form 1587-1.

2.20.36.5. Other required documentation, when directed by SAF/MRQ and/or AFPC EO Operations.

2.20.37. Ensure that installation EO offices only release records to designated officials for official use only purposes. Designated officials will include commanders, IG, SJA, AFOSI, Office of Personnel Management (OPM), IRD, AFCARO, AF/JACL, SF, independent investigators, other authorized investigators, and other higher headquarters officials. If a CPS or DAF official not listed above requests a copy of a civilian or military complaint file to process an administrative action, the installation EO director will coordinate with their servicing SJA prior to the release of any complaint file information. The installation EO director will consult with the servicing SJA to determine release of information as warranted, to include any redaction requirements.

2.20.38. Report all MEO and EEO complaints against all officers (and civil servant Grade 15 or equivalent and above) and the complaint results (e.g., substantiated or not substantiated) of those complaints to SAF/IGQ through their servicing local IG office as described in DAFI 90-301. Consult with the servicing SJA on formal complaints of sexual harassment or any informal complaints of sexual harassment that result in an investigation on reporting procedures prior to reporting to IG.

2.20.39. When processing or handling any EEO or MEO complaints, the installation EO director serves in the capacity of an EO practitioner and will comply with all laws, regulations, and policies, to include timelines and notification requirements, as described in this publication. This includes implementing EO practitioner responsibilities per paragraphs [2.21](#) through [2.21.22](#).

2.20.40. Develop, update, and distribute an on-call notification roster for EO personnel to the installation command post, SF, GSU commanders, and other pertinent locations.

2.20.41. Disseminate a monthly written reminder to all commanders, including civilian equivalents, to provide EO-related information on all CWI activity for the previous month. The installation EO director will highlight this requirement during all key personnel briefings.

2.20.42. Serves as a member of the installation Quarterly Case Management Group (QCMG) in accordance with DAFI 90-6001.

2.20.43. Compile EEO data under the DAF EO Program purview to support installation barrier analysis and action plans to mitigate EEO barriers to personnel policies, practices, and working conditions. This includes supporting the EEOC MD 715 Report in coordination with the installation AEPM. Refer to **Chapter 8** of this publication and DAFI 36-2711 for additional guidance.

2.21. Equal Opportunity Practitioners. Under the oversight and direction of the installation EO director, impartially implements their EO responsibilities and duties to support the installation EO Program. This includes serving as SME and advisor on EO matters described in this publication. EO practitioners will:

2.21.1. Have direct access to the installation EO director.

- 2.21.2. Complete initial skills training and annual refresher training as described in [Chapter 7](#). Initial skills training will be successfully completed to gain access to the AF EONet.
- 2.21.3. Assist the installation EO director in providing guidance and assistance to commanders and other stakeholders in implementing this publication and relevant statutory and DoD and DAF policies and initiatives affecting the DAF EO Program.
- 2.21.4. Conduct outreach (e.g., Out and About Program), observations, focus groups, interviews, and other activities on EO related matters as described in this publication and as directed by the installation EO director. Refer to [Chapter 9](#) for additional guidance.
- 2.21.5. Participate in installation CAT, QCMG, and serve as an EO liaison on working groups, advisory councils, integrated product teams, and other forums as directed by the installation EO director to represent the installation EO Program.
- 2.21.6. Collaborate with their respective integrated primary prevention workforce, AEPM, and other installation CAT members to support integrated prevention plans and activities where issues and topics are within the DAF EO Program purview as directed by the installation EO director.
- 2.21.7. Conduct all required EO trainings using standardized DAF EO training materials (e.g., curricula, lesson plans, etc.). Refer to [Chapter 6](#) for additional guidance.
- 2.21.8. Assist the installation EO director with data calls, request for information, and other-directed tasks to support statutory and policy reporting requirements, congressional inquiries, audits and review, and DoD and DAF senior leader inquiries within the DAF EO Program purview.
- 2.21.9. Provide Airmen and Guardians (military and civilian) general assistance and facilitate contacts, referrals, and warm hand-offs for non-EO issues to available and eligible resources or services with consent from the Airman or Guardian.
- 2.21.10. When engaging with Airmen and Guardians (military and civilian), inform them of the DAF EO Commitment of Service as described in [Chapter 1](#) of this publication.
- 2.21.11. For individuals who appear emotionally distraught or may present a risk to themselves or others, conduct person-to-person hand-offs with the individual's immediate commander (and civilian equivalents) or designee (e.g., first sergeant). In emergency situations of imminent threat to self or to others, immediately notify the installation EO director and law enforcement for assistance and then notify the individual's immediate commander (and civilian equivalents) or designee (e.g., first sergeant). Where there is no risk to the EO practitioners' safety, do not leave the individual alone and conduct person-to-person warm hand-off when support arrives.
- 2.21.12. Assist the installation EO director in processing and/or conducting EOTIs, IEOAS, MICT SACs, EEOC 462 Report, and other requirements described in this publication or as directed by the installation EO director.
- 2.21.13. Promote the DAF EO Program to respective installation military and civilian leaders and all Airmen and Guardians (military and civilian). Publicize and prominently post DAF EO policy, EEO and MEO complaint procedures, EO office contact information (e.g., telephone and office location), sexual trauma informational poster, other required materials, and DAF

Unlawful Discrimination and Harassment Hotline in installation EO offices and other high traffic locations throughout the installation.

2.21.14. Enter all EEO and MEO complaint data in the AF EONet within three duty days from when the EEO or MEO complaint was filed with an installation EO office. For extenuating circumstances, such as system-wide or internet connectivity issues, this timeframe can be extended up to five duty days from when the EEO or MEO complaint was filed. This includes ensuring all data is accurate, complete, thorough, up-to-date, consistent, timely, and appropriately formatted to comply with laws, regulations, and policies. Refer to **Chapter 8** for additional guidance.

2.21.15. Maintain and safeguard EEO and MEO complaint documentation to ensure compliance with the Privacy Act of 1974, Freedom of Information Act, and other relevant laws and regulations. Ensure all records will be kept in accordance with the Air Force Records Disposition Schedule located in the Air Force Records Information Management System. Refer to **Chapter 8** for additional guidance.

2.21.16. Advise military members seeking assistance from the EO office of their eligibility to receive victim advocacy services for sexual harassment through the SAPR office and that the EO office can facilitate an in-person, virtual, or telephonic referral to the SARC or SAPR VA prior to the military member disclosing a sexual harassment allegation to the EO office to preserve their restricted reporting option. This includes explaining to the military member that the EO office cannot provide victim advocacy services and cannot take unrestricted or restricted reports as well as that sexual harassment victim advocacy services through the SAPR office does not replace the MEO complaint processes available to military members. Great care will be taken to ensure that military members' privacy is maintained, as appropriate and permissible by law.

2.21.17. Will only release records to designated officials for official use purposes only with prior approval from the installation EO director.

2.21.18. Comply with all laws, regulations, and policies, to include timelines and notification requirements, as described in this publication when processing EEO and MEO complaints. This includes collaborating with servicing legal, personnel, and other appropriate stakeholders or organizations with equities to ensure compliance with legal, regulatory, and policy requirements when processing EEO and MEO complaints.

2.21.19. Provide timely processing of EEO and MEO complaints while ensuring that reasonable effort is made to resolve complaints at the lowest possible level at the earliest possible time in accordance with laws, regulations, and policies as described in this publication. This includes appropriately coordinating, documenting, and notifying of all EEO and MEO complaint processing activities. Refer to Chapters **3** and **4** for additional guidance for EEO and MEO complaint processing.

2.21.19.1. Process civilian EEO pre-complaints and formal complaints in accordance with 29 CFR Part 1614, EEOC MD 110, and as described in this publication. This includes ensuring all required EEO complaint documentation and reports (e.g., counselor's reports) are completed per EEOC MD 110. Refer to **Chapter 3** for additional guidance.

2.21.19.2. Process MEO informal, formal, and anonymous complaints in accordance with DoD policies and as described in this publication. Refer to [Chapter 4](#) for additional guidance.

2.21.19.3. Advise complainants and aggrieved individuals of complaint processes and NDR Program to resolve complaints and make the appropriate referrals in an effort to seek a reasonable resolution of all complaint matters at the lowest possible level at the earliest possible time.

2.21.19.4. Assist complainants and aggrieved individuals with determining the basis for complaints, framing claims, and clarifying any ambiguities.

2.21.19.5. Serve as SME on DAF EO policy for all CDIs and other pertinent investigations involving EO allegations or other issues under the EO Program purview. The EO practitioners will no longer provide technical reviews of formal complaint of sexual harassment investigated by SF independent investigators pursuant to the procedures in 10 USC § 1561. The EO practitioners will not conduct the CDIs or other investigations and will not recommend whether to substantiate or not substantiate allegations or recommend corrective, administrative, and/or disciplinary actions. Informal complaints of sexual harassment will no longer automatically result in a CDI. Commanders will informally resolve the concerns within their chain of command, in consultation with the SJA, and notify EO offices of outcomes, unless a commander believes an investigation resulting in a report is necessary to further the readiness of the unit.

2.21.19.6. Assist the installation EO director with informing appropriate level commanders (and civilian equivalents) of EO related issues that may adversely affect an Airman's or Guardian's behavior, health and wellness, duty performance, or mission readiness, as appropriate.

2.21.20. Will not administer or implement the DEOCS or other CCAs responsibilities aligned with the DAF integrated primary prevention workforce as described in DoDI 6400.11 and DAFI 90-5001.

2.21.21. EO practitioners will prioritize and focus on implementing the installation EO Program. Any activities that may diminish the effectiveness of EO practitioners in the performance of their DAF EO responsibilities are not acceptable. The EO practitioner position will not be combined with another position in the organization unless otherwise stated in this publication. EO practitioners will not be constrained by additional duties that detract from their primary EO responsibilities.

2.21.21.1. EO practitioners will not execute any duties that subsequently disqualify them from or may cause a conflict of interest in conducting unbiased execution of the DAF EO Program, to include processing EEO and MEO complaints in accordance with laws, regulations, and policies. This includes not serving as SARCs; SAPR VAs; victim advocates; AEPMs; DPMs; integrated primary prevention workforce; counter-insider threat liaison; servicing legal office staff; any role within civilian personnel; or other duties that may cause a conflict of interest. This also includes not executing countering insider threat or extremist activity functions to include conducting training on these issue areas. EO practitioners will prioritize and focus on implementing the DAF EO Program.

2.21.22. When deployed in the capacity of EO practitioners, implement EO responsibilities and duties described in this publication to support Airmen and Guardians in deployed environment. Refer to [Chapter 4](#) for additional guidance.

2.22. Civilian Collateral Duty Equal Opportunity Practitioners (Civilian EEO Counselors). Conducts only EEO complaints processing and will not conduct MEO complaint processing, ADR assistance, or other DAF EO functions. Civilian collateral duty EO practitioners will promptly refer individuals who require assistance outside of these areas to the installation EO director, appropriate full-time EO practitioners, or NDR program manager. Civilian collateral duty EO practitioners successfully complete required training to gain access to the AF EONet as described in [Chapter 7](#).

2.22.1. Civilian collateral duty EO practitioners who are also trained as mediators and meet minimum qualifications per DAFI 51-1201 may provide ADR assistance, however civilian collateral duty EO practitioners who processed the pre-complaint for an aggrieved individual will not conduct ADR for the same aggrieved individual's dispute pursuant to EEOC MD 110.

2.22.2. Assignment of collateral duties to civilian employees requires an addendum to the employees' position description. Installation EO directors will contact the local CPS for assistance.

2.23. Installation Staff Judge Advocates (SJA). Provides legal advice to commanders at all levels and staff agencies on EO related issues to include EEO and MEO complaints. Additionally, SJAs will:

2.23.1. Conduct legal sufficiency reviews on all substantiated and not substantiated MEO complaints and appeals. This includes providing the installation EO offices with a legal sufficiency review memorandum on whether a preponderance of credible evidence supports a violation of EO laws and policies.

2.23.2. Provide legal advice and guidance on civilian EEO pre-complaints process for unlawful discrimination and harassment, and ADR matters to commanders, EO offices, CPSs, and other appropriate offices.

2.23.3. Review interview outlines and questions drafted by installation EO offices and provide recommendations and feedback for MEO formal complaint clarifications.

2.23.4. Review resolution and settlement agreements, including agreements resulting from ADR proceedings, for legal compliance in the EEO pre-complaint process.

2.23.5. As applicable, review EEO claims for compensatory damages and attorney's fees and advise installation commanders on the amount to be paid and negotiate fee agreements with opposing parties.

2.23.6. Conduct initial appropriateness (suitability) determination for the use of alternative dispute resolution for EEO and MEO complaints as outlined in DAFI 51-1201. Refer to [Chapter 3](#) and [4](#) for additional information.

2.23.7. Advise on the dismissal of formal EEO complaints or refer legal review of the dismissal to AF/JACL as required. Servicing JA should not provide legal advice on accepting or dismissing a formal EEO complaint if they would assist with EEOC litigation on the same formal EEO complaint. Advise on whether the aggrieved individual is an employee or a contractor in accordance with *Ma v. Department of Health and Human Services*, EEOC Appeal

No. 01962390 (29 May 1998) and Complainant v. Department of the Air Force, EEOC Appeal No. 0120142407 (28 January 2015). Consult with AF/JACL on whether to accept or dismiss based on the aggrieved individual's employment status, as well as needed on any matters related to acceptance or dismissal of formal complaints. For acceptance or partial acceptance of formal complaints, a legal sufficiency review from AF/JACL is optional. For formal complaints dismissed in full, the legal sufficiency review must be conducted by AF/JACL.

2.24. Installation Civilian Personnel Section (CPS). Provides technical expertise on civilian personnel matters and provides personnel documents as required by the installation EO offices. Installation CPS will:

2.24.1. Coordinate on proposed and final civilian EEO settlement agreements requests that involve administrative or personnel actions to ensure regulatory compliance in coordination with AFPC. Refer to **Chapter 3** for additional guidance.

2.24.2. Review the claims and bases of EEO formal complaints to ensure the claims have not also been raised as a formal complaint under the negotiated grievance or Merit Systems Protection Board procedures and notify the installation EO office in writing on this matter. Complaints with claims previously filed in the administrative grievance procedure will not be dismissed for this reason.

2.24.3. Ensure DAF civilian employees, supervisors, and managers provide full cooperation to EEO officials and investigators, EEOC officials, and DAF legal representatives on inquiries, investigations, or other official proceeding in accordance with applicable laws and policies.

Chapter 3

CIVILIAN EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT PROGRAM

3.1. Overview. The Department of the Air Force (DAF) civilian equal employment opportunity (EEO) complaint program implements federal laws (Title VII of the Civil Rights Act (42 U.S.C. § 2000e *et seq.*), the Age Discrimination in Employment Act (ADEA) (29 U.S.C. § 621 *et seq.*), the Equal Pay Act (29 U.S.C. § 206(d)), the Rehabilitation Act (29 U.S.C. § 791 *et seq.*), the Americans with Disabilities Act (ADA) (42 USC § 12101 *et seq.*), the Pregnant Workers Fairness Act (42 U.S.C. § 2000gg *et seq.*), the Genetic Information Nondiscrimination Act (GINA) (42 U.S.C. § 2000ff *et seq.*), Equal Employment Opportunity Commission (EEOC) regulations, and Department of Defense (DoD) policies on unlawful discrimination and discriminatory harassment (including sexual harassment) against DAF civilian employees, former employees, and applicants for employment pursuant to 29 CFR Part 1614, *Federal Sector Equal Employment Opportunity*, the Equal Employment Opportunity Commission's Management Directive 110 (EEOC MD 110), *Federal Sector Complaints Processing Manual*, and the laws within EEOC's jurisdiction on the basis(es) of a protected class. The goal is to allow individuals the opportunity to attempt to resolve concerns at the lowest organizational level at the earliest possible time.

3.1.1. The DAF EEO complaint program fosters an environment of dignity, respect, and nondiscrimination where civilian employees are afforded the opportunity to participate in, and benefit from, programs and activities for which they are qualified so that they may perform at their highest potential and advance in accordance with their abilities.

3.1.2. The DAF EEO complaint program provides timely, fair, and impartial services such as complaint processing, outreach, training and education, assistance through alternative dispute resolution (ADR), and other related services. This includes ensuring DAF civilian employees are equipped with knowledge about and have access to available resources such as trained EO practitioners and the DAF Unlawful Discrimination and Harassment Hotline.

3.1.3. Complaints alleging retaliation prohibited by the noted federal laws in [paragraph 3.1](#) are considered to be complaints of discrimination pursuant to 29 CFR § 1614.103.

3.1.4. Harassment allegations that are not based on a protected class as described in DoD Instruction (DoDI) 1020.04, *Harassment Prevention and Responses for DoD Civilian Employees*, are handled in accordance with DAF Instruction (DAFI) 36-147, *Civilian Conduct and Responsibility*. For assistance or additional information, DAF civilian employees are encouraged to contact their servicing DAF civilian personnel section (CPS).

3.2. Applicability. DAF civilian employees, former employees, and applicants for employment who meet criteria per 29 CFR Part 1614 may file EEO pre-complaints (informal) and formal complaints through the processes outlined in this chapter.

3.2.1. Air Force Reserve (AFR) members in a technician status, as a civilian employee, are eligible to file EEO complaints for events that occurred in civilian status following the process described in this chapter. For AFR members on Title 10 status, refer to the military equal opportunity (MEO) program in [Chapter 4](#) of this publication.

3.2.2. Air National Guard (ANG) installation EO offices do not process EEO complaints and will forward all EEO matters to the state equal employment manager (SEEM) to process in accordance with National Guard Bureau policy.

3.2.3. Under Federal law and EEOC regulations, independent contractors and contingent employees are not eligible to file EEO complaints under this publication and must file a charge of discrimination against their non-Federal employer directly with the EEOC. Exceptions and common law agency testing for this policy exist; see *Ma v. Department of Health and Human Services*, EEOC Appeal No. 01962390 (29 May 1998) and *Complainant v. Department of the Air Force*, EEOC Appeal No. 0120142407 (28 January 2015). Refer to [paragraph 2.23.8](#) for additional information.

3.2.4. Installation EO directors and EO practitioners will coordinate and consult with the servicing staff judge advocate (SJA) office on EEO related concerns made against contractor employees before referring the concerns to the contracting officer's representative for appropriate action. **(T-1)**

3.2.5. When an individual alleges unlawful discrimination and/or discriminatory harassment (including sexual harassment) in a multi-service case, complaint processing, to include EEO counseling, are determined by all agencies involved in the case consistent with the Deputy Secretary of Defense Memorandum, *Responsibility for Equal Employment Opportunity Complaints Arising in Combatant Command Areas of Responsibility*, dated 26 June 2023.

3.3. Complaint Process and Timelines Overview. The EEO complaint process begins when a DAF civilian employee, former employee, or applicant for employment who meet criteria pursuant to 29 CFR Part 1614 (here after referred to as aggrieved individual) who believes he or she has been subjected to unlawful discrimination and/or discriminatory harassment meets with an EO practitioner to address his or her concerns. The aggrieved individual must contact an EO practitioner within 45 calendar days of the matter alleged to be discriminatory or, in the case of personnel action, within 45 calendar days of the effective date of the action. **(T-0)** The 45 calendar day time limit for pre-complaints may be extended for reasons outlined in 29 CFR § 1614.105(a)(2). Failure to contact an EO practitioner within 45 calendar days may result in dismissal of the formal complaint. **(T-0)**

3.3.1. *Pre-Complaint.* Prior to a formal complaint being filed, EO practitioners will attempt to informally resolve the matter with aggrieved individuals. **(T-0)** Through the pre-complaint (informal) process, aggrieved individuals will be provided information about the EEO complaint process (e.g., timeframes, appeal procedures, etc.) as well as advised of their rights and responsibilities in the EEO complaint process. **(T-0)** Aggrieved individuals will be provided the option of pre-complaint counseling or to participate in an ADR process. **(T-0)**

3.3.2. *Formal Complaint.* If the matter could not be resolved during the pre-complaint process or prescribed timelines have passed, aggrieved individuals have the right to file a formal complaint to formally present claims of discrimination through the installation EO office. The pre-complaint process is a prerequisite to filing a formal complaint. Upon filing a formal complaint, the aggrieved person is now referred to as a complainant. The formal complaint will be investigated by the Department of Defense's (DoD) Investigations and Resolutions Directorate (IRD). **(T-0)**

3.3.3. For additional information on the EEO complaint process, DAF civilians are encouraged to review this chapter in entirety as well as encouraged to seek assistance from their installation EO office, by calling the DAF Unlawful Discrimination and Harassment Hotline (1-888-231-4058), and/or visiting the DAF EO public website at <https://www.af.mil/Equal-Opportunity/>.

3.4. Anonymity. Aggrieved individuals who engage with the installation EO office on the EEO complaint process have the right to anonymity up until filing a formal complaint. Aggrieved individuals will not have their identity revealed except when authorized to do so by the aggrieved individual in writing, or until the agency has received a formal discrimination complaint from that individual involving that same matter. **(T-0)** If the installation EO office receives a complaint where the complainant is unidentifiable, further complaint processing is not required. Aggrieved individuals agree to waive their anonymity when they agree to use an ADR process. The DAF EO Program will also ensure the privacy of the aggrieved individual is protected to the extent permitted by laws and regulations notwithstanding 29 CFR Part 1614 requirements. **(T-0)**

3.5. Aggrieved Individuals and Complainants Rights and Responsibilities. When engaging with the DAF EO Program, DAF civilian employees, former employees, and applicants for employment who meet criteria per 29 CFR Part 1614 will be afforded robust and high-quality EEO complaint processing services and will receive assistance consistent with the DAF EO Commitment of Service as described in [Chapter 1](#), and will be provided their rights and responsibilities pursuant to 29 CFR § 1614.105(b)(1) as described on the DAF Form 4162, *Civilian Equal Opportunity Intake*, and throughout this chapter. **(T-0)** This includes ensuring that under no circumstances will an installation EO office dissuade an individual from filing an EEO complaint or forgoing the use of ADR when applicable. **(T-0)** In addition, aggrieved individuals and complainants will ensure they:

3.5.1. Promptly file complaints as early as possible to help ensure better and timely access to pertinent information regarding the complaint and avoid delays in DAF's ability to prevent, intervene, and/or correct behaviors. **(T-1)**

3.5.2. Provide in writing sufficiently precise information to identify the aggrieved individual and the actions or practices that form the basis of the complaint. This includes providing a telephone number and address where the complainant or the representative can be contacted. **(T-0)**

3.5.3. Cooperate and respond in a timely manner, to the greatest extent possible, to requests by the installation EO office and/or investigators during the EEO complaint process when additional and pertinent information that may be needed. **(T-0)**

3.6. Impartiality. Installation EO directors and EO practitioners will provide timely, fair, and impartial EEO complaint processing services. **(T-0)** This includes ensuring that aggrieved individuals, complainants, and others involved in a EEO complaint are treated with dignity and respect where installation EO directors and EO practitioners maintain high personal and professional standards and withhold opinion or judgment against the individuals they interact with as part of the complaint processing. **(T-1)**

3.6.1. Installation EO directors and EO practitioners serve in neutral roles and therefore will not advocate for or represent the DAF as the agency or complainants in the EEO complaint process. **(T-0)**

3.6.2. Installation EO directors and EO practitioners will immediately report any perceived or actual conflicts of interest on any EEO complaint to their respective installation EO director or MAJCOM/FLDCOM EO functional manager to determine whether reassigning complaint processing duties is warranted. **(T-1)** Refer to [paragraph 3.27](#) for additional information on conflicts of interest.

3.6.3. EO practitioners will not conduct investigations into claims in which they provided pre-complaint counseling to aggrieved individuals or any investigations on any EEO complaint or other disputes outside of the DAF EO Program purview as this can create a perception of bias and potentially confuse individuals with regard to the purpose of the pre-complaint counseling process. **(T-0)** Formal EEO complaint investigations will be conducted by the DoD's IRD as described in DoDI 1400.25 Volume 1614, *DoD Civilian Personnel Management System: Investigation of Equal Employment Opportunity (EEO) Complaints*. **(T-0)**

3.7. Connect to Care. The DAF EO Program is a helping agency committed to providing robust and high-quality EEO assistance to DAF civilians and is a stakeholder in fostering the DAF's "Connect to Care" approach to help ensure Airmen and Guardians (military and civilians) are provided and/or connected to comprehensive and appropriate support services (e.g., Employee Assistance Program) where eligible. While the DAF EO Program does not provide victim advocacy services, installation EO offices can provide referrals/warm hand-offs for DAF civilians, with the DAF civilian's consent, with the most appropriate DAF helping agency to support their needs where eligible. Refer to [paragraph 3.33](#) for additional information on non-EO contact referrals and [paragraph 3.34](#) on warm hand-offs. Refer to DAFI 90-5001, *Integrated Resilience*, and DAFI 90-6001, *Sexual Assault Prevention and Response (SAPR) Program*, for more information on the Connect to Care .

3.8. Safeguarding Privacy. Installation EO directors and EO practitioners will maintain the privacy of complainants on information disclosed during EEO complaint processing where permissible by law and/or policy. **(T-1)** Installation EO Directors will only disclose or release EEO complaint information to individuals with an official need to know as part of their official duties when disclosure or release is authorized in writing by the appropriate decision authority or where permissible or required by law or regulation. **(T-0)** Refer to [Chapter 8](#) for additional guidance.

3.9. Intake and Initiation of the EEO Complaint Process. Installation EO directors and EO practitioners will ensure proper acceptance and processing of EEO complaints when engaging with DAF civilian employees, former employees, and applicants for employment who meet criteria per 29 CFR Part 1614 seeking assistance. **(T-0)** This begins with conducting a limited inquiry with the aggrieved individual to determine whether it is appropriate for the DAF EO Program to process the complaint pursuant to 29 CFR Part 1614. **(T-0)** This includes determining whether there may be issues relating to the timeliness of the aggrieved individual contacting the installation EO office and obtaining information relating to this issue. **(T-0)** This also includes obtaining enough information concerning the claim(s) and basis(es) so as to determine if special procedures apply as well as enable the DAF to properly identify the legal claim raised if the individual files a formal complaint at the conclusion of the EEO counseling process. **(T-0)** For independent contractors and contingent employees bringing claims, installation EO directors and EO practitioners will consult with their servicing SJA and AF/JACL to determine if exceptions apply to allow an independent contractor and contingent employee to file an EEO complaint with the DAF pursuant to EEOC Appeal No. 01962390 and No. 0120142407. **(T-1)** Refer to [paragraph 3.2.3](#) for additional information.

3.9.1. EO practitioners will utilize the DAF Form 4162 to initiate the pre-complaint process and provide the aggrieved individual information about the EEO complaint process (e.g., timeframes, appeal procedures, etc.), the applicable rights of the aggrieved individual, and conduct other requirements as described on the DAF Form 4162 and pursuant to 29 CFR Part 1614, EEOC MD 110, and this publication. **(T-0)** EO practitioners will also ensure all required

documentation and templates are completed as described throughout this chapter from initiation to completion of EEO complaints. **(T-1)** For operational guidance and additional resources (e.g., templates), refer to the AFPC EO Operations SharePoint at <https://usaf.dps.mil/teams/14101/SitePages/Home.aspx> and/or contact your respective MAJCOM/FLDCOM EO functional manager or AFPC EO Operations.

3.9.2. When an aggrieved individual brings claims that require assistance from another installation EO office or involves other organizations and agencies such as but not limited to MAJCOM/FLDCOMs, forward operating agencies, direct reporting units, and other military services or defense agencies, EO practitioners will notify their installation EO director who will engage their MAJCOM/FLDCOM EO functional manager for assistance on determining how to proceed in complaint processing. **(T-1)** MAJCOM/FLDCOM EO functional manager will contact AFPC EO Operations for guidance and assistance as appropriate. **(T-1)** If the responsible management official involved is the Adjutant General of a state or is a member of the National Guard in Title 32 status, the EO practitioner will refer the matter to the NGB-EO-EC.

3.9.3. The EEO complaint process timeline is initiated when the aggrieved person initiates contact with an EO practitioner and states an intent to begin the EEO complaint process. The DAF Form 4162 will document the date of when the complaint process was initiated. **(T-1)**

3.9.4. Before an initial pre-complaint processing session, EO practitioners will advise the aggrieved individual of their right to be accompanied, advised, and represented by a representative at any stage in the complaint process, including the counseling stage, and explain the reasonable accommodation(s) available throughout the EEO complaint process. **(T-0)** EO practitioners will make clear to the aggrieved individual that EO practitioners are not an advocate for either the aggrieved individual or the agency but act strictly as a neutral in the EEO complaint process. **(T-0)**

3.9.5. *General Assistance/Equal Employment Opportunity Contact.* When an aggrieved individual engages EO practitioners for the purpose of obtaining information about, or has articulated a claim, but does not elect to initiate the pre-complaint process, EO practitioners will inform aggrieved individuals that they have 45 calendar days from the date of the alleged unlawful discrimination and/or discriminatory harassment, or in the case of personnel action, 45 calendar days from the effective date of the action, to initiate the pre-complaint process and may return any time within 45 calendar day period and elect to initiate the pre-complaint process. **(T-1)** EO practitioners will ensure an aggrieved individual's declination to initiate the pre-complaint process is documented in the designated section of the DAF Form 4162. **(T-1)** EO practitioners will document this as a contact in the [Department of the] Air Force Equal Opportunity Network (AF EONet) within three duty days. **(T-1)**

3.9.6. *Claims Not Involving Unlawful Discrimination and Discriminatory Harassment.* When the allegation(s) of a DAF civilian employee, former employee, and applicant for employment do not involve unlawful discrimination and/or discriminatory harassment as outlined in this publication, installation EO directors and EO practitioners will offer other alternatives for redress where available. **(T-0)** For DAF civilians, installation EO directors and EO practitioners can provide referrals/warm hand-offs, with the DAF civilian's consent, with the most appropriate DAF helping agency (e.g., anti-harassment program) to support their needs where eligible. Non-EO contact referrals will be documented in the AF EONet on a DAF Form

1271, *Equal Opportunity Record of Assistance/Contact*, as a non-EO assistance. **(T-1)** Specific EEO claims presented by DAF civilians will not be documented on DAF Form 1271. **(T-1)** Refer to [paragraph 3.33](#) for additional information on non-EO contact referrals and [paragraph 3.34](#) on warm hand-offs.

3.10. Pre-Complaint Process. Prior to a formal complaint being filed, EO practitioners will attempt to informally resolve the matter with aggrieved individuals. **(T-0)** Through the pre-complaint (informal) process, aggrieved individuals will be provided information about the EEO complaint process (e.g., timeframes, appeal procedures, etc.) as well as advised of their rights and responsibilities in the EEO complaint process. **(T-0)** EO practitioners will process all claims through the pre-complaint process, regardless of timeliness, merit, or other considerations for an aggrieved individual to which this publication is applicable. **(T-0)** Under no circumstances will EO practitioners attempt to dissuade an aggrieved individual from filing a complaint or forgoing the use of ADR when appropriate. **(T-0)**

3.10.1. *Notice of Rights and Responsibilities.* At the initial pre-complaint counseling session, EO Practitioners will advise aggrieved individuals in writing of their rights and responsibilities in the complaint process pursuant to 29 CFR § 1614.105(b)(1) and as outlined in the Notice of Rights and Responsibilities section of the DAF Form 4162. **(T-0)** Use of the DAF Form 4162 is mandatory for the DAF pre-complaint process. **(T-1)** EO practitioners will also advise aggrieved individuals of their right to remain anonymous throughout the pre-complaint process pursuant to 29 CFR § 1614.105(g). **(T-0)** EO practitioners shall not reveal the identity of an aggrieved individual who consulted the EO practitioner, except when authorized to do so by the aggrieved individual in writing, or until the agency has received a formal discrimination complaint from that individual involving that same manner **(T-0)** For additional information and resources on rights and responsibilities, refer to the EEOC MD 110 Appendix C, *EEO-MD-110 EEO Counselor Checklist*, as well as the AFPC EO Operations SharePoint at <https://usaf.dps.mil/teams/14101/SitePages/Home.aspx> and/or contact your respective MAJCOM/FLDCOM EO functional manager or AFPC EO Operations.

3.10.2. At the initial EEO counseling session, EO practitioners will advise aggrieved individuals of their right to choose between the DAF's ADR process or EEO pre-complaint counseling, where the DAF agrees to offer ADR in a particular case, and information about each procedure pursuant to 29 CFR § 1614.105(b)(1) and as outlined in the DAF Form 4162. **(T-0)** Refer to [paragraph 3.11](#) for additional information on ADR.

3.10.2.1. EEO counseling generally will involve EO practitioners first identifying the aggrieved individual's claim(s) and basis/bases and then conducting a limited inquiry to gather pertinent information from sources other than the aggrieved individual and agency representative to attempt resolution, such as gathering personnel records and/or other written documentation and/or conducting witness interviews with individuals who have direct knowledge of a particular situation. **(T-0)** The limited inquiry will also be used to obtain information for settlement purposes if the aggrieved individual chooses EEO counseling over ADR or does not have the option to choose between EEO counseling and ADR. **(T-0)**

3.10.2.1.1. While the scope of the limited inquiry will vary based on the complexity of the claims, the limited inquiry will not substitute for the in-depth fact-finding required in the investigative stage of formal complaint process. **(T-0)**

3.10.2.1.2. If the aggrieved individual or agency personnel raise objections to the scope or nature of the limited inquiry or if EO practitioners have problems with the limited inquiry, EO practitioners will seek guidance and assistance from the installation EO director. **(T-0)**

3.10.2.1.3. Since limited inquiries are conducted informally and do not involve sworn testimony or extensive documentation, EO practitioners will not make findings on the claim of discrimination and will not imply to the aggrieved individual that their interpretation of the claims of the case constitutes an official finding of the agency on the claim of discrimination. **(T-0)**

3.10.2.1.4. For additional information and resources on EEO counseling, refer to the EEOC MD 110 Appendix B, *EEO-MD-110 EEO Counseling Techniques*, as well as the AFPC EO Operations SharePoint at <https://usaf.dps.mil/teams/14101/SitePages/Home.aspx>, and/or contact your respective MAJCOM/FLDCOM EO functional manager or AFPC EO Operations.

3.10.3. *Timely Pre-Complaint Processing.* When an aggrieved individual states his or her intent to file a complaint, this initiates the 30 calendar day pre-complaint processing timeline. The initial date of contact from the aggrieved individual with an installation EO office does not automatically start the pre-complaint processing period if the intent to begin the EEO complaint process is not stated. Non-availability of the EO practitioner does not extend the 30 calendar day processing timeline.

3.10.3.1. EO practitioners will complete pre-complaint counseling within 30 calendar days. **(T-0)** If the matter has not been resolved before the conclusion of the 30 calendar day period, EO practitioners will conduct the final interview and issue a Notice of Right to File a Formal Complaint and DD Form 2655, *Complaint of Discrimination in the Federal Government*, unless the aggrieved individual agrees to a longer counseling period as described in [paragraph 3.10.3.2](#) or chooses an ADR procedure as described in [paragraph 3.10.3.3](#). **(T-0)**

3.10.3.2. Prior to the end of the 30 calendar day period, the aggrieved individual may agree in writing with the DAF to postpone the final interview and extend the counseling period for an additional period of no more than 60 calendar days pursuant to 29 CFR § 1614.105(e). If the matter has not been resolved before the conclusion of the agreed extension, EO practitioners will conduct the final interview and issue a Notice of Right to File a Formal Complaint and DD Form 2655. **(T-0)**

3.10.3.3. Where the aggrieved individual chooses to participate in an ADR procedure pursuant to 29 CFR § 1614.105(b)(2) and § 1614.105(f), the pre-complaint processing period shall be 90 calendar days. **(T-0)** If the claim has not been resolved before the 90 calendar day period, EO practitioners will conduct the final interview and issue a Notice of Right to File a Formal Complaint and DD Form 2655. **(T-0)** At no time will pre-complaint processing go beyond 90 calendar days. **(T-0)**

3.11. Alternative Dispute Resolution in the Pre-Complaint Complaint Process. It is DAF policy to utilize ADR to the maximum extent practicable and appropriate as prescribed in DAFFPD 51-12, *Negotiation and Dispute Resolution*, and DAFI 51-1201, *Negotiation and Dispute Resolution Program*. ADR involves techniques or procedures that are used to prevent the

escalation of workplace conflict using neutral third parties to assist the parties in resolving their dispute(s), and ensure long lasting, effective solutions toward mission accomplishment. ADR often produces outcomes that are more efficient and effective than traditional adversarial methods of dispute resolution by offering the parties the opportunity for an early, informal and mutual resolution of disputes. Every effort will be made to resolve workplace disputes at the earliest stage possible, by the fastest and least expensive method feasible, at the lowest organizational level achievable. Acceptable forms of ADR for use in the DAF are detailed in DAFI 51-1201. **Note:** “NDR” refers to the name of the program – the Negotiation and Dispute Resolution Program and “ADR” represents the spectrum of tools available for the resolution of conflict in the workplace.

3.11.1. Installation EO directors and the NDR managers at each installation will communicate and collaborate to properly promote ADR in the DAF EO Program. **(T-1)**

3.11.2. Installation EO directors will ensure if ADR is elected by the aggrieved individual during the pre-complaint process that EO practitioners implement procedures outlined in EEOC MD 110 Chapter 3, *Alternative Dispute Resolution for EEO Matters*. **(T-0)** While 29 CFR § 1614.102(b)(2) directs agencies to establish or make available ADR available for both the pre-complaint process and the formal complaint process, this publication addresses ADR for pre-complaints as DAF formal complaints are investigated by the DoD’s IRD as described in DoDI 1400.25 Volume 1614. Nothing precludes the IRD from incorporating ADR techniques into their investigative efforts to promote early resolution of complaints. Refer to [paragraph 3.21](#) for additional information.

3.11.3. *Offering Alternative Dispute Resolution*. EO practitioners will advise aggrieved individuals who have elected pre-complaint processing that they may voluntarily choose between participation in ADR and EEO counseling pursuant to 29 CFR § 1614.105(b)(2), provided that the complaint is deemed suitable for resolution by the SJA. **(T-0)** EO practitioners will not decline to offer ADR in particular cases solely because of the bases involved (i.e., race, color, religion, sex, national origin, age, disability, genetic information, or retaliation). **(T-0)**

3.11.3.1. EO practitioners will coordinate with the installation SJA to ensure the aggrieved individual’s claim(s) was properly screened and found appropriate for ADR before offering ADR to the aggrieved individual. **(T-0)** In the EEO pre-complaint process, the SJA has the responsibility of making the initial appropriateness (suitability) determination as outlined in DAFI 51-1201. **(T-1)** Refer to EEOC MD 110, [Chapter 3](#) and DAFI 51-1201 for additional guidance on screening.

3.11.3.2. EO Practitioners will advise and assure aggrieved individuals that if they participate in ADR, they are free to end ADR at any time and that they retain the right to proceed with the administrative EEO complaint process (i.e., EEO counseling) if they prefer that process to ADR and resolution has not been reached. **(T-0)** EO practitioners will advise aggrieved individuals that no one can force a resolution on them, not agency management, EEO officials, or the third-party neutral. **(T-0)**

3.11.3.3. EO practitioners will advise aggrieved individuals that while anonymity is not possible in ADR, confidentiality is essential to the success of ADR proceedings. **(T-0)** EO practitioners will inform aggrieved individuals that neutrals will maintain the confidentiality of all information obtained during ADR, unless otherwise agreed to by the parties or disclosure is required by applicable law or policy, including the confidentiality

provisions of the Administrative Dispute Resolution Act of 1996. **(T-0)** For additional information on confidentiality in ADR, refer to EEOC MD 110 [Chapter 3](#) and DAFI 51-1201.

3.11.3.4. EO practitioners will advise aggrieved individuals of their rights to utilize ADR in writing as outlined in the DAF NDR Program Notice section of the DAF Form 4162. **(T-0)** Use of the DAF Form 4162 is mandatory for the DAF pre-complaint process. **(T-1)** EO practitioners will advise aggrieved individuals that ADR may be elected at any point in the DAF pre-complaint process prior to the completion of the limited inquiry process and within prescribed timelines. **(T-0)** Regardless of when an aggrieved individual elects ADR during the pre-complaint process, the maximum pre-complaint processing period will not exceed 90 calendar days pursuant to 29 CFR § 1614.105(f) and EEOC MD 110 [Chapter 2](#). **(T-0)**

3.11.3.5. If the aggrieved person chooses to participate in ADR, EO practitioners will not attempt to resolve the matter. **(T-0)** Once the aggrieved person selects ADR, the EO practitioner will complete the intake functions of counseling (i.e., obtaining information needed to determine the basis(es), claim(s), timeliness, and desired redress) and refer the concerns for ADR processing. **(T-1)** Upon completion of the intake functions and referring the concerns for ADR, the EO practitioner conducting the pre-complaint processing will not have any further involvement in resolving the matter until he or she learns the ADR outcome. **(T-0)**

3.11.4. *Provision of Alternative Dispute Resolution.* Installation EO directors will ensure aggrieved individuals who elect ADR are provided the services of an NDR practitioner who is trained pursuant to EEOC MD 110 [Chapter 3](#) and DAFI 51-1201. **(T-0)**

3.11.4.1. The EO practitioner who processed the pre-complaint (e.g., providing EEO counseling) for an aggrieved individual will not conduct ADR for the same aggrieved individual's dispute pursuant to EEOC MD 110 [Chapter 3](#) Section V, *Neutrals*. **(T-0)** The installation EO director will designate another EO practitioner who is certified as an NDR practitioner to conduct ADR to ensure the integrity and neutrality of the NDR Program. **(T-0)** The EO practitioner that processed the pre-complaint maintains overall responsibility for the complaint. **(T-1)** The installation EO director may also request a third-party neutral from the DAF NDR Program or DoD IRD. Expenses for contract neutrals or DAF neutrals brought on temporary duty will be funded locally or the DAF NDR Program office may provide support at no cost to the installation upon request. **(T-1)**

3.11.4.2. NDR practitioners (also referred to as mediators) who are not EO practitioners may be used to conduct ADR if they are trained, certified, and meet minimum qualifications pursuant to EEOC MD 110 [Chapter 3](#) and DAFI 51-1201 and are listed on an active NDR roster. **(T-1)** Refer to DAFI 51-1201 for additional guidance.

3.11.5. *Management Participation.* Once the agency has determined that a matter is appropriate for ADR, management official participation in ADR is required in accordance with DAFI 51-1201, Attachment 4. Leaders/managers (and equivalents) have a duty to cooperate in the ADR process but may not be the agency official that has settlement authority pursuant to EEOC MD 110, Chapter 2 Section I, *Introduction*. When the agency determines it to be appropriate to offer ADR to an aggrieved individual, there is no conflict with voluntariness when the agency requires the responsible management official to participate since he or she is

not a party and is not the agency official with settlement authority as outlined in EEOC MD 110 **Chapter 3** Section II, *Core Principles of EEO ADR*.

3.11.6. *Successful Alternative Dispute Resolution Outcomes*. EO practitioners will advise aggrieved individuals that if the dispute(s) is resolved during the ADR process, the terms of the agreement must be in writing, clearly identify the claims resolved, and be signed by both parties pursuant to 29 CFR § 1614.603. **(T-0)** Refer to **paragraph 3.20** for additional information on settlements.

3.11.7. *Unsuccessful Alternative Dispute Resolution Outcomes*. EO practitioners will advise the aggrieved person that if ADR does not resolve the dispute(s), or if the matter is not resolved within 90 calendar days as described in **paragraph 3.10.3.3**, the aggrieved person will receive a final interview and Notice of Right to File a Formal Complaint and DD Form 2655 explaining how to file a formal complaint. **(T-0)** EO practitioners will complete the counselor's report. **(T-0)**

3.12. Final Interview and Notice of Right to File a Formal Complaint. When an informal resolution does not occur at the conclusion of the pre-complaint process, the dispute has not been resolved to the satisfaction of the aggrieved individual, or the pre-complaint timelines have passed, EO practitioners will conduct a final interview with the aggrieved individual to conclude the pre-complaint process. **(T-0)**

3.12.1. During the final interview, EO practitioners will discuss what occurred during the EEO counseling process in terms of attempts at resolution, provide the aggrieved individual with information to move the matter forward, and answer any questions the aggrieved individual may have as described in EEOC MD 110 **Chapter 2**. **(T-0)**

3.12.2. During the final interview, EO practitioners will provide aggrieved individuals with a Notice of Right to File a Formal Complaint and a DD Form 2655, *Complaint of Discrimination in the Federal Government*, and advise aggrieved individuals that they have the right to pursue their claim further through the formal complaint procedure as described in EEOC MD 110 **Chapter 2**. **(T-0)** For a letter template, refer to the AFPC EO Operations SharePoint at <https://usaf.dps.mil/teams/14101/SitePages/Home.aspx> and/or contact your respective MAJCOM/FLDCOM EO functional manager or AFPC EO Operations.

3.12.3. EO practitioners will advise aggrieved individuals that a formal complaint must be filed with the installation EO office within 15 calendar days of receipt of the Notice of Right to File a Formal Complaint. **(T-0)** This includes advising aggrieved individuals that their formal complaint must be in writing; must be specific with regard to the claim(s) that the aggrieved individual raised in EEO counseling, and that the person wishes to pursue; and must be signed by the complainant or complainant's attorney. **(T-0)** EO practitioners will not attempt to dissuade the aggrieved individual from filing a formal complaint. **(T-0)** Refer to EEOC MD 110 **Chapter 2** for additional information.

3.12.4. EO practitioners will conduct final interviews face-to-face to the greatest extent possible. **(T-1)** If a face-to-face final interview is not possible, the Notice of Right to File a Formal Complaint and DD Form 2655 will be sent via certified mail with a return receipt. **(T-1)** Encrypted email with delivery and read receipt can be used for aggrieved individuals with an official government email address.

3.13. Counselor's Report. EO practitioners will submit a written counselor's report to the installation EO director within five calendar days from the date a Notice of Right to File a Formal Complaint is provided to the aggrieved individual. **(T-1)** Installation EO directors will ensure that the complainant is provided a copy of the counselor's report within 15 calendar days after receiving complainant's formal complaint pursuant to 29 CFR § 1614.105(c). **(T-0)** The counselor's report will include information outlined in EEOC MD 110 **Chapter 2**, Section IX, *The EEO Counselor's Report*. **(T-0)** Refer to EEOC MD 110 Appendix H, *EEO-MD-110 EEO Counselor's Report* 29 CFR § 1614.105, for a sample counselor's report. For operational guidance and additional resources (e.g., templates), refer to the AFPC EO Operations SharePoint at <https://usaf.dps.mil/teams/14101/SitePages/Home.aspx> and/or contact your respective MAJCOM/FLDCOM EO functional manager or AFPC EO Operations.

3.14. Sexual Harassment Complaints. DAF civilian employees, former employees, and applicants for employment may use the EEO complaint process pursuant to 29 CFR Part 1614 and EEO complaint procedures as described in EEOC MD 110 and this chapter to resolve sexual harassment allegations. DAF civilian employees will also have an investigation process available through an independent investigation of formal complaints of sexual harassment pursuant to the procedures in 10 United States Code (USC) § 1561, *Complaints of sexual harassment: independent investigation*, along with the EEO complaint process option. **(T-0)** The independent investigation process pursuant to the procedures in 10 USC § 1561 does not apply to former employees and applicants for employment. **(T-0)** The independent investigation process applies to appropriated funds DAF civilian employees (excluding non-appropriated funds) as defined under 5 USC § 2105, *Employee*. **(T-0)** Leaders and commanders, including civilian equivalents, must be aware of the Office of Special Trial Counsel's (OSTC) exclusive statutory authority over certain sexual harassment offenses alleged to have been committed by military members, as set out in 10 USC § 824a, Art. 24a and 10 USC § 801(17). **(T-0)**

3.14.1. When a DAF civilian employee makes contact with an EO practitioner and alleges sexual harassment, the EO practitioner will advise the DAF civilian employee of his or her right to file an EEO complaint pursuant to 29 CFR Part 1614. **(T-0)** EO practitioners will also advise the DAF civilian employee of his or her right to file a formal complaint of sexual harassment pursuant to the procedures in 10 USC § 1561 for an independent investigation. The EO practitioner will advise the DAF civilian employee that the independent investigation process is separate and distinct from the EEO complaint process pursuant to 29 CFR Part 1614. **(T-1)** EO practitioners will advise the DAF civilian employee that he or she can file an EEO complaint, a formal complaint seeking an independent investigation pursuant to the procedures in 10 USC § 1561, or both. **(T-0)** If the DAF civilian employee elects both options, the EO practitioner will inform the DAF civilian employee that both processes will be conducted concurrently and that the independent investigation pursuant to the procedures in 10 USC § 1561 will be referred to an independent investigator. **(T-0)** A formal complaint filed pursuant to the procedures in 10 USC § 1561 is not dependent on or the same as a formal complaint filed under 29 CFR Part 1614, but can be filed at any time, to include during the EEO complaint process pursuant to 29 CFR Part 1614.

3.14.1.1. An independent investigation pursuant to the procedures in 10 USC § 1561 does not replace or substitute requirements in the EEO complaint process pursuant to 29 CFR Part 1614 and is a separate and distinct process. Monetary damages are not available through the independent investigation process pursuant to the procedures in 10 USC §

1561. There are no timeline requirements for DAF civilian employees to file a formal complaint of sexual harassment pursuant to the procedures in 10 USC § 1561.

3.14.1.2. If an independent investigation pursuant to the procedures in 10 USC § 1561 is completed and a DAF civilian employee initiates contact with an EO practitioner within the 45 calendar days of the alleged sexual harassment incident to elect the EEO complaint process, EO practitioners will implement the pre-complaint process pursuant to 29 CFR Part 1614 and procedures described in EEOC MD 110 and this publication. **(T-0)**

3.14.1.3. If an aggrieved individual initiated contact with an EO practitioner and elects not to exercise his or her rights under the 29 CFR Part 1614 EEO complaint process, the EO practitioner will ensure the contact and the declination is documented on the DAF Form 4162. **(T-1)** EO practitioners will inform the DAF civilian employee that even though he or she declined to file an EEO complaint at that time, the DAF civilian employee can return at any time within 45 calendar days of the alleged sexual harassment incident to file an EEO complaint. **(T-1)**

3.14.1.4. It is the responsibility of the DAF civilian employee to contact an EO practitioner within 45 calendar days from the date of the alleged sexual harassment. **(T-0)** Failure to contact an EO practitioner within 45 calendar days may result in dismissal of the formal complaint pursuant to 29 CFR Part 1614. Filing a formal complaint pursuant to the procedures in 10 USC § 1561 will not extend the timelines for filing an EEO complaint pursuant to 29 CFR Part 1614. **(T-0)**

3.14.2. Independent Investigations of Formal Complaints of Sexual Harassment Pursuant to the Procedures in 10 USC § 1561.

3.14.2.1. *Overview.* Formal complaints of sexual harassment pursuant to the procedures in 10 USC § 1561 will result in an independent investigation. **(T-0)** DAF civilian employees will not be dissuaded from filing formal complaints of sexual harassment pursuant to the procedures in 10 USC § 1561. **(T-1)**

3.14.2.2. *Independent Investigators.* AF/A4S is designated as the responsible agency for the DAF's independent investigations of formal complaints of sexual harassment filed by appropriated funds DAF civilian employees pursuant to the procedures in 10 USC § 1561. **(T-1)** AF/A4S Sexual Harassment Investigations Division will facilitate formal complaints of sexual harassment being appropriately assigned to an independent investigator, make all required notifications, communicate with the required parties, monitor the progress of the investigation through completion, and ensure that the first O-6 in the alleged offender's chain of command, and OSTC where required, receives the report of investigation within required timelines. **(T-1)** AF/A4S designated personnel who are assigned to conduct an independent investigation must be outside the immediate chain of command of the complainant and the subject of the investigation who is trained in the investigation of sexual harassment to include, specific effects of trauma and stress on a complainant of reported sexual harassment, sexual harassment policy, elements of the offense of sexual harassment, investigative planning, conducting interviews, taking and analyzing statements, gathering data from records or reports, collecting and analyzing evidence, and drafting reports of investigation. **(T-1)**

3.14.2.2.1. For the purposes of DAF independent investigations involving a DAF civilian employee filing a formal complaint pursuant to the procedures in 10 USC § 1561, independent investigations will utilize the definition of sexual harassment in DoDI 1020.03, *Harassment Prevention and Response in the Armed Forces* for DAF civilian employee alleged offenders. **(T-1)** Formal complaints of sexual harassment under 10 USC § 1561 where an alleged offender is a military member will primarily utilize the elements of sexual harassment in Article 134 (Sexual Harassment) of the Uniform Code of Military Justice (UCMJ). Independent investigations against a military member alleged offender may also consider the definition of sexual harassment in DoDI 1020.03.

3.14.2.3. *Formal Complaint Reporting Avenues.* The preferred DAF mechanism for filing a formal complaint for sexual harassment pursuant to the procedures in 10 USC § 1561 is through the installation EO office. DAF civilian employees are encouraged to file a formal complaint pursuant to the procedures in 10 USC § 1561 with their installation EO office but may report a formal complaint of sexual harassment directly to a commander or the on-duty SF personnel. **(T-0)** Regardless of reporting avenue used, DAF civilian employees are encouraged to promptly file formal complaints as early as possible to help ensure better and timely access to witnesses, bystanders, and other pertinent information regarding the incident. Independent contractors and contingent employees are not eligible to file a formal complaint of sexual harassment pursuant to procedures in 10 USC § 1561. Refer to [paragraph 3.2.3](#) for additional information. The independent investigations process pursuant to the procedures in 10 USC § 1561 does not apply to formal sexual harassment complaints against contractors. **(T-0)** Refer to [paragraph 3.2.4](#) for complaints against contractors.

3.14.2.4. *Formal Complaint of Sexual Harassment Initiated Directly with the EO Office.* If a DAF civilian employee elects to file a formal complaint of sexual harassment pursuant to the procedures in 10 USC § 1561 with the installation EO office, installation EO directors and EO practitioners will advise the DAF civilian employee that the installation EO office must refer that formal complaint for independent investigation. **(T-0)** Installation EO directors and EO practitioners will refer the formal complaint to independent investigators and facilitate an in-person, virtual, or telephonic referral/warm hand-off between the DAF civilian employee and independent investigators. **(T-0)** Installation EO directors and EO practitioners will advise the DAF civilian employee that filing a formal complaint pursuant to procedures in 10 USC § 1561 does not automatically initiate the 29 CFR Part 1614 EEO process and that the DAF civilian employee can also simultaneously initiate the (pre-complaint) EEO process. **(T-1)** When a DAF civilian employee informs the EO practitioner that he or she wishes to file a formal complaint of sexual harassment pursuant to the procedures in 10 USC § 1561, the EO practitioner will ask if the DAF civilian employee wishes to also pursue the 29 CFR 1614 EEO process and explain the difference between the two processes and the relevant deadlines. **(T-1)**

3.14.2.4.1. When a formal complaint of sexual harassment pursuant to the procedures in 10 USC § 1561 is initiated by a DAF civilian employee with the installation EO office, installation EO directors and EO practitioners will ensure the DAF Form 1587 is completed, signed, and documented in the [Department of the] Air Force Equal Opportunity Network (AF EONet). **(T-1)** Installation EO directors and EO

practitioners will document the formal complaint pursuant to the procedures in 10 USC § 1561 in the AF EONet as a DAF Form 1587 referral complaint and refer the formal complaint, to include the DAF Form 1587 and DAF Form 4162, to independent investigators through the AF/A4S Intake Tool at <https://forms.osi.apps.mil/r/htxtEKBXRb>. (T-1) Installation EO directors and EO practitioners will not request any specific allegation information for the DAF Form 1587. (T-1) Independent investigators, in consultation with the SJA, will frame the complaint allegations. (T-1)

3.14.2.4.1.1. If a DAF civilian employee declines to file a formal complaint pursuant to the procedures in 10 USC § 1561, the DAF civilian employee will select the appropriate declination on the DAF Form 4162. (T-1) Installation EO directors and EO practitioners will ensure this declination is made on the DAF Form 4162 and documented on a DAF Form 1271 as a non-EO assistance. (T-1) The DAF Form 1271 will not include any specific allegation information and will only state that a DAF civilian declined to pursue a formal complaint pursuant to the procedures in 10 USC § 1561. (T-1)

3.14.2.4.2. Installation EO directors and EO practitioners will inform the DAF civilian employee who requests a formal complaint pursuant to the procedures in 10 USC § 1561 that he or she will notify the appropriate commanders, independent investigators, and SJA and that the installation EO office can facilitate an in-person, virtual, or telephonic referral/warm hand-off to AF/A4S Sexual Harassment Investigations Division who are responsible for assigning an independent investigator. (T-0)

3.14.2.4.3. Installation EO directors and EO practitioners will refer the formal complaint to independent investigators for an independent investigation and notify the DAF civilian employee's commander and the alleged offender's commander of the formal complaint within 24 hours of receipt of the formal complaint. (T-0) Installation EO directors and EO practitioners will advise the respective commanders of the requirement of an independent investigation pursuant to the procedures in 10 USC § 1561 and this process is separate from the EEO process pursuant to 29 CFR Part 1614. (T-0) Installation EO directors and EO practitioners will also inform the commanders whether the DAF civilian employee also elected the EEO complaint process pursuant to 29 CFR Part 1614. (T-1)

3.14.2.4.4. Installation EO directors and EO practitioners will inform the alleged offender's commander of the requirement for the commander to provide the General Court Martial Convening Authority (GCMCA), through the installation commander, an initial notification of the formal complaint within 72 hours of receipt of the complaint, even if the alleged offender is not subject to the UCMJ. (T-0) The commander will courtesy copy the installation EO office, independent investigator, and SJA on all GCMCA notifications. (T-1)

3.14.2.4.5. Installation EO directors and EO practitioners will inform the alleged offender's commander to make every effort to protect the identity of the DAF civilian employee complainant at this stage and that it is the alleged offender's commander's responsibility to inform the alleged offender that he or she is the subject of a formal complaint. (T-1)

3.14.2.4.6. Installation EO directors and EO practitioners will inform the DAF civilian employee complainant's commander of the requirement to advise the DAF civilian employee complainant of the commencement of the investigation within 72 hours of receipt of the complaint. **(T-1)**

3.14.2.4.7. Installation EO directors and EO practitioners will courtesy copy SJA and independent investigators on command notifications for complaint tracking purposes. **(T-1)**

3.14.2.4.8. Installation EO directors and EO practitioners will refer the formal complaint to independent investigators within 72 hours of receiving the formal complaint in order for independent investigators to initiate the independent investigation. **(T-0)** This includes providing a signed copy of the DAF Form 1587 and DAF Form 4162 to independent investigators at the time of referral through the AF/A4S Intake Tool at <https://forms.osi.apps.mil/r/htxtEKBXRb>. **(T-1)** The copy of a signed DAF Form 1587 to independent investigators will include at minimum the following information:

3.14.2.4.8.1. Complainant Information Section - (name, grade, sex, ethnicity, race, service, unit/office symbol, contact phone, email, DoD ID, commander name/grade/unit/contact phone/email). **(T-1)**

3.14.2.4.8.2. Alleged Offender Information Section - (name, grade, sex, ethnicity, race, service, unit/office symbol, air force specialty code (AFSC) or space force specialty code (SFSC), contact phone, email, DoD ID, commander name/grade/unit/contact phone/email). **(T-1)**

3.14.2.4.8.3. Discriminatory Harassment/Harassment Type Section – select sexual harassment. **(T-1)**

3.14.2.4.8.4. Communication Type Selection – select at minimum one category under Row A (e.g., verbal, nonverbal, physical, psychological) and Row B (written, in person, social media, e-communications, other forms of communication). **(T-1)**

3.14.2.4.8.5. Associated Behaviors Section – select associated behaviors of the sexual harassment allegation(s) (e.g., offensive jokes, offensive objects/imagery, intimidating acts, derogatory/provoking remarks, coercion, other). **(T-1)**

3.14.2.4.8.6. Specific Allegations Section – Document the following language “EO has received a formal complaint of sexual harassment and is referring it to the independent investigator for an independent investigation pursuant to the procedures in 10 USC § 1561. The independent investigator will provide the installation EO office with additional information and updates as the investigation progresses and concludes to include providing the specific allegations of sexual harassment investigated.” **(T-1)** The independent investigator in consultation with the SJA, will frame the complaint allegations. **(T-1)**

3.14.2.4.8.7. AF EONet case file number. **(T-1)**

3.14.2.4.9. Installation EO directors and EO practitioners will enter the date the complaint was referred to AF/A4S Sexual Harassment Investigations Division in the AF EONet. **(T-1)**

3.14.2.4.10. Installation EO directors and EO practitioners will ensure all updates, to include GCMCA notifications, command disposition, and command actions taken, provided by independent investigators, commanders, SJA, and other relevant individuals or offices (e.g., office of special investigations (AFOSI)) are entered into the AF EONet for complaint tracking purposes within three duty days after receipt. **(T-1)**

3.14.2.4.11. For operational guidance and additional resources, installation EO directors and EO practitioners should refer to the AFPC EO Operations SharePoint at <https://usaf.dps.mil/teams/14101/SitePages/Home.aspx> and/or contact your respective MAJCOM/FLDCOM EO functional manager or AFPC EO Operations.

3.14.2.5. *Formal Complaint of Sexual Harassment Pursuant to the Procedures in 10 USC § 1561 Initiated Directly with a Commander.* If a DAF civilian employee directly reports a formal complaint of sexual harassment to a commander, the commander will advise the DAF civilian employee of his or her right to file a formal complaint pursuant to the procedures in 10 USC § 1561 for an independent investigation conducted by independent investigators and that the DAF civilian employee also has a right to file a EEO complaint pursuant to 29 CFR Part 1614 with the installation EO office in addition to an independent investigation being conducted. **(T-0)**

3.14.2.5.1. The commander will refer the formal complaint pursuant to the procedures in 10 USC § 1561 to an independent investigator within 72 hours of receiving the formal complaint, after consultation with SJA, to initiate the independent investigation process. **(T-0)**

3.14.2.5.1.1. If the DAF civilian employee and alleged offender are in the same chain of command, the commander will immediately refer the formal complaint pursuant to the procedures in 10 USC § 1561 to an independent investigator within 72 hours of receiving the formal complaint, after consultation with SJA, to initiate the independent investigation process. **(T-0)** The commander will need to provide the independent investigator with sufficient information (e.g., complainant(s) name, alleged offender(s) name, personnel involved, date(s) incident occurred, unit of assignment, detailed allegations, etc.) through the AF/A4S Intake Tool at <https://forms.osi.apps.mil/r/htxtEKBXRb>. **(T-1)** The independent investigator will work with the DAF civilian employee to complete and sign DAF Form 1587 to initiate the formal complaint process outlined in [paragraph 3.14.2.5.7](#). **(T-1)** The commander will immediately notify the installation EO office, and SJA of the referral to the independent investigator for complaint tracking purposes. **(T-1)**

3.14.2.5.1.2. If the DAF civilian employee and alleged offender are in two separate chains of command, the DAF civilian employee's commander will immediately forward the complaint to the alleged offender's commander. **(T-0)** The alleged offender's commander will refer the formal complaint pursuant to the procedures in 10 USC § 1561 to an independent investigator within 72 hours of receiving the formal complaint, after consultation with SJA, to initiate the independent investigation process. **(T-0)** The alleged offender's commander will need to provide the independent investigator with sufficient information (e.g., complainant(s) name, alleged offender(s) name, personnel involved, date(s)

incident occurred, unit of assignment, detailed allegations, etc.) through the AF/A4S Intake Tool at <https://forms.osi.apps.mil/r/htxtEKBXRb>. (T-1) The independent investigator will work with the DAF civilian employee to complete and sign DAF Form 1587 to initiate the formal complaint process outlined in [paragraph 3.14.2.5.7](#). (T-1) The alleged offender's commander will immediately notify the installation EO office, SJA, and the complainant's commander of the referral to the independent investigator for complaint tracking purposes. (T-1) In such cases, the alleged offender's commander will keep the complainant's commander informed of the status of the investigation by providing timely updates through final disposition of the complaint. (T-0)

3.14.2.5.1.3. The commander will offer to facilitate an in-person, virtual, or telephonic referral to the installation EO office for more information on filing an EEO complaint pursuant to 29 CFR Part 1614. (T-1)

3.14.2.5.1.4. At this time, DAF civilian employees are not eligible for sexual harassment restricted or unrestricted reporting or advocacy services through the SAPR program. However, the SAPR program can provide DAF civilian employees with appropriate local or online resources or referrals. For additional information, refer to DAFI 90-6001.

