United States Coast Guard

EQUAL OPPORTUNITY PROGRAM MANUAL

COMDTINST M5350.4

U.S. Department of Transportation
United States Coast Guard

Commandant
United States Coast Guard

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COMDTINST M5350.4

15 MARCH 1999

COMMANDANT INSTRUCTION M5350.4

Subj: COAST GUARD EQUAL OPPORTUNITY PROGRAM MANUAL

1. PURPOSE. This Manual provides updated policies and guidance for the operation of the Coast Guard Military Civil Rights and Equal Opportunity (EO) and Civilian Equal Employment Opportunity (EEO) Programs. It outlines responsibilities and procedures aimed at providing equal opportunity and to promoting an environment where all Coast Guard personnel can reach their full potential and maximize their contributions to Coast Guard missions.

2. ACTION. Area and district commanders, commanders of maintenance and logistics commands, commanding officers of headquarters units, assistant commandants for directorates, Chief Counsel, and special staff offices at Headquarters shall ensure compliance with the provisions of this Manual.

3. DIRECTIVES AFFECTED. This manual replaces numerous manuals and instructions that are currently in effect. The following policies are hereby cancelled.

- COMDTINST M5350.11A, Coast Guard Military Civil Rights Manual, dated 8 October 1981.
- COMDTINST 5350.2, Military Civil Rights Complaints Procedures, dated 21 October 1998.
- COMDTINST 5350.3, Military and Small Unit EO Climate Survey, dated 24 February 1998.
- COMDTINST 5350.30A, CG Sexual Harassment Prevention System, dated 25 April 1995.
- COMDTINST 5350.19A, Military Affirmative Action Plan (MAAP), dated 23 August 1991.
- COMDTINST 5354.1, Equal Opportunity Counselor of the Year Award, dated 29 August 1997.
- COMDTINST 5354.5A, National Special Observances, dated 18 April 1997.

DISTRIBUTION – SDL No. 135

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NON-STANDARD DISTRIBUTION:

- COMDTINST 5350.31, USCG Identification and Tracking System to Account for Discriminators, dated 24 April 1995
- COMDTINST M12713.7D, Civilian Equal Opportunity Program Manual, dated 9 July 1980.
- COMDTPUB 12713.10 Civil Rights Officer Handbook, dated 6 March 1989
- COMDTPUB 12713.11, EEO Counselor's Handbook, dated 7 July 1989

4. MAJOR CHANGES. Major changes in this manual include:

- Consolidating military and civilian equal opportunity programs;
- Promulgating infrastructure field mission areas for the Civil Rights program,
- Updating policy to reflect the current Civil Rights field infrastructure,
- Revising the military and civilian discrimination complaint procedures in accordance with the DOT reorganization of 13 November 1994;
- Implementing an Alternative Dispute Resolution (ADR) process,
- Streamlining the Military Affirmative Action Plan reporting process,
- Updating training requirements for the prevention of sexual harassment, and
- Publishing policy on Social Climate issues.

5. REQUESTS FOR CHANGES. Recommendations for improvements to the Coast Guard Equal Opportunity Program Manual should be submitted to Commandant (G-H) via the chain of command.

6. REPORTING REQUIREMENTS. Reporting requirements are detailed in each chapter of this manual.

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Assistant Commandant for Civil Rights

EQUAL OPPORTUNITY PROGRAM MANUAL

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Chapter 1 The Equal Opportunity Program—General Information

This chapter contains the following information:

Section	Topic	See Page
A	Introduction	1-2
B	Vision	1-2
C	Customers	1-3
D	Missions	1-5
E	Definitions	1-7
F	Policy Statements	1-10
G	Program Guidelines	1-11
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This chapter contains the following information in Enclosures:

Enclosure	Title	See Page
1	Sexual Harassment Policy Statement	1-22
2	Equal Opportunity Policy Statement	1-23

1.A. Introduction

The Coast Guard mandates that all members of Team Coast Guard—regular and reserve military, civilian, non-appropriated fund, and Auxiliary—are to be treated fairly, with respect, dignity, and compassion. Each should be provided the opportunity to work, develop, and achieve his or her full potential, thereby enhancing unit cohesiveness, military readiness, and mission accomplishment. The Coast Guard prohibits any form of discrimination that violates law or policy in any action affecting Coast Guard personnel, those seeking employment with the Coast Guard, or those receiving benefits from any Coast Guard-sponsored programs.

1.B. Civil Rights Vision Statement

1. The vision of Civil Rights is to be the conscience, champion, and advocate for a Coast Guard that mirrors our society and values differences so that everyone can reach their full potential as members of the Team Coast Guard.
2. This vision is consistent with the Coast Guard's vision of remaining true to the values of Honor, Respect, and Devotion to Duty. It also emphasizes the Coast Guard's goal of becoming the nation's employer of choice, attracting highly qualified applicants for employment from an increasingly diverse pool of talent. The EO Program must ensure this by vigorously preventing discrimination in the workforce, so that the only roadblocks to success exist in a person's mind. Finally, this vision reiterates the "Team Coast Guard" concept. Every member—regular or reserve military, civilian, and Auxiliary—is vital to the Coast Guard's overall missions.

1.C. Customers

1.C.1. Customer Needs and Expectations

1.C.1.a. Customer Benefits

1. **The Public**. The public experiences several gains from the Coast Guard EO Program (combined with the efforts of other Governmental organizations):
   a. Equal opportunity in hiring and promotion practices.
   b. Grants allocated based on proposal's merit and potential contributions to Coast Guard missions and public policy objectives.
   c. Assurance that Coast Guard facilities do not have a disproportionate health and environmental effect on minorities and low-income communities.
   d. Assurance of equal opportunity in Coast Guard Academy admissions.

2. **Coast Guard Employees**. The organization's military and civilian members enjoy the following benefits from the Coast Guard EO Program:
   a. An environment free of discrimination in hiring and promotion based on characteristics such as race, religion, sex, color, national origin, or reprisal (for civilians, age, disability, and sexual orientation apply as well).
   b. An environment free of incidents of discrimination and sexual harassment; or, if discrimination or harassment does occur, the EO Program works to ensure the victim is protected and "made whole" again.
   c. An environment in which employees can appreciate the differences in each other and be appreciated for their differences, so that members from diverse backgrounds can work together harmoniously.

3. **Coast Guard Leadership**. All levels of Coast Guard leadership benefit when an organization is free of discrimination and sexual harassment and the organization's members appreciate diversity. Some of these benefits are:
   a. Increased productivity.
   b. Savings of Coast Guard financial resources that otherwise might be spent on processing discrimination complaints or legal actions.
   c. Better teamwork, which translates into improved safety, particularly at operational units.
   d. A positive public image as being a fair, EO employer.

1.C.1.b. Cost to Customers of an Ineffective Equal Opportunity and Civil Rights Program

1. Processing formal discrimination and harassment complaints significantly drains resources from the Coast Guard budget.
2. Distrust, fear, anger, and other negative feelings pervade an environment that condones discrimination, harassment, and a lack of respect for diversity. Accomplishments and productivity inevitably decline along with morale.
3. Discrimination, harassment, and a lack of respect for diversity fracture the organization. With teamwork impaired, safety is compromised along with effectiveness and ability to accomplish Coast Guard operational missions.
4. If the Coast Guard loses its ability to perform Congressionally mandated tasks; service to the American public is hampered.
5. Internal discrimination and harassment undermine trust in the organization, among Coast Guard members and the public it serves.
6. Failing to comply with Equal Opportunity and Civil Rights mandates in its dealings with external entities damages the Coast Guard's reputation.

1.D. Missions

1.D.1. Desired Outcomes

In striving to accomplish the Civil Rights Vision Statement, the EO Program must define desired outcomes and missions. The Civil Rights desired outcomes are:

a. A Coast Guard workforce that values diversity.

b. A Coast Guard workforce free of discrimination and harassment.

c. Coast Guard mandates for dealing with external entities that comply with Civil Rights laws.

d. Civil Rights missions that clearly reflect these desired outcomes.

1.D.2. Civil Rights Directorate, Commandant (G-H)

The Civil Rights Directorate's mission is to provide policy and oversight for diversity management, equal opportunity, affirmative action, and human relations awareness training; to provide support to field commands; to enforce all Civil Rights laws and statutes; and to provide consulting services to our internal and external customers in support of Coast Guard missions.

1.D.3. Field Infrastructure Civil Rights Missions

1. **Demonstrate Command Leadership**. Demonstrating command leadership is considered a mission of all levels of leadership in Team Coast Guard, from flag officers to officers in charge.

2. **Develop an Organizational Culture Valuing Diversity**. This goal applies to all of Team Coast Guard. Coast Guard members carry out this mission by conducting cultural observances, holding Human Relations Council meetings, mentoring subordinates, raising awareness through training, and conducting climate assessments. These methods deserve top leadership's attention and inclusion in command Strategic Plans.

3. **Address Demographic Imbalances in the Civilian Workforce**. Coast Guard managers and leaders can correct demographic imbalances in the workforce by setting short- and long-term goals. Making progress in this field mission gives the Coast Guard a competitive advantage in becoming and remaining an employer of choice. Imbalances in gender and minority group participation in the workforce are a subject of

concern. The Coast Guard is required to report its progress in correcting these imbalances to the Equal Employment Opportunity Commission (EEOC).

4. **Resolve Complaints at the Lowest Level**. EEO counseling, Alternative Dispute Resolution (ADR), mediation, and feedback to involved parties are some of the available tools that can resolve complaints at the lowest level.

5. **Promote Community Affirmative Outreach**. This last field mission involves resolving social climate issues, promoting a positive image of the Coast Guard to the public, furthering diversity in the Coast Guard, promoting Coast Guard missions, improving Coast Guard members' quality of life, and participating in partnerships with community leaders.

1.E. Definitions

These terms, briefly defined, occur frequently in this Manual and are specific to the EO Program.

1.E.1. Department of Transportation, Director of Civil Rights (DOCR)

The official appointed as Director of Civil Rights (DOCR) reports directly to the Secretary of Transportation and acts for and represents the Secretary in all EO matters. The DOCR provides policy guidance to operating administrations on Civil Rights and EO matters.

1.E.2. Affirmative Action

Actions intended to address problems related to past practices that have resulted in unintentional exclusion of women and minority groups. Affirmative action includes reengineering personnel systems, programs and processes to increase participation of women and minority groups in applicant pools from which recruitment, advancement, and other competitive career decisions are made.

1.E.3. Civil Rights

Relates to prohibited acts and practices that violate individual rights protected by laws and statutes passed by Congress.

1.E.4. Civil Rights/Equal Opportunity Officer

A commissioned officer or civilian, full-time or collateral duty Equal Employment Opportunity Manager designated to manage military and civilian Civil Rights programs and affirmative action plans. The Civil Rights/Equal Opportunity Officer reports directly to the Commanding Officer (CO) on civil rights matters. His or her assignment does not relieve other personnel of their basic responsibilities to support EO programs.

1.E.5. Coast Guard Leadership

Within this manual, the term “Coast Guard Leadership” refers to senior leadership and management within the organization, military and civilian, which includes the Commandant, area and district commanders, commanders maintenance and logistics command, and all flag and senior executive service officials of the Coast Guard.

1.E.6. Diversity

As defined in DOT Order 3200.1, diversity is the mix of differences and similarities at all levels of the organization.

1.E.7. Diversity Management

As defined in DOT Order 3200.1, diversity management is creating and maintaining a work environment, which provides opportunity for employees to maximize their potential and fully contribute to accomplishing the organization's mission. Further that environment does not advantage or disadvantage any member of the work force and it ensures all team members treat each other with dignity and respect.

1.E.8. Equal Opportunity (EO)

Consideration and fair treatment based on merit and capability without regard to race, religion, sex, color, and national origin for all members of Team Coast Guard, military and civilian. For civilian employees of the Coast Guard, these bases include age (over 40 years), mental or physical disability, and sexual orientation. Equal opportunity (EO) dictates that individuals have the same rights, responsibilities, and privileges as another person of equivalent stature (e.g., rank, rate, experience, ability) under similar conditions, in such factors as housing, transportation, training, acquisition of gainful experience, or any other practices that might improve Coast Guard members' opportunities and work environment.

1.E.9. Equal Employment Opportunity (EEO)

Equal employment opportunity (EEO) is the recruitment, selection, and advancement of civilians into a job or position, including those paid from non-appropriated fund activities (NAFA), without regard to race, religion, sex, color, national origin, and for civilians, age (over 40 years), mental and physical disability, and sexual orientation.

1.E.10. Human Relations

Human relations are the day-to-day associations among Coast Guard personnel as the Civil Rights climate affects them. Since failure to ensure equal opportunity and treatment for all personnel degrades *human relations*, this phrase is often used in conjunction with the EO Program.

1.E.11. Minority Group

"Minority" refers only to those groups classified as "minority" for the purpose of data collection by the Office of Personnel Management and the Equal Employment Opportunity Commission in furtherance of Federal equal employment opportunity policies. The term "women" includes non-minority as well as minority women. Equal Employment Opportunity Commission Directive Number 15 lists the following groups as minority:

a. American Indian or Alaskan Native.

b. Asian or Pacific Islander.

c. Black/African American.

d. Hispanic.

1.E.12. Illegal Discrimination

Illegal discrimination is any action, omission, or use of language that results in the adverse treatment of a person because of his or her race, religion, sex, color, and national origin, and for civilians, age (over 40 years), mental or physical disability, and sexual orientation. Sexual harassment as well as actions or omissions of reprisal are also forms of illegal discrimination.

1.E.13. Religious Freedoms

Although the Coast Guard policy is to support every military members right to exercise religious freedoms, such rights are not absolute in a military environment and, as long as they are based upon military necessity, reasonable restrictions on the exercise of religious freedoms are permitted.

1.F. Policy Statements

1.F.1. Background

1. In keeping with the Coast Guard's core values of Honor, Respect, and Devotion to Duty, the Commandant is committed to ensuring the Service provides a working environment of mutual respect and equal opportunity, free of sexual harassment and discrimination.
2. To reach this goal, all Team Coast Guard members must conduct themselves as described in the Sexual Harassment and Equal Opportunity Policy Statements (Enclosures (1) and (2)). Individuals and leaders at all levels are responsible for effecting these policies.

1.F.2. Extremist Policy

1. In alignment with the Coast Guard's core values and policies, participation in extremist organizations or activities is inconsistent with the responsibilities of military service. The Coast Guard is committed to providing equal opportunity and fair treatment for all members without regard to race, color, religion, sex, or national origin. Enforcement of this policy is the responsibility of the command, is vitally important to unit cohesion and morale, and is essential to mission accomplishment. Every Commander is responsible for maintaining good order and discipline in their unit and has inherent authority to take appropriate actions to accomplish this. The Commander also has the responsibility of balancing the need of good order and discipline against the constitutional rights of individual members.

2. Further guidance on this policy is contained in Chapter 8 of the Personnel Manual, COMDTINST 1000.6 (series).

3. A policy applying to civilians will be developed in the future and will be added to this manual on a later date.

1.G. Program Guidelines

Legal mandates and regulations dictate and define the Coast Guard's EO policies. The following pages list internal and external mandates and orders affecting EO Programs. Please note that military equal opportunity policies are generally based on precepts set forth in civilian equal opportunity policy, however, the military EO program is a commander's program. Federal statues and regulations applicable to civilian EEO programs do not apply, and the EEOC has no jurisdiction over military cases.

The U.S. Supreme Court and the U.S. Circuit Court for the District of Columbia have since held that, if challenged, the highest level of judicial scrutiny will be applied to all race-based federal employment practices and affirmative action programs. Great caution must be exercised in this area. Advice and recommendations of Coast Guard legal counsel are required.

1.G.1. Laws and Statutes

a. **The Equal Pay Act of 1963, as amended in 1974 to cover Federal employees**, protects against sex discrimination in wages, giving men and women the right to earn equal pay for doing substantially the same work. The EEOC enforces this law.

b. **The Civil Rights Act of 1964, as amended in 1972, 1978, and 1991**, generally prohibits all forms of discrimination on the basis of race, religion, sex, color, or national origin. The Act's Title VII, against which most discrimination charges are filed, specifically bars employment discrimination. This Act also prohibits sexual harassment as an unlawful employment practice (a form of discrimination based on sex). The Act's Title VI protects against discrimination based on race, color, and national origin in any program or activity receiving Federal financial assistance (e.g., the State Recreational Boating Safety Grant Program). The Federal grant application process requires applicants to provide a standard Title VI Assurance Agreement.

c. **The Civil Rights Act of 1966** protects all persons from discrimination because of their race or national origin and provides additional protection in situations not specifically covered by the Civil Rights Act of 1964. The Federal court system enforces this act.

d. **The Age Discrimination in Employment Act of 1967, as amended in 1978**, protects persons over 40 years from discrimination on the basis of age in any employment terms or conditions. The EEOC is responsible for enforcement.

e. **The Rehabilitation Act of 1973** requires Government employers to ensure equal employment opportunities to persons having physical or mental disabilities that substantially limit one or more major life activities. It protects disabled persons otherwise qualified for the jobs they seek and requires employers to make "reasonable

accommodation" to their disabilities. This Act also requires a form of affirmative employment substantially different from the usual concept: all agencies are required to have affirmative employment plans to hire, place, and advance disabled individuals. The non-discrimination provisions affect Federal employers. The Department of Health and Human Services and EEOC enforce this Act.

f. **Section 504, the Rehabilitation Act of 1973, as amended (29 USC 790)**, protects against discrimination based on any physical or mental disability by any program or activity the Federal Government sponsors.

g. **The Civil Service Reform Act of 1978** requires Federal employers to recruit and employ a labor force as diverse as the nation's available workforce and forbids them to discriminate on the basis of marital status or political affiliation. Senior Executive Service employees' performance appraisals measure their effectiveness in achieving equal employment opportunities for Federal workers and meeting affirmative employment goals for their department. Executives' promotions, raises, or bonuses reflect the results of these efforts. The EEOC enforces this Act.

h. **The National and Community Services Act of 1990 (PL 101-610)** directs each Federal agency head to design and carry out a comprehensive strategy to involve employees in a partnership program with elementary and secondary schools to enhance students' educational opportunities and career awareness.

i. **The Civil Rights Act of 1991** establishes procedures to protect the rights of Senate or other Government employees in their public employment and authorizes compensatory damages up to $300,000 for Federal sector EEO complaints.

j. **Student Employment Program (5CFR.3202(a)-(d))** provides opportunities for students to obtain exposure to Coast Guard careers while gaining work experience and earning income to help with school expenses. The students can obtain employment in this program through their counseling and placement offices.

k. **Veterans' Rights** Title 5 U.S.C. Chapter 35; Title 10 U.S.C. § 1143(d); Title 38 U.S.C. Chapters 42 and 43, all pertain to veterans' employment and re-employment rights.

1.G.2. Executive Orders

a. **Executive Orders 11246 (1965) and 11375 (1967)** bar discrimination in Federal employment based on race, religion, color, or national origin. These Executive Orders require agencies to establish EO programs and complaint procedures. Executive Order 11375 amended Executive Order 11246 to prohibit discrimination based on sex as well. As a result of this order, the Federal Women's Program was established. The Office of Personnel Management and the EEOC enforce these orders.

b. **Executive Order 11478 (1969)** establishes the principles of affirmative employment for Federal employees and requires the Federal Government to create affirmative programs to ensure equal employment opportunities for minorities and women. If an agency finds a manifest imbalance or conspicuous absence of minorities and women among its workers, the agency may consider qualified applicants' sex or race in the selection process until the agency's labor force is brought to parity. The Order integrates the Federal Women's Program into the overall EEO program and brings it under the stewardship of agency EEO directors. The EEOC enforces the Order.

c. **Executive Order 12876, "Historically Black Colleges and Universities (HBCUs),"** advances the development of human potential, strengthens the capacity of historically Black colleges and universities to provide quality education, and increases opportunities to participate in and benefit from Federal programs.

d. **Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations,"** protects minority and/or low-income communities against disproportionately adverse human health or environmental effects from any Federally conducted or assisted programs, policies, or activities.

e. **Executive Order 12900, "Educational Excellence For Hispanic Americans,"** advances the development of human potential, strengthens the Nation's capacity to provide high-quality education, and increases opportunities for Hispanic Americans to participate in and benefit from Federal education programs.

f. **Executive Order 138083, Federalism and Executive Order 13084, Consultation and Coordination with Indian Tribal Governments**. The United States Government has a unique legal relationship with Native American tribal governments as set forth in the Constitutions of the United States, treaties, statutes, and court decisions. Executive Order 13083 and Executive Order 13084 outline principles that executive departments and agencies must follow in their interactions with Native American tribal governments. The purpose of these principles is to clarify agency responsibility to ensure that the Federal Government operates within a government-to-government relationship with federally recognized Native American tribes. The fundamental mission of the Department of Transportation is to serve the United States by ensuring a fast, safe, efficient, accessible, and convenient transportation system that meets vital national interests and enhances the quality of life of the American people, today and into the twenty-first century. In carrying out these responsibilities, the Coast Guard will consider Tribal interests in formulating Service policy. The Coast Guard will also ensure appropriate involvement of Tribal Governments in making decisions and managing Service programs that may affect reservation policies.

g. **Executive Order 13087 (1998)** prohibits discrimination against civilian employees of the Federal Government based on their real or perceived sexual orientation.

h. **Executive Order 13096, American Indian and Alaska Native Education,** affirms the unique political and legal relationship of the Federal Government with tribal governments. The Federal Government has a special, historic responsibility for the education of American Indian and Alaska Native students. Improving educational achievement and academic progress for these students is vital to the national goal of preparing every student for responsible citizenship, continued learning, and productive employment. In recognition of the unique educational and culturally related academic needs of America Indian and Alaska Native students, six goals were defined to assist Federal agencies to help fulfill its commitment to the students. These goals are: (1) improving reading and mathematics; (2) increasing high school completion and postsecondary attendance rates; (3) reducing the influence of long-standing factors that impede educational performance, such as poverty and substance abuse; (4) creating strong, safe, and drug-free school environments; (5) improving science education, and (6) expanding the use of educational technology.

1.G.3. Presidential Proclamation

Presidential Proclamation 5112 (3 October 1983), establishes the National Partnership in Education (PIE) Program under which each Executive Department forms partnerships with local schools. The Proclamation suggests elements of agency programs, including employees volunteering in tutoring programs, sponsoring field trips and tours, providing classroom speakers, and participating in classroom seminars.

1.G.4. EEOC Directives

a. **EEOC Management Directive 110** provides Federal agencies with Commission policies, procedures, and guidance relating to the processing of employment discrimination complaints governed by the Commission's regulations.

b. **EEOC Management Directive 714** provides instructions for the development and submission of Federal Affirmative Employment Multi-year Program Plans, Annual Accomplishment Reports, and Annual Plan Updates.

1.G.5. Commandant Instructions

a. **Commandant Instruction 5350.4 Coast Guard Equal Opportunity Manual** consolidates guidance for Coast Guard equal opportunity programs governing both military and civilian employees as well as programs ensuring equal opportunity in the Coast Guard's dealings with the public. Included in this manual is a description of the Coast Guard's CGAAP and AEP programs.

b. **Commandant Instruction 5354.3 (series)** implements the HBCU program mandated by Executive Order 12876.

c. **Boating Safety Grants (14 USC 822 and the Auxiliary Manual COMDTINST M16790.1 (series))** annually award funds to national non-profit service organizations to conduct activities promoting national boating safety. Institutions of higher education do not qualify for these awards, but the National Association for Equal Opportunity in Higher Education (NAFEO) and Hispanic Association of Colleges and Universities (HACU) can coordinate projects.

d. **Coast Guard Recruiting Initiative for the Twenty-First Century (CGRIT) (COMDTINST 5354.6 (series))** expands the applicant pool for the Coast Guard's officer corps by identifying qualified applications for the Coast Guard Academy, College Student Precommissioning Initiative (CSPI), formerly the Minority Officer Recruiting Effort (MORE), and Officer Candidate School (OCS).

e. **College Student Precommissioning Initiative (CSPI)(COMDTINST 1131.16 (series))** is a fully funded scholarship program that pays full tuition and books for full-time students at minority-serving colleges and universities in their junior and senior years. These students enlist in the Coast Guard and attend OCS after graduation from college.

f. **Student Employment Program (5CFR.3202(a)-(d))** provides opportunities for students to obtain exposure to Coast Guard careers while gaining work experience and earning income to help with school expenses. The students can obtain employment in this program through their counseling and placement offices.

g. **Officer Candidate School (OCS) (COMDTNOTE 1131)** enables college graduates to become Coast Guard officers in 17 weeks.

h. **COMDTINST 5350.22 (series)** establishes the Coast Guard's Partnership in Education: 2000 Program and encourages partnership programs with schools to enhance students' educational opportunities and career awareness

1.G.6. Memoranda of Understanding

a. **United States Coast Guard (USCG) and Hispanic Association of Colleges and Universities (HACU) Memorandum of Understanding (MOU)** identifies initiatives designed to increase Hispanic Americans' participation at Hispanic-Serving Institutions (HSIs) in Coast Guard-sponsored programs.

b. **United States Coast Guard (USCG) and Department of Justice (DOJ) Community Relations Service (CRS) Memorandum of Understanding**. The DOJ CRS assists individuals and other agencies in investigating, mediating, and resolving negative social climate issues. In addition, they observe trends in communities

leading to disruptive conflicts. As a part of these duties the CRS also assists Coast Guard personnel with identifying community or civic groups in the vicinity of their commands that can assist in resolving community based complaints by Service members. The Coast Guard signed a Memorandum of Understanding with the CRS on 18 July 1990, describing the responsibilities of both parties. As a result of this MOU, CRS regional offices are informed of the Coast Guard's procedures for processing social climate complaints. Commanding officers are encouraged to establish and maintain communications with CRS Regional Offices. The CRS has extensive experience in these matters and has been very helpful in the past in helping Coast Guard commands resolve problems of discrimination in the civilian community.

c. **United States Coast Guard (USCG) and Department of Justice (DOJ) Memorandum of Understanding**. This MOU sets up a partnership with the DOJ to assist the Coast Guard in implementing Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. Under the terms of this MOU, the DOJ assists the Coast Guard in developing objective presentation formats reporting demographic and social/economic data for populations surrounding Coast Guard communities.

d. **Department of Transportation (DOT) and National Urban League (NUL) Memorandum of Understanding**. This MOU encourages the exchange of ideas and information between the two organizations to promote transportation safety awareness, transportation-related employment, and transportation related educational opportunities in the nation's urban areas. This MOU applies to all DOT modal administrations and refers specifically to Coast Guard educational outreach programs.

e. **United States Coast Guard (USCG) and National Urban League (NUL) Communiqué**. This communiqué sets up a partnership to broaden NUL's knowledge of Coast Guard missions and to educate youth served by the NUL about career opportunities in the Coast Guard.

