

Equal Opportunity Complaint Procedures Comparison

This matrix was created by the Defense Equal Opportunity Management Institute July 2023



USE FOR REFERENCE ONLY Military Services' Complaint Processing Procedures USE FOR REFERENCE ONLY

<p style="text-align: center;">ACTIVE GUARD/RESERVE (AGR) Title 10 / Troop Program Unit (TPU) AR 600-20 Army Command Policy Chapter 6-6</p>	<p style="text-align: center;">ACTIVE GUARD/RESERVE (AGR) Title 32 NGR 600-21/CNGBM 9601.01 National Guard Military Discrimination Complaint System</p>	<p style="text-align: center;">TRADITIONAL M-DAY NGR 600-21/CNGBM 9601.01 National Guard Military Discrimination Complaint System</p>
<p style="text-align: center;">AGR Title 10 USC Status Army Reserve (TPU)</p>	<p style="text-align: center;">State Controlled AGR Title 32 USC Status Recipient of National Guard Services Beneficiaries of NG under Title VI Civil Rights Act 1964</p>	<p style="text-align: center;">State Controlled IADT, AT, FTS (Title 32) Applicants for Membership Recipient of National Guard Services Beneficiaries of NG under Title VI Civil Rights Act 1964</p>
<p style="text-align: center;">WHO CAN FILE</p> <ul style="list-style-type: none"> • Any military member • Cadets 	<p style="text-align: center;">WHO CAN FILE</p> <ul style="list-style-type: none"> • Any military member • Federal Civilian employees 	<p style="text-align: center;">WHO CAN FILE</p> <ul style="list-style-type: none"> • Any military member • Federal Civilian employees
	<p style="text-align: center;">ADR OR CONFLICT RESOLUTION</p> <p>Must be offered and may be implemented at any time see CNGBM 0402.01</p>	<p style="text-align: center;">ADR OR CONFLICT RESOLUTION</p> <p>Must be offered and may be implemented at any time see CNGBM 0402.01</p>
<p style="text-align: center;">INFORMAL COMPLAINT</p> <p>Document on Memorandum For Record (MFR), an informal complaint should be resolved within 60 calendar days, IAW AR 600-20</p>	<p style="text-align: center;">INFORMAL RESOLUTION REQUEST</p> <p>Verbally or in writing</p> <ul style="list-style-type: none"> – Complaint MUST be filed within 180 days from date of alleged discrimination – Will record complaint on Form 333 – Will coordinate with NGB-EO for <ul style="list-style-type: none"> • Tracking number • Assessing viability of complaint (e.g., is there a technical defense?) – Will acknowledge complaint in writing within 7 days – Notify lowest level commander they will initiate a Commander’s Reprisal Prevention Plan when informed of an Informal Resolution Request (IRR) & obtain a possible remedy –The State NG should take no more than 180 calendar days to process a State IRR –1st and 2nd level CC reviews and Notice of Proposed Resolution within 30 days 	<p style="text-align: center;">INFORMAL RESOLUTION REQUEST</p> <p>Verbally or in writing</p> <ul style="list-style-type: none"> – Complaint MUST be filed within 180 days from date of alleged discrimination – Will record complaint on Form 333 – Will coordinate with NGB-EO for <ul style="list-style-type: none"> • Tracking number • Assessing viability of complaint (e.g., is there a technical defense?) – Will acknowledge complaint in writing within 7 days – Notify lowest level commander they will initiate a Commander’s Reprisal Prevention Plan when informed of an Informal Resolution Request & obtain a possible remedy –The State NG should take no more than 180 calendar days to process a State IRR –1st and 2nd level CC reviews and Notice of Proposed Resolution within 30 days