3.14.2.5.2. Pursuant to the procedures in 10 USC § 1561, the alleged offender's commander, through the installation commander, will ensure all GCMCA notifications are completed, even if the alleged offender is not subject to the UCMJ. (T-0) This includes providing the GCMCA an initial notification of the formal complaint within 72 hours of receipt of the complaint. (T-0) The commander will courtesy copy the installation EO office, independent investigator, and SJA on all GCMCA notifications. (T-1)

3.14.2.5.3. The alleged offender's commander will notify the alleged offender that he or she is the subject of a formal complaint. The alleged offender's commander, in consultation with SJA, may delay this notification to the alleged offender for the protection and safety of any complainant(s) and/or ensure access to potential witnesses or evidence is not impacted by the notification to the alleged offender. The alleged offender's commander will make every effort to protect the identity of the DAF civilian employee complainant. (T-1)

3.14.2.5.4. The DAF civilian employee complainant's commander will advise the DAF civilian employee complainant of the commencement of the investigation within 72 hours of receipt of the complaint. (T-0)

3.14.2.5.5. When the independent investigators receive the formal complaint referral from the commander, independent investigators will implement reporting procedures outlined in paragraphs [3.14.2.5.7](#) through [3.14.2.5.10.2.2](#) and investigative procedures outlined in DAFMAN 31-103 Volume 2, *Investigations Program*, DAFI 71-101 Volume 1, *Criminal Investigations Program*, and applicable AF/A4S GENADMINs. (T-1)

3.14.2.5.6. Commanders will encourage the DAF civilian employee to promptly contact the installation EO office to preserve the right to file an EEO complaint

pursuant to 29 CFR Part 1614 within statutory timelines. **(T-1)** Commanders will offer to facilitate an in-person, virtual, or telephonic referral to the installation EO office with the consent of the DAF civilian employee. **(T-0)** Commanders will notify the installation EO director of all sexual harassment complaints that are directly reported to the chain of command. **(T-1)**

3.14.2.5.6.1. EO practitioners will initiate contact with a DAF civilian employee who contacted a commander but did not request an in-person, virtual, or telephonic referral from the commander to the installation EO office to ensure the DAF civilian employee is aware of his or her options and rights in the 29 CFR 1614 EEO complaint process and the independent investigation process pursuant to the procedures in 10 USC § 1561. **(T-1)**

3.14.2.5.7. Independent investigators will initiate an independent investigation, after consultation with the SJA. **(T-0)** Independent investigators will courtesy copy the SJA and installation EO office on command notifications for complaint tracking purposes. **(T-1)** The independent investigator will provide to the installation EO office the minimum following information when the formal complaint is initiated to enter into the AF EONet:

3.14.2.5.7.1. Complainant Information Section - (name, grade, sex, ethnicity, race, service, unit/office symbol, contact phone, email, DoD ID, commander name/grade/unit/contact phone/email). **(T-1)**

3.14.2.5.7.2. Alleged Offender Information Section - (name, grade, sex, ethnicity, race, service, unit/office symbol, AFSC or SFSC, contact phone, email, DoD ID, commander name/grade/unit/contact phone/email). **(T-1)**

3.14.2.5.7.3. Discriminatory Harassment/Harassment Type Section – select sexual harassment. **(T-1)**

3.14.2.5.7.4. Communication Type Selection – select at minimum one category under Row A (e.g., verbal, nonverbal, physical, psychological) and Row B (written, in person, social media, e-communications, other forms of communication). **(T-1)**

3.14.2.5.7.5. Associated Behaviors Section – select associated behaviors of the sexual harassment allegation(s) (e.g., offensive jokes, offensive objects/imagery, intimidating acts, derogatory/provoking remarks, coercion, other). **(T-1)**

3.14.2.5.7.6. Specific Allegations Section – The independent investigator will document the following language “The commander has received a formal complaint of sexual harassment and has initiated the independent investigation process pursuant to the procedures in 10 USC § 1561. The independent investigator will provide the installation EO office with additional information and updates as the investigation progresses and concludes to include providing the specific allegations of sexual harassment investigated.” **(T-1)** The independent investigator in consultation with the SJA, will frame the complaint allegations. **(T-1)**

3.14.2.5.7.7. The independent investigation case file number and name of the independent investigator as a reference once identified. **(T-1)**

3.14.2.5.8. When installation EO offices receive a copy of the signed DAF 1587 from the independent investigator, installation EO directors and EO practitioners will enter the information into the AF EONet as a DAF Form 1587 referral complaint within three duty days of receipt and will provide the independent investigator with the case file number. **(T-1)** Installation EO directors and EO practitioners will ensure all updates, to include GCMCA notifications, command disposition, and command actions taken, provided by the independent investigator, commanders, SJA, and other relevant individuals or offices (e.g., AFOSI) are entered into the AF EONet for complaint tracking purposes within three duty days after receipt. **(T-1)**

3.14.2.5.9. Independent investigators, commanders, SJA, and other relevant individuals or offices (e.g., AFOSI) will provide installation EO offices timely updates on the progression and conclusion of the independent investigation for entry into the AF EONet for tracking purposes to meet statutory sexual harassment reporting requirements. **(T-1)**

3.14.2.5.10. If the alleged offender is a military member, the independent investigator will implement investigative procedures outlined in DAFMAN 31-103 Volume 2, DAFI 71-101 Volume 1, and applicable AF/A4S GENADMINs. **(T-1)** If the alleged offender is a DAF civilian employee, the independent investigator will first consult with the SJA and CPS on any considerations (e.g., local labor agreements) in investigating a DAF civilian employee. **(T-1)**

3.14.2.5.10.1. If the alleged offender is a military member, at any time, the independent investigator may, in consultation with the servicing SJA, determine that the complaint meets the threshold of an allegation or offense, necessitating referral to AFOSI. However, in accordance with DoDI 5505.03, Initiation of Investigations by Defense Criminal Investigative Organizations, AFOSI, in consultation with the servicing SJA, may determine the complaint does not warrant investigation by AFOSI, and in those instances the complaint will be returned to independent investigators to continue the independent investigation. **(T-0)** AFOSI will notify the commander, the servicing legal office, independent investigator, and the installation EO office of their acceptance or non-acceptance of the referral. **(T-1)** Installation EO directors and EO practitioners will document the referral to AFOSI and referral decision on DAF Form 1587 in the AF EONet. **(T-1)** Complaints returned to the independent investigator does not imply an absence of criminality rather, appropriateness of investigative organization.

3.14.2.5.10.2. If the alleged offender is a DAF civilian employee, the independent investigator pursuant to procedures in 10 USC § 1561 will utilize the definition of sexual harassment found in DoDI 1020.03. **(T-1)**

3.14.2.5.10.2.1. If the alleged offender is a DAF civilian employee and is subject to the UCMJ (i.e., when deployed in support of a contingency operation), at any time, the independent investigator may, in consultation with the servicing SJA, determine that the complaint meets the threshold of an allegation or offense necessitating referral to AFOSI. **(T-1)** However, in accordance with DoDI 5505.03, AFOSI, in consultation with the servicing SJA, may determine the complaint does not warrant investigation by AFOSI, and in

those instances the complaint will be returned to independent investigators to continue the independent investigation.

3.14.2.5.10.2.2. If the alleged offender is a DAF civilian employee, at any time, the independent investigator may, in consultation with the servicing SJA, determine the complaint also includes a potential criminal offense under civilian jurisdiction (e.g., criminal battery, etc.). The independent investigator, in consultation with the SJA, will determine whether to continue the independent investigators independent investigation or whether the complaint should be referred to local civilian authorities for consideration due to limited jurisdiction over DAF civilian employee. **(T-1)**

3.14.2.6. *Formal Complaint of Sexual Harassment Pursuant to the Procedures in 10 USC § 1561 Initiated Directly with Security Forces.* If a DAF civilian employee directly reports a formal complaint of sexual harassment pursuant to the procedures in 10 USC § 1561 to on-duty SF personnel, the on-duty SF personnel will work with the DAF civilian employee to complete and sign DAF Form 1587 to initiate the formal complaint independent investigation process. **(T-1)** The on-duty SF personnel will encourage the DAF civilian employee to promptly contact the installation EO office to preserve the right to file an EEO complaint pursuant to 29 CFR Part 1614 within statutory timelines. **(T-1)** The on-duty SF personnel will refer the formal complaint to independent investigators through the AF/A4S Intake Tool at <https://forms.osi.apps.mil/r/htxtEKBXRb> for independent investigation and notify the installation EO office of the referral for complaint tracking purposes. **(T-1)**

3.14.2.6.1. Independent investigators will initiate an independent investigation, after consultation with the SJA. **(T-0)** Independent investigators will immediately notify the DAF civilian employee complainant's commander and the alleged offender's commander of the formal complaint pursuant to the procedures in 10 USC § 1561 in order for the alleged offender's commander to provide the GCMCA an initial notification of the formal complaint within 72 hours of receipt of the complaint, even if the alleged offender is not subject to the UCMJ. **(T-0)** The DAF civilian employee complainant's commander will also advise the DAF civilian employee complainant of the commencement of the investigation within 72 hours of receipt of the complaint. **(T-0)** Independent investigators will courtesy copy the SJA and installation EO office on command notifications for complaint tracking purposes. **(T-1)**

3.14.2.6.2. The on-duty SF personnel will provide to the installation EO office the minimum following information when the formal complaint is initiated to enter into the AF EONet:

3.14.2.6.2.1. Complainant Information Section - (name, grade, sex, ethnicity, race, service, unit/office symbol, contact phone, email, DoD ID, commander name/grade/unit/contact phone/email). **(T-1)**

3.14.2.6.2.2. Alleged Offender Information Section - (name, grade, sex, ethnicity, race, service, unit/office symbol, AFSC or SFSC, contact phone, email, DoD ID, commander name/grade/unit/contact phone/email). **(T-1)**

3.14.2.6.2.3. Discriminatory Harassment/Harassment Type Section – select sexual harassment. **(T-1)**

3.14.2.6.2.4. Communication Type Selection – select at minimum one category under Row A (e.g., verbal, nonverbal, physical, psychological) and Row B (written, in person, social media, e-communications, other forms of communication). **(T-1)**

3.14.2.6.2.5. Associated Behaviors Section – select associated behaviors of the sexual harassment allegation(s) (e.g., offensive jokes, offensive objects/imagery, intimidating acts, derogatory/provoking remarks, coercion, other). **(T-1)**

3.14.2.6.2.6. Specific Allegations Section – The on-duty SF personnel will document the following language “SF has received a formal complaint of sexual harassment and has initiated the independent investigation process pursuant to the procedures in 10 USC § 1561. The independent investigator will provide the installation EO office with additional information and updates as the investigation progresses and concludes to include providing the specific allegations of sexual harassment investigated.” **(T-1)** The independent investigator in consultation with the SJA, will frame the complaint allegations. **(T-1)**

3.14.2.6.2.7. The independent investigation case file number and name of the independent investigator as a reference once identified. **(T-1)**

3.14.2.6.2.8. Name and contact information of the on-duty SF personnel receiving the formal complaint.

3.14.2.6.3. When installation EO offices receive a copy of the signed DAF 1587 from the on-duty SF personnel, installation EO directors and EO practitioners will enter the information into the AF EONet as a DAF Form 1587 referral complaint within three duty days of receipt and will provide the independent investigator with the case file number. **(T-1)** Installation EO directors and EO practitioners will ensure all updates, to include GCMCA notifications, command disposition, and command actions taken, provided by the on-duty SF personnel, independent investigator, commanders, SJA, and other relevant individuals or offices (e.g., AFOSI) are entered into the AF EONet for complaint tracking purposes within three duty days after receipt. **(T-1)**

3.14.2.6.4. Independent investigators, commanders, SJA, and other relevant individuals or offices (e.g., AFOSI) will provide installation EO offices timely updates on the progression and conclusion of the independent investigation for entry into the AF EONet for tracking purposes to meet statutory sexual harassment reporting requirements. **(T-1)**

3.14.2.6.5. If the alleged offender is a military member, the independent investigator will implement investigative procedures outlined in DAFMAN 31-103 Volume 2, DAFI 71-101 Volume 1, and applicable AF/A4S GENADMINs. **(T-1)** If the alleged offender is a DAF civilian employee, the independent investigator will first consult with the SJA and CPS on any considerations (e.g., local labor agreements) in investigating a DAF civilian employee. **(T-1)**

3.14.2.6.5.1. If the alleged offender is a military member, at any time, the independent investigator may, in consultation with the servicing SJA, determine that the complaint meets the threshold of an allegation or offense, necessitating referral to AFOSI. However, in accordance with DoDI 5505.03, *Initiation of Investigations by Defense Criminal Investigative Organizations*, AFOSI, in

consultation with the servicing SJA, may determine the complaint does not warrant investigation by AFOSI, and in those instances the complaint will be returned to independent investigators to continue the independent investigation. **(T-0)** AFOSI will notify the commander, the servicing legal office, independent investigator, and the installation EO office of their acceptance or non-acceptance of the referral. **(T-1)** Installation EO directors and EO practitioners will document the referral to AFOSI and referral decision on DAF Form 1587 in the AF EONet. **(T-1)** Complaints returned to the independent investigator do not imply an absence of criminality rather, appropriateness of investigative organization.

3.14.2.6.5.2. If the alleged offender is a DAF civilian employee, the independent investigator pursuant to procedures in 10 USC § 1561 will utilize the definition of sexual harassment found in DoDI 1020.03. **(T-1)**

3.14.2.6.5.2.1. If the alleged offender is a DAF civilian employee and is subject to the UCMJ (i.e., when deployed in support of a contingency operation), at any time, the independent investigator may, in consultation with the servicing SJA, determine that the complaint meets the threshold of an allegation or offense, necessitating referral to AFOSI. **(T-1)** However, in accordance with DoDI 5505.03, AFOSI, in consultation with the servicing SJA, may determine the complaint does not warrant investigation by AFOSI, and in those instances the complaint will be returned to independent investigators to continue the independent investigation. AFOSI will notify the commander, the servicing legal office, independent investigator, and the installation EO office of their acceptance or non-acceptance of the referral. **(T-1)** Installation EO directors and EO practitioners will document the referral to AFOSI and referral decision on DAF Form 1587 in the AF EONet. **(T-1)** Complaints returned to the independent investigator do not imply an absence of criminality rather, appropriateness of investigative organization.

3.14.2.6.5.2.2. If the alleged offender is a DAF civilian employee, at any time, the independent investigator may, in consultation with the servicing SJA, determine the complaint also includes a potential criminal offense under civilian jurisdiction (e.g., criminal battery, etc.). The independent investigator, in consultation with the SJA, will determine whether to continue the independent investigators independent investigation or whether the complaint should be referred to local civilian authorities for consideration due to limited jurisdiction over DAF civilian employee. **(T-1)**

3.14.2.7. *Commencement of Investigation.* The alleged offender's commander, through the installation commander, to the extent practicable, will ensure that within 72 hours after receipt of the formal complaint, the GCMCA is provided an initial notification that includes a detailed description of the sexual harassment allegations that includes at minimum (a) names of the DAF civilian employee complainant and alleged offender, (b) names of the independent investigators conducting the investigation, and (c) if available, the projected or final completion date of the investigation. **(T-1)** The alleged offender's commander will courtesy copy the installation EO office, independent investigator, and SJA on the initial notification to the GCMCA for complaint tracking purposes. **(T-1)**

- 3.14.2.7.1. The DAF civilian employee complainant's commander, to the extent practicable, will notify the DAF civilian employee complainant of the commencement of the investigation within 72 hours after receipt of the formal complaint. **(T-0)** This includes providing the DAF civilian employee complainant information about the investigation process, support resources available (e.g., Employee Assistance Program), and any appeal rights that are available. **(T-0)** The DAF civilian employee complainant's commander will notify the installation EO office, SJA, and independent investigator that this was completed for complaint tracking purposes. **(T-1)**
- 3.14.2.7.2. The alleged offender's commander will notify the alleged offenders that he or she is the subject of a formal complaint. The alleged offender's commander, in consultation with SJA, may delay this notification to the alleged offender for the protection and safety of any complainant(s) and/or to ensure access to potential witnesses or evidence is not impacted by the notification to the alleged offender. The alleged offender's commander will make every effort to protect the identity of the civilian complainant. **(T-1)**
- 3.14.2.7.2.1. The alleged offender's commander will advise the alleged offender not to discuss the case with others during the formal complaint process and caution the alleged offender to refrain from any form of reprisal or retaliation. **(T-1)**
- 3.14.2.7.2.2. The alleged offender's commander will notify the installation EO office, SJA, CPS, and independent investigators that these notifications were completed for complaint tracking purposes. **(T-1)**
- 3.14.2.7.3. The DAF civilian employee complainant's commander will conduct frequent follow ups with DAF civilian employee complainants during the formal complaint process to provide him or her progress updates and conduct wellness checks. **(T-1)** This includes providing DAF civilian employees with information about available on- and off- installation support resources and facilitate warm hand-offs/referrals as requested where available and eligible. **(T-0)** The DAF civilian employee complainant's commander will notify the installation EO office that these notifications were completed for complaint tracking purposes. **(T-1)**
- 3.14.2.7.4. The alleged offender's commander will conduct frequent follow ups with the alleged offenders during the formal complaint process to conduct wellness checks. **(T-1)** This includes providing alleged offenders with information about available on- and off- installation support resources and facilitate warm hand-offs/referrals as requested where available and eligible. **(T-1)** The alleged offender's commander will notify the installation EO office that these notifications were completed for complaint tracking purposes. **(T-1)**
- 3.14.2.7.5. If the DAF civilian employee and the alleged offender are in two separate chains of command, the alleged offender's commander will keep the DAF civilian employee's commander informed of the status of the investigation by providing timely updates through final disposition of the complaint. **(T-0)**
- 3.14.2.8. *Investigation Timelines.* Independent investigators, to the extent practicable, will ensure that independent investigations for formal complaints of sexual harassment are

completed no later than 14 calendar days after the date on which the investigation is initiated pursuant to the procedures in 10 USC § 1561. **(T-0)**

3.14.2.8.1. Independent investigators will provide the alleged offender's commander progress updates every 12 calendar days to support updates to the GCMCA until the investigation is completed. **(T-1)** Independent investigators will courtesy copy the installation EO office and SJA for complaint tracking purposes. **(T-1)**

3.14.2.8.2. If the investigation is not completed within the 14 calendar days, independent investigators will notify the alleged offender's commander who will then, through the installation commander, notify the GCMCA on the progress made in completing the investigation within 20 calendar days after the investigation was initiated and every 14 calendar days thereafter until the investigation is completed. **(T-0)** The alleged offender's commander will courtesy copy the installation EO office, independent investigators, and SJA on all GCMCA notifications for complaint tracking purposes. **(T-1)**

3.14.2.9. *Report of Investigation and Legal Sufficiency Reviews.* Upon completing an investigation, independent investigators will submit a report of investigation (ROI) to the servicing SJA for a legal sufficiency review prior to submitting the ROI to the alleged offender's commander and first O-6, or in cases where the accused military member or DAF civilian employee does not have an O-6 in the chain of command, then the first civilian equivalent in the alleged offender's chain of command. **(T-0)** Independent investigators and SJA will notify the installation EO office that a ROI was issued and that a legal sufficiency review was conducted for complaint tracking purposes. **(T-1)**

3.14.2.10. *Command Disposition.* The first O-6, or in cases where the accused military member offender or DAF civilian employee does not have an O-6 in the chain of command, then the first civilian equivalent, in the alleged offender's chain of command, in consultation with the SJA, will make a substantiation determination (i.e., substantiated or not substantiated). **(T-1)** A substantiation determination must be made for each individual allegation or alleged offense made in the formal complaint. The standard applicable to each individual substantiation determination shall be whether the allegation is established by a preponderance of the evidence. An alleged offense in a formal complaint of sexual harassment against a military member that is substantiated is a covered offense under 10 USC. § 801(17) and under the exclusive authority of the OSTC. Accordingly, the first O-6, or in cases where the accused military member offender does not have an O-6 in the chain of command, then the first civilian equivalent in the alleged offender's chain of command, will refer all formal substantiated complaints of sexual harassment against a military member offender to the OSTC within 24 hours of the substantiation. **(T-0)** The referral may be made through the servicing legal office. Upon the review of the complaint and investigation, the OSTC will decide whether to prefer charges to a special or general court-martial or defer the complaint to the military member offender's commander for disposition. **(T-0)** The first O-6, or in cases where the accused military member offender does not have an O-6 in the chain of command, then the first civilian equivalent, in the alleged offender's chain of command will notify the installation EO office and SJA of the command substantiation determination (i.e., substantiated or not substantiated) within five calendar days and, where applicable, when the substantiated complaint was referred to OSTC concerning the accused military member offender. **(T-1)** Installation EO directors

and EO practitioners will document all actions under paragraph [3.14.2.10.1](#) through [3.14.2.10.9.2](#). on DAF Form 1587. **(T-1)**

3.14.2.10.1. For all formal substantiated complaints of sexual harassment against a military member offender referred to the OSTC, the first O-6, or in cases where the accused military member does not have an O-6 in the chain of command, then the first civilian equivalent, in the military member alleged offender's chain of command will, in coordination with the servicing SJA, notify the installation EO office and independent investigator of the OSTC determination to prefer charges to a special or general court-martial, or if the complaint was deferred back to the military member alleged offender's commander within five calendar days for complaint tracking purposes. **(T-1)** Installation EO directors and EO practitioners will document the OSTC decision to prefer charges to a special or general court-martial, or the deferral of the complaint back to the military member alleged offender's commander for disposition on the DAF Form 1587. **(T-1)** Refer to [Chapter 4](#) for additional guidance on substantiated complaints of sexual harassment against military member alleged offenders.

3.14.2.10.2. For military member offenders, the military member offender's immediate commander, or the commander making the disposition determination, will take appropriate corrective, administrative, and/or disciplinary action when a complaint is substantiated only after the OSTC has deferred a complaint to the military member offender's commander for disposition. **(T-0)** The military member offender's commander is encouraged to consult with the SJA and OSTC as needed before taking action. The military member offender's commander will provide the installation EO office and the independent investigator with a description of any corrective, administrative, and/or disciplinary actions taken against the military member offender for both substantiated and not substantiated formal complaints within five calendar days to ensure pertinent information is documented into the AF EONet. **(T-1)** Refer to [Chapter 4](#) for additional guidance on substantiated complaints of sexual harassment against military member alleged offenders.

3.14.2.10.3. For DAF civilian employee alleged offenders, the first O-6, or in cases where the accused DAF civilian employee does not have an O-6 in the chain of command, then the first civilian equivalent, in the alleged offender's chain of command will forward the substantiation determination (i.e., substantiated or not substantiated) to the appropriate authority, servicing CPS, and SJA. **(T-1)**

3.14.2.10.3.1. The DAF civilian employee offender's supervisor or appropriate authority will determine what disciplinary or corrective action, if any, will be taken in accordance with due process procedures pursuant to 5 CFR Part 752, *Adverse Actions*, established merit systems principles outlined in DAFI 36-148, *Discipline and Adverse Actions of Civilian Employees*, and local negotiated labor agreements. **(T-0)** DAF civilian employees are entitled to the full due process rights of 5 CFR Part 752 before disciplinary and adverse action is taken. The substantiation of a complaint following an investigation under 10 USC § 1561 procedures will not be a sufficient basis to impose discipline under the statutory due process requirement. **(T-0)** It is sufficient to begin a disciplinary investigation as to whether sexual harassment in violation of civilian law occurred. The DAF civilian employee

offender's supervisor or appropriate decision authority will notify the installation EO office and independent investigator of final disciplinary or corrective actions taken against offenders for both substantiated and not substantiated to ensure pertinent information is documented in the AF EONet. **(T-1)**

3.14.2.10.4. To the extent practicable, the first O-6 in the alleged offender's chain of command will continue interim notifications to the GCMCA until final action is complete. The first O-6 in the alleged offender's chain of command, through the installation commander, will submit a final GCMCA report/notification on the results and any actions taken as a result of the independent investigation to the GCMCA within 20 calendar days after the investigation was initiated. **(T-0)** Because meeting this timeline for submitting a final GCMCA report/notification on the results and any actions taken will not be possible in the case of any civilian disciplinary action covered by the notice requirements of 5 CFR Part 752, the first O-6 in the military members chain of command will notate on the final GCMCA report/notification the rationale for exceeding 10 USC § 1561 timelines as appropriate. The first O-6 in the alleged offender's chain of command will courtesy copy the installation EO office, independent investigators, and SJA on all GCMCA notifications for complaint tracking purposes. **(T-1)**

3.14.2.10.4.1. For all formal substantiated complaints of sexual harassment against a military member offender that are referred by the OSTC to a court-martial proceeding, the first O-6 in the military member offender's chain of command will continue to notify the GCMCA on the progress made every 14 calendar days until final action is complete after conclusion of the court martial. **(T-0)** The first O-6 in the military member offender's chain of command will notate on the final GCMCA report/notification the rationale for exceeding 10 USC § 1561 timelines due to the implementation of 10 USC § 824a, Art 24a giving OSTC exclusive authority over formal substantiated complaints of sexual harassment as a covered offense under 10 USC § 801(17). **(T-0)** The first O-6 in the military member offender's chain of command will courtesy copy the installation EO office, independent investigator, and SJA on all GCMCA notifications for complaint tracking purposes. **(T-1)**

3.14.2.10.5. The final GCMCA report/notification will only include the results and any actions taken as a result of the independent investigation or, where applicable, any court-martial proceedings based on OSTC referral of charges. Corrective, administrative, and/or disciplinary actions, and, where applicable, any court-martial proceeding outcomes based on OSTC referral of charges will be included in the GCMCA final report/notification for substantiated cases. However, for alleged civilian offenders, adverse action will not be noted until the due process procedures of 5 CFR Part 752 have been completed. The final GCMCA report/notification will not include full ROIs.

3.14.2.10.6. The DAF civilian employee complainant's commander will notify the DAF civilian employee complainant whether the allegations were substantiated or not substantiated at the conclusion of the independent investigation. **(T-0)** For all formal substantiated complaints of sexual harassment involving military member offenders, the DAF civilian employee complainant's commander will notify the DAF civilian employee complainant of the referral of the complaint to the OSTC for a review of the

complaint, and the decision from the OSTC on whether to prefer charges to a special or general court-martial, or if the complaint will be deferred to the alleged offender's commander for disposition. **(T-1)** The DAF civilian employee complainant's commander will notify the installation EO office that these notifications were completed for complaint tracking purposes. **(T-1)**

3.14.2.10.7. The alleged offender's commander will brief the alleged offender of the results of the independent investigation. **(T-0)** The alleged offender's commander will notify the installation EO office that these notifications were completed for complaint tracking purposes. **(T-1)**

3.14.2.10.8. For military member offenders, commanders, in consultation with SJA, will initiate involuntary separation for a substantiated qualifying complaint of sexual harassment consistent with DoDI 1020.03 and DAFI 36-3211, *Military Separations*, only after OSTC has deferred a complaint to the alleged offender's commander for disposition or the military member is convicted of a sexual harassment covered offense at a court-martial but not sentenced to a punitive discharge. **(T-0)** Special rules or processing may be required in accordance with DAFI 36-3211, paragraph 3.18.3 for cases taken to court-martial but not resulting in a punitive discharge. Refer to DAFI 36-3211 regarding corrective action of the offender in lieu of administrative separation in appropriate circumstances.

3.14.2.10.9. A formal complaint of sexual harassment pursuant to procedures in 10 USC § 1561 is considered closed when the DAF civilian employee complainant signs the updated DAF Form 1587 after he or she has been outbriefed by his or her commander on the complaint determination, or, where applicable, the outcome of any court-martial proceedings based on OSTC referral of charges; the alleged offender's commander or supervisor has provided the installation EO director or EO practitioner with actions taken; and the installation EO director has reviewed and signed the DAF Form 1587. **(T-1)** The DAF civilian employee complainant's commander will receive the most updated DAF Form 1587 from the installation EO office in order to have the DAF civilian employee complainant sign to acknowledge case closure on the DAF 1587. **(T-1)** To ensure due process rights of alleged civilian offender(s), pursuant to 5 CFR Part 752, the installation EO office will only provide DAF Form 1587 with boxes 55 and 56 regarding the complaint outcome (i.e., substantiation determination) and corrective actions blank or redacted. **(T-1)** The DAF civilian employee complainant's commander may provide the substantiation determination (substantiated or not substantiated) verbally to the civilian employee complainant but will not provide specific actions taken against the alleged civilian or military offender(s) pursuant to the Privacy Act. **(T-1)**

3.14.2.10.9.1. The DAF civilian employee complainant's commander will provide the installation EO office the signed DAF Form 1587 for complaint tracking purposes and entry into the AF EONet. **(T-1)**

3.14.2.10.9.2. The installation EO director will review and sign the DAF Form 1587 to close out the complaint only after receiving the signed DAF Form 1587 from the DAF civilian employee complainant's commander and documentation of corrective actions taken from the alleged offender's commander (or appropriate

authority for alleged civilian offenders). (T-1)

3.14.2.11. *Lack of Anonymity in the Independent Investigation Process Pursuant to the Procedures in 10 USC § 1561.* DAF civilian employees will not have anonymity during an independent investigation initiated pursuant to the procedures in 10 USC § 1561. (T-0) DAF civilian employees, however, who engage with the installation EO office on the EEO complaint process have the right to anonymity up until filing a formal complaint pursuant to 29 CFR Part 1614. (T-0) This includes anonymity during the EEO pre-complaint process that may be running concurrently with the independent investigation process pursuant to the procedures in 10 USC § 1561 as they are separate and distinct processes. (T-0) For additional guidance on anonymity during the EEO complaint process, refer to [paragraph 3.4](#).

3.14.2.12. *Independent Investigation Appeals Pursuant to the Procedures in 10 USC § 1561.*

3.14.2.12.1. If an independent investigation pursuant to procedures in 10 USC § 1561 is substantiated and disciplinary actions are implemented against the alleged civilian offender following the procedures set out in 5 CFR Part § 752, he or she may have appeal rights pursuant to 5 USC § 7701, *Appellate procedures*, and 5 CFR § 752.405, *Appeal and grievance rights*, for any actions that are appealable to the Merit Systems Protection Board (MSPB). An alleged civilian offender, who is a bargaining unit employee and covered by a negotiated grievance procedure under a recognized collective bargaining agreement, may contact his or her bargaining unit and elect to file a grievance. If a matter is covered by 5 CFR § 752.405 and appealable to the MSPB and the negotiated grievance procedure pursuant to a collective bargaining agreement, the alleged offender may elect to file under either, however he or she cannot file under both. (T-0) For military offenders, refer to [paragraph 4.15.10](#) for appeals.

3.14.2.12.2. The DAF civilian employee complainant has no right to appeal the result of an independent investigation pursuant to procedures in 10 USC § 1561. A DAF civilian employee who has elected to pursue an independent investigation for allegations of sexual harassment, may also pursue an EEO claim pursuant to 29 CFR Part 1614. However, the civilian employee must contact an EO practitioner within 45 calendar days from the date of the alleged sexual harassment as outlined in paragraphs [3.3](#), [3.9.5](#), and [3.14.1.2](#) through [3.14.1.4](#). (T-0) Regardless of whether the independent investigation is substantiated or not substantiated, if the civilian complainant elected both an independent investigation under 10 USC § 1561 and filed an EEO complaint under 29 CFR Part 1614, the complaint filed pursuant to 29 CFR Part 1614 will continue to be processed. (T-0)

3.15. Formal Complaint Process Pursuant to 29 CFR Part 1614. If the dispute could not be resolved informally during the pre-complaint process, aggrieved individuals have the right to file a formal complaint to formally present claims of discrimination through the installation EO office. The pre-complaint process is a prerequisite to filing a formal complaint. Upon filing a formal complaint, the aggrieved person is now referred to as a complainant during the formal complaint process.

3.15.1. Formal complaints are processed in accordance with 29 CFR Part 1614, DoDI 1400.25 Volume 1614, and EEOC MD 110, [Chapter 5](#). Installation EO directors will direct and oversee

formal complaint processing. **(T-1)** The Air Force Civilian Appellate Review Office (AFCARO) (SAF/MRBA) will coordinate with the Air Force Civil Law and Litigation Directorate (AF/JAC) for litigation of DAF EEO cases where a hearing is requested or when a case has been appealed. **(T-1)** Formal EEO complaint investigations will be conducted by the DoD's Investigations and Resolutions Directorate (IRD) as described in DoDI 1400.25 Volume 1614 and as outlined in **paragraph 3.15.7. (T-0)**

3.15.1.1. Installation EO directors will ensure all formal complaints are processed expeditiously and will decide whether to accept, dismiss, or partially dismiss a complaint or portion of a complaint. **(T-0)** Installation EO directors will ensure investigation of formal complaints are completed and the ROI is received by the complainant via AFCARO within 180 calendar days from the date of filing the formal EEO complaint. **(T-0)**

3.15.1.2. *Timely Notifications.* Installation EO directors will ensure all time-sensitive, federally and DAF mandated notifications to relevant parties are conducted throughout the formal complaint process. **(T-0)** Notification responsibilities of the installation EO director include but are not limited to, receipt of acknowledgment of the notice of the formal complaint or amendment to formal complaint (within five calendar days), advisement of actual file date, counselor's report provided to the complainant (within 15 calendar days), acceptance and dismissal determinations, and claims against senior officials. **(T-0)**

3.15.1.3. Installation EO directors will ensure proper protection of all information subject to the Privacy Act of 1974. **(T-0)**

3.15.2. *Formal Complaint Filing Location and Timeline.* The complainant and/or his or her legal representative will file formal complaints at the installation or agency where the alleged discrimination occurred pursuant to 29 CFR § 1614.106(a) and (c). **(T-0)** The complainant and/or his or her legal representative must file the formal complaint within 15 calendar days of receipt of the Notice of Right to File a Formal Complaint required by 29 CFR § 1614.105 (d), (e) or (f). **(T-0)** For formal complaints filed at an installation or agency other than where the alleged discriminatory behavior(s) and/or action(s) occurred, installation EO directors will notify their MAJCOM/FLDCOM EO functional manager for assistance to determine if the complaint will need to be transferred to another installation for formal complaint processing. **(T-1)** If a case transfer is needed and is outside of his or her area of responsibility, the MAJCOM/FLDCOM EO functional manager will engage the respective MAJCOM/FLDCOM EO functional manager to transfer the case. **(T-1)** MAJCOM/FLDCOM EO functional managers will contact AFPC EO Operations for guidance and assistance as needed. **(T-1)**

3.15.3. *Formal Complaint Submission by the Complainant or Legal Representative.* A formal complaint must contain a signed statement (e.g., DD Form 2655 or other format) from the complainant claiming to be aggrieved or by that complainant's legal representative pursuant to 29 CFR § 1614.106(c). This statement must be sufficiently precise to identify the complainant and the agency and to describe the action(s) or practice(s) that form the basis (es) of the complaint that was discussed with the EO practitioner during the pre-complaint process. **(T-0)** The complaint must also contain a telephone number and address where the complainant or the legal representative can be contacted. **(T-0)**

3.15.3.1. Installation EO directors will review the complaint submission pursuant to 29 CFR § 1614.103 for applicability and will review the complaint for completeness of required information. **(T-0)**

3.15.3.2. Installation EO directors will acknowledge receipt of a complaint in writing and inform the complainant of the date on which the complaint was filed pursuant to 29 CFR § 1614.106(e). **(T-0)** Installation EO directors will ensure that the signed statement (e.g., DD Form 2655 or other format) is maintained in the case file. **(T-1)**

3.15.3.2.1. Installation EO directors will submit this written acknowledgement to the complainant or his or her legal representative using the Formal Complaint Acknowledgement letter within five calendar days of receipt of the complaint. **(T-1)**

3.15.3.2.2. The acknowledgement letter will also advise the complainant that he or she has the right to appeal the final action on or dismissal of a complaint; and the agency is required to conduct an impartial and appropriate investigation of the complaint within 180 calendar days of the filing of the complaint unless the parties agree in writing to extend the time period pursuant to 29 CFR § 1614.106(e). **(T-0)**

3.15.3.2.3. To access letter templates, refer to the AFPC EO Operations SharePoint at <https://usaf.dps.mil/teams/14101/SitePages/Home.aspx> and/or contact your respective MAJCOM/FLDCOM EO functional manager or AFPC EO Operations.

3.15.3.3. Installation EO directors will ensure that the complainant is provided a copy of the written counselor's report about the concerns discussed and actions taken during EEO counseling in the pre-complaint within 15 calendar days of being advised that the complainant has filed a formal complaint pursuant to 29 CFR § 1614.105(c). **(T-0)**

3.15.4. *Formal Complaint Amendments.* A complainant may amend a formal complaint at any time prior to the conclusion of the investigation pursuant to 29 CFR § 1614.106(d) and before the mailing of the notice required by 29 CFR § 1614.108(f), only if claim(s) are like or related to those raised in the pending complaint as described in EEOC MD 110 **Chapter 5** Section III(b), *A Complainant May Amend a Pending Complaint*. **(T-0)** There is no requirement that the complainant seek counseling on these new like or related claims. **(T-0)**

3.15.4.1. Installation EO directors will acknowledge receipt of an amendment(s) in writing and inform the complainant of the date on which the amendment(s) was filed pursuant to 29 CFR § 1614.106(e). **(T-0)**

3.15.4.1.1. Installation EO directors will submit this written acknowledgement to the complainant or his or her legal representative using the Formal Complaint Amendment Acknowledgement letter within five calendar days of receipt of the amendment(s). **(T-0)**

3.15.4.1.2. The acknowledgement letter will also advise the complainant that he or she has the right to appeal the final action on or dismissal of a complaint; and the agency is required to conduct an impartial and appropriate investigation of the complaint within 180 calendar days of the filing of the complaint unless the parties agree in writing to extend the time period pursuant to 29 CFR § 1614.106(e). **(T-0)**

3.15.4.1.3. To access the Formal Complaint Amendment Acknowledgement letter template, refer to the AFPC EO Operations SharePoint at <https://usaf.dps.mil/teams/14101/SitePages/Home.aspx> and/or contact your respective MAJCOM/FLDCOM EO functional manager or AFPC EO Operations.

3.15.4.2. After requesting a hearing, a complainant may file a motion with the administrative judge to amend a complaint to include issues or claims like or related to those raised in the complaint pursuant to 29 CFR § 1614.106(d). Installation EO directors will acknowledge in writing to the administrative judge receipt of the notification of a complainant's hearing request within five calendar days of receiving the notification. **(T-0)**

3.15.4.3. Within 10 calendar days of acknowledgement of any full or partial acceptance of an amendment to a pending complaint, the installation EO director will provide AF/JACL representative a copy of the acknowledgement letter. **(T-0)**

3.15.4.4. In cases where subsequent acts of alleged discrimination submitted as amendments do not add to or clarify the original claim, and/or could not have been reasonably expected to grow out of the investigation of the original claim, the later incident should be the subject of a separate EEO complaint. Accordingly, the proper procedure is for the complainant to file a new EEO complaint through the installation EO office. **(T-0)** The installation EO director will ensure the complainant is advised in writing that he or she should seek EEO counseling on the new claim. **(T-0)**

3.15.4.4.1. The postmark date of the letter (from complainant requesting an amendment) to the EEO director or designee would be the date for time computation purposes used to determine if initial counselor contact was timely under 29 CFR § 1614.105(b). Refer to EEOC MD 110 **Chapter 5** Section III(b) for additional information.

3.15.4.4.2. To access letter templates, refer to the AFPC EO Operations SharePoint at <https://usaf.dps.mil/teams/14101/SitePages/Home.aspx> and/or contact your respective MAJCOM/FLDCOM EO functional manager or AFPC EO Operations.

3.15.5. *Acceptance and Dismissal of Formal Complaints.* A formal complaint must be filed within 15 calendar days of receipt of the Notice of Right to File a Formal Complaint in order to be accepted or dismissed. **(T-0)** The installation EO director will make a determination of whether to accept or dismiss the complaint pursuant to 29 CFR § 1614.107 and EEOC MD 110 **Chapter 5** Section IV, *Agency Dismissal Process*. **(T-0)**

3.15.5.1. The installation EO director will ensure that either the Acceptance Letter or Dismissal Letter is provided to the complainant no later than 30 calendar days from the date of formal complaint filing. **(T-1)** The Acceptance Letter will include the claim(s) asserted and to be investigated and that the asserted claims will be forwarded to IRD for investigation. **(T-0)** The Dismissal Letter will include the rationale for the full or partial dismissal determination and that those claims will not be investigated pursuant to 29 CFR § 1614.107(b). **(T-0)** Refer to **paragraph 3.15.6** for additional information on dismissals.

3.15.5.2. Installation EO directors will notify AF/JACL of any full or partial acceptance of a formal complaint within 10 calendar days of the issuance of the Acceptance Letter to the complainant. **(T-1)** When notifying AF/JACL of the accepted or partially accepted formal complaint, installation EO directors will provide the case file, including the formal complaint, counselor's report, pre-complaint process documents, and the date an IRD investigation was requested. **(T-1)**

3.15.5.3. The installation EO director will ensure all complaints dismissed in full or in part are reviewed for legal sufficiency prior to sending to the complainant. **(T-1)** The legal

sufficiency review will be conducted by AF/JACL. Installation EO directors will check with the local SJA to verify the legal sufficiency reviewing agency. **(T-1)**

3.15.5.4. To access the letter templates, refer to the AFPC EO Operations SharePoint at <https://usaf.dps.mil/teams/14101/SitePages/Home.aspx> and/or contact your respective MAJCOM/FLDCOM EO functional manager or AFPC EO Operations.

3.15.6. *Full or Partial Dismissal Determinations and Right to Appeal.* If a complaint is dismissed in full or in part, a complainant may file an appeal pursuant to 29 CFR § 1614.401. If a complaint is dismissed in full or in part, installation EO directors will ensure the complainant is provided a Dismissal Letter that includes the Notice of Right to Appeal. **(T-0)** All complaints dismissed in full or in part will be reviewed for legal sufficiency prior to sending to the complainant. **(T-1)** Refer to [paragraph 3.15.5.3](#) for additional information on legal sufficiency reviews.

3.15.6.1. If a complaint is dismissed in part, installation EO directors will inform the complainant in writing that there is no immediate right to appeal the partial dismissal. **(T-0)** Installation EO directors will advise the complainant that the partial dismissal shall be reviewed either by an EEOC administrative judge, if the complainant requests a hearing before an administrative judge, or by the EEOC Office of Federal Operations (EEOC/OFO), if the complainant files an appeal of a final agency action or final agency decision. **(T-0)** A determination under this paragraph is reviewable by an administrative judge if a hearing is requested on the remainder of the complaint but is not appealable until final action is taken on the remainder of the complaint pursuant to 29 CFR § 1614.107(b).

3.15.6.2. If a complaint is dismissed in full, installation EO directors will advise the complainant in the Dismissal Letter of his or her right to immediate appeal to the EEOC/OFO (i.e., Notice of Right to Appeal) pursuant to 29 CFR § 1614.401 and 29 CFR § 1614.403. **(T-0)** This includes informing the complainant that he or she may appeal within 30 calendar days of receipt of the dismissal. **(T-0)** AF/JACL (to include servicing SJA) has primary responsibility as the DAF representative in all appeals initiated by a complainant under 29 CFR § 1614.401(a). **(T-1)**

3.15.6.3. AFCARO, after consultation with AF/JACL, may accept a previously dismissed complaint upon a complainant appeal if it determines that the complaint should not have been dismissed.

3.15.6.4. To access the letter templates, refer to the AFPC EO Operations SharePoint at <https://usaf.dps.mil/teams/14101/SitePages/Home.aspx> and/or contact your respective MAJCOM/FLDCOM EO functional manager or AFPC EO Operations.

3.15.7. *Investigation of Formal Complaints.* If a formal complaint is not dismissed in full, installation EO directors will within 30 calendar days of receipt of the formal complaint submit a request to IRD to conduct an investigation as described in DoDI 1400.25, Volume 1614. **(T-0)**

3.15.7.1. The IRD manages the DoD program for investigating formal EEO complaints to include determining whether to conduct the investigation with internal investigators or contract investigators. **(T-0)** Refer to DoDI 1400.25, Volume 1614 for additional guidance.

3.15.7.2. Installation EO directors will include the specific claim information required in the DoD's Investigations and Resolutions Case Management System (IRCMS) and will utilize and follow IRD's templates and guidance available at <https://ircms.cpms.osd.mil/>. **(T-0)**

3.15.7.3. Installation EO directors will request IRD investigations at the same time the Acceptance and Dismissal Letter is issued to the complainants. **(T-1)** Installation EO directors will not under any circumstance request an IRD investigation prior to the completion of the acceptance and dismissal process. **(T-1)**

3.15.7.4. Installation EO offices will communicate the EEO complaint investigative process to employees and complainants. **(T-0)**

3.15.8. *Fiscal Responsibility of Investigations.* The installation EO director will obtain fund citations for IRD Investigations and EEOC hearings related to the formal complaint. **(T-1)** The unit or organization from which the complaint originates is responsible for all costs associated with the complaint. **(T-1)** Travel of DAF personnel required by an administrative judge or other authorized official will be charged to the DAF participant's unit/organization of assignment **(T-1)** Exceptions may apply in certain circumstances. Exceptions are provided for organizations supported by the DAF under DoDD 5100.03, *Support of the Headquarters of Combatant and Subordinate Unified Commands*. **(T-0)** If fact-finding conferences are elected as the investigative method, the unit of the responsible management official (RMO) is responsible for costs associated with court reporters. **(T-1)** Refer to DAFI 65-601, Volume 1, *Budget Guidance and Procedures*, and DAFMAN 65-605, Volume 1, *Budget Guidance and Technical Procedures*, for additional information on DAF budget guidance and procedures.

3.15.9. *Scope of Investigations.* IRD investigators will determine the scope and means of conducting an investigation. **(T-0)** However, if an installation EO director and/or an AF/JACL representative desires a verbatim transcript of the witness testimony, he or she must first coordinate with AFCARO to decide on the type of investigation to request from IRD. **(T-1)**

3.15.10. *Timeliness of Investigations.* Investigations will be completed within 180 calendar days from the date of filing of a complaint or within the time period contained in an order from the EEOC/OFO on an appeal from a dismissal pursuant to 29 CFR § 1614.107 and 29 CFR § 1614.108. **(T-0)**

3.15.10.1. By written agreement within time periods as stated in [paragraph 3.15.10](#), the complainant and the respondent agency may voluntarily extend the investigation time period for not more than an additional 90 calendar days. Installation EO directors, at the request of IRD investigators, may act as intermediaries in these negotiations on extensions. Installation EO directors will obtain a written agreement from the complainant or complainant's representative for extensions not more than 90 calendar days beyond the 180 calendar day time limit. **(T-0)** Installation EO directors will attach the written agreement in the investigative file and provide a copy to AFCARO. **(T-1)**

3.15.11. *Failure to Complete Investigation within Time Limit.* If the investigation is not complete within the 180 calendar day time limit and no extension is approved, the installation EO director will provide a written notice to the complainant informing him or her that the investigation was unable to be completed within the time limits required by 29 CFR § 1614.108(f). **(T-0)** The written notice will include an estimated date by which the investigation

will be completed, and that the complainant has a right to request a hearing from a EEOC administrative judge or to file a civil action in the appropriate U.S. District Court pursuant to 29 CFR § 1614.108(g). **(T-0)** For additional guidance, samples, and templates, refer to EEOC MD 110, Appendix K, *Notice of Incomplete Investigation*, and the AFPC EO Operations SharePoint at <https://usaf.dps.mil/teams/14101/SitePages/Home.aspx> and/or contact your respective MAJCOM/FLDCOM EO functional manager or AFPC EO Operations.

3.15.12. *Required Documentation and Information for Investigations.* Installation EO directors will ensure all required documentation for investigations is submitted to the IRD and in the required format pursuant to EEOC MD 110 **Chapter 6** Section VIII, *Complaint File*; EEOC MD 110 Appendix L, *Complaint File Format*; DoDI 1400.25 Volume 1614; and IRD guidance available at <https://ircms.cpms.osd.mil/>. **(T-0)** Certain documents are required for every request for investigation and are dependent on the claims of the case. For additional information, refer to the Required Data Submission section at <https://ircms.cpms.osd.mil/DocSubmission.html>.

3.15.12.1. Installation EO directors will submit required documents at the same time of requesting an investigation from IRD. If documents are not readily available at the time of the investigation request, installation EO directors will submit them within 14 calendar days of the investigation request. **(T-1)** The timely submission of required documents results in more effective and punctual investigations.

3.15.12.1.1. Installation EO directors will ensure at minimum the following essential processing documents are included in the request for investigation: counselor's report, formal complaint, Notice of Acceptance, and installation EO director, EO practitioner, complainant, RMO, and agency representative contact information. **(T-0)**

3.15.12.2. Installation EO directors will ensure documents are organized and submitted pursuant to EEOC MD 110 **Chapter 6** Section VIII. **(T-0)** For additional guidance and templates, refer to EEOC MD 110 Appendix L; IRCMS User's Guide and Investigative File Organization and Data Submission Guidance with Section and Tab Templates at <https://ircms.cpms.osd.mil/> and the AFPC EO Operations SharePoint at <https://usaf.dps.mil/teams/14101/SitePages/Home.aspx> and/or contact your respective MAJCOM/FLDCOM EO functional manager or AFPC EO Operations.

3.15.12.3. Installation EO directors will ensure all requests for relevant information, including official personnel documents, related to EEO complaints are answered by the requested suspense date or within seven calendar days. **(T-1)** EO directors will have seven calendar days to provide additional documentation related to the EEO complaint upon request by AFCARO during the processing of the formal EEO case. **(T-1)**

3.15.13. *Administrative and Logistical Support.* Installation EO directors will support and facilitate the IRD investigative process by providing administrative and logistical support as requested and as described in DoDI 1400.25 Volume 1614. **(T-0)** This may include, but is not limited to, identifying a point of contact at the site of the investigation; providing a meeting room that accommodates investigative requirements and ensures privacy; contacting and scheduling appointments with witnesses; promptly advising IRD when 180 calendar days have expired and a complainant requests a hearing before an EEOC administrative judge on a complaint that is currently under investigation or awaiting investigation for the purpose of expediting the investigation; forwarding copies of amendments to complaints currently under

investigation; and advising IRD when a formal complaint currently under investigation is settled, withdrawn, or dismissed because the complainant files a civil action. **(T-0)** Refer to DoDI 1400.25 Volume 1614 for additional guidance.

3.15.14. *Report of Investigation.* The IRD will provide impartial and appropriate investigative files and ROIs that together contain legally sufficient evidence necessary to serve as a basis for an impartial decision on the case. **(T-0)** The ROI documents the information collected during the investigation and consists of an indexed investigative file of documents relative to the matters at issue and a narrative report.

3.15.14.1. IRD investigations will be completed, and ROIs issued within 120 calendar days of case receipt by the IRD as described in DoDI 1400.25 Volume 1614. **(T-0)** When complaints are amended or additional complaints are consolidated with a complaint under investigation, investigations are completed, and ROIs issued within 120 calendar days of the last amendment or consolidation. **(T-0)** The IRD will provide electronic copies of the ROI. Installation EO directors will download the completed ROI immediately upon notification of completion. **(T-1)** **Note:** Per DoDI 1400.25 Volume 1614, DoD designated 120 calendar days of the 180 calendar days for IRD to conduct the investigations, allotting the remaining 60 calendar days for the agency to submit an IRD investigation request (30 calendar days) and IRD to assign an investigator to the case (30 calendar days).

3.15.14.2. AFCARO is responsible for redaction and sanitation of the ROI pursuant to 29 CFR Part 1611 and 5 USC § 552a. **(T-0)** AFCARO will not release any legal reviews to the complainant and/or the complainants' legal representatives, the EEOC, or opposing counsel. **(T-1)** AFCARO will not include any legal review in the ROI. **(T-1)**

3.15.14.3. Pursuant to 29 CFR § 1614.108(f) timelines, AFCARO, within 30 calendar days of receipt of the ROI, will provide the complainant and/or the complainant's legal representative a copy of the ROI along with notice of further rights under 29 CFR § 1614.108(f), § 1614.110, and § 1614.302(d)(2). **(T-0)** AFCARO will ensure the notice to the complainant and/or the complainant's legal representative advises him or her that the complainant has the right to request a hearing and decision from an administrative judge or may request an immediate final agency decision pursuant to 29 CFR § 1614.110 from the agency with which the complaint was filed. **(T-0)**

3.15.14.4. Installation EO directors and EO practitioners will not redact ROIs on behalf of AFCARO to ensure neutrality. **(T-1)** Installation EO directors are not authorized and will not provide a copy of the ROI to complainants and/or the complainants' legal representatives or make their own redacted or sanitized copies. **(T-1)** Installation EO directors will not release legal reviews to the complainant and/or the complainants' legal representatives, the EEOC, or opposing counsel. **(T-1)** Installation EO directors will not include the legal review in the ROI. **(T-1)**

3.15.15. *Complainant Dissatisfaction Regarding Processing of Pending Complaints.* Complainants that are dissatisfied with the processing of a pending complaint are addressed pursuant to 29 CFR § 1614.107(a)(8) and EEOC MD 110 **Chapter 5**, Part IV(D), *Claims of Dissatisfaction Regarding Processing of Pending Complaint*.

3.15.15.1. A complainant must raise any dissatisfaction with the processing of his or her complaint before the administrative judge issues a decision on that complaint, the agency

takes final action on the complaint, or either the administrative judge or the agency dismisses the complaint. **(T-0)**

3.15.15.2. If a complainant is dissatisfied with the processing of his or her pending complaint, whether it alleges prohibited discrimination as a basis for dissatisfaction, the complainant should be referred to the installation/center commander (director) or designee. **(T-0)**

3.15.15.3. The installation/center commander (director) or designee will promptly resolve the concerns of dissatisfaction with the complaints process as early and expeditiously as possible. **(T-0)**

3.15.15.4. The installation/center commander (director) or designee will provide a written response to the complainant indicating the actions taken to promptly resolve the concerns **(T-1)** The installation/center commander (director) or designee will provide the installation EO director a copy of the written response to attach to the complaint files maintained on the underlining complaint. **(T-0)** A record of the complainant's concerns and any actions taken to resolve the concerns must be made as part of the complaint file. **(T-1)** If no action is taken, the file must contain an explanation for not taking any action. **(T-1)**

3.15.15.5. A complainant must always raise his or her concerns first with the agency. However, in cases where the complainant's concerns have not been resolved informally with the agency, the complainant may present those concerns to the EEOC at either of the following stages of processing: where the complainant has requested a hearing, to the EEOC's administrative judge when the complaint is under the jurisdiction of the administrative judge; or where the complainant has not requested a hearing, to the EEOC/OFO on appeal.

3.16. EEOC Hearings. Complainants have the right to request hearings with EEOC administrative judges throughout the formal complaint process pursuant to 29 CFR § 1614.109, § 1614.108(f), § 1614.108(g), § 1614.108(h), and as outlined in other sections within 29 CFR Part 1614 where applicable. The hearing is an adjudicatory proceeding that completes the process of developing a full and appropriate record; provides the parties with a fair and reasonable opportunity to explain and supplement the record and, in appropriate instances, to examine and cross-examine witnesses; and allows an EEOC administrative judge to adjudicate claims of discrimination and issues decisions pursuant to 29 CFR § 1614.109. Unless the agency issues a final order within 40 calendar days of receipt of the administrative judge's decision in a non-class action pursuant to 29 CFR § 1614.110(a), the administrative judge's decision becomes the final action of the agency. Refer to 29 CFR § 1614.109 and EEOC MD 110 [Chapter 7, Hearings](#), for additional guidance.

3.16.1. Complainants must submit the hearing request directly to the respective EEOC district or field office having jurisdiction over the geographic area in which the complaint arose, as set forth in EEOC MD 110 Appendix N, *Equal Employment Opportunity Commission Offices and Geographic Jurisdictions for Federal Employee and Applicant Hearing Requests* and provide a copy of the request to AFCARO per 29 CFR § 1614.108(h). **(T-0)**

3.16.2. Within 15 calendar days of its receipt of a copy of the complainant's request for a hearing sent to an EEOC district or field office, AFCARO will electronically send an acknowledgement to the respective EEOC district office that includes the name, address and

telephone number of the agency representative and a tabbed copy of the complaint file, including the investigative file. **(T-0)** AFCARO will also include instructions to send the administrative judge's final decision and two copies of the hearing transcript to AFCARO. **(T-1)**

3.16.2.1. If an installation EO director receives a request for a hearing from a complainant, the installation EO director will immediately electronically transmit any request for a hearing to AFCARO. **(T-0)**

3.16.2.2. With few exceptions, AFCARO will prepare and submit complaint files to EEOC for hearings. **(T-1)** AFCARO will track the 30 calendar day period for the complainant to elect further processing options. **(T-1)**

3.16.2.3. AFCARO is also responsible for the dissemination of the ROI along with notice of further rights under 29 CFR § 1614.108(f), § 1614.110, and § 1614.302(d)(2) to the complainant and/or the complainant's legal representative. **(T-0)** Refer to paragraphs [3.15.14.2](#) and [3.15.14.3](#) for additional guidance.

3.16.3. AFCARO will apprise the installation EO director of hearing processes including requests and submissions for the installation EO director to accurately reflect case information in the AF EONet and case file. **(T-1)**

3.16.4. If a complainant does not request an EEOC hearing or final agency decision (FAD) without a hearing within 30 calendar days of receipt of the ROI pursuant to 29 CFR § 1614.108(f), AFCARO will notify the complainant that a FAD will be issued within 60 calendar days from the end of the 30 calendar day request period and that further rights will be provided at that time. **(T-0)**

3.16.5. *Agency Legal Representation.* As described in AFI 51-301, *Civil Litigation*, any appearance or representation before the EEOC, of the filing of briefs, motions, or other pleadings with the EEOC are conducted by an attorney authorized by the DAF Civil Law and Litigation Directorate (AF/JACL). **(T-1)** AFCARO will coordinate with the AF/JACL for litigation of DAF EEO cases where a hearing is requested, or a case has been appealed. **(T-1)** All parties are responsible for obtaining legal guidance regarding the processes of complaints and discrimination. **(T-1)**

3.16.6. *Hearing Logistics.* Installation EO directors will, in coordination with the agency representative, make all needed arrangements for hearings as outlined in EEOC MD 110 Chapter 7. **(T-0)** The installation EO office and the respective installation CPS will assist the agency representative with responding to discovery requests, dispositions, and responses to EEOC orders. **(T-0)** Refer to EEOC MD 110 Chapter 7 for additional guidance.

3.17. Final Agency Actions Following a Decision by an Administrative Judge. When an EEOC administrative judge has issued a decision under § 1614.109(b), (g), or (i), the agency shall take final agency action (FAA) on the complaint by issuing a final agency order (FAO) within 40 calendar days of receipt of the hearing and the administrative judge's decision pursuant to 29 CFR § 1614.110. **(T-0)**

3.17.1. AFCARO is the DAF's official authority for all phases of the formal complaint process subsequent to issuance of a report of investigation. **(T-1)**

3.17.2. Upon receipt of the EEOC administrative judge's decision, AFCARO will advise the installation EO director of the pending FAA issue date to meet the EEOC 40-day requirement. **(T-0)** AFCARO will also provide a copy of the EEOC administrative judge's decision to the AF/JACL. **(T-1)**

3.17.3. AFCARO will prepare all FAAs for review and signature by the SAF/MRB. **(T-1)** All proposed FAAs will be reviewed for legal sufficiency by an authorized DAF attorney before submission to SAF/MRB for signature. **(T-1)** AFCARO will ensure all FAAs resulting from findings of discrimination by an EEOC administrative judge are coordinated for appeal before SAF/MRB issues a final order. **(T-1)**

3.17.4. When a FAO is issued, AFCARO will ensure the FAO informs the complainant whether or not the agency will fully implement the decision of the EEOC administrative judge and will contain notice of the complainant's right to appeal to the EEOC, the right to file a civil action in federal district court, the name of the proper defendant in any such lawsuit, and the applicable time limits for appeals and lawsuits. **(T-0)** AFCARO will ensure a copy of EEOC Form 573, *Notice of Appeal/Petition*, is attached to the FAO. **(T-0)**

3.17.5. If the FAO does not fully implement the decision of the EEOC administrative judge, then the agency shall simultaneously file an appeal in accordance with 29 CFR § 1614.403 and append a copy of the appeal to the FAO pursuant to 29 CFR § 1614.110(a). **(T-0)** AFCARO will coordinate with the AF/JACL for litigation of DAF EEO cases where a case has been or will be appealed. **(T-1)**

3.18. Final Agency Decision Without a Hearing. If a complainant requests a final agency decision (FAD) by the agency without an EEOC hearing or the complainant does not reply to the notice issued under 29 CFR § 1614.108(f) pursuant to 29 CFR § 1614.110(b), AFCARO will issue the complainant a FAD addressing all claims in the complaint, including its rationale for dismissing claims, if any, and its findings on the merits of the remainder of the complaint. **(T-0)** The complainant may appeal the agency's decision, including any partial dismissals, to the EEOC.

3.18.1. AFCARO will issue the FAD within 60 calendar days of receiving notification that a complainant has requested an immediate decision from the agency, or within 60 calendar days of the end of the 30-day period for the complainant to request a hearing or an immediate final decision where the complainant has not requested either a hearing or a decision. **(T-0)** When the complainant has elected a FAD and after reviewing the case file AFCARO determines the case is missing documents to adjudicate the case, installation EO directors will have seven calendar days to provide the requested documents to AFCARO. **(T-1)**

3.18.2. The FAD will contain notice of the right to appeal the final action to the EEOC, the right to file a civil action in federal district court, the name of the proper defendant in any such lawsuit, and the applicable time limits for appeals and lawsuits. **(T-0)** AFCARO will ensure a copy of EEOC Form 573 is attached to the FAD. **(T-0)**

3.18.3. For the installation EO office to remain autonomous from the legal analyses necessary for reaching final agency decisions and maintain neutrality, installation EO directors and EO practitioners will not be responsible for nor authorized to draft or sign FADs. **(T-0)**

3.18.4. Refer to 29 CFR § 1614.110(b) and EEOC MD 110 **Chapter 5** Section VI(B), *Final Actions in All Other Circumstances*, for additional guidance.

3.19. Compliance with EEOC Orders and DAF Final Agency Actions. AFCARO will serve as the responsible office to respond to and ensure compliance with all EEOC orders and DAF FAAs (e.g., FADs, FAOs) on behalf of the DAF. **(T-1)** Other DAF offices that receive an EEOC order will immediately transmit the order to AFCARO. **(T-1)** AFCARO will identify actions necessary to establish compliance with EEOC orders and DAF FAAs and will maintain responsibility for submitting interim and final compliance reports to the EEOC. **(T-0)**

3.19.1. Installation commanders (or equivalents) will implement EEOC orders and DAF FAAs to include determining whether the responsible organization will comply with the EEOC order when appropriate and as directed by AFCARO. **(T-1)**

3.19.2. AF/JACL or the installation SJA will draft compensatory damages, attorney's fee, and discipline determinations for installation commander signature. **(T-1)** AF/JACL or the installation SJA will provide signed determination letters to AFCARO and will courtesy copy the installation EO office. **(T-1)**

3.19.3. To ensure installation EO office statutory neutrality and to remain autonomous from the legal analyses necessary for reaching final agency decisions, installation EO directors and EO practitioners will not draft or sign post-IRD investigation final agency decisions on behalf of the DAF. **(T-0)** Installation EO directors and EO practitioners will not implement actions from EEOC orders outside of the DAF EO Program purview. **(T-1)**

3.19.4. The EEOC may issue orders to remand EEO complaints back to the agency for further processing for reasons such as incomplete records requiring additional information and dismissed claims that were reversed as described in EEOC MD 110 [Chapter 9, Appeals to the Commission](#). Upon receipt of such EEOC orders, AFCARO will apply suspenses to the orders and will send to the respective installation EO office for action. **(T-1)** The installation EO office, in coordination with the installation SJA, will immediately implement the AFCARO directed actions and provide any required documentation. **(T-0)**

3.19.5. For EEOC orders and DAF FAAs involving findings of discrimination and EEOC decisions involving default judgments and/or monetary sanctions, the installation EO office, in coordination with the servicing installation SJA and CPS, will inform the installation commander of the installation commander's responsibility to implement the action(s) as directed by AFCARO. **(T-1)**

3.20. Negotiation of Settlements. Pursuant to 29 CFR § 1614.603, DAF will make reasonable efforts to voluntarily settle complaints of discrimination as early as possible in, and throughout, the administrative processing of complaints, including the pre-complaint counseling stage. **(T-0)** Any settlement reached between the parties will be in writing and signed by both parties and will identify the claims resolved. **(T-0)** Accordingly, the DAF has general authority to settle EEO complaints during the pre-complaint and formal complaint processes. **(T-0)**

3.20.1. Pursuant to 29 CFR § 1614.504, any settlement agreement knowingly and voluntarily agreed to by the parties, reached at any stage of the complaint process, will be binding on both parties. **(T-0)** Settlements may not involve waiver of remedies for future violations. **(T-0)** Terms which further restrict management's ability to disclose settlement terms to those with a legitimate need to know are discouraged. **(T-1)**

3.20.2. Settlements of age discrimination complaints must comply with the requirements of the Age Discrimination in Employment Act and Older Workers Benefits Protection Act (29

USC § 626). This includes complying with 29 USC § 626 requirements involving waivers of claims; that is, a waiver in settlement of an age discrimination complaint must be knowing and voluntary. **(T-0)**

3.20.3. Settlements reached through ADR proceedings are subject to the provisions of the Administrative Dispute Resolution Act of 1996 and DAFI 51-1201. **(T-0)**

3.20.4. All civilian EEO settlements are subject to the provisions of the Privacy Act of 1974. **(T-0)**

3.20.5. *Settlement Authorities.* A DAF official is properly a settlement authority if he or she has the authority to grant the scope of the remedy requested. **(T-1)** If an expenditure of funds is contemplated and installation commanders wish to delegate their authority for complaint resolution; such delegation must be documented in writing and copies provided to AFCARO and AF/JACL. **(T-1)** In complaints where the RMO is in the grade colonel (O-6) or above (and civilian equivalents), the commander with administrative control over the complainant is the primary settlement authority; such authority may be delegated to subordinate personnel in coordination with the servicing legal office and the management representative. The servicing legal office may coordinate with AF/JACL, as needed. AF/JACL should coordinate with AF/JAC and Office of the Air Force General Counsel, Fiscal and Administrative Law Division (SAF/GCA) as appropriate. The individuals named as the RMO in a complaint cannot be a settlement authority on the same case in which he or she was named. **(T-0)**

3.20.6. *Pre-Complaint Settlement.* Installation EO director, in coordination with the installation SJA management representative, complainant, and the complainant's representative may negotiate a settlement of the complaint prior to the formal complaint process within the parameters set by the settlement authority. The installation SJA management representative or other designated legal representative is responsible for assisting the parties by drafting the settlement agreement for signature. **(T-1)** The DAF settlement authority will ensure the settlement agreement is implemented. **(T-0)** If a pending settlement agreement is not implemented or resolved pursuant to 29 CFR § 1614.105 timelines, the aggrieved person will receive a final interview and Notice of Right to File a Formal Complaint and DD Form 2655 explaining how to file a formal complaint. **(T-0)**

3.20.7. *Formal Complaint Settlement.* After a formal complaint is filed, the agency representative has the authority to negotiate settlement of the complaint through negotiation, ADR, or other approaches within parameters set by the settlement authority. **(T-0)**

3.20.7.1. The installation SJA management representative or other designated legal representative is responsible for assisting the parties by drafting the settlement agreement for signature. **(T-1)** The DAF settlement authority will ensure the settlement agreement is implemented. **(T-0)**

3.20.7.2. Installation EO directors or agency representatives will provide a copy of any finalized settlement agreements to AFCARO within 30 calendar days of signature for formal complaints. **(T-1)** Installation EO directors will also inform IRD as well as the assigned IRD investigator when a formal complaint currently under investigation is settled as outlined in DoDI 1400.25 Volume 1614. **(T-0)**

3.20.7.3. Additionally, IRD investigators and EEOC administrative judges may also seek to resolve the complaint through settlement proceedings with relevant parties during the investigation or hearing phase of the complaint process. **(T-0)**

3.20.8. Draft settlement agreements are available in the DAF ADR Compendium and on the AFPC EO Operations SharePoint at <https://usaf.dps.mil/teams/14101/SitePages/Home.aspx> and/or contact your respective MAJCOM/FLDCOM EO functional manager or AFPC EO Operations. Coordination procedures, signature actions, and documentation processes and dissemination for settlement agreements can be found on the AFPC EO Operations SharePoint and/or contact your respective MAJCOM/FLDCOM EO functional manager or AFPC EO Operations.

3.20.9. *Coordination of Personnel Actions Resulting from Settlement.* Prior to the settlement authority signing the settlement agreement, the installation EO director or agency representative will obtain the coordination of the installation SJA, CPS, and AFPC (if appropriate) on any personnel action(s) taken or pending as result of the settlement agreement. **(T-1)** Such coordination will not include a determination on the merits of the case or on the settlement. **(T-0)** For settlement agreements resulting from ADR, the agreement may be signed prior to formal coordination, contingent upon subsequent coordination and approval. **(T-1)** However, settlements of age discrimination complaints must also comply with the requirements of the Older Workers Benefits Protection Act (29 USC § 626), which grants an additional 20 calendar days to complainants citing age as a basis. **(T-0)**

3.20.10. *Settlement Terms Coordination.* Settlement terms involving personnel actions or personnel processes are coordinated with the appropriate servicing CPS or human resource office (HRO), and AFPC (if appropriate). **(T-1)** Settlement terms involving financial matters, including monetary payments, are coordinated with the appropriate financial management office. **(T-1)** Compensatory damages and payment of other monetary relief are paid from the installation operating and maintenance funds. **(T-1)** Settlement terms that involve other offices or agencies are coordinated, as necessary. **(T-1)** If the settlement binds organizations outside of the purview of the respective commander (and civilian equivalent), the installation EO director or agency representative will obtain written concurrence of an authorized official within that organization before the settlement agreement is signed. **(T-1)** If settlement agreements involve life insurance, health benefits, and/or Thrift Savings Plans, they must be coordinated through AFPC. **(T-1)** AFPC requires a minimum 24-hour turnaround to ensure retirement contributions and computations are processed appropriately.