1.H. Training

1.H.1. Defense Equal Opportunity Management Institute (DEOMI)

1.H.1.a. Purpose

Established in 1971 and located at Patrick Air Force Base, FL, the Defense Equal Opportunity Management Institute (DEOMI) enhances mission readiness by fostering positive human relations throughout the Armed Forces. DEOMI serves as the center of excellence for equal opportunity and human relations and translates increased awareness of issues into improved leadership. To accomplish this mission, DEOMI trains selected members of all Armed Forces, both military and civilian, including the Coast Guard, National Guard, and Reserves, who, once trained, advise their commanders on EO matters (equal employment opportunity for civilians) at the unit level.

1.H.1.b. Accreditation

The Council on Occupational Education (COE), 41 Perimeter Center East, Suite 640, Atlanta, GA 30346, accredits DEOMI.

1.H.1.c. Additional Information

The DEOMI home page, **http://www.pafb.af.mil/deomi/deomi.htm**, offers information on EO issues in the military services and EEO issues in the civilian sector, including:

a. Faculty and student information.

b. Course descriptions and schedules.

c. *Reflections* Magazine.

d. E-mail.

e. Ethnic information.

f. Gender issues.

g. Reports and statistics.

h. Extremist groups.

1.H.2. EO Personnel Training

a. **DEOMI EO Advisor Course**. 77 days (about 15 weeks). The curriculum develops a base of knowledge and skills allowing graduates to assess human relations' climates in their organizations and advise and assist commanders to prevent, reduce, or eliminate discriminatory practices. Using a building-block concept, studies progress from communications to individual and group behavior; through studies of major ethnic groups, aspects of power and discrimination, and EO advisor skills; and conclude with Service-specific studies. Instructional methods include lectures, visual media, guest speakers, case studies, seminars, small groups, role playing, exercises, and presentations. Graduates are qualified to serve as full-time Military Civil Rights Counselor/Facilitators (MCRC/Fs). Commandant (G-HI) coordinates attendance, orders, and funding with DEOMI, TQC, and G-WTT-3. Personnel interested in attending this course should contact G-HI at (202) 267-0036.

b. **Civil Rights Officer (CRO) Course**. This 1-week course replaces the DEOMI 2-week EO Program Orientation for Managers Course and is designed as a District/Regional course providing program management guidance to CROs, COs, executive officers, administrative and personnel officers, and Command Enlisted Advisors (CEAs). The course curriculum includes human relations awareness, Civil Rights and EEO complaints procedures, policy guidance, and counseling skills, as well as other topics. DEOMI instructors from the mobile training team as well as local MCRC/Fs will provide training at Coast Guard units. Units develop training schedules with G-HI coordination and approval. Persons interested in attending this course should contact G-HI at
(202) 267-0036.

c. **EEO Counselors Courses**. There are many courses available to qualify personnel as EEO counselors. One of the best is DEOMI's 2-week EEO Counselors Course. The curriculum develops a base of knowledge and skills enabling students to represent their agencies in EEO informal discrimination complaint processing. The course uses a building-block concept: the studies progress from a thorough understanding of discrimination theories, the counselor's legal roles and responsibilities, communications and interviewing skills necessary to perform an inquiry, and understanding a counselor's report through ADR training. Subject titles include "Valuing Diversity," "Prevention of Sexual Harassment," and "Understanding Alternative Dispute Resolution and Its Impact on the Federal Workplace." Instructional methods include lectures, visual media, guest speakers, case studies, seminars, small groups, role playing, exercises, and presentations. Graduates are qualified to serve as collateral duty or full-time EEO counselors. Another DEOMI course that is available to meet qualification requirements for EEO counselors is its "Introduction to EEO Counseling Course." This course is a non-resident course, meaning the course is held at a location

convenient to the command sponsoring the training. There are also local classes nationwide sponsored by other Federal agencies as well as private contractors that can be used to fulfill basic qualification requirements for EEO counselors. All of these courses are primarily for civilian personnel serving in full- and part-time EEO positions. For current and specific information about the DEOMI classes listed or other EEO classes that may fulfill qualification requirements for counselors, interested individuals should contact G-HI at
(202) 267-0036. Please note that G-HI selects, funds, and coordinates attendance at all DEOMI classes.

d. **DEOMI Senior Enlisted EO Course**. This 5-day course shows participants how EO issues affect unit cohesion, mission accomplishment, and combat readiness and increase awareness, sensitivity, and understanding of EO issues. The course studies socialization and values, power and discrimination, sexism and sexual harassment, leading a culturally diverse workforce, contemporary EO issues, and emerging issues. The training includes interactive lectures, video presentations followed by discussions, case study and scenario solving, and facilitated action planning. This course is suited for all CEAs, particularly silver and gold badge CEAs, and "Chief of the Boat" program participants. Persons interested in attending this course should contact G-HI at (202) 267-0036

1.H.3. Human Relations Awareness Training

1.H.3.a. Program Description

This 8-hour program provides Coast Guard personnel with on-going training in human relations, military rights and responsibilities, and other topics pertinent to Civil Rights. Because issues and Service needs in this area constantly change and military personnel need to be aware of their respective roles in the EO Program, these conditions apply:

1. All Coast Guard personnel, military and civilian, shall participate in the training at least tri-annually. This training will be conducted at all accession points (Academy, OCS, and boot camp) within 90 days. This training will also be conducted as a part of the Coast Guard's (formal) leadership training programs (e.g., the chief's academy).
2. Only DEOMI 15-week EO Advisor Course graduates (designated MCRC/Fs) are authorized to facilitate this training.
3. The class size is 20 to 30 people and reflects the broadest possible representation of personnel based on rank, rate, race, religion, sex, color, and national origin. Attendees wear the appropriate uniform of the day.
4. Commands that need to schedule this training must do so through the MCRC/F assigned to their geographic region.

1.H.3.b. Documenting Training

1. Maintaining proper records is essential to prevent redundant training and facilitate accomplishing training objectives promptly. Commands with MCRC/Fs must report quarterly statistics to their servicing CROs on the "Quarterly Training and Complaints Report." (See Chapter 4, Enclosure 3 for a sample of this form.)
2. Units shall ensure that PERSRU yeomen enter PMIS Code 500201 for each person who attends human relations training. If the content includes sexual harassment prevention, PMIS Code 400469 must be entered also.

1.H.4. Sexual Harassment Prevention Training

1.H.4.a. Program Description

1. All Coast Guard personnel, both military and civilian, are required to receive sexual harassment prevention training upon accession into the Coast Guard (within 90 days to the extent possible) and *annually* thereafter, in the areas of identification, prevention, resolution, and elimination of sexual harassment. Annual training keeps issues current and requires leadership to be actively involved in the prevention of sexual harassment. Auxiliary members shall receive training as an element of the basic qualification process and shall comply with the recurrent requirements of the Auxiliary Manual, COMDTINST M16790.1 (series).
2. Sexual Harassment Prevention Awareness Training is a 2-hour module in the required triennial human relations training as described above. Sexual Harassment Prevention Training may also be provided and facilitated by the MCRC/F on a stand-alone basis. This 2-hour module meets the annual requirements in paragraph 1 but can only be facilitated by a full-time MCRC/F (See Enclosure 21 to Chapter 5).
3. Annual Sexual Harassment Prevention Training must involve leadership at the command level. Training should emphasize Coast Guard policy and leadership's commitment to eliminating sexual harassment in the Coast Guard. Examples of command level training include discussion of command policy or procedures; discussion of the Commandant's policy; and/or the viewing of commercially produced sexual harassment prevention videos. Ideas for command level training and materials may be obtained from any MCRC/F.
4. Sexual Harassment Prevention Training shall be incorporated into all leadership level training curricula.

SEXUAL HARASSMENT POLICY STATEMENT

Sexual harassment is one of the most severe forms of disrespect, displays poor leadership and has no place in our organization. It includes unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature that is made a condition of employment, affects employment decisions, unreasonably interferes with work performance or creates an intimidating or hostile work environment. All Coast Guard personnel and the agencies we conduct business with have the right to an environment free of sexual harassment and discrimination.

Sexual harassment degrades productivity and effectiveness, as well as unit cohesion and readiness. It impairs the Coast Guard's effectiveness through increased absenteeism and decreased retention rates and wastes valuable resources on investigations and discipline.

All members of Team Coast Guard - military, civilian, Auxiliarists - must take prompt and decisive action to prevent and eliminate sexual harassment within our service.

Every Commanding Officer, Officer-in-Charge and supervisor should create a positive work environment and have zero tolerance for sexual harassment. Each must hold accountable those who commit sexual harassment and take immediate corrective action.

We will not tolerate sexual harassment.

J. M. LOY
ADMIRAL, U. S. COAST GUARD

HONOR – RESPECT – DEVOTION TO DUTY

EQUAL OPPORTUNITY POLICY STATEMENT

All Coast Guard personnel - military, civilian, Auxiliarists - shall be treated with respect, dignity and compassion. The Coast Guard prohibits any form of discrimination which violates law or policy in any action affecting our personnel, those seeking employment with us, and those benefiting from our public services or sponsored programs.

Toward this end, we shall:

Aggressively pursue the best qualified applicants for enlistment, officer accession, civilian employment and the Auxiliary, and ensure that all people are given fair and equal treatment in personnel decisions;

Evaluate personnel based on their job performance and provide advancement and retention opportunities based on demonstrated performance and regulatory requirements;

Take prompt, appropriate and effective measures to enforce this policy and ensure personal accountability.

Every Commanding Officer, Officer-in-Charge and supervisor must be personally committed to and responsible for fair and equal treatment of all Coast Guard personnel and those with whom we interact. As we embrace the 21st century, we must lead the way by practicing nondiscriminatory behavior and showing others the benefits inherent in a diverse work force.

J. M. LOY
ADMIRAL, U. S. COAST GUARD

HONOR – RESPECT – DEVOTION TO DUTY

Chapter 2 Organization and Leadership Responsibilities

This chapter contains the following information:

Section	Topic	See Page
A	General	2-2
B	Leadership	2-3
C	Civil Rights Program Structure and Responsibilities	2-10
D	EO Program Field Infrastructure and Responsibilities	2-14

This chapter contains the following information in Enclosures:

Enclosure	Title	See Page
1	Civil Rights Directorate Organizational Chart	2-36
2	Coast Guard Civil Rights Field Infrastructure	2-37
3	Designation as Collateral Duty Civil Rights Officer (CD CRO)	2-38
4	Sample MOU Concerning Collateral Duty EEO Counselor Duties	2-39
5	Designation as Hispanic Employment Program Advisor	2-41
6	Designation as Federal Women's Program Advisor	2-42
7	Designation as Partnership In Education Program Advisor	2-43
8	Designation as HBCU Program Coordinator	2-44
9	Sample MOU Concerning Collateral Duty ADR Mediator Duties	2-45
10	Points of Contact to Locate Local ADR Training Programs that Meet Coast Guard Requirements	2-47

2.A. General

The Commandant provides overall leadership and policy direction to the Equal Opportunity (EO) Program and interacts with Congressional committees; the Secretary, Department of Transportation; Presidential Commissions; etc. The Commandant is empowered to evaluate or investigate Coast Guard Civil Rights matters. Under the Commandant's general direction and supervision, Coast Guard area and district commanders, commanders of maintenance and logistics commands, and commanding officers of headquarters units shall support the EO Program in their respective areas of responsibility as described below.

2.B. Leadership

2.B.1. Responsibilities

When Area Commanders, District Commanders, COs, OINCs, Chiefs of Headquarters offices, and special staff divisions become aware of allegations of illegal discriminatory conduct of personnel under their command, they shall investigate the basis for those allegations. Upon determining that illegal discrimination probably occurred (i.e., more probable than not), they shall initiate administrative or disciplinary action as appropriate. In determining whether informal counseling, administrative action, or formal disciplinary action is appropriate, they must evaluate the severity of the alleged conduct along with the reliability and veracity of the evidence presented.

2.B.1.a. Commandant

Commandant shall ensure compliance with Civil Rights laws, policies, and precepts with regard to the employment, housing, assignment, recruitment, advancement, and training of all Coast Guard personnel.

2.B.1.b. EO Support Program Director

Commandant (G-H) serves as the EO Support Program Director for the Coast Guard and shall:

1. Develop and make available to the field the means of ensuring equal opportunity and equal treatment of all Coast Guard regular and reserve personnel, their dependents, civilians, and members of the Coast Guard Auxiliary.
2. Include Human Relations Training in the curricula of recruiting, Coast Guard Academy, OCS, and all leadership training.
3. Ensure the Auxiliary observes the Civil Rights laws, policies, and precepts of the Commandant.
4. Develop and make available the field programs for increasing Civil Rights awareness among all Coast Guard personnel.
5. Establish and maintain effective liaison with national, state, and local officials of Civil Rights groups, business organizations, human relations commissions and councils, etc., to ensure Team Coast Guard is implementing current developments in Civil Rights matters.
6. Evaluate the effectiveness of the Coast Guard's EO Program and the state of the EO Program throughout Team Coast Guard.

2.B.1.c. Human Resources Program Director

Commandant (G-W) serves as the Human Resources Program Director for the Coast Guard and shall:

1. Conduct workforce planning throughout the Coast Guard to align human capital requirements with strategic goals.
2. Ensure that the Coast Guard's workforce composition reflects the national workforce by eliminating any artificial barriers to the advancement and full contribution of all employees.
3. Redesign and realign human resources programs and practices in support of the findings of workforce planning efforts that will allow the Coast Guard to recruit, develop, and deploy a diverse workforce with those twenty-first century competencies needed to achieve the Coast Guard's strategic goals.
4. Ensure a continuous learning environment required in a high performing, diverse organization that seeks to maximize the contributions of its members and employees.

2.B.1.d. District Commanders/Commanding Officers

District Commanders/Commanding Officers of Headquarters units shall:

1. Exercise personal leadership in promoting equal opportunity and equal treatment of Coast Guard personnel and their dependents in their commands and local communities.
2. Designate in writing a Commissioned Officer, preferably an O-6, to serve as the Collateral Duty (CD) Civil Rights Officer (CRO). If the CD CRO's principal duties call for significant periods of time during which he or she cannot be available, then consider designating an Assistant CD CRO.
3. Designate in writing a Coast Guard Auxiliary Civil Rights Counselor (CGAUX/CRC) for each region or district, normally selected from available past District Commodores (DCOs). The District Director of Auxiliary (DIRAUX) and DCO nominate and the District Commander approve the CGAUX/CRC.
4. Establish a Human Relations Council as described in Chapter 3, Section 3.B.2. and designate a council chairperson.
5. Develop and implement the Coast Guard Affirmative Employment Plan (AEP) as described in Chapter 4, Section 4.B.
6. Provide Human Relations Awareness Training sessions as described in Chapter 1, Section 1.H.3.

7. Establish a liaison with other Armed Forces and Government agencies located in the area of responsibility (AOR) and the Department of Justice Community Relations Service to coordinate community Civil Rights efforts.
8. Take prompt, positive action to eliminate discrimination in their commands, including being alert for any reprisals in the aftermath of discrimination complaints.
9. Ensure Coast Guard District Housing Lists include and the HAIL Program leases only non-discriminatory housing units.
10. Provide legal assistance for social climate incidents as described in Chapter 6, Section 6.B.
11. Post names, hours of availability, location, telephone numbers, and photographs of the local EO Program staff, such as the CRO and Military Civil Rights Counselor/Facilitator (MCRC/F), on bulletin boards or other conspicuous places at each District or Headquarters unit.
12. Ensure public affairs programs reflect the Coast Guard's commitment to equal opportunity and equal treatment of all personnel.
13. Take appropriate action as described in Chapter 5, Sections 5.A-C. if it appears any individual in their command has committed discriminatory actions.
14. Review all charges recorded, including offenses dealt with in the non-judicial punishment process, individually to ensure racial, ethnic, cultural, religious, or gender bias has not been a factor in any phase of the non-judicial punishment or pre-trial process.
15. Attempt to resolve complaints at the lowest level.

2.B.1.e. Commanding Officers (COs) and Officers in Charge (OINCs)

COs and OINCs shall:

1. Exercise personal leadership in promoting equal opportunity and equal treatment of Coast Guard personnel and their dependents within their commands and local communities.
2. Take prompt, positive action to eliminate discrimination within their commands if it does occur.
3. Ensure that the command climate is one that does not tolerate acts of reprisal or intimidation, where personnel may notify their command of allegations of discrimination without being subject to further acts of discrimination or harassment.
4. Designate in writing a commissioned officer or senior petty officer to serve as CD CRO. If the CD CRO's principal duties call for significant periods of time when he or she cannot be available, consider designating an Assistant CD CRO.

5. Establish a Human Relations Council as described in Chapter 3, Section 3.B.2. and designate a council chairperson (required for units with over 25 personnel assigned).
6. Provide Human Relations Training as described in Chapter 1.
7. Post names, hours of availability, location, telephone numbers, and photographs of the local EO Program staff, such as the CRO and MCRC/F, on bulletin boards or another conspicuous place(s) at each unit.
8. Ensure public affairs programs reflect the Coast Guard's commitment to equal opportunity and equal treatment of all personnel.
9. Take appropriate action as described in Chapter 5 and sections 2.B.3-4 of this chapter if it appears any individual within their command(s) has discriminated.
10. Review all recorded charges, including offenses dealt with in the non-judicial punishment process individually to ensure racial, ethnic, cultural, religious, or gender bias has not been a factor in any phase of the non-judicial punishment or pre-trial process.
11. Attempt to resolve complaints at the lowest level.

2.B.2. Leadership Accountability

Leadership accountability is important in assuring the EO Program fulfills its missions of demonstrating command leadership. Leaders are held accountable to treat Civil Rights as a "hands-on" issue and act as an example for all others to follow. If a command is seriously deficient in implementing the EO Program, then the Coast Guard must take into account lack of leadership. EO reviews and climate assessments, such as the Military and Small Unit Equal Opportunity Climate Surveys (MEOCS and SEOCS), are excellent means to determine how effectively the command implements the EO Program. If a leader appears to be a detriment to the EO Program, his or her Reporting Officer may issue adverse evaluations or request relief of command. A leader who does not vigorously prevent discrimination violations and who has numerous formal discrimination complaints filed against him or her is not supporting the EO Program and possibly may cost the Coast Guard, both in effectiveness and monetary settlements. For more specific information, see Chapter 5 and sections 2.B.3-4 of this chapter.

2.B.3. Evaluating Performance

2.B.3.a. Evaluating Supervisory Personnel

The Department of Transportation EO Program (DOT Order 1000.2A) requires superiors to consider demonstrated compliance with Civil Rights objectives in evaluating military and civilian personnel supervisors.

2.B.3.b. Civilian Performance Appraisal Form

For civilians, enter comments under the appropriate factor on the Evaluation Performance Form or under a job element if the element is related to EO/EEO actions. For example, comments can be entered under the job elements related to management and supervision.

2.B.3.c. Officer Evaluation Report

For officers, make appropriate entries in Sections 3, 5, and 8 (as they apply) of the Officer Evaluation Report (OER), CG-5310, on the individual's support or lack of it for the EO Program. A superior or unsatisfactory rating in this area requires a narrative entry in the appropriate section of the evaluation form.

1. These blocks demonstrate an individual's performance and behavior in pursuing EO and Civil Rights goals:
   a. Block 3b: Using Resources: Handles interviews, hiring, promotions, etc. sensitively; managing people.
   b. Block 5b: Developing Others: Offers training equitably to all employees, including minorities and women.
   c. Block 5d: Teamwork: Insists on fair, equal treatment of others regardless of race, sex, religion, or cultural background.
   d. Block 5e: Workplace Climate: Refrains from and discourages racial or sexual harassment, slurs, and unfair disciplinary actions.
   e. Block 5f: Evaluations: Handles evaluations sensitively; treats others fairly and equitably regardless of race, sex, religion, or cultural background.
   f. Block 8b: Judgment: Many applications.
   g. Block 8c: Responsibility: Requires active adherence to Commandant's Human Relations and Sexual Harassment Policy Statements.
2. The evaluation is based on those factors appropriate to an individual's duties and responsibilities. Not all evaluation factors apply in every managerial or supervisory situation. The evaluator selects factors typifying the officer's performance.

2.B.3.d. Enlisted Performance Evaluation

Reporting Officers should consider EO Program support in assigning leadership marks for enlisted personnel E-3 and above.

1. The Professional Duties factor, Blocks 4 (Respecting Others) and 5 (Human Relations) reflect the Petty Officer's performance and behavior in pursuing EO and Civil Rights goals.
2. These blocks reflect the Master, Senior, or Chief Petty Officer's performance and behavior in observing EO and Civil Rights goals:
   a. Leadership Factor:

      Block 2: Working with Others.

      Block 7: Setting an Example.

   b. Professional Qualities Factor:

      Block 4: Respecting Others.

      Block 5: Human Relations.

2.B.4. Procedures for EO Program Personnel Actions

The most prevalent problems involve the use of language that is perceived as racist or sexist. These comments have the potential to demoralize not only the persons addressed, but also the rest of the work or social group present, regardless of whether they belong to a minority group. The EO Program seeks to identify and eliminate all existing insensitive practices before they result in discrimination complaints. Toward this end, personnel actions may be appropriate toward any Coast Guard person who intentionally or unintentionally discriminates against another person on the basis of race, religion, sex, color, national origin, mental and physical disability, age, or sexual orientation.

2.B.4.a. Counseling

If appropriate, the command should counsel the individual(s) concerning their leadership responsibilities with regard to equal opportunity.

2.B.4.b. Administrative Actions

If counseling is not effective, or the severity of the misconduct warrants harsher action, the CO shall take any or all of the following administrative actions:

1. Warning.
2. Admonishment.

3. Lower evaluation marks in the leadership and other pertinent categories of the individual(s) evaluation or performance report as appropriate.

2.B.4.c. Disciplinary Actions

If the actions above are not effective, or the severity of the misconduct warrants harsher action, the CO shall take appropriate disciplinary action, which may include non-judicial punishment, court martial, administrative discharge, or any equivalent civilian actions. In this case, the CO may obtain legal advice from the servicing district or staff legal office. Chapter 5 includes more detailed information on this subject.

2.C. Civil Rights Program Structure and Responsibilities

2.C.1. Headquarters Civil Rights Directorate Structure

The Coast Guard Civil Rights Directorate is shown in the organizational chart included as Enclosure 1. Key responsibilities and skills are as follows:

2.C.1.a. Assistant Commandant for Civil Rights (G-H)

Under the general direction and supervision of the Commandant, the Assistant Commandant for Civil Rights shall:

1. Serve as the Civil Rights Policy and Performance Director responsible to the Commandant for:
   (a) the development and deployment of policy to ensure effective performance,
   (b) agreed on performance outcomes, and
   (c) the Civil Rights Support Program (G-H).
2. Serve as the overall Program Director for the Civil Rights Support Program. Consistent with existing statutes and regulations, develop and promulgate policies, standards, and procedures to assure full and affirmative implementation of Civil Rights and equal opportunity precepts within the Coast Guard, within representing organizations, and in connection with recipients of Coast Guard sponsored Federal assistance.
3. Serve as the Civil Rights and equal opportunity policy and oversight champion, key advisor on diversity strategy, and primary representative of the organization externally and internally for Civil Rights and equal opportunity.
4. Serve as the key link between the Coast Guard's strategic goals and performance goals, support agreements, and performance standards of the G-H Directorate. Lead the policy and performance management efforts of the G-H Directorate and ensure that corresponding policy and business planning reflect the Coast Guard's chosen strategies.
5. Direct and manage the horizontal interfaces within the G-H Directorate, coordinating the activities of key business processes and programs.
6. Ensure that appropriate integration and communication occurs among the G-H organization and other Headquarters and field organizations.
7. Create the environment needed to ensure effective and efficient G-H mission performance at all organization levels.

8. Evaluate the mission performance of the G-H organization by measuring key outcomes/outputs and report to senior management as directed.
9. Actively participate in executive forums such as the Senior Management Team (SMT), the Marine Safety Council, and the Environmental Coordinating Council.
10. Serve as the Coast Guard liaison to DOT for Civil Rights and equal opportunity matters.
11. Serve as senior Coast Guard advisor and liaison for Coast Guard Historically Black Colleges and Universities, Coast Guard Hispanic Association of Colleges and Universities, and Coast Guard Partnership In Education Programs.

2.C.1.b. Deputy Chief, Assistant Commandant for Civil Rights (G-Hd)

1. Works through three Program Directors (Resource Management Staff, G-H-1; Military and Civilian Internal Programs Directorate, G-HI; and External Civil Rights Compliance and Outreach Programs Directorate, G-HE) in managing the organization's day-to-day operations. This responsibility entails many duties, including legislative coordination; internal liaison with other Coast Guard program managers, field personnel, and other agencies at the operating level; budgeting and planning; and as directed, representing the Assistant Commandant for Civil Rights in meetings, conferences, and forums. Also, the incumbent serves as Acting Assistant Commandant for Civil Rights in the absence of the Assistant Commandant for Civil Rights.
2. **Required Competencies**. Thorough background and demonstrated capacity in management and administration of scope and complexity to organize and direct the formulation of Civil Rights and EO policies and programs, persuade peers, and win superiors' support in discharging assigned responsibilities.

2.C.1.c. Budget Director (G-H-1)

1. Serves as the Civil Rights financial manager, managing and directing the work of the Resource Management Staff, composed of a Program Analyst and an Administrative Assistant. He or she performs Assistant Commandant for Civil Rights strategic and long-range planning, programming, budgeting, execution, and evaluation for the Assistant Commandant. In addition to many budget duties and responsibilities, he or she also conducts technical, personnel, and management studies supporting EO programs and develops and coordinates special projects with other Directors and/or other Directorates.
2. **Required Competencies**. Thorough background and demonstrated capacity in managing and administering in scope and complexity to organize and direct the formulation of resources necessary to execute the Civil Rights and EO Programs, persuade peers, and win superiors' support in discharging assigned responsibilities.

2.C.1.d. Director, Military/Civilian Internal Programs (G-HI)

1. Ensures compliance with EO laws, Executive Orders, Government-wide policies and regulations, and Commandant's EO instructions throughout the Coast Guard, including both civilian and military members. He or she develops policy and oversees Service-wide EO and diversity management. The Director serves as process owner for Service-wide military, civilian, and Auxiliary members' discrimination complaints, Alternative Dispute Resolution (ADR), civilian affirmative employment and military affirmative action plans, social climate, standardized human relations training, sexual harassment prevention training, and the EO review process.
2. **Required Competencies**. Managerial and technical Equal Employment Opportunity (EEO) knowledge and skills sufficient to plan, organize, coordinate, direct, staff, and evaluate the Coast Guard's nationwide military and civilian EO programs. Thorough knowledge of statutory and regulatory framework for military and Federal civilian personnel management, particularly in staffing, career management, labor-management relations, compensation and position management to enable him or her to design EO policies and uniform standards for implementation by Headquarters and subordinate organizations. Thorough knowledge of the Coast Guard's organization, management, structure, and missions.