<p align="center">ACTIVE GUARD/RESERVE (AGR) Title 10 / TPU AR 600-20</p>	<p align="center">ACTIVE GUARD/RESERVE (AGR) Title 32 NGR 600-21/CNGBM 9601.01</p>	<p align="center">TRADITIONAL M-DAY NGR 600-21/CNGBM 9601.01</p>
	<p align="center">Procedures For Handling Informal Resolution Request and Timelines</p>	<p align="center">Procedures For Handling Informal Resolution Request and Timelines</p>
	<ul style="list-style-type: none"> • Equal Opportunity (EO) personnel will assist the complainant in clarifying issues and allegations and documenting the complaint on NGB Form 333 • EO personnel will advise commanders on processing a complaint, and may conduct basic fact findings into allegations of discrimination on behalf of the commander, but will not be used to conduct formal investigations of any complaints in which they may have a role in processing • Even when a complaint is withdrawn -commanders will attempt to eliminate underlying causes of all complaints • State NG leadership will appoint an Inquiry Officer (IQO) • The review process must be completed within 30 calendar days from the issuance of the Leadership Inquiry Report 	<ul style="list-style-type: none"> • Equal Opportunity (EO) personnel will assist the complainant in clarifying issues and allegations and documenting the complaint on NGB Form 333 • EO personnel will advise commanders on processing a complaint, and may conduct basic fact findings into allegations of discrimination on behalf of the commander, but will not be used to conduct formal investigations of any complaints in which they may have a role in processing • Even when a complaint is withdrawn -commanders will attempt to eliminate underlying causes of all complaints • State NG leadership will appoint an Inquiry Officer (IQO) • The review process must be completed within 30 calendar days from the issuance of the Leadership Inquiry Report
	<p align="center">Final Actions Appeals</p>	<p align="center">Final Actions Appeals</p>
	<p>The only means of appeal to an informal complaint is to file a formal complaint. Members will indicate on the NPR, in writing, their acceptance of the proposed resolution, withdrawal of the State IRR, or their intent to file an NGB FRR</p>	<p>The only means of appeal of an informal complaint is to file a formal complaint. Members will indicate on the NPR, in writing, their acceptance of the proposed resolution, withdrawal of the State IRR, or their intent to file an NGB FRR</p>

<p align="center">ANONYMOUS COMPLAINT</p>	<p align="center">ANONYMOUS COMPLAINT</p>	<p align="center">ANONYMOUS COMPLAINT</p>
<p>Contains sufficient information to permit the initiation of an investigation. The investigation will not be initiated if an anonymous complaint does not contain sufficient information to permit the initiation of an investigation. The information should be documented in a MFR.</p>	<p>All NG members who wish to remain anonymous must notify the State Equal Employment Manager, ANG Equal Opportunity (EO) practitioner, or the Adjutant General designated representative.</p>	<p>All NG members who wish to remain anonymous must notify the State Equal Employment Manager, ANG Equal Opportunity (EO) practitioner, or the Adjutant General designated representative.</p>
<p align="center">ACTIVE GUARD/RESERVE (AGR) Title 10 / TPU AR 600-20</p>	<p align="center">ACTIVE GUARD/RESERVE (AGR) Title 32 NGR 600-21/CNGBM 9601.01</p>	<p align="center">TRADITIONAL M-DAY NGR 600-21/CNGBM 9601.01</p>
<p align="center">Sexual Harassment</p>	<p align="center">Sexual Harassment</p>	<p align="center">Sexual Harassment</p>
<p>If any complaints of sexual harassment describe sexual assault, leaders will provide the Soldier an immediate opportunity to speak with a SARC e. There are three ways Soldiers can submit a sexual harassment complaint— (1) Formally in writing on DA Form 7746 (2) Informally to a full-time brigade-level SARC (3) Anonymously by any means from an unidentified complainant</p>	<p>– Upon receiving allegations of sexual harassment, commanders and officers in charge of NG units will provide the AG with a copy or a detailed description of a complaint of sexual harassment – If this notice is not provided to the AG, whose fault is it? The investigation of sexual harassment complaints will receive expedited action within the limitations of State law. Commanders will appoint (IOs) from outside the alleged offender’s brigade-sized element or wing to conduct sexual harassment complaint investigations during the informal process.</p>	<p>– Upon receiving allegations of sexual harassment, commanders and officers in charge of NG units will provide the AG with a copy or a detailed description of a complaint of sexual harassment – If this notice is not provided to the AG, whose fault is it? The investigation of sexual harassment complaints will receive expedited action within the limitations of State law. Commanders will appoint (IOs) from outside the alleged offender’s brigade-sized element or wing to conduct sexual harassment complaint investigations during the informal process.</p>