3.20.11. *Compliance with Settlement Agreements.* Pursuant to 29 CFR § 1614.504, any settlement agreement knowingly and voluntarily agreed to by the DAF and the complainant, reached at any stage of the complaint process, will be binding on both parties. **(T-0)**

3.20.11.1. Installation EO directors will ensure the review of the terms of settlement and determine the office(s) responsible for executing the agreement and provide each with a copy of the section of the settlement agreement pertinent to that office. **(T-1)**

3.20.11.2. Installation EO directors will ensure the collection of documentation from the responsible office(s) indicating implementation of their action and will retain it along with the original settlement agreement in accordance with the Air Force Records Disposition Schedule. **(T-1)**

3.20.11.3. Installation EO directors, in coordination with CPS/HRO, will transmit copies of the signed settlement agreement requiring action by the Defense Finance Accounting Services (DFAS) to the servicing DFAS civilian payroll office with a copy of the Standard Form 50-B, *Notification of Personnel Action*. (T-1)

3.20.12. *Claims of Noncompliance with Settlement Agreements*. If a complainant believes that the agency has failed to comply with the terms of a settlement agreement or decision, the complainant will notify the installation EO director in writing of the alleged noncompliance within 30 calendar days of when the complainant knew or should have known of the alleged noncompliance pursuant to 29 CFR § 1614.504. (T-0) The complainant may request that the terms of settlement agreement be specifically implemented or, alternatively, that the complaint be reinstated for further processing from the point processing ceased. (T-0)

3.20.12.1. Installation EO directors will ensure claims of breach of settlement agreements are expeditiously addressed pursuant to 29 CFR § 1614.504. (T-0)

3.20.12.2. Upon receipt of written notice by a complainant that specific provision(s) of a settlement agreement are alleged to have been breached, installation EO directors will ensure fact-finding is conducted to determine if additional action is required to implement the agreement fully. (T-0)

3.20.12.3. ADR may be used to resolve claims of breach of settlement agreements if the matter is determined to be appropriate for ADR.

3.20.12.4. Installation EO directors will provide a written decision signed by the installation commander (or designee) to the complainant within 30 calendar days on the determination as to whether the installation is in breach and/or efforts to resolve the matter. (T-0) Installation EO directors will ensure that the complainant is advised of his or her right to appeal the decision to the EEOC for a determination as to whether the terms of the agreement were breached per 29 CFR § 1614.504(b) and provide the complainant with a copy of EEOC Form 573. (T-0)

3.20.12.5. If the agency has not responded to the complainant in writing or if the complainant is not satisfied with the agency's attempt to resolve the matter, the complainant may appeal to the EEOC for a determination as to whether the agency has complied with the terms of the settlement agreement or decision pursuant to 29 CFR § 1614.504(b).

3.20.12.6. Upon receipt of a copy of the appeal to the EEOC from the complainant, the agency may submit a response to the EEOC within 30 calendar days of receiving notice of the appeal.

3.21. Alternative Dispute Resolution in the Formal Complaint Process. Complainants may elect the use of ADR in the formal process at any point prior to completion of the investigative process, or before AFCARO renders a FAD or FAA. Before conducting a formal investigation, IRD investigators will pursue settlement through ADR procedures with the concurrence of the parties as described in DoDI 1400.25 Volume 1614. (T-0)

3.22. Formal Complaint Appeals. 29 CFR § 1614.401(a)(e) identifies those entitled to file appeals to the EEOC and 29 CFR § 1614.402(a) provides that appeals to the EEOC must be filed by complainant within 30 calendar days of receipt of an agency's FAA (i.e., a dismissal, FAD, FAO, or final determination). (T-0) The complainant on appeal will furnish a copy of the appeal

to DAF at the same time it is filed with the EEOC pursuant to 29 CFR § 1614.403(b). **(T-0)** Refer to EEOC MD 110 **Chapter 9**, *Appeals to the Commission*, for additional guidance.

3.22.1. AF/JACL (to include servicing SJA) has primary responsibility as the DAF representative in all appeals initiated by a complainant under 29 CFR § 1614.401(a).

3.22.2. AFCARO is the central receipt point for all appeals and conducts coordination of complaint appeal information between the installation EO director, AF/JACL, SJA, SAF/GCA (as appropriate), and EEOC in accordance with 29 CFR § 1614.403. AFCARO will establish a suspense for DAF responses to appeals. **(T-1)**

3.22.3. The EEOC/OFO will issue a written decision on appeals pursuant to 29 CFR § 1614.405. **(T-0)** An unfavorable decision for DAF on an EEOC appeal will be processed for possible request for reconsideration. **(T-1)** Refer to **paragraph 3.24** for additional guidance on request for reconsideration.

3.23. Agency Appeals. The Director of the Air Force Review Board Agency (SAF/MRB) is the final decision authority on all appeals to the EEOC initiated by the DAF. **(T-1)** Although SAF/MRB makes the final decision on agency appeals, SAF/MRB will notify SAF/GCA of a proposed decision not to support AF/JACL (or in rare circumstances, a servicing legal office) recommended agency appeal in sufficient time to elevate that decision if necessary. **(T-1)**

3.23.1. AF/JACL (or in rare circumstances, a servicing legal office) has primary responsibility as agency representative before the EEOC in all agency-initiated appeals. **(T-1)**

3.23.2. A DAF FAO that does not fully implement the decision of an EEOC administrative judge must be accompanied by a simultaneous appeal to the EEOC pursuant to 29 CFR § 1614.110(a). **(T-0)** The EEOC Form in EEOC MD 110 Appendix O, *Notice of Appeal - Agency to the Equal Employment Opportunity Commission Office of Federal Operations*, will be used for the appeal. **(T-0)**

3.23.3. If the EEOC grants the agency appeal, AFCARO will notify the relevant agency parties. **(T-0)** If the EEOC denies the agency appeal, AFCARO will initiate action to establish compliance and notify the parties of their right to request for reconsideration. **(T-0)**

3.23.4. Upon receipt of an EEOC decision of a finding of discrimination, AFCARO will forward and coordinate the decision within the DAF. **(T-1)**

3.24. Requests for Reconsideration. Pursuant to 29 CFR § 1614.405(c), an EEOC decision of an appeal under 29 CFR § 1614.405(a) is final within the meaning of 29 CFR § 1614.407 unless a timely request for reconsideration is filed by a party to the case. A party may request reconsideration and any supporting statement or brief must be filed with the EEOC/OFO within 30 calendar days of receipt of a EEOC decision, which the EEOC in its discretion may grant pursuant to 29 CFR § 1614.405(c). A request for reconsideration is not a second appeal to the EEOC. The EEOC's decision on a request for reconsideration is final and there is no further right by either party to request reconsideration. **(T-0)** Refer to EEOC MD 110 **Chapter 9** Section VII, *Reconsideration*, for additional guidance.

3.24.1. Recommendations to file a request for reconsideration are based on the grounds identified by the EEOC in 29 CFR § 1614.405(c).

3.24.2. AF/JACL (or in rare circumstances, a servicing legal office) makes recommendations for request for reconsideration to AFCARO within three calendar days of receipt of the decision from AFCARO.

3.24.3. SAF/MRB is the decision authority for recommendations for request for reconsideration submitted by AF/JACL (or in rare circumstances, a servicing legal office). **(T-1)** SAF/MRB will consult with SAF/GCA in its evaluation of recommendations for request for reconsideration. **(T-1)**

3.24.4. If SAF/MRB accepts recommendations for request for reconsideration, AFCARO will file the request for reconsideration with the EEOC within 30 calendar days of receipt of the appellate decision by the AFCARO pursuant to 29 CFR § 1614.405(b). **(T-0)**

3.24.5. Upon disposition of the request for reconsideration by the EEOC, AFCARO will notify the relevant agency parties of the disposition for appropriate action. **(T-1)**

3.25. Class Action Complaints. Aggrieved individuals have the right to file a class action complaint (also referred to as class complaint) pursuant to 29 CFR § 1614.204. Class action complaints are written complaints of discrimination filed on behalf of the class by the agent of the class, alleging that the class is so numerous that a consolidated complaint by the members of the class is impractical, that there are questions of fact common to the class, that the claims of the agent of the class are typical of the claims of the class, and that the agent of the class and, if represented, the representative will fairly and adequately protect the interests of the class. **(T-0)** Class action complaints are different from individual complaints. The DAF will process class action complaints pursuant to 29 CFR § 1614.204 and EEOC MD 110 **Chapter 8, Complaints of Class Discrimination in the Federal Government**. **(T-0)** Aggrieved individuals who wish to file a class action complaint must seek counseling and be counseled in pursuant to 29 CFR § 1614.105. **(T-0)** EO practitioners will not attempt to dissuade the aggrieved individual from filing a complaint. **(T-0)**

3.25.1. *Pre-Complaint Class Action Complaint Procedures.* When an aggrieved individual files a class action complaint, the installation EO director will provide written notification within three calendar days to SAF/MRQ, AFCARO, AFPC EO Operations, AF/JACL, SAF/GCA, respective MAJCOM/FLDCOM EO functional manager, respective installation CPS or HRO, and installation SJA. **(T-1)** The notification will include the complainant's name (if releasable), the name of the complainant's representative, the docket number, the date of initial contact, identification of the class, and claim(s) raised. **(T-1)**

3.25.1.1. When notified of a class action complaint, AF/JACL designates an attorney to represent the DAF and the servicing SJA designates a local attorney to assist AF/JACL attorney. **(T-1)**

3.25.1.2. Installation EO directors will attempt to resolve individual claims and personal concerns of the aggrieved individual through pre-complaint processing pursuant to 29 CFR § 1614.105, and EEOC MD 110, Chapter 2 and 8 with one exception to the mandatory counseling prerequisite allowing a complainant to move for class certification at any reasonable point in the process when it becomes apparent that there are class implications to the claim raised in an individual complaint pursuant to 29 CFR § 1614.204(b). **(T-0)** If the complainant moves for class certification after completing the counseling process contained in 29 CFR § 1614.105, no additional counseling is required pursuant to 29 CFR

§ 1614.204. **(T-0)** Before attempting to resolve class-wide concerns, installation EO directors will first coordinate any proposed action(s) with AF/JACL, SAF/MRQ, AFPC EO Operations, and their MAJCOM/FLDCOM EO functional manager. **(T-1)**

3.25.1.3. If an installation EO director receives an individual complaint that he or she believes is related to a pending class action complaint, the installation EO director will notify SAF/MRQ, AFPC EO Operations, AF/JACL, respective MAJCOM/FLDCOM EO functional manager, and installation SJA. **(T-1)** The notification will include the concern(s) involved and the basis(es) of the individual complaint and provide a synopsis of the reasons why the individual complaint is related to a pending class complaint. **(T-1)** Where appropriate, SAF/MRQ and AF/JACL will provide guidance on processing individual complaints related to pending class complaints. **(T-1)**

3.25.1.3.1. When a complainant who is a potential member of a class action files an individual complaint between the time a class complaint is filed and a final certification decision is issued, the agency (i.e., SAF/MRQ and AF/JACL) must determine whether there are claims in the individual complaint that are identical to those that are presented in the class complaint. **(T-0)**

3.25.1.3.1.1. If the agency determines that claims in the individual and class complaints are identical, then the installation EO director will provide a written notification to the complainant that the portion of the complaint raising claims identical to the class complaint will be held in abeyance during the pendency of the decision to accept or reject the class complaint. **(T-0)** The notification to the complainant will include his or her right to appeal the abeyance determination with the EEOC. **(T-0)** The agency decision must also contain, at a minimum, a description of the individual claims at issue; a description of the class complaint with the definition of the putative class; the class complaint counseling report; and the status of the class action, including the EEOC field office to which the class complaint has been sent for a determination on certification, if applicable. **(T-0)** Refer to EEOC MD 110 **Chapter 8** Section III, *Individual Complaints Filed on Bases and Issues Identical to Class Complaints*, for additional guidance. For a letter template, refer to the AFPC EO Operations SharePoint at <https://usaf.dps.mil/teams/14101/SitePages/Home.aspx> and/or contact your respective MAJCOM/FLDCOM EO functional manager or AFPC EO Operations.

3.25.1.3.1.2. If the agency finds that the claim in the individual complaint is not identical to the class claim, then the individual complaint will continue to be processed by the agency. **(T-0)**

3.25.1.4. The installation EO director will first coordinate with SAF/MRQ, AF/JACL, AFPC EO Operations, and respective MAJCOM/FLDCOM EO functional manager on intended limited inquiry techniques and information (e.g., personnel records and/or other written documentation and/or conducting witness interviews) to be gathered prior to conducting the limited inquiry.

3.25.1.5. Before conducting the final interview with the aggrieved individual, installation EO directors will prepare a draft report for coordination with the installation SJA, CPS, respective MAJCOM/FLDCOM EO functional manager, AFPC EO Operations, SAF/MRQ, and AF/JACL. **(T-1)** The report will include, at a minimum, the following:

class claim(s), basis(es), definition of the proposed class, information as to potential class size, how the class agent's claim(s) reflect claims of class (commonality and typicality), and adequacy of representation of the class. **(T-1)**

3.25.1.6. During the final interview, installation EO directors will provide aggrieved individuals with a Notice of Right to File a Class Complaint letter and advise that the formal class action complaint must be filed not later than 15 calendar days after the agent's receipt of the notice of right to file a class complaint pursuant to 29 CFR § 1614.204(c). **(T-0)** For a letter template, refer to the AFPC EO Operations SharePoint at <https://usaf.dps.mil/teams/14101/SitePages/Home.aspx> and/or contact your respective MAJCOM/FLDCOM EO functional manager or AFPC EO Operations.

3.25.2. *Formal Class Action Complaints Procedures.* AF/JACL provides legal advice on all administrative class action complaint matters for the DAF and designates an agency representative for serviced bases. **(T-1)** SAF/MRQ, in coordination with SAF/GCA, assists AF/JACL in preparing the DAF's position statements and briefs in class complaint proceedings, as appropriate. **(T-1)** The CPS or HRO (or designee) serves as a technical representative for class action complaints and ensures applicable personnel records are maintained while class action complaints are pending. **(T-1)**

3.25.2.1. A formal class action complaint must be filed with the installation EO director not later than 15 calendar days after the class agent's receipt of the notice of right to file a class complaint pursuant to 29 CFR § 1614.204(c). **(T-0)** A class complaint must be signed by the class agent or representative and must identify the policy or practice adversely affecting the class as well as the specific action or matter affecting the class agent. **(T-0)**

3.25.2.2. Upon receipt of a formal class action complaint, the installation EO director will forward not later than three calendar days the original and one copy of the case file to AF/JACL, one copy to SAF/MRQ via AFPC EO Operations, one copy to AFCARO, and one copy to the respective MAJCOM/FLDCOM EO functional manager. **(T-1)** The installation EO director will also provide written notification to the installation CPS or HRO and SJA that a formal class action complaint has been filed. **(T-1)**

3.25.2.3. Within 30 calendar days of receipt of the formal class action complaint, AF/JACL will designate an agency representative pursuant to 29 CFR § 1614.204. **(T-0)** Within 30 calendar days of receipt of the formal class action complaint, agency representative, in coordination with SAF/MRQ and AF/JACL, will forward the complaint; copy of the counselor's report; DAF's recommendation to accept or dismiss pursuant to 29 CFR § 1614.107 and 1614.204(a)(2); instructions to EEOC to send its notice of dismissal or acceptance to AFCARO; and any other information pertaining to timeliness or other relevant circumstances related to the complaint to the appropriate EEOC district office. **(T-0)** The agency representative will provide copies of all documentation submitted to the EEOC to SAF/MRQ, AF/JACL, AFCARO, and the installation EO director. **(T-1)**

3.25.2.4. Pursuant to 29 CFR § 1614.204(d)(7) an EEOC administrative judge will transmit his or her decision to accept or dismiss a complaint to the agency and the class agent. **(T-0)** Immediately upon receipt of the dismissal/acceptance decision, AFCARO will forward it to SAF/GCA and AF/JACL. **(T-1)**

- 3.25.2.4.1. AFCARO will issue a FAO within 40 calendar days after receipt of the EEOC administrative judge's decision. **(T-0)** AFCARO will notify the class agent of FAO along with his or her rights associated with the decision. **(T-0)** AFCARO will also provide AF/JACL and the installation EO director a copy of the FAO and notification to the class agent. **(T-1)**
- 3.25.2.4.2. If the FAO does not implement the EEOC administrative judge's decision to accept a class complaint, the DAF through AF/JACL will simultaneously appeal the decision pursuant to 29 CFR § 1614.204(d)(7) and § 1614.403. **(T-1)** The class agent may appeal dismissal of a class complaint to the EEOC or file a civil action. **(T-0)**
- 3.25.2.4.3. A complaint dismissed as a class action complaint may be filed as an individual complaint and processed accordingly, or dismissed as an individual complaint if one or more grounds exist pursuant to 29 CFR § 1614.107(a). **(T-0)**
- 3.25.2.5. Pursuant to 29 CFR § 1614.204(h), the EEOC administrative judge shall set a date for hearing of an accepted class action complaint. **(T-0)** The installation EO director will provide logistical support by making arrangements for the hearing in coordination with AF/JACL and other identified stakeholders. **(T-1)**
- 3.25.2.6. Pursuant to 29 CFR § 1614.204(i), the EEOC administrative judge will transmit to the agency and class agent a decision on the complaint, including findings, systemic relief for the class and any individual relief, where appropriate, with regard to the personnel action or matter that gave rise to the complaint. **(T-0)** AFCARO, as the designated DAF agency representative, will immediately notify SAF/MRQ and AF/JACL of EEOC administrative judge's decision and provide copies of the report as appropriate. **(T-1)**
- 3.25.2.6.1. Within 60 calendar days of receipt of the EEOC administrative judge's decision on the complaint, AFCARO will issue a FAO and notify the class agent whether or not the agency will fully implement the EEOC administrative judge's decision and shall contain notice of the class agent's right to appeal to the EEOC, file a civil action in federal district court, the name of the proper defendant in any such lawsuit, and the applicable time limits for appeals and lawsuits pursuant to 29 CFR § 1614.204(j)-(k). **(T-0)** AFCARO will also provide AF/JACL and the installation EO director a copy of the FOA and notification to the class agent. **(T-1)**
- 3.25.2.6.2. If the final agency order does not fully implement the EEOC administrative judge's decision, the DAF through AF/JACL will simultaneously file an appeal pursuant to 29 CFR § 1614.403 and append a copy of the appeal to the FAO. **(T-0)** A copy of EEOC Form 573 shall be attached to the FAO. **(T-0)**
- 3.25.2.6.3. If an agency does not issue a FAO within 60 calendar days of receipt of the EEOC administrative judge's decision, then the decision of the EEOC administrative judge shall become the final action of the agency. **(T-0)**
- 3.26. Mixed Case EEO Complaints and Appeals.** Pursuant to 29 CFR § 1614.302(a)(1), a mixed case complaint is a complaint of employment discrimination filed with a federal agency based on a protected class related to or stemming from an action that can be appealed to the Merit Systems Protection Board (MSPB). **(T-0)** An aggrieved individual may file a mixed case complaint with an agency pursuant to 29 CFR § 1614.302 or an appeal on the same matter with the MSPB pursuant to 5 CFR § 1201.151, but not both. **(T-0)** Whichever action the aggrieved

individual files first in writing shall be considered an election to proceed in that forum. **(T-0)** A mixed case complaint uses the civilian EEO formal complaint process. Receiving pre-complaint counseling does not constitute an election; filing a formal EEO complaint constitutes an election. **(T-1)** Processing of mixed case pre-complaint and formal complaints will be conducted pursuant to 29 CFR § 1614.302 and EEOC MD 110 [Chapter 4](#), *Procedures for Related Processes*. **(T-0)**

3.26.1. *Adjudication of Merit Systems Protection Board Jurisdiction*. The installation EO director will obtain written determination by the CPS or HRO as to whether the aggrieved individual is eligible under MSPB jurisdiction and will coordinate with the CPS or HRO to determine if the aggrieved individual has identical issues filed under a negotiated grievance procedure or MSPB appeal procedure. **(T-1)** Complaints filed under the administrative grievance procedure or those negotiated grievance procedures that do not allow discrimination complaints will not preclude the complaint from being filed under the civilian EEO formal complaint process. **(T-1)**

3.26.2. *Mixed Case Appeals*. Pursuant to 29 CFR § 1614.302(a)(2), a mixed case appeal is an appeal filed with the MSPB that alleges that an appealable agency action was affected, in whole or in part, because of discrimination on the basis of a protected class. **(T-0)**

3.26.2.1. When an aggrieved individual files a mixed case appeal (i.e., petition for review) with the MSPB and the MSPB subsequently dismisses the appeal on jurisdictional grounds without a decision on its merits, the decision(s) issued by MSPB are provided to AFCARO. **(T-0)** AFCARO will promptly issue the aggrieved individual a notice of his or her right to file a civilian EEO formal complaint pursuant to 29 CFR § 1614.302(b). **(T-0)** This includes informing the aggrieved individual that he or she may contact an EO practitioner within 45 calendar days to raise the discrimination claim(s) and that the filing date of the mixed case appeal will be deemed to be the date the aggrieved individual initially contacted the EO practitioner. **(T-0)**

3.26.2.2. If the MSPB determines it does not have jurisdiction over the mixed case appeal, the installation EO director will resume processing the complaint as a non-mixed case EEO complaint. **(T-0)**

3.26.2.3. If the MSPB determines it has jurisdiction over the matter, the installation commander (or designee, to include the installation EO director or deputy commander) will dismiss the mixed case complaint pursuant to 29 CFR § 1614.107(a)(4). **(T-0)** The installation EO director will advise the complainant of the right to petition to the EEOC to review the MSPB final decision. **(T-0)**

3.26.3. *Mixed Case Complaints Filed at the Agency*. Upon filing of a mixed case complaint, the installation EO director will ensure the complaint is processed in the same manner as it would any other discrimination complaint except:

3.26.3.1. Upon the filing of a complaint, the installation EO director will advise the complainant that if a final decision is not issued within 120 calendar days of the date of filing the mixed case complaint, the complainant may appeal the claim to the MSPB at any time thereafter, as specified in 5 CFR § 1201.154(a)-(b), or may file a civil action as specified in 29 CFR § 1614.310(g), but not both. **(T-0)**

3.26.3.2. Upon completion of the investigation and receipt of the investigative file, AFCARO will notify the complainant that a final decision will be issued on the claims

appealable to MSPB within 45 calendar days without a hearing before an EEOC administrative judge. (T-0)

3.26.3.3. Upon issuance of a DAF final decision on a mixed case complaint, AFCARO will advise the complainant of his or her right to appeal the claim to the MSPB within 30 calendar days of receipt of the notice and of the right to file a civil action per 29 CFR § 1614.310. (T-0)

3.26.4. *Dismissal of Mixed Case Complaints.* An agency may dismiss a mixed case complaint for the reasons contained in and under the conditions prescribed in 29 CFR § 1614.107. (T-0) A mixed case complaint is dismissed based on complainant's prior election of a mixed case appeal if:

3.26.4.1. Where neither the installation commander (or designee, to include the installation EO director or deputy commander) nor MSPB administrative judge disputes the MSPB jurisdiction over the appeal on the same matter. The installation EO director will dismiss the mixed case complaint pursuant to 29 CFR § 1614.107(a)(4) and will issue a Dismissal Letter advising the complainant that he or she must bring the allegations of discrimination contained in the rejected complaint to the attention of the MSPB pursuant to 5 CFR § 1201.155 and complainant of the right to petition the EEOC to review the MSPB's final decision on the discrimination issue pursuant to 29 CFR § 1614.302(c)(2)(i). (T-0)

3.26.4.2. Where the installation commander (or designee, to include the installation EO director or deputy commander) or the MSPB administrative judge questions MSPB jurisdiction over the appeal on the same matter. The installation EO director will hold the mixed case complaint in abeyance until the MSPB administrative judge rules on the jurisdictional issue. (T-0) The installation EO director will notify the complainant of the action taken and instruct him or her to bring the discrimination allegation to the attention of the MSPB. (T-0)

3.26.4.3. For a letter template, refer to the AFPC EO Operations SharePoint at <https://usaf.dps.mil/teams/14101/SitePages/Home.aspx> and/or contact your respective MAJCOM/FLDCOM EO functional manager or AFPC EO Operations.

3.27. Conflicts of Interest. If a situation arises where the installation commander, installation EO director, or an EO practitioner is named in a EEO complaint, the MAJCOM/FLDCOM EO functional manager will determine if a conflict of interest exists which may inhibit the installation EO office's ability to impartially process the complaint. (T-1)

3.27.1. If it is determined that a conflict of interest exists, the MAJCOM/FLDCOM EO functional manager will designate an EO practitioner from a neutral installation EO office within his or her MAJCOM to process the complaint and will advise AFPC EO Operations of the nuances of the case. The office assigned to work the conflict-of-interest complaint will manage the complaint until final disposition. (T-1) **Note:** Conflicts of interest do not include spin-off complaints or complaints regarding dissatisfaction with processing of a pending complaint.

3.27.1.1. If the MAJCOM/FLDCOM EO functional manager cannot designate an EO practitioner within his or her command, the MAJCOM/FLDCOM EO functional manager will engage AFPC EO Operations to coordinate with other MAJCOM/FLDCOM EO

functional managers to seek volunteers to provide assistance with the complaint. (T-1) Barring volunteers, AFPC EO Operations in conjunction with the respective MAJCOM/FLDCOM EO functional manager will identify an EO practitioner from a neutral installation EO office to assist in processing the complaint. (T-1)

3.27.2. For complaints against senior officials, prior to contacting the MAJCOM/FLDCOM EO functional manager, the installation EO director will ensure that a thorough pre-complaint intake interview was completed. (T-1) The intake will provide information as to the aggrieved individual's reasons for naming an official that may warrant a conflict of interest. (T-1) The installation EO director will make a determination as to whether the official was named because of his or her position or because of an alleged action taken by the official. If the official was named because of his or her position, the installation EO office will continue to process the pre-complaint. (T-1) If the official was named because of an action he or she allegedly took, it is considered a conflict of interest and the MAJCOM/FLDCOM EO functional manager will conduct and/or coordinate further complaint processing as outlined in [paragraph 3.27.1](#) and as warranted, per [paragraph 3.27.1.1](#). (T-1)

3.27.3. If installation EO directors and/or EO practitioners are named in a complaint, the installation EO director will immediately contact the MAJCOM/FLDCOM EO functional manager prior to conducting any pre-complaint intake for the MAJCOM/FLDCOM EO functional manager to designate an EO practitioner from a neutral installation EO office per [paragraph 3.27.1](#). (T-1)

3.27.4. If the MAJCOM/FLDCOM EO functional manager is named in a complaint, that MAJCOM/FLDCOM EO functional manager will request to AFPC EO Operations to coordinate with other MAJCOM/FLDCOM EO functional managers to seek volunteers to provide assistance with the complaint. (T-1)

3.27.5. If a complaint is filed by a civilian EO practitioner, it will be considered a conflict of interest. (T-1) The MAJCOM/FLDCOM EO functional manager will conduct and/or coordinate further complaint processing as outlined in [paragraph 3.27.1](#) and as warranted, per [paragraph 3.27.1.1](#). (T-1) The installation EO office assigned to work the complaint will manage the complaint through final disposition. (T-1) The complaint will not be transferred back to the installation EO office from which it originated. (T-1)

3.27.6. All conflict of interest complaints, whether determined by the MAJCOM/FLDCOM EO functional manager or AFPC EO Operations, will have a modified docket number reflective of the installation where the complaint originated. (T-1)

3.27.7. AFPC EO Operations will determine requirements for special access to the AF EONet in conflict of interest complaints and will advise the appropriate installation EO office of such determinations and provide operational guidance. (T-1)

3.28. EEO Complaints in Joint Service Environments. A joint service environment is a locality from which operations of two or more of the military departments are projected or supported and which is manned by significant elements of two or more military departments or in which significant elements of two or more military departments are located. This includes joint bases, defense agencies, DoD field activities, and other organizational entities within the DoD that involve more than one military department or military service. When an individual alleges unlawful discrimination and/or discriminatory harassment (including sexual harassment) in a joint

environment and/or multi-service case, complaint processing (including counseling) is to be determined by all agencies involved in the case. **(T-1)** EO practitioners will notify their installation EO director who will engage his or her MAJCOM/FLDCOM EO functional manager for assistance on determining how to proceed in complaint processing. **(T-1)** MAJCOM/FLDCOM EO functional manager will contact AFPC EO Operations for guidance and assistance as appropriate. **(T-1)**

3.29. Deployed Environments.

3.29.1. *Personnel Requirements.* Installation EO directors and EO practitioners will be identified and sourced for Air and Space Expeditionary Force rotational support in accordance with DAFI 10-401, *Air Force Operations Planning and Execution*. **(T-1)** Trained EO practitioners who are in the grade of E-5 and above, with AFSC 3F4X1 and specialty experience identifier 1ZX and the equivalent civilian occupational specialty code 0260 are eligible to deploy in support of EO contingency operations. In deployed locations, the installation EO director position will be no lower than the grade of E-6. **(T-1)** Refer to **Chapter 7** for training requirements. Installation EO directors and EO practitioners will complete any and all additional training requirements as directed by SAF/MRQ to support EO operations in evolving deployed environments. **(T-1)** Refer to **Chapter 4, paragraph 4.25** for additional guidance on deployed environments.

3.29.2. *Combatant Command Areas of Responsibility.* Combatant command commanders (CCMD) are responsible for providing an environment of EEO and non-discrimination for federal employees assigned, detailed, or deployed to a CCMD area of responsibility (AOR). **(T-0)**

3.29.2.1. If the DAF is identified as combatant command support agent (CCSA), the installation EO office is responsible for establishing and maintaining a servicing EEO program to receive and process EEO complaints arising in a deployed work environment under the CCMD's control. **(T-0)**

3.29.2.2. At the outset, the installation EO office of the CCSA is responsible for processing the EEO pre-complaint. **(T-0)**

3.29.2.3. Any deployed federal civilian employee who believes he or she has been unlawfully discriminated against on the basis of a protected class may initiate the EEO complaint process. The aggrieved individual will contact an EO practitioner assigned to his or her respective AOR operating location to initiate the EEO complaint process pursuant to timelines outlined in 29 CFR § 1614.105. **(T-0)**

3.29.2.4. Installation EO directors at the deployed location's installation EO office will ensure all civilian EEO complaints are processed through the pre-complaint stage. **(T-0)**

3.29.2.4.1. When an informal resolution does not occur, the dispute has not been resolved to the satisfaction of the aggrieved individual, or the pre-complaint timelines have passed, deployed location EO practitioners will conduct a final interview with the aggrieved individual to conclude the pre-complaint process. **(T-0)** EO practitioners will conduct final interviews face-to-face to the greatest extent possible. **(T-1)**

3.29.2.4.2. During the final interview, deployed location EO practitioners will provide aggrieved individuals with a Notice of Right to File a Formal Complaint and DD Form

2655 and advise aggrieved individuals that they have the right to pursue their claim further through the formal complaint procedure as described in EEOC MD 110 **Chapter 2. (T-0)** For a letter template, refer to the AFPC EO Operations SharePoint at <https://usaf.dps.mil/teams/14101/SitePages/Home.aspx> and/or contact your respective MAJCOM/FLDCOM EO functional manager or AFPC EO Operations.

3.29.2.4.2.1. As described in the Deputy Secretary of Defense, *Responsibility for Equal Employment Opportunity Complaints Arising in Combatant Command Areas of Responsibility*, dated 26 June 2023, within a reasonable amount of time after a complainant makes a formal EEO complaint, the CCSA may transfer responsibility for processing the formal complaint to the DoD component or non-DoD agency that employed the complainant at the time of the events upon which the complaint is based. DoD components must accept CCSA transfer requests, absent extenuating circumstances. However, the CCSA remains responsible for processing the formal complaint unless and until the EEO director of the DoD component or a non-DoD agency accepts the transfer in writing. **(T-1)**

3.30. Complaints Pertaining to DAF Programs and Activities. In accordance with federal law and DoD Directive (DoDD) 5500.11, *Nondiscrimination in Federally Assisted Programs*, and DoDD 1020.1, *Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of Defense*, programs or activities, to include facilities and structures, conducted or assisted by the DAF will not directly or through contractual, licensing, or other arrangements (e.g., loans, discounts, grants) discriminate on the basis(es) of race, color, national origin or disability. **(T-0)**

3.30.1. Complaints must be filed in writing within 180 calendar days from the date of the alleged discrimination, unless an extension is granted for good cause by the DAF responsible department official (RDO) overseeing programs, activities, or facilities that are identified in the complaint to process and resolve the complaint consistent with DoDD 5500.11 and/or DoDD 1020.1.

3.30.2. Upon receipt of a complaint through DoD or other authorized mechanism, SAF/MR through SAF/MRQ will verify whether the complaint is within the DAF's jurisdiction in coordination with appropriate DAF higher headquarters organizations overseeing programs, activities, or facilities that may be identified in the complaint. **(T-1)**

3.30.3. If the complaint is within DAF jurisdiction, SAF/MRQ will forward the complaint to the DAF RDO overseeing programs, activities, or facilities that are identified in the complaint to process and resolve the complaint consistent with DoDD 5500.11 and/or DoDD 1020.1, to include providing written notification to the complainant within 180 calendar days of receipt of the complaint providing the complaint disposition. **(T-0)** The DAF RDO will ensure the written notification is written, or endorsed with an official memorandum, at the HAF level and provide SAF/MRQ a copy of the written notification. **(T-1)**

3.30.3.1. The DAF RDO will maintain case records, track, monitor, and provide status updates until complaint resolution to SAF/MR through SAF/MRQ. **(T-1)**

3.30.3.2. If the DAF RDO tasks or delegates the complaint for processing and resolution to a MAJCOM/FLDCOM or installation commander or functional community point of contact, the DAF RDO will be the single point of contact to provide complaint updates and

complaint disposition to SAF/MRQ. (T-1) MAJCOM/FLDCOM EO functional managers, installation EO directors and EO practitioners, disability program managers, and affirmative employment managers will not serve as the point of contact for or assigned duties to process and resolve these complaints as this is outside the scope of their roles and functions or presents a conflict of interest. (T-1)

3.30.3.3. If a complaint disposition identifies DAF or a DAF recipient as noncompliant, the DAF RDO will attempt to effect compliance in accordance with DoDD 5500.11 and/or DoDD 1020.1, to include the DAF, or considering requiring the DAF recipient, take remedial action to resolve the matter. (T-0)

3.30.4. For Architectural Barriers Act (ABA) and Section 504 of the Rehabilitation Act complaints concerning accessibility barriers and access to DAF facilities and structures owned, leased, or otherwise financially or contractually supplemented or acquired, refer to DAFI 36-2711, *Equal Employment Opportunity: Affirmative Employment and Disability Programs*, for additional information.

3.30.5. EEO complaint processes in this publication and as described in 29 CFR Part 1614 do not apply to such complaints outlined in paragraph 3.30 through 3.30.4. (T-0) If an installation EO office receives written complaints involving civilians who are not affiliated with the DoD or DAF alleging discrimination against programs and activities assisted or conducted by the DAF, the installation EO director will forward the complaints via their respective MAJCOM/FLDCOM EO functional manager and AFPC EO Operations to SAF/MRQ. (T-1) SAF/MRQ will then route the complaints to the respective DAF RDO to promptly process and resolve the complaint. (T-1) Installation EO directors and EO practitioners will document referrals of complaints pertaining to DAF programs and activities on a DAF Form 1587, *Military Equal Opportunity Formal Complaint*, as a referral complaint. (T-1)

3.31. EEO Complaints Involving Non-Referral and Non-Selection of Positions. Appointing authority rests with the installation or organization that owns the position for which an aggrieved individual was not referred or not selected. Processing of EEO complaints made by DAF civilian employees and applicants for employment regarding non-referral and non-selection actions for a position by AFPC are filed at and processed by the installation EO office where the position is located. Funding for investigation, discovery, and hearing procedures is provided by the installation responsible for processing the complaint. (T-1) AFPC is responsible for funding travel expenses for AFPC witnesses when traveling to defend a non-referral case. (T-1) Legal representation will be provided by the servicing SJA. (T-1) Execution of settlements and findings of unlawful discrimination in non-referral complaints are processed as described in this publication. (T-1)

3.32. Prohibited Personnel Practices. Installation EO directors and EO practitioners will conduct non-EO contact referrals to CPS for DAF civilians on matters or concerns related to prohibited personnel practices pursuant to 5 U.S.C. § 2302, *Prohibited personnel practices*, that are outside of the scope of the DAF EO Program. (T-1) These non-EO contact referrals will be documented in the AF EONet on a DAF Form 1271 as a non-EO assistance. (T-1) Installation EO directors and EO practitioners will also inform DAF civilians that they can also contact the Office of Special Counsel and/or the Merit Systems Protection Board for additional information or processes concerning prohibited personnel practices. (T-1)

3.33. Non-EO Contact Referrals. Installation EO directors and EO practitioners will conduct non-EO contact referrals for DAF civilians on matters or concerns outside the scope of the DAF EO Program with the appropriate DAF agency (e.g., anti-harassment program) to support or resolve such matters or concerns. **(T-1)** Non-EO contact referrals will be documented in the AF EONet on a DAF Form 1271 as a non-EO assistance. **(T-1)**

3.34. Connect to Care. Installation EO directors and EO practitioners will facilitate non-EO contact referrals through warm hand-offs that are in-person, virtual, or telephonic with consent or upon the request of that DAF civilian and based on his or her preference to other helping agencies where he or she is eligible to receive support. **(T-0)** The Connect to Care Service Provider Matrix is a useful resource of helping agencies that is available on the DAF Connect to Care site at <https://usaf.dps.mil/sites/afpc-home/DPF/DPFZ/SitePages/Connect-To-Care.aspx> and AFPC EO Operations SharePoint at <https://usaf.dps.mil/teams/14101/SitePages/Home.aspx>.

3.35. Distress and Risk to Self or Others. For DAF civilians who come in contact with the installation EO office that appear emotionally distraught or may present a risk to themselves or others, installation EO directors and/or EO practitioners will conduct a person-to-person warm hand-off with the individual's immediate supervisor. **(T-0)** In emergency situations of imminent threat to self or to others, installation EO directors and EO practitioners will contact law enforcement for assistance and then notify the individual's immediate supervisor. **(T-1)** Where there is no risk to EO practitioners' safety, installation EO directors and EO practitioners will not leave the individual alone until support arrives to ensure a person-to-person warm hand-off is conducted. **(T-1)** All warm hand-offs will be documented in the AF EONet on the applicable form at the conclusion of the interaction. **(T-1)** Refer to DAFI 90-5001 for warm hand-off procedures for individuals exhibiting suicidal ideation.

3.36. Suspected Criminal or Extremist Activities. Installation EO directors and EO practitioners will immediately refer any allegations made about suspected criminal activities (e.g., sexual assault, indecent exposure, obscene telephone calls, child physical or sexual abuse, child exploitation, etc.) to the AFOSI or SF as applicable based on investigative authority in accordance with DAFI 71-101 Volume 1. **(T-0)** Installation EO directors and EO practitioners will immediately refer any allegations of extremist activities to AFOSI. **(T-0)** The installation EO director will immediately notify the installation commander and other appropriate commanders of the incident and non-EO contact referral to AFOSI or SF. **(T-1)** For non-EO contact referrals to AFOSI alleging sexual assault, the installation EO director will notify the sexual assault response coordinator (SARC) or sexual assault prevention and response victim advocate (SAPR VA) that a non-EO referral was made to AFOSI. **(T-1)** Installation EO directors and EO practitioners will document non-EO contact referrals regarding sexual assault to AFOSI and notification to commander(s) and SARC or SAPR VA in the AF EONet on a DAF Form 1271 as a non-EO assistance. **(T-1)** If the suspected criminal or extremist activities fall under the EEO protected categories but are not under the authority or scope of the DAF EO Program, installation EO directors will document this as a referral complaint to the applicable DAF law enforcement agency (i.e., AFOSI or SF) in the AF EONet on an DAF Form 1587. **(T-1)**

3.36.1. After notifying AFOSI of sexual assault allegations, installation EO directors will also notify the SARC or SAPR VA of the non-EO referral to AFOSI. **(T-1)** Installation EO directors and EO practitioners will also facilitate, with the consent of that DAF civilian, an in-person, virtual, or telephonic non-EO contact referral/warm hand-off to the SARC or SAPR VA to discuss victim advocacy services and eligibility. **(T-0)** Installation EO directors and EO

practitioners will document this as a non-EO contact referral to SAPR in the AF EONet on a DAF Form 1271. (T-1)

3.36.2. At this time, DAF civilian employees are not eligible for sexual harassment restricted or unrestricted reporting or advocacy services through the SAPR program. However, the SAPR program can provide DAF civilians appropriate local or online resources or referrals. (T-1) For additional information, refer to DAFI 90-6001.

3.36.3. Installation EO directors and EO practitioners will advise DAF civilians that referrals to SAPR for sexual assault victim advocacy services does not replace the EEO complaint processes for allegations of unlawful discrimination and/or discriminatory harassment (including sexual harassment) based on a protected class. (T-1)

3.37. DAF Unlawful Discrimination and Harassment Hotline Procedures. The DAF Unlawful Discrimination and Harassment Hotline will function as a referral line to facilitate potential EO concerns and/or complaints from Airmen and Guardians (military and civilian) to the appropriate installation for resolution and provide information on DAF EO policies and procedures, how to file complaints, and on what constitutes EEO complaints of unlawful discrimination and discriminatory harassment (including sexual harassment) and MEO complaints of prohibited discrimination, discriminatory harassment (including sexual harassment), and other forms of harassment (bullying and hazing). The hotline is maintained, managed, and operated by AFPC EO Operations, will be accessible to Airmen and Guardians to include responses back to missed calls no later than 48 hours to the extent practicable. While the hotline does not provide crisis intervention or victim advocacy services, the hotline will connect callers with the appropriate helping agency where eligible.

Chapter 4

MILITARY EQUAL OPPORTUNITY PROGRAM COMPLAINT PROCESSES

4.1. Overview. The Department of the Air Force (DAF) military equal opportunity (MEO) program implements federal laws and DoD policies on prohibited discrimination and discriminatory harassment (including sexual harassment) against military members as described in Department of Defense Instruction (DoDI) 1350.02, DoD Military Equal Opportunity Program and DODI 1020.03, Harassment Prevention and Response in the Armed Forces on the basis(es) of a protected class. The DAF MEO program also addresses other forms of harassment (bullying and hazing) as described in DODI 1020.03. The goal is to allow Airmen and Guardians the opportunity to attempt to resolve issues at the lowest organizational level at the earliest possible time. The DAF MEO Program:

4.1.1. Fosters an environment of dignity and respect that is free from personal, social, or institutional barriers where military members are afforded the right to participate in, and benefit from, programs and activities for which they are qualified.

4.1.2. Provides timely, fair, and impartial services to Airmen and Guardians such as complaint processing, outreach, training and education, assistance through alternative dispute resolution (ADR), and other related services. This includes ensuring that Airmen and Guardians are equipped with knowledge about and have access to available resources such as trained EO practitioners and the DAF Unlawful Discrimination and Harassment Hotline.

4.2. Program Eligibility. The DAF MEO services, to include complaint processing, are available to Active-Duty Airmen and Guardians, United States Air Force Academy Cadets as well as Air Force Reserve (AFR) and Air National Guard (ANG) members under Title 10 status.

4.2.1. AFR members may file MEO complaints of prohibited discrimination, discriminatory harassment (including sexual harassment), and/or other forms of harassment (bullying and hazing) that occurred while on Title 10 status even after release from Title 10 status. Prior to filing a formal complaint with a Regular Air Force (RegAF) installation equal opportunity (EO) office, AFR personnel will coordinate with the Air Force Reserve Command (AFRC) EO office to ensure the complaint is processed with the component responsible for handling the complaint. **(T-1)** For AFR members in a technician status, as a civilian employee, refer to the civilian equal employment opportunity (EEO) program in [Chapter 3](#) of this publication.

4.2.2. ANG members in a Title 10 status who are assigned to the Air National Guard Readiness Center (ANGRC), National Guard Bureau (NGB), or any geographically separated units (GSU) aligned with the ANGRC, will receive MEO complaint processing services from the Air National Guard Readiness Center Equal Opportunity (ANGRC/EO) Directorate. **(T-1)** ANG members in a Title 10 status who are not aligned to the ANGRC, will receive MEO complaint processing services from the installation EO office where the alleged incidents occurred. **(T-1)** For MEO complaints involving Title 32 and Title 10 members, the MEO complaint will be processed by the commander's service/component that has administrative control, or disciplinary authority, or a combination thereof, over the alleged offender. **(T-1)** For ANG members in a non-federalized status (e.g., Title 32), to include Active Guard Reserve personnel, refer to CNGBM 9601.01, *National Guard Discrimination Complaint Process*.

4.3. Equal Opportunity General Assistance. As a helping agency committed to providing robust and high-quality MEO assistance and as a stakeholder in fostering the DAF's Connect to Care approach, installation EO directors and EO practitioners have a responsibility in providing assistance to military members to include, but not limited to, responding to requests for EO-related information and inquiries, advising on how to address workplace issues within the DAF EO Program purview, and providing non-MEO ADR. **(T-1)** Installation EO directors and EO practitioners will document EO general assist/contact on DAF Form 1271, *Equal Opportunity Record of Assistance/Contact* to include documenting a summary of the concerns presented and a detailed explanation of the assistance that was provided by the installation EO office. **(T-1)** If a military member presents an allegation of prohibited discrimination, discriminatory harassment, (including sexual harassment) and/or other forms of harassment (bullying and hazing) but elects not to file an MEO complaint, installation EO directors and EO practitioners will inform the military member the installation EO office has to inform his or her commander. **(T-1)** Installation EO directors and EO practitioners will conduct the notification with the respective commander and then document the information on DAF Form 1271. **(T-1)**

4.4. Third Party Reporting. To file a MEO complaint, the military member must be the individual who experienced the alleged prohibited discrimination, discriminatory harassment (including sexual harassment), and/or other forms of harassment (bullying and hazing). **(T-1)** Third parties (e.g., someone other than the individual experiencing the alleged behaviors or activities) such as, but not limited to, commanders, supervisors, co-workers, or peers cannot file a MEO complaint on behalf of another military member. **(T-1)** All third-party reports made with installation EO offices will be referred to the respective military member's commander or most appropriate commander for resolution. **(T-1)**

4.5. Military Equal Opportunity (MEO) Complaint Options and Timelines. Military members who meet eligibility requirements outlined in [paragraphs 4.2](#) will be afforded the right to file informal, formal, and/or anonymous complaints with their installation EO office without having to go through their supervisory channel to report allegations of prohibited discrimination, discriminatory harassment (including sexual harassment), and/or other forms of harassment (bullying and hazing). **(T-0)** Military members also have the right to go directly to their chain of command to report these allegations for resolution. Military members are highly encouraged to promptly file complaints as early as possible to help ensure better and timely access to witnesses, bystanders, and other pertinent information regarding the incident(s). Delays in reporting may hinder the DAF's ability to prevent, intervene, and/or correct negative behaviors.

4.5.1. Informal Complaint. Through the informal complaint process, military members are afforded the right and empowered to determine the best way or most appropriate mechanisms to address and resolve their MEO concerns at the lowest level possible. Military members are not required to go through their supervisory channel prior to initiating an informal complaint with the installation EO office. **(T-1)** The informal complaint process is for military members who elect not to file a formal complaint and decide to use the chain of command and/or other informal resolution processes (e.g., ADR) that are available. If an informal complaint is not or cannot be resolved within 30 duty days or the military complainant is not satisfied with the determination, the military complainant may file a formal complaint. **(T-0)** While there is no time limit for military members to file informal complaints, military members are encouraged to promptly file complaints as early as possible to help ensure better and timely access to

witnesses, bystanders, and other pertinent information regarding the incident(s). Military members have appeal rights to an informal complaint by electing to file a formal complaint.

4.5.2. Formal Complaint. Through the formal complaint process, military members are afforded the right to go directly to an installation EO office without having to go through their supervisory or chain of command to initiate a complaint to address their MEO allegations. The formal complaint process involves a complaint clarification conducted outside of the chain of command to determine whether credible information exists to substantiate allegations. Formal complaints of sexual harassment are referred to AF/A4S Sexual Harassment Investigations Division to facilitate independent investigations pursuant to the procedures in 10 United States Code (USC) § 1561. **(T-0)** Military members are not required to file an informal complaint prior to filing a formal complaint. **(T-1)** Military members must file a formal complaint within 90 duty days after the alleged incidents occurred unless the installation commander approves in writing to accept a formal complaint beyond the designated timeline for good cause or this requirement is trumped by federal law or DoD policy. **(T-1) Exception:** There are no timeline requirements for military members to file a formal complaint of sexual harassment pursuant to the procedures in 10 USC § 1561. Military members experiencing sexual harassment are encouraged to promptly file a formal complaint as early as possible to help ensure timely access to witnesses, bystanders, and other pertinent information regarding the incident(s). Allegations from a series of incidents (excluding sexual harassment) that occurred beyond the 90 duty days timeline will not require an installation commander approval if the most recent allegations occurred within the 90 duty days. **(T-1)** Military members who were deployed at the time the alleged incidents (excluding sexual harassment) occurred and were unable to file a formal complaint due to extenuating circumstances (e.g., no access/availability to EO practitioners, etc.) at the deployment locations will have 90 duty days to file a formal complaint from their deployment return date. **(T-1)** If military complainants are not satisfied with a not substantiated determination of the formal complaint, they are afforded appeal rights to the formal complaint. Military members with a substantiated determination against them in a formal complaint are afforded appeal rights to the formal complaint.

4.5.3. Anonymous Complaint. Through anonymous complaints, military members can report allegations of prohibited discrimination, discriminatory harassment (including sexual harassment), and other forms of harassment (bullying and hazing) without disclosing any of their personally identifiable information (PII). Military members will need to provide sufficient information (e.g., alleged offender(s) name, personnel involved, date(s) incident occurred, unit of assignment, detailed allegations, etc.) in order for the installation EO office to conduct a clarification. **(T-0)** Without sufficient information, the installation EO office will not be able to conduct a clarification, hindering any effort to resolve the matter. Military members who visit the installation EO office cannot choose to remain anonymous. **(T-1)** Military members can report anonymous complaints by means such as, but not limited to, calling the DAF Unlawful Discrimination and Harassment Hotline (1-888-231-4058), submitting a report anonymously through the DoD IG (1-800-424-9098) or SAF/IG (1-800-538-8429) hotlines, sending an anonymous email to the installation EO office, and other means that do not disclose the PII of the military member submitting the complaint. Military members who have filed a military sexual harassment restricted (confidential) report with the SAPR Program can report an anonymous complaint through the SAPR Program to provide to the installation EO office for processing without disclosing their identity. Anonymous complaints with sufficient

information (e.g., alleged offender(s) name, personnel involved, date(s) incident occurred, unit of assignment, detailed allegations, etc.) will be documented on the DAF Form 1587 and will result in a clarification by the installation EO office. **(T-1)**

4.5.4. For additional information on the MEO complaint processes, military members are encouraged to review this chapter in entirety as well as encouraged to seek assistance from their installation EO office, by calling the DAF Unlawful Discrimination and Harassment Hotline (1-888-231-4058), and/or visiting the DAF EO public website at <https://www.af.mil/Equal-Opportunity/>.

4.6. Confidentiality and Privacy. While the DAF EO Program does not have confidentiality with respect to allegations of prohibited discrimination, discriminatory harassment (including sexual harassment), and other forms of harassment (bullying and hazing), all information provided or gathered as part of a MEO complaint will be treated as controlled unclassified information (CUI) to ensure that the privacy of individuals is protected to the extent permitted by laws and policies. **(T-0)**

4.7. Complainant Rights and Responsibilities. When engaging with the DAF EO Program, military members will be afforded robust and high-quality MEO complaint processing services and will receive assistance consistent with the DAF EO Commitment of Service as described in **Chapter 1** and other rights as described throughout this publication. **(T-0)** This includes ensuring that under no circumstances will an installation EO office dissuade a military member from filing a MEO complaint or forgo the use of ADR where appropriate. **(T-1)** In addition to rights, military complainants also have responsibilities when participating in the MEO complaint processes to include, but not limited to:

4.7.1. Promptly file complaints as early as possible to help ensure better and timely access to witnesses, bystanders, and other pertinent information regarding the incident(s) and avoid delays in DAF's ability to prevent, intervene, and/or correct these negative behaviors. **(T-1)**

4.7.2. Complete the MEO Complaint Intake template, as part of an installation EO office MEO complaint intake to acknowledge receipt and understanding of MEO complaint processing information, options available to address concerns, and to initiate an informal or formal complaint with the installation EO office. **(T-1)** This includes acknowledging that unless otherwise protected by law or policy, information provided by the military complainant to the installation EO office is subject to release during or after the closure of an MEO complaint. **(T-1)**

4.7.3. Provide factual and relevant information regarding the allegations to the best of his or her knowledge with the understanding that such information will be submitted as official statements to the DAF. **(T-0)**

4.7.4. Cooperate and respond in a timely manner to requests by the installation EO office and investigative officers during the MEO complaint processing when additional information is needed. Military complainants will be provided at least five duty days to provide requested information. **(T-1)** Failure to respond to requests for additional information after two attempts of follow-up after the suspense of the provided five duty days could result in case closure by the installation EO director.

4.8. Acceptance of MEO Complaints. The DAF MEO complaint processing services is available to Active-Duty Airmen and Guardians, United States Air Force Academy Cadets as well

as AFR and ANG members under Title 10 status for allegations of prohibited discrimination, discriminatory harassment (including sexual harassment), and/or other forms of harassment (bullying and hazing). Refer to paragraphs 4.2.1 and 4.2.2 for additional eligibility information for AFR and ANG. Installation EO directors and EO practitioners will not accept nor process informal or formal MEO complaints from individuals (e.g., civilian employees [except for formal complaints of sexual harassment pursuant to procedures in 10 USC § 1561], dependents, retirees, contractors, etc.) not eligible for MEO services and/or if allegations are associated with off-installation venues or individuals that the DAF has no jurisdiction over. **(T-1)** Installation EO directors and EO practitioners will inform DAF civilian employees of the EEO process for filing EEO complaints. **(T-0)** Refer to [Chapter 3](#) for additional information on the EEO complaint process. Installation EO directors and EO practitioners will refer allegations of prohibited discrimination, discriminatory harassment (including sexual harassment) from dependents, retirees, contractors, and others to the respective and appropriate commander or supervisor or manager (and civilian equivalents) and document this on a DAF Form 1587 as a referral complaint. **(T-1)** Refer to [paragraph 4.18.1](#) for processing of referral complaints.

4.9. Maintaining Impartiality. Installation EO directors and EO practitioners will provide fair, impartial, and timely MEO complaint processing services. **(T-0)** This includes ensuring that complainants, witnesses, alleged offenders, and others involved in a MEO complaint are treated with dignity and respect where installation EO directors and EO practitioners maintain high personal and professional standards and withhold opinion or judgment against the individuals they interact with as part of the complaint process. **(T-1)** Installation EO directors and EO practitioners will immediately report any perceived or actual conflicts of interest on any MEO complaint to their respective MAJCOM/FLDCOM EO functional manager or installation EO director to determine whether reassigning complaint processing duties are warranted. **(T-1)** Under no circumstances will installation EO directors and EO practitioners dissuade a military member from filing a MEO complaint or forgo the use of ADR where appropriate. **(T-1)**

4.10. Safeguarding Privacy. Installation EO directors and EO practitioners will maintain the privacy of complainants on information disclosed during the MEO complaint processing where permissible by law and/or policy with the understanding that the DAF EO Program does not have the privilege of confidentiality. **(T-1)** Installation EO directors will only disclose or release MEO complaint information to individuals with an official need to know as part of their official duties only when disclosure or release is authorized in writing by the appropriate decision authority or where permissible or required by law or regulation. **(T-0)** Refer to [Chapter 8](#) for additional information.

4.10.1. Installation EO directors and EO practitioners will not provide complainants, witnesses, alleged offenders or third parties with copies of complaint files, reports, or allow those individuals to read complaint information gathered during and as part of the MEO complaint processing. **(T-1)**

4.10.2. Installation EO directors and EO practitioners will not discuss or release information or documentation provided by the military complainant to a third-party without the written consent of the military complainant or in accordance with the Privacy Act and/or Freedom of Information Act (FOIA). **(T-1)** Installation EO directors and EO practitioners will consult with their servicing staff judge advocate (SJA) office prior to releasing information or documentation associated with an MEO complaint, to include the SJA determining and redacting any Privacy Act or personally identifiable information before release. **(T-1)**

4.10.3. Commanders will not release in full or in part MEO complaint files without authorization from the installation EO director. **(T-1)**

4.11. Intake and Initiation of the MEO Complaint Processes. Installation EO directors and EO practitioners will ensure proper acceptance and processing of MEO complaints when engaging with Airmen and Guardians seeking assistance. **(T-0)** This begins at the initiation of an MEO complaint intake to determine eligibility and allegation(s) scope with the military member. Installation EO directors and EO practitioners will utilize the MEO Complaint Intake template, to explain the MEO complaint options and processes, to include the option of ADR (facilitation) where appropriate, appeal rights, and the applicable rights of the complainant as described on the MEO Complaint Intake template and throughout this publication. **(T-1)**

4.11.1. Installation EO directors and EO practitioners will ensure military members identify the basis (i.e., protected class) for electing to file a MEO complaint of prohibited discrimination, discriminatory harassment (including sexual harassment), and other forms of harassment (bullying and hazing) during the initial intake interview. **(T-0)**

4.11.1.1. For allegations of bullying and hazing, there is no requirement to have a protected class as the basis for electing to file a MEO complaint. However, if the military member identifies a protected class as part of his or her bullying and hazing allegations, installation EO directors and EO practitioners will document the protected class as part of the intake and complaint filed. **(T-1)**

4.11.1.2. For allegations of sexual harassment, installation EO directors and EO practitioners will document the primary nature of the complaint (e.g., verbal, nonverbal, physical, psychological) and comply with additional requirements on processing informal and formal complaints of sexual harassment allegations outlined in this publication. **(T-0)**

4.11.2. Installation EO directors and EO practitioners will ensure military complainants provide specific allegations of prohibited discrimination, discriminatory harassment, (including sexual harassment) and other forms of harassment (bullying and hazing) as part of their complaint and ensure that concurrence is received from the military complainant when installation EO directors and EO practitioners document the allegations in their report. **(T-1)** There is an exception for formal complaints of sexual harassment where independent investigators, in consultation with the SJA, will frame the allegations.

4.11.3. Installation EO directors and EO practitioners will inform military members that while the DAF EO Program does not have confidentiality, all information provided or gathered as part of a MEO complaint will be treated as CUI to ensure that the privacy of individuals is protected to the extent permitted by laws and policies. **(T-0)**

4.11.4. If a military member elects to file a MEO complaint after receiving an explanation of MEO complaint options and processes and are eligible to file a MEO complaint, installation EO directors and EO practitioners will ensure the military complainant completes the MEO Complaint Intake template with the installation EO Director and EO practitioner. **(T-1)**

4.11.5. Installation EO directors and EO practitioners will document the rationale for accepting a MEO complaint and indicate the overall effect the allegations have had or may have on the complainant, the organization, and/or the installation. **(T-1)**

4.11.6. If the MEO Complaint Intake template is completed by the military complainant, installation EO directors and EO practitioners will input the information into the [Department of the] Air Force Equal Opportunity Network (AF EONet) and generate the DAF Form 1587 or DAF Form 1587-1 within three duty days to provide to the military complainant for verification, updates, and signature. **(T-1)** There is an exception for formal complaints of sexual harassment; refer to paragraphs 4.15 through 4.15.11 for the formal complaint process for sexual harassment.

4.11.7. Installation EO directors and EO practitioners will advise the military complainants that to initiate the MEO complaint processes, they must sign and return the provided DAF Form 1587 or DAF Form 1587-1 to the installation EO office as soon as possible and that delays will hinder the DAF's ability to prevent, intervene, and/or correct these negative behaviors. **(T-1)**

4.11.8. Installation EO directors and EO practitioners will provide military complainants at least five duty days to verify, update, sign, and return the DAF Form 1587 or DAF Form 1587-1. **(T-1)** Installation EO directors and EO practitioners will advise the military complainants that failure to respond to request for additional information to complete DAF Form 1587 or DAF Form 1587-1 after two attempts of follow up after the suspense of the provided five duty days could result in no complaint being initiated. Installation EO directors and EO practitioners will also advise the military complaints that failure to return the DAF Form 1587 or DAF Form 1587-1 signed could also result in no complaint being initiated. **(T-1)**

4.11.8.1. Military members can request to re-initiate the MEO complaint that was closed due to the military member's inactions so long as the request to re-initiate the MEO complaint falls within any prescribed timelines in this publication or with written approval from the installation commander to accept a formal MEO complaint beyond the designated timeline. **Exception:** There are no timeline requirements for military members to file a formal complaint of sexual harassment pursuant to the procedures in 10 USC § 1561.

4.11.8.2. When sufficient details within the EO purview are provided by a military complainant and the military complainant fails to return the DAF Form 1587, DAF Form 1587-1, or respond to requests for additional information, installation EO directors and EO practitioners will document the assistance on DAF Form 1271 as a EO General Assist/Contact. Installation EO directors and EO practitioners will inform the appropriate commander and brief him or her on the concerns raised when no complaint was filed. **(T-1)**

4.11.9. A signed DAF Form 1587 or 1587-1 from the military complainant electing to file a MEO complaint initiates the MEO complaint process timelines.

4.11.10. Installation EO directors and EO practitioners will ensure that informal and formal MEO complaints filed before a military complainant separates or retires will continue to be processed until completion. **(T-1)**

4.11.11. Installation EO directors and EO practitioners will coordinate and consult with the SJA office for informal or formal complaints made against contractor employees before referring to the contracting officer's representative for appropriate action and document this on a DAF Form 1587 as a referral complaint. **(T-1)** Refer to [paragraph 4.18.1](#) for processing of referral complaints. **(T-1)**

4.11.12. For operational guidance and additional resources (e.g., templates), refer to the AFPC EO Operations SharePoint at <https://usaf.dps.mil/teams/14101/SitePages/Home.aspx> and/or contact your respective MAJCOM/FLDCOM EO functional manager or AFPC EO Operations.

4.12. Legal Sufficiency Reviews. Legal sufficiency reviews will be conducted by the servicing SJA office for all informal and formal MEO complaints alleging prohibited discrimination, discriminatory harassment (including sexual harassment), and other forms of harassment (bullying and hazing) from complaint initiation to closure, to include appeals where applicable. **(T-0)** This includes installation EO directors and EO practitioners consulting with the servicing SJA on how the allegations are scoped in MEO formal complaints. **(T-1)**

4.13. Informal Complaint Process and Procedures.

4.13.1. *Overview.* Through the informal complaint process, military members are afforded the opportunity and empowered to determine the best way or most appropriate mechanisms to address and resolve their MEO concerns at the lowest level possible. The informal complaint process is for military members who elect not to file a formal complaint and decide to use the chain of command and/or other informal resolution processes (e.g., ADR) that are available. If an informal complaint is not or cannot be resolved within 30 duty days or the military complainant is not satisfied with the determination, the military complainant may file a formal complaint.

4.13.2. *Timely Reporting.* There is no time limit for military members to file informal complaints alleging prohibited discrimination, discriminatory harassment (including sexual harassment), and/or other forms of harassment (bullying and hazing). However, installation EO directors and EO practitioners will encourage military members to promptly file complaints as early as possible to help ensure timely access to witnesses, bystanders, and other pertinent information regarding the incident(s). **(T-1)** If a military member files an informal complaint more than the 90 duty days after the alleged incidents occurred, installation EO directors and EO practitioners will inform the military member during the initial intake that to file a formal complaint, the installation commander must approve in writing to accept a formal complaint beyond the designated timeline unless this requirement is trumped by federal law or DoD policy. **(T-1) Exception:** There are no timeline requirements for military members to file a formal complaint of sexual harassment pursuant to the procedures in 10 USC § 1561.

4.13.3. *Informal Complaints Initiated with the EO Office (Including Sexual Harassment).* Military members may elect to file an informal complaint directly with an installation EO office. This does not require military members having to go through their supervisory or chain of command channels to initiate an informal complaint to address their allegations of prohibited discrimination, discriminatory harassment (including sexual harassment), and other forms of harassment (bullying and hazing).

4.13.3.1. Installation EO directors and EO practitioners will not dissuade military members from filing informal complaints and will provide military members with options available to them in the informal complaint process to include **(T-1)**:

4.13.3.1.1. Using the military complainant's chain of command to informally resolve complaint allegations; or

- 4.13.3.1.2. Utilizing the DAF's Negotiation and Dispute Resolution (NDR) Program to attempt to mutually resolve disputes where available and appropriate. Facilitation is the only form of ADR that is authorized to resolve military MEO complaint allegations. **(T-1)** Refer to [paragraph 4.17](#) for additional information on ADR.
- 4.13.3.2. When an informal complaint is initiated with the installation EO office, installation EO directors and EO practitioners will ensure the MEO Complaint Intake template and DAF Form 1587-1, *Military Equal Opportunity Informal Complaint*, are completed, signed, and documented in the AF EONet. **(T-1)** Refer to [paragraph 4.11](#) for information on intake and initiation of the MEO complaint processes. Installation EO directors and EO practitioners will ensure an informal complaint is resolved within 30 duty days. **(T-0)** For the Air Force Reserve (AFR), informal complaints will be resolved within three regular scheduled drills (RSD) or unit training assemblies (UTA). **(T-0)**
- 4.13.3.3. For informal complaints of sexual harassment, installation EO directors and EO practitioners will ask military members the following questions and document the responses on the DAF Form 1587-1 **(T-1)**:
- 4.13.3.3.1. Whether the military complainant was informed about victim advocacy services provided by the SAPR office for sexual harassment.
 - 4.13.3.3.2. Whether the military complainant was provided written or electronic copy of the SAPR office information.
 - 4.13.3.3.3. Whether the military complainant accepted or declined an installation EO office facilitated in-person, virtual, telephonic non-EO contact referral to the SAPR office.
 - 4.13.3.3.4. If a non-EO contact referral to a SAPR office was conducted, how it was conducted (in-person, virtual, telephonic), the sexual assault response coordinator (SARC) or sexual assault prevention and response victim advocate (SAPR VA) name who received the non-EO contact referral, and the date the non-EO contact referral was conducted.
- 4.13.4. *Informal Complaint Initiated Directly with the Chain of Command as a Commander Worked Issue (Including Sexual Harassment)*. Military members may go directly to their chain of command (e.g., supervisor, first sergeant, commander) prior to or without contacting the installation EO office to informally resolve their allegations of prohibited discrimination, discriminatory harassment (including sexual harassment), and/or other forms of harassment (bullying and hazing).
- 4.13.4.1. When a military member, either orally or in writing, requests the chain of command to resolve such allegations informally and the member has not elected to file an informal or formal MEO complaint with nor contacted the installation EO office, it is considered as an informal complaint worked as a commander worked issue (informal complaint-CWI). The chain of command will initiate informal resolution procedures (e.g., informal inquiry) within three duty days of receipt of the military member's request for informal resolution. **(T-0)** The chain of command will resolve the matter within 30 duty days (3 RSDs). **(T-0)** The chain of command will not attempt to refer the allegation to the installation EO office for resolving the allegations as DoD policy allows military members to resolve matters informally with their chain of command. **(T-0)**

4.13.4.2. While conducting the informal complaint-CWI, the chain of command will engage with the installation EO office to provide EO subject matter expertise support, however, the installation EO office will not conduct the informal complaint-CWI on behalf of the chain of command. **(T-1)**

4.13.4.3. Commanders will complete and provide the installation EO office with the Commander Worked Issues (CWI) Worksheet monthly detailing EO-related issues worked within the unit as informal complaints-CWI, to include any commander directed investigations (CDI). **(T-1)** Installation EO directors and EO practitioners will document the completed CWI Worksheet on DAF Form 1587-1, which does not require military complainant signature as the complaint was initiated directly with the chain of command. **(T-1)**

4.13.5. *Commander Directed Investigations*. A military member's chain of command has discretion in resolving informal complaints filed with the installation EO office or informal complaints-CWI. A CDI is not required for informal complaints filed with the installation EO office or informal complaints-CWI; commanders are instead encouraged to address the matter informally as appropriate. Informal complaints of sexual harassment will not result in a CDI. Refer to paragraph 4.13.5.5 through 4.13.5.5.2 for guidance on informal complaints of sexual harassment.