2.C.1.e. Director, External Civil Rights Compliance and Outreach Directorate (G-HE)

1. Ensures policy and program development applying to all Coast Guard external Civil Rights compliance and outreach programs. He or she ensures compliance with laws, regulations, statutes, and Executive Orders, including ensuring timely processing (accepting or rejecting, investigating, and adjudicating) of all discrimination complaints filed under external Civil Rights compliance programs, regulations, laws, and statutes. The Director mediates non-compliance issues nationwide. He or she develops education and training modules and provides technical assistance and training to applicable Coast Guard personnel and external program officials. He or she develops regulations, policies, and procedures to implement the Coast Guard's Civil Rights compliance program and environmental justice strategy. The Director evaluates grant proposals for the Recreational Boating Safety Financial Assistance program for compliance with Civil Rights laws and statutes. He or she determines findings of probable compliance and non-compliance, as appropriate. The Director develops policy and oversees Historically Black Colleges and Universities (HBCU), Partnership in Education (PIE), and Hispanic Association for Colleges and Universities (HACU) programs. Also, coordinates Coast Guard participation in the Secretary's Garrett A. Morgan Technology and Transportation Futures Program.

2. **Required Competencies**. Thorough knowledge of the Coast Guard's organization, management, structure, missions, and EO precepts. Managerial and technical knowledge and skills sufficient to plan, organize, coordinate, direct, staff, and evaluate EO programs. Mastery of the concepts, principles, and relevant court decisions governing the enforcement of Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations"; the Civil Rights Act of 1964, Title VI; Rehabilitation Act of 1973, Section 504; Americans with Disabilities Act of 1990; Executive Order 12876, "Historically Black Colleges and Universities"; and Executive Order 12900, "Educational Excellence for Hispanic Americans."

2.C.1.f. Liaison Officers

In addition to these billets and positions, the Coast Guard employs Civil Rights liaison officers. Currently, there are three liaisons with DOT: one at DOT Headquarters; one in Atlanta, GA; and one in Ft. Worth, TX. There also are two liaisons at DEOMI in Cocoa Beach, FL.

2.D. EO Program Field Infrastructure and Responsibilities

This section describes the duties of Civil Rights field positions. The CRO, MCRC/F, and EO Specialist positions are full-time; the other staff components are part-time. Enclosure 2 shows current field infrastructure staffing.

1. Civil Rights Officer (CRO) (full-time)
2. Collateral Duty Civil Rights Officer (CD CRO)
3. Military Civil Rights Counselor/Facilitator (MCRC/F) (full-time).
4. Equal Opportunity (EO) Specialist (Civilian, full-time)
5. Collateral Duty Equal Employment Opportunity (CD EEO) Counselor.
6. Federal Women's Program (FWP) Advisor.
7. Hispanic Employment Program (HEP) Advisor.
8. Partnership in Education (PIE) Program Coordinator.
9. Historically Black Colleges and Universities (HBCU) and Hispanic Association of Colleges and Universities (HACU) Program Coordinator.
10. Alternative Dispute Resolution (ADR) Mediator.

2.D.1. Civil Rights Officer (CRO) (full-time)

2.D.1.a. Purpose

The CRO effectively supports the operation of the Coast Guard's field Civil Rights infrastructure and field missions. The CRO manages the EO programs in his or her area of responsibility (AOR) under the direction of the Commander/Commanding Officer. He or she develops, administers, and evaluates programs and advises military and civilian personnel.

2.D.1.b. Major Duties and Responsibilities

1. Develops, plans, directs, coordinates, reviews, monitors, evaluates, and updates program activities including the Affirmative Employment Plan (AEP), Coast Guard Affirmative Action Plan (CGAAP), Federal Equal Opportunity Recruitment Program (FEORP), Federal Women's Program (FWP), Hispanic Employment Program (HEP), Handicapped and Disabled Veterans Program (H/DVP), Upward Mobility Program (UMP), EO Program, Civilian Discrimination Complaints Program, diversity management, and Sexual Harassment Prevention Program.

2. Develops specific unit strategic plans for accomplishing the Coast Guard's field Civil Rights missions.
3. Manages the EEO and military Civil Rights discrimination complaint process (e.g., complaints counseling, investigation coordination and review, etc.).
4. Maintains a close relationship with Military Civil Rights Counselors/Facilitators EEO counselors, and Alternative Dispute Resolution (ADR) Mediators within their area of responsibility (AOR).
5. Maintains records on all EEO counselors and ADR Mediators in their AOR, including designation MOUs (see enclosures 4 and 9 to this chapter) as well as records of cases assigned to and training received by each counselor and mediator.
6. Consolidates information from MCRC/Fs and EEO counselors for Quarterly and annual reports to G-HI (See enclosure 3 of Chapter 4and enclosure 12 of Chapter 5).
7. Advises and assists unit head, managers, supervisors, committees, employees, and applicants on legal and procedural EEO and EO Program issues and requirements.
8. Reviews civilian and military personnel management policies and programs and advises the unit head about their impact on Coast Guard policy to overcome minorities' and women's under-representation. Recommends changes or new policies to unit head, managers, and staff.
9. Develops unit EO Program instructions and reviews all personnel management guidance, practices, procedures, policies, instructions, directives, etc., to ensure EO Program compliance.
10. Develops ties with other Federal Agency offices in their AOR for the purpose of coordinating/sharing EEO and ADR training and resources.
11. Helps develop EEO and Civil Rights training for supervisors and leaders; helps develop and administer the unit UMP.
12. Plans, develops, organizes, and (for full-time CROs who have graduated from DEOMI) instructs EO training. Selects methods, including guidance and formal training sessions, lectures, goals identification, course and lesson plan development, home correspondence study, college courses, special educational seminars, individual counseling, etc.; topics include career strategies, self-development, job application, and interview techniques.
13. Develops, plans, and implements specially designed training on CO-OP Program, Stay-in-School Program, UMP, etc., for managers and supervisors on their EO responsibilities and EO or Human Relations Committee members and cultural awareness program advisors.

14. Conducts meetings both on and off-station with community action organizations to help improve EO relationships.
15. Tracks the status of formal discrimination complaints in process. Expedites complaint processing, seeking the assistance of the unit head where necessary.
16. Analyzes management practices, organizational structures, employment patterns, and lines of progression (career ladders) to determine their impact on equal employment opportunity and upward mobility.
17. Provides technical assistance to the unit head and EO/Civil Rights staff on Civil Rights, EO, and social climate issues.

2.D.1.c. Competencies Required

1. Knowledge of EEO laws, regulations, Executive Orders, court decisions, etc., to innovatively solve complex EEO and EO problems.
2. Knowledge of military personnel policies and practices as well as applicable civilian personnel staffing, classification, employee and labor relations, and employee development policies, practices, and regulations to participate in significant personnel concerns.
3. Knowledge of unit(s) organizational structure and mission(s) and skill in analyzing workforce composition according to organization, occupation, lines of progression, grade and pay levels, race, sex, etc., to identify employment opportunities, determine impact on personnel programs, and identify and solve systemic EO problems throughout the unit.
4. Ability to apply managerial and technical EEO and EO knowledge and skills to manage an EEO and EO Program, meeting basic regulatory requirements and focusing on solving systemic problems, eliminating EO barriers, including agency management policies and practices, and providing advisory and consulting services designed to effect major changes.
5. Ability to provide sound technical advice to management and employees or applicants on personnel requirements and issues.
6. Ability to establish and maintain effective relationships with and gain the confidence and cooperation of employees, supervisors, and managers on complex issues.
7. Skill in written and oral communication to prepare and present findings, recommend or carry out specific actions on complex issues, develop and provide program training, and prepare program instructions.

2.D.1.d. Specific Training

1. Must be a graduate of DEOMI's 15-week EO Advisor Course prior to assuming full-time CRO duties. (See Chapter 1, Section H.2.a.)
2. Must be a graduate of Basic and Advanced EEO Counselor training prior to assuming full-time CRO duties. (See Chapter 1, Section H.2.c.)

2.D.2. Collateral Duty Civil Rights Officer (CD CRO)

2.D.2.a. Purpose

The CD CRO effectively supports the Coast Guard's field Civil Rights infrastructure and manages the unit's military and civilian EO Program. He or she is responsible for program development, planning, administration, monitoring, evaluation, and/or advisory functions.

2.D.2.b. Major Duties and Responsibilities

1. Develops, plans, directs, coordinates, reviews, monitors, evaluates, and updates EO Program activities, including Affirmative Employment Program (AEP), CGAAP, cultural awareness programs and human relations training. Serves as AEP Coordinator IAW Chapter 4.C. of this manual.
2. Develops specific unit strategic plans for accomplishing the Coast Guard's field Civil Rights missions.
3. Manages the unit's informal discrimination complaints program. Compiles complaint reports requested by the Assistant Commandant for Civil Rights (G-H).
4. Recommends and attempts resolution by negotiating informal adjustment with management and the aggrieved person in the informal and formal stages of the discrimination complaint process.
5. Guides and directs unit EEO counselors.
6. Advises and assists unit heads or commanders, managers, supervisors, and committees on legal and procedural EO Program issues and requirements.
7. Advises and consults with managers and supervisors; may develop and carry out effective affirmative action goals and objectives. Consults individually to explain program and develop awareness of responsibilities.
8. Identifies unit EO problems to determine causes and develop strategies for resolution.
9. Coordinates with Departmental Office of Civil Rights (DOCR)-Regional Office complaint investigators and EEOC hearing officers for on-site arrangements.
10. Disseminates news on the Coast Guard's EO policy modifications and directives to assure program compliance.
11. Coordinates unit participation in cultural awareness observances.
12. Conducts basic Civil Rights orientation training for new employees and supervisors.

2.D.2.c. Desired Knowledge, Skills, and Abilities

1. Ability to apply managerial and technical EO knowledge and skills to direct an EO Program meeting basic requirements for legal, regulatory, Coast Guard, and DOT policy compliance.
2. Ability to develop and implement AEP and CGAAP plans.
3. Ability to establish and maintain effective relationships with and gain the confidence and cooperation of employees, supervisors, and managers on difficult issues.
4. Skills in written and oral communication to prepare Civil Rights reports and unit EO policies.
5. Ability to resolve individual complaints and problems at lowest level.

2.D.2.d. Specific Training

1. Must attend the Coast Guard's 1-week CRO course within 1 year of assuming CD CRO duties. (See Chapter 1, Section H.2.b. for further details.)

2.D.2.e. Position Requirements

1. For District Offices and Headquarters Units, CD CRO responsibilities should be designated to an O-6 for districts and an O-5 or above for Headquarters units. For field units, CD CRO duties should be designated to a commissioned officer or senior petty officer.
2. Designations shall be done in writing (see Enclosure 3).

2.D.3. Military Civil Rights Counselor/Facilitator (MCRC/F) (full-time)

2.D.3.a. Purpose

The MCRC/Fs support the Coast Guard's Civil Rights field infrastructure and missions. Besides providing field support, incumbents form a network of command technical service providers. MCRC/Fs advise their District or other designated Commander and designated CRO and serve as trainers and counselors for Team Coast Guard military and civilian members. MCRC/Fs' efforts directly affect the adequacy, effectiveness, and efficiency of the Coast Guard's military EO programs and all military members' Civil Rights.

2.D.3.b. Major Duties and Responsibilities

1. Trains and advises superiors, peers, and subordinates on the Coast Guard's EO Program.
2. Independently coordinates and conducts human relations training, inquires into informal discrimination complaints, counsels complainants, and facilitates informal complaint mediation and resolution.
3. Assists complainants with formal discrimination complaints, advises individuals and commands on military Civil Rights issues, provides information on cultural programs, and manages a human relations training and travel budget.
4. Serves as field-level expert for military Civil Rights and equal opportunity for a geographically dispersed military workforce. He or she is responsible for military equal opportunity and Civil Rights within the same Coast Guard AOR as his or her commander or CO. Complex and demanding, MCRC/F duty requires the member's full-time commitment. Therefore, collateral duties shall not be assigned to the MCRC/F without Commandant (G-H) concurrence.

2.D.3.c. Desired Knowledge, Skills, and Abilities

1. Thorough knowledge of Coast Guard EO policies and programs; instructive, administrative, management, and consulting skills; and Coast Guard military personnel policies and regulations.
2. Requires frequent travel by car and Coast Guard vessels and/or aircraft throughout the assigned AOR to all work sites for training and counseling and travel outside the AOR as a certified mediator.

3. Candidates must have marks of 4 or higher for all individual average factors for the last 2 consecutive marking periods and for conduct, human relations, or sobriety for all marking periods during the past 2 years of service.
4. Commandant (G-HI) must interview and approve candidates for MCRC/F duty.
5. Thorough knowledge of Coast Guard mission responsibilities, organization and management structure, chain of command, and workforce composition.
6. Demonstrated public speaking skills; the MCRC/F briefs all levels of the chain of command on vital Civil Rights issues.
7. Excellent written communications skills. Experience writing letters, point papers, and decision briefs is highly desirable and recommended.

2.D.3.d. Specific Training

Must be a graduate of DEOMI's 15-week EO Advisor Course prior to assuming full-time MCRC/F duties. (See Chapter 1, Section H.2.a. for further information.)

2.D.3.e. Position Requirements

Must be enlisted E-7 and above or commissioned officer O-2 and above.

2.D.4. Equal Opportunity (EO) Specialist (Civilian, full-time)

2.D.4.a. Purpose

The EO Specialist effectively supports Coast Guard's field Civil Rights operations and missions. The incumbent helps coordinate the full scope of the EO Program, maintaining regular contact with the EEOC, OPM, DOT, and COMDT (G-H) on program objectives and goal achievements.

2.D.4.b. Major Duties and Responsibilities

1. Administers a civilian AEP to meet EEOC and Coast Guard requirements.
2. Directs cultural awareness programs.
3. Jointly with the CRO develops the annual branch EO budget.
4. Attends special local and national employment conferences for a diverse civilian workforce.
5. Recommends changes to management policies and practices to eliminate EEO barriers and enhance employment of a diverse civilian workforce.
6. Conducts special studies of management practices, organizational structures, employment patterns, lines of progression, etc.
7. Develops special educational programs and consults with managers and supervisors individually and in small groups to assure they understand and accept equal employment.
8. Representative on temporary or permanent decision-making or advisory committees affecting personnel employment, development, advancement, and/or treatment.
9. Monitors decision-making and advisory committees, boards, and panels on matters affecting personnel employment, development, advancement, and/or treatment to ensure their composition reflects a Coast Guard diverse civilian workforce.
10. Guides managers, supervisors, and staff personnel in developing and implementing the AEP, aimed at achieving full integration in all organizational segments, occupations, and levels.
11. Assists in managing the internal discrimination complaint process, including recommendations to accept or dismiss complaints.

2.D.4.c. Desired Knowledge, Skills, and Abilities

1. Comprehensive, thorough knowledge of laws, regulations, Executive Orders, court decisions, and issues related to the Federal Equal Employment Opportunity Program and skill in applying this knowledge to a variety of difficult, complex work assignments.
2. Skill in identifying and analyzing equal employment opportunity problems using methods necessary to determine sources of information, such as interviews and researching reference materials.
3. Ability to analyze and evaluate facts, identify problems and their causes, and skill in developing and recommending solutions.
4. Basic knowledge of Federal personnel policies and practices outlined in the Title 5, Code of Federal Regulations, including an understanding or knowledge of personnel management principles, such as position classification, staffing and recruitment, employee development, and labor-employee relations.
5. Skill in written and oral communications for individual interviews, presentations, training, inquiries, and writing factual reports and notices of acceptance or dismissal in complaint cases.
6. Skill in meeting and working effectively with persons of either sex and of varying social, economic, cultural, and racial backgrounds.
7. Knowledge of particular employment problems women, minorities, individuals with disabilities, persons older than 40 years, or other protected class members encounter.
8. Knowledge and skill to coordinate cultural awareness program activity. Train and advise supervisors, managers, and employees on affirmative employment planning for individuals with disabilities and employment applicants. Establish contacts to increase individuals with disabilities' recruitment.

2.D.4.d. Specific Training

1. Must be a graduate of a basic EEO Counselors Course prior to assuming full-time EO Specialist duties. (See Chapter 1, Section H.2.c. for further description of courses available to meet this requirement.)
2. Must attend an advanced EEO counselor training course within the first year and a half of serving in a full-time EO Specialist position.

2.D.5. Collateral Duty Equal Employment Opportunity (CD EEO) Counselor

2.D.5.a. Purpose

The CD EEO Counselor effectively supports the Coast Guard's field Civil Rights infrastructure operations; forms a network of technical service providers for Coast Guard commands employing civilians; and serves as an EEO Counselor for up to 20% of duty time. The CD EEO Counselor counsels employees and/or employment applicants to determine whether their problem(s) are within the purview of 29 CFR 1614, 103A, and if not, refers appropriately. If the problem is within their purview, the incumbent conducts a limited inquiry into the matter to attempt to resolve it informally and assists personnel who may wish to file a formal discrimination complaint. The incumbent has knowledge of 29 CFR 1614.

2.D.5.b. Major Duties and Responsibilities

1. Informs and accurately guides all applicants and employees who seek assistance. Sympathetically listens to employees' problems and directs them to the proper channels to resolve matters unrelated to equal employment opportunity.
2. Conducts counseling interviews with employees and appropriate management officials, using the aggrieved employee's name only if authorized, and attempts to resolve allegations informally.
3. Maintains counselor contact records and sends counselor contact form to CRO after each contact.
4. Maintains records of all counseling activities and reports them to the CRO when requested to meet Coast Guard and DOT reporting requirements.
5. Completes counseling within 30 days and provides a Right to File memorandum to the employee or applicant, unless extensions are justifiable and the EO/CR Officer and aggrieved person approve.
6. Provides a clear, concise, factual report of counseling activity in accordance with Commandant guidance (together with a Right to File memo, Request to Extend memo, and Aggrieved Person Rights and Responsibilities memo) to the CRO.

2.D.5.c. Desired Knowledge, Skills, and Abilities

1. Knowledge of discrimination complaint procedures and regulations; the ability to research and apply this knowledge to a variety of situations; skill in interviewing, listening, interpersonal relations, and writing to counsel persons wishing to file

discrimination complaints, to assist them in informally resolving conventional EEO problems and in filing formal complaints.

2. Detailed knowledge of Federal EEO regulations and DOT and Coast Guard procedures governing filing, investigating, and resolving allegations of employment discrimination.
3. General knowledge of Federal personnel management principles, disciplinary action procedures, and sources of detailed information on specific questions, including knowledge of agency grievance procedures, other avenues to resolve employee management problems (e.g., position classification appeals), and position classification and merit staffing policies and procedures.
4. Skill in interviewing to obtain factual information and explain EEO regulations and discrimination complaint procedures to aggrieved parties, other employees, supervisors, and managers.
5. Skill in evaluating and analyzing the situation giving rise to the complaint to determine if more information is needed and decide if a valid discrimination complaint exists, whether it can be resolved informally, and what steps to take to resolve it.
6. Skill in writing clear, concise narrative reports.
7. Skill in fact-finding to locate and obtain necessary documentary information about informal complaint resolution.
8. Skill in resolving problems informally through discussions clarifying facts and issues with complainants.
9. Skill in performing and completing a variety of concurrent assignments.

2.D.5.d. Specific Training

1. Must be a graduate of basic EEO Counselors Course prior to assuming duties. (See Chapter 1, Section H.2.c.)
2. Must attend an advanced EEO training course within one and a half years of assuming CD EEO Counselor duties.

2.D.5.e. Position Requirements

1. Units with 50 or more civilians assigned are required to have one CD EEO Counselor (or EO Specialist) for every 50 civilians assigned to the unit. Units with less than 50 civilians assigned may have a CD EEO Counselor.
2. A CD EEO Counselor may be any Coast Guard civilian employee that has and continues to meet or exceed satisfactory performance in their primary duties.

3. CD EEO Counselors must be designated in writing (see Enclosure 4) and should be documented in the members' Position Description and Performance Plan and Evaluation.

2.D.6. Federal Women's Program (FWP) Advisor

2.D.6.a. Purpose

The FWP Advisor effectively supports the Coast Guard's field Civil Rights infrastructure and implements Team Coast Guard Programs designed to enhance the employment, career development, and progression of all Coast Guard women by ensuring they experience equal opportunity in every personnel management action, policy, and practice. The incumbent performs unit FWP development, administrative, evaluative, and/or advisory functions for Coast Guard units whose combined civilian and military employment ranges between 50 to more than 1,000 persons.

2.D.6.b. Major Duties and Responsibilities

1. Advises unit command and military and/or civilian CROs on matters affecting women's employment.
2. Conducts and/or coordinates training for all field FWP committee members and employees to help enhance women's career development. Participates in meetings and conferences with groups and various minority organizations committed to enhancing women's progress.
3. Conducts on- or off-site evaluations where the military and/or civilian CRO has identified employment discrimination barriers to women or under the authority of the Military and Civilian Complaints Program Advisor.
4. Conducts informal counseling on issues affecting women's career development (not pre-complaint or informal EEO counseling); refers all discrimination complaint counseling issues to EEO Counselors or MCRC/Fs.
5. Evaluates FWP effectiveness at least semi-annually and recommends improvements to the military and/or civilian CRO.
6. Develops an annual report on program status reflecting yearly goals and objectives, complaints, barriers, program accomplishments, and recommendations.
7. Provides input or technical guidance on women's National Special Observance programs and activities.
8. Advises on the sexual harassment portion of the CGAAP and AEP.

9. Maintains liaison with G-HI and other Federal agencies' counterparts to exchange information on FWP activities.
10. On request consults with civilian and military personnel representatives on matters affecting women employees. Counsels supervisors, COs, and civilian and military human resource and personnel representatives on ways to prepare women for career opportunities, advancement, and other job-related problems.
11. Performs other duties and responsibilities as directed by the unit commanders to accomplish the objectives of the several Coast Guard field Civil Rights missions as defined in 1.D.3 of this manual.

2.D.6.c. Desired Knowledge, Skills, and Abilities

1. Knowledge of Federal EEO concepts, principles, and processes.
2. Knowledge of the Coast Guard's organizational concept and management processes.
3. Ability to communicate effectively, both orally and in writing.
4. Ability to work effectively with persons of all backgrounds, races, and cultures at all organizational levels and reconcile divergent points of view.
5. Ability to work simultaneously for two or more bosses and manage various competing activities emanating from a variety of sources.
6. Ability to develop analytical studies and effectively present oral and written briefings.

2.D.6.d. Specific Training

No training is required, but FWP advisors may wish to attend any of the following training sessions:

1. Federal Women's Program Workshop.
2. Basic EEO Counseling Course.
3. Sexual Harassment Prevention Workshop.
4. Introduction to the Federal EEO Program.

2.D.6.e. Position Requirements

1. The FWP Advisor may be any Coast Guard civilian employee that has and continues to meet or exceed satisfactory performance in their primary duties.
2. FWP Advisor responsibilities should be agreed on by the member's supervisor by signing a designation letter (see Enclosure 6) and by documenting in the member's Performance Plan and Evaluation.

2.D.7. Hispanic Employment Program (HEP) Advisor

2.D.7.a. Purpose

The HEP Advisor effectively supports the Coast Guard's field Civil Rights infrastructure operations and forms a network of technical service providers for Team Coast Guard. The incumbent, military or civilian, performs unit HEP development, administrative, evaluative, and/or advisory functions for Coast Guard units whose combined military and civilian employment ranges from 50 to more than 1,000 persons. This is a collateral duty.

2.D.7.b. Major Duties and Responsibilities

1. Advises the unit command and military or civilian CRO on matters affecting Hispanics' employment, recruitment, career development, and retention.
2. Conducts and/or coordinates training sessions for all field HEP committee members and employees to help enhance Hispanics' career development. Participates in meetings and conferences with groups and various minority organizations committed to enhancing Hispanics' progress.
3. Evaluates on-site or in areas where the military or civilian CRO has identified personnel, employment, and discriminatory barriers to Hispanics.
4. Counsels informally on issues affecting Hispanics' career development (not pre-complaint or informal EEO counseling); refers all discrimination complaint counseling issues to EEO Counselors or MCRC/Fs.
5. Evaluates HEP effectiveness at least semi-annually and recommends improvements to the military and civilian CRO.
6. Develops an annual program report reflecting status, yearly goals and objectives, complaints or barriers, accomplishments, and recommendations for improvement.
7. Provides input or technical guidance on Hispanics' National Special Observance programs and activities.
8. Maintains liaison with G-HI and other Federal agencies' counterparts to exchange information.
9. Consults with civilian and military personnel representatives on matters affecting Hispanic employees. On request, counsels supervisors, COs, and civilian and military human resources and personnel representatives on ways to prepare Hispanics for career opportunities, advancement, and other job-related problems.

10. Performs other duties and responsibilities as the unit commanders direct to accomplish the objectives of the several Coast Guard field Civil Rights missions as defined in 1.D.3. of this manual.

2.D.7.c. Desired Knowledge, Skills, and Abilities

1. Knowledge of Federal EO concepts, principles, and processes.
2. Knowledge of the Coast Guard's organizational concepts and management processes.
3. Ability to communicate effectively, both orally and in writing.
4. Ability to work effectively with persons of all backgrounds, races, and cultures at all organizational levels and reconcile divergent points of view.
5. Ability to work simultaneously for two or more bosses, managing a variety of competing activities emanating from various sources.
6. Ability to develop analytical studies and effectively present oral and written briefings.

2.D.7.d. Specific Training

No training is required, but HEP Advisors may wish to attend any of the following training sessions:

1. Introduction to the Federal EEO Program.
2. Hispanic Employment Program Seminar.
3. Annual IMAGE Conference.

2.D.7.e. Position Requirements

1. A HEP Advisor may be any civilian employee that has and continues to meet or exceed satisfactory performance in their primary duties.
2. HEP Advisor responsibilities should be agreed upon by the member's supervisor by signing a designation letter (see Enclosure 5) and by documenting in the member's Performance Plan and Evaluation.

2.D.8. Partnership In Education (PIE) Program Coordinator

2.D.8.a. Purpose

The PIE Program Coordinator forms a network of service providers for commands and units with PIE Programs—mutually supportive arrangements between Coast Guard units or commands and schools or school districts. Often a written Memorandum of Understanding or Agreement, a PIE Program commits the partners to accomplish specific goals and initiatives intended to benefit students and the school community. The PIE Program Coordinator oversees program implementation, maintains contact with partners to ensure planned activities are implemented, and coordinates discussions to modify the program if necessary. The Coordinator advises the command or unit and partner school principal to coordinate all PIE Program activities between the partners. (See Enclosure 7.)