FORMAL COMPLAINT	FORMAL RESOLUTION REQUEST	FORMAL RESOLUTION REQUEST
<p align="center">Procedures For Handling Complaints And Timelines</p>	<p align="center">Procedures For Handling Resolution Request And Timelines</p>	<p align="center">Procedures For Handling Resolution Request And Timelines</p>
<ul style="list-style-type: none"> • Commander can assign an Investigating Officer (IO) • Commander will establish and implement a reprisal prevention plan for the complainant, accused, witness(es), and any key leaders involved in the investigation • Equal Opportunity Advisor (EOA) must input the complaint into the DA Database • Investigation must be completed within 14 calendar days (or three MUTA 4 drill periods for Army Reserve TPU Soldiers) • Extension can be granted by next higher commander as long as it does not exceed 30 days (or two MUTA 4 drill periods for Army Reserve TPU Soldiers) • Additional extensions or extensions exceeding 30 days must be approved by GCMCA • 14 Days (or three MUTA 4 periods for Reserve components) for commander to provide feedback to the complainant 	<ul style="list-style-type: none"> – Within 30 days – Indicate on the Notice of Proposed Resolution (NPR) – Indicate on Form 333 <ul style="list-style-type: none"> • Individual(s) involved • NG unit/organization involved • Allegations: description of the action(s) or practice(s) forming the basis of the alleged discrimination – Forward the NGB FRR to NGB-EO-CMA within 5 calendar days of its receipt, with: <ul style="list-style-type: none"> • A copy of the State’s NPR • The Leadership Inquiry Report • All accompanying documentation must be included in the package – NGB-EO-CMA will make a determination whether to accept the resolution request for investigation within 30 days – NGB-EO-CMA will notify the State repres/entative to appoint an Ivestigative Officer (IO) – The IO will complete an investigation and issue a report with findings to NGB-EO-CMA within 45 calendar days from appointment 	<ul style="list-style-type: none"> – Within 30 days – Indicate on the Notice of Proposed Resolution (NPR) – Indicate on Form 333 <ul style="list-style-type: none"> • Individual(s) involved • NG unit/organization involved • Allegations: description of the action(s) or practice(s) forming the basis of the alleged discrimination – Forward the NGB FRR to NGB-EO-CMA within 5 calendar days of its receipt, with: <ul style="list-style-type: none"> • A copy of the State’s NPR • The Leadership Inquiry Report • All accompanying documentation must be included in the package – NGB-EO-CMA will make a determination whether to accept the resolution request for investigation within 30 days – NGB-EO-CMA will notify the State representative to appoint an Investigative Officer (IO) – The IO will complete an investigation and issue a report with findings to NGB-EO-CMA within 45 calendar days from appointment
<p align="center">ACTIVE GUARD/RESERVE (AGR) Title 10 / TPU AR 600-20</p>	<p align="center">ACTIVE GUARD/RESERVE (AGR) Title 32 NGR 600-21/CNGBM 9601.01</p>	<p align="center">TRADITIONAL M-DAY NGR 600-21/CNGBM 9601.01</p>
<p align="center">Procedures Upon Completion of Investigation</p>	<p align="center">Hearing Process</p>	<p align="center">Hearing Process</p>
<ul style="list-style-type: none"> • EOA review (must be on MFR) • Legal review • Commander's decision 	<p>State Actions</p> <ul style="list-style-type: none"> • Member or State Requests Hearing • NPR Substantiates; Disagrees with NPR, 30 days • Noncompliance of settlement agreement, 30 days <p>Member Actions</p> <ul style="list-style-type: none"> • Noncompliance of settlement agreement, 30 days • Noncompliance of Remedial Actions, 60 days • Notice of Proposed Resolution (NPR) Unsubstantiated; Notice of dismissal NPR, 30 days 	<p>State Actions</p> <ul style="list-style-type: none"> • Member or State Requests Hearing • NPR Substantiates; Disagrees with NPR, 30 days • Noncompliance of settlement agreement, 30 days <p>Member Actions</p> <ul style="list-style-type: none"> • Noncompliance of settlement agreement, 30 days • Noncompliance of Remedial Actions, 60 days • NPR Unsubstantiated; Notice of dismissal NPR, 30 days