4.13.5.1. If the military complainant and alleged offender(s) are not in the same chain of command, the CDI will be initiated by the alleged offender's commander. **(T-1)**

4.13.5.2. Commanders will implement procedures in DAFMAN 1-101, *Commander Directed Investigations*, when conducting CDIs. **(T-1)**

4.13.5.3. Commanders will ensure that the CDI as part of an informal complaints (excluding sexual harassment) filed with the installation EO office or informal complaints-CWI is resolved within 30 duty days (3 RSDs). **(T-0)**

4.13.5.4. Commanders will appoint in writing and utilize installation EO directors and EO practitioners as EO subject matter experts (SMEs) and technical advisors during a CDI as part of an informal complaint filed (excluding sexual harassment) with the installation EO office or informal complaint-CWI. **(T-1)** However, installation EO directors and EO practitioners will not conduct nor are authorized to conduct CDIs on behalf of the command. **(T-1)** Installation EO directors and EO practitioners will document subject matter expert assistance on DAF Form 1271 as a SME. **(T-1)**

4.13.5.4.1. Installation EO directors and EO practitioners will provide subject matter expertise and technical advisement by aiding in developing interview questions, reviewing evidence, and providing a technical review on the draft report of investigation (ROI) before it is submitted by the command to the installation SJA office for legal review. **(T-1)**

4.13.5.4.2. Installation EO directors and EO practitioners providing subject matter expertise and technical advisement will not participate in any subsequent formal complaint related to the respective CDI. **(T-1)**

4.13.5.4.3. Commanders will ensure the investigating officer (IO) provides the ROI to the installation EO director and EO practitioner appointed as the SME and technical

advisor (excluding sexual harassment) to complete a technical review prior to the ROI being submitted to the SJA office for a legal sufficiency review. **(T-1)**

4.13.5.5. Informal complaints of sexual harassment filed with the EO office or reported directly to a military member's chain of command will not result in a CDI. **(T-0)** Commanders will resolve informal complaints of sexual harassment within their chain of command, in consultation with the SJA, and notify EO offices of outcomes, unless a commander determines an investigation resulting in a report is necessary to further the readiness of the unit. **(T-0)** Where a commander determines an investigation is necessary, the commander will process the complaint as a formal complaint and will follow the procedures outlined in paragraphs 4.15 through 4.15.11, including referring the complaint to AF/A4S Sexual Harassment Investigations Division to facilitate independent investigations pursuant to procedures in 10 USC § 1561. **(T-0)** Such referrals to SF for independent investigation will be documented on a DAF Form 1587 as a referral complaint. **(T-1)**

4.13.5.5.1. Extenuating circumstances to investigate informal complaints of sexual harassment that the commander may believe would further the readiness of the unit include multiple complainants/victims, multiple offenders, serial offenders, repeated physical contacts or electronic communication, rank and position of the alleged offender, and/or demonstrated pervasive impact to the morale, good order, and discipline of the command.

4.13.5.5.2. A military member complainant will not be compelled or directed to participate in an investigation of sexual harassment when a commander, in consultation with the SJA, determines an informal complaint warrants a formal investigation. **(T-1)**

4.13.6. *Installation EO Directors and EO Practitioners Responsibilities.* In addition to other procedures and responsibilities outlined in this chapter, the installation EO director and EO practitioner will ensure the following for informal complaints:

4.13.6.1. Ensure proper and timely processing of all informal complaints in accordance with this chapter to include proper documentation of the CWI Worksheet on the DAF Form 1587-1 in the AF EONet. **(T-1)** This includes filing the CWI Worksheet in the appropriate case file. **(T-1)** Installation EO directors and EO practitioners will input informal complaints in the AF EONet in accordance with AFPC EO Operations provided operational guidance and template(s). **(T-1)** For operational guidance and additional resources (e.g., templates), refer to the AFPC EO Operations SharePoint at <https://usaf.dps.mil/teams/14101/SitePages/Home.aspx> and/or contact your respective MAJCOM/FLDCOM EO functional manager or AFPC EO Operations.

4.13.6.2. Notify the military complainant's commander and the alleged offender's commander of the informal complaint within 48 hours of receipt of the complaint and inform him or her of his or her responsibilities outlined in this chapter. **(T-1)**

4.13.6.3. Serve as an EO SME and technical advisor when commanders initiate CDIs as part of informal complaints filed with the installation EO office or informal complaints-CWIs to include aiding in developing interview questions, reviewing evidence, and providing a technical review of the draft ROI before it is submitted by the command to the

installation SJA office for legal review. **(T-1)** Refer to paragraphs [4.13.5.5](#) through [4.13.5.5.2](#) for guidance on sexual harassment.

4.13.6.3.1. Installation EO directors and EO practitioners will not conduct nor are authorized to conduct CDIs on behalf of the command. **(T-1)**

4.13.6.3.2. Installation EO directors and EO practitioners providing subject matter expertise and technical advisement will not participate in any subsequent formal complaint related to the respective CDI. **(T-1)**

4.13.6.4. Inform military complainants when the informal complaint process has commenced. **(T-0)** Installation EO directors and EO practitioners will follow up with the military complainant every five duty days during the informal complaint process until closure to provide status updates and address any questions or concerns. **(T-1)** Installation EO directors and EO practitioners will ensure military complainants are notified on whether informal complaints were substantiated or not substantiated. **(T-0)**

4.13.6.5. Contact the complainant to ensure the allegation(s) have been resolved. **(T-1)** If the complainant believes the allegation(s) were not resolved, brief the complainant on his or her option to file a formal complaint and advise the complainant on the next steps in the process. **(T-1)**

4.13.7. *Commanders Responsibilities.* In addition to other procedures and responsibilities outlined in this chapter, commanders will:

4.13.7.1. When made aware of potential sexual harassment, not inquire for additional details to preserve that military member's ability to file a restricted (confidential) report with the SAPR program. **(T-0)**

4.13.7.1.1. Advise the military member of his or her eligibility to receive victim advocacy services for sexual harassment through the SAPR office and that they can facilitate an in-person, virtual, or telephonic referral to SAPR prior to the military member further disclosing a sexual harassment allegation. **(T-0)**

4.13.7.1.2. Advise the military member that sexual harassment victim advocacy services through the SAPR office do not replace the MEO informal and formal complaint processes and that they can facilitate an in-person, virtual, or telephonic referral to the EO office for additional information. **(T-0)**

4.13.7.1.3. Advise the military member that formal complaints of sexual harassment are investigated by independent investigators pursuant to the procedures in 10 USC § 1561. **(T-0)**

4.13.7.2. Closely monitor and ensure timely resolution of the matter informally within 30 duty days (3 RSDs). **(T-0)** If not resolved within 30 duty days (3 RSDs), the commander must provide the installation EO director a written explanation of why the issue is still pending along with an estimated date of completion. **(T-1)**

4.13.7.3. Upon notification from the installation EO office of an informal complaint, notify the military complainant that he or she has received the informal complaint. **(T-1)**

4.13.7.4. Notify military complainants when an investigation begins. **(T-1)**

4.13.7.5. Advise their military member with a sexual harassment complaint of his or her eligibility to receive victim advocacy services for sexual harassment through the SAPR office and that the commander can facilitate an in-person, virtual, or telephonic referral to the SARC or SAPR VA. **(T-0)**

4.13.7.6. Make every effort to protect the identity of the military complainant and refrain from providing details contained on DAF Form 1587-1 to the alleged offender. **(T-1)**

4.13.7.7. Upon notification from the installation EO office of an informal complaint, inform the alleged offenders in their unit that they are the subject of an informal complaint. **(T-1)** Commanders may delay this notification to the alleged offender(s) for the protection and safety of any complainant(s) and/or to ensure access to potential witnesses or evidence is not impacted by the notification to the alleged offender. **(T-1)**

4.13.7.8. Caution the alleged offenders to refrain from any form of reprisal or retaliation. **(T-1)**

4.13.7.9. Advise the alleged offenders not to discuss the case with others during the informal process and that they will have an opportunity to respond to the allegations. **(T-1)**

4.13.7.10. Notify the installation EO office once they have briefed the alleged offenders that a complaint has been filed. **(T-1)**

4.13.7.11. Conduct frequent follow ups with military complainants during the informal process to provide them progress updates and conduct wellness checks. **(T-1)** This includes providing military complainants with information about available on- and off- installation support resources and facilitate warm hand-offs/referrals as requested or warranted. **(T-0)**

4.13.7.12. Conduct frequent follow ups with alleged offenders during the informal process to conduct wellness checks. **(T-1)** This includes providing alleged offenders with information about available on- and off- installation support resources and facilitate warm hand-offs/referrals as requested or warranted. **(T-1)**

4.13.7.13. Ensure the allegations are submitted to the installation SJA office for legal sufficiency review and consult with the SJA prior to taking corrective, administrative, and/or disciplinary actions. **(T-0)**

4.13.7.14. Notify alleged offenders of the results within five duty days after the informal process is completed. **(T-1)**

4.13.7.15. Provide the installation EO office with a description of any corrective, administrative, and/or disciplinary actions taken against offenders for both substantiated or not substantiated informal complaints by completing and submitting the CWI Worksheet to ensure pertinent information is documented in the AF EONet. **(T-1)**

4.13.7.15.1. For alleged civilian offenders, the appropriate authority will determine what disciplinary or corrective action, if any, will be taken in accordance with due process procedures pursuant to 5 CFR Part 752, established merit systems principles outlined in DAFI 36-148, and local negotiated labor agreements. **(T-0)** The substantiation of an informal MEO complaint will not be a sufficient basis to impose discipline under the statutory due process requirement. **(T-0)** The appropriate decision authority will notify the EO office of final disciplinary or corrective actions taken

against offenders for substantiated informal complaints to ensure pertinent information is documented into AF EONet. **(T-1)**

4.13.8. *Case Closure*. An informal complaint is considered closed on the date the installation EO directors and EO practitioners conduct a final follow-up. **(T-1)** A final follow-up must be conducted no later than 14 duty days after final action has been taken to ensure reprisal or retaliation has not occurred against the complainant. **(T-1)**

4.13.9. *Appeals*. If an informal complaint is not or cannot be resolved within 30 duty days or the military complainant is not satisfied with the determination, the military complainant may file a formal complaint.

4.13.9.1. The sole mechanism for a military complainant to appeal the disposition of an informal complaint is to file a formal complaint. **(T-0)** Military complainants must file their formal complaint as an appeal within 30 duty days after closure of the informal complaint. **(T-1) Exception:** There are no timeline requirements for military members to file a formal complaint of sexual harassment pursuant to the procedures in 10 USC § 1561. Military members experiencing sexual harassment are encouraged to promptly file a formal complaint as early as possible to help ensure timely access to witnesses, bystanders, and other pertinent information regarding the incident(s).

4.13.9.2. Installation commanders may approve the processing of formal complaint as an appeal beyond 30 duty days for good cause based on a memorandum with sufficient justification provided by the military complainant and submitted through the installation EO office. If an installation commander accepts the formal complaint as an appeal beyond 30 duty days, a written approval acceptance memorandum is required. **(T-1) Exception:** There are no timeline requirements for military members to file a formal complaint of sexual harassment pursuant to the procedures in 10 USC § 1561.

4.13.9.3. An administrative finding concerning a complaint resolved through an informal process will be set aside when the military complainant files the same or similar complaint through the formal complaint process.

4.13.9.4. For military offenders with substantiated determinations against them as a result of a CDI, refer to DAFMAN 1-101 on CDI reconsiderations. This process is outside the DAF EO Program. For military offenders on adverse actions taken by command as part of an informal complaint-CWI, it is advised to contact area defense counsel on avenues of redress with the chain of command as these also fall outside the DAF EO Program's responsibilities.

4.13.9.5. For alleged civilian offenders where an allegation of prohibited discrimination, discriminatory harassment (including sexual harassment), and other forms of harassment (bullying and hazing) is substantiated in an informal MEO complaint and disciplinary actions are implemented against the alleged civilian offender following the procedures set out in 5 CFR Part 752, he or she may have appeal rights pursuant to 5 USC § 7701 and 5 CFR § 752.405 for any actions that are appealable to the Merit Systems Protection Board (MSPB). An alleged civilian offender, who is a bargaining unit employee and covered by a negotiated grievance procedure under a recognized collective bargaining agreement, may contact his or her bargaining unit and elect to file a grievance. If a matter is covered by 5 CFR § 752.405 and appealable to the MSPB and the negotiated grievance procedure

pursuant to a collective bargaining agreement, the alleged civilian offender may elect to file under either, however he or she cannot file under both. **(T-0)**

4.14. Military Equal Opportunity Formal Complaint Process (Excluding Sexual Harassment).

4.14.1. *Overview.* Through the formal complaint process, military members are afforded the right to go directly to an installation EO office without having to go through their supervisory or chain of command channels to initiate a complaint to address their allegations of prohibited discrimination, discriminatory harassment (including sexual harassment), and other forms of harassment (bullying and hazing). The formal complaint process involves a complaint clarification conducted outside of the chain of command to determine whether credible information exists to substantiate allegations. The complaint clarification will be conducted by the installation EO office. **(T-1)** Formal complaints of sexual harassment are referred to AF/A4S Sexual Harassment Investigations Division to facilitate independent investigations pursuant to the procedures in 10 USC § 1561. **(T-0)** Military members are not required to file an informal complaint prior to filing a formal complaint. **(T-1)** If military complainants are not satisfied with the determinations of the formal complaint, their only option is to appeal the formal complaint. Informal MEO complaints will not be processed for military complainants that previously elected to file a formal complaint on the same allegations. Installation EO directors and EO practitioners will not dissuade military members from filing formal complaints or using ADR (facilitation only). **(T-1)**

4.14.2. *Timely Reporting.* Installation EO directors and EO practitioners will not accept a formal complaint more than 90 duty days after the alleged incidents occurred unless the installation commander approves in writing to accept a formal complaint beyond the designated timeline for good cause. **(T-1)** **Exception:** There are no timeline requirements for military members to file a formal complaint of sexual harassment pursuant to the procedures in 10 USC § 1561. Military members experiencing sexual harassment are encouraged to promptly file a formal complaint as early as possible to help ensure timely access to witnesses, bystanders, and other pertinent information regarding the incident(s).

4.14.2.1. Military members requesting to file a formal complaint (excluding sexual harassment) beyond the 90 duty day timeline, must submit a memorandum to the installation commander through the installation EO office, providing sufficient justification for filing after the designated timeline for approval. **(T-1)** For operational guidance and additional resources (e.g., templates), installation EO directors and EO practitioners will refer to the AFPC EO Operations SharePoint at <https://usaf.dps.mil/teams/14101/SitePages/Home.aspx> and/or contact your respective MAJCOM /FLDCOM EO functional manager or AFPC EO Operations.

4.14.2.2. Allegations from a series of incidents (excluding sexual harassment) that occurred beyond the 90 duty day timeline will not require an installation commander approval if the most recent allegations occurred within the 90 duty days. **(T-1)**

4.14.2.3. Military members who were deployed at the time the alleged incidents (excluding sexual harassment) occurred and were unable to file a formal complaint due to extenuating circumstances (e.g., no access/availability to EO practitioners, etc.) at their deployment location, will have 90 duty days to file a formal complaint from their deployment return date. **(T-1)** Military members will not require installation commander

approval to file a formal complaint, however, military members will inform installation EO directors and EO practitioners during an initial intake that they were deployed at the time when the alleged incidents occurred and will provide justification why they were unable to file a formal complaint while deployed. **(T-1)** Installation EO directors and EO practitioners will document this on DAF Form 1587. **(T-1)**

4.14.2.4. Installation EO directors and EO practitioners will encourage military members to promptly file complaints as early as possible to help ensure better and timely access to witnesses, bystanders, and other pertinent information regarding the incidents. **(T-1)**

4.14.3. *Formal Complaint Procedures (Excluding Sexual Harassment).*

4.14.3.1. When a formal complaint is initiated with the installation EO office, installation EO directors and EO practitioners will ensure the MEO Complaint Intake template and DAF Form 1587, *Military Equal Opportunity Formal Complaint*, are completed, signed, and documented in the AF EONet. **(T-1)** Refer to [paragraph 4.11](#) for information on intake and initiation of the MEO complaint processes.

4.14.3.2. Installation EO directors and EO practitioners, through the installation commander, will ensure that within five duty days of receipt of the formal complaint, the General Court Martial Convening Authority (GCMCA) is provided an initial notification that includes a detailed description of the allegations that includes at a minimum of (a) names of the military complainant and alleged offender, (b) names of the installation EO director and EO practitioner conducting the clarification, and (c) if available, the projected or final completion date of the clarification. **(T-0)** All GCMCA notifications will be reviewed by the installation commander prior to being released to the GCMCA. **(T-1)** Upon notifying the GCMCA, the installation EO office will initiate the clarification process within the five duty days of receipt of the formal complaint. **(T-0)**

4.14.3.3. Installation EO directors and EO practitioners will notify military complainant's commander and the alleged offender's commander of the formal complaint within three duty days of receipt of the formal complaint. **(T-0)** This includes informing the alleged offender's commander to make every effort to protect the identity of the military complainant and alleged offender's commander's responsibility to brief the alleged offender that he or she is the subject of a formal complaint. **(T-0)**

4.14.3.4. Installation EO directors and EO practitioners will inform military complainants when the formal complaint process has commenced. **(T-0)** Installation EO directors and EO practitioners will follow up with the military complainant every five duty days during the formal complaint process until closure to provide status updates and address any questions or concerns. **(T-1)** Installation EO directors and EO practitioners will ensure military complainants are notified on whether formal complaints were substantiated or not substantiated. **(T-0)**

4.14.3.5. Installation EO directors and EO practitioners will ensure that formal complaint clarifications are completed not later than 30 duty days after the date on which the clarification is initiated in accordance with DoDI 1350.02, and DoDI 1020.03. **(T-0)** The alleged offender's commander, through the installation commander, will submit a final report/notification, with the installation EO office courtesy copied, on the clarification

results and any actions taken as a result of the clarification to the GCMCA within 36 duty days after the clarification was initiated. **(T-0)**

4.14.3.5.1. Installation EO directors and EO practitioners will be allotted 20 duty days to complete complaint clarifications. **(T-1)**

4.14.3.5.2. Installation SJA offices will be allotted five duty days to conduct a mandatory legal sufficiency review for substantiated and not substantiated formal complaints. **(T-0)** Installation SJA offices will provide installation EO directors and EO practitioners with a legal sufficiency review memorandum on whether a preponderance of credible evidence supports substantiated and not substantiated determinations in accordance with relevant laws, DoD policies, and this publication. **(T-1)**

4.14.3.5.3. Commanders will be allotted five duty days to provide installation EO directors and EO practitioners with a description of corrective, administrative, and/or disciplinary actions taken against military alleged offenders in substantiated and not substantiated formal complaints. **(T-1)** Refer to [paragraph 4.14.12.2.1](#) for additional guidance for alleged civilian offenders and disciplinary or corrective action.

4.14.3.5.4. The final GCMCA report/notification for formal complaints will only include the clarification results and any actions taken as a result of the clarification. Corrective, administrative, and/or disciplinary actions will be included in the GCMCA final report/notification for substantiated cases. However, for alleged civilian offenders, adverse action will not be noted until the due process procedures of 5 CFR Part 752 have been completed. The final GCMCA report/notification will not include the full clarification report generated by the installation EO office. The GCMCA will forward the final report/notification to the respective MAJCOM/FLDCOM. **(T-1)**

4.14.3.5.5. Air Force Reserve Command (AFRC) EO offices will process formal complaints within three RSDs where one RSD is allotted for EO director and EO practitioner to complete complaint clarifications, one RSD is allotted for legal sufficiency reviews, and one RSD is allotted for the alleged offender's commander provide a description of corrective, administrative, and/or disciplinary actions taken in substantiated and not substantiated formal complaints. **(T-1)**

4.14.3.6. If the overall formal complaint clarifications are not completed within the 30 duty days, installation EO directors will obtain an extension in writing from the installation commander for not more than 30 calendar days. Installation EO directors will provide written justification for the need of the extension. **(T-1)** Extension requests will be documented on DAF Form 1587.

4.14.3.6.1. If the extension is approved, the installation commander will notify the GCMCA on the progress made in completing the clarification every 14 calendar days thereafter until the clarification is completed. **(T-0)** Installation EO directors will be allotted 10 calendar days of the 14 calendar days to provide the installation commander with a progress update to support the GCMCA notification requirement. **(T-1)** Once the clarification is completed, the installation commander will submit a GCMCA final report/notification on the clarification results and any actions taken as a result of the clarification. **(T-0)**

- 4.14.3.6.2. If the extension is approved, installation EO directors and practitioners will advise the complainant and the alleged offender's commander will advise the alleged offender(s) of the extension, its duration, and the reasons for which it was requested. **(T-0)** This will be documented on the DAF Form 1587.
- 4.14.3.6.3. For AFRC, if the overall formal complaint clarifications are not completed within the three RSDs, AFRC EO directors may obtain an extension in writing from the installation commander for not more than six RSDs. Extension requests will be in three RSD increments. AFRC EO directors will provide written justification for the need of the extension. **(T-1)** Extension requests will be documented on DAF Form 1587. If the extension(s) is approved, the installation commander will notify the GCMCA on the progress made in completing the clarification every one RSD thereafter until the clarification is completed. **(T-1)**
- 4.14.3.7. Installation EO directors, through the installation commander, will ensure all GCMCA notifications are completed. **(T-1)** All GCMCA notifications will be reviewed by the installation commander prior to being released to the GCMCA. **(T-1)**
- 4.14.3.8. The installation EO office and the MAJCOM/FLDCOM EO functional manager will be courtesy copied on all GCMCA notifications, to include the final GCMCA report/notification, to ensure pertinent information is documented into the AF EONet. **(T-1)**
- 4.14.3.9. Due to potential conflicting responsibilities, the installation commander will not name any individual assigned to an installation EO office as the action officer to up channel complaints to the GCMCA. **(T-1)** The installation action officer will be, at minimum, in the grade of O-3 or above, a senior non-commissioned officer, or a civilian employee of the grade GS-12 or above. **(T-1)**
- 4.14.3.10. All formal complaint clarifications will be reviewed for legal sufficiency.
- 4.14.3.11. Commanders will not release complaint files and documentation associated with the complaint clarification, to include the clarification report, without prior approval from the installation EO director. **(T-1)** Installation EO directors will consult with the SJA office prior to releasing complaint files and documentation associated with the complaint clarification, to include the clarification report. **(T-1)** Refer to [paragraph 4.10](#) for safeguarding privacy.
- 4.14.4. *Installation EO Directors and EO Practitioners Responsibilities.* In addition to other procedures and responsibilities outlined in this chapter, installation EO directors and EO practitioners will ensure the following for formal complaints:
- 4.14.4.1. Closely monitor and ensure timely processing of all formal complaints through the complaint clarification process in accordance with this chapter to include proper documentation of the formal complaint on the DAF Form 1587 in the AF EONet. Installation EO directors and EO practitioners will code formal complaints in the AF EONet in accordance with AFPC EO Operations provided operational guidance and template(s). **(T-1)** For operational guidance and additional resources (e.g., templates), refer to the AFPC EO Operations SharePoint at <https://usaf.dps.mil/teams/14101/SitePages/Home.aspx> and/or contact your respective MAJCOM/FLDCOM EO functional manager or AFPC EO Operations.

4.14.4.2. Follow up with the military complainant every five duty days during the formal complaint process until closure to provide status updates and address any questions or concerns. **(T-1)** Exceptions may apply for formal complaints involving sexual harassment that are investigated by independent investigators. **(T-1)** Refer to [paragraph 4.15](#) for additional information on the formal complaint process for sexual harassment.

4.14.5. *Commanders of Alleged Offenders Responsibilities.* In addition to other procedures and responsibilities outlined in this chapter, commanders of alleged offender will:

4.14.5.1. Upon notification from the installation EO office of a formal complaint, notify the alleged offenders that they are the subject of a formal complaint. **(T-0)** Commanders will provide information about the formal complaint process, inform the alleged offenders that the installation EO office will be conducting the formal complaint clarification, and provide the contact information for the installation EO director and EO practitioner that will be conducting the complaint clarification. **(T-1)**

4.14.5.2. Notify the installation EO office once the alleged offender(s) are briefed that a formal complaint has been filed. **(T-1)**

4.14.5.3. Make every effort to protect the identity of the military complainant and refrain from providing details contained on DAF Form 1587 to the alleged offender. **(T-1)**

4.14.5.4. Caution the alleged offenders to refrain from any form of reprisal or retaliation. **(T-1)**

4.14.5.5. Advise the alleged offender not to discuss the case with others during the complaint clarification process. **(T-1)**

4.14.5.6. Advise the alleged offender that he or she will have an opportunity to respond to the allegations and may provide names of potential witnesses to the installation EO office during the complaint clarification process. **(T-1)**

4.14.5.7. Conduct frequent follow ups and wellness checks with the alleged offenders to ensure the alleged offender's wellbeing is considered throughout the formal complaint clarification process. **(T-1)** This includes providing military complainants and alleged offenders with information about available on- and off- installation support resources and facilitate warm hand-offs/referrals as requested or warranted. **(T-0)**

4.14.5.8. Brief the alleged offender of the results of the formal complaint clarification. **(T-0)**

4.14.5.9. Take appropriate disciplinary or administrative action when a complaint is substantiated **(T-0)** Provide the installation EO office with a description of any disciplinary or administrative actions taken against offenders for both substantiated and not substantiated formal complaints to ensure pertinent information is documented into the AF EONet. **(T-1)**

4.14.6. *Formal Complaint Clarification.* The formal complaint clarification is a process that involves installation EO directors and EO practitioners interviewing and/or taking statements from individuals and gathering pertinent information to establish a preponderance of credible evidence regarding the formal MEO complaint filed. Credible evidence is evidence that is believable, confirmed, and corroborated to be sufficient to serve as the basis for a determination on the allegations. Installation EO directors and EO practitioners may use information gathered

from other investigations in conjunction with but not in lieu of the formal clarification process. Refer to **Chapter 8** for additional guidance about EO authorization to access records and information.

4.14.7. *Coordination During Complaint Clarification.* Installation EO directors and EO practitioners will ensure timely and proper coordination with relevant stakeholders when conducting complaint clarifications to ensure meeting prescribed timelines and requirements. **(T-1)** Installation EO directors and EO practitioners will:

4.14.7.1. Coordinate all interviews and statement gathering with the respective commanders (or designated point of contacts) for all pertinent individuals relevant to the complaint (i.e., complainants, alleged offenders, witnesses, etc.). **(T-1)**

4.14.7.2. Coordinate with the installation SJA office and obtain installation commander approval before conducting interviews involving military members and civilian employees who are assigned to other military service branches or DoD or federal agencies, and any contractors. **(T-1)**

4.14.7.3. Develop clarification interview questions for all of the specific allegations and coordinate with the installation SJA office to obtain feedback and concurrence prior to conducting interviews. **(T-1)** Installation EO directors and EO practitioners will ensure interview questions include open-ended, objective, and relevant questions. **(T-1)** Installation EO directors and EO practitioners may deviate from the interview outline where necessary and relevant to conducting the complaint clarification process. **(T-1)** For operational guidance and additional resources (e.g., templates), refer to the AFPC EO Operations SharePoint at <https://usaf.dps.mil/teams/14101/SitePages/Home.aspx> and/or contact your respective MAJCOM/FLDCOM EO functional manager or AFPC EO Operations.

4.14.7.4. Coordinate with the installation SJA office to ensure legal sufficiency reviews for all substantiated and not substantiated formal complaints. **(T-0)**

4.14.7.5. Coordinate with the installation SJA office when installation EO directors and EO practitioners become aware of allegations that could result in Uniform Code of Military Justice (UCMJ) actions against a military member or adverse action against a civilian employee. **(T-1)** Refer to **paragraph 4.18.7** for additional information.

4.14.7.6. Coordinate with the installation commander, SJA office, and respective commanders to ensure GCMCA notifications are conducted where required. **(T-1)**

4.14.7.7. Notify and forward the final GCMCA report/notification to their respective MAJCOM/FLDCOM EO functional manager. **(T-1)**

4.14.7.8. Notify and coordinate with the respective MAJCOM/FLDCOM EO functional managers when assistance is required to interview or take statements from any witnesses or alleged offenders assigned outside of their installation. **(T-1)**

4.14.7.8.1. Installation EO directors and EO practitioners at the impacted installation needing assistance will share in a timely manner all required information and documentation with the MAJCOM/FLDCOM EO functional manager and other installation EO directors and EO practitioners that may be asked to assist in conducting interviews or taking statements. **(T-1)**

4.14.7.8.2. MAJCOM/FLDCOM EO functional managers will support the impacted installation EO office needing assistance by coordinating within their respective MAJCOM/FLDCOM as well as other installation EO offices within their scope of responsibility. (T-1)

4.14.7.8.3. Installation EO directors and EO practitioners will notify and coordinate with the respective MAJCOM/FLDCOM EO functional managers where complaints have a complicated structure and/or circumstances on appropriate complaint processing procedures and intervention. (T-1) Refer to [paragraph 4.20](#) for information on complex issues.

4.14.8. *Conducting Witness Interviews.* Installation EO directors and EO practitioners, in consultation and coordination with the servicing legal office and CPS concerning any requirements on local bargaining unit requirements throughout the interview process, will directly schedule interviews with the military member and/or DAF civilian employee witnesses. (T-1) If a witness is nonresponsive to the EO office's request for interviews, installation EO directors and EO practitioners will notify and coordinate with the witness's commander or first sergeant (and civilian equivalents) to ensure the witness is available for interviews. (T-1)

4.14.8.1. At the start of all interviews, installation EO directors and EO practitioners will inform witnesses that the installation EO office is conducting a clarification on a formal MEO complaint and that that individual has been identified as a witness. (T-1) Installation EO directors and EO practitioners will inform witnesses that disclosures made during interviews are treated as CUI and will be shared with appropriate officials with a need to know and that witnesses do not have privilege of confidentiality. (T-1)

4.14.8.2. During witness interviews, installation EO directors and EO practitioners will provide a general description of the allegations to afford witnesses the opportunity to provide additional information that assists in examining whether the facts meet the elements of the definition of the MEO allegations. (T-1)

4.14.8.3. During witness interviews, installation EO directors and EO practitioners will inform witnesses that the identity of the military complainant will not be disclosed without consent from the military complainant, unless such disclosures are necessary throughout the clarification process or required by laws, regulations, and policies. (T-1)

4.14.8.4. Installation EO directors and EO practitioners will inform witnesses that they have the right to request a copy of the final clarification report, redacted as necessary and/or required, in accordance with the Privacy Act, FOIA, and any other applicable laws and regulations. (T-0)

4.14.8.5. Prior to interviewing any civilian employee member of a bargaining unit (i.e., bargaining unit), installation EO directors and EO practitioners will contact the installation SJA office and labor relations offices to evaluate management obligations and potential limitations of civilian employee bargaining unit member participation in the clarification process. (T-1)

4.14.8.5.1. Federal employees have a right to bargaining unit representation during the complaint clarification interview per 5 USC § 7101 and § 7114(a)(2)(B). Prior to interviewing civilian employee witnesses, installation EO directors and EO

practitioners will determine the civilian employee's bargaining status and the details of their bargaining agreement. **(T-1)**

4.14.8.5.1.1. A civilian employee may request the presence of a bargaining unit representative during a complaint clarification interview when the employee reasonably believes discipline may occur as a result. This is referred to as "Weingarten" rights. To exercise this right, the civilian employee must request representation. **(T-0)** There is no duty for installation EO directors and EO practitioners to advise the civilian employee of this right unless it is provided for in the collective bargaining agreement. If the civilian employee invokes Weingarten rights, installation EO directors and EO practitioners will stop the interview and consult with the installation SJA office and installation labor relations management official before proceeding with the interview. **(T-1)**

4.14.8.5.1.2. The civilian employee witness may have a bargaining unit representative in the complaint clarification interview. The bargaining unit representative is a personal representative of the civilian employee and may provide advice, consult with the witness, and suggest areas of inquiry. The bargaining unit representative must not answer questions for the civilian employee witness, obstruct the interview, or instruct the civilian employee witness not to answer legitimate questions. **(T-0)**

4.14.8.6. If a military member witness refuses to be interviewed, the witness's commander can order the witness to participate and respond to questions during interviews. A military member witness has a duty to participate and attest to what he or she knows and can only refuse to answer questions that would incriminate them. **(T-0)**

4.14.8.7. If a civilian employee witness refuses to be interviewed, a civilian employee's commander (and civilian equivalent) or supervisor can direct the witness to participate and respond to questions in interviews during duty hours. A civilian employee has a duty to participate and attest to what he or she knows and can only refuse to answer questions that may incriminate them. **(T-0)**

4.14.8.8. A civilian (non-employee) member of the public cannot be ordered or directed to participate in interviews as a witness. **(T-0)** This also includes contractor employees, dependents of military members, and non-DoD affiliated civilian employees. **(T-0)** Installation EO directors and EO practitioners may invite a civilian (non-employee) member to participate and respond to questions during interviews. If a civilian (non-employee) member refuses to participate, he or she cannot be directed or compelled to participate. **(T-0)**

4.14.8.8.1. If Installation EO directors and EO practitioners believes a contractor employee has information essential to the complaint clarification, installation EO directors and EO practitioners will consult with the SJA office and appropriate contracting officer or appropriate acquisition official (e.g., program manager, sustainment product manager, program executive office, or program office contracting officer) to determine whether the contract obligates the contractor and its employees to assist with the complaint clarification. **(T-1)**

4.14.8.9. If during the interview, installation EO directors and EO practitioners determine that a military member witness (not alleged offender) may have disclosed self-incriminating information, installation EO directors and EO practitioners will immediately suspend the interview and immediately notify and consult with the installation SJA office to determine whether to continue or cease any complaint processing and whether such allegations will need to be referred. **(T-1)** Refer to paragraphs 4.18.6 and 4.18.7 for additional information on potential suspected criminal or extremist activities and UCMJ actions.

4.14.8.9.1. If the SJA office advises installation EO directors and EO practitioners to continue the clarification, the SJA office will advise whether to provide the witness a revised rights advisement and whether to use AF Form 1168, *Statement of Suspect/Witness/Complainant*. **(T-1)**

4.14.8.10. Installation EO directors and EO practitioners will terminate interviews if the witness declines to answer questions, requests to leave, or asks for legal counsel. **(T-1)**

4.14.8.11. At the conclusion of interviews, installation EO directors and EO practitioners will document the witness' responses to the allegations. **(T-1)** Once all responses have been documented, the witness will review his or her interview statement summary and sign if they agree with the information documented. **(T-1)** If the witness is not in agreement with how the information was captured, the witness will be provided with the opportunity to update his or her responses in coordination with installation EO directors and EO practitioners and sign the updated statement. **(T-1)** A witness may retain a copy of his or her witness statement, but the installation EO office is not authorized to release the list of interview questions. **(T-1)**

4.14.8.12. At the conclusion of interviews, installation EO directors and EO practitioners will advise witnesses not to disclose or discuss the formal complaint with others to ensure privacy and objectivity of all involved. **(T-1)**

4.14.9. *Conducting Alleged Offender Interviews.* Installation EO directors and EO practitioners, in consultation and coordination with the servicing legal office and CPS concerning any requirements on local bargaining unit requirements throughout the interview process, will directly schedule interviews with the alleged offender in coordination with the respective alleged offender's commander (or designated point of contacts) unless the alleged offender's area defense counsel (ADC) engages on behalf of his or her client to schedule the interview, provide a statement from the alleged offender who declines an interview, or conduct other actions. **(T-1)** In such circumstances, installation EO directors and EO practitioners will coordinate with the ADC. **(T-1)**

4.14.9.1. Prior to interviewing military alleged offender, installation EO directors and EO practitioners will coordinate and consult with the installation SJA office on alleged offender's rights advisement, including the need to provide rights advisement and possible UCMJ violations. **(T-1)**

4.14.9.1.1. If the installation SJA office recommends conducting a rights advisement or installation EO directors and EO practitioners suspect that the military alleged offenders have committed an offense under the UCMJ, installation EO directors and EO practitioners will advise the military alleged offenders of their rights against self-

incrimination under Article 31, *Compulsory self-incrimination prohibited*, of the UCMJ before conducting the interview. **(T-0)**

4.14.9.1.2. Installation EO directors and EO practitioners will use AF Form 1168, *Statement of Suspect/Witness/Complainant*, when advising military alleged offenders of their rights. **(T-1)** Installation EO directors and EO practitioners will ensure the military alleged offender initials and signs AF Form 1168 before initiating interviews. **(T-1)**

4.14.9.1.3. After providing rights advisement, the installation EO directors and EO practitioners will ensure any waiver of rights is knowingly made and voluntary by the alleged offenders. **(T-1)**

4.14.9.2. In the formal MEO complaint clarification process, installation EO directors and EO practitioners are not authorized to and will not advise civilian employee alleged offenders of their Fifth Amendment (Miranda) rights. **(T-0)**

4.14.9.3. Federal employees have a right to bargaining unit representation during the complaint clarification interview per 5 USC § 7101 and § 7114(a)(2)(B). Prior to interviewing civilian employee alleged offenders, installation EO directors and EO practitioners will determine the civilian employee's bargaining status and the details of their bargaining agreement. **(T-1)**

4.14.9.3.1. A civilian employee may request the presence of a bargaining unit representative during a complaint clarification interview when the employee reasonably believes discipline may occur as a result. This is referred to as "Weingarten" rights. To exercise this right, the civilian employee must request representation. **(T-0)** There is no duty for installation EO directors and EO practitioners to advise the civilian employee of this right unless it is provided for in the collective bargaining agreement. If the civilian employee invokes Weingarten rights, installation EO directors and EO practitioners will stop the interview and consult with the installation SJA office and installation labor relations management official before proceeding with the interview. **(T-1)**

4.14.9.3.2. The civilian employee alleged offender may have a bargaining unit representative in the complaint clarification interview. The bargaining unit representative is a personal representative of the civilian employee and may provide advice, consult with the alleged offender, and suggest areas of inquiry. The bargaining unit representative must not answer questions for the alleged civilian offender, obstruct the interview, or instruct the civilian employee alleged offender not to answer legitimate questions. **(T-0)**

4.14.9.4. At the start of all interviews, installation EO directors and EO practitioners will inform alleged offender that the installation EO office is conducting a clarification on a formal MEO complaint and that that individual has been identified as an alleged offender. **(T-1)** Installation EO directors and EO practitioners will:

4.14.9.4.1. Inform alleged offenders that their cooperation is strictly voluntary, and they are free to leave at any time. **(T-1)**

- 4.14.9.4.2. Inform alleged offenders that disclosures made during interviews are treated as CUI and will be shared with appropriate officials with a need to know and that the alleged offenders do not have any privilege of confidentiality. **(T-1)**
- 4.14.9.5. During complaint clarification interviews, installation EO directors and EO practitioners will provide alleged offenders a general description of the allegations made against them and advise alleged offenders that they will have an opportunity to respond to the allegations and may provide names of potential witnesses to the installation EO office during the complaint clarification process. **(T-1)**
- 4.14.9.6. If during the interview, installation EO directors and EO practitioners determine that alleged offenders may have disclosed self-incriminating information, installation EO directors and EO practitioners will immediately suspend the interview and immediately notify and consult with the installation SJA office to determine whether to continue or cease any complaint processing and whether such allegations will need to be referred. **(T-1)** Refer to paragraphs [4.18.6](#) and [4.18.7](#) for additional information on potential suspected criminal or extremist activities and UCMJ actions .
- 4.14.9.7. Installation EO directors and EO practitioners will terminate interviews if the alleged offenders decline to answer questions, requests to leave, or asks for legal counsel. **(T-1)**
- 4.14.9.8. At the conclusion of interviews, installation EO directors and EO practitioners will document the alleged offender's responses to the allegations. **(T-1)** Once all responses have been documented, the alleged offender will review his or her interview statement summary and sign if he or she agrees with the information documented. **(T-1)** If the alleged offender is not in agreement with how the information was captured, the alleged offender will be provided the opportunity to update his or her responses in coordination with installation EO directors and EO practitioners and sign the updated statement. **(T-1)** An alleged offender may retain a copy of his or her statement, but the installation EO office is not authorized to release the list of interview questions. **(T-1)**
- 4.14.9.9. At the conclusion of interviews, installation EO directors and EO practitioners will advise alleged offenders not to disclose or discuss the formal complaint with others to ensure privacy and objectivity of all involved. **(T-1)**
- 4.14.9.10. Installation EO directors and EO practitioners will inform alleged offenders that they have the right to request a copy of the final clarification report, redacted as necessary and/or required, in accordance with the Privacy Act, FOIA, and any other applicable laws and regulations. **(T-0)**
- 4.14.10. *Clarification Report Writing.* Installation EO directors and EO practitioners, in a timely manner, will write a clarification report at the conclusion of interviewing and/or taking statements from individuals and gathering pertinent information to establish a preponderance of credible evidence regarding the formal MEO complaint filed. **(T-0)**
- 4.14.10.1. Installation EO directors and EO practitioners will write the clarification report in accordance with AFPC EO Operations provided operational guidance and clarification report template. **(T-1)** For operational guidance and additional resources (e.g., templates), refer to the AFPC EO Operations SharePoint at

<https://usaf.dps.mil/teams/14101/SitePages/Home.aspx> and/or contact your respective MAJCOM/FLDCOM EO functional manager or AFPC EO Operations.

4.14.10.2. Clarification reports must include enough information for the alleged offender's commander to take action to prevent, intervene, and eliminate the negative behaviors. This includes including the clarification results of substantiated or not substantiated.

4.14.11. *Clarification Report Coordination with the Staff Judge Advocate.* Installation EO directors and EO practitioners will coordinate the clarification report with the installation SJA office for a legal sufficiency review prior to forwarding to the military complainant's commander and the alleged offender's commander (if different) for review and action. **(T-1)** This includes forwarding all relevant case files and documentation associated with the respective formal complaint to the SJA office for review. **(T-1)**

4.14.12. *Clarification Determinations.* If the clarification process results in a determination that an MEO violation has occurred, the complaint is substantiated. If at least one allegation in the formal complaint is substantiated, the overall complaint is considered substantiated.

4.14.12.1. When the installation EO office and the installation SJA office disagree over whether to substantiate a formal complaint, the installation EO director will forward the complaint to the installation commander to make a final determination. **(T-1)**

4.14.12.2. After a legal review, installation EO directors and EO practitioners will forward the clarification report with substantiated allegations to the alleged offender's commander (if different from the military complainant's commander) for action. **(T-1)** The respective commander will provide a summary of actions taken against the offender for substantiated allegations to the installation EO office. **(T-0)** The respective commander will not release or share the clarification report with the offender. **(T-1)** If action has not been taken against the alleged offender, the installation EO office will continue to follow up every 30 duty days thereafter until action is taken against the alleged offender. **(T-1)**

4.14.12.2.1. For alleged civilian offenders, the appropriate authority will determine what disciplinary or corrective action, if any, will be taken in accordance with due process procedures pursuant to 5 CFR Part 752, established merit systems principles outlined in DAFI 36-148, and local negotiated labor agreements. **(T-0)** The substantiation of a formal MEO complaint will not be a sufficient basis to impose discipline under the statutory due process requirement. **(T-0)** The appropriate decision authority will notify the EO office of final disciplinary or corrective actions taken against offenders for substantiated formal MEO complaints to ensure pertinent information is documented into AF EONet. **(T-1)** The installation EO office will follow up every 15 duty days until disciplinary or corrective action is taken against the alleged civilian offender pursuant to the statutory due process requirement. **(T-1)**

4.14.12.3. After a legal review, installation EO directors and EO practitioners will forward the clarification report with not substantiated allegations to the alleged offender's commander (if different from the military complainant's commander) for the alleged offender's commander to brief the alleged offender of the determination of the complaint clarification. **(T-0)** The respective commander will not release or share the clarification report with the alleged offender. **(T-1)**

4.14.12.4. Installation EO directors and EO practitioners will outbrief the military complainant on the determination of the complaint clarification and military complainant's rights to appeal where applicable. **(T-0)** The military complainant will sign the DAF Form 1587 for acknowledgement at the conclusion of the outbrief. **(T-1)**

4.14.12.5. Installation EO directors and EO practitioners will contact the military complainant within 14 duty days after the military complainant signed DAF Form 1587 for a final follow-up to ensure reprisal or retaliation has not occurred against them. **(T-1)** If the military complainant alleges reprisal, installation EO directors and EO practitioners will conduct a non-EO contact referral to the inspector general (IG) office for processing in accordance with DAFI 90-301, *Inspector General Complaints Resolution*. **(T-0)** If the military complainant alleges retaliation, installation EO directors and EO practitioners will immediately conduct a non-EO contact referral to the military member's commander to take appropriate action in accordance with AFI 36-2909, *Professional and Unprofessional Relationships and Conduct*. **(T-1)** Refer to paragraph 4.18.9 through 4.18.9.2 for additional information and procedures.

4.14.13. *Military Complainant Withdrawal of Formal Complaints*. Military complainants may request in writing to withdraw their formal complaints with the installation EO director who serves as the formal complaint withdrawing authority.

4.14.13.1. Prior to withdrawing the formal complaint, installation EO directors will discuss the decision with the military complainant to ensure the military complainant was not pressured or coerced to withdraw the complaint. **(T-1)**

4.14.13.2. When a formal complaint is withdrawn by the military complainant, installation EO directors and EO practitioners will notify and brief the military complainant's and alleged offender's commanders (if different) of the complaint withdrawal by the military complainant. **(T-1)**

4.14.13.3. When a formal complaint is withdrawn by the military complainant, the alleged offender's commander will notify and brief the alleged offender of the complaint withdrawal. **(T-1)**

4.14.13.4. Installation EO directors and EO practitioners will document the withdrawal action on DAF Form 1587 and close the formal complaint. **(T-1)**

4.14.14. *Case Closure*. A formal complaint is considered closed when the military complainant signs the updated DAF Form 1587 after he or she has been outbriefed on the complaint clarification determination, the final follow up has been conducted with the military complainant, the commander has provided the installation EO director or EO practitioner with actions taken, and the installation EO director has reviewed and signed the DAF Form 1587. **(T-1)**

4.14.15. *Formal Complaint Appeals*.

4.14.15.1. *Applicability*. Military complainants who filed a formal complaint may appeal not substantiated determinations as a result of a complaint clarification. Military offenders who had substantiated determinations against them as a result of a complaint clarification may appeal those substantiated determinations. Military complainants and military offenders must file their appeal through the installation EO office that processed the formal

complaint. **(T-1)** Refer to [paragraph 4.15.10](#) for guidance on appeals for formal complaints of sexual harassment.

4.14.15.1.1. Military complainants and military offenders who separate or retire from the DAF during or after a complaint is closed may not appeal the determinations of the formal complaint clarification. **(T-1)** For example, if the military complainant or military offender appeals at the first level of appeal and separates or retires while the appeal is processed, this would prevent the member from then appealing to the second level. However, there may be exceptions to appeal the determinations through the separate Air Force Board for Correction of Military Records; refer to DAFI 36-2603, *Air Force Board for Corrections of Military Records (AFBCMR)*, for additional information.

4.14.15.1.2. Commanders should withhold command action until a formal MEO complaint appeal is completed.

4.14.15.1.3. The formal MEO complaint appeals process is not applicable to command action rendered under the UCMJ or any administrative process as a result of a substantiated complaint. When a commander initiates, or has previously initiated, action under the UCMJ or any administrative process is taken as a result of a substantiated complaint, that action takes precedence over any ongoing contemplated formal MEO complaint appeal. In such circumstances, the applicable UCMJ or administrative appeal processes are the exclusive method of redress.

4.14.15.1.4. For formal MEO complaints that resulted in an IG investigation, the military complainant and alleged offender will only appeal through the IG process. **(T-1)** The IG will inform the installation EO office of the final determination of the appeal. **(T-1)** Military complainants, alleged offenders, and offenders may not use the IG system simply because they are dissatisfied with the determination of a formal MEO complaint clarification. **(T-1)** The IG system will not be an available channel of review unless there was an abuse or mishandling of the established process for appealing formal MEO complaints.

4.14.15.1.5. For an alleged civilian offender where an allegation of prohibited discrimination, discriminatory harassment, (including sexual harassment) and other forms of harassment (bullying and hazing) is substantiated in a formal MEO complaint and disciplinary actions are implemented against the alleged civilian offender following the procedures set out in 5 CFR Part 752, he or she may have appeal rights pursuant to 5 USC § 7701 and 5 CFR § 752.405 for any actions that are appealable to the MSPB. An alleged civilian offender, who is a bargaining unit employee and covered by a negotiated grievance procedure under a recognized collective bargaining agreement, may contact his or her bargaining unit and elect to file a grievance. If a matter is covered by 5 CFR § 752.405 and appealable to the MSPB and the negotiated grievance procedure pursuant to a collective bargaining agreement, the alleged civilian offender may elect to file under either, however he or she cannot file under both. **(T-0)**

4.14.15.2. *Appeal Timeliness.* An administrative finding concerning MEO allegations rendered through the formal MEO complaint process may be appealed by the military complainant or military offender within 30 duty days (2 RSDs for AFRC) of receiving notice of formal complaint clarification determinations. Military complainants and military

offenders seeking to file an appeal of a formal MEO complaint are hereafter referred to as appellants.

4.14.15.2.1. Installation commanders may approve the processing of an appeal to a formal MEO complaint beyond 30 duty days for good cause based on a memorandum with sufficient justification provided by appellants and submitted through the installation EO office. If an installation commander accepts an appeal beyond 30 duty days, a written approval acceptance memorandum is required. **(T-1)**

4.14.15.2.2. Military complainants and military offenders who are dissatisfied with the action on their appeal to a formal MEO complaint have 30 duty days (2 RSDs for AFRC) from receipt of an appeal determination to appeal to the next higher level. **(T-1)** Appellants will submit their appeals to the next higher level through the installation EO office. **(T-1)**

4.14.15.2.3. Appeal authorities as described in [paragraph 4.14.15.3](#) may approve the processing of an appeal beyond the 30 duty days for good cause based on a memorandum with sufficient justification provided by appellants and submitted through the installation EO office. **(T-1)**

4.14.15.3. *Appeal Authorities.* Installation commanders (first level of appeal), MAJCOM/FLDCOM deputy commanders (second level of appeal), and the Air Force Review Boards Agency (AFRBA) (SAF/MRB) (third and final level of appeal) are authorized to render decisions on appeals that involve formal MEO complaints. **(T-0)** For AFRC, the installation or wing commander is the first level appeal authority and cases may be appealed to the MAJCOM/FLDCOM deputy commander (second level) and the AFRBA (third and final level). **(T-1)**

4.14.15.3.1. Appeal authorities will base all appeal decisions on the formal MEO complaint case file and any additional appellant provided written documentation submitted with the appeal. **(T-1)**

4.14.15.3.2. Appeal authorities may sustain or overrule the formal complaint determination or remand the matter for further clarification. Appeal authorities will issue a written memorandum with the appeals determination that includes a brief summary of the actions taken on the appeal. **(T-1)**

4.14.15.4. *Appeal Procedures.* Appellants must file their appeal through the installation EO office that processed the respective formal complaint starting at the first and lowest level of command with authority to render decisions on appeals. **(T-1)** MAJCOM/FLDCOM deputy commanders (second level) with oversight of the installation EO office that processed the respective formal complaint, to include respective servicing combatant commands, tenant, direct reporting units, geographically separated units, etc. have authority to render decisions on appeals.

4.14.15.4.1. All appeals will be submitted in writing and will contain no more than three single spaced typed pages. Appellants may attach supporting documents to the written appeal request. Appellants will file a separate appeal request for each command level they elect to file an appeal. **(T-1)**

4.14.15.4.2. For first level appeals, installation EO directors will send the respective installation commander the appeals package that will include: the appellant's first level written request with supporting documentation, where applicable; and a complete copy of the formal complaint case file. **(T-1)** Installation EO directors will only send the first level appeals package after a legal sufficiency review. **(T-1)**

4.14.15.4.2.1. After conducting a quality control review, the respective installation EO director will provide a complete first level appeals package to the installation commander to sustain or overrule the formal complaint determination. **(T-1)**

4.14.15.4.2.2. If the installation commander remands the matter for further clarification, the installation EO Director will provide updated case information from the installation EO office to the installation commander to render a written determination. **(T-1)** If an appeal results in the appeal authority referring the case for further clarification, the installation EO office will apprise the appellant and inform him or her of the anticipated date of further action. **(T-1)**

4.14.15.4.2.3. The installation commander will provide the first level appeals authority's determination memorandum to the installation EO office. **(T-1)**

4.14.15.4.3. For second level appeals, installation EO directors will send to the respective MAJCOM/FLDCOM EO functional manager the appeals package that will include: appellant's first level written request with supporting documentation, where applicable; first level appeal legal sufficiency review; first level appeals authority's determination memorandum; appellant's second level written request with supporting documentation, where applicable; and a complete copy of the formal complaint case file. **(T-1)**

4.14.15.4.3.1. The respective MAJCOM/FLDCOM EO functional manager will provide the second level appeals package to the MAJCOM/FLDCOM JA for completion of the second level appeal legal sufficiency review. **(T-1)** Once completed, the respective MAJCOM/FLDCOM EO functional manager will provide a complete second level appeals package to the MAJCOM/FLDCOM deputy commander to sustain or overrule the formal complaint determination. **(T-1)**

4.14.15.4.3.2. If the MAJCOM/FLDCOM deputy commander remands the matter for further clarification, the MAJCOM/FLDCOM EO functional manager will provide updated case information from the installation EO office to the MAJCOM/FLDCOM deputy commander to render a written determination. **(T-1)** If an appeal results in the appeal authority referring the case for further clarification, the installation EO office will apprise the appellant and inform him or her of the anticipated date of further action. **(T-1)**

4.14.15.4.3.3. The MAJCOM/FLDCOM EO functional manager will provide the second level appeals authority's determination memorandum to the installation EO office. **(T-1)**

4.14.15.4.4. For third and final level appeals, installation EO directors will send to the respective MAJCOM/FLDCOM EO functional manager the appeals package that will include: appellant's first level written request with supporting documentation, where applicable; first level appeals legal sufficiency review; first level appeals authority's

determination memorandum; appellant's second level written request with supporting documentation, where applicable; second level appeals legal sufficiency review; second level appeals authority's determination memorandum; appellant's third level written request with supporting documentation, where applicable; and a complete copy of the formal complaint case file. **(T-1)**

4.14.15.4.4.1. After conducting a quality control review, the respective MAJCOM/FLDCOM EO functional manager will provide a complete third level appeals package to SAF/MRQ through AFPC EO Operations. **(T-1)** AFPC EO Operations will provide written acknowledgment to the respective MAJCOM/FLDCOM EO functional manager within 48 hours of receipt of the third level appeals package. **(T-1)** MAJCOM/FLDCOM EO functional managers will forward the written acknowledgement of AFPC EO Operations to the respective installation EO director within 48 hours of receipt from AFPC EO Operations. **(T-1)** If AFPC EO Operations has not provided a written acknowledgment to the respective MAJCOM/FLDCOM EO functional manager within 48 hours after submission of the third level appeals package, the respective MAJCOM/FLDCOM EO functional manager will follow up with AFPC EO Operations every five duty days to receive a status update from AFPC EO Operations and forward the status to the respective installation EO director. **(T-1)** SAF/MRQ will provide the third level appeals package to AFRBA to sustain or overrule the formal complaint determination. **(T-1)** SAF/MRQ will return incomplete third level appeals packages to MAJCOM/FLDCOM EO functional managers through AFPC EO Operations for correction. **(T-1)**

4.14.15.4.4.2. Installation EO directors and MAJCOM/FLDCOM EO functional managers will use the Air Force Review Boards Agency MEO Formal Appeal Standard Case File template when submitting third level appeals packages. **(T-1)** Installation EO directors and MAJCOM/FLDCOM EO functional managers will submit third level appeals packages in accordance with any additional AFPC EO Operations provided operational guidance. **(T-1)** For operational guidance and additional resources (e.g., templates), refer to the AFPC EO Operations SharePoint at <https://usaf.dps.mil/teams/14101/SitePages/Home.aspx> and/or contact your respective MAJCOM/FLDCOM EO functional manager or AFPC EO Operations.

4.14.15.4.4.3. If AFRBA remands the matter for further clarification, the MAJCOM/FLDCOM EO functional manager will provide updated case information from the installation EO office to SAF/MRQ through AFPC EO Operations. **(T-1)** SAF/MRQ will provide the third level appeals package to the AFRBA to render a written determination. **(T-1)** If an appeal results in the appeal authority referring the case for further clarification, the installation EO office will apprise the appellant and inform him or her of the anticipated date of further action. **(T-1)**

4.14.15.4.5. Installation EO directors and EO practitioners will provide appellants with the written a determination memorandum from the respective appeal authority. **(T-0)**

4.14.15.4.6. In the event an appeals authority overrules the formal complaint determination on appeal, installation EO directors and EO practitioners will notify the

military complainant or alleged offender that he or she has appeal rights to the overruled formal complaint determination unless the appeal is at the third and final level of appeal. **(T-1)** There is no option to appeal the final decision authority.

4.14.15.4.7. Formal complaint appeals determinations will be documented by installation EO directors and EO practitioners on DAF Form 1587 in the AF EONet. **(T-1)** Installation EO directors and EO practitioners will maintain a copy of the appeals determinations in the appropriate case file. **(T-1)**

4.14.15.4.8. Installation EO directors and EO practitioners will follow up with the military complainant within 14 duty days (2 RSDs for AFRC) to determine if the military complainant has experienced reprisal and/or retaliation as a result of seeking appeals. **(T-1)** Installation EO directors and EO practitioners will document this on DAF Form 1587 in the AF EONet. **(T-1)** Refer to [paragraph 4.18.9](#) for additional information and procedures for reprisal and retaliation.

4.15. Formal Complaints of Sexual Harassment Pursuant to the Procedures in 10 USC § 1561.

4.15.1. *Overview.* Formal complaints of sexual harassment will result in an independent investigation pursuant to the procedures in 10 USC § 1561. **(T-0)** Military members are not required to file an informal complaint of sexual harassment prior to filing a formal complaint of sexual harassment. **(T-1)** There are no timeline requirements for military members to file a formal complaint of sexual harassment pursuant to the procedures in 10 USC § 1561. Military members experiencing sexual harassment are encouraged to promptly file a formal complaint as early as possible to help ensure timely access to witnesses, bystanders, and other pertinent information regarding the incident(s). Delays in reporting may hinder the DAF's ability to prevent, intervene, and/or correct these negative behaviors. Military members will not be dissuaded from filing formal complaints of sexual harassment. **(T-1)** The independent investigation process pursuant to the procedures in 10 USC § 1561 does not apply to formal sexual harassment complaints against contractors. **(T-0)** Refer to [paragraph 4.11.11](#) for sexual harassment complaints against contractors. Leaders and commanders, including civilian equivalents, must be aware of the Office of Special Trial Counsel's (OSTC) exclusive statutory authority over certain sexual harassment offenses alleged to have been committed by military members, as set out in 10 USC § 824a, Art. 24a and 10 USC § 801(17). **(T-0)**

4.15.2. *Independent Investigators.* AF/A4S is designated as the responsible agency for the DAF's independent investigations of formal complaints of sexual harassment filed by military members pursuant to procedures in 10 USC § 1561. **(T-1)** AF/A4S Sexual Harassment Investigations Division will facilitate formal complaints of sexual harassment being appropriately assigned to an independent investigator, make all required notifications, communicate with the required parties, monitor the progress of the investigation through completion, and ensure that the first O-6 in the alleged offender's chain of command, and OSTC where required, receives the report of investigation within required timelines. **(T-1)** AF/A4S designated personnel who are assigned to conduct an independent investigation must be outside the immediate chain of command of the complainant and the subject of the investigation who is trained in the investigation of sexual harassment to include specific effects of trauma and stress on a complainant of reported sexual harassment, sexual harassment policy, elements of the offense of sexual harassment, investigative planning, conducting interviews,

taking and analyzing statements, gathering data from records or reports, collecting and analyzing evidence, and drafting reports of investigation. **(T-1)** Refer to [paragraph 4.15.5.3.5.1](#) if the independent investigator, in consultation with the SJA, determines that the complaint meets the threshold of an allegation or offense necessitating referral to Air Force Office of Special Investigations (AFOSI).

4.15.2.1. For the purposes of DAF independent investigations involving a military member filing a formal complaint of sexual harassment pursuant to the procedures in 10 USC § 1561, independent investigations against a military member alleged offender will primarily utilize the elements of sexual harassment in Article 134 (Sexual Harassment) of the Uniform Code of Military Justice (UCMJ). Independent investigations against a military member alleged offender may also consider the definition of sexual harassment in DoDI 1020.03, *Harassment Prevention and Response in the Armed Forces*. DAF independent investigations involving a military member filing a formal complaint pursuant to the procedures in 10 USC § 1561 against a DAF civilian employee will utilize only the definition of sexual harassment in DoDI 1020.03. **(T-1)**

4.15.3. *Formal Complaint Reporting Avenues*. The preferred DAF mechanism for filing a formal complaint for sexual harassment is through the installation EO office. Military members are encouraged to file a formal complaint with their installation EO office but may report a formal complaint of sexual harassment directly to a commander or the on-duty SF personnel. Regardless of the reporting avenue used, military members are encouraged to promptly file formal complaints as early as possible to help ensure better and timely access to witnesses, bystanders, and other pertinent information regarding the incident.

4.15.4. *Preserving Restricted (Confidential) Reporting Option for Sexual Harassment*.

4.15.4.1. Installation EO directors and EO practitioners will implement procedures outlined in paragraphs [4.18.8](#) through [4.18.8.3](#) and throughout this publication when engaging military members seeking assistance from the installation EO office to prevent the military member from unintentionally disclosing information about sexual harassment to preserve his or her ability to file a restricted report with the SAPR office. **(T-1)**

4.15.4.2. When commanders or the on-duty SF personnel are made aware of potential sexual harassment, they will not inquire for additional details to preserve that military member's ability to file a restricted (confidential) report with the SAPR office. **(T-0)**

4.15.4.2.1. Commanders and the on-duty SF personnel will instead advise the military member of his or her eligibility to receive victim advocacy services for sexual harassment through the SAPR office and that they can facilitate an in-person, virtual, or telephonic referral to SAPR prior to the military member further disclosing a sexual harassment allegation. **(T-0)**

4.15.4.2.2. Commanders and the on-duty SF personnel will also advise the military member that sexual harassment victim advocacy services through the SAPR office do not replace the MEO informal and formal complaint processes and that they can facilitate an in-person, virtual, or telephonic referral to the EO office for additional information. **(T-0)**

4.15.4.2.3. Commanders and the on-duty SF personnel will advise the military member that formal complaints of sexual harassment are investigated by independent

investigators or the on-duty SF personnel when an independent investigator is not available, pursuant to the procedures in 10 USC § 1561. **(T-0)**

4.15.5. *Formal Complaint Reporting Procedures.*

4.15.5.1. *Formal Complaint of Sexual Harassment Initiated Directly with the EO Office.*

If a military member elects to file a formal complaint of sexual harassment with the installation EO office, installation EO directors and EO practitioners will advise the military member that he or she must refer that formal complaint to independent investigators for independent investigation pursuant to the procedures in 10 USC § 1561.

(T-0) Installation EO directors and EO practitioners will refer the formal complaint to AF/A4S Sexual Harassment Investigations Division and that the installation EO office can facilitate an in-person, virtual, or telephonic referral/warm hand-off to AF/A4S Sexual Harassment Investigations Division who are responsible for assigning an independent investigator. **(T-0)** Installation EO directors and EO practitioners will not conduct clarifications. **(T-0)**

4.15.5.1.1. When a formal complaint of sexual harassment is initiated with the installation EO office, installation EO directors and EO practitioners will ensure the MEO Complaint Intake template and DAF Form 1587 is completed, signed, and documented in the AF EONet. **(T-1)** Installation EO directors and EO practitioners will document the formal complaint in the AF EONet as a DAF Form 1587 referral complaint. **(T-1)** Installation EO directors and EO practitioners will not request any specific allegation information for the MEO Complaint Intake template or DAF Form 1587 referral complaint. **(T-1)** Independent investigators, in consultation with the SJA, will frame the complaint allegations. **(T-1)**

4.15.5.1.2. Installation EO directors and EO practitioners will notify military complainant's commander and the alleged offender's commander of the formal complaint within 24 hours of receipt of the formal complaint. **(T-0)**

4.15.5.1.2.1. Installation EO directors and EO practitioners will inform the alleged offender's commander of the requirement for him or her to provide the GCMCA, through the installation commander, an initial notification of the formal complaint within 72 hours of receipt of the complaint. **(T-0)** The commander will courtesy copy the installation EO office, independent investigator, and SJA on all GCMCA notifications. **(T-1)**

4.15.5.1.2.2. Installation EO directors and EO practitioners will inform the alleged offender's commander of the requirement to make every effort to protect the identity of the military complainant and that it is the alleged offender's commander's responsibility to inform the alleged offender that he or she is the subject of a formal complaint. **(T-0)** The alleged offender's commander may delay this notification to the alleged offender(s) for the protection and safety of any complainant(s), and/or to ensure access to potential witnesses or evidence is not impacted by the notification to the alleged offender.