2.D.8.b. Major Duties and Responsibilities

1. Serves as a contact person between the command or unit and school partner.
2. Identifies program initiatives; obtains approval and support for partnership activities from command or unit and school.
3. Promotes the partnership concept within the command or unit and community, when appropriate, to obtain supportive volunteers.
4. In concert with school, develops a written Memorandum of Understanding or Agreement identifying goals, programs, and activities.
5. Coordinates implementation of all activities with command or unit, school, and collaborators associated with partnership.
6. Coordinates orientation for volunteers and school staff.
7. Assists in ensuring on-going activities are carried out effectively.
8. Monitors and evaluates program progress.
9. Informs the command or unit about partnership activities including success stories, lessons learned, and activities' effectiveness based on volunteers' feedback; recommends changes when appropriate.
10. Provides information and updates for command or unit and school's newsletters.
11. Produces publicity releases about on-going or special activities; disseminates to media jointly with Public Affairs and the school partner.

12. Maintains statistical data for all schools participating in PIE Program, the number of students participating in the program by grade level, and number of volunteers and volunteer hours.
13. Coordinates a comprehensive volunteer recognition program.
14. Develops and submits PIE award nominations in response to Commandant Notice 5350, "Coast Guard Partnership In Education: 2000 Program Award Nominations," so the command or unit can receive recognition for its PIE Program.

2.D.8.c. Desired Knowledge, Skills, and Abilities

1. Knowledge of PIE Program concept and Coast Guard organization and functions.
2. Ability to work effectively with students, faculty, parents, and community leaders of diverse backgrounds.
3. Ability to communicate effectively both orally and in writing with unit command, unit staff, school liaison, and community organizations.
4. Ability to measure PIE Program effectiveness.
5. Ability to track data on schools, students, volunteers, and volunteer hours for the PIE Service-wide database.
6. Ability to follow through on projects.

2.D.9. Historically Black Colleges and Universities (HBCU) and Hispanic Association of Colleges and Universities (HACU) Program Coordinator

2.D.9.a. Purpose

The HBCU and HACU Coordinator forms a network of service providers for units or commands with these programs. These are mutually supportive arrangements in the form of a written Memorandum of Understanding or Agreement between Coast Guard units or commands and 2- or 4-year HBCU/HACU institutions. The Coordinator oversees implementation of an HBCU/HACU program whose partners commit themselves to specific goals and initiatives to benefit students and institutions. The HBCU/HACU Program Coordinator maintains contact with partner schools to ensure planned programs are implemented and coordinates discussions to modify programs, if necessary. This Coordinator advises the unit or command and president or chancellor of the partner college or university to facilitate coordination of all Coast Guard-sponsored programs and activities between the partners to ensure their students and faculty receive the full support necessary to increase opportunities to participate and benefit from Coast Guard-sponsored programs and projects. The HBCU/HACU Program Coordinator's assignment affirms the Coast Guard's commitment to comply with Executive Order 12876, "Historically Black Colleges and Universities," and Executive Order 12900, "Education Excellence for Hispanic Americans." (See Enclosure 8.)

2.D.9.b. Major Duties and Responsibilities.

1. Serves as a contact person between the command or unit and school partner.
2. Identifies program initiatives and obtains approval and support for partnership activities from command or unit and school.
3. Promotes the partnership concept within the command or unit and community, when appropriate, to obtain support from volunteers.
4. Develops a written Memorandum of Understanding or Agreement identifying goals, programs, and activities.
5. Coordinates implementation of all activities with command or unit, school, and collaborators associated with the partnership.
6. Coordinates orientation for volunteers and school staff.
7. Assists in assuring on-going activities are carried out effectively.
8. Monitors and evaluates program progress.

9. Informs the command or unit about partnership activities, including success stories, lessons learned, and activities' effectiveness based on volunteers' feedback; recommends changes when appropriate.
10. Provides information and updates for command or unit and schools' newsletters.
11. Produces publicity releases about on-going or special activities for media dissemination in cooperation with Public Affairs and the school partner.
12. Maintains statistical data on program initiatives for inclusion in the White House Initiatives on HBCUs and White House Initiative on Education Excellence for Hispanic Americans annual plan and performance reports.
13. Coordinates a comprehensive volunteer recognition program.

2.D.9.c. Desired Knowledge, Skills, and Abilities

1. Knowledge of higher education principles and concepts and Coast Guard organizational structure and functions.
2. Ability to work effectively with students, faculty, and community leaders of diverse backgrounds.
3. Ability to communicate effectively, both orally and in writing.
4. Ability to follow through on projects.
5. Ability to measure program effectiveness.
6. Ability to track program data for inclusion in annual plans and performance reports the Coast Guard submits to the DOT DOCR.

2.D.10. Alternative Dispute Resolution (ADR) Mediator

2.D.10.a. Purpose

The ADR Mediator effectively supports the operation Coast Guard's field Civil Rights infrastructure and field missions. The ADR Mediator is a neutral party available to assist aggrieved personnel or applicants for employment and the Coast Guard in reaching a settlement of their differences in an allegation of discrimination. The Mediator takes an active role in defining the issues, encouraging communication, and offering options for an early resolution.

2.D.10.b. Major Duties and Responsibilities

1. Meets with the complainant and chain of command to explain the mediation process.
2. Facilitates the mediation process with the parties involved.
3. Takes an active role in defining the issues involved.
4. Sets in writing the terms of any agreement reached and has the parties involved sign the agreement.
5. Completes the Mediation Completion Form and forwards a copy to the CRO.
6. Consults with the appropriate legal counsel, if needed.

2.D.10.c. Desired Knowledge, Skills, and Abilities

1. Comprehensive, thorough knowledge of laws, regulations, Executive Orders, court decisions, and issues related to the use of ADR and mediation in the Federal Government.
2. Skill in identifying and analyzing interpersonal issues underlying conflict.
3. Skill in developing and recommending solutions to conflict.
4. Skill in written and oral communications.
5. Skill in meeting and working effectively with persons of either sex and of varying social, economic, cultural, and racial backgrounds.

2.D.10.d. Specific Training and Certification Standards

1. Must be designated in a Memorandum of Understanding (MOU) Format (See enclosure 9) signed by both the Full-Time CRO serving their geographic area (LANTAREA, PACAREA, Academy, Headquarters) and the individuals supervisor, both of whom will maintain copies of this MOU. This MOU should make it clear to all

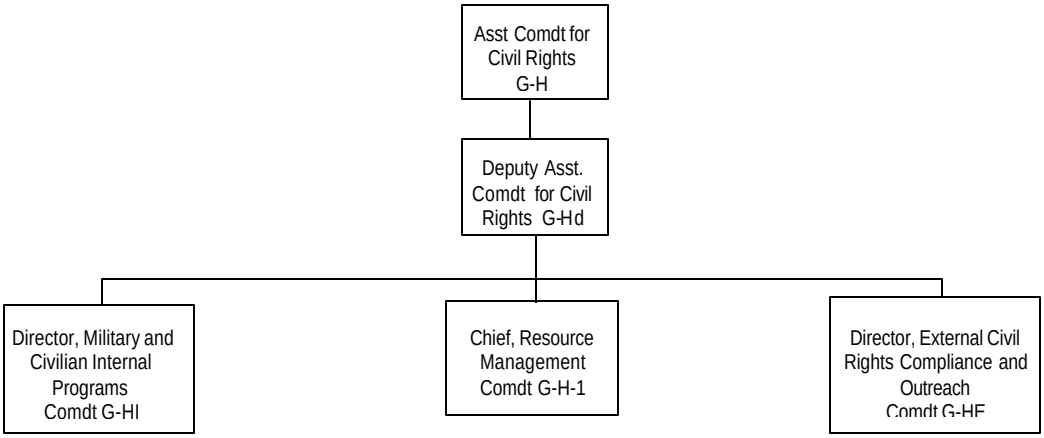
parties that designation as a Coast Guard Mediator will most likely involve conducting sessions at units other than their home unit and possibly with other agencies as a member of the Federal Government's Sharing Neutrals Program. A collateral duty mediator can expect to handle 2-3 cases per year, with their supervisor's permission.

2. Must be a graduate of the Justice Center of Atlanta, Inc.'s 3- to 5- day "Mediation and Conflict Management Skills" course or an equivalent program. Some approved training programs are listed in enclosure 10 of this chapter. For information on whether or not a specific training program not on this list meets Coast Guard ADR program requirements, please contact G-HI at (202) 267-0036.

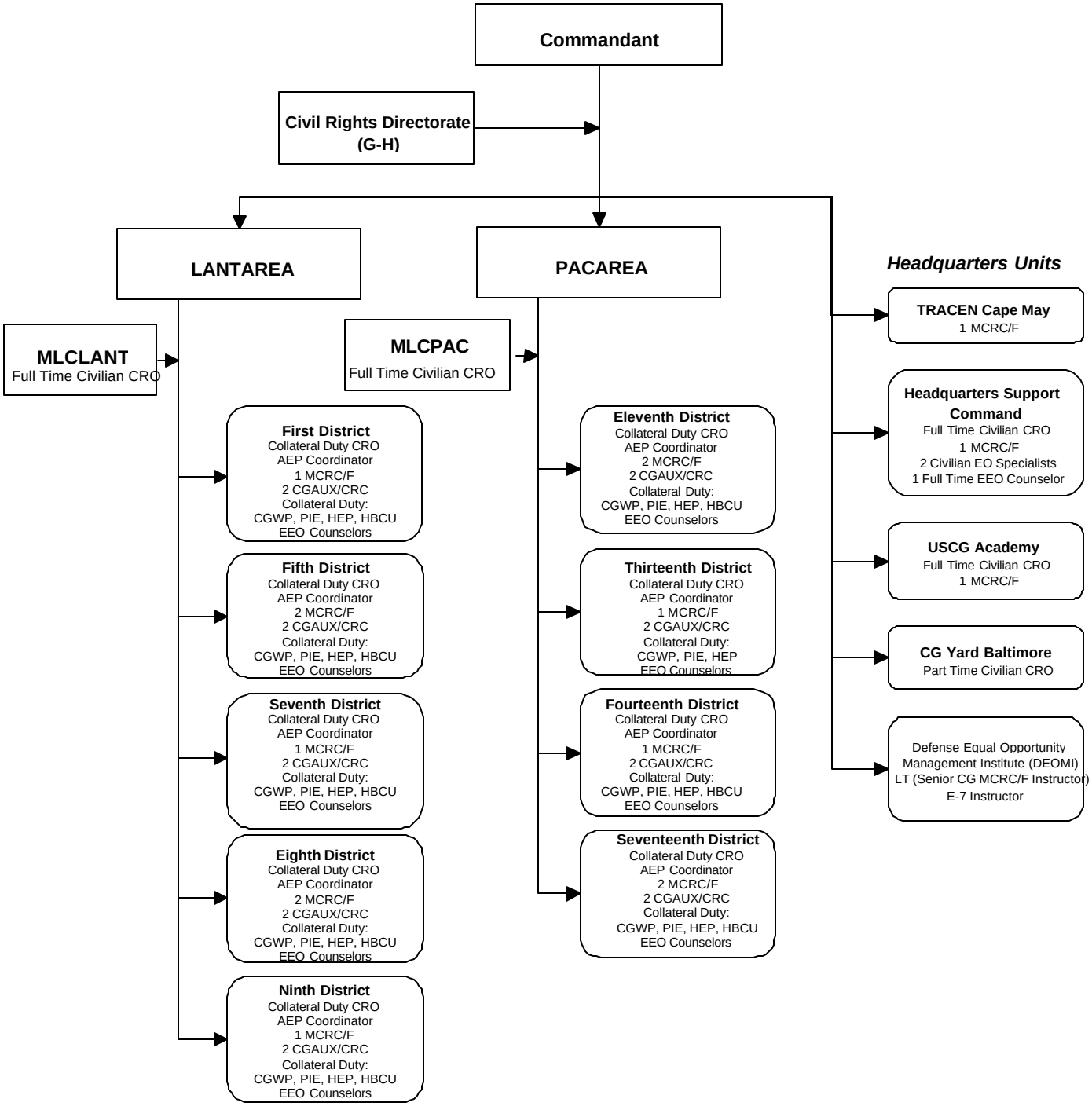
3. To maintain certification as a Coast Guard mediator, mediators must mediate at least two cases annually. This is to ensure mediator's do not loose their mediation skills and knowledge through lack of practice.

4. Please note that a person will be deemed to be a "qualified" Coast Guard mediator if they have been certified to mediate by an established mediation program (e.g. D.C. Superior Court Multi-Door Resolution Program, Northern Virginia Mediation Service, etc…), and have experience mediating cases with such programs. To confirm that individuals with experience as described in this section are eligible to serve as Coast Guard mediators, contact G-HI at
(202) 267-0036.

CIVIL RIGHTS DIRECTORATE ORGANIZATIONAL CHART



Coast Guard Civil Rights Field Infrastructure



U.S. Department of Transportation
United States Coast Guard

Commanding Officer
United States Coast Guard

2100 Second Street, S.W.
Washington, DC 20593-0001
Staff Symbol:
Phone: (888) 777-7777
FAX: (888) 888-8888

5350
17 October 1999

From: Commanding Officer, Coast Guard Air Station Cape Fish
To: John H. Doe

Subj: DESIGNATION AS COLLATERAL DUTY CIVIL RIGHTS OFFICER (CD CRO)

Ref: (a) COMDTINST 5350.4, Equal Opportunity Manual

1. You are hereby designated as the Collateral Duty Civil Rights Officer (CD CRO) for Air Station Cape Fish. In carrying out your duties, you will be guided by reference (a) as well as other applicable directives currently in effect or that may be promulgated concerning the above designation.

2. Your duties will include:

   a. Advising and assisting Commanders, managers, supervisors, and committees on legal and procedural EO Program issues and requirements.

   b. Identifying unit EO problems to determine causes and develop strategies for resolution.

   c. Managing the unit's Affirmative Employment Program (AEP) and Coast Guard Affirmative Action Plan (CGAAP). Serves as AEP Coordinator IAW Chapter 4.C. of this manual.

   d. Developing, directing, coordinating, monitoring, and updating EO program activities listed in reference (a).

   e. Managing the unit's informal discrimination complaints program, providing recommendations and attempting resolution by negotiating informal adjustment with management and aggrieved person in the discrimination complaint process.

   f. Disseminating news on CG EO policy modifications and directives to assure program compliance.

   g. Coordinating unit participation in cultural awareness observances.

A. J. DOE

U.S. Department of Transportation
United States Coast Guard

Memorandum

Subject: SAMPLE MOU CONCERNING COLLATERAL DUTY EEO COUNSELOR DUTIES

Date: 7 January 1999
12713

Reply to Attn. of: MLC PAC(mh)
Gooblatz
(765) 555-1212

From: Commander, Maintenance and Logistics Command Pacific

To: Commanding Officer, Coast Guard Air Station Cape Fish

Ref: (a) 29 CFR Part 1614
(b) COMDTINST 5350.4, Equal Opportunity Manual
(c) EEO MD-110 Federal Sector Complaints Processing Manual

1. I wish to appoint *Mr. John H. Doe* of your staff to serve as an Equal Employment Opportunity (EEO) Counselor at *Coast Guard Air Station Cape Fish* and request your approval of the appointment. This is a collateral-duty assignment. It may occasionally require up to 20 percent of his time.

2. Collateral EEO counselors are an integral part of the EEO complaints system. The duties of these individuals are to attempt to informally resolve issues raised by aggrieved civilian employees or applicants for employment at *Air Station Cape Fish*. These positions infer no promotion potential and are not grade controlling.

3. Mr. Doe will advise you upon receipt of an EEO Counselor assignment, but he cannot reveal the identity of the employee being counseled. He should be allocated official duty time as necessary to perform these EEO Counselor tasks. Where the assignment conflicts with his primary job, please let me know so that we can make the appropriate adjustments.

4. The performance of *Mr. Doe* will be evaluated by myself semiannually to coincide with the annual performance rating period. My evaluation will be based upon program results, adequacy of achievement and timeliness. My evaluation will be provided to you for the appraisal process.

5. If you have any questions, please contact me at extension (234) 333-3333.

DATE:_____

IMMEDIATE SUPERVISOR
CHIEF, QUALITY SUPPORT DIVISION
MS. JILL A. BROWN

DATE:_____

EQUAL EMPLOYMENT OPPORTUNITY COUNSELOR
MR. JOHN H. DOE

DATE:_____

MLC PACIFIC CIVIL RIGHTS OFFICER
CIVIL RIGHTS OFFICER
MR. H. J. GOOBLATZ

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FAX: (888) 888-8888

5350
17 October 1999

From: Commanding Officer, Coast Guard Air Station Cape Fish
To: John H. Doe

Subj: DESIGNATION AS HISPANIC EMPLOYMENT PROGRAM ADVISOR

Ref: (a) COMDTINST 5350.4, Equal Opportunity Manual

1. You are hereby designated as the Hispanic Employment Program (HEP) advisor. In carrying out your duties, you will be guided by reference (a) as well as other applicable directives currently in effect or that may be promulgated concerning the above designation.

2. Your duties will include:

   a. Advising the unit command and Civil Rights Officer on matters affecting Hispanics' employment.

   b. Participating in meetings and conferences with groups and various minority organizations committed to enhancing Hispanics' progress, bringing this information back to the command.

   c. Counseling informally on issues affecting Hispanics' career development (not pre-complaint or informal EEO counseling); referring all discrimination complaint counseling issues to EEO counselors or military Civil Rights counselor/facilitators.

   d. Providing input or technical guidance on Hispanics' National Special Observance programs and activities with an impact on women.

   f. Maintaining liaison with G-HI as well as other federal agencies' counterparts to exchange information on programs, plans, problems, accomplishments, etc.

A. J. DOE

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5350
17 October 1999

From: Commanding Officer, Coast Guard Air Station Cape Fish
To: Jill H. Doe

Subj: DESIGNATION AS FEDERAL WOMEN'S PROGRAM ADVISOR

Ref: (a) COMDTINST 5350.4, Equal Opportunity Manual

1. You are hereby designated as the Federal Women's Program (FWP) advisor. In carrying out your duties, you will be guided by reference (a) as well as other applicable directives currently in effect or that may be promulgated concerning the above designation.
2. Your duties will include:

   a. Advising the unit command and Civil Rights Officer on matters affecting women's employment.

   b. Participating in meetings and conferences with groups and various minority organizations committed to enhancing women's progress, bringing this information back to the command.

   c. Counseling informally on issues affecting women's career development (not pre-complaint or informal EEO counseling); referring all discrimination complaint counseling issues to EEO counselors or military Civil Rights counselor/facilitators.

   d. Providing input or technical guidance on women-related National Special Observance programs and activities with an impact on women.

   e. Providing input for the sexual harassment portion of the Coast Guard Affirmative Action plan.

   f. Maintaining liaison with G-HI as well as other federal agencies' counterparts to exchange information on programs, plans, problems, accomplishments, etc.

A. J. Gooblatz

U.S. Department of Transportation
United States Coast Guard

Commanding Officer
United States Coast Guard

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FAX: (888) 888-8888

5350
17 October 1999

From: Commanding Officer, Coast Guard Air Station Cape Fish
To: John H. Doe

Subj: DESIGNATION AS PARTNERSHIP IN EDUCATION PROGRAM ADVISOR

Ref: (a) COMDTINST 5350.4, Equal Opportunity Manual

1. You are hereby designated as the Partnership In Education Program (PIE) coordinator. In carrying out your duties, you will be guided by reference (a) as well as other applicable directives currently in effect or that may be promulgated concerning the above designation.

2. Your duties will include:

   a. Serving as a contact person between the command or unit and school.

   b. Identifying and promoting program initiatives, obtaining approval and support for partnership activities from command or unit and school.

   c. Developing a written Memorandum of Understanding or Agreement identifying goals, programs, and activities, in concern with school.

   d. Coordinating implementation of all activities with command or unit, school, and collaborative partners associated with partnership.

   e. Producing and disseminating information about PIE activities to media jointly with Public Affairs and the school partner.

   f. Coordinating a comprehensive volunteer recognition program.

   g. Coordinating school partners participation in the Coast Guard's PIE Awards Program.

A. J. DOE

U.S. Department of Transportation
United States Coast Guard

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2100 Second Street, S.W.
Washington, DC 20593-0001
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Phone: (888) 777-7777
FAX: (888) 888-8888

5350
17 October 1999

From: Commander, Seventh Coast Guard District
To: John H. Doe

Subj: DESIGNATION AS HBCU PROGRAM COORDINATOR

Ref: (a) COMDTINST 5350.4, Equal Opportunity Manual

1. You are hereby designated as the Historically Black Colleges and Universities (HBCU) program coordinator. In carrying out your duties, you will be guided by reference (a) as well as other applicable directives currently in effect or that may be promulgated concerning the above designation.

2. Your duties will include:

   a. Serving as a contact person between the command or unit and school.

   b. Identifying and promoting program initiatives, obtaining approval and support for partnership activities from command or unit and school.

   c. Developing a written Memorandum of Understanding or Agreement identifying goals, programs, and activities, in concern with school.

   d. Coordinating implementation of all activities with command or unit, school, and collaborative partners associated with partnership.

   e. Producing and disseminating information about HBCU activities to media jointly with Public Affairs and the school partner.

   f. Coordinating a comprehensive volunteer recognition program.

   g. Developing Annual Performance reports as required by G-H.

A. J. DOE

U.S. Department of Transportation
United States Coast Guard

Memorandum

Subject: SAMPLE MOU CONCERNING COLLATERAL DUTY ADR MEDIATOR DUTIES

Date: 7 January 1999
12713

Reply to Attn. of: MLC PAC(mh)
Gooblatz
(765) 555-1212

From: Commander, Maintenance and Logistics Command Pacific

To: Commanding Officer, Coast Guard Air Station Cape Fish

Ref: (a) 29 CFR Part 1614
(b) COMDTINST 5350.4, Equal Opportunity Manual
(c) EEO MD-110 Federal Sector Complaints Processing Manual

1. I wish to appoint *Mr. John H. Doe* of your staff to serve as a Collateral Duty Alternative Dispute Resolution (ADR) Mediator at Coast Guard Air Station Cape Fish and request your approval of the appointment. This is a collateral-duty assignment. It may occasionally require short-term travel (less than one week) two or three times a year.

2. Collateral Duty ADR Mediators are an integral part of the Coast Guard's efforts to resolve Military Civil Rights and EEO complaints at the lowest level. The duties of these individuals are to attempt to informally resolve issues raised by aggrieved military members, civilian employees, or applicants for employment. These positions infer no promotion potential and are not grade controlling.

3. Mr. Doe will advise you upon receipt of an ADR Mediation assignment, but he cannot reveal the identity of the employee being counseled. He should be allocated official duty time as necessary to perform these ADR Mediator tasks. Where the assignment conflicts with his primary job, please let me know so that we can make the appropriate adjustments.

4. The performance of Mr. Doe will be evaluated by myself to coincide with the annual performance rating period. My evaluation will be based upon program results, adequacy of achievement, and timeliness. My evaluation will be provided to you for the appraisal process.

5. If you have any questions, please contact me at (234) 333-3333.

DATE:_____

IMMEDIATE SUPERVISOR
CHIEF, QUALITY SUPPORT DIVISION
MS. JILL A. BROWN

DATE:_____

EQUAL EMPLOYMENT OPPORTUNITY COUNSELOR
MR. JOHN H. DOE

DATE:_____

MLC PACIFIC CIVIL RIGHTS OFFICER
CIVIL RIGHTS OFFICER
MR. H. J. GOOBLATZ

POINTS OF CONTACT TO LOCATE LOCAL ADR TRAINING PROGRAMS THAT MEET COAST GUARD REQUIREMENTS

1. Federal Mediation and Conciliation Service
   2100 K St. N.W.
   Washington, DC 20427
   (202) 606-8100 ***http://www.fmcs.gov/***

2. The Program on Negotiation at Harvard Law School
   The Center for Management Research
   55 William St. Wellesley, MA 02181
   (617) 239-1111

3. The Center for Mediation in Law, Box 250-555
   Columbia University Station
   New York, NY 10025
   (212) 501-4044

4. The International Center for Cooperation and Conflict Resolution
   Teachers College, Columbia University,
   New York, NY 10027
   (212) 978-4048 ***http://www.tc.columbia.edu/~icccr***

5. Northern Viriginia Mediation Service, Institute for Conflict Analysis and Resolution
   George Mason university
   Fairfax, VA 22030-4444
   (703) 759-9720

6. University of South Florida Mediation Institute
   2901 West Busch Blvd, Suite 707
   Tampa, FL 33618
   (813) 975-4816

7. The Mediation Center, 670 Grain Exchange Bldg.
   301 4th Ave. South
   Minneapolis, MN 55415-1019
   (612) 673-9555

8. The AA White Dispute Resolution Institute
   University of Houston
   325 Melcher Hall, 10College of Business Administration
   Houston, TX 77204-6283

(713) 743-4933

Chapter 3 Valuing Diversity

Civil Rights, in conjunction with Human Resources, has oversight over the Coast Guard's diversity initiatives. This section discusses the Cultural Awareness Programs, Human Relations Council, Equal Opportunity (EO) Review, and Military and Small Unit Equal Opportunity Climate Surveys (MEOCS/SUEOCS). Each of these activities contributes to the goal of diversity through human understanding of different cultures and backgrounds and how the workforce can celebrate each person's unique background and still work as Team Coast Guard.

This chapter contains the following information:

Section	Topic	See Page
A	Cultural Awareness Programs	3-2
B	Human Relations Council	3-4
C	Monitoring and Evaluation	3-7

This chapter contains the following information in Enclosures:

Enclosure	Title	See Page
1	MEOCS OR SUEOCS Decision Table	3-13
2	MEOCS Request Form	3-14

3.A. Cultural Awareness Programs

3.A.1. Recognizing Diversity

The Coast Guard recognizes that the United States is a diverse mix of groups who brought their own cultures, differences, and values to build this nation. This mix of differences makes our nation strong. In recognition of the many achievements of these diverse groups, Coast Guard sets aside a time each year to celebrate their contributions, heighten awareness, and become more knowledgeable about managing a diverse workforce.

3.A.2. Program Planning

The Coast Guard encourages program planning for these national and local observances and training activities consistent with Command focus, resources, and the Coast Guard Strategic Plan.

3.A.3. National Special Observances

a. National Special Observances are commemorations designated by:

(1) Congress.

(2) Public Law.

