



**MILITARY DEPARTMENT OF ARKANSAS
OFFICE OF THE ADJUTANT GENERAL
CAMP JOSEPH T. ROBINSON
NORTH LITTLE ROCK, ARKANSAS 72199-9600**

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THE ADJUTANT GENERAL

NGAR-HRO-EEM

11 December 2017

MEMORANDUM FOR All Military Members and Employees of the Arkansas National Guard

SUBJECT: The Adjutant General's Policy 2018-07, Military Discrimination Complaint Procedures

1. References:

- a. Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e, et seq., as amended.
- b. Army Regulation (AR) 600-20, Army Command Policy, 06 November 2014.
- c. Equal Opportunity Program in the Army National Guard, 22 May 2017.
- d. NGAR 27-10, Military Justice, 1 September 2015.

2. The purpose of this memorandum is to provide guidance in filing a National Guard discrimination complaint. This memorandum supersedes The Adjutant General's Policy 2013-21, Military Discrimination Complaint Procedures, date 25 June 2013.

3. This policy memorandum applies to all Arkansas National Guard personnel serving in a Title 32 status, to include National Guard technicians when activities occur while the member is in a military pay status, or concerns of fitness for duty in the reserve components.

4. The National Guard (NG) complaint procedure addresses complaints that allege unlawful discrimination or unfair treatment. As a member of the Arkansas National Guard, you have the right to present a complaint without fear of harassment,

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intimidation, or reprisal. If you feel you are the subject of harassment, including sexual harassment or unlawful discrimination on the basis of race, color, national origin, religion, sex (including gender identity), or sexual orientation, you may file a request to resolve these allegations.

5. Complaints must be filed 180 calendar days from the date of the alleged discrimination, or the date the member was made aware of the alleged discriminatory event or action. Below are the processes for filing complaints.

a. Filing an Informal Resolution Request (IRR):

(1) Air National Guard members contact your Military Equal Opportunity (MEO) staff member; Army National Guard members contact an Equal Opportunity Advisor (EOA) or your immediate supervisor to attempt resolution at the lowest level.

a. In accordance with NGAR 27-10, the Commanding General of the Arkansas National Guard has reserved authority to handle disposition of complaints of sexual harassment under the Military Code of Arkansas to the Special Courts Martial Convening Authority (SPCMCA) in the Servicemembers chain of command.

b. The SPCMCA may, on a case by case basis, return actions to lower level commanders for disposition at the request of the lower level commander or when he or she determines that such disposition at a lower level is appropriate.

(2) Informal Resolution Request (IRR) will be recorded on NGB Form 333, initialing and dating the "informal" box on the form.

(3) State NG leadership will appoint an Inquiry Official (IQO) with equal to-or-higher rank than the alleged discriminating official and the training to conduct an expedited inquiry into the facts.

(4) The IQO will obtain summarized witness statements and relevant documents. A Leadership Inquiry Report will be completed and forwarded to the appropriate commander through the EOA within 60 calendar days of the IQO's appointment.

(5) The commander at the lowest level will review the Leadership Inquiry Report to determine the appropriate resolution. The review process must be completed within 30 calendar days from the issuance of the Leadership Inquiry Report.

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(6) Equal Opportunity Advisor (EOA) will conduct a final interview with the member, and provide them with a Notice of Proposed Resolution (NPR).

a. NPR will inform the member of the Leadership Inquiry Report findings and conclusions, and the commander's proposed disposition and remedy, if any.

b. NPR informs the member that an NGB Formal Resolution Request (FRR) must be filed within 30 calendar days for any claimed discrimination not resolved by the proposed resolution.

c. 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.

(7) Equal Opportunity Advisor (EOA) will forward the NPR to State Equal Employment Manager (SEEM) to be forward to NGB-EO-CMA upon completion of the process.

b. Filing a Formal Resolution Request (FRR):

(1) After exhausting the informal resolution request process, NG members must file an NGB FRR with the EOA, within 30 calendar days of receipt of the NPR, or the final interview. An NGB FRR will be filed on NGB Form 333, "Discrimination Complaint in the Army and Air National Guard" and must contain a signed statement from the member, or their State representative, identifying the:

a) Individual(s) involved.

b) NG unit/organization involved.

c) Description of the action(s) or practice(s) forming the basis of the alleged discrimination.

(2) The EOA will forward the NGB FRR to SEEM upon receipt from the NG member with a copy of the NPR, member's State IRR, the Leadership Inquiry Report, and any accompanying documentation must be included in the package.

(3) The SEEM will forward the NGB FRR to NGB-EO-CMA within five calendar days of its receipt.

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(4) Within 30 calendar days of receipt of the NGB FRR and accompanying documentation, NGB-EO-CMA will make a determination whether to accept the complaint for investigation. NGB-EO-CMA will notify the SEEM to appoint an investigating officer (IO), or have one appointed, should such a determination be made. In the event of a request denial, NGB-EO-CMA will issue a Notice of Proposed Dismissal detailing the decision to dismiss.

(5) The IO will complete an investigation and issue a report with findings to NGB-EO-CMA within 45 calendar days from the date of appointment.

(6) If discrimination or harassment is substantiated, and remedial measures are recommended in the NGB NPR, the member will be informed by the SEEM of the completion of remedial actions within 60 calendar days of receipt of the NGB NPR. The member may file a hearing request to seek remedies for a State's noncompliance with NGB-EO-CMA recommendations after 60 calendar days following receipt of the NGB NPR.

(7) If discrimination or harassment is unsubstantiated, in whole or in part, the member may file a request for a hearing within 30 calendar days of receipt of the NGB NPR.

6. Commanders must ensure a copy of this memorandum is permanently posted to unit bulletin boards and in work areas.

7. This policy is punitive in nature. Failure by a commander, supervisor, or other Servicemember in a complainant's chain of command to comply with this policy may subject the Servicemember to disciplinary or adverse administrative actions.

8. Point of contact for the National Guard Discrimination Complaint Process is the State Equal Employment Manager, 501-212-4231 or DSN 962-4231.



MARK H. BERRY
Major General
The Adjutant General