4.15.5.1.2.3. Installation EO directors and EO practitioners will inform the military complainant's commander to advise the military complainant of the commencement of the investigation within 72 hours of receipt of the complaint and

provide information to the complainant about the investigation process. **(T-0)**

4.15.5.1.2.4. Installation EO directors and EO practitioners will inform the military complainant's commander and the alleged offender's commander of the following notification and information requirements:

4.15.5.1.2.4.1. Notify the military complainant whether the allegations were substantiated or not substantiated at the conclusion of the independent investigation. **(T-0)**

4.15.5.1.2.4.2. For all formal substantiated complaints of sexual harassment, notify the military complainant of the referral of the complaint to the OSTC for a review of the complaint and the decision from the OSTC on whether to prefer charges and commence court-martial proceedings or if the complaint will be deferred to the alleged offender's commander for disposition. **(T-1)**

4.15.5.1.2.4.3. Provide information to the complainant regarding the definition of retaliation, their rights related to retaliation, and the procedures for filing a complaint of retaliation. **(T-0)**

4.15.5.1.2.4.4. Notify the installation EO office that these notifications were completed for complaint tracking purposes. **(T-1)**

4.15.5.1.2.5. Installation EO directors and EO practitioners will courtesy copy SJA and independent investigator on command notifications for complaint tracking purposes. **(T-1)**

4.15.5.1.3. Installation EO directors and EO practitioners will refer the formal complaint to independent investigators within 72 hours of receiving the formal complaint in order for independent investigators to initiate the independent investigation. **(T-0)** This includes providing a signed copy of the DAF Form 1587 referral complaint and the MEO Complaint Intake template to independent investigators at the time of referral through the AF/A4S Intake Tool at <https://forms.osi.apps.mil/r/htxtEKBXRb>. **(T-1)** The copy of a signed DAF Form 1587 to independent investigators will include at minimum the following information:

4.15.5.1.3.1. Complainant Information Section - (name, grade, sex, ethnicity, race, service, unit/office symbol, air force specialty code (AFSC) or space force specialty code (SFSC), contact phone, email, DoD ID, commander name/grade/unit/contact phone/email). **(T-1)**

4.15.5.1.3.2. Alleged Offender Information Section - (name, grade, sex, ethnicity, race, service, unit/office symbol, AFSC or SFSC, contact phone, email, DoD ID, commander name/grade/unit/contact phone/email). **(T-1)**

4.15.5.1.3.3. Discriminatory Harassment/Harassment Type Section – select sexual harassment. **(T-1)**

4.15.5.1.3.4. Communication Type Selection – select at minimum one category under Row A (e.g., verbal, nonverbal, physical, psychological) and Row B (written, in person, social media, e-communications, other forms of communication). **(T-1)**

4.15.5.1.3.5. Associated Behaviors Section – select associated behaviors of the

sexual harassment allegation(s) (e.g., offensive jokes, offensive objects/imagery, intimidating acts, derogatory/provoking remarks, coercion, other). (T-1)

4.15.5.1.3.6. Specific Allegations Section – Document the following language “EO has received a formal complaint of sexual harassment and is referring it to the independent investigators for an independent investigation pursuant to the procedures in 10 USC § 1561. The independent investigator will provide the installation EO office with additional information and updates as the investigation progresses and concludes to include providing the specific allegations of sexual harassment investigated.” (T-1) The independent investigator, in consultation with the SJA, will frame the complaint allegations. (T-1)

4.15.5.1.3.7. AF EONet case file number. (T-1)

4.15.5.1.3.8. Whether the EO office facilitated an in-person, virtual, telephonic referral between the military complainant and SAPR office for victim advocacy. (T-1)

4.15.5.1.4. Installation EO directors and EO practitioners will enter the date the complaint was referred to AF/A4S Sexual Harassment Investigations Division in the AF EONet. (T-1)

4.15.5.1.5. Installation EO directors and EO practitioners will ensure all updates, to include GCMCA notifications, command disposition, and command actions taken, provided by the independent investigators, commanders, SJA, and other relevant individuals or offices (e.g., AFOSI) are entered into the AF EONet for complaint tracking purposes within three duty days after receipt. (T-1)

4.15.5.1.6. Installation EO directors and EO practitioners will ask the following to the military complainant and document the response on the DAF Form 1587referral complaint.

4.15.5.1.6.1. Whether the military complainant was informed by the EO office about victim advocacy services provided by the SAPR office for sexual harassment. (T-1)

4.15.5.1.6.2. Whether the EO office provided the military complainant written or electronic copy of the SAPR office information. (T-1)

4.15.5.1.6.3. Whether the military complainant accepted or declined an installation EO office facilitated in-person, virtual, telephonic non-EO contact referral to the SAPR office. (T-1)

4.15.5.1.6.4. If a non-EO contact referral to SAPR office was conducted, how it was conducted (in-person, virtual, telephonic), the SARC or SAPR VA name who received the non-EO contact referral, and the date the non-EO contact referral was conducted. (T-1)

4.15.5.1.7. For operational guidance and additional resources, installation EO directors and EO practitioners should refer to the AFPC EO Operations SharePoint at <https://usaf.dps.mil/teams/14101/SitePages/Home.aspx> and/or contact your respective MAJCOM/FLDCOM EO functional manager or AFPC EO Operations.

4.15.5.2. *Formal Complaint of Sexual Harassment Initiated Directly with a Commander Pursuant to the Procedures in 10 USC § 1561.* If a military member directly reports a formal complaint of sexual harassment with a commander, the commander will advise the military complainant that he or she must refer the formal complaint to an independent investigator for independent investigation. **(T-0)**

4.15.5.2.1. If the complainant and alleged offender are in the same chain of command, the commander will immediately refer the formal complaint pursuant to the procedures in 10 USC § 1561 to an independent investigator within 72 hours of receiving the formal complaint, after consultation with SJA, to initiate the independent investigation process. **(T-0)** The commander will need to provide the independent investigator with sufficient information (e.g., complainant(s) name, alleged offender(s) name, personnel involved, date(s) incident occurred, unit of assignment, detailed allegations, etc.) through the AF/A4S Intake Tool at <https://forms.osi.apps.mil/r/htxtEKBXRb>. **(T-1)** The independent investigator will work with the military member to complete and sign DAF Form 1587 to initiate the formal complaint process outlined in [paragraph 4.15.5.2.7](#). The commander will immediately notify the installation EO office, and SJA of the referral to the independent investigator for complaint tracking purposes. **(T-1)**

4.15.5.2.2. If the complainant and alleged offender are in two separate chains of command, the complainant's commander will immediately forward the complaint to the alleged offender's commander. **(T-0)** The alleged offender's commander will refer the formal complaint pursuant to the procedures in 10 USC § 1561 to an independent investigator within 72 hours of receiving the formal complaint, after consultation with SJA, to initiate the independent investigation process. **(T-0)** The alleged offender's commander will need to provide the independent investigator with sufficient information (e.g., complainant(s) name, alleged offender(s) name, personnel involved, date(s) incident occurred, unit of assignment, detailed allegations, etc.) through the AF/A4S Intake Tool at <https://forms.osi.apps.mil/r/htxtEKBXRb>. **(T-1)** The independent investigator will work with the military member to complete and sign DAF Form 1587 to initiate the formal complaint process outlined in [paragraph 4.15.5.2.7](#). The alleged offender's commander will immediately notify the installation EO office, SJA, and the complainant's commander of the referral to the independent investigator for complaint tracking purposes. **(T-1)** In such cases, the alleged offender's commander will keep the complainant's commander informed of the status of the investigation by providing timely updates through final disposition of the complaint. **(T-0)**

4.15.5.2.3. Pursuant to the procedures in 10 USC § 1561, the alleged offender's commander, through the installation commander, will ensure all GCMCA notifications are completed. **(T-0)** This includes providing the GCMCA with an initial notification of the formal complaint within 72 hours of receipt of the complaint. **(T-0)** The commander will courtesy copy the installation EO office, independent investigator, and SJA on all GCMCA notifications. **(T-1)**

4.15.5.2.4. The alleged offender's commander will notify the alleged offender that he or she is the subject of a formal complaint and that an independent investigation will occur. **(T-0)** The alleged offender's commander may delay this notification to the alleged offender(s) for the protection and safety of any complainant(s) and/or to ensure access to potential witnesses or evidence is not impacted by the notification to the

alleged offender. The alleged offender's commander will make every effort to protect the identity of the military complainant. **(T-1)**

4.15.5.2.5. The military complainant's commander will advise the military complainant of the commencement of the investigation within 72 hours of receipt of the complaint and provide information to the complainant about the investigation process. **(T-0)**

4.15.5.2.6. When the independent investigator receives the formal complaint referral from the commander, the independent investigator will implement reporting procedures outlined in paragraphs 4.15.5.2.7 through 4.15.5.2.10 and investigative procedures outlined in DAFMAN 31-103 Volume 2, *Investigations Program*, DAFI 71-101 Volume 1, *Criminal Investigations Program*, and applicable AF/A4S GENADMINs. **(T-1)**

4.15.5.2.7. Independent investigators will initiate an independent investigation, after consultation with the SJA. **(T-0)** Independent investigators will courtesy copy the SJA and installation EO office on command notifications for complaint tracking purposes. **(T-1)** The independent investigator will provide to the installation EO office the minimum following information when the formal complaint is initiated to enter into the AF EONet:

4.15.5.2.7.1. Complainant Information Section - (name, grade, sex, ethnicity, race, service, unit/office symbol, contact phone, email, DoD ID, commander name/grade/unit/contact phone/email). **(T-1)**

4.15.5.2.7.2. Alleged Offender Information Section - (name, grade, sex, ethnicity, race, service, unit/office symbol, AFSC or SFSC, contact phone, email, DoD ID, commander name/grade/unit/contact phone/email). **(T-1)**

4.15.5.2.7.3. Discriminatory Harassment/Harassment Type Section – select sexual harassment. **(T-1)**

4.15.5.2.7.4. Communication Type Selection – select at minimum one category under Row A (e.g., verbal, nonverbal, physical, psychological) and Row B (written, in person, social media, e-communications, other forms of communication). **(T-1)**

4.15.5.2.7.5. Associated Behaviors Section – select associated behaviors of the sexual harassment allegation(s) (e.g., offensive jokes, offensive objects/imagery, intimidating acts, derogatory/provoking remarks, coercion, other). **(T-1)**

4.15.5.2.7.6. Specific Allegations Section – The independent investigator will document the following language “The commander has received a formal complaint of sexual harassment and has initiated the independent investigation process pursuant to the procedures in 10 USC § 1561. The independent investigator will provide the installation EO office with additional information and updates as the investigation progresses and concludes to include providing the specific allegations of sexual harassment investigated.” **(T-1)** The independent investigator, in consultation with the SJA, will frame the complaint allegations. **(T-1)**

4.15.5.2.7.7. The independent investigation case file number and name of the independent investigator as a reference once identified. **(T-1)**

4.15.5.2.7.8. Whether the commander facilitated an in-person, virtual, telephonic referral between the military complainant and SAPR office for victim advocacy. **(T-1)**

4.15.5.2.8. When installation EO offices receive a copy of the signed DAF 1587 from the independent investigator, installation EO directors and EO practitioners will enter the information into the AF EONet as a DAF Form 1587 referral complaint within three duty days of receipt and will provide the independent investigator with the case file number. **(T-1)** Installation EO directors and EO practitioners will ensure all updates, to include GCMCA notifications, command disposition, and command actions taken, provided by the independent investigator, commanders, SJA, and other relevant individuals or offices (e.g., AFOSI) are entered into the AF EONet for complaint tracking purposes within three duty days after receipt. **(T-1)**

4.15.5.2.9. Independent investigators, commanders, SJA, and other relevant individuals or offices (e.g., AFOSI) will provide installation EO offices timely updates on the progression and conclusion of the independent investigation for entry into the AF EONet for tracking purposes to meet statutory sexual harassment reporting requirements. **(T-1)**

4.15.5.2.10. If the alleged offender is a military member, at any time, the independent investigator may, in consultation with the servicing SJA, determine that the complaint meets the threshold of an allegation or offense, necessitating referral to AFOSI. However, in accordance with DoDI 5505.03, *Initiation of Investigations by Defense Criminal Investigative Organizations*, AFOSI, in consultation with the servicing SJA may determine the complaint does not warrant investigation by AFOSI, and in those instances the complaint will be returned to independent investigators to continue the independent investigation. **(T-0)** AFOSI will notify the commander, the servicing legal office, independent investigator, and the installation EO office of their acceptance or non-acceptance of the referral. **(T-1)** Installation EO directors and EO practitioners will document the referral to AFOSI and referral decision on DAF Form 1587 referral complaint in the AF EONet. **(T-1)** Complaints returned to the independent investigator does not imply an absence of criminality rather, appropriateness of investigative organization.

4.15.5.2.11. If the alleged offender is a DAF civilian employee, the independent investigator pursuant to procedures in 10 USC § 1561 will utilize the definition of sexual harassment found in DoDI 1020.03. **(T-1)**

4.15.5.2.11.1. If the alleged offender is a DAF civilian employee and is subject to the UCMJ (i.e., when deployed in support of a contingency operation), at any time, the independent investigator may, in consultation with the servicing SJA, determine that the complaint meets the threshold of an allegation or offense necessitating referral to AFOSI. **(T-1)** However, in accordance with DoDI 5505.03, AFOSI, in consultation with the servicing SJA, may determine the complaint does not warrant investigation by AFOSI, and in those instances the complaint will be returned to independent investigators to continue the independent investigation.

4.15.5.2.11.2. If the alleged offender is a DAF civilian employee, at any time, the independent investigator may, in consultation with the servicing SJA, determine

the complaint also includes a potential criminal offense under civilian jurisdiction (e.g., criminal battery, etc.). The independent investigator, in consultation with the SJA, will determine whether to continue the independent investigators independent investigation or whether the complaint should be referred to local civilian authorities for consideration due to limited jurisdiction over DAF civilian employee. **(T-1)**

4.15.5.3. *Formal Complaint of Sexual Harassment Pursuant to the Procedures in 10 USC § 1561 Initiated Directly with Security Forces.* If a military member directly reports a formal complaint of sexual harassment to the on-duty SF personnel, the on-duty SF personnel will work with the military member to complete and sign DAF Form 1587 to initiate the formal complaint independent investigation process. **(T-1)** The on-duty SF personnel will refer the formal complaint to independent investigators through the AF/A4S Intake Tool at <https://forms.osi.apps.mil/r/htxtEKBXRb> for independent investigation and notify the installation EO office of the referral for complaint tracking purposes. **(T-1)**

4.15.5.3.1. The independent investigator will initiate an independent investigation pursuant to the procedures in 10 USC § 1561. **(T-0)** The independent investigator will immediately notify the military complainant's commander and the alleged offender's commander of the formal complaint in order for the alleged offender's commander to provide the GCMCA an initial notification of the formal complaint within 72 hours of receipt of the complaint. **(T-0)** The military complainant's commander will also advise the military complainant of the commencement of the investigation within 72 hours of receipt of the complaint and provide information to the complainant about the investigation process. **(T-0)** The independent investigator will courtesy copy the SJA and installation EO office on command notifications for complaint tracking purposes. **(T-1)**

4.15.5.3.2. The on-duty SF personnel will provide to the installation EO office the minimum following information on the DAF Form 1587 when the formal complaint is initiated to enter into the AF EONet:

4.15.5.3.2.1. Complainant Information Section - (name, grade, sex, ethnicity, race, service, unit/office symbol, AFSC or SFSC, contact phone, email, DoD ID, commander name/grade/unit/contact phone/email). **(T-1)**

4.15.5.3.2.2. Alleged Offender Information Section - (name, grade, sex, ethnicity, race, service, unit/office symbol, AFSC or SFSC, contact phone, email, DoD ID, commander name/grade/unit/contact phone/email). **(T-1)**

4.15.5.3.2.3. Discriminatory Harassment/Harassment Type Section – select sexual harassment. **(T-1)**

4.15.5.3.2.4. Communication Type Selection – select at minimum one category under Row A (e.g., verbal, nonverbal, physical, psychological) and Row B (written, in person, social media, e-communications, other forms of communication). **(T-1)**

4.15.5.3.2.5. Associated Behaviors Section – select associated behaviors of the sexual harassment allegation(s) (e.g., offensive jokes, offensive objects/imagery, intimidating acts, derogatory/provoking remarks, coercion, other). **(T-1)**

4.15.5.3.2.6. Specific Allegations Section – The on-duty SF personnel will document the following language “SF has received a formal complaint of sexual harassment and has initiated the independent investigation process pursuant to the procedures in 10 USC § 1561. The independent investigator will provide the installation EO office with additional information and updates as the investigation progresses and concludes to include providing the specific allegations of sexual harassment investigated.” (T-1) The independent investigator, in consultation with the SJA, will frame the complaint allegations. (T-1)

4.15.5.3.2.7. The independent investigation case file number and name of the independent investigator as a reference once identified. (T-1)

4.15.5.3.2.8. Whether the on-duty SF personnel facilitated an in-person, virtual, telephonic referral between the military complainant and SAPR office for victim advocacy. (T-1)

4.15.5.3.2.9. Name and contact information of the on-duty SF personnel receiving the formal complaint. (T-1)

4.15.5.3.3. When installation EO offices receive a copy of the signed DAF 1587 from the on-duty SF personnel, installation EO directors and EO practitioners will enter the information into the AF EONet as a DAF Form 1587 referral complaint within three duty days of receipt and will provide the independent investigator with the case file number. (T-1) Installation EO directors and EO practitioners will ensure all updates, to include GCMCA notifications, command disposition, and command actions taken, provided by the on-duty SF personnel, the independent investigator, commanders, SJA, and other relevant individuals or offices (e.g., AFOSI) are entered into the AF EONet for complaint tracking purposes within three duty days after receipt. (T-1)

4.15.5.3.4. Independent investigators, commanders, SJA, and other relevant individuals or offices (e.g., AFOSI) will provide installation EO offices timely updates on the progression and conclusion of the independent investigation for entry into the AF EONet for tracking purposes to meet statutory sexual harassment reporting requirements. (T-1)

4.15.5.3.5. Independent investigators will implement investigative procedures outlined in DAFMAN 31-103 Volume 2, DAFI 71-101 Volume 1, and applicable AF/A4S GENADMINs. (T-1)

4.15.5.3.5.1. If the alleged offender is a military member, at any time, the independent investigator may, in consultation with the servicing SJA, determine that the complaint meets the threshold of an allegation or offense, necessitating referral to AFOSI. However, in accordance with DoDI 5505.03, *Initiation of Investigations by Defense Criminal Investigative Organizations*, AFOSI, in consultation with the servicing SJA may determine the complaint does not warrant investigation by AFOSI, and in those instances the complaint will be returned to independent investigators to continue the independent investigation. (T-0) AFOSI will notify the commander, the servicing legal office, independent investigator, and the installation EO office of their acceptance or non-acceptance of the referral. (T-1) Installation EO directors and EO practitioners will document the referral to

AFOSI and referral decision on DAF Form 1587 in the AF EONet. **(T-1)** Complaints returned to the independent investigator does not imply an absence of criminality rather, appropriateness of investigative organization.

4.15.5.3.5.2. If the alleged offender is a DAF civilian employee, the independent investigator pursuant to procedures in 10 USC § 1561 will utilize the definition of sexual harassment found in DoDI 1020.03. **(T-1)**

4.15.5.3.5.2.1. If the alleged offender is a DAF civilian employee and is subject to the UCMJ (i.e., when deployed in support of a contingency operation), at any time, the independent investigator may, in consultation with the servicing SJA, determine that the complaint meets the threshold of an allegation or offense necessitating referral to AFOSI. **(T-1)** However, in accordance with DoDI 5505.03, AFOSI, in consultation with the servicing SJA, may determine the complaint does not warrant investigation by AFOSI, and in those instances the complaint will be returned to independent investigators to continue the independent investigation.

4.15.5.3.5.2.2. If the alleged offender is a DAF civilian employee and is subject to the UCMJ (i.e., when deployed in support of a contingency operation), at any time, the independent investigator may, in consultation with the servicing SJA, determine that the complaint meets the threshold of an allegation or offense necessitating referral to AFOSI. **(T-1)** However, in accordance with DoDI 5505.03, AFOSI, in consultation with the servicing SJA, may determine the complaint does not warrant investigation by AFOSI, and in those instances the complaint will be returned to independent investigators to continue the independent investigation.

4.15.5.4. *Conversion of a Sexual Harassment Restricted (Confidential) Report to Unrestricted Report.* When a military member requests to convert a sexual harassment restricted (confidential) report to an unrestricted report, the SARC and SAPR VA will notify and conduct an in-person, virtual, or telephonic referral with the installation EO office and the military member's commander as outlined in DAFI 90-6001. **(T-1)**

4.15.5.4.1. If the military member elects a formal complaint of sexual harassment with the EO office after converting to an unrestricted report, installation EO directors and EO practitioners will advise the military member that he or she must refer that formal complaint to independent investigators for independent investigation. **(T-0)** Installation EO directors and EO practitioners will refer the formal complaint to independent investigators and facilitate an in-person, virtual, or telephonic referral/warm hand-off between the military complainant and independent investigators. **(T-0)**

4.15.5.4.1.1. Installation EO directors and EO practitioners will implement procedures outlined in paragraphs 4.19.2 through 4.19.2.5 and in accordance with this publication concerning sexual harassment referrals from the SAPR office. **(T-1)**

4.15.5.4.1.2. Installation EO directors and EO practitioners will implement procedures outlined in paragraph 4.15.5.1 through 4.15.5.1.7.

- 4.15.5.4.2. If a military member directly reports a formal complaint of sexual harassment with a commander after converting to an unrestricted report, commanders will follow procedures outlined in paragraphs 4.15.5.2 through 4.15.5.2.5.
- 4.15.5.4.3. If a military member directly reports a formal complaint of sexual harassment to the on-duty SF personnel after converting to an unrestricted report, the on-duty SF personnel will follow procedures outlined in paragraphs 4.15.5.3 through 4.15.5.3.3.
- 4.15.6. *Commencement of Investigation.* The alleged offender's commander, through the installation commander, to the extent practicable, will ensure that within 72 hours after receipt of the formal complaint, the GCMCA is provided an initial notification that includes a detailed description of the sexual harassment allegations that includes at minimum (a) names of the military complainant and alleged offender, (b) names of the independent investigators conducting the investigation, and (c) if available, the projected or final completion date of the investigation. **(T-0)** The alleged offender's commander will courtesy copy the installation EO office, independent investigator, and SJA on the initial notification to the GCMCA for complaint tracking purposes. **(T-1)**
- 4.15.6.1. The military complainant's commander, to the extent practicable, will notify military complainant of the commencement of the investigation within 72 hours after receipt of the formal complaint. **(T-0)** This includes providing the military complainant information about the investigation process, victim support resources available (i.e., SAPR victim advocacy support for sexual harassment), and any appeal rights. **(T-0)** The military complainant's commander will notify the installation EO office, SJA, and independent investigator that this was completed for complaint tracking purposes. **(T-1)**
- 4.15.6.2. The alleged offender's commander will notify the alleged offenders in his or her unit that they are the subject of a formal complaint. **(T-0)** The alleged offender's commander may delay this notification to the alleged offender for the protection and safety of any complainant(s) and/or ensure access to potential witnesses or evidence is not impacted by the notification to the alleged offender. **(T-1)**
- 4.15.6.2.1. The alleged offender's commander will advise the alleged offender not to discuss the case with others during the formal complaint process and caution the alleged offender to refrain from any form of reprisal or retaliation. **(T-1)**
- 4.15.6.2.2. The alleged offender's commander will notify the installation EO office, SJA, and independent investigator that these notifications were completed for complaint tracking purposes. **(T-1)**
- 4.15.6.3. The military complainant's commander will conduct frequent follow ups with military complainants during the formal complaint process to provide them with progress updates and conduct wellness checks. **(T-1)** This includes providing military complainants with information about available on- and off- installation support resources and facilitate warm hand-offs/referrals as requested or warranted. **(T-0)** The military complainant's commander will notify the installation EO office that these notifications were completed for complaint tracking purposes. **(T-1)**
- 4.15.6.4. The alleged offender's commander will conduct frequent follow ups with the alleged offenders during the formal complaint process to conduct wellness checks. **(T-1)**

This includes providing alleged offenders with information about available on- and off-installation support resources and facilitate warm hand-offs/referrals as requested or warranted. **(T-0)** The alleged offender's commander will notify the installation EO office that these notifications were completed for complaint tracking purposes. **(T-1)**

4.15.6.5. If the complainant and the alleged offender are in two separate chains of command, the alleged offender's commander will keep the complainant's commander informed of the status of the investigation by providing timely updates through final disposition of the complaint. **(T-0)**

4.15.7. *Investigation Timelines.* Independent investigators, to the extent practicable, will ensure that independent investigations for formal complaints of sexual harassment are completed no later than 14 calendar days after the date on which the investigation is initiated pursuant to the procedures in 10 USC § 1561. **(T-0)**

4.15.7.1. Independent investigators will provide the alleged offender's commander with progress updates every 12 calendar days to support updates to the GCMCA until the investigation is completed. **(T-1)** Independent investigators will courtesy copy the installation EO office and SJA for complaint tracking purposes. **(T-1)**

4.15.7.2. If the investigation is not completed within the 14 calendar days, independent investigators will notify the alleged offender's commander who will then, through the installation commander, notify the GCMCA on the progress made in completing the investigation within 20 calendar days after the investigation was initiated and every 14 calendar days thereafter until the investigation is completed. **(T-0)** The alleged offender's commander will courtesy copy the installation EO office, independent investigator, and SJA on all GCMCA notifications for complaint tracking purposes. **(T-1)**

4.15.8. *Report of Investigation and Legal Sufficiency Reviews.* Upon completing an investigation, independent investigators will submit a report of investigation (ROI) to the servicing SJA for a legal sufficiency review prior to submitting the ROI to the alleged offender's commander and first O-6 or in cases where the accused military member or DAF civilian employee does not have an O-6 in the chain of command, then the first civilian equivalent, in the alleged offender's chain of command. **(T-0)** Independent investigators and SJA will notify the installation EO office that a ROI was issued and that a legal sufficiency review was conducted for complaint tracking purposes. **(T-1)**

4.15.9. *Command Disposition.* The first O-6, or in cases where the accused military member or DAF civilian employee does not have an O-6 in the chain of command, then the first civilian equivalent in the alleged offender's chain of command, in consultation with the SJA, will make a substantiation determination (i.e., substantiated or not substantiated). **(T-1)** A substantiation determination must be made for each individual allegation or alleged offense made in the formal complaint. The standard applicable to each individual substantiation determination shall be whether the allegation is established by a preponderance of the evidence. An alleged offense in a formal complaint of sexual harassment against a military member that is substantiated is a covered offense under 10 USC § 801(17) and under the exclusive authority of the OSTC. Accordingly, the first O-6, or in cases where the accused military member does not have an O-6 in the chain of command, then the first civilian equivalent in the alleged offender's chain of command, will refer all formal substantiated complaints of sexual harassment to the OSTC within 24 hours of the substantiation. **(T-0)** The referral may be made

through the servicing legal office. Upon the review of the complaint and investigation, the OSTC will decide whether to prefer charges and to a special or general court-martial or defer the complaint to the alleged offender's commander for disposition. **(T-0)** The first O-6, or in cases where the accused military member or DAF civilian employee does not have an O-6 in the chain of command, then the first civilian equivalent in the alleged offender's chain of command will notify the installation EO office and SJA of the command substantiation determination (i.e., substantiated or not substantiated) within five calendar days and, where applicable, when the substantiated complaint was referred to OSTC. **(T-1)** The alleged offender's immediate commander, or the commander making the disposition determination, will notify the installation EO office of any corrective, administrative, and/or disciplinary actions taken for complaint tracking purposes within five calendar days, with the first O-6, or in cases where the accused military member or DAF civilian employee does not have an O-6 in the chain of command, then the first civilian equivalent in the alleged offender's chain of command courtesy copied. **(T-1)** Installation EO directors and EO practitioners will document all actions under paragraph 4.15.9 through 4.15.9.7. on DAF Form 1587. **(T-1)** For DAF civilian employee alleged offenders, refer to paragraphs 3.14.2.10.3 through 3.14.2.10.5 for additional guidance.

4.15.9.1. For all formal substantiated complaints of sexual harassment referred to the OSTC, the first O-6, or in cases where the accused military member does not have an O-6 in the chain of command, then the first civilian equivalent, in the alleged offender's chain of command will, in coordination with the servicing SJA, notify the installation EO office and independent investigator of the OSTC determination to prefer charges to a special or general court martial, or if the complaint was deferred to the alleged offender's commander within five calendar days for complaint tracking purposes. **(T-1)** Installation EO directors and EO practitioners will document the OSTC decision to prefer charges and commence court-martial proceedings or the deferral of the complaint to the alleged offender's commander for disposition on the DAF Form 1587. **(T-1)**

4.15.9.2. To the extent practicable, the first O-6 in the alleged offender's chain of command will continue interim notifications to the GCMCA until final action is completed. The first O-6 in the alleged offender's chain of command, through the installation commander, will submit a final GCMCA report/notification on the results and any actions taken as a result of the independent investigation or, where applicable, after any court-martial proceeding based on OSTC preferral of charges within 20 calendar days after the initial independent investigation was initiated. **(T-0)** The first O-6 in the alleged offender's chain of command will courtesy copy the installation EO office, independent investigator, and SJA on all GCMCA notifications for complaint tracking purposes. **(T-1)**

4.15.9.2.1. For all formal substantiated complaints of sexual harassment that are referred by the OSTC to a court-martial proceeding, the first O-6 in the alleged offender's chain of command will continue to notify the GCMCA on the progress made every 14 calendar days until final action is complete after the conclusion of the court martial. **(T-0)** The first O-6 in the alleged offender's chain of command will notate this on the final GCMCA report/notification with the rationale for exceeding 10 USC § 1561 timelines due to the implementation of 10 USC § 824a, *Art. 24a. Special trial counsel*, giving OSTC exclusive authority over formal substantiated complaints of sexual harassment as a covered offense under 10 USC § 801(17). **(T-0)** The first O-6

in the alleged offender's chain of command will courtesy copy the installation EO office, independent investigator, and SJA on all GCMCA notifications for complaint tracking purposes. **(T-1)**

4.15.9.3. The final GCMCA report/notification will only include the results and any actions taken as a result of the independent investigation or, where applicable, any court-martial proceedings based on OSTC referral of charges. Corrective, administrative, and/or disciplinary actions, and, where applicable, any court-martial proceeding outcomes based on OSTC referral of charges will be included in the GCMCA final report/notification for substantiated cases. The final GCMCA report/notification will not include full ROIs.

4.15.9.4. The military complainant's commander or the alleged offender's commander will notify the military complainant whether the allegations were substantiated or not substantiated at the conclusion of the independent investigation. **(T-0)** For all formal substantiated complaints of sexual harassment, the military complainant's commander or the alleged offender's commander will notify the military complainant of the referral of the complaint to the OSTC for a review of the complaint and the decision from the OSTC on whether to prefer charges and commence court-martial proceedings or if the complaint will be deferred to the alleged offender's commander for disposition. **(T-1)** The military complainant's commander or the alleged offender's commander will provide information to the complainant regarding the definition of retaliation, their rights related to retaliation, and the procedures for filing a complaint of retaliation. **(T-0)** The military complainant's commander or the alleged offender's commander will notify the installation EO office that these notifications were completed for complaint tracking purposes. **(T-1)**

4.15.9.5. The alleged offender's commander will notify the alleged offender of the results of the substantiation determination (i.e., substantiated or not substantiated). **(T-0)** For all formal substantiated complaints of sexual harassment, the alleged offender's commander will notify the alleged offender of the referral of the complaint to the OSTC for a review of the complaint and the decision from the OSTC on whether to prefer charges and commence court-martial proceedings or if the complaint will be deferred to the alleged offender's commander for disposition. **(T-1)** The alleged offender's commander may delay this notification to the alleged offender(s) for the protection and safety of any complainant(s). The alleged offender's commander will notify the installation EO office that these notifications were completed for complaint tracking purposes. **(T-1)** For DAF civilian employee alleged offenders, refer to paragraphs [3.14.2.10.3](#) through [3.14.2.10.5](#) for additional guidance.

4.15.9.6. The offender's commander will take appropriate corrective, administrative, and/or disciplinary action when a complaint is substantiated only after the OSTC has deferred a complaint to the offender's commander for disposition. **(T-0)** The offender's commander is encouraged to consult with the SJA and OSTC as needed before taking action. The offender's commander will provide the installation EO office and the independent investigator with a description of any corrective, administrative, and/or disciplinary actions taken against offenders for both substantiated and not substantiated formal complaints to ensure pertinent information is documented into the AF EONet. **(T-1)** For DAF civilian employee alleged offenders, refer to paragraphs [3.14.2.10.3](#) through [3.14.2.10.5](#) for additional guidance.

4.15.9.7. Commanders, in consultation with SJA, will initiate involuntary separation for a substantiated qualifying complaint of sexual harassment consistent with DoDI 1020.03 and DAFI 36-3211, *Military Separations*, only after OSTC has deferred a complaint to the alleged offender's commander for disposition or the military member is convicted of a sexual harassment covered offense at a court-martial but not sentenced to a punitive discharge. **(T-0)** Special rules or processing may be required in accordance with DAFI 36-3211, paragraph 3.18.3 for cases taken to court-martial but not resulting in a punitive discharge. Refer to DAFI 36-3211 regarding corrective action of the offender in lieu of administrative separation in appropriate circumstances.

4.15.10. *Appeals.* An administrative finding concerning a formal complaint of sexual harassment pursuant to the procedures in 10 USC § 1561 may be appealed by the military complainant or military offender. Ordinarily, a commander should defer a decision to take or not take corrective, administrative, or disciplinary action for a sexual harassment complaint until the appeal process is completed. The formal MEO complaint appeals process is not applicable to command action rendered under the UCMJ, complaints referred by OSTC, or any administrative process (e.g., military separation) as a result of a formal substantiated complaint of sexual harassment. When circumstances require a commander initiate action under the UCMJ or any administrative process is taken as a result of a substantiated complaint prior to the completion of the appeal process, that action takes precedence over any ongoing contemplated formal MEO complaint appeal. In such circumstances, the applicable UCMJ or administrative appeal processes are the exclusive method of redress.

4.15.10.1. Military complainants who filed a formal complaint of sexual harassment pursuant to the procedures in 10 USC § 1561 may appeal a not substantiated determination within 30 duty days (2 RSDs for AFRC) of receiving notice of formal complaint not substantiation determination. Military complainants will file their appeal through the installation EO office that processed the formal complaint of sexual harassment. This appeal will be processed within the formal MEO appeals process. DAF civilian employee complainants have no right to appeal the result of an independent investigation to procedures in 10 USC § 1561, refer to [paragraph 3.14.2.12.2](#).

4.15.10.2. Formal complaints of sexual harassment against a military member alleged offender in the DAF become a covered offense pursuant to 10 USC § 801(17) upon the substantiation of the allegation(s) by the first O-6, or in cases where the accused military member does not have an O-6 in the chain of command, then the first civilian equivalent, in the alleged offender's chain of command. A military member alleged offender may appeal a substantiation determination in accordance with [paragraph 4.15.10.3](#), but any subsequent appeal action does not remove the allegation's initial designation as a covered offense under 10 USC § 801(17). OSTC actions related to sexual harassment covered offenses are not appealable under the formal MEO complaint appeals process; the applicable UCMJ appeals process is the exclusive method of redress for OSTC actions.

4.15.10.3. Military offenders may appeal substantiated determinations as a result of an independent investigation pursuant to the procedures in 10 USC § 1561 within 30 duty days (2 RSDs for AFRC) of receiving notice of the formal complaint substantiation determination. Military complainants will file their appeal through the installation EO office that processed the formal complaint of sexual harassment. This appeal will be processed within the formal MEO appeals process. **(T-1)**

4.15.10.4. For an alleged civilian offender where an allegation of sexual harassment is substantiated in an independent investigation pursuant to the procedures in 10 USC § 1561 and disciplinary actions are implemented against the alleged civilian offender following the procedures set out in 5 CFR Part 752, he or she may have appeal rights pursuant to 5 USC § 7701 and 5 CFR § 752.405 for any actions that are appealable to the MSPB. An alleged civilian offender, who is a bargaining unit employee and covered by a negotiated grievance procedure under a recognized collective bargaining agreement, may contact his or her bargaining unit and elect to file a grievance. If a matter is covered by 5 CFR § 752.405 and appealable to the MSPB and the negotiated grievance procedure pursuant to a collective bargaining agreement, the alleged civilian offender may elect to file under either, however he or she cannot file under both. **(T-0)**

4.15.10.5. Installation EO directors and EO practitioners, in consultation with SJA, will ensure appeals procedures, processes, and timelines outlined in paragraphs [4.14.15.2](#) through [4.14.15.4.8](#) are implemented where applicable.

4.15.10.6. Installation EO directors and EO practitioners will coordinate with SJA and the independent investigator in gathering pertinent case file documents (e.g., ROI from independent investigator) to submit with the appellant's written requests and supporting documentation, where applicable and appropriate. **(T-1)** However, if any appeal authority remands the matter for further clarification, installation EO directors and EO practitioners will refer the matter to the independent investigator to provide updated case information with the SJA courtesy copied. Independent investigators, in consultation with SJA, will provide any updated case information to the appeal authority through the installation EO office. **(T-1)**

4.15.10.7. Installation EO directors and EO practitioners will document the formal complaint appeals determinations on DAF Form 1587 in the AF EONet. **(T-1)** Installation EO directors and EO practitioners will maintain a copy of the appeals determinations in the appropriate case file. **(T-1)** Installation EO directors and EO practitioners will ensure the appropriate commanders, SJA, and independent investigators are provided updates on the appeals process and determinations. **(T-1)**

4.15.11. *Case Closure.* Installation EO directors and EO practitioners will contact the military complainant within 45 calendar days after completion of the ROI for a final follow-up to ensure reprisal and retaliation has not occurred against them. **(T-0)** If the military complainant alleges reprisal, installation EO directors and EO practitioners will conduct a non-EO contact referral to the inspector general (IG) office for processing in accordance with DAFI 90-301. **(T-0)** If the military complainant alleges retaliation, installation EO directors and EO practitioners will immediately conduct a non-EO contact referral to the military member's commander to take appropriate action in accordance with AFI 36-2909. **(T-1)** Refer to paragraph [4.18.9](#) through [4.18.9.2](#) for additional information and procedures. A formal complaint of sexual harassment is considered closed when the military complainant signs the updated DAF Form 1587 after he or she has been outbriefed by his or her commander on the complaint determination or, where applicable, the outcome of any court-martial proceedings based on OSTC referral of charges; the alleged offender's commander has provided the installation EO director or EO practitioner with actions taken; the final follow-up has been conducted; and the installation EO director has reviewed and signed the DAF Form 1587. **(T-1)** The military complainant's commander will receive the most updated DAF Form 1587 from the installation EO office in

order to have the military complainant sign to acknowledge case closure on the DAF 1587. (T-1)

4.15.11.1. The military complainant's commander will provide the installation EO office the signed DAF Form 1587 for complaint tracking purposes and entry into the AF EONet. (T-1)

4.15.11.2. The installation EO director will review and sign the DAF Form 1587 to close out the complaint only after receiving the signed DAF Form 1587 from the military complainant's commander and documentation of corrective actions taken from the alleged offender's commander (or appropriate authority for alleged civilian offenders). (T-1) Refer to [paragraph 3.14.2.10.9](#) concerning alleged civilian due process and privacy pursuant to 5 CFR Part 752 and the Privacy Act.

4.15.12. Where applicable, follow procedures for processing sexual harassment complaints, including anonymous complaints, occurring in confinement facilities and involving military inmates, in accordance with Section 15601 of Title 42, USC, also known as the "Prison Rape Elimination Act of 2003" (Public Law 108-79).

4.16. Anonymous Complaints. Through anonymous complaints, military members can report allegations of prohibited discrimination, discriminatory harassment (including sexual harassment), and other forms of harassment (bullying and hazing) without disclosing any of their personally identifiable information (PII). Military members who visit the installation EO office cannot choose to remain anonymous. (T-1)

4.16.1. Installation EO directors and EO practitioners will initiate the clarification process for all anonymous complaints alleging of prohibited discrimination, discriminatory harassment (excluding sexual harassment), and other forms of harassment (bullying and hazing) that have sufficient information (e.g., alleged offender(s) name, personnel involved, date(s) incident occurred, unit of assignment, detailed allegations, etc.). (T-0)

4.16.1.1. Commanders will ensure all anonymous complaints with sufficient information (e.g., alleged offender(s) name, personnel involved, date(s) incident occurred, unit of assignment, detailed allegations, etc.) involving allegations of prohibited discrimination, discriminatory harassment (excluding sexual harassment), and other forms of harassment (bullying and hazing) that are reported to the chain of command are referred to the installation EO office to initiate the clarification process. (T-1)

4.16.2. Installation EO directors and EO practitioners will initiate the clarification process using formal complaint clarification procedures outlined in paragraphs [4.14.3](#) through [4.14.4.2](#) and [4.14.6](#) through [4.14.12.5](#) where applicable for anonymous complaints (excluding sexual harassment) with sufficient information. (T-0)

4.16.2.1. Installation EO directors and EO practitioners will ensure sufficient information (e.g., (e.g., alleged offender(s) name, personnel involved, date(s) incident occurred, unit of assignment, detailed allegations, etc.) is provided and that the anonymous source is reliable before initiating the clarification process (excluding sexual harassment). (T-1) Installation EO directors and EO practitioners will document anonymous complaints with sufficient information on DAF Form 1587, to include documenting where or how (e.g., via hotline referral, etc.) the installation EO office received the anonymous complaint. (T-1)

4.16.2.2. If the anonymous complaint identifies an affected person(s) (i.e., person believed to have experienced the allegation(s) being reported), the affected person(s) will not be compelled or directed to participate in the clarification process. **(T-1)** The installation EO director and EO practitioner will provide information about the availability of the MEO complaint process to affected military members and the EEO complaint process and timelines to affected civilian employees. **(T-1)**

4.16.2.3. Regardless of whether an affected person(s) is identified in the anonymous complaint, installation EO directors and EO practitioners will not notify the affected person(s) of the substantiation determination and any actions taken. **(T-1)**

4.16.2.4. The alleged offender's commander will notify the alleged offender of an anonymous complaint against him or her and will provide information about the anonymous complaint process, inform the alleged offender that the installation EO office will be conducting the anonymous complaint clarification (excluding sexual harassment), and provide the contact information for the installation EO director and EO practitioner that will be conducting the complaint clarification. **(T-1)** Commanders may delay this notification to the alleged offender(s) for the protection and safety of any affected person(s) (i.e., person believed to have experienced the allegation(s) being reported) if known, and/or to ensure access to potential witnesses or evidence is not impacted by the notification to the alleged offender. The alleged offender's commander will make every effort to protect the identity of the affected person(s) if known. **(T-1)** For additional alleged offender's commander's responsibilities and procedures, refer to paragraphs 4.14.5 through 4.14.5.9 and throughout this chapter as applicable.

4.16.2.5. An anonymous complaint resulting in a clarification process by the installation EO office is considered closed when the alleged offender's commander has provided the installation EO director or EO practitioner with any actions taken based on a substantiation determination and the installation EO director has reviewed and signed the DAF Form 1587. **(T-1)**

4.16.3. Anonymous complaints of sexual harassment with sufficient information (e.g., alleged offender(s) name, personnel involved, date(s) incident occurred, unit of assignment, detailed allegations, etc.) will be processed as formal complaints and will follow the procedures outlined in [paragraph 4.15](#), including referral to independent investigators for independent investigation pursuant to the procedures in 10 USC § 1561. **(T-0)** Anonymous complaints of sexual harassment will be documented on DAF Form 1587, to include documenting where or how (e.g., via hotline referral, etc.) the installation EO office received the anonymous complaint. **(T-1)** Regardless of whether an affected person(s) is identified in the anonymous complaint of sexual harassment, the affected person(s) will not be notified of the substantiation determination and any actions taken. **(T-1)**

4.16.4. For anonymous complaints (including sexual harassment) with insufficient information on the allegations, installation EO directors and EO practitioners will document the information on DAF Form 1271 as a EO general assist/contact, to include noting that insufficient information was provided to process the complaint. **(T-1)** Anonymous complaints of sexual harassment with insufficient information will not be referred for independent investigation.

4.16.5. For anonymous complaints where allegations are outside the DAF EO Program purview, installation EO directors and EO practitioners will document the information on DAF Form 1271 non-EO assistance. **(T-1)** If sufficient information is provided in the anonymous complaint to determine the best helping agency to handle the matter, installation EO directors and EO practitioners will refer the matter to the appropriate helping agency and document the referral on the DAF Form 1271 as a non-EO assistance. **(T-1)**

4.16.6. There are no appeal rights for military members reporting anonymous complaints. **(T-1)** However, this does not preclude military members from electing to file an informal or formal MEO complaint with the installation EO office. Military offenders with a substantiated determination against them as a result of an installation EO office clarification of an anonymous complaint may appeal those substantiated determinations. However, the formal MEO complaint appeals process is not applicable to command action rendered under the UCMJ or any administrative process as a result of a substantiated complaint. For alleged civilian offenders where an allegation is substantiated in an anonymous complaint and disciplinary actions are implemented against the alleged civilian offender following the procedures set out in 5 CFR Part 752, refer to [paragraph 4.14.15.1.5](#) for additional guidance.

4.17. MEO Complaint Use of Alternative Dispute Resolution (Facilitation Only). While EO practitioners use facilitation skills in the routine processing and resolution of MEO complaints, they may also offer facilitation as a method of ADR for use in informal and formal MEO complaints. Facilitation, a process guided by a third party neutral, encourages effective communication between the involved parties and helps them move toward collaboration and consensus. For informal complaints filed directly with an installation EO office, military complainants may use facilitation to mutually resolve disputes without chain of command involvement. For formal complaints (except sexual harassment), military complainants may use facilitation to resolve concerns at any stage of the complaint process prior to completion of the clarification report.

4.17.1. *Suitability for Alternative Dispute Resolution.* Prior to approving facilitation, the installation EO director (or designee) will consult with the installation SJA office to determine suitability of the complaint for ADR.

4.17.1.1. Facilitation is not authorized for use for formal complaints of sexual harassment which must follow requirements set forth pursuant to the procedures in 10 USC § 1561. Facilitation is not appropriate if it has an adverse impact on morale, readiness, or the mission; a determination is made that the complaint is reserved for command action (i.e., administrative or UCMJ); or there is a potential for violence in the workplace to occur.

4.17.1.2. If facilitation is determined as appropriate and the military complainant elects to use facilitation, installation EO directors and EO practitioners will advise the military complainant of the facilitation process and that agreements made between the military complainant and the alleged offender are only enforced through the willful compliance of both parties. **(T-1)**

4.17.1.3. Facilitation as a method of ADR for ANG members will be completed in accordance with CNGBI 0402.01, *National Guard Alternative Dispute Resolution*. **(T-1)**

4.17.2. *Coordination.* Installation EO directors and EO practitioners will notify and advise the appropriate commander of the military complainant's desire to resolve the issue through facilitation. **(T-1)**

4.17.2.1. Installation EO directors and EO practitioners will advise the respective commander to notify the alleged offender of the military complainant's desire to use facilitation and ascertain whether the alleged offender is willing to participate. **(T-1)**

4.17.2.2. If the alleged offender agrees, installation EO directors and EO practitioners will coordinate the facilitation. **(T-1)** Installation EO directors and EO practitioners will offer the services of certified NDR practitioners trained in the use of facilitation to conduct resolution efforts within 15 duty days of designation. **(T-1)** Certified NDR practitioners are authorized to set the date, time, and location of the facilitation and determine the ground rules for conducting the proceedings.

4.17.2.3. If both the military complainant and the alleged offender agree to facilitation and come to a mutual resolution, installation EO directors and EO practitioners will document a resolution was reached on DAF Form 1587 or DAF Form 1587-1 and inform the responsible commander(s) of the resolution. **(T-1)**

4.17.2.4. Installation EO directors and EO practitioners will document all non-EO related ADR services conducted by the installation EO office on DAF Form 1271 as non-EO alternative dispute resolution (ADR). **(T-1)**

4.17.2.5. Installation EO directors and EO practitioners will advise the military complainant and the alleged offender that commanders retain the right to make administrative or corrective action at any time. **(T-1)**

4.17.2.6. Certified NDR practitioners will terminate the facilitation process if the military complainant and the alleged offender reach an impasse and cannot resolve the issue to the satisfaction of both parties. **(T-1)** If an informal complaint facilitation is unsuccessful, installation EO directors and EO practitioners will inform the military complainant of his or her right to file a formal complaint. **(T-1)** If formal complaint facilitation is unsuccessful, installation EO directors and EO practitioners will inform the military complainant that the formal complaint clarification process will continue. **(T-1)**

4.17.2.7. The EO director and EO practitioner will inform the military complainant's and alleged offender's chain of command if the facilitation was successful, unsuccessful, or terminated within three duty days of its completion or termination. **(T-1)**

4.17.2.8. Certified NDR practitioners will not participate in the MEO informal or formal complaint processes (e.g., clarifications) when they were a party to or acted as a facilitator in the MEO complaint involving the respective military complainant and alleged offender. **(T-1)**

4.17.3. *Agreements.* Certified NDR practitioners will prepare final agreements for signature by the military complainant, alleged offender, and approving authority. **(T-1)**

4.17.3.1. NDR program managers will ensure the servicing legal office conducts legal sufficiency reviews on all agreements. **(T-1)** Installation EO directors and EO practitioners will attach a copy of the final facilitation agreement to DAF Form 1587 or DAF Form 1587-1 in the case file and upload to the AF EONet. **(T-1)**

4.17.3.2. In all MEO complaints that used facilitation, installation EO directors and EO practitioners will follow up with the military complainant at least once within 30 duty days after resolution to ensure reprisal and retaliation does not occur and that both parties adhere to the agreement. **(T-1)** If the military complainant alleges reprisal, installation EO directors and EO practitioners will conduct a non-EO contact referral to the IG office for processing in accordance with DAFI 90-301. **(T-0)** If the military complainant alleges retaliation, installation EO directors and EO practitioners will immediately conduct a non-EO contact referral to the military member's commander to take appropriate action in accordance with AFI 36-2909. Refer to **paragraph 4.18.9** for additional information and procedures.

4.17.4. *Breach of Mutual Resolution Agreements Reached Through Facilitation.* If the military complainant believes the facilitated agreement was breached, he or she must notify the installation EO director within 30 duty days of becoming aware of the alleged breach. **(T-1)** If installation EO directors and EO practitioners discover a potential breach in the agreement, installation EO directors will contact the respective commanders of the parties involved. **(T-1)**

4.17.4.1. Within 14 duty days, installation EO directors will attempt to resolve the matter of concern and coordinate their determination with the installation SJA office for the military complainant's commander to make a determination. **(T-1)**

4.17.4.2. If the commander determines no breach has occurred, he or she will inform the military complainant in writing of that determination. **(T-1)**

4.17.4.3. If the commander determines a breach has occurred, he or she will within five duty days either resolve the breach or inform the military complainant in writing of his or her right to file a formal complaint if the facilitation was part of the informal complaint. **(T-1)** If the breach occurred in facilitation that was part of a formal complaint, the commander will inform the military complainant in writing of his or her right to continue the formal complaint clarification process through the installation EO office and his or her right to appeal a formal complaint. **(T-1)**

4.18. Connect to Care and Referral Types. The DAF EO Program is a helping agency committed to providing robust and high-quality MEO assistance to military members and is a stakeholder in fostering the DAF's Connect to Care approach to help ensure Airmen and Guardians are provided and/or connected to comprehensive and appropriate support services. While the DAF EO Program does not provide victim advocacy services and cannot take restricted (confidential) reports for sexual harassment, installation EO directors and EO practitioners will provide or receive various types of referrals and warm hand-offs to aide military members in connecting with the most appropriate DAF helping agency to support their needs. **(T-0)** Refer to DAFI 90-5001, *Integrated Resilience*, and DAFI 90-6001, *Sexual Assault Prevention and Response (SAPR) Program*, for more information on the Connect to Care.

4.18.1. *Referral Complaint.* A referral complaint involves allegations made to an installation EO office that may fall under a MEO protected class but are not under the authority or scope of the DAF EO Program. Such allegations will not be processed using the MEO complaint processes and will be forwarded as a referral complaint to the most appropriate DAF agency or organization to process. **(T-1)** Installation EO directors and EO practitioners will inform the military member of the need to refer his or her allegations to the more appropriate DAF agency or organization to assist him or her. **(T-1)** Installation EO directors and EO practitioners will

inform the military member that the EO office can facilitate an in-person, virtual, or telephonic referral/warm hand-off to the appropriate DAF agency or organization with his or her consent. **(T-0)** Installation EO directors and EO practitioners will document this as a referral complaint in the AF EONet on an DAF Form 1587 as a referral complaint, to include identifying the basis for the referral, specific allegations, and that a referral/warm hand-off was offered. **(T-1)**

4.18.1.1. When forwarding the referral complaint to another agency to process, the installation EO director will provide the respective agency with a signed referral complaint memorandum, along with a copy of the DAF Form 1587 and sample template of a referral complaint completion memorandum, that outlines the purpose of the referral complaint and what is needed from the respective agency after the agency processes the complaint. **(T-1)** Installation EO directors will sign the complaint referral memorandum, and this will delegate this responsibility within the installation EO office. **(T-1)** Installation EO directors will not forward referral complaints below the squadron/detachment commander or agency head levels. **(T-1)**

4.18.1.2. Upon receipt of a referral complaint from the installation EO office, the respective agencies will process the complaint in accordance with their policies and procedures and will provide the installation EO office a written referral complaint completion memorandum, along with a courtesy copy of any written response to the military member, within 30 duty days of receiving the referral complaint from the installation EO office. **(T-1)** This ensures the DAF EO Program is tracking and able to report accurate information on such referral complaints as part of DoD and congressional reporting requirements. The respective agencies will include the following minimal information in the referral complaint completion memorandum notwithstanding any statutory or above DAF policy restrictions or limitations on information sharing:

4.18.1.2.1. Scope and background of the complaint inquiry; **(T-1)**

4.18.1.2.2. Findings of the complaint inquiry; **(T-1)**

4.18.1.2.3. Recommendations and corrective actions taken against offender(s); **(T-1)**

4.18.1.2.4. Date military complainant was provided and briefed on the findings. **(T-1)**

4.18.1.3. Upon receipt of an agency's referral complaint completion memorandum to the installation EO office, installation EO directors and EO practitioners will document and update information in the AF EONet and close the referral complaint. **(T-1)** If the military complainant is not satisfied with the final disposition of the complaint processed by the other agency, installation EO directors and EO practitioner will advise the complainant that he or she may be able to use the grievance and/or complaint channels of the respective agency to readdress the matter and document this advisement on DAF Form 1587. **(T-1)**

4.18.1.4. If an agency's referral complaint completion memorandum is not provided within the 30 duty days, installation EO directors will follow up with the agency every 14 duty days to receive a written response from the respective agency on the status on the complaint until the agency provides the referral complaint completion memorandum. **(T-1)** For the ARC, installation EO directors will follow up every one RSD. **(T-1)**

4.18.1.5. For operational guidance and additional resources (e.g., templates), refer to the
AFPC EO Operations SharePoint at

<https://usaf.dps.mil/teams/14101/SitePages/Home.aspx> and/or contact your respective MAJCOM/FLDCOM EO functional manager or AFPC EO Operations.

4.18.2. *Third Party MEO Referral Complaint.* To file an MEO informal or formal complaint with the DAF EO Program, the military member must be the individual who experienced the alleged prohibited discrimination, discriminatory harassment (including sexual harassment), and/or other forms of harassment (bullying and hazing). **(T-1)** Third parties (e.g., someone other than the individual experiencing the alleged behaviors or activities) such as, but not limited to, commanders, supervisors, co-workers, peers cannot file an MEO complaint on behalf of a military member. Installation EO directors and EO practitioners will refer all third-party individuals who are aware of specific allegations of prohibited discrimination, discriminatory harassment (including sexual harassment), and other forms of harassment (bullying and hazing) to the respective military member's commander or most appropriate commander for resolution and document the information on DAF Form 1587 as a referral complaint. **(T-1)** Third-party reporters are not entitled to a response regarding the substance of reported MEO related allegations not directly affecting them. **(T-1)** Third-party reporters are only entitled to have acknowledged receipt of their report being sent to the appropriate chain of command for resolution. **(T-1)**

4.18.2.1. Commanders who receive third party complaints of sexual harassment with sufficient details (e.g., alleged offender(s) name, date(s) incident occurred, unit, etc.) should conduct an inquiry or investigation as appropriate. Where a commander initiates an investigation of a third-party report of sexual harassment, the commander will ensure the investigating officer is outside both the alleged offender's and affected person's (i.e., person believed to have experienced sexual harassment based on third party reporting) immediate chain of command and that he or she is trained by the installation legal office in the investigation of sexual harassment. Third-party reports of sexual harassment may be referred to independent investigators when warranted by the evidence.

4.18.3. *Non-EO Contact Referrals.* Installation EO directors and EO practitioners will conduct non-EO contact referrals for military members on matters or concerns outside the scope of the DAF EO Program with the appropriate DAF agency to support or resolve concerns. **(T-0)** Non-EO contact referrals will be documented in the AF EONet on a DAF Form 1271 as a non-EO assistance. **Table 4.1** outlines a not all-inclusive list of DAF agencies that can assist military members based on the non-EO matter presented by that military member.

4.18.4. *Connect to Care.* Installation EO directors and EO practitioners will facilitate non-EO contact referrals through warm hand-offs that are in-person, virtual, or telephonic with consent of that military member and based on his or her preference to the following helping agencies where he or she is eligible to receive support: SAPR, family advocacy, victim/witness assistance program, victims' counsel, legal assistance attorney, ADC, medical, mental health, chaplain, SF, and IG. **(T-0)** Installation EO directors and EO practitioners will make a reasonable effort to facilitate non-EO contact referrals through warm hand-offs that are in-person, virtual, or telephonic with consent or upon the request of that military member and based on his or her preferences to other helping agencies where he or she is eligible to receive support. **(T-0)** The Connect to Care Service Provider Matrix is another useful resource of helping agencies that is available on the DAF Connect to Care site at <https://usaf.dps.mil/sites/afpc-home/DPF/DPFZ/SitePages/Connect-To-Care.aspx>.

4.18.5. *Distress and Risk to Self or Others.* For military members who come in contact with the installation EO office that appear emotionally distraught or may present a risk to themselves or others, installation EO directors and/or EO practitioners will conduct a person-to-person warm hand-off with the individual's immediate commander (and civilian equivalents) or the commander's (and civilian equivalents) designee (e.g., first sergeant). **(T-0)** In emergency situations of imminent threat to self or to others, installation EO directors and EO practitioners will contact law enforcement for assistance and then notify the military member's immediate commander including civilian equivalents or designee (e.g., first sergeant). **(T-1)** Where there is no risk to EO practitioners' safety, installation EO directors and EO practitioners will not leave the individual alone until support arrives to ensure a person-to-person warm hand-off is conducted. **(T-1)** All warm hand-offs will be documented in the AF EONet on the applicable form at the conclusion of the interaction. Refer to DAFI 90-5001 for warm hand-off procedures for individuals exhibiting suicidal ideation.

4.18.6. *Suspected Criminal or Extremist Activities.* Installation EO directors and EO practitioners will immediately refer any allegations made about suspected criminal activities (e.g., sexual assault, indecent exposure, obscene telephone calls, child physical or sexual abuse, child exploitation, etc.) to AFOSI or SF for investigation as applicable based on investigative authority in accordance with AFI 71-101 Volume 1. **(T-0)** Installation EO directors and EO practitioners will immediately refer any allegations of extremist activities to AFOSI. **(T-0)** The installation EO director will immediately notify the installation commander and other appropriate commanders of the incident and non-EO contact referral to AFOSI or SF. **(T-1)** For non-EO contact referrals to AFOSI alleging sexual assault, the installation EO Director will notify the SARC or SAPR VA that a non-EO referral was made to AFOSI. **(T-1)** Installation EO directors and EO practitioners will document non-EO contact referrals regarding sexual assault to AFOSI and notification to commander(s) and SARC or SAPR VA in the AF EONet on an DAF Form 1271 as a non-EO assistance. **(T-1)** If the suspected criminal or extremist activities fall under the MEO protected categories but are not under the authority or scope of the DAF EO Program, installation EO directors will document this as a referral complaint to the applicable DAF law enforcement agency (i.e., AFOSI or SF) in the AF EONet on a DAF Form 1587. **(T-1)**

4.18.7. *Potential for Uniform Code of Military Justice Action(s).* When installation EO directors and EO practitioners become aware of allegations that could result in UCMJ action(s) against a military member or adverse action against a civilian employee, installation EO directors and EO practitioners will immediately notify and consult with the installation SJA office to include addressing whether to continue or cease any MEO complaint processing and whether such allegations will need to be referred (potentially as a non-EO referral or a referral complaint pending the scope of the matter at hand). **(T-1)**

4.18.8. *Preservation of Restricted Reporting Option for Sexual Assault and Sexual Harassment.* Installation EO directors and EO practitioners will advise military members seeking assistance from the installation EO office of their eligibility to receive victim advocacy services through the SAPR office for sexual assault and sexual harassment and that the installation EO office can facilitate an in-person, virtual, or telephonic non-EO contact referral/warm hand-off to the SARC or SAPR VA prior to the military member disclosing a sexual assault or sexual harassment allegation to the installation EO office to preserve his or her restricted reporting options with the SAPR program. **(T-0)** Installation EO directors and

EO practitioners will also advise military members that military sexual harassment victim advocacy services through the SAPR office do not replace the MEO complaint processes available to military members and that military members electing an unrestricted report with the SAPR office to receive sexual harassment victim advocacy may also choose to file a separate MEO complaint alleging sexual harassment through the installation EO office, or can go directly to their commander to report the allegation. **(T-0)** This information will be documented on DAF Form 1271 as a non-EO assistance if the military member does not file a MEO complaint or DAF Form 1587 or DAF Form 1587-1 for military members who have filed a MEO complaint.

4.18.8.1. If a complaint intake is initiated, installation EO directors and EO practitioners will provide the military complainant a detailed overview of the MEO Complaint Intake template, to prevent the military member from unintentionally disclosing a sexual assault or sexual harassment to preserve his or her ability to file a restricted report with the SAPR office. **(T-1)** This includes installation EO directors and EO practitioners reviewing and explaining the definitions of sexual assault and sexual harassment on the intake form to ensure the military member has a clear understanding of both and that he or she is eligible for victim advocacy services through the SAPR office. **(T-1)** The military complainant will initial on the intake form that he or she understands the definitions and whether he or she consents to the installation EO office facilitating an in-person, virtual, or telephonic referral to the SARC or SAPR VA for victim advocacy services. **(T-1)** If the military complainant does not disclose a sexual assault or sexual harassment allegation during the intake interview but requests a non-EO contact referral/warm hand-off to the SAPR program, the installation EO director and EO practitioner will immediately terminate the interview and will facilitate an in-person, virtual, or telephonic non-EO referral/warm hand-off to the SARC or SAPR VA with the consent of the military member. **(T-0)**

4.18.8.2. If a military member initially declines an installation EO office-facilitated in-person, virtual, or telephonic non-EO contact referral/warm hand-off to the SARC or SAPR VA, installation EO directors and EO practitioners will inform the military member that he or she can return to the installation EO office to facilitate a non-EO contact referral/warm hand-off with the SAPR office, or that the military member can engage the SAPR office directly. **(T-1)** Installation EO directors and EO practitioners will provide military members with a written and/or electronic copy of SAPR office contact information to include, at a minimum, the office location and telephone number. **(T-1)** This information will be documented on DAF Form 1271 as a non-EO assistance if the military member does not file a MEO complaint or DAF Form 1587 or 1587-1 for military complainants who have filed a MEO complaint.

4.18.8.3. If a military member discloses a sexual assault or sexual harassment allegation to the installation EO office, installation EO directors and EO practitioners will immediately notify the SARC or SAPR VA of the allegation and whether the military member has consented to the installation EO office facilitating an in-person, virtual, or telephonic referral to the SARC or SAPR VA. **(T-1)** The installation EO director will also immediately notify the installation SJA office since a sexual harassment allegation could result in UCMJ action against a military member. **(T-1)**

4.18.9. *Reprisal, Restriction, and Retaliation Allegations.* Reprisal, restriction, and retaliation allegations are reported and processed differently for military members as well as defined and processed differently for civilian employees. Refer to **Chapter 3** for DAF civilian employees.

4.18.9.1. *Reprisal and Restriction.* Installation EO directors and EO practitioners will immediately conduct a non-EO contact referral for military members alleging reprisal and/or restriction, including any reprisal and/or restriction for filing a MEO complaint, to the IG office for processing in accordance with DAFI 90-301. **(T-0)** Installation EO directors and EO practitioners will also inform military members alleging reprisal and/or restriction related to sexual harassment that they have the option to consult with a legal assistance attorney concerning their allegations as described in the Department of Defense (DoD) Retaliation Prevention and Response Strategy Implementation Plan. **(T-0)** Installation EO directors and EO practitioners will document this non-EO contact referral/warm hand-off on the DAF 1271 as a non-EO assistance if the military member does not file a MEO complaint or DAF Form 1587 or DAF Form 1587-1 for military complainants who have filed a MEO complaint. **(T-1)** Installation EO directors and EO practitioners will inform the military member that the installation EO office can facilitate an in-person, virtual, or telephonic non-EO contact referral/warm hand-off to the IG office and/or a legal assistance attorney with his or her consent. **(T-0)**

4.18.9.2. *Retaliation.* Installation EO directors and EO practitioners will immediately conduct a non-EO referral/ warm hand-off for military members alleging retaliation (e.g., ostracism, maltreatment), including any retaliation for filing a MEO complaint, to the military member's commander to take appropriate action in accordance with AFI 36-2909. **(T-1)** Installation EO directors and EO practitioners will also inform military members alleging retaliation related to sexual harassment that they have the option to consult with a legal assistance attorney concerning their allegations as described in the DoD Retaliation Prevention and Response Strategy Implementation Plan. **(T-0)** Installation EO directors and EO practitioners will document this non-EO contact referral/warm hand-off on the DAF Form 1271 as a as a non-EO assistance if the military member does not file a MEO complaint or DAF Form 1587 or DAF Form 1587-1 for military complainants who have filed a MEO complaint. **(T-1)** Installation EO directors and EO practitioners will inform the military member that the installation EO office can facilitate an in-person, virtual, or telephonic non-EO contact referral/warm hand-off with his or her commander and/or a legal assistance attorney with his or her consent. **(T-0)**

Table 4.1. DAF Agencies for Non-EO Referrals.