(3) Presidential Proclamation or Executive Order.

(4) Department of Transportation (DOT) policy.

(5) Coast Guard.

b. These observances are:

(1) Martin Luther King, Jr., Federal Holiday (January).

(2) National African-American (Black) History Month (February).

(3) National Women's History Month (March).

(4) National Asian-Pacific-American Heritage Month (May).

(5) Native American Indian Heritage Month (November).

(6) National Hispanic Heritage Month (September-October).

3.A.4. Resources

a. The Coast Guard endorses the celebration of each one of the special observances with appropriate programs and awareness learning activities. Budgets for the observances shall be included as part of the Command's mission. Non-appropriated funds for programs and activities can only be utilized as authorized by COMDTINST M7010.5.

b. To maintain appropriate focus, separate commemorations within resource levels are encouraged. When the command is located in an area where other Coast Guard units, DOT operating administrations, or other Federal agencies are also conducting such observances, it is advisable to coordinate such activities.

3.A.5. Program Goals

The nature of each observance must be determined by the command and must be consistent with the availability of resources. The goals of such observances are to:

a. Promote learning activities and programs addressing diversity and the value of a diverse workforce.

b. Provide the Coast Guard workforce with a greater understanding of the contributions made to our nation, DOT, and the Coast Guard by the specific group.

c. Address the substance reflected in the theme of the national observance, or the Presidential Proclamation, or Coast Guard policy related to the specific group.

3.A.6. Recommended Activities

a. Training activities to enhance the Coast Guard's awareness of the value of diversity.

b. Guest speakers or panels who are experts in the field of the culture, issues, or contributions of the group, or are knowledgeable of theme topics or the substance of the Presidential Proclamation on the national observance.

c. Articles about the observance and the recognized group's accomplishments in command publications.

d. Exhibits, displays of literature, pictorial histories, etc., which are representative of the group's culture, accomplishments, etc.

e. Video, slides, or other media that are representative of the group's achievements.

3.A.7. Historical and Current Accomplishments

Activities should not only reflect historical achievements but also current activities and accomplishments of the group. Activities should also reflect achievements or current events affecting the group in the Coast Guard or DOT.

3.A.8. Assistant Commandant for Civil Rights Responsibilities

a. Provide national guidance and/or coordination on the cultural awareness programs.

b. Provide information on cultural awareness themes to help facilitate advance program planning.

3.A.9. Command Responsibilities

The command shall be responsible for carrying out the instructions and guidelines herein to achieve positive learning experiences and responsible programs. Responsibilities include but are not limited to:

a. Support of military and civilian personnel attendance at scheduled programs and activities by allowing official time for participation in cultural awareness programs consistent with workload demands.

b. Dissemination and publication of information on observances throughout their commands.

c. Conduct of or participation in cultural awareness programs, training, and activities as appropriate.

d. Commanders, Commanding Officers (COs), Officers-in-Charge (OINCs), and supervisors shall encourage subordinate commands to hold such observances reflecting the theme of the observance and benefiting Coast Guard members and civilian personnel with a meaningful learning experience.

3.B. Human Relations Council

The Human Relations Council (HRC) advises the CO and serves as liaison for human relations issues surfacing in the local command. The HRC provides a safe, open forum for discussing human relations issues. All units or commands with over 25 personnel assigned are required to have a HRC.

3.B.1. HRC Roles and Actions

a. Facilitates discussion of human relations issues and policies.

b. Allows for communication between the command and its personnel.

c. Encourages organizational entities to resolve human relations issues.

d. Stimulates participation in human relations activities.

3.B.2. Membership

a. The HRC consists of one primary and one alternate representative from the various command entities. In appointing HRC members, commands shall consider this guidance: HRC members should represent the diversity of the command's members. Representatives can be military, civilian, or Auxiliary personnel. If both civilian and military personnel are assigned to the command, then both should be represented on the HRC.

b. HRC members should be interested in human relations issues; open-minded, tolerant, fair in interpersonal dealings; and assertive, with the self-confidence to speak up and raise issues. Also, members should be available to attend meetings and have time to perform HRC responsibilities. Except for HRC officers, the total demand on a member's time should amount to a maximum of 4 hours per month. The command prepares appointment letters, with copies to the HRC Chair. HRC representatives report on human relations issues through their chains of command. Members' supervisors should make every effort to allow them maximum involvement in HRC activities consistent with work demands.

3.B.3. Officers

The HRC elects a Chair, Vice Chair, and Secretary from the members. Officers serve for 1 year, with regular elections at a designated time annually. An officer shall serve only one term in any officer position. Only appointed members may vote in elections. In case of a tie, or lacking a nominee for a position, the CO may appoint a member to the office to serve until the next scheduled meeting when a new election shall occur.

a. The HRC Chair calls and presides over meetings, acts as an *ex officio* member of all subcommittees, and ensures minutes are recorded for each meeting.

b. The HRC Vice Chair performs duties the Chair may delegate or designate. If the Chair is absent from any meeting, the Vice Chair presides over it. If the office of Chair is vacant, the Vice Chair assumes the office of Chair.

c. The HRC Secretary records all proceedings of HRC meetings. In consultation with the Chair, the Secretary prepares and distributes an agenda for each meeting. If the office of Vice Chair is vacant, the Secretary assumes the office of Vice Chair, and the Council holds an election at the next meeting to elect a new Secretary.

3.B.4. Meetings

The HRC officers described above shall conduct meetings when appropriate as follows:

a. One HRC member is required to attend from each directorate, division, or organization, though both the primary and alternate members should attend when possible. To hold a meeting, a quorum of at least one HRC officer and 50% of the

primary members or alternates on the current roster must be present. The HRC Chair shall schedule meetings to last as long as command policy dictates.

b. Experience has shown Total Quality Management (TQM) methods and tools are well-suited to HRC meetings. TQM practices facilitate resolution of human relations issues, are extremely useful in ensuring all members have an opportunity to contribute on any given issue, and promote the "safe, open forum" essential to discussing human relations issues honestly.

c. HRC meetings, except executive sessions, shall be open to all in the command. The HRC Chair shall convene executive sessions to elect new officers and discuss highly sensitive human relations issues.

d. If both the Chair and Vice Chair are absent from a meeting, by simple majority HRC members shall elect an acting Chair to conduct the meeting.

e. Supervisors shall encourage their personnel (both HRC members and non-members) to attend HRC meetings.

3.B.5. Member Roles

As representatives of their respective organizational entities, HRC members should fulfill these roles:

a. Communicate human relations policy, information, and feedback between the personnel they represent and the HRC, including among other activities, distributing HRC meeting minutes. Copies of HRC minutes should be available to Commandant (G-H) on request.

b. Be knowledgeable about available human relations resources and arrange for facilitators or training as needed within their organizations or commands.

c. Become acquainted with all persons they represent.

d. Serve as a conduit to direct human relations problems to the appropriate person for resolution (such as HRC officers or EO Counselors/Facilitators, etc.).

e. Actively discuss human relations issues in their office, encouraging prompt, open, honest communication.

3.C. Monitoring and Evaluation

Constant vigil over the EO Program elements is necessary to maintain and improve upon the social climate of the Coast Guard workforce. Monitoring and evaluation are methods by which Commanders, COs, and OINCs can take the pulse of their unit's climate and progress in the Civil Rights arena. The EO review is a service provided by the Civil Rights Directorate to help commands assess their standards of compliance with laws and regulations and their effectiveness in operating the EO programs and achieving EO goals. The Military and Small Unit Equal Opportunity Climate Surveys (MEOCS/SUEOCS) are services provided by Defense Equal Opportunity Management Institute (DEOMI) to help commands assess their unit's climate, encompassing members' perceptions and beliefs on several EO factors. Both methods are effective tools that help gauge the status of the command's EO Program.

3.C.1. EO Review

3.C.1.a. Introduction

This section contains the procedures and guidance for the effective management and administration of the EO review. The EO review program is designed to provide a military evaluation of the EO program, as well as comply with civilian evaluation requirements.

3.C.1.b. Legal Authorities

1. The EEOC regulation, Part 1614 of 29 CFR, states that each Federal agency shall exercise personal leadership in establishing, maintaining, and carrying out a continuing affirmative employment program designed to promote equal employment opportunity in every aspect of agency personnel policy and practice in the employment, development, advancement, and treatment of employees. Among the specific program actions assigned to federal agencies is the responsibility to:

   "Establish a system for periodically evaluating the effectiveness of the agency's overall Equal Opportunity effort."

2. It should be noted that military equal opportunity processes are governed by the same civilian precepts set forth in the aforementioned paragraph, however, the military EO program is a commander's program. Federal statutes and regulations applicable to civilian EEO programs do not apply, and the EEOC has no jurisdiction over military cases.

3.C.1.c. Objectives

The objectives of the EO review are to:

1. Determine the effectiveness in implementing the field Civil Rights missions in Section 1.D. of this Manual.
2. Conduct interviews with the CO or director, senior management staff, supervisors, and selected employees who are representative of the command's military and civilian workforce.
3. Provide assistance and guidance to the CO or director of the unit in addressing any specific EO issues and concerns.

3.C.1.d. Program Administration

Commandant (G-H) is responsible for providing leadership in the development and use of evaluation guidelines, and for conducting evaluation of EO Programs at Coast Guard commands through on-site reviews. Commanders/COs are responsible for conducting local self-evaluations as an integral part of the overall assessment of the EO Program. Commanders/COs also are responsible for implementing recommendations from EO reviews conducted by Commandant (G-H).

3.C.1.e. Evaluation Procedures

The principal components of the EO review process are the assessment of command operations to determine program status, assurance of compliance with laws and regulations, and assessment of the program's effectiveness in achieving EO goals and objectives. The evaluation process is composed of the following elements:

1. Advance Preparation
   a. Information and data will be collected and analyzed in advance of the EO review. The pre-on-site analysis includes a review of workforce data and local command policy instructions.
   b. Assessment of the unit's EO complaint profile (i.e., number of complaints registered, issues involved, resolutions attained, and cases pending) will also be completed in advance of the review.
2. On-Site Coverage
   a. The Command will receive advance notification within 45 days of the scheduled EO review.
   b. The on-site evaluation process principally will entail:

(1) An entrance briefing with the Commander or CO of the unit.
(2) A review of documents and files as requested.
(3) One-on-one interviews with key managers, supervisors, and employees.
(4) Interviews with EEO committees, union representatives, and, as appropriate, community organizations.
(5) An exit briefing with the Commander or CO of the unit.

3.C.1.f. Evaluation Report

1. The evaluation report will constitute a reliable and self-explanatory record of conditions existing at the time of the EO review. It serves as a basis for comparison in future evaluations and as an indicator of progress made. It is also a source of reference for future research into policies, procedures, and methods.
2. The report is a means of examining compliance with EEO laws, regulations, and policy, and bringing about improvement in the administration and management of the EO Program.
3. The findings and conclusions contained in the report will serve to affect change in revising existing policies and programs or to initiate development efforts for new policies or programs.
4. The report will serve as a means of apprising all levels of Coast Guard management of the status of equal opportunity within the evaluated unit or command.

3.C.2. Military and Small Unit Equal Opportunity Climate Surveys (MEOCS/SUEOCS)

3.C.2.a. Purpose

This section provides information on requesting, administering, and interpreting the results of the MEOCS and SUEOCS of the DEOMI, Patrick Air Force Base, FL.

3.C.2.b. Discussion

1. DEOMI developed the MEOCS as a tool to assist military commanders in assessing the EO climate at their command. Because the MEOCS was created for units with more than 100 people, the Coast Guard requested DEOMI develop a small unit version of the MEOCS. This new survey, called the SUEOCS, is now available for operational use. Both surveys measure attitudinal climate (i.e., people's feelings and beliefs) rather than the number of incidents or complaints.
2. The MEOCS is used by units with total personnel of 100 or more people (military and civilian) or by medium-sized units (50 to 99 people) with sufficient racial/ethnic/gender

diversity. The SUEOCS is used by units with fewer than 50 people or by medium-sized units (50 to 99 people) with minimal racial/ethnic/gender diversity (commands that do not have at least 10 women and 10 men or 10 minority and 10 majority members). See Enclosure 2 for a decision table in selecting the appropriate survey.

3. The MEOCS measures the perceptions of unit members, both military and civilian, in relation to the following five primary factors:

   a. Sexual harassment and discrimination.

   b. Differential behaviors toward women and minorities.

   c. Positive equal opportunity behaviors.

   d. Overt racist/sexist behaviors.

   e. Concerns related to perceived “reverse discrimination” (preferential treatment of women and minorities).

   In addition to these primary factors, the survey also measures job satisfaction, opinions of unit productivity or effectiveness, identification with or loyalty to the Coast Guard, and personal experience of the respondent with instances of discrimination.

4. Both the MEOCS and SUEOCS measure 12 EO and organizational effectiveness (OE) factors. However, because SUEOCS uses an entirely different measurement strategy, many of its measurement scales (factors) are not directly comparable to MEOCS factors. It has all three of the original OE factors, but only one of the original EO factors. All SUEOCS factors are measured on five-point Likert scales and are scored such that a higher score indicates a better condition.

5. Standard MEOCS factors included in SUEOCS are commitment to the organization, perceived work group effectiveness, job satisfaction, and overall EO climate. Eight new EO factors on SUEOCS, each of which is based on attitudinal measures, are:

   a. Personal racist and sexist attitudes and beliefs of the respondent.

   b. Belief in the existence of "reverse" discrimination within the unit.

   c. Belief in the existence of unit-based differential command behavior toward women and minorities.

   d. Belief in the existence of racist and sexist attitudes in the unit.

   e. Personal attitude toward EO/AAP and training.

   f. Belief in the existence of racist and sexist behaviors within the unit.

   g. Belief in the unit's acceptance of diversity.

   h. Personal feelings regarding verbal abuse of women and minorities.

3.C.2.c. Procedures

1. Both surveys (MEOCS or SUEOCS) are administered only by request of a unit's CO. The standard MEOCS request form (Enclosure 3) may be used; however, if the SUEOCS is the appropriate survey, then the requesting CO should specify this in line item 13 on the request form.
2. Requests may also be made by letter to:

   Directorate of Research (MEOCS)
   Defense Equal Opportunity Management Institute
   740 O'Malley Road MS 9121
   Patrick AFB, FL 32925-3399

The request must contain the number of personnel assigned to the unit broken out by race, gender, officer/enlisted status, and military/civilian status. Upon receipt of this request, DEOMI forwards a master copy of the requested survey and provides adequate answer sheets for the survey population. The requesting unit is responsible for reproducing sufficient copies of the survey for administration to all assigned personnel.

3. Once the responses are collected, the unit returns the answer sheets to DEOMI for analysis. DEOMI analyzes the responses using statistical programs and validated assessment techniques, and produces an assessment report of the results. The assessment report is normally returned to the CO within 1 month of the survey administration. The assessment report contains the statistical analysis of the results and a narrative interpretation of the responses. The report measures the attitudinal climate of military and civilian personnel assigned to the unit by focusing on how the members truly feel and believe, rather than the number of incidents or complaints that occur. All survey respondents are guaranteed confidentiality, so no one at the unit knows who said what on the survey. Additionally, the assessment report is sent only to the CO who requested the survey. However, the CO is encouraged to provide the results of the assessment with his/her command.
4. At the CO's request, a face-to-face briefing by DEOMI personnel on the results of the assessment may be arranged in addition to the written report. The requesting unit is responsible for paying all TAD expenses of the DEOMI personnel involved in the briefing.
5. In conjunction with the assessment report, DEOMI provides, upon request, personnel qualified to assist the command in determining appropriate courses of action based upon the results of the survey. This assistance is tailored to the needs of the unit and is designed to close the loop of organizational assessment, determine courses of actions to remedy the identified shortcomings, build on strengths, and implement those actions. The final step in the process is for follow-on evaluation to ensure plans and actions

taken were on target. The requesting unit is responsible for paying all TAD expenses of the DEOMI personnel involved in assisting the command.

6. DEOMI strongly recommends the survey be administered on a regular basis (every 6 to 12 months) in order to detect trends in attitudes and perceptions. A one-time administration of the survey will not provide adequate information regarding the impact of any corrective action or training.

3.C.2.d. Responsibilities

1. COs and directors are highly encouraged to conduct an EO climate assessment within 6 months after the change of command at the unit. In determining which DEOMI survey to use, consult the decision table in Enclosure 2. For further information on MEOCS and SUEOCS, contact DEOMI, Directorate of Research, at (407) 494-2675. DEOMI can also be conducted via the Internet at **http://www.pafb.af.mil/deomi/DEOMI.htm**. For specific questions and background information on the surveys themselves, contact Dr. Mickey Dansby at **mickey-dansby@pafb.af.mil.**
2. If a CO requests the DEOMI Mobile Training Team (MTT), then a completed MEOCS/SUEOCS is required prior to MTT training.
3. COs may at any time request MEOCS/SUEOCS when they feel necessary to measure EO and OE factors.
4. Commandant (G-HI) shall provide assistance to units requesting and conducting MEOCS/SUEOCS and can be reached at (202) 267-0036.

3.C.2.e. Forms and Reports

The standard MEOCS request form (Enclosure 3) may be used to request a survey. If the SUEOCS is the desired survey, then the requesting commanding officer should specify this in line item 13 on the request form. DEOMI will maintain a stock of the forms. Requests for the form can be initiated by phone, letter, fax, or e-mail. Their fax number is (407) 494-4116. Units may reproduce the form locally. DEOMI is constantly updating their request form, so it is important to ensure that your unit has the most recent form.

MEOCS OR SUEOCS DECISION TABLE

IF THE UNIT SIZE IS:	IF YOUR UNIT HAS MINIMAL[1] RACIAL/ETHNIC GENDER DIVERSITY:	IF YOUR UNIT HAS SUFFICIENT[2] RACIAL/ETHNIC GENDER DIVERSITY:
0-49 personnel	Use the SUEOCS	Use the SUEOCS
50-99 personnel	Use the SUEOCS	Use the MEOCS
100+ personnel	Use the MEOCS	Use the MEOCS

[1] "Minimal" = **Neither** 10 men and 10 women **nor** 10 minority and 10 majority members.
[2] "Sufficient" = **At least** 10 men and 10 women **or** 10 minority and 10 majority members.

MEOCS REQUEST FORM

NOTES: - WE WILL PROVIDE ENOUGH ANSWER SHEETS TO COMPLETE THE MEOCS; HOWEVER, WE ONLY PROVIDE ONE COPY OF THE SURVEY BOOKLET. IT IS THE ORGANIZATION'S RESPONSIBILITY TO REPRODUCE THE SURVEY BOOKLETS REQUIRED.
- FOR ORGANIZATIONS WITH MORE THAN 100 PERSONNEL: PLEASE AIM FOR A RESPONSE RATE OF AT LEAST 50% OF THE ORGANIZATION'S TOTAL STRENGTH.
- FOR ORGANIZATIONS WITH 50-100 PERSONNEL: WE NEED AT LEAST 50 RESPONSES IN ORDER TO PROCESS YOUR MEOCS.
- FOR ORGANIZATIONS WITH FEWER THAN 50 PERSONNEL: UNLESS WE HAVE ADVISED OTHERWISE, PLEASE MARK THE SMALL UNIT SURVEY BLOCK IN PART 13 BELOW. ALSO, WE NEED AT LEAST 7 RESPONSES TO PROCESS A SUEOCS.

1. Grade of requesting commander/organizational head (O-3, O-6, GS-11, SES-4, etc.): _____

2. Organization's strength (PRESENT NUMBER OF PEOPLE ASSIGNED): _____

3. Organization's present location—State, Country, Area—(EXAMPLES—KENTUCKY, JAPAN, GERMANY, PACIFIC):_____

4a. Branch of service (CIRCLE ONE): **USAF USA USCG USMC USN DoD/Joint Service Federal Civilian Other:** _____

4b. Service Component (CIRCLE ONE): **Active Duty Reserve National Guard Other:** _____

5. You will administer MEOCS to (CIRCLE ONE): **Military Only Civilian Only Both Military & Civilian**

6. Organization's major command—MACOM, MAJCOM (EXAMPLES -- TRADOC, CG DISTRICT 2, PACFLEET, AMC): _____

7. Organization's Unit Identification Code (UIC) (PAS code for USAF): _____

8. Organization's mission (CIRCLE ONE): **Combat Combat Support Other Support**

9. Commander's title, Organization's name and Official address:

_____
(EXAMPLE -- See Our Mailing Address Below -- Item #15)
_____
_____
_____

10. Survey administrator -- Rank and Name: _____ Phone Number: _____

11. Has the organization taken MEOCS before? **No Yes Date or Dates:** _____

12. Organization's (Present Assigned Strength) Demographics (Please fill in the table below):

	MALE			***FEMALE***		
	OFFICER	***ENLISTED***	***CIVILIAN***	***OFFICER***	***ENLISTED***	***CIVILIAN***
MAJORITY						
MINORITY						
TOTALS						

"*MINORITY*" Includes the following racial/ethnic groups: Black/African-American, Hispanic, Asian-American/Pacific Islander, & Native-American/Alaskan-Native. "*MAJORITY*" Includes those <u>not in the groups listed above.</u>

13. Please indicate which version of MEOCS you would like to request; short descriptions of each can be found on the reverse side of this form:

Standard MEOCS (2.3)		MEOCS-LITE		Small Unit (SUEOCS)	
Std. MEOCS Male Only (2.3 M)		MEOCS-EEO			

14. Commander's/Organizational Head's signature:
<u>NOTE:</u> The requesting commander

must sign the request. **Signature:**

_____

15. Mail the request to: Commandant
DEOMI/DR (MEOCS)

Rank & Name:
(Print or Type)

_____

740 O'Malley Road, MS 9121
Patrick AFB, FL 32925-3399

Our phone number is: **DSN 854-2675 or Commercial (407) 494-2675.**
Our FAX number is: **DSN 854-4116 or Commercial (407) 494-4116.**

Revised 17 Sep 1997 **FOR DEOMI USE ONLY**

ADMIN NUMBER	REC'D REQUEST DATE	SENT SURVEYS DATE	REC'D COMPLETED FORMS DATE	SENT FINAL RPT DATE	NUMBER OF FORMS REQUESTED	NUMBER OF FORMS SENT
SITE NUMBER :	# FORMS RECEIVED	MISC INFO:				

REPRODUCTION AND DISTRIBUTION OF THIS FORM ARE AUTHORIZED

Facts about the MILITARY EQUAL OPPORTUNITY CLIMATE SURVEY

(MEOCS)

SURVEY DESCRIPTION

The Defense Equal Opportunity Management Institute (DEOMI) developed MEOCS as a tool for military commanders/heads of organizations to assess the equal opportunity and organizational climate of their units. It has been demonstrated to be reliable and valid for the purposes intended. MEOCS is best used as part of an overall **ASSESS - PLAN - IMPLEMENT - EVALUATE** (APIE) strategy of organizational development. It is administered only by request of the commander/head of a military unit or DoD agency, and results are confidential to the unit. The standard MEOCS consists of several sections, as described below:

BASIC UNIT EQUAL OPPORTUNITY FACTORS

This section measures perceptions of the organization's members about conditions within the unit in the following areas:

1. Sexual harassment and discrimination
2. Differential command behavior toward minorities and women
3. Positive equal opportunity behaviors
4. Overt racist/sexist behaviors
5. "Reverse" discrimination (preferential treatment of minorities or women)

ORGANIZATIONAL FACTORS

This section of the survey looks at commitment to the Service and organization, perceived work group effectiveness, and job satisfaction within the unit.

MODIFIED RACIAL ATTITUDES AND PERCEPTIONS (MRAPS) FACTORS

MRAPS items measure three broader attitudinal factors (based on the total military environment): discrimination against minorities and women in general, "reverse" discrimination in general, and attitudes toward racial separatism.

SURVEY ADMINISTRATION

MEOCS REQUESTS

DEOMI sends the survey **only on the request of an organization's commander/head**. The **commander/head must sign the request form** (or a letter) and mail or FAX it to DEOMI. (See the MEOCS Request and our address on the reverse of this sheet.)

If the command wants separate analyses for organizational sub-units (e.g., companies, battalions, directorates, groups, etc.), the administrator must coordinate the special requirements with DEOMI upon initial request. **Sub-unit analyses go only to the sub-unit commanders/heads.** The overall commander/head will receive roll-up results for all sub-units underneath his/her level.

ASSESSMENT REPORTS

Once the organization completes the survey, the administrator returns the responses to DEOMI for statistical analysis. Within 10 duty days, DEOMI will send an assessment package comprised of statistical analysis and a narrative interpretation directly to the commander/head. If the commander/head requested organizational sub-unit reports, DEOMI will send them directly to the sub-unit commanders/heads. We will not send reports to anyone but the commander(s)/head(s) of the organization(s) assessed.

VERSIONS OF MEOCS

To meet the needs of organizations with various demographics, we have developed several versions of our survey. We have a much larger database and more extensive analysis programs for our standard versions. However, the newer versions may work better in your organization. The table to the right describes our various versions.

For more information, contact DEOMI, Directorate of Research, at DSN 854-2675 or commercial (407) 494-2675. Our FAX number is DSN
854-4116 or commercial (407) 494-4116.

Version	Normally Requested When
Standard MEOCS (standard or male only versions) (124 items)	The unit has at least 100 people and has military, civilian, or mixed demographics with typical racial/gender diversity
MEOCS-EEO (equal employment opportunity version) (132 items)	A unit has a large proportion of civilian employees, and the commander/head wants expanded assessment of Equal Employment Opportunity (EEO) and organizational factors
MEOCS-LITE (less intensive, truncated version) (94 items)	The commander/head desires a shorter survey with less reactance on the part of unit members
SUEOCS (small unit version) (107 items)	A unit has fewer than 50 members **or** there is little racial/gender diversity in a unit of any size

Chapter 4 Workforce Development

This chapter describes the Coast Guard's plans to build a diverse workforce, ensure equal opportunity, and develop mutual understanding and respect among all members of Team Coast Guard.

The Civil Rights Directorate has two plans to help the Coast Guard achieve this desired state. The first is the Coast Guard Affirmative Action Plan (CGAAP). The CGAPP replaces the Military Affirmative Action Plan. It encompasses lawful affirmative action and other measures intended to help ensure equal opportunity for all members of Team Coast Guard and a recognition of the value of diversity. It also directs the development of an annual Coast Guard Equal Opportunity Assessment (CGEOA) report to show the state of achievement toward the EO Program's overall goals.

The second plan is the Civilian Affirmative Employment Plan (AEP). The AEP is required by the Equal Employment Opportunity Commission (EEOC) and various Executive Orders. It directs actions regarding civilian hiring and development practices. Many of the measures and actions required by the AEP are incorporated into the CGAAP.