Follow-Up Procedures/Appeals	Reviewing Official Process	Reviewing Official Process
<ul style="list-style-type: none"> • 30-45 Days • Use DA Form 7279-1 • 7 Days (or at the next MUTA 4 drill period for Reserve components) to appeal • Use DA Form 7279 • 3 Days (or one MUTA 4 drill period for Reserve components) for referral to next higher commander • 14 days (or three MUTA 4 periods for Reserve components) for next higher commander to provide feedback 	<ul style="list-style-type: none"> • Member 60 days or State 30 days requests Initial Review of Hearing • Non moving party submits Response 15 days • NGB-EO-CMA prepares file and Recommendation • Reviewing Official Issues Decision within 30 days • Implementation of Decision Request • Reconsideration – Final Review 30 days • Non moving party submits Response 15 days • NGB-EO-CMA prepares file and Recommendation. • Reviewing Official Issues Decision within 30 days. • There is no appeal after this point 	<ul style="list-style-type: none"> • Member 60 days or State 30 days requests Initial Review of Hearing • Non moving party submits Response 15 days • NGB-EO-CMA prepares file and Recommendation • Reviewing Official Issues Decision within 30 days • Implementation of Decision • Non moving party submits Response 15 days • NGB-EO-CMA prepares file and Recommendation. • Reviewing Official Issues Decision within 30 days. • There is no appeal after this point
Basis For Complaint	Additional Notes	
Race, Color, National Origin, Religion, Sex-gender, or Sexual Orientation, or who believe they have been the victim of sexual harassment	<ul style="list-style-type: none"> • Disciplinary action against the individual responsible for substantiated discrimination is within the discretion of the commander and not the right of the complainant to demand as part of a resolution. Punitive action may be appropriate and should be considered by the commander as a means of maintaining good order and discipline; it does nothing in terms of restoring any benefits or privileges lost by complainant as a result of the discrimination. • Any person who knowingly submits a false equal opportunity complaint (a complaint containing information of allegations that the complainant knew to be false) may be subject to judicial or non-judicial punishment. 	

<https://www.defenseculture.mil/>

Terms

INFORMAL COMPLAINT: Informal complaints may be resolved directly by the individual, with the help of another unit member, the commander, or other person in the complainant's chain of command.

FORMAL COMPLAINT: A formal complaint is one that the complainant files in writing and swears to the accuracy of the information.

ANONYMOUS COMPLAINT: Complainant remains unidentified; may be handled as a formal or informal if there is sufficient information to proceed.

State Representative (EO Professional)

– SEEM, ANG/ARNG Equal Opportunity (EO) practitioner, or the Adjutant General designated representative with the appropriate EO training and experience to process an EO complaint

- Notice of Proposed Resolution (NPR)

State Representative (Advocate)

– Advocate for either Complainant or State. Aside from terminology, this is not a change from former system that allowed complainants to select a Representative. Agency attorneys have always advocated on behalf of Agency

Alternative Dispute Resolution (ADR)

– Any procedure that parties agree to use instead of a formal adjudication to resolve issues in controversy, including, but not limited to, settlement negotiations, conciliation, facilitation, mediation, fact-finding, mini-trials and arbitration or any combination thereof.

Notice of Proposed Resolution (NPR)

– Document containing the findings, conclusions, proposed resolution and remedy. The State issues an NPR in the IRR process, while NGB-EO-CMA issues the NPR in the FRR process.

Investigating Officer (IO)

– Appointed by the State NG during the FRR process to conduct a formal investigation. At the end of investigation, the IO issues a report with findings and conclusions.

Hearing Officer

– Appointed by NGB-JA to rule on offers of proof and receive relevant evidence, rule on pre-hearing motions, resolve issues of credibility, and ensure the record on significant issues are developed. The hearing officer shall be a GS-15 civilian employed by NGB-JA with an admission to practice law before a Federal court or the highest court of a State.

IADT – Initial Active Duty for Training FTS – Full Time Support AT – Annual Training CNGBM – Chief National Guard Bureau Manuals

MUTA – Multiple Unit Training Assembly IQO – Inquiry Officer FRR – Formal Resolution Request IRR – Informal Resolution Request ADR- Alternative Dispute Resolution