Column A Type of Issue	Column B Appropriate Agency to Resolve the Issue
Equal Opportunity in Off-Base Housing	The Housing Referral Office; AAFPD 32-60, <i>Housing</i> ; AFI 32-6000, <i>Housing Management</i>
Administrative Separations	Local Military Personnel Section (MPS) or ADC; DAFI 36-3211, <i>Military Separations</i>
Claims against the Government	Staff Judge Advocate; AFI 51-306, <i>Administrative Claims for and Against the Air Force</i>

Correction of Military Records	Air Force Board for the Correction of Military Records; DAFI 36-2603, <i>Air Force Board for Correction of Military Records (AFBCMR)</i>
Appeal of an Officer Performance Brief (OPB), Enlisted Performance Brief (EPB), or Promotion Recommendation Form (PRF)A	Evaluation Reports Appeal Board (ERAB) or ADC; AFI 36-2406, <i>Officer and Enlisted Evaluation Systems</i>
LOC, LOA, or LOR (other than Discrimination/Reprisal)	Chain of Command (military or civilian) or ADC (military)
Punishment under UCMJ Courts-Martial; Article 15 Nonjudicial Punishment	Chain of Command or ADC; DAFI 51-201, <i>Administration of Military Justice</i> ; DAFI 51-202, <i>Non-Judicial Punishment</i> ; For ANG refer to NGB/JA
Article 138 UCMJ (Complaint of Wrongs)	Area Defense Counsel; AFI 51-505, <i>Complaints of Wrongs Under Article 138, Uniform Code of Military Justice</i>
Medical Treatment	Medical Treatment Facility (MTF) CC/Director and/or DHA; AFI 44-119, <i>Medical Quality Operations</i>
Unprofessional Relationships	Chain of Command; AFI 36-2909, <i>Professional and Unprofessional Relationships and Conduct</i>
Allegations regarding Non-AF Organizations or Agencies	Service IG or DoD IG Hotline; DAFI 90-301, <i>Inspector General Complaints Resolution</i>
Personnel Security and Insider Threat events	Base Information Protection Office, Unit Security; DoDM 5200.02_DAFMAN 16-1405, <i>Department of the Air Force Personnel Security Program</i> , DAFI 16-1402, <i>Counter-Insider Threat Program Management</i>
Deny or Revoke Security clearance	Personnel Security Appeal Board (PSAB) or ADC; DoDM 5200.02_DAFMAN 16-1405, <i>Department of the Air Force Personnel Security Program</i>
Fitness Assessment Records Errors	Fitness Assessment Appeals Board; DAFMAN 36-2905, <i>Department of the Air Force Physical Fitness Program</i>

4.19. Receiving Referrals from Other Agencies. As part of the Connect to Care approach, DAF helping agencies and other relevant organizations will refer/conduct warm hand-offs for military members who have disclosed allegations of prohibited discrimination, discriminatory harassment (including sexual harassment) and other forms of harassment (bullying and hazing) under the DAF EO Program purview to the installation EO office. **(T-0)** This helps ensure military members are provided and/or connected to comprehensive and appropriate support services as well as given the opportunity to attempt to resolve issues at the lowest organizational level at the earliest possible time. Installation EO directors and EO practitioners will inform the military member of his or her rights and options to file an MEO complaint within three duty days of receiving a referral/warm hand-off. **(T-0)** If the military member elects to file an MEO complaint, installation EO directors and EO practitioners will process the complaint in accordance with procedures in this publication to include documenting the complaint information in the AF EONet on the DAF Form 1587 or DAF Form 1587-1. **(T-1)**

4.19.1. *Referrals from the Inspector General.* The IG will refer complaint allegations of prohibited discrimination, discriminatory harassment (including sexual harassment) and other forms of harassment (bullying and hazing) under the DAF EO Program purview to the installation EO office. **(T-0)** Installation EO directors and EO practitioners will inform the military member of his or her rights and options to file an MEO complaint within three duty days of receiving the referral/warm hand-off. **(T-0)** If the military member elects to file an MEO complaint, installation EO directors and EO practitioners will process the complaint in accordance with procedures in this publication. **(T-1)**

4.19.1.1. If the military member's identity is unknown in the IG referral to the installation EO office, there must be sufficient details provided by the anonymous source to look into the allegation(s) and indicate that the source is providing reliable information. **(T-1)** If it is determined that sufficient information is provided, installation EO directors and EO practitioners will initiate the clarification process for anonymous complaints within three duty days of receiving the IG referral. **(T-0)** Installation EO directors and EO practitioners will document the complaint information in the AF EONet on the DAF Form 1587. **(T-1)** If it is determined that insufficient information is provided and IG is unable to provide additional information on their referral, installation EO directors and EO practitioners will document in the AF EONet on the DAF Form 1271 as a EO general assistance/contact where insufficient information was provided to resolve. **(T-1)**

4.19.1.2. The IG may refer EO related matters to the installation EO office while continuing to investigate other allegations tied to the complaint the installation EO office received. In such circumstances, the installation EO director will consult the IG and SJA offices on whether to proceed with the MEO complaint processing based on the election of the military member unless the complaint was anonymous; suspend the complaint processing until the conclusion of the IG investigation; or recommend to the appropriate commander if a CDI may be more appropriate to address all the allegations associated with the IG and MEO complaints in one investigation. **(T-1)** A CDI can only be initiated by a commander. **(T-1)**

4.19.2. *Sexual Harassment Referrals from the Sexual Assault Prevention and Response Office.* When a military member elects an unrestricted report of sexual harassment, the SARC and SAPR VA will notify and conduct an in-person, virtual, or telephonic referral to the installation EO office and the military member's commander.

4.19.2.1. If this military member with an unrestricted report elects an informal or formal MEO complaint with the installation EO office as a result of the SAPR referral, installation EO directors and EO practitioners will process the MEO complaint in accordance with this publication. **(T-1)** Installation EO directors and EO practitioners will notate on the MEO Complaint Intake and DAF Form 1587 or 1587-1 that the military member has an unrestricted report and was referred by SAPR, resulting in the member electing to file an MEO complaint. **(T-1)** For additional information, refer to DAFI 90-6001.

4.19.2.2. If a military member converts his or her restricted report to an unrestricted report with the SAPR office, the SARC and SAPR VA will notify and conduct an in-person, virtual, or telephonic referral installation EO office and the military member's commander. **(T-1)** If the military member elects an informal or formal MEO complaint with the installation EO office as a result of the SAPR referral, installation EO directors and EO

practitioners will process the MEO complaint in accordance with this publication. **(T-1)** Installation EO directors and EO practitioners will notate on the MEO Complaint Intake template and DAF Form 1587 or 1587-1 that the military member has an unrestricted report that was converted from a restricted report and was referred by SAPR, resulting in the member electing to file an MEO complaint. **(T-1)** For additional information, refer to DAFI 90-6001.

4.19.2.3. If a military member with an unrestricted report declines to elect to file an MEO complaint after the SAPR referral, installation EO directors and EO practitioners will notate on the DAF Form 1271 non-EO assistance that the military member declined to file an MEO complaint. **(T-1)** Installation EO directors and EO practitioners will inform the member that he or she is eligible to return to file an MEO complaint. **(T-1)** Installation EO directors and EO practitioners will provide the military member with a written and/or electronic copy of the installation EO office contact information to include, at a minimum, the office location and telephone number. **(T-1)**

4.19.2.4. Installation EO directors and EO practitioners are not authorized nor will they inquire about the military member's unrestricted or restricted report details. **(T-0)** This includes not inquiring or requesting access to victim advocacy files or access to the Military Sexual Harassment Advocacy Database managed by the SAPR program. **(T-1)**

4.19.2.5. Installation EO directors, MAJCOM/FLDCOM EO functional managers, and AFPC EO Operations will ensure the proper tracking of SAPR referrals that resulted in MEO complaints in order to respond to data calls to support congressional and DoD reporting requirements and DAF senior leader inquiries. **(T-1)** AFPC EO Operations will coordinate and collaborate with AFPC DPFZ on related data calls while maintaining military member privacy to the extent possible. **(T-1)** This includes providing the number of MEO informal and formal complaints that resulted from restricted reports that were converted to unrestricted reports to meet congressional reporting requirements. **(T-0)**

4.20. Complex Issues. MEO informal or formal complaints may be considered complex issues when those complaints have a complicated structure and/or circumstances of those complaints require, but not limited to: conducting significant coordination (e.g., interviewing large numbers of alleged offenders and/or witnesses across different locations/military services or gathering significant amount of information); acquiring resourcing (e.g., staffing support); addressing significant number of allegations in a single complaint; MEO allegations that are combined with other forms of misconduct; addressing involvement of complainants and/or alleged offenders that may result in adverse media, congressional, or public interest; addressing potential conflicts of interests in processing complaints; and/or determining if parts of the complaint allegations will need to be referred to another agency for concurrent processing or investigation and its impact on the continuance or suspension of the processing of the MEO complaint.

4.20.1. For informal and formal MEO complaints that an installation EO director believes to be a complex issue, the installation EO director will coordinate with his or her respective EO MAJCOM/FLDCOM EO functional manager on appropriate complaint processing procedures. **(T-1)** The MAJCOM/FLDCOM EO functional manager will coordinate with the MAJCOM/FLDCOM deputy, A1, IG, and JA to determine the appropriate complaint process and procedures. **(T-1)** For complex issues involving a formal complaint of sexual harassment,

the installation EO director will consult with the SJA and independent investigator for guidance in processing the complaint. (T-1)

4.20.2. If it is determined that the MEO informal or formal complaint process will be used and there is a perceived or actual conflict of interest for the installation EO office impacted to process the complaint, the MAJCOM/FLDCOM EO functional manager will conduct the MEO complaint process. (T-1) The MAJCOM/FLDCOM EO functional manager may designate another installation EO office within the MAJCOM/FLDCOM to process the MEO complaint while ensuring consideration is taken on the installation EO offices' workload. (T-1) The MAJCOM/FLDCOM EO functional manager will document information in the AF EONet on the DAF Form 1587 or 1587-1. (T-1)

4.20.2.1. In extenuating circumstances where the MAJCOM/FLDCOM EO functional manager cannot process an MEO complaint or cannot designate another neutral installation EO office within the MAJCOM/FLDCOM to process the MEO complaint, that MAJCOM/FLDCOM EO functional manager will request AFPC EO Operations to coordinate with other MAJCOM/FLDCOM EO functional managers to seek volunteers to provide assistance with the complaint. (T-1) Barring volunteers, AFPC EO Operations in conjunction with the respective MAJCOM/FLDCOM EO functional manager will identify an EO practitioner from an installation EO office to assist in processing the complaint. (T-1) AFPC EO Operations will ensure SAF/MRQ is provided awareness of which installation EO office will have an EO practitioner assist in the processing of the complaint. (T-1)

4.20.2.2. AFPC EO Operations will determine requirements for special access to the AF EONet in conflict of interest complaints and will advise the appropriate installation EO office of such determinations and provide operational guidance. (T-1)

4.20.3. If a CDI is initiated, the MAJCOM/FLDCOM EO functional manager will serve as the designated EO SME for the CDI or designate another installation EO office within the MAJCOM/FLDCOM other than the impacted installation to serve as the EO SME while ensuring consideration is taken on the installation EO offices' workload. (T-1) The MAJCOM/FLDCOM EO functional manager will document information in the AF EONet on the DAF Form 1587 or DAF Form 1587-1. (T-1)

4.20.4. If an installation EO director is named as an alleged offender in an MEO complaint, the MAJCOM/FLDCOM EO functional manager will conduct the complaint processing to avoid any conflicts of interest with processing at the impacted installation. (T-1) The MAJCOM/FLDCOM EO functional manager may designate another installation EO office within the MAJCOM/FLDCOM other than the impacted installation to assist in processing the MEO complaint while ensuring consideration is taken on the installation EO offices' workload. (T-1) The MAJCOM/FLDCOM EO functional manager will document information in the AF EONet on the DAF Form 1587 or DAF Form 1587-1. (T-1) The MAJCOM/FLDCOM EO functional manager will inform AFPC EO Operations when complaints are filed against installation EO directors within 48 hours of receipt of the complaint. (T-1) AFPC EO Operations will then inform SAF/MRQ within 48 hours of notification from the MAJCOM/FLDCOM EO functional managers. (T-1)

4.21. MEO Complaints against Senior Officials. Complaints of prohibited discrimination and discriminatory harassment (including sexual harassment) and other forms of harassment (bullying

and hazing) against any active duty, retired Reserve, or National Guard military officer in grades O-7 and above, and any officer selected for promotion to O-7 whose name is on the O-7 promotion board report forwarded to the military department Secretary (including Air National Guard colonels selected by a General Officer Federal Recognition Board for a certificate of eligibility (COE)); any current or former member of the senior executive service; any current or former DoD civilian employee whose position is deemed equivalent to that of a member of the senior executive service; any current or former Presidential appointee; the Chief Master Sergeant of the Air Force and the Chief Master Sergeant of the Space Force require different processing procedures as described in DAFI 90-301, *Inspector General Complaints Resolution*. Formal complaints of sexual harassment are referred to independent investigators to conduct independent investigations pursuant to the procedures in 10 USC § 1561 and [paragraph 4.15](#) of this instruction. **(T-1)** Consult with the servicing SJA on formal complaints of sexual harassment or any informal complaints of sexual harassment that result in an investigation on reporting procedures prior to reporting to IG. All substantiated formal complaints of sexual harassment will be referred to the OSTC for a review of the complaint and investigation. **(T-0)** Upon the review of the complaint, the OSTC will decide to prefer charges to a special or general court-martial, or defer the complaint to the alleged offender's commander for disposition. **(T-0)**

4.21.1. Installation EO directors and EO practitioners will conduct a sufficient complaint intake to conclude senior official involvement as an alleged offender. **(T-1)** As part of the initial intake, installation EO directors and EO practitioners will inform the military complainant on the requirement to and process of referring MEO complaints against senior officials to SAF/IGS. **(T-1)** Formal complaints of sexual harassment are referred to independent investigators to conduct independent investigations pursuant to the procedures in 10 USC § 1561. **(T-1)**

4.21.2. Installation EO directors and EO practitioners will not send informal complaints to commanders for action nor conduct clarifications for formal complaints involving senior officials. **(T-1)** Installation EO directors and EO practitioners will forward complaints against senior officials as referral complaints to their servicing IG office in accordance with DAFI 90-301. **(T-1)** Installation EO directors will refer these complaints to their servicing IG office or SAF/IGS immediately after receiving the complaint. **(T-0)** Installation EO directors will notify AFPC EO Operations via their respective MAJCOM/FLDCOM EO functional manager of the notification made to the IG office. **(T-1)** If the servicing IG office declines the referral, installation EO directors will forward the MEO complaint to SAF/MRQ and AFPC EO Operations via their respective MAJCOM/FLDCOM EO functional manager for referral to SAF/IGS. **(T-1)** Installation EO directors and EO practitioners will document these referral complaints on DAF Form 1587. **(T-1)**

4.21.3. For MEO complaints against senior officials referred to the IG office, the servicing IG office or SAF/IGS will provide AFPC EO Operations with the outcome or dismissal of the IG investigation to forward to the installation EO directors to document in the AF EONet. **(T-1)**

4.21.4. For informal or formal MEO complaints involving a senior official alleged offender (OPR: IG) and other non-senior officials as alleged offenders (OPR: EO), installation EO Directors will consult with their respective MAJCOM/FLDCOM EO functional manager and servicing IG and SJA offices to determine how to proceed with portions of the MEO complaint process of the non-senior officials as alleged offenders. **(T-1)** Complaints against senior

officials will be referred to the servicing IG office immediately after receiving the complaint. (T-1)

4.22. MEO Complaints against Installation Commanders, Deputy Commanders, and Chief Master Sergeants. For informal and formal MEO complaints against installation commanders, deputy commanders, and/or command chief master sergeants at all levels, installation EO directors will coordinate with their respective MAJCOM/FLDCOM EO functional managers on appropriate complaint processing procedures. (T-1) The MAJCOM/FLDCOM EO functional manager will coordinate with the MAJCOM/FLDCOM deputy commander, A1, IG, and JA to determine the appropriate complaint or investigative process. (T-1) If it is determined that the MEO informal or formal complaint process will be used or that a CDI is initiated, the MAJCOM/FLDCOM EO functional manager will conduct the MEO complaint process and/or serve as the designated EO SME for the CDI. (T-1) Formal complaints of sexual harassment are referred to independent investigators to conduct independent investigations pursuant to the procedures in 10 USC § 1561 and [paragraph 4.15](#) of this instruction. (T-0) Consult with the servicing SJA on complaints of sexual harassment on procedures. All substantiated formal complaints of sexual harassment will be referred to the OSTC for a review of the complaint and investigation. (T-0) Upon the review of the complaint and investigation, the OSTC will decide to prefer charges to a special or general court-martial, or defer the complaint to the alleged offender's commander for disposition. (T-0) The MAJCOM/FLDCOM EO functional manager may designate another installation EO office within the MAJCOM/FLDCOM other than the affected installation to assist in processing the MEO complaint or serving as a EO SME for the CDI while ensuring consideration is taken on the installation EO offices' workload. The MAJCOM/FLDCOM EO functional manager will document information in the AF EONet on the DAF Form 1587 or DAF Form 1587-1. (T-1)

4.23. MEO Complaints against All Officers and Civil Servants Grade 15 (or equivalent) other than Senior Officials (and Civilian Equivalents). For informal and formal MEO complaints against officers (O-6 and below) and civil servants grade 15 (or equivalent), installation EO directors and EO practitioners will process these complaints in accordance with the informal or formal complaint processing procedures in this chapter. (T-1) To meet DoD and SAF/IG reporting requirements, installation EO directors will notify the installation commander of any informal or formal MEO complaints involving any officer or civil servant grade 15 (or equivalent) within three duty days of receiving the complaint. (T-0) Installation EO directors will provide an initial notification to their servicing IG and AFPC EO Operations of such complaints. Installation EO directors will provide a final notification to their servicing IG and AFPC EO Operations of the complaints results (e.g., substantiated or not substantiated) once the complaint is closed as described in DAFI 90-301. (T-1) Consult with the servicing SJA on formal complaints of sexual harassment or any informal complaints of sexual harassment that result in an investigation on reporting procedures prior to reporting to IG. All substantiated formal complaints of sexual harassment against military offenders will be referred to the OSTC for a review of the complaint and investigation. (T-0) Upon the review of the complaint and investigation, the OSTC will decide to prefer charges to a special or general court-martial, or defer the complaint to the alleged offender's commander for disposition. (T-0)

4.24. DAF Unlawful Discrimination and Harassment Hotline Procedures. The DAF Unlawful Discrimination and Harassment Hotline will function as a referral line to facilitate potential EO concerns and/or complaints from Airmen and Guardians (military and civilian) to the appropriate installation for resolution and provide information on DAF EO policies and

procedures, how to file complaints, and on what constitutes EEO complaints of unlawful discrimination and discriminatory harassment (including sexual harassment) and MEO complaints of prohibited discrimination, discriminatory harassment (including sexual harassment), and other forms of harassment (bullying and hazing). The hotline is maintained, managed, and operated by AFPC EO Operations and will be accessible to Airmen and Guardians to include responses back to missed calls no later than 48 hours to the extent practicable. While the hotline does not provide crisis intervention or victim advocacy services, the hotline will refer callers with the appropriate helping agency.

4.24.1. The DAF Unlawful Discrimination and Harassment Hotline will inform military members who call the hotline about sexual harassment that military members are eligible to receive victim advocacy services by the SAPR office for sexual harassment and that the installation EO office can facilitate an in-person, virtual, or telephonic referral to the SARC or SAPR VA prior to the military member disclosing a sexual harassment allegation to installation EO office to preserve his or her restricted reporting option. The hotline will inform military members that the installation EO office does not provide sexual harassment victim advocacy services and cannot take unrestricted or restricted reports. The hotline will also inform military members that military sexual harassment victim advocacy services through the SAPR office do not replace the MEO complaint processes available to military members. As such, military members electing an unrestricted report with the SAPR office to receive sexual harassment victim advocacy may also choose to file a separate MEO complaint alleging sexual harassment through the installation EO office or can go directly to their commander to report the allegation.

4.24.2. *Hotline Caller Contact.* The DAF Unlawful Discrimination and Harassment Hotline will determine how to process and/or refer call inquiries or request for assistance by verifying whether the matter or concern of the caller is within the DAF EO Program. AFPC EO Operations will provide timely responses to callers on general EO-related inquiries and/or connect/refer callers with the appropriate helping agency. **(T-1)** If a caller provides intent to file an EEO or MEO complaint as described in this publication or requests eligible EO-related support, AFPC EO Operations will refer the hotline call to the servicing installation EO office for processing via the respective MAJCOM/FLDCOM EO functional manager within 24 hours of receiving the call. **(T-1)** If a caller anonymously reports an MEO allegation to the hotline within the DAF EO Program, AFPC EO Operations will refer the hotline call to the servicing installation EO office for processing following procedures in paragraphs 4.16 through 4.16.6. **(T-1)**

4.24.3. *Processing Hotline Contact Referrals.* Upon receipt of a hotline contact referral from AFPC EO Operations, installation EO directors and EO practitioners will make contact with the hotline caller within 24 hours to verify requested EO services, address questions, provide information about available complaint reporting options, identify if caller allegations are within the scope of this publication, and inquire if the caller would like to initiate a complaint. **(T-1)** Installation EO directors and EO practitioners will document the hotline contact referral on DAF Form 1271 as an EO general assistance/contact if the military member does not file a MEO complaint or DAF Form 1587 or DAF Form 1587-1 for military members who have filed a MEO complaint. **(T-1)** Installation EO directors and EO practitioners will document the hotline contact referral on DAF Form 1271 as an EO general assistance/contact for civilian callers. **(T-1)** Within three duty days of completing and closing out assistance to a caller's hotline contact referral, the installation EO director will notify AFPC EO Operations via his or

her MAJCOM/FLDCOM EO functional manager that the assistance is closed and documented in the AF EONet. (T-1)

4.25. MEO Complaints in Joint Service Environments.

4.25.1. *Overview.* A joint service environment is a locality from which operations of two or more of the military departments are projected or supported and which is manned by significant elements of two or more military departments or in which significant elements of two or more military departments are located. This includes joint bases, combatant commands, defense agencies, DoD field activities, and other organizational entities within the DoD that involve more than one military department or military service. In a joint military environment, when the military complainant and alleged offender are assigned to different organizations and the commander of the joint military environment does not have command or supervisory authority over the alleged offender, complaints will be processed by the commander's service that has administrative control, or disciplinary authority, or a combination thereof, over the alleged offender. (T-0)

4.25.2. *Informal Complaint Resolution.* Installation EO directors and EO practitioners will encourage military personnel from all military services to resolve MEO allegations and concerns informally at the lowest level possible. (T-0) When handling informal complaints of MEO allegations, installation EO directors and EO practitioner will attempt informal resolution. (T-1) However, installation EO directors and EO practitioners will not dissuade military members from filing formal complaints. (T-1) If an informal resolution is not accomplished or successful, the host service or agency will advise the military complainant of his or her right to file a formal complaint with his or her respective service's installation EO office for processing. (T-0)

4.25.3. *Formal Complaints in Joint Environments.* Formal MEO complaints in a joint environment will be processed by the commander's military service that has administrative control, or disciplinary authority, or a combination thereof, over the alleged offender. (T-0) Formal MEO complaints will be processed in accordance with prescribed timelines outlined in laws (e.g., 10 USC § 1561), DoD policies, and this publication. (T-0)

4.25.3.1. When the military complainant and alleged offender are assigned to different organizations, and the commander of the joint military environment does not have command or supervisory authority over the alleged offender, or when the military complainant and alleged offender are assigned to different military services (when all parties are not assigned to a joint military environment), formal complaints will be processed as follows:

4.25.3.1.1. Joint commanders must forward the complaint, with a detailed description of the facts and circumstances, to the next superior officer in the alleged offender's chain of command who is authorized to convene a general court martial. (T-0)

4.25.3.1.2. The alleged offender's commander or supervisor is responsible for providing notice and sending updates to the military complainant's commander or supervisor, upon receipt and final disposition of a complaint. (T-0) The alleged offender's commander will notify the alleged offender when an investigation begins and is completed, to include notifying the alleged offender on the formal complaint disposition. (T-0)

- 4.25.3.1.3. The military complainant's commander is responsible for notifying the military complainant when an investigation begins and is completed, to include notifying the military complainant on the formal complaint disposition. **(T-0)** The military complainant's commander or supervisor is responsible for ensuring the completed complaint forms and other requested documentation are provided to the alleged offender's commander or supervisor. **(T-0)**
- 4.25.3.1.4. When an administrative finding substantiates a MEO allegation, the alleged offender's commander or supervisor is responsible for administering appropriate corrective, administrative, and/or disciplinary action. **(T-0)**
- 4.25.3.2. If the alleged offender is a DAF military member, installation EO directors and EO practitioners will conduct a formal complaint clarification in accordance with this chapter. **(T-1)** Installation EO directors and EO practitioners will coordinate with their MAJCOM/FLDCOM EO functional manager, servicing DAF SJA office, and DAF alleged offender's commander. **(T-1)** Formal complaints of sexual harassment are referred to AF/A4S Sexual Harassment Investigations Division to facilitate independent investigations pursuant to the procedures in 10 USC § 1561. **(T-1)**
- 4.25.3.2.1. Installation EO directors and EO practitioners will provide updates, as necessary, to the appropriate military service or point of contact through final complaint disposition to ensure that the military complainant's commander is informed of the final disposition. **(T-0)**
- 4.25.3.2.2. If the EO director and the MAJCOM/FLDCOM EO functional manager are unable to identify the appropriate military service or point of contact, the case will be elevated to AFPC EO Operations to identify and forward the case to the appropriate service or point of contact. **(T-1)**
- 4.25.3.3. If the military complainant is a DAF military member, installation EO directors and EO practitioners will conduct initial intake and will then refer the formal complaint to the commander's military service that has administrative control, or disciplinary authority, or a combination thereof, over the alleged offender. **(T-0)** Installation EO directors and EO practitioners will document this in the AF EONet on an DAF Form 1587 as a referral complaint, to include identifying the basis for the referral, specific allegations, and that a referral/warm hand-off was offered. **(T-1)**
- 4.25.3.3.1. EO directors and EO practitioners will seek updates, as necessary, from the appropriate military service or point of contact through final complaint disposition and ensure that the military complainant's commander is informed of the final disposition. **(T-0)**
- 4.25.3.3.2. If the military service commander of the alleged offender attempts to send back a formal complaint to the DAF EO Program to process, EO directors will engage the installation DAF SJA and installation commander or host wing/delta commander to reiterate to the service commander of the alleged offender that the responsibility to process the formal complaint is with the service commander of the alleged offender in accordance with DoDI 1020.03 and DoDI 1350.02. **(T-1)**

4.25.3.4. Installation EO directors and EO practitioners, in coordination with the military complainant's commander, will assist in the coordination of interviews or taking of statements of the military complainant when requested. **(T-1)**

4.25.3.5. The military complainant's commander will notify the military complainant when an investigation begins and is completed, to include notifying the military complainant on the formal complaint disposition. **(T-0)**

4.25.3.6. If the EO Director and the MAJCOM/FLDCOM EO functional manager are unable to identify the appropriate military service or point of contact, the case will be elevated to AFPC EO Operations to identify and forward the case to the appropriate military service or point of contact. **(T-1)**

4.25.3.7. For sexual harassment allegations, installation EO directors and EO practitioners will advise the military complainant that he or she is eligible to receive victim advocacy services through the DAF SAPR office for sexual harassment and that the installation EO office can facilitate an in-person, virtual, or telephonic non-EO contact referral/warm hand-off to the SARC or SAPR VA. **(T-0)** Installation EO directors and EO practitioners will also advise military complainant that military sexual harassment victim advocacy services through the DAF SAPR office does not replace his or her request to file a formal MEO complaint. **(T-0)** This information will be documented on DAF Form 1587 as a referral complaint in the AF EONet. **(T-1)**

4.25.4. Installation EO directors and EO practitioners will refer military members from other military services to use their military service's MEO complaint processing procedures. **(T-1)**

4.25.5. Installation EO directors, with approval from the installation commander, will establish servicing agreements, where applicable, through memorandum of agreement/understanding (MOA/MOU) with other host or tenant military services and DoD agencies as needed to ensure military members have access to MEO programs. **(T-1)**

4.25.6. DAF commanders, EO directors, and EO practitioners will publicize, display, and ensure understanding of all pertinent DoD and military service MEO policies and programs throughout the organization when in a joint environment. **(T-1)**

4.26. Deployed Environments.

4.26.1. *Personnel Requirements.* Installation EO directors and EO practitioners will be identified and sourced for Air and Space Expeditionary Force rotational support in accordance with DAFI 10-401, *Air Force Operations Planning and Execution*. **(T-1)** Trained EO practitioners who are in the grade of E-5 and above, with AFSC 3F4X1 and specialty experience identifier 1ZX and the equivalent civilian occupational specialty code 0260 are eligible to deploy in support of EO contingency operations. In deployed locations, the installation EO director position will be no lower than the grade of E-6. **(T-1)** Refer to **Chapter 7** for training requirements. Installation EO directors and EO practitioners will complete any and all additional training requirements as directed by SAF/MRQ to support EO operations in evolving deployed environments. **(T-1)**

4.26.1.1. DEOMI-trained ARC EO personnel will augment active duty forces as directed but must have completed the additional training requirements specified in this publication. **(T-1)** Refer to **Chapter 7** for training requirements. DEOMI-trained ARC EO personnel

will complete any and all additional training requirements as directed by SAF/MRQ to support EO operations in evolving deployed environments. **(T-1)**

4.26.1.2. The closest supporting MAJCOM/FLDCOM EO functional manager nearest to the geographic location is responsible for monitoring all DAF EO elements in the area of responsibility (AOR) for policy compliance and provides assistance and guidance to installation EO offices as needed.

4.26.1.3. The regional EO director and/or advisor will provide direct, day-to-day operational EO support to all DAF military and civilian members assigned to the AOR and wing headquarters staff. **(T-1)** The regional EO director and/or advisor will provide EO services and support to AEW commanders, and all designated AEF/air expeditionary groups (AEG)/forward operating bases (FOBs). **(T-1)**

4.26.2. *DAF EO Services Provided in a Deployed Environment.* DAF EO directors and EO practitioners will provide EO services in the deployed environment that will include, but are not limited to, conducting informal and formal MEO complaint processing, civilian EEO pre-complaint processing, out and about visits, EO-related training and education, EOTIs, data collection and reporting, and other directed tasks in support of the DAF EO Program. **(T-1)** Some services may not be available during deployments not yet in a sustainment phase.

4.26.2.1. DAF EO directors and EO practitioners deployed in direct support of combat operations will focus on identifying, preventing, and addressing actual and potential negative behaviors within the DAF EO Program purview. **(T-1)**

4.26.2.2. DAF EO directors and/or advisors will prepare an end-of-tour report that will include responsibilities, accomplishments, areas of concern, and recommendations for improving the DAF EO Program in a deployed environment. **(T-1)** DAF installation EO directors and/or advisors will submit the report to the respective MAJCOM/FLDCOM EO functional manager with AOR oversight and the DAF EO CFM. **(T-1)** For operational guidance and additional resources (e.g., templates), refer to the AFPC EO Operations SharePoint at <https://usaf.dps.mil/teams/14101/SitePages/Home.aspx> and/or contact your respective MAJCOM/FLDCOM EO functional manager or AFPC EO Operations.

Chapter 5

EQUAL OPPORTUNITY AND TREATMENT INCIDENTS

5.1. Overview. An equal opportunity and treatment incident (EOTI) is an overt damaging incident of unlawful discrimination, prohibited discrimination, discriminatory harassment (including sexual harassment), and other forms of military harassment (bullying and hazing) under the purview of the DAF Equal Opportunity (EO) Program that are motivated or targeted based on the protected class status of those involved where it is perceived to have been a primary or contributing factor of an incident(s). EOTIs adversely affect command climate, installation's military community, trust and confidence in commanders and leaders, and ultimately mission readiness. It is vital for installation EO offices to collaborate and communicate with commanders, law enforcement, community action team (CAT) members, and other key stakeholders to be aware of and share information to best address EOTIs as warranted. EOTIs are different from equal employment opportunity (EEO) complaints and military equal opportunity (MEO) complaints and have different processing procedures.

5.2. Scope. EOTIs involve all of the following elements: (a) has a military nexus, (b) is directed toward an individual, group, or institution, (c) is motivated or is perceived to be motivated against a protected class status, (d) can occur in-person or through electronic communications such as social media, and (e) has the potential to have an adverse effect on a command climate and/or the installation's or deployed military community. Incidents motivated or targeted against a protected class may include, but are not limited to, the use of slurs, vandalism, degrading graffiti, or posting of discriminatory epithets, signs, or symbols. Incidents are not considered EOTIs merely because the individuals are of different protected classes.

5.2.1. Applicable for civilian employees, former employees, and applicants for employment who meet criteria pursuant to 29 CFR Part 1614, *Federal Sector Equal Employment Opportunity*, the Equal Employment Opportunity Commission's Management Directive 110 (EEOC MD 110), *Federal Sector Complaints Processing Manual*, and the laws within EEOC's jurisdiction based on a protected class.

5.2.2. Applicable for military members, who meet criteria as described by DoDI 1350.02, DoD Military Equal Opportunity Program and DODI 1020.03, Harassment Prevention and Response in the Armed Forces based on a protected class.

5.3. Purpose. When an EOTI is identified, the installation EO office will complete an EOTI clarification. The purpose of an EOTI clarification is to gather pertinent information to determine whether an EOTI involving unlawful discrimination, prohibited discrimination, discriminatory harassment (including sexual harassment), and other forms of military harassment (bullying and hazing) violates DAF EO policy and to bring incidents to the installation commander's attention and action, as appropriate. EOTI clarifications will be conducted in deployed locations consistent with this publication. **(T-1)**

5.4. Reporting EOTIs. Airmen and Guardians (military and civilian) and other members of the installation or deployed location (e.g., dependents, contractors, etc.) may report EOTIs directly or anonymously to the installation (or deployed location) EO office, through the DAF Unlawful Discrimination and Harassment Hotline, or directly to a chain of command. For anonymous reports submitted to the installation (or deployed location) EO office, reports will need to provide

sufficient information in order to conduct an EOTI clarification. Without sufficient information, the installation EO office will not be able to contact the reporter to request additional information, hindering any effort to resolve the matter.

5.5. Suspected Criminal or Extremist Activities. EOTIs do not take primacy over or substitute for military criminal investigation organization and/or law enforcement investigations or commander directed investigations (CDI) on criminal or extremist activities.

5.5.1. Installation EO directors and EO practitioners will immediately refer any allegations made about suspected criminal activities (e.g., sexual assault, indecent exposure, obscene telephone calls, child physical or sexual abuse, child exploitation, etc.) to the Air Force Office of Special Investigations (AFOSI) or security forces (SF) as applicable based on investigative authority in accordance with AFI 71-101 Volume 1, *Criminal Investigations Program* for investigation. **(T-0)** Installation EO directors and EO practitioners will immediately refer all allegations of extremist activities to AFOSI. **(T-0)** The installation EO director will immediately notify the installation commander and other appropriate commanders of the incident and referral to AFOSI or SF. **(T-1)** The installation EO director will document the referral to AFOSI or SF and notification to commander(s) in the [Department of the] Air Force Equal Opportunity Network (AF EONet) on a DAF Form 1271, *Equal Opportunity Record of Assistance/Contact* as non-EO assistance. **(T-1)** If the suspected criminal or extremist activities fall under the MEO protected categories but are not under the authority of scope of the DAF EO Program, installation EO directors will document this as a referral complaint to AFOSI or SF and notification to commander(s) in the AF EONet on a DAF Form 1587, *Military Equal Opportunity Formal Complaint*. **(T-1)** Refer to [Chapter 4](#) on the differences between non-EO contact referrals and referral complaints. Upon a credible report or suspicion of extremist activities, commanders will take appropriate actions in accordance with DAFI 51-508, *Political Activities, Free Speech and Freedom of Assembly*, to include notifying the counter-insider threat liaison in the information protection office. **(T-0)**

5.5.2. The installation EO director will immediately refer activities of groups supporting supremacist causes advocating discrimination and harassment, or otherwise advocating the use or threat of force or violence to deprive individuals of their civil rights when such activities constitute an immediate danger to the loyalty, good order and discipline, or morale of DAF personnel to AFOSI and the counter-insider threat liaison in the information protection office. **(T-0)** The installation EO director will immediately notify the installation commander of the incident and referral to AFOSI and the counter-insider threat liaison in the information protection office. **(T-1)**

5.5.2.1. If the criminal or extremist activities reported to AFOSI or SF by the installation EO director also meet the elements of an EOTI, the installation EO director must receive in writing from the installation commander directing an EOTI clarification. **(T-1)** However, the installation EO office will not conduct EOTI clarifications on crimes such as sexual assault, indecent exposure, obscene telephone calls, child physical or sexual abuse, or child exploitation. **(T-0)**

5.5.2.2. If AFOSI or SF conduct the investigation, the installation EO director will document the referral to AFOSI or SF and notification to the installation commander in the AF EONet on a DAF Form 1587 as a referral complaint. See [Chapter 4](#) for referral complaints. **(T-1)**

5.5.3. For an EOTI clarification that was initiated by the installation EO office that later identified suspected criminal or extremist activities, the installation EO director will immediately stop any further clarification to avoid any potential interference with a criminal investigation conducted by AFOSI or SF. **(T-1)** The installation EO director will immediately refer such activities to AFOSI or SF for investigation. **(T-0)** The installation EO director will immediately notify the installation commander and other appropriate commanders of the incident and that a referral was made to AFOSI or SF. **(T-1)** The installation EO director will document the referral to AFOSI or SF and notification to commander(s) in the AF EONet on a DAF Form 1587 as a referral complaint. See [Chapter 4](#) for referral complaints. **(T-1)**

5.5.3.1. If an EOTI clarification is directed by the installation commander, the installation EO director may only commence or re-commence an EOTI clarification after the conclusion of an AFOSI or SF investigation.

5.5.3.2. AFOSI or SF will follow up with the installation EO director every 14 calendar days to provide updates on the status of the investigation. **(T-1)** Upon completion of the investigation, AFOSI or SF will provide the report of investigation to the installation EO director within five calendar days. **(T-1)** For EOTIs that result in a criminal investigation, AFOSI or SF will only provide information relevant to the EOTI or will provide a redacted report of investigation from the criminal investigation. **(T-1)**

5.5.3.3. The installation EO director may use the report of investigation to serve as the EOTI clarification report.

5.6. EOTI Classification. Installation EO directors will submit to the installation commander an EOTI classification of (a) minor, (b) serious, or (c) major for the installation commander to make a final determination on the incident classification. **(T-1)**

5.6.1. EOTIs are classified as minor, serious, or major based on the following elements:

5.6.1.1. Minor involves isolated incidents; less than 10 targeted individuals, alleged offenders engaging in behaviors/actions, and/or bystanders; no or minor physical injuries; no or minimal (\$1,000 or less) property damage; and/or adverse effect on two or less unit command climates because of the incident(s).

5.6.1.2. Serious involves isolated, repeated, or scattered incidents (less than three that are linked); less than 20 targeted individuals, alleged offenders engaging in behaviors/actions, and/or bystanders; physical/psychological injuries resulting in outpatient medical treatment/counseling; moderate (\$1,000 to \$10,000) property damage; adverse effect on three to five unit command climates as a result of the incident(s); and/or minimal/moderate adverse public, media, and/or congressional attention.

5.6.1.3. Major involves isolated, repeated, scattered, or widespread incidents (more than three that are linked); 20 or more targeted individuals, alleged offenders engaging in behaviors/actions, and/or bystanders; physical injuries resulting inpatient medical treatment, permanent disability, or death; significant (more than \$10,000) property damage; significant adverse effect on more than five unit command climates and/or overall installation's military community as a result of the incident(s); and/or significant adverse public, media, and/or congressional attention, coverage, or inquiries.

5.6.2. The installation EO director will use the most severe element(s) identified in the EOTI to help determine a classification. **(T-1)** For example, if an incident involved less than three alleged offenders, but resulted in death because of the incident and has significant adverse media coverage, the installation EO director would classify the incident as major and not minor.

5.6.3. If an EOTI clarification is directed by the installation commander after an AFOSI or SF investigation, the installation EO director will classify the EOTI as a serious or major incident based on classification elements per paragraph 5.6.1.2 and 5.6.1.3. **(T-1)**

5.6.4. When the installation EO director cannot make an exact classification due to limited available information, the EOTI will be reported as a “possible” minor, “possible” serious, or “possible” major incident based on available information. **(T-1)**

5.6.5. For operational guidance and additional resources, refer to the AFPC EO Operations SharePoint at <https://usaf.dps.mil/teams/14101/SitePages/Home.aspx> and/or contact your MAJCOM/FLDCOM EO functional managers or AFPC EO Operations.

5.7. EOTI Notifications. Installation EO directors will provide initial and final notifications for all EOTIs via electronic communications (i.e., email) to identified individuals and/or organizations as outlined in paragraphs 5.7.2 through 5.7.2.3. **(T-1)** A follow up notification is also required to identified individuals and/or organizations on EOTI clarifications on all minor and serious incidents exceeding 30 calendar days and major incidents exceeding seven calendar days.

5.7.1. In the initial message, provide as much information as possible that is known at the time. Include new information as the clarification is conducted. The notification will include the line headings listed below. If there is no information to report, then enter the acronym: NSTR. The initial, follow-up, and final notification will include at minimum:-

5.7.1.1. EOTI case number from the AF EONet;

5.7.1.2. How the installation EO office was notified or became aware of the incident;

5.7.1.3. Incident location (e.g., on/off installation, private residence/worksites/other, etc.);

5.7.1.4. Protected class(es) status of individual or group that was targeted;

5.7.1.5. Relevant demographics of victims and alleged offenders (e.g., military/DAF civilian/other status, rank/grade, sex, race, unit(s) of assignment, etc.), if known;

5.7.1.6. Detailed description of the incident to include exact slurs, terms, signs, symbols used, if applicable;

5.7.1.7. Property damage;

5.7.1.8. Medical treatment;

5.7.1.9. Adverse congressional, media, and/or public attention, coverage, and/or inquiries;

5.7.1.10. Whether the incident was isolated, repeated, or widespread across the unit(s) and/or installation;

5.7.1.11. Whether the incident has had an adverse effect on morale, good order and discipline, unit effectiveness, command climates, installation’s military community, and overall mission readiness;

5.7.1.12. Measure(s) used to address adverse effects of the incident on individual(s), command climate, or military community or deployed locations;

5.7.1.13. Corrective action(s) taken by command(s) against offenders;

5.7.1.14. Lessons learned;

5.7.1.15. Additional clarifying information when requested by SAF/MRQ and/or AFPC EO Operations.

5.7.2. The installation EO director will ensure the installation commander and other identified organizations are informed of an EOTI from the time it is reported or the installation EO office became aware and until its completion. **(T-1)** Each classification has different notification requirements. Final action for an EOTI is when the installation commander makes the final determination on the EOTI classification and approves release of the final notification.

5.7.2.1. For EOTIs classified as minor, the installation EO director will provide the initial notification to the installation commander and his or her respective MAJCOM/FLDCOM EO functional manager within 48 hours of receiving a report or becoming aware of the incidents. **(T-1)** The installation EO director will provide the final notification to the installation commander and his or her respective MAJCOM/FLDCOM EO functional manager within 30 calendar days. **(T-1)** The final notification will include all information previously reported in the initial notification in addition to any new information gathered. **(T-1)** If the EOTI clarification exceeds 30 calendar days, the installation EO director will submit follow up notifications every 14 calendar days to the installation commander and his or her respective MAJCOM/FLDCOM EO functional manager until the incident has been resolved. **(T-1)**

5.7.2.2. For EOTIs classified as serious, the installation EO director will provide the initial notification to the installation commander and to SAF/MRQ through his or her respective MAJCOM/FLDCOM EO functional manager and AFPC EO Operations within 48 hours of receiving a report or becoming aware of the incident. **(T-1)** The installation EO director will provide the final notification to the installation commander and SAF/MRQ through his or her respective MAJCOM/FLDCOM EO functional manager and AFPC EO Operations within 30 calendar days. **(T-1)** The final notification will include all information previously reported in the initial notification in addition to any new information gathered. **(T-1)** If the EOTI clarification exceeds 30 calendar days, the installation EO director will submit follow up notifications every 14 calendar days to the installation commander and SAF/MRQ through his or her respective MAJCOM/FLDCOM EO functional manager and AFPC EO Operations until the incident has been resolved. **(T-1)**

5.7.2.3. For EOTIs classified as major, the installation EO director will provide the initial notification to the installation commander within 24 hours of the incident. **(T-1)** The installation commander will submit an Event/Incident Report (OPREP-3) to immediately notify Higher Headquarters of any significant event or incident that rises to the level of service-level interests in accordance with AFMAN 10-206, *Operational Reporting (OPREP)*. **(T-0)** The installation commander and command and control operations controllers must review report content to ensure it is classified appropriately per the applicable classification guide. **(T-0)** The installation EO director will also provide the

initial notification to SAF/MRQ through his or her respective MAJCOM/FLDCOM EO functional manager and AFPC EO Operations within 24 hours of the incident. **(T-1)** The installation EO director will provide the final notification to the installation commander and SAF/MRQ through his or her respective MAJCOM/FLDCOM EO functional manager and AFPC EO Operations within seven calendar days. **(T-1)** The final notification will include all information previously reported in the initial notification in addition to any new information gathered. If the EOTI clarification exceeds seven calendar days, the installation EO director will submit follow up notifications every seven calendar days to the installation commander and SAF/MRQ through his or her respective MAJCOM/FLDCOM EO functional manager and AFPC EO Operations until the incident has been resolved. **(T-1)**

5.7.3. For operational guidance and additional resources (e.g., templates), refer to the AFPC EO Operations SharePoint at <https://usaf.dps.mil/teams/14101/SitePages/Home.aspx> and/or contact your MAJCOM/FLDCOM EO functional managers or AFPC EO Operations.

5.8. EOTI Clarification. The installation EO office will conduct EOTI clarifications when incidents are reported directly or anonymously to the installation EO office, reported through the DAF Unlawful Discrimination and Harassment Hotline, or when the installation EO office becomes aware of an incident (e.g., SF blotters, out and abouts, etc.) that meet the elements of an EOTI as described in [paragraph 5.2](#). **(T-1)** Because of potential broader effect across an installation's military community, EOTIs may be reported by third parties who may have information about an incident.

5.8.1. Within 48 hours (24 hours for major incidents) of an installation EO office receiving a report or becomes aware of an incident that meet the elements of an EOTI, the installation EO director will notify the installation commander of the incident and that the installation EO office is to conduct a clarification. **(T-1)**

5.8.2. The installation EO office will conduct a clarification within 30 calendar days, including writing the report and obtaining a legal sufficiency review, from the day the installation EO office received the report or became aware of an incident. **(T-1)** If the clarification exceeds 30 calendar days, the installation EO director will provide justification for exceeding the designated timeframe, which will be annotated in the AF EONet and the follow-up and final notifications sent through electronic communications. **(T-1)**

5.8.3. EOTI clarifications may require interviewing or taking statements from individuals who may have relevant information regarding the incident. The installation EO director will obtain prior approval from the installation commander to conduct interviews and will coordinate with the installation staff judge advocate (SJA) when conducting interviews or taking statements to ensure legal sufficiency and compliance. **(T-1)**

5.8.3.1. If an individual discloses to the installation EO office during an interview or while providing a statement that he or she is a victim of sexual harassment, the installation EO office will inform the individual who is a military member that he or she may be eligible for victim advocacy services with the sexual assault prevention and response (SAPR) program and can facilitate an in-person, virtual, or telephonic referral to the sexual assault response coordinator (SARC) or SAPR victim advocate (SAPR VA). **(T-0)** The installation EO office will also inform military members that sexual harassment victim advocacy services through the SAPR office do not replace the MEO complaint processes available

to them and will explain the MEO complaint options. **(T-0)** The installation EO office will inform the military member that formal complaints of sexual harassment are referred to AF/A4S Sexual Harassment Investigations Division to facilitate independent investigations pursuant to the procedures in 10 United States Code (USC) § 1561. **(T-0)**

5.8.4. As part of the clarification, the installation EO director will initially determine a classification level for the EOTI as described in **paragraph 5.6. (T-1)**

5.8.5. For operational guidance and additional resources (e.g., templates), refer to the AFPC EO Operations SharePoint at <https://usaf.dps.mil/teams/14101/SitePages/Home.aspx> and/or contact your MAJCOM/FLDCOM EO functional managers or AFPC EO Operations.

5.9. EOTI Clarification Report. Within five duty days of completing the EOTI clarification, installation EO directors will submit a clarification report to the installation commander to make the final determination on the EOTI classification and approve release of the final notification to the appropriate individuals and organizations as outlined in paragraph 5.7.2 through 5.7.2.3. **(T-1)** Prior to submitting the clarification report to the installation commander, the installation EO director will submit the clarification report to the installation SJA for a legal sufficiency review. **(T-1)**

5.9.1. Installation EO directors will use an approved DAF EO clarification report template developed by AFPC EO Operations. **(T-1)** At minimum, the clarification report will include:

5.9.1.1. Overview and purpose of the EOTI;

5.9.1.2. Scope of the EOTI being conducted;

5.9.1.3. List of individuals interviewed (e.g., bystanders, witnesses, etc.);

5.9.1.4. Information gathered (e.g., interviews, testimony, SF blotters, reports of investigations, photographs, etc.);

5.9.1.5. Analysis and findings;

5.9.1.6. DAF EO director EOTI classification recommendation;

5.9.1.7. Legal sufficiency review and concurrence on EOTI classification;

5.9.1.8. Installation commander final determination on EOTI classification (e.g., approve/disapprove).

5.9.2. For operational guidance and additional resources (e.g., templates), refer to the AFPC EO Operations SharePoint at <https://usaf.dps.mil/teams/14101/SitePages/Home.aspx> and/or contact your MAJCOM/FLDCOM EO functional managers or AFPC EO Operations.

5.10. EOTIs Involving Senior Officials. Installation EO directors will immediately notify the installation commander and servicing IG office or SAF/IGS of EOTIs involving senior officials and notify SAF/MRQ within 48 hours (24 hours for major incidents) of receiving a report or becoming aware of such incidents through their respective MAJCOM/FLDCOM EO functional manager and AFPC EO Operations. **(T-1)** SAF/MRQ will notify and refer the incident to SAF/IGS per DAFI 90-301, *Inspector General Complaints Resolution*, for investigation. **(T-1)** Installation EO directors will document the referral in the AF EONet on a DAF Form 1587 as a referral complaint. See **Chapter 4** for referral complaints. **(T-1)**

5.11. EOTIs Involving Joint Services and/or Tenant Commands/Organizations. When EOTIs involve individuals or groups (e.g., targeted individuals, alleged offenders) assigned to a joint service or tenant command or organization, the servicing DAF installation EO director will forward copies of the EOTI notifications to the responsible joint service/DoD component commander (or civilian equivalent) with a need to know for awareness and any appropriate corrective action(s) to help mitigate the matter. **(T-1)** EOTI notifications will include all required elements as outlined in paragraphs 5.7 through 5.7.3. Because EOTIs are a DAF specific requirement, the responsible DAF installation commander (or military or civilian equivalent) makes the final determination on the EOTI classification and approves release of the final notification. **(T-1)**

5.12. Social Media Incidents. Airmen and Guardian (military and civilians) social media is enforced as described in AFI 35-101, *Public Affairs Operations*. Not all social media incidents will be considered or processed as EOTIs.

5.12.1. The installation EO director, with written approval from the installation commander, will conduct EOTI clarifications on social media incidents reported to or when the installation EO office became aware of the incident only when (a) such incidents involve overt damaging incidents as described in paragraph 5.1, (b) incidents meet the elements of an EOTI as outlined in paragraph 5.2, and (c) access to or awareness of the derogatory social media content is isolated or limited to the respective installation military and/or local civilian community. **(T-1)** For example, an individual reports that there are more than six members across four units on the respective installation that are posting racial slurs and derogatory racial images in a thread on the installation's social media site.

5.12.1.1. If directed to conduct the EOTI clarification by the installation commander, the installation EO director will comply with all EOTI requirements outlined in this chapter to include but not limited to referrals, notifications, classifications, clarification reports, prescribed timelines, senior officials, and documentation. **(T-1)**

5.12.1.2. Because installation EO offices are not experts on social media and electronic communications laws and policies, the installation EO director will seek guidance from the installation SJA before attempting to gather information from social media as part of the EOTI clarification. **(T-1)** If certain information is deemed as needing special or law enforcement authorities for access, the installation EO director will cease efforts to access such information, inform the installation commander, and will document this in the AF EONet. **(T-1)**

5.12.1.3. If the installation EO director determines that identified alleged offenders are outside of his or her installation EO office's servicing area, the installation EO director will request assistance through his or her respective MAJCOM/FLDCOM EO functional manager to the installation EO office where the alleged offenders are located for support.

5.12.2. The installation EO director will refer social media incidents that involve overt damaging incidents as described in paragraph 5.1, but access to or awareness of the derogatory social media content is isolated or limited to one or two units on the respective installation or the derogatory social media content is widespread across social media sites or platforms where individual Airmen and Guardians (military and civilian) are identified as alleged offenders. **(T-1)** For example, an individual reports that in a small group social media chat, four members from the same unit used racial slurs and posted derogatory racial images.

For example, another individual reports three specific DAF military members posted and commented on derogatory images of a racial group on a well-known social media page frequented by Airmen and Guardians (military and civilian).

5.12.2.1. The installation EO director will refer such incidents to the alleged offender's commander on a DAF Form 1587 as a referral complaint and notify the installation commander of the incident within 48 hours. See [Chapter 4](#) for referral complaints. **(T-1)** The installation EO director will enter this into the AF EONet within three duty days of the referral. **(T-1)**

5.12.2.2. The alleged offender's commander will conduct an inquiry and provide the installation commander and EO director with the written notification of the outcome and any corrective actions to be taken with 30 calendar days of being notified of the social media incidents. **(T-1)** The installation EO director will enter this into the AF EONet within three duty days of receipt. **(T-1)**

5.12.3. MAJCOM/FLDCOM EO functional managers, with written approval from the MAJCOM/FLDCOM commanders, will conduct EOTI clarifications on social media incidents reported to or when an installation EO office became aware of the incident when (a) such incidents involve overt damaging incidents as described in [paragraph 5.1](#), (b) incidents meets the elements of an EOTI as outlined in [paragraph 5.2](#), and (c) access to or awareness of the derogatory social media content is scattered across multiple (more than two) installations military and/or local civilian communities under that respective MAJCOM's/FLDCOM's purview. **(T-1)** For example, an individual reports that there are more than 10 members across four installations of a respective MAJCOM/FLDCOM that are posting racial slurs and derogatory racial images on an installation's social media site.

5.12.3.1. If directed to conduct the EOTI clarification by the MAJCOM/FLDCOM commander, the MAJCOM/FLDCOM EO functional manager will comply with all EOTI requirements outlined in this chapter to include but not limited to referrals, notifications, classifications, clarification reports, prescribed timelines, senior officials, and documentation. **(T-1)** The MAJCOM/FLDCOM EO functional manager may designate an installation EO office to assist in conducting the EOTI clarification, such as conducting interviews involving affected members at their local installation, while ensuring consideration is taken on the installation EO office's workload. The MAJCOM/FLDCOM EO functional manager will enter these EOTI in the AF EONet. **(T-1)**

5.12.3.2. Because installation EO offices are not experts on social media and electronic communications laws and policies, the MAJCOM/FLDCOM EO functional manager will seek guidance from the MAJCOM/FLDCOM SJA before attempting to gather information from social media as part of the EOTI clarification. **(T-1)** If certain information is deemed as needing special or law enforcement authorities for access, the MAJCOM/FLDCOM EO functional manager will cease efforts to access such information and will ensure this is documented in the AF EONet. **(T-1)**

5.12.3.3. If the MAJCOM/FLDCOM EO functional manager determines that identified alleged offenders are outside of his or her MAJCOM's/FLDCOM's purview, the MAJCOM/FLDCOM EO functional manager will request assistance through his or her peer MAJCOM/FLDCOM EO functional manager where the alleged offenders are located for support. **(T-1)**

5.13. EOTI Documentation.

5.13.1. All EOTIs will be entered in the AF EONet within three duty days from when the incident was reported to or when the installation EO office became aware of an incident. **(T-1)** EOTI will be updated in the AF EONet within three duty days to reflect any updates and actions taken as part of the clarification from initiation to completion.

5.13.2. All referrals of suspected criminal or extremist activities made to AFOSI or SF that were initially reported to the installation EO office as an EOTI will be entered into the AF EONet within three duty days of the referral. **(T-1)**

5.13.3. All documentation associated with EOTIs, to include but not limited to notifications, interviews, statements, clarification reports, photos, and all other supporting documentation will be maintained in the EOTI case file in accordance with the Air Force Records Disposition Schedule. See [Chapter 8](#) for additional guidance on records management.

Chapter 6

EQUAL OPPORTUNITY TRAINING AND EDUCATION

6.1. Overview. The Department of the Air Force (DAF) will provide Airmen and Guardians (military and civilian) with the knowledge about unlawful discrimination and discriminatory harassment, (including sexual harassment), prohibited discrimination, and other forms of harassment described in this publication in accordance with laws, regulations, executive orders, directives, and DoD and DAF policies and initiatives. This includes ensuring Airmen and Guardians (military and civilian) are made aware of their respective civilian equal employment opportunity (EEO) and military equal opportunity (MEO) complaint processes and have access to available resources such as trained equal opportunity (EO) professionals and the DAF Unlawful Discrimination and Harassment Hotline. This approach reinforces the DAF's commitment to nondiscrimination and EO across the total force and that assistance is available to Airmen and Guardians (military and civilian) who may be experiencing these forms of negative and detracting behaviors.

6.1.1. This chapter focuses on response related training requirements that fall within or overlap with the DAF EO Program purview to align with laws, regulations, executive orders, directives, DoD and DAF policies, and DoD and DAF senior leader directed efforts. AFPC EO Operations will ensure the implementation of the training requirements as described in this chapter and as required by law, policy, and DoD and DAF senior leader directed efforts. **(T-1)** This includes coordinating with relevant functional communities to determine if such required training content (e.g., learning objectives) that overlap with DAF EO and other DAF programs can be combined and executed across other existing DAF trainings led by other functional communities, or if AFPC EO Operations will be required to incorporate into existing EO training or develop new EO training(s). **(T-1)**

6.1.2. For any primary prevention training requirements on workplace harassment, sexual harassment, hazing, bullying, and other forms of interpersonal violence, refer to DoDI 6400.09, *DoD Policy on Integrated Primary Prevention of Self-Directed Harm and Prohibited Abuse or Harm*, DoDI 6400.11, *DoD Integrated Primary Prevention Policy for Prevention Workforce and Leaders*, and DAFI 90-5001, *Integrated Resilience*, or seek assistance from the respective local integrated primary prevention workforce.

6.1.3. For any civilian harassment training requirements that are not based on an EEO protected class pursuant to 29 CFR Part 1614, *Federal Sector Equal Employment Opportunity*, the Equal Employment Opportunity Commission's Management Directive 110 (EEOC MD 110), *Federal Sector Complaints Processing Manual* and the laws within EEOC's jurisdiction, refer to DoDI 1020.04, *Harassment Prevention and Responses for DoD Civilian Employees*, DAFI 36-147, *Civilian Conduct and Responsibility*, and/or seek assistance from the respective local civilian personnel section (CPS).

6.2. Key Personnel Briefing. All DAF commanders and senior enlisted advisors/leaders will receive EO training when assuming senior leadership and command positions. **(T-0)** DAF installation, wing/delta, group, and squadron commanders, first sergeants, and command chief master sergeants will receive a key personnel briefing (KPB) from their respective installation EO director, or designated EO practitioner(s), within 45 duty days of assuming command. **(T-1)** The KPBs will provide comprehensive information within the DAF EO Program purview in

accordance with DoDI 1350.02, *DoD Military Equal Opportunity Program*, DoDI 1020.03, *Harassment Prevention and Response in the Armed Forces* and DoDI 1020.04, *Harassment Prevention and Response for the DoD Civilian Employees*, and as required by law, policy, and DoD and DAF senior leader directed efforts. The KPB will include, but not limited to, senior leaders and commanders EO roles and responsibilities, as well as complaints processing and procedures. The KPB will also provide information about the status of their respective installation EO Program, to include, but not limited to, any trends, barriers, or best practices that may affect their Airmen and Guardian's (military and civilian) wellbeing and duty performance, and overall mission readiness. For the Air Reserve Component (ARC), KPBs will be completed within two regular scheduled drills (RSD) or unit training assemblies (UTA) of assumption of command. **(T-1)**

6.3. First Duty Station Training. DAF military members and civilian employees (appropriated and non-appropriated funded) at their first permanent duty assignment will receive DAF EO training within 60 calendar days (ARC within 2 RSD/UTA) of arrival. **(T-0)** This will be conducted by their respective installation EO director, or designated EO practitioner(s). **(T-1)** This training will provide foundational and comprehensive information about the DAF EO Program to include, but limited to, DAF EO policies, definitions, reporting options to include retaliation and reprisal, EEO and MEO complaint processes, roles and responsibilities, and other elements in accordance with DoDI 1350.02, DoDI 1020.03, DoDI 1020.04, and as required by law, policy, and DoD and DAF senior leader directed efforts. This training will be conducted in person and class size will not exceed 75. Training length will be consistent with the DAF Learning Committee (DAFLC) per Department of the Air Force Manual (DAFMAN) 36-2689, *Training Program*, or as prescribed by law, policy, and DoD and DAF senior leader directed efforts.

6.4. Newcomer's Orientation. DAF military members and civilian employees (appropriated and non-appropriated funded) at their second or subsequent permanent change of station will receive DAF EO training within 60 calendar days (ARC within 2 RSD/UTA) of arrival. **(T-0)** This will be accomplished during the DAF EO segment of Newcomer's Orientation training conducted by their respective installation EO director, or designated EO practitioner(s). **(T-1)** This training will provide refresher information about the DAF EO Program to include, but limited to, DAF EO policies, definitions, reporting options to include retaliation and reprisal, EEO and MEO complaint processes, roles and responsibilities, and other elements in accordance with DoDI 1350.02, DoDI 1020.03, DoDI 1020.04, and as required by law, policy, and DoD and DAF senior leader directed efforts. Training length will be consistent with the DAFLC per DAFMAN 36-2689 or as prescribed by law, policy, and DoD and DAF senior leader directed efforts.

6.5. Notification and Federal Employee Antidiscrimination and Retaliation Act (No FEAR Act) Training. All DAF civilian employees (appropriated and non-appropriated funded) and military members who supervise DAF civilian employees will receive No FEAR Act training within 90 calendar days of appointment and every two years thereafter. **(T-0)** This training will provide information about civilian employees' rights and remedies in accordance with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (Public Law 107-174). The primary source for completing No FEAR Act training is through myLearning, available at <https://lms-jets.cce.af.mil/>. The installation EO director, or designated EO practitioner(s), will ensure the No FEAR Act training is conducted for DAF civilian employees without myLearning accounts or computer access. **(T-1)** The installation EO director will coordinate with the servicing labor relations officer before requiring bargaining unit DAF civilian

employees to complete this training. **(T-1) Note:** The ANG No FEAR Act training will be managed by the State Equal Employment Manager (SEEM).

6.6. Unlawful Discriminatory Harassment Response Training. DAF civilian employees (appropriated and non-appropriated funded) will receive training on unlawful discriminatory harassment (including sexual harassment) every three years. **(T-0)** This training will include elements as described in DoDI 1020.04 within the DAF EO Program purview. Required training content (e.g., learning objectives) may be combined across other trainings (e.g., No FEAR Act training, First Duty Station training, Newcomer's Orientations, any Anti-Harassment training, etc.) provided it covers all elements required by law, policy, and DoD and DAF senior leader directed efforts. **Note:** The ANG Unlawful Discriminatory Harassment Response training will be managed by the SEEM.

6.7. Supervisor and Manager Unlawful Discriminatory Harassment Response Training. DAF supervisors and managers, to include military members with direct supervisory and indirect managerial positions over DAF civilian employees, will receive unlawful discriminatory harassment (including sexual harassment) training within one year of the supervisor or manager assuming a supervisory or managerial position or role for the first time. **(T-0)** This training will include elements as described in DoDI 1020.04 within the DAF EO Program purview. Required training content (e.g., learning objectives) may be combined across other trainings (e.g., other supervisor trainings, etc.) provided it covers all elements required by law, policy, and DoD and DAF senior leader directed efforts. AFPC EO Operations will coordinate and collaborate within AFPC or with other appropriate DAF stakeholders to ensure this training requirement is incorporated into relevant supervisor/manager trainings as appropriate. **(T-1) Note:** The ANG Supervisor and Manager Unlawful Discriminatory Harassment Response training will be managed by the SEEM.

6.8. Prohibited Harassment (Bullying and Hazing) Response Training. DAF military members will receive training on hazing and bullying. **(T-0)** Required training content (e.g., learning objectives) may be combined across other trainings (e.g., First Duty Station training, Newcomer's Orientations, etc.) provided it covers definitions, complaint processes, and any other elements required by law, policy, and DoD and DAF senior leader directed efforts. This training will be conducted at least every three years.

6.9. Sexual Harassment Confidential Reporting for Military Members Training. DAF military members will receive training on the process by which a military member can confidentially report sexual harassment. **(T-0)** This training will include, but is not limited to, sexual harassment definition, information on how to identify types of harassment, eligibility to file sexual harassment restricted (confidential) and unrestricted reports and receive victim advocacy services with the Sexual Assault Prevention and Response (SAPR) office, exceptions to confidentiality (e.g., clear and present risk to health or safety), that SAPR victim advocacy services do not replace the MEO complaint process, and that military members who file an unrestricted report with SAPR office may also choose to file a separate MEO complaint with the EO office or can go directly to their commander to report the allegation. Required training content (e.g., learning objectives) may be combined across other trainings (e.g., annual SAPR training, First Duty Station training, Newcomer's Orientations, etc.) provided it covers all elements as required by law, policy, and DoD and DAF senior leader directed efforts.

6.10. MEO Training for Military Members and DAF Civilians who Supervise Military Members. DAF military members and DAF civilians who supervise military members will receive MEO training. **(T-0)** This training will include, but is not limited to, MEO policies, reporting options to include retaliation, complaint processes, leadership roles and responsibilities, and other elements in accordance with DoDI 1350.02, DoDI 1020.03, and as required by law, policy, and DoD and DAF senior leader directed efforts. Required training content (e.g., learning objectives) may be combined across other trainings (e.g., other supervisor trainings, etc.) provided it covers all elements as required by law, policy, and DoD and DAF senior leader directed efforts. AFPC EO Operations will coordinate and collaborate within AFPC or with other appropriate DAF stakeholders to ensure this training requirement is incorporated into relevant supervisor/manager trainings as appropriate. **(T-1)**

6.11. Sexual Harassment Response Awareness Education. Commanders (and civilian equivalents) can request that the installation EO director, or designated EO practitioner(s), provide sexual harassment response awareness education for their Airmen and Guardians (military and civilian) for their respective unit(s) and organization(s). This training will include, but is not limited to, sexual harassment definition, MEO and EEO complaint processes, military sexual harassment restricted (confidential) and unrestricted reporting, information on how to identify types of harassment, impact on mission readiness, trends, and other pertinent information.

6.12. MEO Training at Pre-Commissioning Programs. Cadets completing DAF pre-commissioning programs will receive initial MEO training within 60 calendar days of arrival and annually thereafter. **(T-0)** This training must be conducted by an EO director, or designated EO practitioner, and will include, at minimum, MEO policies, reporting options to include retaliation, complaint processes, and other elements in accordance with DoDI 1350.02, DoDI 1020.03, and as required by law, policy, and DoD and DAF senior leader directed efforts. This training applies to Cadets at the United States Air Force Academy, Officer Training School, and Air Force Reserve (AFR) Officer Training Corps. **(T-1)**

6.13. Military Equal Opportunity Training at Initial Entry Training. Individuals completing initial entry training (e.g., basic military training) will receive MEO training. **(T-0)** This training will include, but limited to, MEO policies, reporting options to include retaliation, complaint processes, leadership roles and responsibilities, and other elements in accordance with DoDI 1350.02, DoDI 1020.03, and as required by law, policy, and DoD and DAF senior leader directed efforts.