In addition, this chapter describes in detail the Federal Women's Program (FWP) and the Hispanic Employment Program (HEP).

This chapter contains the following information:

Section	Topic	See Page
A	Background	4-2
B	Coast Guard Affirmative Action Plan (CGAAP)	4-6
C	Civilian Affirmative Employment Plan (AEP)	4-24
D	Federal Women's Program (FWP)	4-28
E	Hispanic Employment Program (HEP)	4-31

This chapter contains the following information in Enclosures:

Enclosure	Title	See Page
1	CGAAP Affirmative Actions	4-34
2	CGAAP Reporting Requirements Matrix	4-63
3	Quarterly MCRC/F Training and Complaints Report	4-66
4	CGAAP Self-Evaluation Process	4-69

4.A. Background

To accomplish any mission, leaders must ensure that their units are properly trained and that their personnel, their equipment, and they, themselves, are in the proper state of readiness at all times. All members of Team Coast Guard must be committed to accomplishing the mission through unit cohesion developed as a result of a healthy leadership climate. Leaders at all levels promote individual readiness by developing competence and confidence in their subordinates. A leadership climate in which all personnel perceive they are treated with fairness, justice, and equity is crucial to the development of this confidence.

Command monitoring of internal practices, as well as awareness of the EO climate in the civilian community (as applicable), enables the Commander, Commanding Officer (CO), Officer-in-Charge (OINC), or supervisor to take prompt positive action to counter discrimination or other inappropriate practices. Education to promote an understanding of cultural and ethnic differences and to prevent sexual harassment is a command responsibility.

4.A.1. Actions

To successfully manage diversity and ensure equity in the Coast Guard's workforce, there are two elements or types of activity that are necessary:

4.A.1.a. Technical Measurements

The first and simplest elements to achieve are technical measurements of programs designed to provide training, experience, and opportunities essential to a successful Coast Guard career to minorities and women, as well as to majority personnel. These technical measurements encompass the full range of recruiting programs, training programs, assignment policies, and other personnel management techniques. These measurements can be focused on specific groups of people who may be under-represented to help them overcome some of the historical barriers to full participation in and/or contribution to the missions of the Coast Guard.

4.A.1.b. Coast Guard Organizational and Cultural Attitudes

The second type of activity necessary to achieve long-term goals involves understanding and, if necessary, altering organizational and cultural attitudes that make up the psyche of the Service. As an organization that has been made up of the

nation's white male majority through most of its history, the Coast Guard faces the challenge of acquiring an appreciation of the cultural values of all social groups. This organization must recognize and value the attributes that those from differing cultural backgrounds bring to the common effort. This can come about through improved understanding of people's culturally different needs and backgrounds, as well as through the positive experiences of group success in accomplishing the many daily tasks that face each Coast Guard work group.

4.A.2. Priorities

The priorities for achieving a Coast Guard workforce that mirrors the national population and values its diversity are:

4.A.2.a. Valuing Individuals from All Backgrounds

The Coast Guard must foster Service-wide cultural beliefs that value diversity and equal opportunity for members of Team Coast Guard, who come from all segments of national society.

4.A.2.b. Ensuring a Common Set of Values

Honor, Respect, and Devotion to Duty are the core values of the Coast Guard. These values must be instilled in both leaders and Service members. The Coast Guard must provide a working environment where individual differences are appreciated and contribute strength toward the accomplishments of the Service's missions. Toward this end, every member of Team Coast Guard must understand:

1. The Coast Guard's human relations, sexual harassment prevention, and diversity policies, and how they translate into behavior that is expected and/or unacceptable.
2. How to obtain relief if subjected to discrimination or harassment.

4.A.2.c. Ensuring Leaders Value Diversity in the Workplace

Senior members of Team Coast Guard who move into increasingly demanding positions of leadership and supervision must have an increased understanding of the elements of this society that foster discrimination and harassment. Leaders must understand how to provide guidance to their people to eliminate these elements from the Coast Guard workplace. Their management objectives must include providing a productive environment that values diversity within their commands or work groups.

4.A.2.d. Valuing Diversity in the Community

Through internal educational programs, cultural observances, and outreach to minority communities, commands and their members can gain an increased understanding and appreciation of the various cultures that comprise society.

4.A.2.e. Taking Prompt Action to Eliminate Discrimination

When members of Team Coast Guard believe they have been subjected to discrimination, they must have the confidence that their COs, OINCs, supervisors, and/or managers will promptly and fairly address and resolve the situation.

4.A.2.f. Resolving Imbalances in the Officer Corps

The under-representation of women and minorities in the officer corps is the most pronounced segment of imbalance in the workforce. As the primary source for service-wide leadership and management, it is imperative that the officer corps become an example for the rest of the Service to follow.

4.A.2.g. Resolving Imbalances in the Enlisted Forces

The representation of women and minorities in the enlisted ranks must be improved in total numbers as well as among the various job skills in the rating structure. No person who has the basic qualifications should be artificially promoted or discouraged from trying any career field. Those who demonstrate aptitude, initiative, or interest in pursuing non-traditional career fields should receive encouragement and assistance.

4.A.2.h. Resolving Imbalances in the Civilian Workforce

While the representation of women and minorities in the civilian workforce overall has been close to the representation in the national civilian workforce, there are imbalances in the upper management positions of the Coast Guard workforce.

4.A.2.i. Institutionalizing Good Initiatives and Learning from Ones That Do Not Work

Team Coast Guard must make it standard practice to incorporate successful diversity awareness and minority representation initiatives and must learn from initiatives that do not achieve their objectives. The annual CGEOA will serve as a vehicle to pass both success stories and lessons learned. Team Coast Guard must strive for continuous improvement in

both efforts and outcomes by developing and testing new initiatives to promote and enhance workforce diversity.

4.A.3. Policy

It is Coast Guard policy to monitor and report on selected dimensions of personnel programs to ensure equal opportunity and fair treatment for all members of Team Coast Guard through affirmative actions and other initiatives. The CGAAP and AEP direct affirmative actions in support of Coast Guard policies that will provide equal opportunity and treatment for all members of Team Coast Guard, regardless of race, religion, sex, color, or national origin, and, for civilians, age (over 40 years), disability, and sexual orientation. These plans reflect the high priority the Coast Guard has given these important goals and the commitment of the Service to achieve those objectives.

4.B. Coast Guard Affirmative Action Plan (CGAAP)

The CGAAP replaces the Military Affirmative Action Plan. It sets forth the goals, responsibilities, and priorities for affirmative action and workforce diversity in the Coast Guard. The CGAAP is a management tool designed to develop a workforce that mirrors society and values diversity. It establishes specific affirmative actions, policies, and responsibilities for management personnel to ensure all members of Team Coast Guard are treated with fairness, justice, and equity without regard to race, religion, sex, color, or national origin. The CGAAP sets forth the goals and objectives for the Coast Guard that constitute affirmative actions in support of the Coast Guard Equal Opportunity (EO) Program.

4.B.1. Suggestions for Improvements

Users are invited to send comments and suggestions for improvement directly to Commandant (G-HI), U. S. Coast Guard, 2100 Second Street S.W., Washington, DC 20593, at any time.

4.B.2. Directives Affected

4.B.2.a. COMDTINST 5350.19A and COMDTINST M5350.11B

COMDTINST 5350.19A, The Military Affirmative Action Plan, and Chapter 6 of the Military Civil Rights Manual (COMDTINST M5350.11B) are canceled and replaced by this section.

4.B.2.b. Civilian AEP

The Coast Guard's Civilian Affirmative Employment Plan, described in Section 4.C, is not affected by the CGAAP. The CGAAP serves to collect, measure and report information that is also used in service-wide AEP reports to DOT and EEOC. CGEOA reports, a part of the CGAAP, serve to pass information to commanders and commanding officers on the state of equal opportunity and affirmative employment achievements for both military and civilian members of the CG.

4.B.3. Explanation of Abbreviations and Terms

In addition to the terms defined in Chapter 1, Section E, the following abbreviations are used in this section:

AEP	Affirmative Employment Plan
CGAAP	Coast Guard Affirmative Action Plan
CGEOA	Coast Guard Equal Opportunity Assessment
EBP	Executive Business Plan
EO	Equal Opportunity (applies to military)
EEO	Equal Employment Opportunity (applies to civilians)
MEOCS/SUEOCS	Military Equal Opportunity Climate Survey/Small Unit Equal Opportunity Climate Survey
WCA	Workforce Cultural Audit

4.B.4. Action

Area and district commanders, commanders of maintenance and logistics commands, commanding officers of headquarters units, Assistant Commandants for Directorates, Chief Counsel, and special staff offices at Headquarters shall abide by this section.

4.B.5. Purpose

4.B.5.a. Personnel Management Document

The CGAAP is a personnel management document. It fulfills a specific agency requirement of developing and publishing comprehensive EO affirmative action plans.

4.B.5.b. Leadership Tool

The CGAAP is a leadership tool. It is an aid for leaders at all levels of the organization to use in directing affirmative actions to be taken in support of Coast Guard policies and the Coast Guard Executive Business Plan (EBP). These policies require equal opportunity and treatment for all members of Team Coast Guard, regardless of race, religion, sex, color, or national origin. Ensuring fairness, justice, and equity for all members of Team Coast Guard, regardless of race, religion, sex, color, or national origin are obligations of leadership and functions of command.

4.B.5.c. Actions

Actions directed in this plan are designed to:

1. Eliminate discrimination as well as establish and maintain a positive work environment for all C.G. personnel.
2. Provide a tool for the Commandant to use in developing overall workforce management policy, goals, and objectives.
3. Provide a system for gathering and disseminating information on Coast Guard demographics and accomplishment of CGAAP objectives.
4. Infuse affirmative action plans, planning, and evaluation into all levels of the chain of command by placing affirmative action responsibility into the hands of Commanders and into overall strategic plans.
5. Provide a framework for continuous improvement, both in the outcomes of the actions taken and in the processes used to reach those outcomes.
6. Describe responsibilities and establish reporting requirements by category and subject for annual CGEOA.
7. Provide a tool for Commanders and COs to use in developing workforce plans and evaluating actions taken by their commands toward achieving the goals of the CGAAP.
8. Reduce the reporting requirements for many commands by focusing measurement on specific personnel management areas and eliminating unnecessary anecdotal reports.
9. Provide a means for identifying barriers to achieving the goals of this plan.
10. Revise and consolidate outdated instructions.

4.B.6. Goal Development

4.B.6.a. Criteria

The basis for goal development is the identification of an affirmative action requirement. The requirement arises from the need to manage, assess, and report on the status of minority and female members of Team Coast Guard. In each case, however, affirmative action proponents should ensure that goals are developed from the best available data and in a logical and consistent manner.

4.B.6.b. Goal Development Process

The success of this effort will depend on the extent to which proponents for specific affirmative actions actually develop (not merely review) the affirmative actions for which

they are responsible. Each level in the chain of command must participate in goal development. Assistant Commandants for Directorates and Commanders must interact with their subordinates to ensure that all participants have an understanding of the goal. Accountability or ownership of affirmative action goals must rest with the Commander or Assistant Commandant with the resources and authority to influence goal outcome.

4.B.6.c. Goal Revision

Goal design should be based on sound reasoning, consideration of pertinent variables, realistic constraints, and prospects for achievement. Goal revision will occur routinely following the annual assessment. Proponents may forward any recommendation for goal revision to Commandant (G-H), 2100 Second Street S.W., Washington, DC 20593.

4.B.6.d. Review and Analysis

Just as in goal development, successful review, analysis, and reporting of affirmative action progress must involve Commanders, Assistant Commandants for Directorates, and their subordinates. Periodic reviews of CGEOA reports and local plans are particularly effective and set the stage for information exchange, guidance, and follow-up action.

4.B.6.e. Measurement

Measurement is an essential element of affirmative action management and will be used for all areas that have quantifiable goals. Actual results achieved will be compared with affirmative action goals. Measurement also provides a basis to:

1. Identify trends.
2. Highlight differences.

Data collection provides decision-makers with a management tool necessary for assessment of their affirmative action management efforts. It can also highlight progress and identify problem areas. This information must not be viewed in a vacuum. Attitude, perception, experience, and management judgment are also important and must be considered by commanders and managers in assessing EO progress and identifying problem areas.

4.B.7. Goals

4.B.7.a. Long-Range Goals

The CGAAP identifies and establishes the goals, responsibilities, and policies that support the Coast Guard EO Program. The program has three long-range goals:

1. To have a workforce that values diversity.
2. To increase the representation of minorities and women at all levels and occupations throughout the service.
3. To develop and sustain the Coast Guard's position as an employer of choice that draws and retains applicants for employment from America's increasingly diverse labor pool.

4.B.7.b. Strategic Goals

One of the Coast Guard's Strategic Goals is to "place diversity at center stage" within the Service. The CGAAP directly supports that goal and aims to achieve workforce diversity in the Coast Guard.

4.B.7.c. Other Goals

Fairness, justice and equity for all members of Team Coast Guard, regardless of race, religion, sex, color, national origin, and for civilians, age (over 40 years), mental and physical disability, and sexual orientations are obligations of leadership and functions of command.

4.B.8. Objectives

To achieve the overall goals, attention must be focused on how well the Coast Guard is achieving a number of more specific objectives for each goal (see matrix on the "Coast Guard Affirmative Action Plan Overview").

4.B.8.a. Have a Workforce That Values Diversity

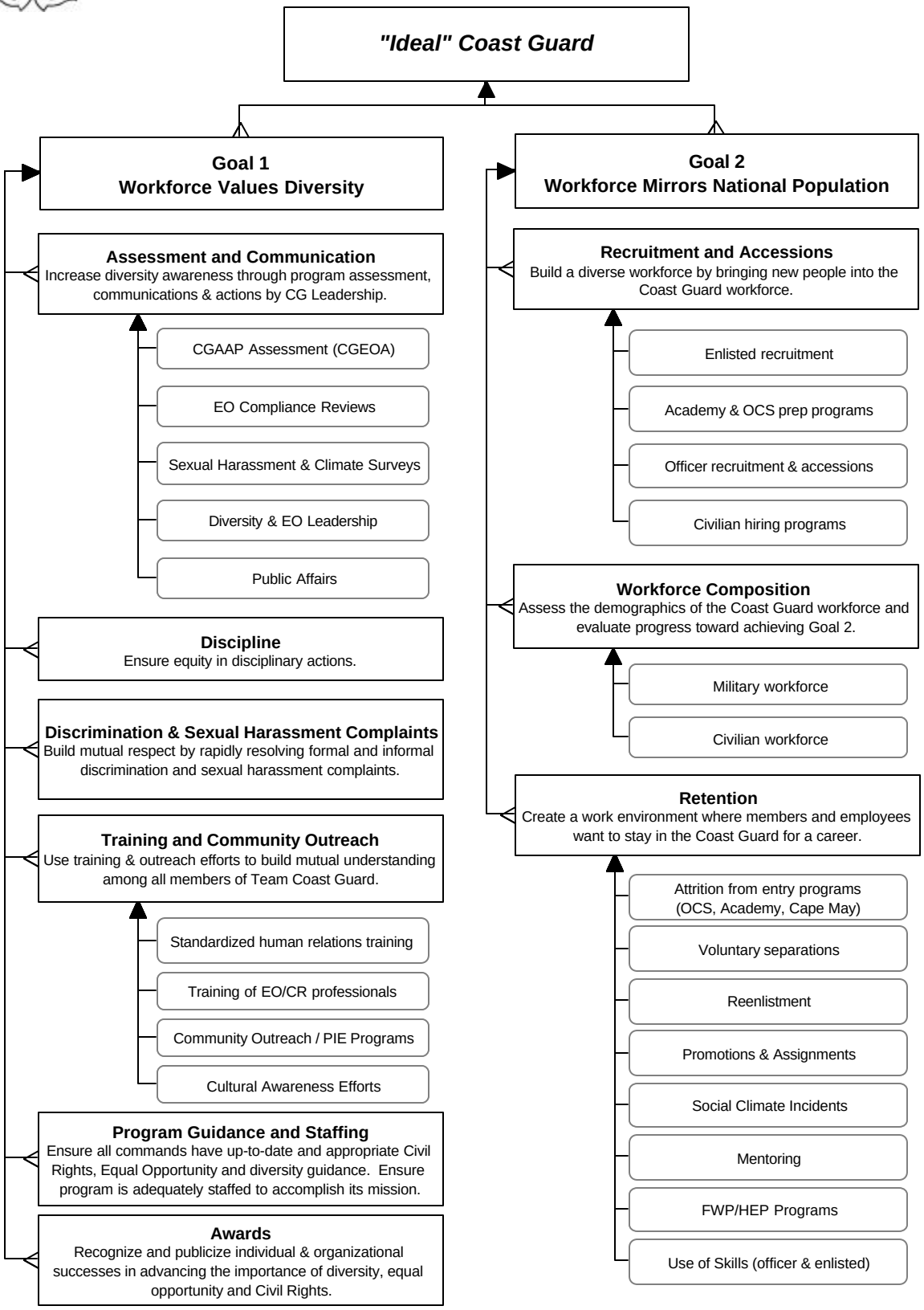
1. Evaluate progress toward goal achievement.
2. Monitor the EO climate.
3. Ensure that leaders promote the importance of diversity.
4. Recognize and tell successes in advancing the importance of diversity, equal opportunity, and Civil Rights.
5. Ensure discrimination complaint processes are timely and effective.
6. Ensure all commands have up-to-date and appropriate program guidance.

7. Develop mutual respect and understanding.
8. Provide EO training for all members of Team Coast Guard.

4.B.8.b. Have a Workforce That is Representative of the National Population

1. Recruit qualified personnel.
2. Retain eligible personnel.
3. Ensure no discrimination in the administration of military justice and in the involuntary separation of personnel.
4. Ensure that all personnel may participate equally in all occupational specialties within legal bounds.
5. Provide fair and equal education opportunities for all qualified personnel.
6. Ensure an equitable assignment process and leadership opportunities for all Coast Guard personnel.
7. Ensure equal opportunity for promotion and advancement for all personnel.

Coast Guard Affirmative Action Plan Overview



4.B.9. Affirmative Action Goals and Objectives

Enclosure 1 contains the Coast Guard's affirmative actions. Goals are intended to be realistic and achievable, with measurable prospects of attainment. Goals are not ceilings, nor are they base figures that are to be reached at the expense of requisite qualifications and standards. In affirmative action efforts, goals are based on desired outcomes. Goal development or accountability for affirmative action goals will be with the Commander or functional manager who has the resources and authority to control or influence the outcome of specific affirmative actions.

4.B.10. CGAAP Structure

4.B.10.a. Categories, Objectives, and Bases

The following categories describe general subject areas that have common objectives and bases:

1. Assessment and Communication.
2. Discipline.
3. Discrimination and Sexual Harassment Complaints.
4. Training and Community Outreach.
5. Program Guidance and Staffing.
6. Awards.
7. Recruitment and Accessions.
8. Force Composition.
9. Retention.

Objectives for each category describe the overall affirmative action that the specific action items within the category aim to accomplish. Section 4.B.7. further describes these objectives.

The basis/bases for each category is/are shown in Enclosure 1. The bases are the pertinent CGAAP goal and/or Workforce Cultural Audit (WCA) intervention that apply to the category's objective.

4.B.10.b. Subject Areas

Within each category are specific subject areas that define the scope of affirmative actions (e.g., within the *Retention* category is the *Mentoring* subject area).

4.B.10.c. Affirmative Actions

Described within each subject area are specific affirmative actions that need to be taken to accomplish the objective for the category. These actions describe who or what is to be measured or acted upon to achieve the category objective within a specific subject area.

4.B.10.d. Proponents

Proponents for affirmative actions are those Commanders, Assistant Commandants for Directorates, or functional managers who have the resources and authority to control or influence the outcome of specific affirmative actions. Proponents are responsible for developing goals, carrying out actions, and measuring and reporting (as applicable) specific affirmative actions.

4.B.11. Process

4.B.11.a. Actions

To accomplish each of these objectives, the Coast Guard must take action in a variety of categories and subject areas.

4.B.11.b. Progress

Enclosure 1 describes how the Coast Guard will measure and evaluate its progress toward achieving these goals and objectives, what specific measures are needed, who the proponents are for specific objectives, and how frequently and in what form the proponents should provide data to Commandant (G-H).

4.B.11.c. Effective Measurement

To ensure that Coast Guard resources are not wasted in the evaluation processes, ways must be developed to effectively measure progress toward goal achievement. The Coast Guard must identify and focus on those measures that are the "critical few" necessary for effective evaluation rather than the "important many," which may seem useful, but actually are not essential to evaluation of progress. These "important many" measures are usually nice to have but, because they are non-essential, they are often a waste of time and effort, and therefore, money.

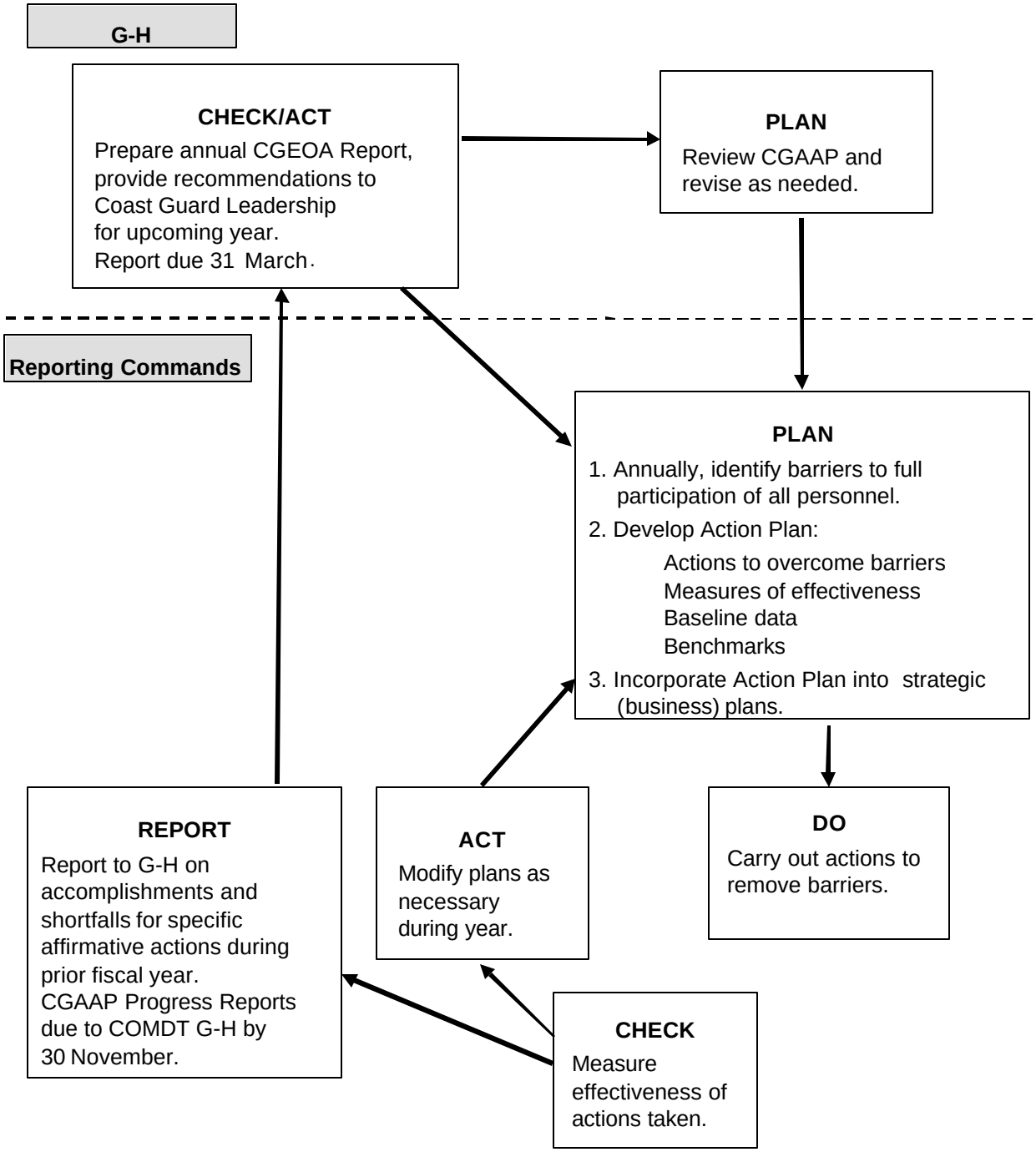
4.B.11.d. Striving for Improvement

As a learning, quality-driven organization, the processes used to reach these goals require continually striving for improvement in both processes and outcomes. The Coast Guard must plan for future actions, carry out those actions, evaluate their effects, reevaluate goals that may become outdated, and set new goals. This is the process of *becoming*, always working toward achieving a better Coast Guard. The Service must build on accomplishments and continually strive to create a working environment that provides true equal opportunity for all members of Team Coast Guard.

4.B.11.e. CGAAP Annual Timeline

Deadline	Responsible Official(s)	Action/Deliverable
Throughout FY	All Commanders and COs	Identify barriers to full participation of all personnel. Develop ways to overcome barriers, through mentoring programs, training, etc. Incorporate barrier identification and removal into strategic plans.
15 October 15 January 15 April 15 July	MCRC/Fs EEO Counselors CROs	Deliver quarterly training (MCRC/Fs only) and informal complaints counseling report (MCRC/Fs and EEO Counselors) to full-time CRO. CROs consolidate information and submit reports to Commandant (G-HI). (see Enclosure 3 for detailed explanation)
31 October	G-W	Deliver reports on workforce demographics to Commandant (G-H).
1 October - 30 November	Reporting commands	Develop CGAAP Progress Reports on respective subject areas, gather information from subordinate units.
30 November	Reporting Commands	Deliver CGAAP Progress Reports to Commandant (G-H).
1 March	G-H	Deliver state of EO in the Coast Guard (CGEOA) Report to Commandant.
31 March	G-H	Distribute state of EO in the Coast Guard (CGEOA) Report to field commands.
31 March	G-H	Send ALDIST message on state of EO in the CG to field commands.
April	Reporting Commands	Review CGEOA to gather ideas from report and review actions taken to date in AOR during current FY, revise plans as necessary.

4.B.11.f. CGAAP Process Flow Chart



4.B.12. Reports

4.B.12.a. Submission of Reports

Field reports described in this section should be sent to: Commandant (G-HI), U.S. Coast Guard, 2100 Second Street S.W., Washington, DC 20593. To aid in compilation of the CGEOA Report, electronic copies should be included with the report or sent via e-mail to the Commandant G-HI program manager responsible for preparing the CGEOA. Call (202) 267-0036 for the e-mail address. Advance fax copies may be sent to (202) 267-4282.