6.14. Military Equal Opportunity Training at Professional Military Education Programs. DAF military members will receive MEO training at all levels of officer (including flag and general officers) and enlisted professional military development from the accession point to the assumption of senior leader grade. **(T-0)** Professional military education (PME) training will include, but limited to, MEO policies, reporting options to include retaliation, complaint processes, leadership roles and responsibilities, and other elements in accordance with DoDI 1350.02, DoDI 1020.03, and as required by law, policy, and DoD and DAF senior leader directed efforts.

6.15. Training Accessibility for DAF Civilian Employees. The installation EO director and other responsible training officials will coordinate their respective trainings, where appropriate, with their respective disability program manager (DPM) to ensure that trainings are scheduled and located in facilities or areas with sufficient access and provide other accommodations for individuals with disabilities (e.g., interpreters, electronic accommodations, alternative forms of

materials, etc.). **(T-0)** The requirement to provide reasonable accommodation in training applies to all DAF sponsored or required trainings performed in house or by an outside organization or entity, whether provided on or off DAF property. **(T-1)** If the training is performed off DAF property, the installation will establish a joint legal obligation with the outside entity to provide reasonable accommodations. **(T-1)** The civilian training office will process and arrange reasonable accommodation requests for training requirements, including travel. **(T-1) Note:** The ANG training accessibility requests for civilians will be managed by the SEEM.

6.16. Training Resources and Procedures.

6.16.1. DAF EO Training Resources and Materials. Trainings conducted by the installation EO director, or designated EO practitioner(s), will use standardized DAF EO curricula, lesson plans, training assessments, instructor/facilitator guides, and other resources and materials that have been developed and/or managed by AFPC EO Operations and approved by SAF/MRQ and DEOMI. **(T-0)** DAF EO standardized training resources and materials are available on the AFPC EO Operations SharePoint at <https://usaf.dps.mil/teams/14101/SitePages/Home.aspx>.

6.16.1.1. Installation EO directors may supplement, but will not replace, remove, or modify, standardized DAF EO training resources and materials. All locally developed supplemental EO training resources and materials will be approved by the installation commander prior to implementation. **(T-1)** All supplemental non-DAF developed EO training resources and materials will be approved by the installation commander prior to implementation. **(T-1)** All supplemental EO training resources and materials will comply with proprietary, copyright, trademark, and other relevant laws and policies and will be consistent with the DAF EO Program's purview, priorities, objectives, and messaging. **(T-0)**

6.16.1.2. Installation EO directors, or designated EO practitioner(s), may personalize standardized DAF EO training resources and materials (e.g., introduction, transitions, closing), but will not replace, remove, or modify the standardized content to ensure consistency and accuracy of information provided and meeting of statutory and policy obligations. **(T-1)** Installation EO directors will review and approve any EO practitioner personalized information developed for DAF EO trainings prior to implementation. **(T-1)** Refer to [paragraph 6.16.1.1](#) regarding installation commander approval of training prior to implementation.

6.16.1.3. Training development and implementation for EO and other harassment training requirements for initial entry training, pre-commissioning programs, all levels of PME, and supervisory courses are the responsibility of those organizations overseeing those training and education programs and organizations. **(T-1)** These EO-related trainings, to include learning objectives, curricula, training plans, and other relevant training materials and resources, will be coordinated with SAF/MRQ and AFPC EO Operations to ensure statutory and policy compliance and for submission to DEOMI, where required, for review before implementation in accordance with DoDI 1350.02 and DoDI 1020.03. **(T-0)**

6.16.2. DAF EO Training Instructors. Only installation EO directors and EO practitioners who have completed initial skills training as described in [Chapter 7](#) will provide trainings under the DAF EO Program purview to include all locally developed supplemental EO training resources and materials. **(T-1)**

6.16.2.1. EO practitioners will be evaluated annually for each training they conduct to assess for, but not limited to, instructional skills and abilities, performance, and demonstration of subject matter expertise to ensure training effectiveness and efficiency in communicating the DAF EO Program to Airmen and Guardians (military and civilian). **(T-1)** This will be documented on the AETC Form 281A, *Instructor Evaluation Checklist*.

6.16.2.2. Airmen and Guardians (military and civilian) will be provided the opportunity to complete instructor and course critiques for all trainings conducted by installation EO directors, or designated EO practitioner(s). **(T-1)** Instructor and course critiques will be maintained in accordance with the Air Force Records Disposition Schedule.

6.16.3. DAF EO Training Scheduling and Tracking.

6.16.3.1. The installation EO office in coordination with the military personnel section (MPS) will ensure military personnel complete required EO training as part of in-processing (i.e., First Duty Station training and Newcomer's Orientation) within 60 calendar days (ARC in 2 UTAs) of arrival. **(T-1)** The installation EO office will provide attendance rosters, to include absences or no-shows, within 30 calendar days after the training to MPS for processing. **(T-1)** For ANG, trainings are scheduled through the wing's training program.

6.16.3.2. The civilian personnel section (CPS) will ensure DAF civilian employees are scheduled for required EO training as part of in-processing (i.e., First Duty Station training and Newcomer's Orientation). **(T-1)** The CPS will provide the installation EO office with training dates, times, and locations. **(T-1)** The installation EO office will provide attendance rosters, to include of absences or no-shows, to the CPS within 30 calendar days after the training. **(T-1)**

6.16.3.3. All EO required training conducted will be input for tracking into the [Department of the] Air Force Equal Opportunity Network (AF EONet) within three duty days of training completion. Sign-in rosters will be maintained in accordance with the Air Force Records Disposition Schedule.

6.16.3.4. Installation EO offices will schedule and track all other DAF EO training requirements directly with units and organizations unless otherwise directed by operational guidance or training resources and materials (e.g., lesson plans) developed and provided by AFPC EO Operations. **(T-1)** For ANG, trainings are scheduled through the wing's training program.

6.16.3.5. Training scheduling and tracking for EO and other harassment training requirements for initial entry training, pre-commissioning programs, all levels of PME, and supervisory courses are the responsibility of those organizations overseeing those training and education programs and organizations. **(T-1)**

Chapter 7

CAREER FIELD MANAGEMENT AND TRAINING

7.1. Overview. The DAF Equal Opportunity (EO) Program utilizes a dedicated and professional EO career field of enlisted and civilian personnel to provide timely, fair, and impartial services to Airmen and Guardians (military and civilian) such as complaint processing, outreach, EO-related training and education, assistance through alternative dispute resolution (ADR), and other related services. This ensures that Airmen and Guardians (military and civilian) receive world-class services from trained and competent EO career field members who are well versed and experienced in implementing laws, regulations, and policies governing both the civilian equal employment opportunity (EEO) complaint program and military equal opportunity (MEO) program.

7.2. Career Field Eligibility.

7.2.1. Enlisted personnel are eligible to retrain into the EO career field if they hold the rank of Staff Sergeant Select or above and meet EO specialty qualifications outlined in the *Air Force Enlisted Classification Directory* (AFECD). **(T-1)**

7.2.2. Civilian personnel are eligible for the EO career field if they meet EO occupational series criteria, and other civilian personnel qualification requirements. **(T-1)** The installation commander or host wing/delta commander (or civilian equivalent) is the hiring decision authority for the installation EO director.

7.2.3. Any full-time civilian personnel (e.g., EO technicians, EO assistants, etc.) assigned to support an installation EO office and is assigned to perform any EEO counselor duties as described in Equal Employment Opportunity Commission Management Directive 110 (EEOC MD 110), *Federal Sector Complaints Processing Manual*, and this publication and/or MEO complaint processing duties as described in this publication is considered a DAF EO practitioner and will meet all requirements, to include training, as described in this publication. **(T-0)** Refer to [paragraph 7.5.5](#) for guidance on civilian collateral duty practitioners. Any military or civilian personnel assigned to support an installation EO office with other duties that does not include EEO counselor duties as described in EEOC MD 110, and this publication and MEO complaint processing duties as described in this publication will complete any training as prescribed by SAF/MRQ and as implemented by AFPC EO Operations to ensure any statutory and policy requirements are met. **(T-1)** This will include successfully completing any AF EONet system training as prescribed and implemented by AFPC EO Operations with concurrence from SAF/MRQ to gain access to AF EONet when system access is necessary as part of an official duty for the EO office. **(T-1)**

7.3. Impartiality. The attainment of a model EO program provides the DAF with the necessary foundation for achieving a discrimination and harassment free work environment. To achieve a model EO Program the DAF must provide efficiency in complaints processing and maintaining a fair and impartial complaint resolution process which is conducted expeditiously with the necessary resources pursuant to 29 CFR Part 1614, *Federal Sector Equal Employment Opportunity*; EEOC MD 110; EEOC MD 715, *Model Agency Title VII and Rehabilitation Act Programs*, and DoDI 1350.02, *Department of Defense Military Equal Opportunity (MEO) Program*.

7.3.1. The role of an EO practitioner, installation EO director, MAJCOM/FLDCOM EO functional manager, civilian collateral duty EO practitioner, and any other personnel assigned to support the installation EO office is to remain neutral and provide an environment for open dialogue leading to a resolution. **(T-0)** As such, EO practitioners, installation EO directors, MAJCOM/FLDCOM EO functional managers, civilian collateral duty EO practitioners, and any other personnel assigned to support the EO office will not serve as sexual assault response coordinators (SARC); sexual assault prevention and response victim advocates (SAPR VA); victim advocates; affirmative employment program managers (AEPM); disability program managers (DPMs); integrated primary prevention workforce, servicing legal office staff, any role within civilian personnel, or any other functions or duties that affect or perceive to affect EO program neutrality and present a conflict of interest. **(T-0)**

7.3.2. This includes ensuring that EO practitioners, installation EO directors, MAJCOM/FLDCOM EO functional managers, and civilian collateral duty EO practitioners that are actively involved in the processing of EEO or MEO complaints, ADR, or serving as a subject matter expert (SME) for a commander directed investigation (CDI) or commander worked issue (CWI) will not conduct clarifications into disputes against the aggrieved person in which he or she provided pre-complaint counseling to or conducted clarifications into disputes outside the EO purview. **(T-0)** Combining the roles of an EO practitioner and clarifying disputes outside the EO purview can create a perception of bias and potentially confuse individuals with regards to the purpose of the EO program.

7.3.3. The role of an EO practitioner, installation EO director, MAJCOM/FLDCOM EO functional manager, civilian collateral duty EO practitioner, and any other personnel assigned to support the EO office must have the confidence of the DAF and our Airmen and Guardians (military and civilian). It is inconsistent with his or her neutral roles for EO practitioners, installation EO directors, MAJCOM/FLDCOM EO functional managers, civilian collateral duty EO practitioners, and any other personnel assigned to support the EO office to represent agencies within the DAF or complainants in the EO complaint process or the ADR process. Therefore, persons in these positions cannot serve as representatives for a complainant or the agency in connection with the processing of discrimination complaints pursuant to 29 CFR § 1614.605(c). **(T-0)**

7.4. Enlisted Personnel Career Field Recruitment.

7.4.1. The EO Career Field Manager (CFM) is responsible for overseeing the EO career field specialty qualifications, training requirements, and other associated requirements for retraining as outlined in AFMAN 36-2100, *Military Utilization and Classification*, DAFMAN 36-2689, *Training Program*, and the AFECD. **(T-1)** The EO CFM provides central oversight for the career field's education and training and coordinates with the Air Education and Training Command (AETC), Air University, Defense Equal Opportunity Management Institute (DEOMI), and Air Force Personnel Center (AFPC) in accordance with governing laws and policies. The EO CFM is the approving authority for all retraining waiver requests. **(T-1)** The ANG and AFR CFMs approve retraining waiver requests for ANG and AFR personnel. **(T-1)**

7.4.2. Installation EO directors are responsible for recruiting enlisted personnel to retrain into the EO career field in accordance with the AFECD. **(T-1)** The EO CFM is the waiver authority. **(T-1)** These responsibilities include:

7.4.2.1. Serving as the initial interviewing agent for all enlisted retraining applicants. (T-1)
The EO CFM is the waiver authority. (T-1)

7.4.2.2. Reviewing all enlisted retraining applicants' documentation to ensure they meet minimum EO specialty qualifications in the AFECD and comply with AFMAN 36-2100. (T-1)
The EO CFM is the waiver authority. (T-1)

7.4.2.3. Briefing all retraining applicants about the DAF EO Program, EO practitioner responsibilities, and EO career field promotion opportunities. (T-1)
The EO CFM is the waiver authority. (T-1)

7.4.2.4. Completing a 15 duty days observation period for all retraining applicants under consideration and, at the conclusion of the observation period, providing the retraining applicant with a recommendation letter summarizing findings regarding their suitability for the career field. (T-1)
The EO Retraining Requirements Checklist along with the recommendation letter including all minimum element requirements will be used and is accessible on the AFPC EO Operations SharePoint at <https://usaf.dps.mil/teams/14101/SitePages/Home.aspx>. This observation period will be documented on DAF Form 1271, *Equal Opportunity Record of Assistance/Contact* as an EO general assistance/contact. (T-1)
The EO CFM is the approving authority for all waivers for the observation period. (T-1)
Note: The ANG will complete a four RSD/UTA observation period, ANG EO Retraining Requirements Checklist along with recommendation letters, and interview with EO director.

7.4.3. The EO CFM is responsible for conducting a final review to approve or disapprove the retraining application and coordinating with the EO training requirements quota identifier (TRQI) manager (AFPC EO Operations), AFPC retraining staff, and AETC to ensure approved enlisted retraining applicants are scheduled for DEOMI initial skills training. (T-1)

7.5. Initial Skills Training. To ensure Airmen and Guardians (military and civilian) have access to professional and competent EO-related services, the EO career field is required to receive a minimum of 32 hours of EEO training prior to assuming their EO responsibilities in accordance with EEOC MD 110 **Chapter 2** Section II, *Mandatory EEO Counselor Training Requirements*. (T-0)
The DAF EO Program meets this statutory requirement through DEOMI initial skills trainings. (T-1)
However, SAF/MRQ maintains discretion on how and where this training requirement is met to include utilizing SAF/MRQ approved alternate courses. (T-0)

7.5.1. Approved enlisted retrainees and full-time civilian personnel assigned as newly selected and/or hired EO practitioners, installation EO directors, and MAJCOM/FLDCOM EO functional managers will successfully complete all of DEOMI's initial skills trainings to include the Equal Opportunity Advisor Course (EOAC), Equal Employment Opportunity Mediation Course, EEO Professional Entry Course (EPS-E), and applicable distributed learning. (T-0)
Trainings will be completed within six months of appointment to their position. Initial skills training will be successfully completed to gain access to the AF EONet. Approved enlisted retrainees who successfully complete these trainings will be awarded Air Force Specialty Code (AFSC) 3F431. (T-1)
Enlisted personnel are only required to complete initial skills training once and are not required to re-accomplish initial skills training when assigned as installation EO directors or MAJCOM/FLDCOM EO functional managers as part of their EO career field progression. (T-1)

7.5.2. Full-time civilian personnel appointed as installation EO directors and MAJCOM/FLDCOM EO functional managers who have not previously completed the required DEOMI initial skills trainings will successfully complete these trainings to meet the statutory training requirement. **(T-0)** Trainings will be completed within six months of appointment to their position. Initial skills training will be successfully completed to gain access to the AF EONet.

7.5.3. Civilian and enlisted personnel who supervise DAF civilians are required to complete DAF New Supervisors Course within one year of appointment to a supervisory or managerial position and complete DAF Experience Supervisors Course every three years thereafter in accordance with DAFMAN 36-2689, *Training Program*. **(T-1)**

7.5.4. Air Reserve Component (ARC) personnel will successfully complete the DEOMI Equal Opportunity Advisor Reserve Components Course, Equal Employment Opportunity Mediation Course, and EPS-E. **(T-1)** Trainings will be completed within six months of appointment to their position. Initial skills training will be successfully completed to gain access to the AF EONet.

7.5.5. Civilian collateral duty EO practitioners will successfully complete DEOMI's EPS-E course within six months of assignment to process EEO complaints. **(T-0)** The DAF EO Program meets this statutory requirement through DEOMI trainings. **(T-1)** However, SAF/MRQ maintains discretion on how and where this training requirement is met to include utilizing SAF/MRQ approved alternate courses. **(T-0)** Civilian collateral duty EO practitioners will not conduct MEO complaint processing, ADR assistance, or other DAF EO functions. **(T-1)** DEOMI's EPS-E course must be successfully completed to gain access to the AF EONet.

7.5.6. Full-time civilian personnel who have transferred to the DAF EO Program from another military service or federal agency EO program will successfully complete all of DEOMI's initial skills trainings to include EOAC, Equal Employment Opportunity Mediation Course, and EPS-E course. **(T-1)** Trainings will be completed within six months of appointment to their position. Initial skills training will be successfully completed to gain access to the AF EONet. Waivers for initial skills training may be requested for consideration on a case-by-case basis and will be coordinated through the respective MAJCOM/FLDCOM EO functional managers and AFPC EO Operations. Any waivers requested will be submitted no later than 30 calendar days prior to the DAF submission of training rosters to DEOMI. **(T-1)** SAF/MRQ is the waiver authority. **(T-1)**

7.5.7. Prior military members who have retired or separated from active duty or prior DAF EO civilian personnel who have been out of the EO career field for more than three years and have been assigned as full-time civilian EO practitioners or appointed as full-time civilian installation EO directors or MAJCOM/FLDCOM EO functional managers will successfully complete all of DEOMI's initial skills trainings to include applicable distributed learning, EOAC, Equal Employment Opportunity Mediation Course, and EPS-E course. **(T-1)** Trainings will be completed within six months of appointment to their position. Initial skills training will be successfully completed to gain access to the AF EONet. Waivers for initial skills training may be requested for consideration on a case-by-case basis and will be coordinated through the respective MAJCOM/FLDCOM EO functional managers and AFPC EO Operations. **(T-1)** SAF/MRQ is the waiver authority. **(T-1)**

7.6. Upgrade Training [DAF Military in the Position of MAJCOM/FLDCOM EO Functional Managers, EO Directors, and EO Practitioners Only]. To ensure DAF military MAJCOM/FLDCOM EO functional managers, installation EO directors, and EO practitioners are able to provide continued professional and competent EO-related services, they will complete required upgrade training in accordance with DAFMAN 36-2689, *Training Program*. **(T-1)**

7.7. Intermediate and Advanced Training [DAF Civilians and Military in the Position of MAJCOM/FLDCOM EO Functional Managers, EO Directors, and EO Practitioners Only]. To ensure DAF civilian MAJCOM/FLDCOM EO functional managers, installation EO directors, and EO practitioners are able to provide continued professional and competent EO-related services, they will complete required intermediate training at a minimum of three years after assuming their DAF EO position and advanced training at a minimum of six years after assuming their DAF EO position. **(T-0)** DAF military MAJCOM/FLDCOM EO functional managers, installation EO directors, and EO practitioners will complete required intermediate and advanced training in accordance with qualifications outlined in the CFETP. **(T-1)** The DAF EO Program meets these requirements through DEOMI EEO Professional Intermediate Course (EPS-I) and DEOMI EEO Professional Advanced Course (EPS-A). **(T-1)** However, SAF/MRQ maintains discretion on how and where these training requirements are met to include utilizing SAF/MRQ approved alternate courses. **(T-0)**

7.8. Annual Refresher Training. All EO practitioners, installation EO directors, and MAJCOM/FLDCOM EO functional managers are required to receive a minimum of eight hours of EEO refresher training annually to ensure quality counseling in accordance with the EEOC MD 110 [Chapter 2](#) Section II. **(T-0)** The purpose of this refresher training requirement is to keep EO personnel informed of developments in EEO practice, law, and guidance, as well as to enhance and develop their counseling skills. The EEO refresher training is not required for AFR and ANG personnel. **(T-1)** As long as the eight hours of EEO refresher training is met, nothing precludes the inclusion of MEO topics as part of an annual refresher training to ensure the EO career field is informed of latest developments in MEO policies and processes.

7.8.1. Biennial Worldwide EO Functional Training Workshops. Continuing education and training are vitally important to meeting statutory and policy requirements as well as promoting the DAF EO Program's goals and objectives. SAF/MRQ convenes the biennial EO worldwide functional training workshops to provide required refresher training on statutory and policy updates to the EEO and MEO programs to EO practitioners, installation EO directors, MAJCOM/FLDCOM EO functional managers, civilian collateral duty EO practitioners, and any other personnel assigned to support the installation EO office. This forum is also used to enhance individual development through hands-on practicum and provides senior leader panel discussions, breakout sessions, as well as promising practices gleaned from the public, private, and academic EO sectors and expertise. ADR annual mediation refresher training is also provided during this workshop. The biennial EO worldwide functional training workshop fulfills all requirements for the eight-hour annual EEO refresher training and the eight-hour NDR Program mediation refresher training.

7.8.2. Off Year MAJCOM/FLDCOM Annual Refresher Training. MAJCOM/FLDCOM EO functional managers will ensure their respective installation EO offices complete annual refresher training requirements on opposite years from the SAF/MRQ hosted biennial EO worldwide functional training workshops. **(T-1)** This ensures installation EO directors, EO practitioners, civilian collateral duty practitioners, and any other personnel assigned to support

the installation EO office maintain and build essential skillsets needed to perform their duties as well as allow focus on interest items or trends relevant and within their area of responsibility. MAJCOM/FLDCOM EO functional managers may host a MAJCOM/FLDCOM annual training refresher training workshop on off years to meet the annual refresher requirements or coordinate with their respective installation EO offices to complete approved trainings as outlined in **paragraph 7.8.3. (T-1)**

7.8.3. Installation EO directors will ensure their EO personnel receive annual EEO refresher training and submitting and coordinating annual training requirements with their respective MAJCOM/FLDCOM EO functional managers. **(T-1)** Training sources that fulfill the mandated annual training requirements are the biennial EO worldwide functional training workshops; off year MAJCOM/FLDCOM annual refresher training workshops; EEOC's Examining Conflicts in Employment Laws (EXCEL); EEOC-conducted seminars, courses, or on-site training sessions; Federal Dispute Resolutions (FDR) training; or DoD sponsored trainings specific to EEO.

7.8.4. MAJCOM/FLDCOM EO functional managers will ensure their respective installations meet annual EEO refresher training requirements. **(T-1)**

7.8.5. Annual refresher training for civilian employees is identified as a federally mandated, Priority 1 training requirement. Refer to DAFMAN 36-2689 or contact the installation civilian personnel section (CPS) for additional guidance.

7.9. Negotiation and Dispute Resolution (NDR) Managers and Practitioners. Through the Negotiation and Dispute Resolution (NDR) Program, the DAF uses ADR techniques or procedures to prevent the escalation of workplace conflict through the use of neutral third parties to assist the parties in resolving their dispute(s), and ensure long lasting, effective solutions toward mission accomplishment. As such, the DAF encourages Airmen and Guardians (military and civilian) to use ADR as a means to mutually resolve workplace disputes as early as practicable and at the lowest possible organizational level as described in DAFPD 51-12, *Negotiation and Dispute Resolution*.

7.9.1. While the DAF EO Program does not have policy oversight of the DAF NDR Program, installation EO offices may house the installation NDR program in which installation EO directors and EO practitioners may serve as NDR managers and practitioners if they meet qualification standards in accordance with DAFI 51-1201, *Negotiation and Dispute Resolution Program*.

7.9.2. Installation EO directors and EO practitioners who serve as NDR managers and practitioners must not have an official, financial, or personal conflict of interest in any disputes they serve as the neutral unless such interest is fully disclosed in writing to the parties involved, and the parties involved agree the neutral may serve in accordance with 5 United States Code (USC) § 753(a). **(T-0)** Installation EO directors and EO practitioners will not conduct ADR proceedings for a workplace dispute for which they worked an EEO or MEO complaint on the same or related subject as described in EEOC MD 110 **Chapter 3** Section V, *Neutrals*. **(T-0)** Installation EO directors and EO practitioners will not conduct ADR for a workplace dispute for which they are also handling other functions of that specific case such as serving as the EO practitioner processing the complaint or serving as a SME for a CDI. **(T-0)**

7.10. ADR Annual Refresher Training. Installation EO directors and EO practitioners who serve as NDR managers and NDR practitioners and are on active rosters to perform ADR functions must undergo a minimum of eight hours of mediation (i.e., ADR) refresher training annually, including at least one hour each of training in standards of conduct and confidentiality outlined in DAFI 51-1201. **(T-1)** The installation NDR manager is responsible for ensuring all NDR practitioners and collateral NDR practitioners receive annual mediation refresher training. **(T-1)** MAJCOM/FLDCOM EO functional managers, whose respective installation EO offices oversee the NDR Program, are responsible for ensuring annual mediation refresher training requirements are met. **(T-1)**

7.11. Misconduct and Performance Issues. If it is determined that a military or civilian member of the EO career field is involved in misconduct or inappropriate behavior or is substandard in duty performance or does not meet qualification standards, consideration will be given on appropriate and available actions to address such concerns where warranted.

7.11.1. Military members may have their AFSC removed if determined they were involved in misconduct or inappropriate behavior, are substandard in duty performances or do not meet qualification standards in accordance with the AFECD. The commander of the EO director and the EO practitioner is the authority for withdrawing an EO career field member's AFSC. **(T-1)** Commanders are encouraged to consult with their respective MAJCOM/FLDCOM EO functional manager, EO director, or supervisor, as appropriate, prior to initiating any withdrawal actions. However, some misconduct or inappropriate behavior may warrant a more severe form of action or action from higher in the chain of command. Refer to DAFI 36-2907, *Adverse Administrative Actions*, for additional information on disciplinary and adverse administrative actions.

7.11.2. Civilian personnel have a responsibility to discharge assigned duties and respect the administrative authority of those directing their work. Civilian personnel must also observe laws, regulations, and policies governing employee conduct and responsibilities in accordance with DAFI 36-147, *Civilian Conduct and Responsibility*. Refer to DAFI 36-148, *Discipline and Adverse Actions of Civilian Employees*, for additional information on disciplinary and adverse actions.

Chapter 8

DEPARTMENT OF THE AIR FORCE EQUAL OPPORTUNITY INFORMATION TECHNOLOGY SYSTEM; RECORDS COLLECTION, ACCESS, DISCLOSURE, MANAGEMENT, AND DISPOSITION; AND EQUAL OPPORTUNITY DATA COLLECTION AND REPORTING REQUIREMENTS

8.1. The Department of the Air Force (DAF) Equal Opportunity (EO) Information Technology System. The [Department of the] Air Force Equal Opportunity Network (AF EONet) will be used as the DAF system of record for centralized, case-level collection, maintenance, and reporting of DAF equal employment opportunity (EEO) and military equal opportunity (MEO) complaints for individuals covered under this publication. The installation EO offices will maintain electronic records which are the primary source for use, storage and maintenance or hardcopy case files in accordance with AFI 33-322, *Records Management and Information Governance Program*, and other applicable laws, regulations, and policies. **(T-1)** All information will be entered into the AF EONet as the system of record. No other systems of record or collection means are authorized for EEO and MEO complaints unless authorized by law, regulation, and policies. The AF EONet will also be used as a centralized database to collect, manage, and report DAF EO activities to include general assistance, alternative dispute resolution (ADR) conducted by or through the EO Program, contacts, referrals, and other activities outlined in this publication requiring information collection.

8.2. Office of Management and Budget Exemption. Information collected and maintained in the AF EONet is not subject to the Paperwork Reduction Act in accordance with the exemption described in paragraph 8.a.(2)(b) of DoD Manual 8910.01-V2, *DoD Information Collections Manual: Procedures for DoD Public Information Collections* and does not require OMB approval with an OMB Control Number.

8.3. System Access. All DAF EO practitioners, installation EO directors, and MAJCOM/FLDCOM EO functional managers will successfully complete initial skills training to gain access to the AF EONet. **(T-1)** Any personnel assigned to support an installation EO office with the need for system access as part of an official duty for the EO office, will complete required training to gain access to the AF EONet as outlined in paragraph 7.2.3 and 7.5.5. **(T-1)** The AF EONet system access will be granted and managed by AFPC EO Operations. **(T-1)** For additional information on training requirements, refer to **Chapter 7**.

8.3.1. MAJCOM/FLDCOM EO functional managers of DAF EO practitioners, installation EO directors, and the commanders of MAJCOM/FLDCOM EO functional managers will immediately notify AFPC EO Operations to have those individual's system access terminated when they are approved for special duties or reassigned outside of the DAF EO Program. **(T-1)** MAJCOM/FLDCOM EO functional managers of DAF EO practitioners, installation EO directors, and the commander of MAJCOM/FLDCOM EO functional managers will also immediately notify AFPC EO Operations to have those individual's system access suspended during an MEO or EEO complaint processing where they are named as an alleged offender or are under investigation or inquiry for other misconduct that may cause a conflict of interest with their role as an EO professional that may warrant suspension of system access. **(T-1)** At the conclusion of the MEO or EEO complaint processing or investigation or inquiry for misconduct, the MAJCOM/FLDCOM EO functional managers of DAF EO practitioners,

installation EO directors, and the commanders of MAJCOM/FLDCOM EO functional managers may request reinstating access to the AF EONet as appropriate and in consideration of MEO or EEO complaint adjudication outcome or investigation or inquiry for misconduct and effect on their continued role in the DAF EO Program. If issues or challenges arise related to system access regarding suspension, termination, or reinstatement, installation EO directors will immediately notify the MAJCOM/FLDCOM EO functional manager. For additional information on misconduct, refer to [Chapter 7](#).

8.3.2. Access to the AF EONet will not be granted to individuals or organizations outside the DAF EO Program without explicit written approval from AFPC EO Operations with concurrence from SAF/MRQ. **(T-1)** This includes, but is not limited to, not providing access to the integrated primary prevention workforce; prevention assistance and response functional experts, coordinators, representatives; sexual assault response coordinators and victim advocates; security forces (SF); Air Force Office of Special Investigations (AFOSI); and other organizations. **(T-1)** This ensures that system access is limited to those with an official need to know to maintain the privacy of Airmen and Guardians (military and civilian) as best as possible.

8.4. Data Entry. All DAF EEO complaints, MEO complaints, ADR data, contacts, and actions (assists, referrals, facilitations, etc.), will be entered in the AF EONet within three duty days from initial contact with an installation EO office. All follow up actions and case closures must be annotated and completed in the AF EONet within three duty days from action taken. For extenuating circumstances, such as system-wide or internet connectivity issues, or loss of system access (e.g., account deleted or restricted), this timeframe can be extended up to five duty days and justification must be annotated in the AF EONet. In such extenuating circumstances, DAF EO practitioners, installation EO directors, and MAJCOM/FLDCOM EO functional managers will continue to intake and process complaints as outlined in this publication. **(T-1)**

8.5. Data Quality Control Reviews. Data quality control reviews will be conducted at the installation, MAJCOM/FLDCOM, and Air Force Personnel Center (AFPC) levels to ensure data integrity and enable the DAF to leverage data that is accurate, complete, thorough, up-to-date, consistent, and appropriately formatted to support DAF EO reporting requirements, data calls, and requests for information. This includes, but is not limited to, EEO and MEO complaint and ADR data.

8.5.1. AFPC EO Operations will conduct effective data quality control reviews at least quarterly, throughout the year, and before any data is submitted to SAF/MRQ or higher headquarters. **(T-1)** The data quality control reviews will include data for all installations to ensure information is collected and updated in the AF EONet. AFPC EO Operations will notify installation EO directors via their respective MAJCOM/FLDCOM EO functional managers where data is not accurate, complete, thorough, up-to-date, consistent, and appropriately formatted to resolve identified data discrepancies. **(T-1)** Installation EO directors will resolve the identified data discrepancies within 10 duty days in the AF EONet and notify AFPC EO Operations of the resolution via their respective MAJCOM/FLDCOM EO functional managers. **(T-1)**

8.5.2. The MAJCOM/FLDCOM EO functional managers will conduct effective data quality control reviews at least quarterly and throughout the year of the installation EO offices within under their purview to ensure all information is collected and updated in the AF EONet. **(T-1)**

The MAJCOM/FLDCOM EO functional managers will notify installation EO directors where data is not accurate, complete, thorough, up-to-date, consistent, and appropriately formatted to resolve identified data discrepancies. **(T-1)** Installation EO directors will resolve the identified data discrepancies within 10 duty days in the AF EONet and notify the MAJCOM/FLDCOM EO functional managers of the resolution. **(T-1)**

8.5.3. The installation EO directors will conduct effective data quality control reviews at least monthly and throughout the year of their respective installation office to ensure all information is collected and updated in the AF EONet. **(T-1)** The installation EO directors will verify that EO practitioners have entered and updated all information as described in this publication into the AF EONet. **(T-1)** The installation EO directors will resolve issues where data is not accurate, complete, thorough, up-to-date, consistent, and appropriately formatted. **(T-1)**

8.5.4. The EO practitioners will conduct effective data quality control reviews of all data they have entered in the AF EONet at the time of entry and at least weekly to ensure data is accurate, complete, thorough, up-to-date, consistent, and appropriately formatted. **(T-1)** The EO practitioners will resolve identified data discrepancies in a timely manner. **(T-1)**

8.6. System Technical Errors and Issues Reporting. System errors and login issues with the AF EONet will be immediately reported to the Field Activity Service to resolve. If the Field Activity Service is unable to provide immediate assistance, the Field Activity Service will refer the issue to AFPC EO Operations for tracking and resolution. **(T-1)** Installation EO directors through their respective MAJCOM/FLDCOM EO functional managers and MAJCOM/FLDCOM EO functional managers will report to AFPC EO Operations system-wide issues and errors that have a prolonged negative effect on their local offices or area of responsibilities ability to utilize the AF EONet for resolution. **(T-1)** **Note:** Business rule validation messages are not system errors. These rules ensure compliance with Equal Employment Opportunity Commission Management Directive 110 (EEOC MD 110), *Federal Sector Complaints Processing Manual*, 29 CFR Part 1614, *Federal Sector Equal Employment Opportunity*, DoDI 1350.02, *DoD Military Equal Opportunity Program*, and DoDI 1020.03, *Harassment Prevention and Response in the Armed Forces*.

8.7. Records Collection, Management, and Disposition. All DAF EEO and MEO complaint information and any other applicable DAF EO activities requiring information collection will be maintained and safeguarded in accordance with applicable laws, regulations, and policies to include, but not limited to, the Privacy Act of 1974, Freedom of Information Act (FOIA), DoDI 5400.11, *DoD Privacy and Civil Liberties Programs*, DoDI 5200.48, *Controlled Unclassified Information*, DoDI 5015.02, *DoD Records Management Program*, Directive-type Memorandum (DTM) 22-001, *DoD Standards for Records Management Capabilities in Programs Including Information Technology*, DAFI 16-1403, *Controlled Unclassified Information*, AFI 33-332, *Air Force Privacy and Civil Liberties Program*, AFI 33-322, *Records Management and Information Governance Program*, and AFI 17-130, *Cybersecurity Program Management*. The installation EO director serves as the custodian of the official records for EEO and MEO complaints at his or her respective installations. **(T-1)**

8.7.1. Installation EO directors will only disclose or release EEO and MEO complaint information to individuals with an official need to know as part of their official duties only when disclosure or release is authorized in writing by the appropriate decision authority or where permissible or required by law or regulation. **(T-0)**

8.7.2. Installation EO offices will process FOIA requests in accordance with DoD Directive 5400.07, *DoD Freedom of Information Act (FOIA) Program*, DoD Manual (DoDM) 5400.07, *DoD Freedom of Information Act (FOIA) Program*, and DoDM 5400.07 AFMAN 33-302, *Freedom of Information Act Program*. **(T-0)** If a FOIA request is perceived to have high visibility or interest from Congress, DoD and/or DAF senior leaders, or media, installation EO directors through their respective MAJCOM/FLDCOM EO functional managers will forward a summary of the request within 24 hours of receipt of the FOIA to SAF/MRQ through AFPC EO Operations for awareness. **(T-1)**

8.7.3. Installation EO directors will implement appropriate access control measures for all electronic records which are the primary source for use, storage and maintenance and hardcopy EEO and MEO complaint records and any other applicable DAF EO activities requiring information collection to demarcate and safeguard information that is sensitive, controlled unclassified information (CUI), contains personally identifiable information, and/or covered under the Privacy Act. **(T-0)** Legacy markings such as “For Official Use Only (FOUO)” will no longer be used. Appropriate access control measures include, but are not limited to, marking requirements, encryption, password protections, group permissions, and storing hardcopy records in locked cabinets in locked offices. For additional policy guidance, refer to DoDI 5200.48, *Controlled Unclassified Information*, DAFI 16-1403, *Controlled Unclassified Information*, AFI 33-332, *Air Force Privacy and Civil Liberties Program*, AFI 33-322, *Records Management and Information Governance Program*, and AFI 17-130, *Cybersecurity Program Management*. For the availability of any DAF EO operational guidance and additional resources, refer to the AFPC EO Operations SharePoint at <https://usaf.dps.mil/teams/14101/SitePages/Home.aspx> and/or contact AFPC EO Operations.

8.7.4. All DAF EEO and MEO complaint information and any other applicable DAF EO activities requiring information collection will be maintained and disposed of in accordance with AFI 33-322 and the Air Force Records Disposition Schedule, which is in the Air Force Records Information Management System (AFRIMS), or as required by applicable laws, regulations, and DoD policies. **Note:** The Air Force Records Disposition Schedule is the list of all National Archives-approved records dispositions for the DAF. This includes hardcopy and electronic records which are the primary source for use, storage and maintenance as well as other records other than paper or electronic medium as described in AFI 33-322.

8.7.4.1. The MAJCOM/FLDCOM EO functional managers and installation EO directors will ensure implementation of the Air Force Records Disposition Schedule for DAF EO records within their purview. **(T-1)**

8.7.4.2. AFPC EO Operations will ensure DAF EO records dispositions are current and implemented within the AF EONet and promulgated to the EO functional community. **(T-1)** AFPC EO Operations, in coordination with SAF/MRQ, will conduct a review of the Air Force Records Disposition Schedule at least biennially to ensure the Records Disposition Schedule for DAF EO records is current and to identify any trends or issues that may require additions, changes, or deletions to the disposition schedule. **(T-1)**

8.7.4.3. For the availability of any DAF EO operational guidance and additional resources, refer to the AFPC EO Operations SharePoint at

<https://usaf.dps.mil/teams/14101/SitePages/Home.aspx> and/or contact your MAJCOM/FLDCOM EO functional managers or AFPC EO Operations.

8.8. Demographic Data. Demographic data for Airmen and Guardians will be collected, presented, and maintained in accordance with the Office of Management and Budget Statistical Policy Directive No. 15, *Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity*, DoDI 6400.11, *DoD Integrated Primary Prevention Policy for Prevention Workforce and Leaders*, and other relevant laws, regulations, and policies.

8.9. EO Authorization to Access Records and Information. To conduct EEO and MEO complaint processing and other DAF EO activities requiring information collection (e.g., equal opportunity treatment incident classification), installation EO directors and EO practitioners will have timely and unrestricted access to and/or provided copies of all pertinent records, reports, investigations, audits, reviews, documents, papers, recommendations, or other relevant documentation, including personnel folders, as permissible by law and policy. **(T-0)** This includes, but is not limited to, access to personnel data (e.g., performance reports, promotions, and awards), legal data (Article 15, Courts-Martial, etc.), investigative reports, unit historical trend data, SF blotters, and portions of command climate assessments (CCAs) with DAF EO equities. **(T-1)** Agencies in which data may be needed from include, but is not limited to, inspector general (IG), military personnel section, civilian personnel section (CPS), SF, AFOSI, and chains of command. For records requiring special handling, the installation EO director will coordinate with a legal advisor to ensure records are properly obtained and handled. **(T-0)**

8.10. Equal Employment Opportunity (EEO) Data Collection. EEO unlawful discrimination and discriminatory harassment (including sexual harassment) complaint data elements will be collected to meet applicable statutory, regulatory, and DoD data reporting requirements. The data elements will be entered and managed in the AF EONet, as applicable.

8.10.1. EEO unlawful discrimination complaint data elements will be collected in accordance with the Equal Employment Opportunity Commission (EEOC) regulations (29 CFR Part 1614) and other statutory, regulatory, or DoD requirements, as applicable.

8.10.2. EEO unlawful discriminatory harassment (including sexual harassment) complaint data elements will be collected in accordance with EEOC regulations (29 CFR Part 1614), DoDI 1020.04, *Harassment Prevention and Responses for DoD Civilian Employees*, and other statutory, regulatory, or DoD requirements, as applicable. This includes anonymous allegations of discriminatory harassment.

8.11. Military Equal Opportunity (MEO) Data Collection. MEO prohibited discrimination, discriminatory harassment (including sexual harassment), and other forms of harassment (bullying and hazing) complaint data elements will be collected to meet applicable statutory and DoD data reporting requirements. This data will include information pertaining to informal, formal, and anonymous complaints, where applicable. The data elements will be annotated on the DAF Form 1587, *Military Equal Opportunity Formal Complaint* or DAF Form 1587-1, *Military Equal Opportunity Informal Complaint* and entered and managed in the AF EONet.

8.11.1. MEO prohibited discrimination complaint data elements will be collected in accordance with DoDI 1350.02, *DoD Military Equal Opportunity Program*, and other statutory, regulatory, or DoD requirements, as applicable.

8.11.2. MEO discriminatory harassment (including sexual harassment) and other forms of harassment (bullying and hazing) complaint data elements will be collected in accordance with DoDI 1020.03, *Harassment Prevention and Response in the Armed Forces*, and other statutory, regulatory, or DoD requirements, as applicable.

8.12. Above DAF Reporting Requirements. The DAF is required to report EEO and MEO complaint, ADR, and any other applicable EEO and MEO activities data to Congress, EEOC, Department of Defense (DoD), and other identified agencies to meet applicable statutory and policy reporting requirements. **Table 8.1** provides an overview of multiple, but not all inclusive, above DAF reporting requirements with DAF EO Program equities as either the DAF office of primary responsibility (OPR) or as a support role as an office of coordinating responsibility (OCR).

8.12.1. AFPC EO Operations, MAJCOM/FLDCOM EO functional managers, and installation EO directors will comply with all data calls, request for information, and other-directed tasks to support the DAF EO reporting requirements identified in **Table 8.1** and other relevant reporting requirements with DAF EO equities. **(T-1)** This includes, but is not limited to:

8.12.1.1. The EEOC Form 462, *Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints*, which will be compiled by AFPC EO Operations for SAF/MR approval and submission to EEOC. **(T-1)** Installation EO directors will validate and reconcile all sections of the EEOC Form 462 quarterly. **(T-1)** Installation EO directors will submit a copy of the EEOC Form 462 to their respective MAJCOM/FLDCOM EO functional manager, with a courtesy copy to the installation commander, within 10 calendar days of closeout. **(T-1)** The MAJCOM/FLDCOM EO functional manager will reconcile the EEOC Form 462 for his or her respective MAJCOM/FLDCOM within 15 calendar days and notify AFPC EO Operations, via email, once complete. **(T-1) Note:** For ANG this is completed by the State Equal Employment Manager (SEEM).

8.12.1.2. The civil liberties reports to capture the number and nature of DAF EEO and MEO complaints involving civil liberties allegations in accordance with AFI 33-332. AFPC EO Operations will compile and prepare the civil liberties reports. The reports will be submitted annually to the DAF civil liberties point of contact as described in AFI 33-332 or as tasked by higher headquarters. **(T-1)** AFPC EO Operations will submit civil liberties reports to SAF/MRQ for review prior to submitting to the DAF civil liberties point of contact. **(T-1)**

8.12.1.3. MAJCOM/FLDCOM EO functional managers (OCR) will provide input to the elements of the EEOC MD 715, *Model Agency Title VII and Rehabilitation Act Programs*, under the DAF EO Program purview, in coordination with the MAJCOM/FLDCOM affirmative employment program manager (AEPM) (OPR). **(T-1)** Installation EO directors will provide input to the elements of the EEOC MD 715, under the DAF EO program purview, in coordination with the installation AEPM and courtesy copy the MAJCOM/FLDCOM EO functional managers. **(T-1)** For supporting requirements related to MD-715, refer to DAFI 36-2711, *Equal Employment Opportunity: Affirmative Employment and Disability Programs*. **Note:** For ANG, this is completed by the SEEM.

Table 8.1. Above DAF EO Reporting Requirements.

Report	Summary	Requirement	Frequency	Reported To	DAF Oversight OPR / OCR ¹
Equal Employment Opportunity (EEO) Reporting					
Notification and Federal Employee Antidiscrimination and Retaliation Act (No FEAR) Report	Report on efforts to improve compliance with employment discrimination and whistleblower protection laws and status of complaints brought against the agency under these laws	Public Law (P.L.) 107-174 (No FEAR Act); 5 CFR § 724.302	Annual – Fiscal Year (FY)	Congress; EEOC; DoD; Department of Justice (DOJ)	OPR: SAF/MRQ OCR: SAF/IGQ; SAF/IGS
Executive Order 13160, Non-Discrimination on the Basis of Race, Sex, Color, National Origin, Disability, Religion, Age, Sexual Orientation, and Status as a Parent in Federally Conducted Education and Training Programs	Report on number and nature of complaints filed and the disposition of those complaints related to discrimination in federally conducted education and training programs.	Executive Order 13160; 66 Fed. Reg. 5398 DOJ Guidance	Triennial	Congress; DoD; DOJ	OPR: SAF/MRQ OCR: AF/A1C
Department of Defense Civilian Employee Harassment Report	Report on harassment allegations, including anonymous allegations, to identify trends and analyze program effectiveness.	DoDI 1020.04	Annual - FY	DoD	OPR: SAF/MRQ OCR: SAF/MRM; AF/A1C
EEOC MD 715, Model Agency Title VII and Rehabilitation Act Programs	Report on status of EEO activities undertaken pursuant to Title VII of the Civil Rights Act and Rehabilitation Act.	P.L. 88-352 § 717; P.L. 93-112 § 501; 42 USC § 2000e-16	Annual - FY	EEOC	OPR: SAF/MRQ OCR: AF/A1C; SF/S1C; SAF/MRBA SAF/GCA
EEOC Form 462, Annual Federal Equal	Report on EEO complaint status,	29 CFR § 1614.602;	Annual – FY	EEOC	OPR: SAF/MRQ

Employment Opportunity Statistical Report of Discrimination Complaints	processing, and disposition, and ADR activities.	DoDD 1440.1			OCR: AF/JACL; SAF/GCA; SAF/MRBA
Age Act Report	Report on data and efforts to prohibit age discrimination in any program or activity receiving federal financial assistance. <i>Note: This is not the same as the Age Discrimination in Employment Act.</i>	P.L. 94-135, § 308(a); 42 USC § 6106(a); 45 CFR § 90.34	Annual – FY	Congress, DoD, Department Health and Human Services	OPR: SAF/MRQ OCR: SAF/MRF AF/A1; SF/S1
Military Equal Opportunity (MEO) Reporting²					
Harassment (Hazing, Bullying) Report	Report on efforts to prevent and to respond to hazing and bullying.	P.L. 114-328 § 549 (FY17 NDAA); P.L. 117-81 § 546L (FY22 NDAA); DoDI 1020.03	Annual – FY	Congress, DoD	OPR: SAF/MRQ OCR: SAF/MRF; AF/A1Z; SAF/IGQ; SAF/IGS; SAF/IGX
Sexual Harassment Report	Report on informal and formal sexual harassment complaints and actions taken for substantiated complaints. <i>Note: This report is combined with the DoD Annual Report on Sexual Assault in the Military. The overall OPR is SAF/MRF for DAF.</i>	P.L. 112-239 § 579(b) (FY13 NDAA); P.L. 115-91, § 537 (FY18 NDAA); DoDI 1020.03	Annual – FY	Congress, DoD	OPR: SAF/MRQ OCR: SAF/MRF; AF/A1Z; AF/A4S; SAF/IGQ; SAF/IGS; SAF/IGX
Prohibited Discrimination Report	Report on informal, formal, and anonymous prohibited discrimination complaints.	P.L. 107-314 § 481(a)(3) (FY03 NDAA); 10 USC § 481(a)(1); DoDI 1350.02	Annual - FY	DoD	OPR: SAF/MRQ OCR: SAF/IGQ; SAF/IGS

	<i>Note: No congressional reporting requirement; DoD leveraged FY 03 NDAA on WEO survey to establish this annual report</i>	.			
Military Service Academy (MSA) Sexual Harassment and Sexual Violence Report	Report on the effectiveness of policies, training, and procedures on sexual harassment and sexual violence. <i>The overall DAF OPR is SAF/MRM working with United States Air Force Academy for DAF.</i>	P.L. 109-364 § 532 (FY07 NDAA); P.L. 109-364 (FY07 NDAA); DoDI 6495.02, Volume 1	Annual - Academic Program Year	Congress, DoD	OPR: SAF/MRM OCR: SAF/MRF; SAF/MRQ; AF/A1Z; AF/A4S
Other Reports with DAF EO Equities					
Alternative Dispute Resolution (ADR) Annual Report (DD Form 2815)	Report on ADR Program ³ activities to include the type and number of ADR activities conducted.	DoDI 5145.05	Annual - FY	DoD	OPR: SAF/GCA OCR: SAF/MRQ
Component Privacy and Civil Liberties Report (DD Form 2984)	Report on number and nature of civil liberties complaints received and summary of the disposition of such complaints. <i>Note: This report includes civil liberties complaints received by EEO/MEO offices.</i>	P.L. 110-53 § 803; 42 USC § 2000ee-1; DoDI 5400.11	Annual - FY	Congress, DoD	OPR: SAF/CNZ OCR: AF/JA; AF/A1; SAF/MRQ
Notes ¹ This column identifies higher headquarters OPRs and OCRs with policy oversight equities; however, this may not be all inclusive of other relevant higher headquarters and below higher headquarters stakeholders (e.g., Air Force Personnel Center [AFPC], MAJCOM/FLDCOM, field operating agencies, etc.) that will be tasked to provide information/data. ² Air National Guard data is reported through the National Guard Bureau (NGB). ³ The DAF refers to this as the Negotiation and Dispute Resolution (NDR) Program rather than ADR Program.					

Chapter 9

EQUAL OPPORTUNITY OUTREACH, FOCUS GROUPS, ASSESSMENTS, AND STAFF ASSISTANCE VISITS

9.1. Overview. The Department of the Air Force (DAF) Equal Opportunity (EO) Program plays a critical function in supporting command climates, morale, and mission readiness across all levels of the DAF by identifying equal opportunity related issues, trends, promising practices, recommendations, and other pertinent information through outreach, out and abouts, focus groups, interviews, and assessments. This includes sharing gleaned information and collaborating with commanders, the Community Action Board (CAB) and Community Action Team (CAT), Quarterly Case Management Group (QCMG), integrated primary prevention workforce, and other relevant DAF stakeholders to support broader installation command climate activities and initiatives.

9.1.1. Per DoDI 6400.11, *DoD Integrated Primary Prevention Policy for Prevention Workforce and Leaders*, command climate assessments (CCAs), to include the Defense Organizational Climate Survey (DEOCS), serve as organizational development tools to help commanders (and civilian equivalents) identify risk and protective factors and areas for improvement, and take appropriate actions based on a comprehensive integrated primary prevention plan(s) and subject matter expertise of the integrated primary prevention workforce. **(T-0)**

9.1.2. The DAF's integrated primary prevention workforce is responsible for implementing integrated primary prevention and CCA (e.g., DEOCS) requirements. **(T-0)** For additional information, refer to DoDI 6400.11 and DAFI 90-5001, *Integrated Resilience*. Commanders are also encouraged to seek assistance from their respective integrated primary prevention office. Commanders will not use EO personnel to administer DEOCS due to competing statutory and policy obligations, to include processing MEO and EEO complaints and supporting multiple congressional annual reporting requirements that overlap with the DEOCS survey window, and the shift of DEOCS to focus on risk and protective factors across multiple forms of violence and negative behaviors outside the purview of the EO program. **(T-0)**

9.1.3. The installation EO director will collaborate with his or her respective integrated primary prevention workforce and other installation CAT members to support integrated prevention plans and activities where issues and topics are within the EO purview. **(T-1)**

9.1.4. In accordance with DAFI 90-6001, *Sexual Assault Prevention and Response (SAPR) Program* and DoDI 6495.02V1, *Adult Sexual Assault Prevention and Response: Program Procedures*, the SAPR QCMG will convene quarterly to assess the effectiveness of response system coordination and ensure appropriate accountability to include ensuring the DAF's Connect to Care approach is being executed properly. The installation EO Director or a designated EO practitioner (s) will participate in the QCMG to present installation-level data and trends on military sexual harassment, identify any barriers or challenges with warm handoff resources and service access, and address other relevant topics as outlined in DAFI 90-6001 and DoDI 6495.02V1. **(T-0)** To protect privacy and confidentiality, no information directly related to informal or formal sexual harassment complaints, specific complainants, or alleged offenders will be shared or discussed during these meetings.

9.2. Purpose. Installation EO offices will conduct outreach, out and abouts, focus groups, interviews, and assessments on EO related matters as described in this chapter to support commanders in better understanding issues, trends, promising practices, recommendations, and other pertinent information that affect their Airmen and Guardians (military and civilian) and command climates. **(T-1)** These EO efforts will also support broader installation initiatives such as integrated primary prevention and CCA activities and integrated primary prevention plans.

9.2.1. To ensure EO program effectiveness in conducting outreach, out and abouts, focus groups, interviews, and assessments, it is vital that installation EO offices utilize, collaborate, and consult with DAF stakeholders, where appropriate. DAF stakeholders include but are not limited to: integrated primary prevention workforce, sexual assault response coordinator (SARC) and sexual assault prevention and response victim advocates (SAPR VA), civilian personnel section (CPS), Employee Assistance Program, staff judge advocate, Airman/Guardian family readiness center, mental health, chaplain, public affairs, and other CAT members.

9.2.2. This includes ensuring effective communication, information sharing, and education and outreach activities across the installation by developing and/or harnessing existing tools and resources.

9.2.3. Aggregate results from surveys, out and abouts, focus groups, etc. should be shared for barrier analysis to identify patterns, trends, and potential systemic issues within the DAF. By utilizing the results of surveys, out and abouts, focus groups, etc. for barrier analysis, the DAF can take proactive steps to address these barriers and promote a work environment ensuring equal opportunity for all Airmen and Guardians.

9.3. Out and About Program. The Out and About Program is an outreach program that directly engages with Airmen and Guardians (military and civilian), units, and other organizations across an installation (or other DAF levels) to provide awareness about and access to the DAF EO Program to those who may not otherwise have familiarity with or regular contact with their installation or servicing EO office and personnel. The Out and About Program also provides the installation EO office an opportunity to observe and gain a better insight on EO related matters that may positively or negatively affect command climates, morale, and mission readiness across units, organizations, or installations.

9.3.1. Coordination. The installation EO director or designated EO practitioner(s) will schedule out and about visits in coordination with the unit/organization commander (or civilian equivalent), or designee. **(T-1)** All off-installation out and about visits will be approved by the installation commander prior to conducting the visits. **(T-1)** The Installation EO director or designated EO practitioner(s) will consult with the SJA office on any issues concerning jurisdiction, status of forces agreements, and any other legal matters in conducting an off-installation out and about visit before obtaining the installation commander's approval. **(T-1)** Out and about visits will not be conducted on the same unit or location within a six-month period unless requested in writing by the unit/organization commander (or civilian equivalent), or designee. **(T-2)**

9.3.2. Frequency. All installation EO directors and EO practitioners will conduct at least one out and about visit per personnel per month. **(T-1)** For example, if the installation EO office has three EO practitioners and an installation EO director, that office will conduct a minimum

of four out and about visits each month. All out and about visits will be documented on DAF Form 1271, *Equal Opportunity Record of Assistance/Contact* as an out and about.

9.3.3. Awareness. Installation EO directors and EO practitioners will provide information about the DAF EO Program when engaging with Airmen and Guardians (military and civilian) and unit/organization commander (or civilian equivalent) during out and about visits. **(T-1)** Information to be provided will include, but is not limited to, **(T-1)**:

9.3.3.1. DAF EO Program purpose and scope.

9.3.3.2. DAF commitment to nondiscrimination and EO as described in [Chapter 1](#).

9.3.3.3. DAF EO Commitment of Service as described in [Chapter 1](#).

9.3.3.4. Civilian equal employment opportunity (EEO) and military equal opportunity (MEO) complaint options and processes.

9.3.3.5. Installation EO office contact information (e.g., office location, telephone number, email, office hours, etc.).

9.3.3.6. Information about the DAF Unlawful Discrimination and Harassment Hotline.

9.3.4. Observations. Installation EO directors and EO practitioners will conduct observations on EO related matters that may positively or negatively affect military and civilian personnel, overall command climate, morale, and mission readiness. **(T-1)** Installation EO directors and EO practitioners observations during out and about visits will include, but is not limited to, **(T-1)**:

9.3.4.1. Interpersonal communication, interaction, polarization, and other personnel dynamics in break rooms, work areas, meetings, dining facilities, recreation/entertainment facilities, during special events, training, etc. This includes observing individual dynamics/behaviors, group dynamics/behaviors, and subordinate and leader dynamics/behaviors within the unit or organization.

9.3.4.2. Accessibility and approachability to unit and organization leaders (and civilian equivalents) to include how unit members (military and civilian) are treated equally regarding accountability, accolades/recognition, respect, mentorship, professionalism, workload distribution, etc.

9.3.4.3. Availability and accessibility to information and resources (e.g., helping/support resources/contacts, individual/group recognitions, policies, informational posters/flyers, etc.) in public display areas (e.g., bulletin boards, work areas, break rooms, etc.).

9.3.4.4. Workplace and/or dormitory conditions and environment (e.g., personal display of pictures, posters, accessories, items; general maintenance, condition, cleanliness, safety/security, and general observation of physical space, equipment, technology; etc.).

9.3.5. Visit Summary. The installation EO director or designated EO practitioner(s) will provide the respective unit/organization commander (or civilian equivalent) with a written summary of the out and about visit, to include elements observed and any other notable issues, trends, promising practices, recommendations, and other pertinent information within five duty days after the visit. **(T-1)** For all off-installation out and about visits conducted, the installation EO director or designated EO practitioner(s) will provide the installation commander a written summary of the visits, to include elements observed and any other notable issues, trends,

promising practices, recommendations, and other pertinent information within five duty days after the visit. **(T-1)** The installation EO director or designated EO practitioner(s) may submit a copy of the DAF Form 1271 to meet the written summary requirement. **(T-1)**

9.3.5.1. In extenuating circumstances, the installation EO director or designated EO practitioner(s) will immediately inform the installation commander on urgent matters identified during the out and about visit that affect the safety, security, and wellbeing of Airmen and Guardians or overall mission readiness. In such circumstances, the installation EO director or designated EO practitioner(s) will provide an initial written summary of the out and about visit, to include elements observed and any other notable issues, trends, promising practices, recommendations, and other pertinent information, within 24 hours of the out and about visit. **(T-1)** The installation EO director or designated EO practitioner(s) will provide an updated written summary, as needed, to the installation commander within five duty days after the visit. **(T-1)** The installation EO director or designated EO practitioner may submit a copy of the DAF Form 1271 to meet the written summary requirement. **(T-1)**

9.3.6. For the availability of operational guidance and additional resources, refer to the AFPC EO Operations SharePoint at <https://usaf.dps.mil/teams/14101/SitePages/Home.aspx> and/or contact your MAJCOM/FLDCOM EO functional managers or AFPC EO Operations.

9.4. Focus Groups and Interviews. Focus groups and interviews provide an opportunity for commanders to gain insight into the experiences and perspectives of their Airmen and Guardians (military and civilian) regarding the unit, environmental conditions, program/initiative effectiveness, and other special issues. Focus groups and interviews also provide an opportunity for Airmen and Guardians (military and civilian) to provide input, which can foster a feeling that their opinions matter and build a sense of connectedness and community to collaboratively address identified concerns and take pride in areas of success and strength.

9.4.1. At the request of the installation and/or unit/organization commanders (and civilian equivalents), the installation EO director, or designated EO practitioner(s), may conduct focus groups or interviews on EO related matters to support the commander to better understand issues, trends, and other pertinent information that affect their unit/organization. **(T-2)**

9.4.2. Before conducting any focus groups and interviews, the installation EO director will provide the requesting commander in writing the purpose and intent of the focus groups and interviews, to include the type of information (demographics, etc.) that will be collected. **(T-1)**

9.4.3. The installation EO director may also request to the installation commander and/or unit/organization commander to conduct focus groups or interviews on EO related matters to further gain insight into the experiences and perspectives of his or her Airmen and Guardians (military and civilian) on matters affecting the DAF EO Program. **(T-1)** For focus groups or interviews initiated by the installation EO director and approved by the installation commander, the installation EO director will provide the installation commander in writing the purpose and intent of the focus groups and interviews, to include the type of information (e.g., demographics, etc.) that will be collected. **(T-1)**

9.4.4. All focus groups and interviews conducted by the installation EO director, or designated EO practitioner(s), will comply with relevant laws and policies, to include Privacy Act and human subject protection measures where required. **(T-0)**

9.4.4.1. The installation EO director will coordinate with his or her respective integrated primary prevention office on focus groups and interviews to avoid unnecessary duplication of efforts or mission creep on integrated primary prevention activities. **(T-1)** The installation EO director will identify ways to collaborate on focus groups and interviews with the integrated primary prevention office and other CAT members as needed on matters related to EO. **(T-1)** This collaboration will not include the installation EO office being tasked by the integrated primary prevention office to conduct focus groups and interviews on issues or matters (e.g., DEOCS) within the integrated primary prevention portfolio. **(T-1)**

9.4.4.2. Prior to conducting the focus group, the installation EO director or designated EO practitioners will develop the focus group or interview questions. **(T-1)** The requesting commander will review and approve the focus group and interview questions. **(T-1)** The requesting commander may provide the installation EO director or designated EO practitioners with additional questions for the focus groups or interviews. **(T-1)**

9.4.4.3. The installation EO director or designated EO practitioners will consider the best interview methods when gathering information, such as personal interviews, focus groups, or group interviews. **(T-1)** The requesting commander will approve the interview method. **(T-1)**

9.4.4.4. The number of personnel to be interviewed is based on the size of the unit and the capacity of the installation EO office. [Table 9.1](#) identifies recommended interview sample sizes based on unit populations. Focus groups should have a minimum of eight participants to allow for anonymity and candid responses and a maximum of 15 participants to ensure all participants have an opportunity to provide feedback during the allotted time blocks.

9.4.4.5. The installation EO director or designated EO practitioners will select a representative mix of personnel in the unit based on demographic categories such as sex and race as well as grade, air force specialty code (AFSC) or space force specialty code (SFSC), operational function, and work shift. **(T-1)**

9.4.4.5.1. The requesting commander will provide the installation EO director or designated EO practitioners a list or roster of all personnel for the focus groups and/or interviews selection process to request participation. **(T-1)** It is recommended that the requesting commander inform unit members of the potential to be selected and opportunity available to participate in focus groups and interviews prior to the selection process. Participation is voluntary.

9.4.4.5.2. Based on the size of the unit and the capacity of the installation EO office, the installation EO director or designated EO practitioners may directly schedule the focus groups or interviews by informing unit members of their selection to participate in focus groups or interviews, or by informing the requesting commander that a unit representative will be required to schedule the focus groups or interviews and inform unit members of their selection to participate in focus groups or interviews. **(T-1)**

9.4.4.5.3. When possible, the installation EO director or designated EO practitioners will conduct focus groups and interviews at neutral locations. **(T-1)** The interview locations should be private and dedicated for the use of focus groups or interviews. It

is recommended to schedule walk in times or volunteer sessions to allow Airmen and Guardians who want to provide input have the opportunity to do so.

9.4.4.6. Allowing focus group and interview participants to elaborate on certain subjects may uncover new subjects of interest for the requesting commander. In such circumstances, the installation EO director or designated EO practitioners may be required to change the approved interview method to examine these subject areas and any identified needs, issues, and/or concerns. **(T-1)**

9.4.5. While it cannot be guaranteed, the installation EO director or designated EO practitioners will ensure the anonymity and confidentiality of focus group participants where possible to obtain honest and sincere feedback. **(T-1)** Anonymity and confidentiality do not extend to suspected criminal activity or violations of the Uniform Code of Military Justice (UCMJ). If during the focus group/interview a suspected criminal activity or UCMJ violation becomes apparent, the installation EO director or designated EO practitioners will report such information to security forces (SF) or Air Force Office of Special Investigations (AFOSI) and the SJA office. **(T-0)**

Table 9.1. Focus Group Interview Size Recommendations.

Unit Population	Number of Participants	Number of Focus Groups
30-50	9-15	1-2
51-100	16-30	2-3
101-200	31-60	3-7
201-300	60-90	4-11
301-400	91-120	8-15
401-500	121-150	10-18
Focus group should have a minimum of eight participants to allow for anonymity and candid responses and a maximum of 15 participants to ensure all participants have an opportunity to provide feedback during the allotted time blocks.		

9.4.6. The installation EO director will provide the respective unit/organization commander (or civilian equivalent) with a written summary of the focus group or interview findings, to include any other notable issues, trends, promising practices, recommendations, and other pertinent information within ten duty days of focus group or interview. **(T-1)**

9.4.7. All focus groups and interviews will be documented on DAF Form 1271 as an EO general assistance/contact. If the installation EO office conducts focus groups and interviews as a follow up to a completed DEOCS to address identified issues and topics within the EO purview or to support broader integrated primary prevention office and/or CAT focus groups as a result of DEOCS results, such activities will be documented on DAF Form 1271 as non-EO assistance. **(T-1)** Refer to [paragraph 9.4.6](#) for more information on coordinating with the respective integrated primary prevention office on focus groups and interviews.

9.4.8. For the availability of operational guidance and additional resources, refer to the AFPC EO Operations SharePoint at <https://usaf.dps.mil/teams/14101/SitePages/Home.aspx> and/or contact your MAJCOM/FLDCOM EO functional managers or AFPC EO Operations.

9.5. Installation Equal Opportunity Assessment Summary. The installation EO assessment summary (IEOAS) provides commanders and installation stakeholders with a comparative

analysis to identify issues, trends, promising practices, recommendations, and other pertinent information on EO related matters that that may contribute to the overall installation climate and mission readiness. This includes providing an overall EO training and education summary, any requested guidance from MAJCOM/FLDCOM EO functional managers, and any recommendations for improving the installation EO Program. **(T-1)**

9.5.1. Frequency. The installation EO director will conduct the IEOAS at least semiannually. **(T-1)** For the Air National Guard (ANG) and Air Force Reserve units, the IEOAS will be conducted at least annually. **(T-1)**

9.5.2. Information Analysis. For the IEOAS, the installation EO director will analyze data and information to include, but not limited to **(T-1)**:

9.5.2.1. EEO and MEO complaints (e.g., number of formal/informal/anonymous complaints across multiple years; complainant/offender demographic breakdown and trends across multiple years; type/basis of complaints breakdown and trends across multiple years; commander worked issues [CWIs]; commander directed investigations [CDIs]; etc.).

9.5.2.2. Alternative dispute resolution (ADR) (e.g., utilization rates, outcomes, etc.);

9.5.2.3. General EO contacts and referrals (e.g., number/types of contacts/referrals, etc.);

9.5.2.4. Observations from out and about visits;

9.5.2.5. Information gathered from EO facilitated focus groups and interviews;

9.5.2.6. Equal opportunity treatment incidents;

9.5.2.7. Specialized or targeted EO training conducted at the request of commanders;

9.5.2.8. Relevant portions of data sets, reports, and/or findings with DAF EO Program equities (e.g., discrimination, sexual harassment, harassment [bullying and hazing]) obtained from installation agencies and stakeholders (e.g., SF, inspector general (IG), integrated primary prevention workforce, military personnel section, CPS, etc.) to include, but not limited to, CCAs, SF blotters, and religious accommodations.

9.5.2.9. Previous IEOAS findings (e.g., identified issues, trends, promising practices, recommendations, other pertinent information on EO related matters);

9.5.2.10. Previous EO Management Internal Control Toolset (MICT) Self-Assessment Checklist (SAC) findings;

9.5.2.11. Other relevant EO functional activities and initiatives;

9.5.2.12. Local civilian community (off-installation) EO related issues, events, trends, etc. with potential effect on the installation community.

9.5.3. Findings. Based on the data analysis, the installation EO director will submit findings at the aggregate level to the installation commander that highlight any identified issues, trends, promising practices, and other pertinent information on EO related matters that may contribute to the overall installation climate and mission readiness. **(T-1)**

9.5.3.1. If a significant disparity, issue, or trend is identified, the installation EO director will provide the installation commander with actionable recommendations to best resolve

those disparities, issues, or trends to enhance the overall installation climate and mission readiness. **(T-1)** The installation commander is the approving authority for actionable recommendations and directs their implementation. **(T-1)**

9.5.3.2. The installation EO director will brief the IEOAS findings, to include actionable recommendations, to the installation CAT and CAB at least semiannually. **(T-1)**

9.5.3.2.1. Prior to briefing the CAB, the installation EO director will brief the CAT on IEOAS findings to provide functional action staff awareness of and elicit feedback and collaboration on actionable recommendations. **(T-2)**

9.5.3.2.2. At the discretion of the installation commander, the installation EO director will utilize the CAT to assess, implement, monitor, or track approved actionable recommendations to address EO-related disparities, issues, or trends as a standalone initiative or as part of broader installation initiatives (e.g., integrated primary prevention plan). **(T-3)** This includes the installation commander tasking other CAT members to provide relevant data and information to the installation EO director to support the IEOAS analysis and implementation. **(T-3)**

9.5.3.3. The installation EO Office will document all IEOAS actions on DAF Form 1271 as an Installation Equal Opportunity Assessment Summary (IEOAS) and maintain copies in accordance with the Air Force Records Disposition Schedule, and other relevant laws and policies. **(T-1)**

9.5.3.4. For the availability of operational guidance and additional resources, refer to the AFPC EO Operations SharePoint at <https://usaf.dps.mil/teams/14101/SitePages/Home.aspx> and/or contact your MAJCOM/FLDCOM EO functional managers or AFPC EO Operations.

9.6. Staff Assistance Visits (SAV). MAJCOM/FLDCOM EO functional managers, as a pertinent oversight authority, must effectively engage with their supported units to identify when a unit is performing well or struggling to accomplish its mission. If a commander or any organization has concerns with a specific unit, a SAV may be requested to evaluate and/or assess the unit and provide additional training on implementing policy as needed. The SAV is a non-IG visit conducted by functional SMEs as described in DAFI 90-302, *The Inspection System of the Department of the Air Force*. The SAV is not an inspection and should not be used as a tool to prepare for an IG inspection nor scheduled within 180 days of an IG inspection.

9.6.1. Authority. SAVs may be requested by a commander or any organization but must be coordinated through the gatekeeper process in accordance with DAFI 90-302. **(T-1)** The MAJCOM/FLDCOM EO functional manager, or another peer MAJCOM/FLDCOM EO functional manager when requested for support, may conduct a SAV on an installation EO Program. **(T-1)** The higher headquarters DAF EO Program may also conduct a SAV (in-person site visit and/or remote data call) on an installation EO office but must have approval by the affected commander (or higher authority within the affected commander's chain of command). **(T-1)**

9.6.2. SAV Team Designation. The MAJCOM/FLDCOM EO functional manager or other requested pertinent oversight authorities will designate in writing the SAV team lead as the single point of contact for the SAV and identify all team members to conduct the SAV. **(T-1)**

9.6.3. Scheduling. The SAV team lead will coordinate and schedule SAVs with the respective installation EO Office through the gatekeeper process per DAFI 90-302. **(T-1)** No later than five duty days before the start of the SAV, the SAV team lead will provide in writing to the installation commander (or designee), other level commanders as appropriate, gatekeeper, and respective installation EO office with the SAV's purpose and schedule. **(T-1)**

9.6.4. Preparation. The SAV team will review in advance of the SAV the respective installation EO office's data entered into the [Department of the] Air Force Equal Opportunity Network (AF EONet) to identify persistent issues as well as get an understanding for installation activity trends. **(T-2)** This includes reviewing if data is accurate, complete, thorough, up-to-date, consistent, and timely to address any persistent data quality control issues. **(T-1)** The SAV team will also review previous EO MICT SACs and IGEMS data of the respective installation EO office to gauge efforts made to address previous deficiencies. **(T-2)** As necessary, the SAV team will coordinate with AFPC EO Operations on matters related to the AF EONet or other EO operational procedures or issues that may affect conducting the SAV. **(T-1)**

9.6.5. In-Brief. The SAV team lead will provide the installation commander (or designee), other level commanders as appropriate, and respective installation EO Office with an in-brief per DAFI 90-302 that includes, but is not limited to **(T-1)**:

- 9.6.5.1. Overarching purpose and intent;
- 9.6.5.2. Specific SAV objectives;
- 9.6.5.3. SAV team rules of engagement and tools to be used (e.g., EO MICT SAC, IGEMS);
- 9.6.5.4. Anticipated SAV time on station;
- 9.6.5.5. SAV team lead contact information;
- 9.6.5.6. SAV team members contact information;
- 9.6.5.7. List of SAV team support requirements.

9.6.6. Execution. The SAV team will conduct SAVs to identify areas of strength and areas for improvement for an effective and operational installation EO Program. **(T-1)** The SAV team will document whether areas reviewed are compliant, compliant with comment, or noncompliant. **(T-1)** The SAV is not an inspection but serves as an opportunity to gauge the health and effectiveness of the installation EO program. The SAV will include, but is not limited to :

- 9.6.6.1. Utilizing the EO MICT SAC and other relevant self-assessment tools and reports that assess the effectiveness and efficiency of how the respective installation EO program operates across the key stakeholders.
- 9.6.6.2. Reviewing random samples of documentation and files (e.g., complaint case files, unit continuity binders, instructor evaluations, etc.) to determine compliance. The SAV team will review specific documentation and files if anomalies or persistent issues were discovered during the SAV preparation or concerns were shared by other entities such as SAF/MRQ or AFPC EO Operations. **(T-1)**

9.6.6.3. Conducting interviews with installation stakeholder offices and personnel on the effectiveness of the installation EO program to include but not limited to installation EO director and EO practitioners, SJA office, CPS, SARC or SAPR VA, SF, installation commander (or equivalent), and director of staff.

9.6.6.3.1. The SAV team will also consider interviewing the integrated primary prevention workforce on primary prevention activities involving the collaboration and participation of the installation EO program as appropriate. **(T-2)**

9.6.6.3.2. The SAV team will ensure interviews of different offices and personnel are conducted separately and address items on the MICT SAC, anomalies or persistent issues discovered during the SAV preparation or concerns shared by other entities such as SAF/MRQ or AFPC EO Operations, and other relevant matters as determined by the SAV team. **(T-2)** The SAV team will ensure all anomalies are explored with appropriate office(s). **(T-2)** The SAV team may conduct joint interviews with the installation EO director and EO practitioners as warranted. **(T-2)**

9.6.6.4. Conducting interviews with randomly selected unit commanders and first sergeants to get a better understanding of their knowledge and awareness about the DAF EO Program and the support they receive from their local installation EO office on matters such as commander responsibilities, EEO and MEO complaint procedures (e.g., CWIs, CDIs), Out and About Program, EO training, and other EO related activities.

9.6.6.5. Soliciting recommendations from the installation EO director and EO practitioners and other relevant stakeholders to address deficiencies and improve the overall operation of the EO office and program.

9.6.6.6. Conducting training and technical assistance or providing clarity on policy and operational guidance and requirements with the installation EO director and EO practitioners and other relevant stakeholders as needed.

9.6.6.7. Collecting appropriate documentation to support findings and recommendations for inclusion in the SAV report. Documentation, to include final SAV reports, will be collected and managed in accordance with the Privacy Act, Air Force Records Disposition Schedule, and other relevant laws and policies.

9.6.7. Interim Findings. The SAV team will meet with the installation EO director to explain SAV findings and recommendations in advance of the outbrief with the installation commander. **(T-1)** The SAV team will use the time to also clarify any questions or concerns the SAV team or the installation EO director may have during or as part of the SAV. **(T-1)**

9.6.7.1. The SAV team will highlight any areas of strength and best practices observed from the respective installation EO office or program. **(T-1)**

9.6.7.2. The SAV team will provide the installation EO director with an opportunity to correct any noted deficiencies. **(T-1)** The SAV team will document in the final report any corrective actions that were undertaken on the spot to address deficiencies. **(T-1)**

9.6.7.3. The SAV team will afford the installation EO director an opportunity to discuss disagreements on findings and recommendations based on any documentation or other justification the installation EO director is able to supply. **(T-1)** Pending adequate

documentation, the SAV team will re-assess deficiencies and adjust finding as warranted. **(T-1)**

9.6.7.4. The SAV team may provide a copy of the draft SAV report to the installation EO director. **(T-2)** The SAV team will inform the installation EO director that the final report will be published within 10 duty days after the SAV outbrief. **(T-1)**

9.6.8. Outbrief. The SAV team lead will provide the installation commander and other appropriate commanders with an outbrief per DAFI 90-302. **(T-1)** This includes addressing the installation commander's questions and concerns surrounding the SAV findings and recommendations. **(T-1)** The out-brief will include both written and oral discussion on, but is not limited to:

9.6.8.1. Overarching purpose and intent;

9.6.8.2. Specific SAV objectives;

9.6.8.3. Areas assessed during the SAV;

9.6.8.4. List of observations and findings to include areas of strength and noted deficiencies;

9.6.8.5. List of corrective actions made by the installation EO program or office on the spot;

9.6.8.6. List of recommendations and next steps;

9.6.8.7. Final SAV report to be published 10 duty days after the SAV outbrief.

9.6.9. Final Report. The SAV Team will publish a final report and provide copies to the installation commander and installation EO director within 10 duty days after the SAV outbrief. **(T-1)** The final report will include, but is not limited to, content areas addressed during the outbrief per paragraphs 9.6.8.1 through 9.6.8.6, along with any additional relevant information and/or revisions.

9.6.10. Progress Reports. The respective installation EO director will provide to his or her MAJCOM/FLDCOM EO functional manager a monthly status report of any open recommendations or corrective action items identified in the final SAV report until completion. **(T-1)** The MAJCOM/FLDCOM EO functional manager will forward the monthly report to AFPC EO Operations for awareness and trend analysis. **(T-1) Note:** The NGB-EO-EC will maintain ANG SAVs for awareness and trend analysis.

9.6.11. For the availability of operational guidance and additional resources, refer to the AFPC EO Operations SharePoint at <https://usaf.dps.mil/teams/14101/SitePages/Home.aspx> and/or contact your MAJCOM/FLDCOM EO functional managers or AFPC EO Operations.

BRIAN SCARLETT, SES, DAF
Principal Deputy Assistant Secretary of the
Air Force for Manpower and Reserve Affairs

Attachment 1

GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION

References

5 USC § 551, *Definitions*

5 USC § 552a, *Records maintained on individuals* (Privacy Act of 1974, as amended), and § 571, et. seq.

5 USC § 571(3), *Definitions*

5 USC § 2105(c), *Employee*

5 USC § 2302, *Prohibited personnel practices*

5 USC § 3132(a)(2), *Definitions and exclusions*

5 USC § 7101, *Findings and purpose*

5 USC § 7114(a)(2)(B), *Representation rights and duties*

5 USC § 7701, *Appellate procedures*

10 USC § 481(a)(1), *Racial and ethnic issues; gender issues: surveys*

10 USC § 801(17), *The term “covered offense” means-*

10 USC § 824(a), *Special trial counsel*

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29 USC § 621, *Congressional statement of findings and purpose*

29 USC § 626, *Recordkeeping, investigation, and enforcement*

29 USC § 791, *Employment of individuals with disabilities*

29 USC § 794, *Nondiscrimination under Federal grants and programs*

42 USC § 1320d, *Definitions*

42 USC § 2000e-16, *Employment by Federal Government*

42 USC § 2000gg, *Definitions*

42 USC § 2000ff, *Definitions*

42 USC § 6106(a), *Study of discrimination based on age*

42 USC § 12101 et seq, *Findings and Purpose*

42 USC § 12102(1), *Definition of disability*

5 CFR § 724.302, *Reporting obligations*

5 CFR, Part 752, *Adverse Actions*

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P.L. 109-364, *National Defense Authorization Act for Fiscal Year 2007*, 17 October 2006

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SPFH 1-1, *Guardian Spirit*, 3 April 2023

Prescribed Forms

DAF Form 1271, *Equal Opportunity Record of Assistance/Contact*
DAF Form 1587, *Military Equal Opportunity Formal Complaint*
DAF Form 1587-1, *Military Equal Opportunity Informal Complaint*
DAF Form 4162, *Civilian Equal Opportunity Intake*

Adopted Forms

AETC Form 281A, *Instructional Evaluation Checklist*
DAF Form 847, *Recommendation for Change of Product*
AF Form 1168, *Statement of Suspect/Witness/Complainant*
DD Form 2655, *Complaint of Discrimination in the Federal Government*
Equal Employment Opportunity Commission (EEOC) Form 462, *Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints*
EEOC Form 573, *Notice of Appeal/Petition*
EEOC 715-01, *Federal Agency EEO Program Status Report*
SF 50-B, *Notification of Personnel Action*

Abbreviations and Acronyms

ADEA—Age Discrimination in Employment Act

ADR—Alternative Dispute Resolution

AEP—Affirmative Employment Program
AEPM—Affirmative Employment Program Manager
AETC—Air Education and Training Command
AF—Air Force
AFCARO—Air Force Civilian Appellate Review Office
AF EONet—Air Force Equal Opportunity Network
AFI—Air Force Instruction
AFLOA—Air Force Legal Operations Agency
AFMAN—Air Force Manual
AFMC—Air Force Materiel Command
AFOSI—Air Force Office of Special Investigations
AFPC—Air Force Personnel Center
AFPD—Air Force Policy Directive
AFR—Air Force Reserve
AFRBA—Air Force Review Boards Agency
AFRC—Air Force Reserve Command
AFSC—Air Force Specialty Code
ANG—Air National Guard
ANGRC—Air National Guard Readiness Center
ARC—Air Reserve Component
CAB—Community Action Board
CAT—Community Action Team
CCA—Command Climate Assessment
CCMD—Combatant Command Commander
CCSA—Combatant Command Support Agent
CDI—Commander Directed Investigation
CFM—Career Field Manager
CFR—Code of Federal Regulations
CPS—Civilian Personnel Section
CUI—Controlled Unclassified Information
CWI—Commander Worked Issue
DAF—Department of the Air Force

DAFI—Department of the Air Force Instruction
DAFLC—Department of the Air Force Learning Committee
DAFMAN—Department of the Air Force Manual
DAFPD—Department of the Air Force Policy Directive
DEOCS—Defense Organizational Climate Survey
DEOMI—Defense Equal Opportunity Management Institute
DoD—Department of Defense
DoDD—Department of Defense Directive
DoDI—Department of Defense Instruction
DPM—Disability Program Manager
EEO—Equal Employment Opportunity
EEOC—Equal Employment Opportunity Commission
EEOC/OFO—Equal Employment Opportunity Commission Office of Federal Operations
EO—Equal Opportunity
EOTI—Equal Opportunity and Treatment Incident
FAA—Final Agency Action
FAD—Final Agency Decision
FAO—Final Agency Order
FEDSEP—Federal Sector EEO Portal
FLDCOM—Field Command
FOIA—Freedom of Information Act
GAO—Government Accountability Office
GCMCA—General Court Martial Convening Authority
GINA—Genetic Information Nondiscrimination Act
GSU—Geographically Separated Unit
HAF—Headquarters Air Force
HAFMD—Headquarters Mission Directive
HRO—Human Resource Office
IEOAS—Installation Equal Opportunity Assessment Summary
IG—Inspector General
IGEMS—Inspector General Evaluation Management System
IRD—Investigations and Resolutions Directorate

KPB—Key Personnel Briefing
MAJCOM—Major Command
MD—Management Directive
MEO—Military Equal Opportunity
MICT—Management Internal Control Toolset
NDR—Negotiation and Dispute Resolution
NGB—National Guard Bureau
NGB-EO-EC—National Guard Bureau Office of Equal Opportunity Compliance
No FEAR—Notification and Federal Employee Antidiscrimination and Retaliation
OPM—Office of Personnel Management
OPR—Office of Primary Responsibility
OPREP—Operational Report
OSTC—Office of Special Trial Counsel
PII—Personally Identifiable Information
QCMG—Quarterly Case Management Group
RegAF—Regular Air Force
RMO—Responsible Management Official
RSD—Regularly Scheduled Drill
SAC—Self-Assessment Checklist
SAPR—Sexual Assault Prevention and Response
SAPR VA—Sexual Assault Prevention and Response Victim Advocate
SARC—Sexual Assault Response Coordinator
SAV—Staff Assistance Visits
SEEM—State Equal Employment Manager
SF—Security Forces
SFSC—Space Force Specialty Code
SJA—Staff Judge Advocate
SME—Subject Matter Expert
UCMJ—Uniform Code of Military Justice
USC—United States Code
USSF—United States Space Force
UTA—Unit Training Assemblies

Office Symbols

AF/A1—Deputy Chief of Staff for Manpower, Personnel and Services

AF/A1C—Directorate of Civilian- Force Management

AF/A1D—Directorate of Force Development

AF/A1DL—Learning Division of the Directorate of Force Development

AF/A1P—Directorate of Military Force Management Policy

AF/A1X—Directorate of Plans and Integration

AF/A1Z—Integrated Resilience directorate

AF/A4—Deputy Chief of Staff, Logistics, Engineering and Force Protection

AF/A4S—Directorate of Security Forces

AF/JA—Judge Advocate General

AF/JAC—Air Force Legal Operations Agency

AF/JACL—Personnel and Information Law Division

AF/RE—Chief, Air Force Reserve

AFLOA/JAC—Department of Air Force Civil Law and Litigation Directorate

AFPC/CC—Air Force Personnel Center Commander

AFPC/DPP—Air Force Personnel Center Directorate of Personnel Programs

AFPC/DPFZ—Directorate of Airman and Family Care

AFPC/DSY—Air Force Personnel Center Systems Support

ANGB/CF—Director of Air National Guard

ANGRC/EO—Air National Guard Readiness Center Equal Opportunity Office

NGB/CF—Chief, National Guard Bureau

NGB-EO—Office of Equal Opportunity Compliance

SAF/GC—General Counsel

SAF/GCA—Deputy General Counsel for Fiscal, Ethics and Administrative Law

SAF/IG—The Inspector General of the Department of the Air Force

SAF/IGQ—Complaints Resolution Directorate

SAF/IGS—Senior Official Inquiries Directorate

SAF/IGI—Inspections Directorate

SAF/MR—Assistant Secretary of the Air Force, Manpower and Reserve Affairs

SAF/MRB—Director, Air Force Review Boards Agency

SAF/MRBA—Air Force Civilian Appellate Review Office

SAF/MRF—Deputy Assistant Secretary of the Air Force, Force Resilience

SAF/MRQ—Director, Department of the Air Force Equal Opportunity Program

SAF/PA—Director of Public Affairs

SAF/STC—Office of Special Trial Counsel

SF/S1—Deputy Chief of Space Operations for Personnel

SF/S1C—Civilian Policy and Management Directorate

Terms

Agency—Pursuant to 5 United States Code (USC) § 551, agency means each authority of the Government of the United States, whether or not it is within or subject to review by another agency but does not include (A) the Congress; (B) the courts of the United States; (C) the governments of the territories or possessions of the United States; (D) the government of the District of Columbia. For the purposes of this publication, the use of the term the Agency refers to the DAF.

Aggrieved Individual (Civilian) —For the purposes of this publication, the term aggrieved individual refers to a DAF employee, former employee, or applicant for employment who believes he or she has been subject to unlawful discrimination and/or discriminatory harassment and is seeking resolution as part of the civilian EEO pre-complaint (informal) process. An aggrieved individual only becomes and is referred to as a complainant upon filing a EEO formal complaint.

Airman—For the purpose of this publication, Airman collectively refers to uniformed members of the United States Air Force, Air Force civilian employees, DAF civilian employees, and members of the Civil Air Patrol when conducting missions for the DAF as the official Air Force Auxiliary, unless otherwise stated.

Air Reserve Component—Air Force component comprised of the Air Force Reserve (AFR) and Air National Guard (ANG).

Allegation—For the purpose of this publication, a claim or assertion of wrongdoing as it pertains to prohibited discrimination, discriminatory harassment, (including sexual harassment) and other forms of harassment (bullying and hazing) resulting in EEO and MEO complaint processing. See also the term claim.

Alleged Offender—For the purpose of this publication, an individual, military member or civil service employee, against whom allegations of wrongdoing have been made and/or whose conduct is the focus of an EEO or MEO complaint.

Alternative Dispute Resolution—A series of techniques or methods used to resolve issues in controversy by mutual agreement of the parties, including but not limited to conciliation, facilitation, mediation, fact-finding, minitrials, advisory arbitration, and the use of ombuds, or any combination thereof (5 USC § 571(3)). ADR proceedings utilize the services of a neutral third party to assist the parties in resolving their dispute.

Anonymous Complaint (Military)—As described in DoDI 1020.03 and 1350.02, information or complaint received by a commander or other person regardless of means of transmission, from an unknown or unidentified source, that includes allegations of prohibited discrimination, discriminatory harassment, or other forms of harassment (bullying and hazing). The individual is not required to divulge any personally identifiable information.

Appeal (Civilian)—Pursuant to 29 CFR § 1614.702, the term appeal refers to the step of the federal sector EEO process described in 29 CFR § 1614.401 and commences when the appeal is received by the Commission and ceases when the appellate decision is issued.

Appellant—For the purpose of this publication, an individual or agency who appeals to a higher court or decision authority for a reversal of the decision of a lower court or decision authority regarding an EEO or MEO complaint as described in this publication.

Applicant for Employment—For the purpose of this publication, an individual who has asked to be considered for a job with the DAF. An applicant may be a current employee of the DAF, an employee of another agency, or a person who is not currently employed by any agency.

Bargaining Unit—For the purpose of this publication, an organization of workers formed for the purposes of advancing its members' interests in respect to wages, benefits, working, and employment conditions. Also referred to as a union.

Barrier—An agency policy, principle, practice, or condition that limits or tends to limit employment opportunities for members of any protected class pursuant to 29 CFR Part 1614, *Federal Sector Equal Employment Opportunity*, the Equal Employment Opportunity Commission's Management Directive 110 (EEOC MD 110), *Federal Sector Complaints Processing Manual*, and the laws within EEOC's jurisdiction.

Barrier Analysis—An investigation of anomalies found in workplace policies, procedures, and practices that limit or tend to limit employment opportunities for members of any protected class pursuant to 29 CFR Part 1614, EEOC MD 715, and the laws within EEOC's jurisdiction. Barrier analysis identifies the root causes of those anomalies, and if appropriate, eliminates them.

Basis (Civilian)—For the purpose of this publication, the term basis is the statutory source upon which the aggrieved individual or complainant believes he or she has discriminated against, or the alleged motivation for the employment action being challenged, or reprisal for opposing any practice made unlawful, or for participating in any stage of the complaint process under those statutes.

Basis (Military)—For the purpose of this publication, the term basis refers to an underlying reason(s) for an action to have been taken or not taken based on a military member's protected class as described in DoDI 1350.02 and DoDI 1020.03.

Bullying—As described in DoDI 1020.03, while not a form of prohibited harassment under equal opportunity (EO) law but is a prohibited form of conduct, bullying is a form of harassment that includes acts of aggression by service members or DoD civilian employees, with a nexus to military service, with the intent of harming a service member either physically or psychologically, without a proper military or other governmental purpose. Bullying may involve the singling out of an individual from his or her coworkers, or unit, for ridicule because he or she is considered different or weak. It often involves an imbalance of power between the aggressor and the victim. Bullying can be conducted through the use of electronic devices or communications, and by other means including social media, as well as in person. Bullying is evaluated by a reasonable person standard and includes, but is not limited to, the following when performed without a proper military or other governmental purpose:

Physically striking another person in any manner or threatening to do the same.

Intimidating, teasing, or taunting another person.

Oral or written berating of another person with the purpose of belittling or humiliating.

Encouraging another person to engage in illegal, harmful, demeaning, or dangerous acts.

Playing abusive or malicious tricks.

Branding, handcuffing, duct taping, tattooing, shaving, greasing, or painting another person.

Subjecting another person to excessive or abusive use of water.

Forcing another person to consume food, alcohol, drugs, or any other substance.

Degrading or damaging another's property or reputation.

Soliciting, coercing, or knowingly permitting another person to solicit or coerce acts of bullying.

Bullying does not include properly directed command or organizational activities that serve a proper military or other governmental purpose, or the requisite training activities required to prepare for such activities (e.g., command-authorized physical training). Service members may be responsible for an act of bullying even if there was actual or implied consent from the victim, and regardless of the grade or rank, status, or service of the victim. Bullying is prohibited in all circumstances and environments, including off-duty or "unofficial" unit functions and settings.

Civilian—For the purpose of this publication, DAF civilian employees, former employees, and applicants for employment who meet the criteria outlined in 29 CFR § 1614.

Claim—An issue which is material to a decision concerning an administrative program of an agency, and with which there is disagreement between an agency and persons who would be substantially affected by the decision; or between persons who would be substantially affected by the decision.

Class—Pursuant to 29 CFR § 1614.204, a group of employees, former employees or applicants for employment who, it is alleged, have been or are being adversely affected by an agency personnel management policy or practice that discriminates against the group on the basis of their race, color, religion, sex, national origin, age, disability, or genetic information.

Class Agent—Pursuant to 29 CFR § 1614.204, a class member who represents and otherwise acts for the class during the processing of a class action complaint. Class agent is also referred to as agent of the class.

Class Action—Pursuant to 29 CFR § 1614.204, a class action (also referred to as a class complaint) is a written complaint of discrimination filed on behalf of a class by the agent of the class.

Collateral Duty—For the purpose of this publication, any duties performed by military members or civilian employees other than normally assigned duties and/or other than during their normally scheduled work period.

Commander Directed Investigation—As described in DAFMAN 1-101, commanders have an inherent authority to order a commander directed investigation (CDI) to investigate matters under their command, unless preempted by higher authority. The CDI is a tool to gather, analyze and record relevant information about matters of primary interest to those in command. The CDI is an extension of the commander's authority to investigate and to correct problems within the command.

Compensatory Damages—Payments intended to fully compensate victims of intentional discrimination, if allowed by law, for pecuniary and non-pecuniary losses that result directly from the discrimination. These damages are in addition to equitable relief such as back pay, interest, reinstatement, and attorney's fees.

Complainant (Civilian) —For the purpose of this publication, civilians are considered complainants upon the filing a EEO formal complaint of unlawful discrimination and discriminatory harassment and throughout the formal complaint process. Prior to filing a formal complaint, civilians are considered aggrieved individuals during the EEO pre-complaint (informal) process. The complainant may also refer to the representative of a class complaint or mixed case complaint in the civilian EEO formal process.

Complainant (Military)—For the purpose of this publication, military members are considered complainants upon filing an informal and formal MEO complaint.

Complaint Clarification (Military) —For the purpose of this publication, a formal MEO complaint process (excluding formal complaints of sexual harassment) that involves interviewing and/or taking statements from individuals and gathering pertinent information to establish a preponderance of credible evidence concerning allegations of prohibited discrimination, discriminatory harassment, (including sexual harassment) and other forms of harassment (bullying and hazing). Complaint clarifications are administrative in nature for the purpose of fact-finding rather than judicial proceedings.

Contact—When an aggrieved individual engages an EO practitioner for the purpose of obtaining information about or articulating a complaint but has not elected to start the informal (pre-complaint) process.

Controlled Unclassified Information—Pursuant to 32 CFR § 2002.4, controlled unclassified information (CUI) is information the Government creates or possesses, or that an entity creates or possesses for or on behalf of the Government, that a law, regulation, or Government-wide policy requires or permits an agency to handle using safeguarding or dissemination controls. However, CUI does not include classified information or information a non-executive branch entity possesses and maintains in its own systems that did not come from, or was not created or possessed by or for, an executive branch agency or an entity acting for an agency. Law, regulation, or Government-wide policy may require or permit safeguarding or dissemination controls in three ways: Requiring or permitting agencies to control or protect the information but providing no specific controls, which makes the information CUI Basic; requiring or permitting agencies to control or protect the information and providing specific controls for doing so, which makes the information CUI Specified; or requiring or permitting agencies to control the information and specifying only some of those controls, which makes the information CUI Specified, but with CUI Basic controls where the authority does not specify.

Credible Evidence—For the purpose of this publication, credible evidence is evidence that is believable, confirmed, and corroborated to be sufficient to serve as the basis for a determination on allegations brought forth.

Disability—Per 42 USC § 12102(1), with respect to an individual, the term “disability” means the individual has a physical or mental impairment that substantially limits one or more major life activities of such individual; the individual has a record of such an impairment; or the individual is regarded as having such an impairment. Individuals who are only “regarded as” having a disability are not entitled to reasonable accommodation. Note: The term “Individual with a Disability” does not include individuals currently engaging in the use of illegal drugs when an employer acts on the basis of such use; and tests for illegal drugs are not subject to the restrictions on medical examinations imposed by the Rehabilitation Act of 1973. The term disability does not include behaviors or disorders as outlined in 42 USC § 12211.

Discriminatory Harassment (Military)—As described in DoDI 1020.03, a form of harassment that is unwelcome conduct based on a protected class. Discriminatory harassment occurs when the conduct is severe or pervasive enough to create an environment that a reasonable person would consider intimidating, hostile or offensive. Discriminatory harassment can occur in person, through electronic communications, including social media, and other forms of communication.

Disparate Treatment—Occurs when individuals who are members of a protected class are treated differently than others similarly situated by an employer.

Equal Employment Opportunity (Civilian)—As described in DoDD 1440.1 and DODD 1020.02E, the right of all DoD employees to apply, work, and advance on the basis of merit, ability and potential, free from unlawful discrimination and discriminatory harassment based on a protected class or other unlawful factors.

Equal Opportunity—As described in DoDI 1350.02, the right of all persons to participate in, and benefit from, programs and activities for which qualified. These programs and activities must be free from social, personal, or institutional barriers that prevent people from rising to the highest level of responsibility possible.

Equal Opportunity (EO) Director—For the purposes of this publication, a trained military member or civilian employee who in his or her official capacity provides program management and administers his or her respective installation EO Program in accordance with applicable laws, regulations, executive orders, directives, and DoD and DAF policies to include ensuring program impartiality. This includes serving as subject matter expert (SME) and advisor to the installation commander, other commanders (and civilian equivalents), and installation stakeholders on EO matters related as described in this publication. For the purpose of this publication, EO directors serve in the capacity of an EO practitioner when processing or handling any EEO or MEO complaints. The EO director serves in the capacity as an EEO Counselor as described in EEOC MD 110, to include meeting all prescribed EEO counselor training requirements prior to assuming counseling duties and continuing EEO counselor training each fiscal year thereafter.

Equal Opportunity General Assistance—For the purpose of this publication, an EO general assistance involves installation EO directors and EO practitioners providing assistance to military members to include, but not limited to, responding to requests for EO-related information and inquiries, advising on how to address workplace issues within the DAF EO Program purview, and providing non-MEO ADR.

Equal Opportunity (EO) Practitioner—For the purposes of this publication, a trained military member or civilian employee who in his or her official capacity is authorized to process DAF civilian EEO and MEO complaints and implement other EEO and MEO services and requirements described in this publication. For the purpose of this publication, installation EO directors and MAJCOM/FLDCOM EO functional managers serve in the capacity of an EO practitioner when processing or handling any EEO or MEO complaints. The EO practitioner serves in the capacity as an EEO counselor as described in EEOC MD 110, to include meeting all prescribed EEO counselor training requirements prior to assuming counseling duties and continuing EEO counselor training each fiscal year thereafter. For the purpose of this publication, any full-time civilian personnel (e.g., EO technicians, EO assistants, etc.) assigned to support an installation EO office and is assigned to perform EEO counselor duties as described in EEOC MD 110 and this publication and/or MEO complaint processing duties as described in this publication is considered a DAF EO practitioner and will meet all requirements, including training, as described in this publication.

Facilitation—The use of a third party neutral to assist the parties in accomplishing agreement by providing process leadership and process expertise. Facilitators assist the parties in moving towards collaboration, effective communication, and consensus.

Fact-Finding—The act or process of gathering pertinent information to determine the facts of a case.

Federal Financial Assistance—As described in DoDD 5500.11, term federal financial assistance includes: grants and loans of Federal funds; the grant or donation of Federal property and interests in property; the detail of Federal personnel; the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance. For the purposes of this publication, recipients of financial assistance provided by the DAF in programs and activities conducted or assisted by the DAF are subject to the DAF nondiscrimination policy as described herein.

Final Agency Action—Pursuant to 29 CFR § 1614.110, there are two types of final agency actions by agencies: a final action by an agency following a decision by an EEOC administrative judge and final action in all other circumstances. Pursuant to 29 CFR § 1614.110(a), a final action by an agency following a decision by an EEOC administrative judge occurs when an administrative judge has issued a decision under § 1614.109(b), (g) or (i) where the agency takes final action on the complaint by issuing a final agency order. Pursuant to 29 CFR § 1614.110(b), a final action by an agency in all other circumstances occurs when an agency dismisses an entire complaint under § 1614.107, receives a request for an immediate final decision or does not receive a reply to the notice issued under § 1614.108(f), where the agency takes final action by issuing a final agency decision.

Final Agency Decision—Pursuant to 29 CFR § 1614.110(b), when an agency dismisses an entire complaint under 29 CFR § 1614.107, receives a request for an immediate final decision or does not receive a reply to the notice issued under 29 CFR § 1614.108(f), the agency shall take final action by issuing a final agency decision that is appealable to the EEOC.

Final Agency Order—Pursuant to 29 CFR § 1614.110(a), a final agency order refers to a decision by an agency to implement or not implement an EEOC administrative judge's decision, which is appealable to the EEOC. Where the agency's final agency order does not fully implement the EEOC administrative judge's decision, the agency must simultaneously appeal to the EEOC.

Formal Complaint (Civilian) —Pursuant to 29 CFR § 1614.105(d), if a matter has not been resolved as part of pre-complaint (informal) processing, the aggrieved individual may file a formal EEO complaint pursuant to 29 CFR § 1614.106 where after the individual is referred to as a complainant. A formal complaint must contain a signed statement from the individual claiming to be aggrieved or that individual's attorney. This statement must be sufficiently precise to identify the aggrieved individual and the agency and to describe generally the action(s) or practice(s) that form the basis of the complaint. A formal complaint filed by a DAF civilian employee under the procedures in 10 USC § 1561 that results in an independent investigation is not dependent on or the same as a formal complaint filed under 29 CFR Part 1614. An independent investigation pursuant to the procedures in 10 USC § 1561 does not replace or substitute for requirements in the EEO complaint process pursuant to 29 CFR Part 1614 and is a separate and distinct process.

Formal Complaint (Military)—For the purpose of this publication, an allegation of prohibited discrimination, discriminatory harassment, (including sexual harassment) and other forms of harassment (bullying and hazing) submitted in writing by a military complainant to the installation EO Office. For the purpose of this publication, an allegation of sexual harassment submitted in writing to the installation EO office, commander, or security forces (independent investigator) which is investigated and results in a written report of investigation, or an informal complaint, which the commander determines warrants such an investigation. A complainant will not be compelled or directed to participate in an investigation when a commander determines an informal complaint warrants a formal investigation. A sexual harassment complaint reported or referred to an MCIO for investigation is a formal complaint for purposes of this publication. Formal complaints are documented on DAF Form 1587.

Former Employee (Civilian) —For the purpose of this publication, a former employee is an individual who previously worked for the DAF as an appropriated fund or non-appropriated fund employee who no longer holds a position with the DAF.

Guardian—For the purpose of this publication, Guardian collectively refers to uniformed members of the United States Space Force (USSF) and USSF civilian employees, unless otherwise stated.

Harassment (Civilian) —As described in DoDI 1020.04, behavior that is unwelcome or offensive to a reasonable person and that creates conditions that interfere with work performance or creates an intimidating, hostile, or offensive work environment. Harassment may include, but is not limited to, unwanted physical contact, offensive jokes, epithets or name-calling, ridicule or mockery, insults or put-downs, displays of offensive objects or imagery, offensive non-verbal gestures, stereotyping, intimidating acts, veiled threats of violence, threatening, or provoking remarks, racial or other slurs, derogatory remarks about a person's accent or disability, displays of racially offensive symbols, hazing, or bullying (including cyberbullying). Harassment can be verbal, visual, written, physical, or electronic. Harassment can occur through electronic communications, including social media, messaging platforms, gaming platforms, mobile telephones, other forms of communication, and in person. For the purpose of this publication, the

DAF EO Program handles discriminatory harassment based on a protected class. Refer to DAFI 36-147 in handling non-EEO prohibited harassment.

Harassment (Military)—As described in DoDI 1020.03, conduct that is unwelcome or offensive to a reasonable person, whether verbal or nonverbal, written, electronic, or physical, that creates an intimidating, hostile, or offensive environment. Harassment may include offensive jokes, epithets, ridicule or mockery, insults or put-downs, displays of offensive objects or imagery, stereotyping, intimidating acts, veiled threats of violence, threatening or provoking remarks, racial or other slurs, derogatory remarks about a person's accent, or displays of racially offensive symbols. Types of harassment include, but are not limited to, discriminatory harassment, sexual harassment, hazing, bullying, stalking, revenge porn, and other sexual misconduct. Stalking, Revenge Porn, Other Sexual Misconduct. Formal complaints involving conduct that may be punishable under Articles 130 (stalking); 117a (wrongful broadcast or distribution of intimate visual images); and 120c (other sexual misconduct) of the UCMJ will be referred to the appropriate military criminal investigative organization or other law enforcement organization with criminal investigators who are specially trained to conduct such investigations. Harassment can be oral, written, or physical. Harassment can occur in person, through electronic communications, including social media, and other forms of communication. Activities or actions undertaken for a proper military or governmental purpose, such as combat survival training, making work assignments, or conducting performance counseling are generally not considered harassment. For the purpose of this publication, the DAF MEO program is limited to processing complaints alleging bullying and hazing as “other forms of harassment.”

Hazing—As described in DoDI 1020.03, hazing is a form of harassment that includes conduct through which service members or DoD employees, without a proper military or other governmental purpose, but with a nexus to military service, physically or psychologically injure or create a risk of physical or psychological injury to service members for the purpose of: initiation into, admission into, affiliation with, change in status or position within, or continued membership in any military or DoD civilian organization. Hazing can be conducted through the use of electronic devices or communications, and by other means including social media, as well as in person. Hazing is evaluated by a reasonable person standard and includes, but is not limited to, the following when performed without a proper military or other governmental purpose:

Any form of initiation or congratulatory act that involves physically striking another person in any manner or threatening to do the same.

Pressing any object into another person's skin, regardless of whether it pierces the skin, such as “pinning” or “tacking on” of rank insignia, aviator wings, jump wings, diver insignia, badges, medals, or any other object.

Oral or written berating of another person with the purpose of belittling or humiliating.

Encouraging another person to engage in illegal, harmful, demeaning or dangerous acts.

Playing abusive or malicious tricks.

Branding, handcuffing, duct taping, tattooing, shaving, greasing, or painting another person.

Subjecting another person to excessive or abusive use of water.

Forcing another person to consume food, alcohol, drugs, or any other substance.

Soliciting, coercing, or knowingly permitting another person to solicit or coerce acts of hazing.

Hazing does not include properly directed command or organizational activities that serve a proper military or other governmental purpose, or the requisite training activities required to prepare for such activities (e.g., administrative corrective measures, extra military instruction, or command-authorized physical training). Service members or DoD civilian employees may be responsible for an act of hazing, even if there was actual or implied consent from the victim, and regardless of the grade or rank, status, or service of the victim.

Hazing is prohibited in all circumstances and environments including off-duty or “unofficial” unit functions and settings.

Hearing—Pursuant to 29 CFR § 1614.702, the term hearing refers to the step of the federal sector EEO process described in 29 CFR § 1614.109 and, for purposes of § 1614.704(l)(2)(ii), it commences on the date the agency is informed by the complainant or EEOC, whichever occurs first, that the complainant has requested a hearing and ends on the date the agency receives from the EEOC notice that the EEOC administrative judge (AJ) is returning the case to the agency to take final action. For all other purposes under this subpart, a hearing commences when the AJ receives the complaint file from the agency and ceases when the AJ returns the case to the agency to take final action. For the purposes of this publication, a hearing involves the presentation of such oral and written evidence concerning a complaint of discrimination presented before the EEOC.

Hostile Environment (Civilian)—A series of acts which are so severe or pervasive as to create a work environment that a reasonable person would consider intimidating, hostile, or offensive as to alter the terms and conditions of employment. The acts which make up the hostile environment may be discrete acts or may be ones which taken together are so frequent and severe that it creates a hostile or offensive work environment or rise to the level of an adverse employment action.

Hostile Environment (Military)—A hostile, intimidating, or offensive environment which unreasonably interferes with a military member’s performance and prevents them from functioning to their full capacity because of prohibited discrimination, discriminatory harassment, (including sexual harassment, and/or other forms of prohibited harassment (bullying and hazing). It need not result in concrete psychological harm to the affected individual but need only be perceived by a reasonable person and is perceived by the affected individual, as hostile, intimidating or offensive. Behavior does not need to occur in a physical workplace or unit/organization to create a hostile environment. Behaviors committed through electronic communications, including social media, other forms of communication, and in person can contribute to or cause a hostile, intimidating, or offensive environment.

Impasse—As described in DAFI 51-1201, an impasse occurs when the parties fail to resolve an issue, and the neutral determines that further proceedings would be futile. Alternative dispute resolution proceedings should be terminated when impasse is reached, and the parties should be advised of the other remedies and processes available to them.

Independent Investigator—As described in DoDI 1020.03, a DoD civilian employee, service member, or employee of an MCIO or other law enforcement organization, trained in accordance with DoDI 1020.03, paragraph 6.3., and assigned to a position outside the immediate chain of command of the complainant and the subject of the formal sexual harassment complaint investigation. The independent investigator should be independent of the first O-6 in the alleged offenders chain of command.

Informal Complaint-Commander Worked Issue (Military)—For the purpose of this publication, when a military member either orally or in writing requests the chain of command to resolve his or her allegations of prohibited discrimination, discriminatory harassment (including sexual harassment), and/or other forms of harassment (bullying and hazing) informally and the member has not elected to file an informal or formal MEO complaint with nor contacted the installation EO office, it is considered as an informal complaint worked as a commander worked issue.

Informal Complaint (Military) —For the purpose of this publication, an allegation of prohibited discrimination, discriminatory harassment (including sexual harassment), and other forms of harassment (bullying and hazing) submitted orally or in writing by a military complainant to the installation EO Office or to the or commander within or outside of the military complainant's chain of command that is not processed or resolved as a formal complaint. Allegation(s) will not result in an investigation and written findings unless a commander determines, based on all the circumstances, that a formal investigation is necessary to further the readiness of the unit. A complainant will not be compelled or directed to participate in an investigation when a commander determines an informal complaint warrants a formal investigation. Informal complaints are documented on DAF Form 1587-1.

Integrated Primary Prevention Program—Led by the Integrated Prevention and Response Director, focuses on the primary prevention of interpersonal and self-directed violence—stopping it before it occurs. The program collaboratively identifies, implements, and assesses public health-informed and evidence-based prevention policy, practices, and programs to eliminate interpersonal and self-directed violence, optimize Airmen and Guardians well-being and performance, and sustain and enhance a ready total force.

Intent to Harm—Required to show willfulness, knowingly causing harm, or recklessness in regard to behaviors or actions. This may include intentional misconduct, negligence, an understanding the actions would result in harm, acting without showing caution or failing to use reasonable care under the circumstances.

Joint Service Environment—A locality from which operations of two or more of the military departments are projected or supported and which is manned by significant elements of two or more military departments or in which significant elements of two or more military departments are located. Includes joint commands, joint bases, defense agencies, and joint field activities that involve more than one branch of military service.

Legal Sufficiency Review—For the purpose of this publication, a legal sufficiency review involves having the servicing SJA review MEO complaints, independent investigator reports of investigation for formal complaints of sexual harassment, EOTI determinations, and associated reports (e.g., clarification report where applicable) and documentation to determine whether all allegations have been addressed; avenues of investigation and evidence gathering have been pursued; compliance with all applicable legal and administrative requirements; reasonable

application of the preponderance of the evidence standard in arriving at findings; conclusions are supported by, and consistent with, the findings; and, any errors or irregularities exist and, if so, their legal effect, if any. Legal sufficiency reviews will be conducted for all substantiated and not substantiated MEO complaints.

Mediation—Mediation is one method of ADR that involves an informal and confidential way for affected parties to resolve disputes with the help of a neutral mediator who is trained to help affected parties discuss and resolve their differences. The mediator does not decide who is right or wrong or issue a decision but rather helps the affected parties work out their own solutions to problems.

Merit Systems Protection Board—The federal agency responsible for holding hearings and issuing decisions on complaints or appeals of adverse personnel actions, including disciplinary actions and performance-based actions. Appeals to the Merit Systems Protection Board may also contain allegations of discrimination (i.e., mixed cases).

Military Community—Service members, military dependents, and DoD civilian personnel.

Military Equal Opportunity—As described in DODD 1020.02E and DoDI 1350.02, the right of all service members to serve, advance, and be evaluated based on only individual merit, fitness, capability, and performance in an environment free of prohibited discrimination and discriminatory harassment on the basis of a protected class. For the purposes of this publication, this also includes the right of all service members to serve, advance, and be evaluated based on only individual merit, fitness, capability, and performance in an environment free of other forms of harassment (bullying and hazing). The right to EO on the basis of religion includes the right to reasonable accommodation of one's religious beliefs and practices. Refer to AFPD 52-2, *Accommodation of Religious Practices in the Air Force*, for additional guidance regarding reasonable accommodation of religious beliefs and practices.

Mixed Case Appeal (Civilian) —Pursuant to 29 CFR § 1614.302, a mixed case appeal is an appeal filed with the Merit Systems Protection Board which alleges that an appealable agency action (i.e., adverse personnel action) was effected, in whole or in part, because of discrimination on the basis of a protected class pursuant to 29 CFR Part 1614, or alleges that such action resulted in sex-based wage discrimination.

Mixed Case Complaint (Civilian)—Pursuant to 29 CFR § 1614.302, a mixed case complaint is a civilian complaint of employment discrimination filed with a federal agency based on a protected class pursuant to 29 CFR Part 1614 related to or stemming from an action that can be appealed to the Merit Systems Protection Board. The complaint may contain only an allegation of employment discrimination, or it may contain additional allegations that the Merit Systems Protection Board has jurisdiction to address.

Negotiation and Dispute Resolution (NDR) Practitioner—An individual designated to assist affected parties in resolving one or more workplace disputes. A NDR practitioner may be a military member or civilian employee of the federal government or any other individual, including a contractor, hired to provide services as a neutral. Anyone serving as an NDR practitioner in a DAF workplace dispute must not have an official, financial, or personal conflict of interest in any issue in controversy, unless such interest is fully disclosed in writing to all parties and all parties agree that the NDR practitioner may serve.

Negotiation and Dispute Resolution (NDR) Program Manager—An official designated and trained in accordance with Public Law 101-552, Administrative Dispute Resolution Act, and Section 9 of Public Law 104-320, Administrative Dispute Resolution Act of 1996, who is responsible for the implementation of ADR within the agency, agency alternative dispute resolution policy, and training in ADR.

Non-Appropriated Fund Employee—Non-appropriated Fund (NAF) employees are federal employees within the DoD but are not subject to the same personnel laws administered by the Office of Personnel Management (OPM) for appropriated fund employees. 5 USC § 2105(c) explains non-appropriated fund employee status and identifies the OPM-administered laws that cover non-appropriated fund employees unless otherwise specifically stated in law.

Non-Equal Opportunity Contact Referral—For the purpose of this publication, non-EO contact referral involves installation EO directors and EO practitioners connecting Airmen and Guardians (military and civilians) on matters or concerns outside the scope of the DAF EO Program with the appropriate DAF agency to support or resolve such matters or concerns.

Not Substantiated—A not substantiated claim or determination results when a preponderance of the evidence does not support the complainant's allegation(s) of a wrong or violation of law, regulation, procedure, or DAF policy or standard. The facts indicate no violation of standards occurred.

Pre-Complaint—Pursuant to 29 CFR § 1614.105, a process in which an aggrieved individual consults an EO practitioner prior to filing a formal EEO complaint in order to try to informally resolve the matter.

Preponderance of the Evidence—The standard of proof for formal complaints is that degree of relevant evidence that a reasonable person, considering the case evidence as a whole, would accept as sufficient to find that a contested fact is more likely to be true than untrue. In other words, it is more likely than not that events have occurred as alleged, there is a preponderance of the evidence, and the allegations may be considered proven.

Prohibited Discrimination (Military)—Discrimination, including disparate treatment, of an individual or group on the basis of a protected class that is not otherwise authorized by law or regulation and detracts from military readiness.

Protected Class—A group of people with a common characteristic who are legally protected from employment discrimination on the basis of that common characteristic. These protected characteristics are enumerated in the definitions for “Unlawful Discrimination (Civilian),” Unlawful Discriminatory Harassment (Civilian), and “Prohibited Discrimination (Military),” and Discriminatory Harassment (Military). Protected classes are not limited to only minorities or underrepresented groups; members of all races, sexes, national origins, or religions are protected by the law.

Protected Communication—Pursuant to 10 USC § 1034 and as described in DAFI 90-301, protected communication includes:

1. Any lawful communication to a Member of Congress or an IG.
2. A communication in which a member of the Armed Forces communicates information that the member reasonably believes evidences a violation of law or regulation, including a law or regulation prohibiting rape, sexual assault, or other sexual misconduct in violation of Articles

120 through 120c of the Uniform Code of Military Justice (UCMJ), sexual harassment, or unlawful discrimination, gross mismanagement, a gross waste of funds or other resources, an abuse of authority, or a substantial and specific danger to public health or safety, or a threat by another member of the armed forces or employee of the federal government that indicates a determination or intent to kill or cause serious bodily injury to members of the armed forces or civilians or damage to military, federal, or civilian property, when such communication is made to any of the following):

- a. Member of Congress or a member of his or her staff.
 - b. An inspector general or a member of the inspector general's staff.
 - c. Personnel assigned to DoD audit, inspection, investigation, law enforcement, EO, safety, sexual assault prevention and response designees, and EO personnel, or family advocacy organizations.
 - d. Any person in the member's chain of command.
 - e. The Chief Master Sergeant of the Air Force, command chiefs, group/squadron superintendents, and first sergeants.
 - f. A courts-martial proceeding.
 - g. Any other person or organization designated pursuant to regulations or other established administrative procedures for such communications.
3. Testimony, or otherwise participating in or assisting in an investigation or proceeding related to a communication under part 1 or 2 above, or filing, causing to be filed, participating in, or otherwise assisting in an inquiry/investigation of a reprisal and/or restriction complaint.
4. A communication described in part 2 above shall not be excluded from the protections provided in this definition because:
- a. The communication was made to a person who participated in an activity that the member reasonably believed to be covered by part 2 above;
 - b. The communication revealed information that had been previously disclosed;
 - c. Of the member's motive for making the communication;
 - d. The communication was not made in writing;
 - e. The communication was made while the member was off duty; and
 - f. The communication was made during the normal course of duties of the member.

Quality Control Review—For the purpose of this publication, a review of all data, information, and documentation that ensures or data integrity, accuracy, completeness, thoroughness, up-to-date, consistency, and appropriate formatting, and compliance with this publication and all relevant laws, regulations, and policies.

Reasonable Accommodation—Reasonable accommodation is any modification or adjustment to a job, employment practice, the work environment, or the way things are usually done that allows a qualified individual with a disability to apply for a job, perform job functions, or enjoy equal access to benefits available to other individuals in the workplace. 29 CFR Part 1630 app. § 1630.2(o). Reasonable accommodation may include but is not limited to: (1) making existing facilities used by employees readily accessible to and usable by individuals with disabilities; (2) job restructuring, modifying work schedules, or reassignment of a current employee to a vacant position; and (3) acquiring or modifying equipment or devices, adjusting or modifying examinations, training materials, or policies, and providing qualified readers or interpreters. Reasonable accommodations are not limited to items that permit the employee to perform the

essential functions of the job. An employer is not obligated to provide personal use items such as glasses or hearing aids. An employer is not required to remove an essential function of the job as an accommodation. See Equal Employment Opportunity Commission's Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act, No.915.002 (October 17, 2002).

Report of Investigation (Civilian)—The summary of facts and documents collected during an investigation issued by the investigator pursuant to the investigation of a formal EEO complaint of discrimination under 29 CFR § 1614.108.

Referral—A referral is the act of referring or directing someone to another more appropriate agency or organization to assist.

Referral Complaint (Military)—For the purpose of this publication, a referral complaint involves allegations made to an installation EO office that may fall under a MEO protected class but are not under the authority or scope of the DAF EO Program. Such allegations are not processed using the MEO complaint processes and are instead forwarded as a referral complaint to the most appropriate DAF agency or organization to process.

Reprisal (Civilian) —As described in DoDI 1020.04, a form of retaliation that involves taking, threatening, or recommending taking an unfavorable personnel action (demote, separate, treat unfairly, etc.); or withholding, threatening, or recommending withholding a favorable personnel action, for making, preparing to make, or being perceived as engaged in the anti-harassment process. In addition, reprisal includes mistreatment for raising discrimination that affects others (e.g., if a man complains about sexual harassment of women, mistreating him is retaliation). It also includes mistreatment of workers closely related to someone who has complained. Retaliation for complaining about conduct that does not involve employment discrimination, such as bargaining unit activity or workers compensation, is not prohibited by Equal Employment Opportunity Commission-enforced laws (although other laws may apply).

Reprisal (Military)—Pursuant to 10 USC § 1034 and described in DoDD 7050.06, reprisal is taking or threatening to take an unfavorable personnel action, or withholding or threatening to withhold a favorable personnel action, for making, preparing to make, or being perceived as making or preparing to make, a protected communication.

Retaliation (Civilian) —As described in DoDI 1020.04, conduct that punishes a DoD civilian employee for asserting the right to be free from harassment in the workplace. Retaliatory behaviors include, but are not limited to, reprisal, ostracism, maltreatment, and criminal acts for a retaliatory purpose. Retaliation includes illegal, impermissible, or hostile actions taken with the knowledge of management against DoD civilian employees for: filing or being a witness in a charge, report, inquiry, or lawsuit; communicating with a supervisor or manager about discrimination, including harassment; answering questions during a DoD Component inquiry of alleged harassment; refusing to follow orders that would result in harassment; or resisting sexual advances or intervening to protect others. Pursuant to EEOC Notice 915.004, *Enforcement Guidance on Retaliation and Related Issues*, retaliation occurs when an employer takes a materially adverse action because an individual has engaged, or may engage, in activity in furtherance of the EEO laws the Commission enforces. Each of the EEO laws prohibits retaliation and related conduct: Title VII of the Civil Rights Act of 1964 (Title VII), the Age Discrimination in Employment Act (ADEA), Title V of the Americans with Disabilities Act (ADA), Section 501 of the Rehabilitation Act (Section 501), the Equal Pay Act (EPA), and Title II of the Genetic Information

Nondiscrimination Act (GINA). These statutory provisions prohibit government or private employers, employment agencies, and labor organizations from retaliating because an individual engaged in protected activity. Generally, protected activity consists of either participating in an EEO process or opposing conduct made unlawful by an EEO law.

Retaliation (Military) —As described in DoDI 1020.03, retaliation encompasses illegal, impermissible, or hostile actions taken by a service member's chain of command, peers, or coworkers as a result of making or being suspected of making a protected communication in accordance with DoDD 7050.06. Retaliation for reporting a criminal offense can occur in several ways, including reprisal. In addition to reprisal, additional retaliatory behaviors include ostracism, maltreatment, and criminal acts for a retaliatory purpose in connection with an alleged sex-related offense or sexual harassment; or for performance of duties concerning an alleged sex-related offense or sexual harassment. For detailed definitions of the full range of retaliatory behaviors, see the Retaliation Prevention and Response Strategy Implementation Plan. As described in AFI 36-2909, retaliation is prohibited personnel involving wrongfully taking or threatening to take or recommend an adverse personnel action against any person; or wrongfully withholding or threatening to withhold, or to recommend against, a favorable personnel against any person for reporting or planning to report a criminal offense, or making or planning to make a protected communication, with the intent to discourage any person from reporting a criminal offense or making or planning to make a protected communication.

Responsible Department Official—For the purpose of this publication with respect to any program or activity (including facilities and structures) conducted or assisted by the DAF receiving Federal financial assistance, means the official of the Department at the higher headquarters level who by law or by delegation has the principal authority within the Department for the administration of a law extending Federal financial assistance. It also means any officials designated by due delegation of authority to act in such capacity with regard to any program or activity (including facilities and structures) outlined in this publication.

Responsible Management Official—For the purpose of this publication, the official(s) who, according to the complainant's allegations, is (are) responsible for the action or made the decision that allegedly harmed the complainant. This means the complainant has identified the individual as being responsible for an action or decision which the complainant believes is discriminatory because of his or her protected class.

Restricted Report (Sexual Assault) —As described in DAFI 90-6001, a reporting option that allows sexual assault victims to confidentially disclose the assault to specified individuals (e.g., SARC, SAPR VA, or healthcare personnel) and receive medical treatment, including emergency care, counseling, and assignment of a SARC and SAPR VA, without triggering an official investigation unless the victim consents or an established exception is exercised under DoDD 6495.01. SAPR Restricted reports require a signed DD Form 2910.

Restricted Report (Sexual Harassment) —As described in DAFI 90-6001, this reporting option allows a service member to confidentially report sexual harassment to a SARC or SAPR VA and receive victim advocacy services from that office. This reporting option does not trigger an investigation or notification to the service member's command or installation EO office, unless there is written consent from the service member or, if there is a clear and present risk to health and safety to the service member or another person, as determined in consultation with the servicing legal office.

Restriction (Military)—As described in DoDD 7050.06, restriction is preventing or attempting to prevent a current service member from making or preparing to make a lawful communication to a Member of Congress or an IG.

Retrainee—As described in AFMAN 36-2100, a previously trained enlisted Airman in the process of gaining qualifications in a new DAF specialty under an approved retraining program.

Senior Executive Service—Positions as defined by 5 USC § 3132(a)(2).

Senior Official—Any active duty, retired, Reserve, or National Guard military officer in grades O-7 and above, and any officer selected for promotion to O-7 whose name is on the O-7 promotion board report forwarded to the military department Secretary (including Air National Guard Colonels selected by a General Officer Federal Recognition Board for a Certificate of Eligibility). Any current or former member of the Senior Executive Service. Any current or former DoD civilian employee whose position is deemed equivalent to that of a member of the Senior Executive Service (e.g., defense intelligence senior executive service, senior level employee, and non-appropriated fund senior executive). Any current or former Presidential appointee. The Chief Master Sergeant of the Air Force and the Chief Master Sergeant of the Space Force.

Settlement—An agreement arrived at during the pre-complaint (informal) or formal EEO complaint process, which resolves issues raised to the satisfaction of the complainant. The terms of the adjustment must be set out in a negotiated settlement agreement.

Sexual Assault—As described in DoDD 6495.01 and DoDI 6495.02 Volume 1, sexual assault is intentional sexual contact characterized by use of force, threats, intimidation, or abuse of authority or when the victim does not or cannot consent. The term includes a broad category of sexual offenses consisting of the following specific UCMJ offenses: rape, sexual assault, aggravated sexual contact, abusive sexual contact, forcible sodomy (forced oral or anal sex), or attempts to commit these acts.

Sexual Harassment (Civilian)—As described in DODI 1020.04, a form of unlawful discriminatory harassment that is based on conduct of a sexual nature. It involves unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when it explicitly or implicitly becomes a term or condition of a person's job, pay, or career. For example: Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person; or such conduct has the purpose or effect of unreasonably interfering with an individual's work performance. It is so severe or pervasive that a reasonable person would perceive, and the DoD civilian employee does perceive, the environment as hostile or offensive. Sexual harassment may include, but is not limited to, sexual jokes and comments, sexual propositions, comments about an individual's body parts, uninvited physical contact, or any sexual image or statement. Sexual harassment can occur in person, through electronic communications, including social media, and other forms of communication. For the purposes of DAF independent investigations involving a DAF civilian employee filing a formal complaint pursuant to the procedures in 10 USC § 1561, independent investigations utilize the definition of sexual harassment found in DoDI 1020.03, *Harassment Prevention and Response in the Armed Forces*, regardless if the alleged offender is a military member or DAF civilian employee. Formal complaints of sexual harassment under 10 USC § 1561 where an alleged offender is a military member may also consider conduct that constitutes an offense at Paragraph 107a of Part IV of the Manual for Courts-Martial is punishable under Article 134 of the Uniform

Code of Military Justice. See also the term sexual harassment (military) for definition of sexual harassment found in DoDI 1020.03.

Sexual Harassment (Military) —As described in DoDI 1020.03, a category of harassment that is sexual in nature, including but not limited to, unwelcome sexual advances, requests for sexual favors, and repeated deliberate offensive comments or gestures of a sexual nature. Conduct that constitutes an offense at Paragraph 107a of Part IV of the Manual for Courts-Martial is punishable under Article 134 of the UCMJ. The UCMJ offense of sexual harassment includes the following elements:

1. That the accused knowingly made sexual advances, demands or requests for sexual favors, or knowingly engaged in other conduct of a sexual nature;
2. That such conduct was unwelcome;
3. That, under the circumstances, such conduct:
 - a. Would cause a reasonable person to believe, and a certain person did believe, that submission to such conduct would be made, either explicitly or implicitly, a term or condition of a person's job, pay, career, benefits, or entitlements;
 - b. Would cause a reasonable person to believe, and a certain person did believe, that submission to, or rejection of, such conduct would be used as a basis for decisions affecting that person's job, pay, career, benefits, or entitlements; or
 - c. Was so severe, repetitive, or pervasive that a reasonable person would perceive, and a certain person did perceive, an intimidating, hostile, or offensive working environment;
4. That, under the circumstances, the conduct was either; (i) to the prejudice of good order and discipline of the armed forces; (ii) of a nature to bring discredit upon the armed forces; or (iii) to the prejudice of good order and discipline in the armed forces and of a nature to bring discredit upon the armed forces.

Spin-Off Complaint—A complaint which alleges dissatisfaction with the processing of a previously filed complaint.

Substantiated—A substantiated claim or finding results when a preponderance of the evidence supports the complainant's allegation of a wrong or violation of law, regulation, procedure, or DAF policy or standard. The facts (from documentation and statements) indicate the complainant was wronged or a violation of standards occurred. For EEO complaints, substantiated means that a complaint has been fully adjudicated on the merits and that a final agency decision finding on discrimination has been issued by either the EEOC or the DAF.

Third Party—For the purpose of this publication, a third party is someone other than the military member experiencing the alleged behaviors or activities. Third parties such as, but not limited to, commanders, supervisors, co-workers, peers cannot file an MEO complaint on behalf of a military member. All third-party reports made with installation EO offices will be referred to the respective military member's commander or most appropriate commander for resolution.

Unlawful Discrimination (Civilian)—Pursuant to Title VII of the Civil Rights Act of 1964, Age Discrimination in Employment Act of 1967 (ADEA), Rehabilitation Act of 1973, Americans with Disabilities Act of 1990 (ADA), Equal Pay Act of 1963, Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA), and the Pregnant Workers Fairness Act of 2023, an unlawful employment practice occurs when an employer fails or refuses to hire or promote, discharges, or otherwise discriminates against any individual with respect to compensation, terms,

conditions, or privileges of employment because of a protected class pursuant to 29 CFR Part 1614, EEOC MD 110, and the laws within EEOC's jurisdiction; limits, segregates or classifies employees or applicants for employment in any way that deprives or tends to deprive any individual of employment opportunities or otherwise adversely affects their status as an employee because of a protected class.

Unlawful Discriminatory Harassment (Civilian)—Pursuant to Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967 (ADEA), Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990 (ADA), Equal Pay Act of 1963, and Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA), a form of employment discrimination consisting of behavior that is unwelcome or offensive to a reasonable person and that creates conditions that interfere with work performance or creates an intimidating, hostile, or offensive work environment and is based on a protected class.

Unrestricted Report (Sexual Assault) —As described in DAFI 90-6001, a process by which an individual covered by this instruction uses to disclose, without requesting confidentiality or Restricted Reporting, that he or she is the victim of a sexual assault. The victim's report is reported to law enforcement and may be used to initiate the official investigation process. SAPR unrestricted reports require a signed DD Form 2910.

Unrestricted Report (Sexual Harassment) —As described in DAFI 90-6001, this reporting option allows a service member to report military sexual harassment to a SARC or SAPR VA and receive victim advocacy services from the SAPR Program. This reporting option will result in a notification from the SARC, first, to the installation EO office and then to the service member's commander. SAPR military sexual harassment reporting and advocacy services do not replace MEO complaint processes available to Airmen and Guardians. As such, military members electing an unrestricted report with the SAPR office to receive sexual harassment victim advocacy may also choose to file a separate MEO complaint alleging sexual harassment through the EO office or can go directly to their commander to report the allegation.

Warm Hand—off Approach (“Connect to Care” Approach) - A collaborative process DAF has socialized as “Connect to Care” that directs helping agencies across the DAF to work together to ensure personnel are taken care off and are connected to appropriate services; a warm hand-off between Airmen, Guardians, their family members, DAF Civilians, and referral services can occur in person, virtually, or telephonically depending on their preference and consent to ensure a comprehensive system of care and support. Note: This implements the DAF's approach of DoD's “No Wrong Door.”

Witness—For the purpose of this publication, any individual, civilian or military, who is interviewed or provides statements during the course of processing EEO and MEO complaints.

Workplace Dispute—As described in DAFI 51-1201, a formal or informal claim or issue in controversy that arises out of an existing or prospective employment relationship between the DAF and its civilian employees, applicants for employment, or military members, or which otherwise materially affects conditions of employment for DAF civilian employees, for which a remedial process is authorized by law, regulation, or policy. For purposes of application of ADR principles, a workplace dispute may be written or oral.