4.B.12.b. Types of Reports

Commandant (G-H) shall work with Commandant (G-W) and the other directorates/units to develop appropriate means to provide this information for CGEOA Reports.

1. **Coast Guard Equal Opportunity Assessment (CGEOA)**: The CGEOA is an annual report by CGAAP category and subject on the state of equal opportunity and workforce diversity in the Coast Guard, covering the prior fiscal year. The report should show multi-year comparisons of data to develop baselines and identify trends. It is prepared by Commandant (G-H) using information gathered from the reports listed below. Deadline for delivery of the CGEOA to the Commandant is 31 March.
2. **Quarterly MCRC/F Training and Informal Complaints Reports**: The Quarterly MCRC/F Training and Informal Complaints Reports provide a synopsis of actions taken by each MCRC/F during each fiscal quarter. The reports are designed to measure the amount of training conducted and the number and attributes of informal complaints of discrimination that the MCRC/F handled. Enclosure 3 contains examples of the report forms. EEO Counselors should also provide quarterly reports on informal discrimination complaints using this form.
3. **Workforce Statistics Reports**: Many of the subject areas of the CGAAP focus on demographic information of the Coast Guard workforce. Various directorates at Headquarters and some Headquarters units (primarily training commands) are responsible for this type of statistical information.

4. **CGAAP Progress Reports**: Annual CGAAP Progress Reports describe actions taken by flag-level commands and major Headquarters units to accomplish CGAAP goals. Annual CGAAP Progress Reports should be submitted to Commandant (G-H) as an enclosure to a Coast Guard letter or memo and be in the following format:

   a. **Name, Phone Numbers, and E-mail Address**. Point of contact for the report or the person who prepared the report.

   b. **Demonstrate Command Leadership**. Describe no more than five best practices carried out by the command to ensure equal opportunity for all members of the command. Actions could include establishing and measuring the effectiveness of mentoring programs through district/area-wide business plans, etc. (Covers Action Numbers 1-D, 1-E, 9-M.)

   c. **Develop an Organizational Culture Valuing Diversity**. Describe no more than five best practices involving significant activities/events/special observances highlighted that promoted the diversity of the nation and occurred within the AOR during the prior fiscal year. Describe each activity or event in a short paragraph. (Covers Action Number 9-F.)

   d. **Address Demographic Imbalances in the Civilian Workforce**. Describe no more than five best practices involving activities or initiatives that have succeeded in improving employment and promotional opportunities for civilian minorities and women in the AOR. This includes correction of workforce imbalances, as well as other affirmative employment program initiatives. Describe each action and result in a short paragraph. (Covers Action Numbers 7-D, 9-H-2, 9-M, 9-N.)

   e. **Resolving Complaints at the Lowest Level**. Describe no more than five best practices that led to the prompt, informal resolution of complaints. (Covers Action Numbers 3-A, 3-B.)

   f. **Promote Community Affirmative Outreach**. Describe no more than five best practices demonstrating command involvement with their communities. This especially includes efforts to build relationships, understanding, and mutual respect between local communities and Coast Guard members/units. Include any new Partnership in Education (PIE) Program initiatives. It is not necessary to report numbers of units or individuals involved in PIE Programs, just new or exceptional initiatives. Describe each in a short paragraph. (Covers Action Numbers 4-C, 4-E.)

   g. **Mentoring Activities**. Describe no more than five best practices involving continuing or new mentoring activities and initiatives for Team Coast Guard

members within the AOR. Describe each in a short paragraph. (Covers Action Number 9-M.)

h. **EO Climate Assessment**. Describe no more than five best practices that demonstrate command efforts to assess and understand their human relations, equal opportunity, and sexual harassment climates. This includes, but is not limited to, command-led discussions and initiatives, HRC actions and results, use of MEOCS, and any other surveys or assessment methods. (Covers Action Numbers 1-D, 1-E.)

i. **Social Climate Assessment**. Describe best practices taken to identify, prevent, and address social climate incidents within the AOR. Social Climate incidents are demonstrated hostile reactions based on race, color, religion, sex, or national origin by members of the local civilian community that have a negative effect on the emotional, physical, and/or social well-being of a Service member or his/her dependents. Incidents may involve violations of an individual's Civil Rights or subtle discrimination. Provide descriptions of proactive involvement with communities to prevent incidents and any social climate incidents that have occurred. Also, describe any communities or areas within the AOR that have been determined to have a potentially adverse social climate for Coast Guard members. (Covers Action Number 9-K-1.)

4.B.13. Responsibilities and Procedures

4.B.13.a. Assistant Commandant for Civil Rights (Commandant (G-H)) Shall:

1. Develop and direct implementation of the CGAAP. Coordinate the revision and update of the plan as necessary.
2. Incorporate the affirmative actions Commandant (G-H) is responsible for (described in Enclosure 1) into the directorate's business plan.
3. Monitor the Coast Guard's progress toward accomplishing equal opportunity.
4. Establish requirements for EO progress reports. Where feasible, incorporate existing reporting systems and automated files.
5. Submit an annual report to the Commandant by 31 March, summarizing the results of the CGEOA and the progress of the CGAAP during the prior fiscal year. The report should include information on Commandant (G-H)'s internal process measures. Distribute the report to major commands throughout the Coast Guard.

6. Send an annual report to the Coast Guard on the status of Coast Guard equal opportunity by ALDIST message. This message should provide a very brief summary of a few of the best practices included in the CGEOA.

4.B.13.b. Assistant Commandant for Human Resources (Commandant (G-W)) Shall:

1. Act as proponent of respective affirmative actions directed in Enclosure 1.
2. Develop and monitor total force manpower and personnel policies and objectives. Ensure these objectives address EO issues concerning career development and upward mobility programs that affect minorities and women.
3. Incorporate the affirmative actions they are responsible for into G-W business plans.
4. Provide information on Coast Guard workforce demographics and selected workforce measures to Commandant (G-H) as needed to prepare the CGEOA. Work with Commandant (G-H) to develop effective methods for collecting and analyzing workforce data.

4.B.13.c. Assistant Commandants for Directorates, Chief Counsel, Director of Acquisition, and Special Staff Offices at Headquarters Shall:

1. Act as proponents of respective affirmative actions directed in Enclosure 1.
2. Incorporate the affirmative actions they are responsible for into the human resources section of their business plans.
3. Provide an annual CGAAP Progress Report to Commandant (G-H) describing their progress toward equal opportunity in each of their reporting areas, as applicable.

4.B.13.d. Area and District Commanders and Commanding Officers of Headquarters Units Shall:

1. Act as proponents of respective affirmative actions directed in Enclosure 1.
2. Incorporate the affirmative actions they are responsible for into the human resources section of their business plans.
3. Submit an annual CGAAP Progress Report covering the prior fiscal year to Commandant (G-H) by 30 November. The specific reporting requirements for each command/command type are indicated in the reporting matrix in Enclosure 2. Detailed categories, subjects and actions are described in Enclosure 1.

4. Conduct a self-evaluation at least annually of progress toward achieving the Commandant's EO goals and the goals they set for themselves for the fiscal year.
5. Annually develop plans for future actions to support the Commandant's overall EO goals. These plans should be incorporated into the human resources section of their business plans and address specific actions to be taken to identify and overcome barriers to the full participation of all personnel.
6. Key elements of the affirmative action plan process are goal setting and evaluation. Planning, goal setting, action, and evaluation should take place at each level of the chain of command. For commands at this level, one method to develop plans for the upcoming year is to use the command's CRO. Evaluation and goal setting may be done in conjunction with the development of the required annual CGAAP Progress Report.

4.B.13.e. Unit Commanding Officers, Officers in Charge, and Officers in Headquarters Below the Assistant Commandant Level Shall:

1. Annually review the CGAAP and CGEOA and identify those objectives that require their action.
2. Develop plans for future affirmative actions to support the Commandant's overall affirmative action goals. These plans shall supplement or be incorporated into business plans and address specific actions to be taken to identify and overcome barriers to the full participation of all personnel. The evaluation and goal setting may be done in conjunction with the development of the required reports to Commandant (G-H).
3. As directed, submit annual reports of actions taken to support and work toward achieving the goals of the CGAAP up their chain of command to the authority responsible for preparing their CGAAP Progress Reports.

4.B.13.f. Commands with Military Civil Rights Counselor/Facilitators (MCRC/Fs) and/or Equal Employment Opportunity (EEO) Counselors Shall:

1. Provide a quarterly report on discrimination complaints counseling and Civil Rights/human relations training to Commandant (G-HI). (See Enclosure 3 for a sample of the report form.) Reports are due to Commandant (G-HI) no later than 15 days after the end of each fiscal quarter and may be sent by mail, fax, or e-mail. Direct data entry through CGSWIII via the internet may be developed in the future.
2. The fourth quarter report (due 15 October) shall be a cumulative report for the prior fiscal year. This fourth quarter report should include a description of the MCRC/F's annual training goals and how the MCRC/F develops schedules for ongoing training. It should also describe how the MCRC/F may attempt to include individuals transferred

in/out during the year. This is an effort to gather training practices and ideas for dissemination in CGEOA reports.

4.B.13.g. Commanding Officers of Training Commands (Coast Guard Academy (USCGA), TRACEN Cape May, RESTRACEN Yorktown, TRACEN Petaluma, ATC Mobile, ATTC Elizabeth City) Shall, in Addition to the Annual CGAPP Progress Report:

1. Describe any initiatives or affirmative actions taken during the prior fiscal year to identify barriers to full participation of all Coast Guard members, including actions taken to identify, assess, and correct abnormal attrition rates for any group (if any).
2. Inform staff and students of command policy and procedures and provide Civil Rights training during the course of instruction.
3. As primary training commands, USCGA and TRACEN Cape May should report on affirmative actions indicated in the reporting matrix in Enclosure 2, as appropriate.

4.C. Civilian Affirmative Employment Plan (AEP)

This section contains the basic policy, procedures, and guidance for the effective management and administration of the Coast Guard's civilian AEP. The guidance contained in this section applies to Headquarters and all Coast Guard units that employ civilians. The Affirmative Employment Management System (AEPMS) is a planning methodology designed to correct workforce imbalances and achieve a Coast Guard workforce that reflects the nation's diversity. Commandant Instruction 12713.13 established the AEPMS and requires Coast Guard units to develop and implement AEPs.

4.C.1. Legal Authorities

The following Executive Orders and Federal Regulations apply to Coast Guard affirmative employment programs described in this section:

1. EEOC Management Directive 714, dated October 6, 1987, Subject: Instructions for the Development and Submission of Federal Affirmative Employment Multi-Year Program Plans, Annual Accomplishment reports and Annual updates for FY 1988 through 1992, pursuant to EEOC's authority under Section 717 of Title VII of the Civil Rights Act of 1964, as amended, 42 USC 2000e-16.
2. Reorganization Plan No. 1 of 1978, issued pursuant to 5 USC 901 et. Seq.
3. Executive Order 11748 (3 CFR, 1966-70 Comp., p. 803) as amended by Executive Order 12106 (3 CFR 1978 Comp., p. 263); and 29 CFR Part 1614.

4.C.2. Program Administration and Officials

4.C.2.a. Commandant (G-H)

Commandant (G-H) is responsible for developing Service-wide AEP policy, and monitoring and evaluating the effectiveness and efficiency of these programs.

4.C.2.b. Commanders and COs

Area, Maintenance, and Logistics Command and District Commanders, COs of Headquarters Units, and COs of other units that employ civilians are responsible for the implementation of these programs in accordance with the guidance within this chapter and other instructions.

4.C.2.c. AEP Coordinator

The AEP Coordinator, under the direction of the unit commanding officer/commander, is responsible for developing, planning, coordinating, reviewing, monitoring, evaluating, and updating the unit's AEP.

The AEP Coordinator also assists in preparing program publicity and local instructions implementing the unit's AEPMS program.

4.C.3. Affirmative Action Program Plans

Each AEP provides a framework for organizational analysis, problem identification, data collection, policy statements, and reporting requirements in order to identify and monitor actions taken to meet the objective of full representation of minorities and women in the Coast Guard's civilian workforce.

4.C.3.a. Multi-Year Affirmative Employment Program Plan (MYAEP)

The Multi-Year Affirmative Employment Program Plan (MYAEP) is a single plan that includes affirmative employment goals, timetables, and program strategies to be implemented over a 5-year period. The plan is designed to achieve the long-term goals of eliminating workforce imbalances.

The Equal Employment Opportunity (EEO) Act of 1972, as amended, requires the development of a MYAEP plan for minorities and women. EEO Management Directive 714 prescribes instructions and guidance for the development and submission of affirmative employment program plans, reports, and updates. The Coast Guard is required to develop and submit Coast Guard-wide MYAEPs, Annual Accomplishment Reports, and updates to the Department of Transportation (DOT).

The elements of MYAEP development are:

1. **Program Analysis** of the Coast Guard's organization and resources, workforce, discrimination complaints, recruitment and hiring, promotions, separations, employee development, and program evaluations.
2. **Problem and Barrier Identification**, including an evaluation of the Coast Guard's personnel and management policies, practices, systems, and procedures that may serve as problems and barriers to employment for EEO group(s).
3. **Report of Objectives and Action Items**, including a clear statement of specific and measurable objectives and supporting action items to resolve identified problems.

4. **Numerical Objectives**, for each job category or major occupation where there are imbalances. 4.C.3.c.

4.C.3.b. Affirmative Action Plan for Hiring, Placement, and Advancement of Individuals with Disabilities

The Rehabilitation Act of 1973, as amended, requires the development and implementation of AAPs for the hiring, placement, and advancement of individuals with disabilities. EEO Management Directive 713 prescribes instructions and guidance for the development and submission of AAPs, accomplishment reports, and updates.

The elements of AAP are:

1. **Program Plan Update,** including numerical objectives for employment of persons with targeted disabilities and plans for special recruitment programs, facility accessibility, and alternatives to personnel or management policies, practices, or procedures that restrict hiring, placement, and advancement of individuals with disabilities.
2. **Report of Accomplishments,** including staffing commitments, summary of accomplishments in AAP for Employment of Individuals with Disabilities, report on facility accessibility, alternatives to personnel or management policies, practices, or procedures.
3. **Initiatives and Noteworthy Accomplishments.**

4.C.3.c. Disabled Veterans Affirmative Action Plan (DVAAP)

Code of Federal Regulations Title 5, Part 720, Subpart C, requires each department, agency, and instrumentality in the executive branch to develop a plan to promote employment and advancement opportunities for qualified disabled veterans within the Federal Government.

4.C.3.d. Federal Equal Opportunity Recruitment Program Plan (FEORP)

Some of the elements for this plan are:

1. **Data Analysis**, including occupational profiles and average grade comparisons.
2. **FEORP Oversight Activities**, including onsite technical assistance reviews.
3. **Key Progress and Accomplishments**, including recruitment methods or programs that positively affect the recruitment, retention, and career development of targeted groups.

4.C.4. AEP Reporting Requirements

Report	Prepared by	Due	Submitted to
MYAEP for minorities and women (full plan)	COMDT (G-H)	Every 5 years	EEOC, via DOT, Departmental Office of Civil Rights (DOCR)
MYAEP for minorities and women (annual update and report)	COMDT (G-H)	Annually 31 March	EEOC, via DOT, DOCR
Field unit input to MYAEP annual report, describing best practices	Major Coast Guard commands that employ civilians	Annually 30 November (Submitted with unit CGAAP Progress Reports. See Section 4.B.11.b)	COMDT (G-H)
AAP for Hiring, Placement, and Advancement of Individuals with Disabilities	COMDT(G-H)	Annually 1 December	EEOC, via DOT DOCR
FEORP Report	COMDT (G-WPC)	Annually 1 December	Office of Personnel Management, via DOT, Departmental Office of Human Resource Management
DVAAP Accomplishment Report and Certifications	COMDT (G-WPC)	Annually 1 December	Office of Personnel Management, via DOT, Departmental Office of Human Resource Management

4.D. Federal Women's Program (FWP)

4.D.1. Purpose

4.D.1.a. Establishment

This section establishes the FWP and sets forth procedures and responsibilities for its implementation. The instruction provides guidance necessary for the Coast Guard to implement the FWP, which incorporates the precepts of the civilian FWP to be inclusive of both military and civilian women.

4.D.1.b. Integration of Programs

In addition, this manual integrates the FWP and military women's programs and initiatives into one program designed to enhance the employment, development, and career progression of all Coast Guard women by ensuring they are afforded an equal opportunity in every personnel management action, policy, and practice.

4.D.1.c. Guidelines

This instruction sets forth the guidelines for FWP that include, but are not limited to, the following:

1. Providing assistance to Coast Guard Leadership in maintaining a continuing affirmative action program promoting equal opportunity.
2. Identifying and eliminating discriminatory practices and policies (including sexual harassment) affecting women in the Coast Guard.

4.D.1.d. Communication

The Coast Guard's EEO policy and diversity program and its employment needs should be communicated to all sources of female job candidates and recruits without regard to race, religion, color, national origin, marital or family status, age, or disabling condition for civilian females, and should solicit their recruitment assistance on a continuing basis.

4.D.1.e. Affirmative Action and EO Goals

This instruction is used to develop and assure that:

1. Coast Guard employment policies and practices are equitable to women.
2. Under-representation and under-utilization of women are identified and improved.

3. Factors affecting the employment of women are considered in planning, developing, and implementing AEPs and EEO complaint systems.
4. Employment and employment-related concerns of women are communicated through Coast Guard management on a continuing basis (at least quarterly).

4.D.2. Discussion

4.D.2.a. Integration with Equal Employment Opportunity

The U.S. Coast Guard recognizes the need for an inclusive women's program to address the requirements of the Coast Guard's military and civilian female workforce, specifically, those women who are afloat and ashore in the military team. The FWP was established by the August 1969, Executive Order 11478, "Equal Employment Opportunity in the Federal Government," which integrated the FWP into the overall EEO Program. Further, the Code of Federal Regulations, 1614.102, Agency Programs, states, "(a) Each agency shall maintain a continuing affirmative program to promote equal opportunity and to identify and eliminate discriminatory practices and policies.

4.D.3. Responsibilities

4.D.3.a. Coast Guard Leadership shall:

1. Provide sufficient resources to the program to ensure efficient and successful operation.
2. Communicate the Coast Guard's EO policy and FWP throughout Team Coast Guard and to all sources of job candidates and recruits.
3. Review, evaluate, and control managerial and supervisory performance in such a manner as to ensure a continuing affirmative application and vigorous enforcement of the policy of equal opportunity for women, and provide orientation, training, and advice to managers and supervisors to assure their understanding and implementation of EO policy and FWP.
4. After consultation with the servicing legal officer, take appropriate disciplinary action against COs, managers, supervisors, and employees who engage in discriminatory practices against women, including sexual harassment.
5. Provide the maximum feasible opportunity to military and civilian women to enhance their skills through on-the-job training, work-study programs, and other training and career development measures so they may perform at their highest potential and advance in accordance with their abilities.

6. Participate at the community level with other employers, schools and universities, and other public and private women's groups in cooperative action to improve employment opportunities and community conditions that affect women's employability.
7. Appraise its personnel operations at regular intervals to assure their conformity with EO policies and regulations and how Coast Guard's policies and practices may adversely impact on all women (e.g., policies governing maternity or pregnancy leave, family leave act, child care facilities, afloat policies and practices, details/assignment, sexual stereotyping).
8. Support cultural awareness events that enhance career opportunities for women during National Women's History Month, National Women's Equality Day, and Federal Women's Week.
9. Provide recognition to COs, managers, supervisors, employees, and units demonstrating superior accomplishment in equal opportunity and in enhancing the career development and retention of women in the Coast Guard.

4.D.3.b. FWP Managers Shall:

See 2.D.6. of this manual for FWP Manager responsibilities.

4.E. Hispanic Employment Program (HEP)

4.E.1. General

4.E.1.a. Purpose

The purpose of this section is to set forth responsibilities and provide guidance for carrying out the HEP.

4.E.1.b. Definition

Hispanic is defined as an American whose culture is of Spanish origin and whose native or ancestral language is Spanish (i.e., Mexican Americans, Cuban Americans, Spanish Americans, Puerto Ricans, as well as Central and South Americans). Included in this group are persons of Hispanic background, regardless of race, who because of marriage or other reasons do not presently possess Spanish names or speak the Spanish language.

4.E.1.c. Background

1. HEP was established by the Civil Service Commission (currently Office of Personnel Management) in 1970, resulting from a recommendation of a White House Task Force. On November 5, 1970, a White House memorandum announced the creation of the program and outlined 16 points for its implementation; thus, it was commonly referred to as the Sixteen-Point Program.
2. Federal Personnel Manual (FPM) Letter 713-18 dated January 23, 1973, provided the initial policy and guidance on the role and activities of HEP Managers and also delineated agency responsibilities for the program.
3. In 1974, pursuant to FPM Letter 713-23, the title of the program was changed to the Spanish-Speaking Program; and in 1978, FPM Letter 713-41 changed the title again to its current name, Hispanic Employment Program, and acronym, HEP. The new name has best reflected the nature of its goals and objectives (i.e., to ensure equal employment opportunities, through affirmative action, for Americans of Hispanic origin). Stated differently, the main objective of the National HEP is to correct the Hispanic under-representation in the Federal workforce and to ensure that Hispanics are afforded equal opportunity in all aspects of Federal employment and programs. Government-wide policies for implementing HEP are promulgated by the Office of Personnel Management.

4. In the Coast Guard, HEP has been designed to assure that Coast Guard's employment policies and practices are equitable to Hispanics; under-representation and under-utilization of Hispanics are identified and ameliorated; factors affecting the employment of Hispanics are considered in planning, developing, and implementing affirmative action EEO program plans and EEO complaint systems; and employment and employment-related concerns of Hispanic community organizations are communicated to Coast Guard management on a continuing basis.

4.E.2. Responsibilities

4.E.2.a. Coast Guard Leadership shall:

1. Provide sufficient resources to the program to ensure efficient and successful operation.
2. Communicate the Coast Guard's EO and HEP policy throughout Team Coast Guard and to all sources of job candidates and recruits.
3. Review, evaluate, and control managerial and supervisory performance in such a manner as to ensure a continuing affirmative application and vigorous enforcement of the policy of equal opportunity for Hispanic employees, and provide orientation, training, and advice to managers and supervisors to assure their understanding and implementation of EO policy and HEP.
4. After consultation with the servicing legal officer, take appropriate disciplinary action against COs, managers, supervisors, and employees who engage in discriminatory practices against Hispanic employees.
5. Provide the maximum feasible opportunity to Hispanic military and civilian personnel to enhance skills through on-the-job training, work-study programs, and other training and career development measures so they may perform at their highest potential and advance in accordance with their abilities.
6. Participate at the community level with other employers, schools and universities, and other public and private Hispanic organization in cooperative action to improve employment opportunities and community conditions that affect the employment of Hispanic personnel.
7. Appraise its personnel operations at regular intervals to assure their conformity with EO policies and regulations and how Coast Guard's policies and practices may adversely impact on all Hispanic employees.
8. Support cultural awareness events that enhance career opportunities for Hispanic personnel.

9. Provide recognition to COs, managers, supervisors, employees, and units demonstrating superior accomplishment in equal opportunity and in enhancing the career development and retention of Hispanic personnel in the Coast Guard.

4.E.2.b. HEP Advisors Shall:

See 2.D.7. of this manual for HEP Manager responsibilities.

CGAAP AFFIRMATIVE ACTIONS

Category: **1. Assessment and communication**

Objective: Increase diversity awareness through program assessment, communication and actions by CG Leadership.

Basis: CGAAP Goal 1
WCA Intervention D-1

Action Number	**Subject Area** Specific area of focus	**Proponent** Individual responsible for carrying out action and reporting progress	**Action** Activity that the proponent shall undertake in the given subject area to achieve the category objective	**Goal** Purpose toward which the action is directed	**Target** Group or activity the action aims to affect or measure	**Questions to answer** Questions that measurement, assessment and reports should answer	**Measures and Milestones** Types of measurement and due dates
1-A	Annual assessment of CGAAP	G-H	a) Evaluate the effectiveness of the CGAAP. Prepare an assessment of progress toward CGAAP goals. b) Produce and deliver a report for senior CG management to use in workforce decision-making.	1) The annual CGEOA will present an accurate, timely, balanced, and objective appraisal of the CGAAP.	G-H actions	• Is G-H delivering CGEOA reports on time? • If not, why? • How long does it take to prepare report? • What are the barriers to report preparation?	CGEOA is due to Commandant (G-C) by 1 March following the completed fiscal year. G-H conducts self-assessment of CGAAP timeliness and effectiveness.
1-B	EO compliance reviews	G-H EO Review Program Manager	a) Assess the implementation and effectiveness of CR/HR/EO program within the Coast Guard by conducting inspections and investigations, and providing assistance as requested. b) Conduct EO compliance reviews at individual commands to determine the extent of compliance with CR directives.	1) EO compliance reviews will help commands assess their EO programs and allow COMDT (G-H) to identify program areas that need improvement.	G-H actions and Commands subject to EO compliance reviews	• How many EO reviews were done during the prior fiscal year? • What were the findings? • What are commands doing to make Civil Rights, human relations, and equal opportunity a part of daily business practices?	Summary of EO reviews conducted during prior fiscal year is due to G-H CGAAP Program Manager by 30 November.
1-C	Sexual Harassment Assessment	G-H G-W	a) Assess the Sexual Harassment Climate in the CG. b) Participate in DOD Sexual Harassment surveys and use the results to judge our progress.	1) Surveys will allow assessment of how well training and other actions are changing cultural attitudes and eliminating sexual harassment from the	Team Coast Guard	• What is the CG's Sexual Harassment Climate? • How are we doing compared to other Military Services, and compared to previous surveys?	The Defense Manpower Data Center will provide statistics on sexual harassment in CG and DOD upon completion of surveys. Other surveys shall be reported as they are completed.

CGAPP Goal 1: Have a CG workforce that values diversity
CGAPP Goal 2: Have a workforce that mirrors the national population

* WCA= Workforce Cultural Audit

CGAAP AFFIRMATIVE ACTIONS

Category: **1. Assessment and communication**

Objective: Increase diversity awareness through program assessment, communication and actions by CG Leadership.

Basis: CGAAP Goal 1
WCA Intervention D-1

Action Number	Subject Area Specific area of focus	Proponent Individual responsible for carrying out action and reporting progress	Action Activity that the proponent shall undertake in the given subject area to achieve the category objective	Goal Purpose toward which the action is directed	Target Group or activity the action aims to affect or measure	Questions to answer Questions that measurement, assessment and reports should answer	Measures and Milestones Types of measurement and due dates
			Coast Guard.				
1-D	EO climate surveys	District / Area / MLC commanders & COs of HQ units	a) Have individual commands assess their own EO climates and determine ways to improve their working environments. b) Institutionalize the use of MEOCS by commands so that Commanders and COs can assess their HR/EO climates. c) Assess the extent of climate survey use.	1) Institutionalize the use of climate surveys throughout the CG to allow commands to assess their working environments.	Individual commands	• How many commands are using surveys to assess their EO climates? • How are climate survey results being used? • How has survey use been institutionalized?	Report the number and percentage of commands in the AOR who used surveys during the previous fiscal year. Provide information via annual CGAAP progress report, due 30 November. G-HI CGAAP program manager will also gather data from DEOMI on Service-wide use of surveys during prior fiscal year by 30 November.

CGAPP Goal 1: Have a CG workforce that values diversity
CGAPP Goal 2: Have a workforce that mirrors the national population

* WCA= Workforce Cultural Audit

CGAAP AFFIRMATIVE ACTIONS

Category: **1. Assessment and communication**

Objective: Increase diversity awareness through program assessment, communication and actions by CG Leadership.

Basis: CGAAP Goal 1
WCA Intervention D-1

Action Number	**Subject Area** Specific area of focus	**Proponent** Individual responsible for carrying out action and reporting progress	**Action** Activity that the proponent shall undertake in the given subject area to achieve the category objective	**Goal** Purpose toward which the action is directed	**Target** Group or activity the action aims to affect or measure	**Questions to answer** Questions that measurement, assessment and reports should answer	**Measures and Milestones** Types of measurement and due dates
1-E	Diversity and EO leadership	G-W G-H G-CQ District/Area /MLC Commanders & COs of HQ Units	a) Distribute professional-quality COMDT-level "communiqués" on the importance of diversity and equal opportunity through a variety of media.	1) Provide a consistent command voice on the importance of diversity and equal opportunity to show senior leadership's dedication to these important issues.	Actions by: G-WTL G-H G-CQ	• How are we informing the workforce about the importance of diversity and equal opportunity?	Provide a description of Headquarters-level efforts to disseminate diversity and EO information CG-wide during prior fiscal year. Provide report to G-HI CGAAP program manager by 30 November.
1-F	Public affairs	G-CP	a) Publish articles in support of EO to internal audiences using all available command information media; focus on progress, new initiatives and items of special interest; and support of other proponents' informational requirements. b) Inform external news media and publications of new policies and developments in the CG's EO	1) Increase awareness of the CG's affirmative actions in support of equal opportunity. 2) Develop and distribute news releases on significant developments in the CG EO Program.	G-CP actions	• How are public affairs efforts placing diversity at center stage?	Internally review progress annually – no report to G-H is required. G-CP should conduct annual self-assessments of equity in covering diversity, equal opportunity, and "placing diversity at center stage" in Coast Guard publications and public relations.

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CGAAP AFFIRMATIVE ACTIONS

Category: **1. Assessment and communication**

Objective: Increase diversity awareness through program assessment, communication and actions by CG Leadership.

Basis: CGAAP Goal 1
WCA Intervention D-1

Action Number	Subject Area Specific area of focus	Proponent Individual responsible for carrying out action and reporting progress	Action Activity that the proponent shall undertake in the given subject area to achieve the category objective	Goal Purpose toward which the action is directed	Target Group or activity the action aims to affect or measure	Questions to answer Questions that measurement, assessment and reports should answer	Measures and Milestones Types of measurement and due dates
			Program. c) Distribute relevant news releases to minority-oriented publications and other types of news media. d) Promote the use of neutral language in CG public affairs information releases, including photography, cartoons, and other visual media. e) Ensure internal publications and external public affairs efforts "place diversity at center stage."				

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CGAAP AFFIRMATIVE ACTIONS

Category: **2. Discipline** *Objective:* Ensure equity in disciplinary actions. *Basis:* CGAAP Goal 1
WCA Intervention D-2-D

Action Number	**Subject Area** Specific area of focus	**Proponent** Individual responsible for carrying out action and reporting progress	**Action** Activity that the proponent shall undertake in the given subject area to achieve the category objective	**Goal** Purpose toward which the action is directed	**Target** Group or activity the action aims to affect or measure	**Questions to answer** Questions that measurement, assessment and reports should answer	**Measures and Milestones** Types of measurement and due dates
2-A	Military justice	G-L	a) Ensure that administration of military justice actions is not influenced by race, ethnicity, or sex. b) Review judicial punishment (by race/ethnicity/sex) to identify trends and monitor changes. c) Develop and report data by race, ethnicity and sex on the target military justice actions.	Ensure that all military members of Team Coast Guard are treated equitably in the military justice system.	Summary, Special, and General Courts Martial defendants and convicts	• What are the trends, if any, in the representation of women and minorities at this level of the military justice system?	Provide annual results to G-HI on the racial/ethnic/sex representation of CG members appearing at these levels of the military justice system by 30 November for fiscal year completed.
2-B	Confinement or correctional facility population	G-L	a) Review and report data on CG prisoner population at military confinement facilities (by race/ethnicity/sex) to identify trends and monitor changes in prisoner population.	Ensure that all military members of Team Coast Guard are treated equitably in disciplinary procedures.	Individuals under confinement	• What are the trends, if any, in the representation of women and minorities in military confinement facilities?	Provide annual results to G-HI on the racial/ethnic/sex representation of CG members in military confinement facilities by 30 November for fiscal year completed.

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CGAAP AFFIRMATIVE ACTIONS

Category: **3. Discrimination and sexual harassment complaints**

Objective: Build mutual respect by rapidly resolving discrimination and sexual harassment complaints at the lowest level of the chain of command.

Basis: CGAAP Goal 1
WCA Intervention D-2-C

Action Number	**Subject Area** Specific area of focus	**Proponent** Individual responsible for carrying out action and reporting progress	**Action** Activity that the proponent shall undertake in the given subject area to achieve the category objective	**Goal** Purpose toward which the action is directed	**Target** Group or activity the action aims to affect or measure	**Questions to answer** Questions that measurement, assessment and reports should answer	**Measures and Milestones** Types of measurement and due dates
3-A	Discrimination Complaints (formal)	DOT, G-HI	a) Rapidly resolve formal discrimination and sexual harassment complaints. b) Assess formal discrimination complaints to identify trends c) Gather and report information on complaints: • Number. • Basis. • Time to Resolve. • Number of cases at beginning of year vs. end of year. • Disposition of cases-findings of discrimination, dismissal, etc.	1) Provide timely and effective relief to victims of discrimination and harassment who have filed formal complaints.	Formal complaints of discrimination	• What are the trends in formal complaints? • How long does it take to resolve complaints? • How many formal complaints result in findings of discrimination? • What is the disposition of complaints?	G-H will gather data on formal complaints from DOT each month to track progress of complaint process.
3-B	Discrimination Complaints (informal)	MCRC/Fs, EEO Counselors	a) Rapidly resolve informal complaints of discrimination. b) Assess trends in informal complaints and provide quarterly reports. c) Maintain and report complaint data by: • Number of complaints. • Basis and issue. • Time to resolve (days).	1) Provide timely and effective relief to victims of discrimination and harassment at the lowest level of the chain of command.	Informal complaints of discrimination	• What are the trends in types (basis/issue) of complaints? • How long does it take to resolve complaints?	Provide a quarterly report on informal complaints to G-HI no later than 15 days after the end of each fiscal quarter. See Enclosure 3 for report form.

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CGAAP AFFIRMATIVE ACTIONS

Category: **4. Training and community outreach** *Objective:* Use training & outreach efforts to build mutual understanding among all members of Team Coast Guard. *Basis:* CGAAP Goal 1 WCA Intervention D-3-G

Action Number	**Subject Area** Specific area of focus	**Proponent** Individual responsible for carrying out action and reporting progress	**Action** Activity that the proponent shall undertake in the given subject area to achieve the category objective	**Goal** Purpose toward which the action is directed	**Target** Group or activity the action aims to affect or measure	**Questions to answer** Questions that measurement, assessment and reports should answer	**Measures and Milestones** Types of measurement and due dates
4-A-1	Human Relations Training	MCRC/Fs	a) Train members of Team Coast Guard in human relations, communication, sexual harassment prevention and diversity awareness. b) Assess extent of training conducted and provide quarterly reports on the number and percentage of each segment of Team Coast Guard trained.	1) Provide timely and appropriate Human Relations and sexual harassment prevention training to members of Team Coast Guard. 2) Annually, train 1/3 of military workforce in standardized 8-hour Civil Rights training.	1. Regular Military members 2. Reserve Military members 3. CG Civilian employees	• How well are we achieving our HR training goals for this group?	Provide a quarterly report on training efforts to G-HI no later than 15 days after the end of each fiscal quarter. Report should include number and percentage trained. See Enclosure 3 for report form.
4-A-2	Human Relations Training (Auxiliary)	G-OCX	a) Train members of Team Coast Guard in human relations, communication, sexual harassment prevention and diversity awareness. b) Assess extent of training conducted and provide quarterly reports on the number and percentage of each segment of Team Coast Guard trained.	1) Provide timely and appropriate Civil Rights, human relations and sexual harassment prevention training to members of the CG Auxiliary.	CG Auxiliary members	• How well are we achieving our HR/SHP training goals for the Auxiliary?	Provide an annual report on training efforts to G-HI by 30 November for fiscal year completed.

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CGAAP AFFIRMATIVE ACTIONS

Category: **4. Training and community outreach** *Objective:* Use training & outreach efforts to build mutual understanding among all members of Team Coast Guard. *Basis:* CGAAP Goal 1 WCA Intervention D-3-G

Action Number	**Subject Area** Specific area of focus	**Proponent** Individual responsible for carrying out action and reporting progress	**Action** Activity that the proponent shall undertake in the given subject area to achieve the category objective	**Goal** Purpose toward which the action is directed	**Target** Group or activity the action aims to affect or measure	**Questions to answer** Questions that measurement, assessment and reports should answer	**Measures and Milestones** Types of measurement and due dates
4-B	Training of Civil Rights professionals	G-HI Training Officer	a) Assess training needs for EO professionals and arrange for their training. b) Evaluate the extent of training of Civil Rights professionals annually and report results.	1) Ensure EO professionals have the knowledge and skills they need to do their jobs.	EO Professionals: 1. CROs 2. MCRC/Fs 3. CD CROs 4. MCRCs 5. Civilian Counselors: • EEO Counselors • ADR Officials • FWP/HEP advisors • EO advisors 6. G-H Staff	• To what extent are each of these EO professionals fully trained and current in the program issues needed to do their jobs?	Maintain database of number and percentage of each group trained and qualified. Provide report by 30 October to CGAAP Program Manager.
4-C	PIE Programs	District, Area, MLC Commanders and COs of Headquarters Units, G-HE PIE Program Manager	a) Involve CG members in the Community through PIE Programs. b) Assess the accomplishments of the CG PIE Program. c) Track and report numbers of: • Commands involved. • CG members involved. • Students involved. • CG work hours per year.	1) Develop mutual understanding and improved student performance through CG involvement in PIE Programs.	Individuals and commands involved in PIE Programs	• What is the status of the CG's PIE Program? • What is the extent of CG involvement in PIE? • What results (student grades, attendance, etc.) has the CG achieved through PIE programs?	Provide information on PIE programs to the G-HE PIE program manager by 30 November for fiscal year completed. G-HE PIE program manager collects information from field reports. Provide an annual report on the status of the CG PIE Program by 30 November for prior fiscal year.

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CGAAP AFFIRMATIVE ACTIONS

Category: **4. Training and community outreach** *Objective:* Use training & outreach efforts to build mutual understanding among all members of Team Coast Guard. *Basis:* CGAAP Goal 1 WCA Intervention D-3-G

Action Number	**Subject Area** Specific area of focus	**Proponent** Individual responsible for carrying out action and reporting progress	**Action** Activity that the proponent shall undertake in the given subject area to achieve the category objective	**Goal** Purpose toward which the action is directed	**Target** Group or activity the action aims to affect or measure	**Questions to answer** Questions that measurement, assessment and reports should answer	**Measures and Milestones** Types of measurement and due dates
4-D	MAST Academy and JROTC Programs	G-HE, JROTC Program Coordinator	a) Involve the CG in community and education programs b) Become involved in the community and develop potential recruits through the MAST Academy and JROTC efforts c) Annually assess and report the accomplishments of the MAST Academy.	1) Expose potential recruits at the MAST Academy to CG missions 2) Improve the performance of students at the MAST Academy.	Students at MAST Academy	• What are the achievements of the MAST academy? • How is it helping the CG, community, and students? • What is the racial/ethnic/ sex makeup of MAST Academy students?	Provide an annual report on MAST Academy. Accomplishments to G-HI by 30 November for fiscal year completed.
4-E	Community Outreach	District, Area, MLC Commanders and COs of Headquarters Units.	a) Involve commands and CG members in community outreach programs and initiatives, especially in minority communities. b) Assess program effectiveness in the AOR and report selected community outreach efforts.	1) Develop understanding of others throughout the workforce and in the community by becoming involved in community outreach programs. 2) Expose community members to CG missions and people.	Commands and members involved in community outreach	• How are commands doing in outreach efforts? • What kind of efforts are successful? • Anecdotal examples of command involvement in their communities	Provide assessment of community outreach efforts via annual CGAAP progress report. Submit report to G-HI by 30 November for prior fiscal year.

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CGAAP AFFIRMATIVE ACTIONS

Category: **4. Training and community outreach**

Objective: Use training & outreach efforts to build mutual understanding among all members of Team Coast Guard.

Basis: CGAAP Goal 1
WCA Intervention D-3-G

Action Number	**Subject Area** Specific area of focus	**Proponent** Individual responsible for carrying out action and reporting progress	**Action** Activity that the proponent shall undertake in the given subject area to achieve the category objective	**Goal** Purpose toward which the action is directed	**Target** Group or activity the action aims to affect or measure	**Questions to answer** Questions that measurement, assessment and reports should answer	**Measures and Milestones** Types of measurement and due dates
4-F	Cultural Awareness Efforts	District, Area, MLC Commanders and COs of Headquarters Units.	a) Conduct and promote cultural observances to highlight the achievements of minority groups. b) Annually assess and report best practices of effective cultural awareness efforts.	1) Develop mutual understanding throughout the workforce by recognizing the contributions of various ethnic groups and women.	Commands involved in cultural awareness efforts	• What is the extent of participation in cultural awareness efforts? • What are some examples of best practices of cultural awareness efforts?	Provide assessment of community outreach efforts via annual CGAAP progress report. Submit report to G-HI by 30 November for prior fiscal year.

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CGAAP AFFIRMATIVE ACTIONS

Category: **5. Program guidance and staffing** *Objective:* Ensure all commands have up-to-date and appropriate Civil Rights and Diversity guidance. Ensure program is adequately staffed to accomplish its mission. *Basis:* CGAAP Goal 1

Action Number	**Subject Area** Specific area of focus	**Proponent** Individual responsible for carrying out action and reporting progress	**Action** Activity that the proponent shall undertake in the given subject area to achieve the category objective	**Goal** Purpose toward which the action is directed	**Target** Group or activity the action aims to affect or measure	**Questions to answer** Questions that measurement, assessment and reports should answer	**Measures and Milestones** Types of measurement and due dates
5-A-1	Policy Statements	G-H G-WTL	a) Publish and provide up-to-date policy statements and posters to all commands. b) Policies include: • Sexual Harassment Prevention • Human Relations • Diversity • Environmental Justice	1) Provide all CG units with up-to-date policy posters for prominent display. 2) Team Coast Guard members know what behavior the Service expects of them. 3) All CG units prominently display policy statements.	G-H and G-WTL actions	• When was the most recent policy published? • How were policy posters delivered to CG units? • How can units order posters?	Provide status of policy development and delivery to G-HI CGAAP Program Manager by 30 November.
5-A-2	Policy Development	G-H G-W	a) Provide up-to-date information on policy development related to EO.	1) Same as 5-A-1	G-H and G-W actions	• What new policies are being developed? • When is expected implementation?	Annually, provide status of policy development and delivery to G-HI CGAAP Program Manager by 30 November.

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CGAAP AFFIRMATIVE ACTIONS

Category: **5. Program guidance and staffing** *Objective:* Ensure all commands have up-to-date and appropriate Civil Rights and Diversity guidance. Ensure program is adequately staffed to accomplish its mission. *Basis:* CGAAP Goal 1

Action Number	**Subject Area** Specific area of focus	**Proponent** Individual responsible for carrying out action and reporting progress	**Action** Activity that the proponent shall undertake in the given subject area to achieve the category objective	**Goal** Purpose toward which the action is directed	**Target** Group or activity the action aims to affect or measure	**Questions to answer** Questions that measurement, assessment and reports should answer	**Measures and Milestones** Types of measurement and due dates
5-B	Manuals	G-HI	a) Evaluate the effectiveness and currency of the EO Manual. b) Publish and provide up-to-date EO manuals and changes to all commands.	1) Ensure EO manual is up-to-date and delivered to all appropriate commands.	G-H actions	• What is the extent of policy currency and delivery to field units?	Annually, provide status of manual development and delivery to G-HI CGAAP Program Manager by 30 November.
5-C	Instructions	G-HI Program Manager responsible for policy development	a) Provide up-to-date Commandant Instructions to all commands.	1) Ensure EO instructions are up-to-date and delivered to all appropriate commands.	G-H actions	• What is the state of policy currency and delivery to field units?	Annually, provide status of policy development and delivery as to G-HI CGAAP Program Manager by 30 November.
5-D	Training materials	G-HI Training Officer	a) Provide appropriate, up-to-date training videos to CR training professionals. b) Provide training plans and Facilitator Guides to CR training professionals. Annually, report actions taken to improve training materials and provide materials to CR trainers.	1) Provide comprehensive training information and materials to CR professionals	G-H actions	• Are training materials up-to-date and effective? • How are training needs being identified and met? • What is the status of currency and delivery of appropriate training videos, plans and facilitator guides to MCRC/Fs?	Provide annual report on training program status as of 1 October to G-HI CGAAP Program Manager by 30 October.

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CGAAP AFFIRMATIVE ACTIONS

Category: **6. Awards**

Objective: Recognize and publicize individual and organizational successes in advancing the importance of diversity, Equal Opportunity and Civil Rights.

Basis: CGAAP Goal 1
WCA Intervention D-4-D

Action Number	**Subject Area** Specific area of focus	**Proponent** Individual responsible for carrying out action and reporting progress	**Action** Activity that the proponent shall undertake in the given subject area to achieve the category objective	**Goal** Purpose toward which the action is directed	**Target** Group or activity the action aims to affect or measure	**Questions to answer** Questions that measurement, assessment and reports should answer	**Measures and Milestones** Types of measurement and due dates
6-A	National Civil Rights awards programs	G-HI Program Manager responsible for conference coordination	a) Participate in the National IMAGE, Inc., and NAACP annual conferences and military awards programs. b) Select an officer and enlisted member who made exceptional contributions to the CG's Civil Rights program. c) Publicize the winners' achievements. d) Provide a summary description of award winner's actions and examples of other nominations. Include description of actions taken to fully participate with National IMAGE, Inc. and NAACP.	1) Recognize individuals who have demonstrated exceptional efforts to promote diversity and human relations. 2) Participate in national Civil Rights organizations' annual conventions.	G-H actions	• How well are we recognizing the diversity efforts of our people? • How is the CG participating with the National IMAGE, Inc., and NAACP organizations? • How were the awards publicized? • How many award nominations were there?	Provide annual summary of participation in National IMAGE, Inc., and NAACP training conferences to G-HI CGAAP Program Manager by 30 November.
6-B	PIE awards	G-HE Program Manager responsible for PIE Program	a) Annually solicit nominations for PIE awards. b) Select and award two commands who have exceptional PIE Programs. c) Publicize the results.	1) Recognize commands who have demonstrated exceptional efforts to promote excellence in education through PIE efforts.	G-H actions	• How well are we recognizing command PIE efforts? • How many applications were there for the award? • What did the winner(s) accomplish? • How were the awards publicized?	Provide a summary of PIE award activity for fiscal year completed to G-HI by 30 November.

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CGAAP AFFIRMATIVE ACTIONS

Category: **6. Awards**

Objective: Recognize and publicize individual and organizational successes in advancing the importance of diversity, Equal Opportunity and Civil Rights.

Basis: CGAAP Goal 1
WCA Intervention D-4-D

Action Number	**Subject Area** Specific area of focus	**Proponent** Individual responsible for carrying out action and reporting progress	**Action** Activity that the proponent shall undertake in the given subject area to achieve the category objective	**Goal** Purpose toward which the action is directed	**Target** Group or activity the action aims to affect or measure	**Questions to answer** Questions that measurement, assessment and reports should answer	**Measures and Milestones** Types of measurement and due dates
6-C	EO Counselor awards	G-HI Program Manager responsible for award	a) Annually solicit nominations for and select superior EO Counselors. b) Publicize their achievements.	1) Recognize superior EO Counselors (MCRC/Fs), who have demonstrated exceptional professionalism and competence in their efforts to promote diversity and human relations through an annual award program.	G-H actions	• How well are we recognizing the efforts of EO Counselors? • What did the winner accomplish? • How was the award publicized?	Provide a summary of EO counselor award activity for fiscal year completed to G-HI by 30 November.

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CGAAP AFFIRMATIVE ACTIONS

Category: **7. Recruitment and accessions** *Objective:* Build a diverse workforce by bringing new people into the Coast Guard. *Basis:* CGAAP Goal 2 WCA Intervention D-2-D

Action Number	**Subject Area** Specific area of focus	**Proponent** Individual responsible for carrying out action and reporting progress	**Action** Activity that the proponent shall undertake in the given subject area to achieve the category objective	**Goal** Purpose toward which the action is directed	**Target** Group or activity the action aims to affect or measure	**Questions to answer** Questions that measurement, assessment and reports should answer	**Measures and Milestones** Types of measurement and due dates
7-A-1	Enlisted Recruiting	G-W	a) Maintain accession data by ethnic/minority category, sex, non-prior and prior service to determine distribution throughout the CG enlisted workforce. b) Hire a diverse group of enlisted recruits. c) Describe CGRC enlisted accessions via quarterly report.	1) Ensure all qualified individuals have an equal opportunity for service in the CG	Accessions - new recruits	• What was the demographic profile of CG enlisted recruits in the previous year? • How did results compare to recruiting goals?	Provide quarterly reports to G-HI on enlisted accessions. Reports should include: Number of recruits by racial/ethnic/sex makeup and achievement toward 2015 goals.
7-A-2	Enlisted Recruiting	G-WP	a) Develop innovative ways of recruiting a diverse group of new enlisted members. b) Describe CGRC enlisted recruiting initiatives in an annual report.	1) Ensure all qualified individuals have an equal opportunity for service in the CG.	Accessions - new recruits CGRC actions	• What new initiatives are being used to develop a diverse enlisted workforce? What ongoing initiatives are working well? • What ongoing initiatives are not working well? Why? • What is being done to identify and overcome barriers to successful recruiting?	Provide annual report on enlisted recruiting initiatives to G-HI by 30 November for prior fiscal year.

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CGAAP AFFIRMATIVE ACTIONS

Category: **7. Recruitment and accessions** *Objective:* Build a diverse workforce by bringing new people into the Coast Guard. *Basis:* CGAAP Goal 2 WCA Intervention D-2-D

Action Number	**Subject Area** Specific area of focus	**Proponent** Individual responsible for carrying out action and reporting progress	**Action** Activity that the proponent shall undertake in the given subject area to achieve the category objective	**Goal** Purpose toward which the action is directed	**Target** Group or activity the action aims to affect or measure	**Questions to answer** Questions that measurement, assessment and reports should answer	**Measures and Milestones** Types of measurement and due dates
7-B-1	Academy prep and introduction programs (NAPS program)	Academy	a) Select a diverse group of prospective cadets to attend the Naval Academy Preparatory School program. b) Track and report racial/ethnic/ sex makeup of the class and completion rate through both NAPS program and the Academy, as of 30 September.	1) Ensure all qualified individuals have an equal opportunity for service in the CG.	NAPS participants, NAPS program effectiveness	• What was the racial/ethnic/ sex makeup of the NAPS class? • How effective is NAPS? • How do NAPS graduates do compared to others at the Academy? • Is their attrition/completion rate any different from the Academy population as a whole?	Provide annual report on the NAPS program to G-HI by 30 November for prior fiscal year.
7-B-2	Academy prep and introduction programs (AIM program)	G-W, Academy	a) Increase the number of minority and women Academy applicants through the Academy Introduction Mission program for high school students. b) Collect and report: • Racial/ethnic/sex makeup of AIM participants. • Number of AIM participants currently attending the Academy. • Success (acceptance and graduation) rate of AIM participants compared to Academy overall.	1) Ensure all qualified individuals have an equal opportunity for service in the CG.	AIM participants, AIM program effectiveness	• What was the racial/ethnic/ sex makeup of the AIM participants? • How effective is the AIM program? How many participants attended the Academy? • How do AIM participants do compared to non-participants at the Academy?	Provide annual report on the AIM program to G-HI by 30 November for prior fiscal year. Report may be combined with other reports.
7-B-3	Academy prep and introduction programs	G-W, Academy	a) Increase the number of minority and women Academy applicants through the Minority Introduction	1) Ensure all qualified individuals have an equal opportunity for	MITE participants, MITE program effectiveness	• How many MITE participants applied to the Academy? • How do MITE participants who	Provide annual report on the MITE program to G-HI by 30 November for prior fiscal

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CGAAP AFFIRMATIVE ACTIONS

Category: **7. Recruitment and accessions** *Objective:* Build a diverse workforce by bringing new people into the Coast Guard. *Basis:* CGAAP Goal 2 WCA Intervention D-2-D

Action Number	**Subject Area** Specific area of focus	**Proponent** Individual responsible for carrying out action and reporting progress	**Action** Activity that the proponent shall undertake in the given subject area to achieve the category objective	**Goal** Purpose toward which the action is directed	**Target** Group or activity the action aims to affect or measure	**Questions to answer** Questions that measurement, assessment and reports should answer	**Measures and Milestones** Types of measurement and due dates
	(MITE program)		To Engineering program at the Academy. b) Track and report: • Racial/ethnic/sex makeup of MITE participants. • Number currently attending the Academy. • Success (acceptance and graduation) rate of MITE participants compared to Academy overall.	commissioning into the CG through the Academy.		attend the Academy do compared to non-participants?	year. Report may be combined with other reports.
7-B-4	Academy prep and introduction programs (CGRIT program)	Academy, G-W, G-HE, CGRIT Program Manager	a) Increase the number of minority and women Academy applicants through the Coast Guard Recruiting in the Twenty-First Century program. b) Track and report: • Race/ethnic/sex makeup of CGRIT participants. • Number in the program. • Success rate (acceptance and graduation) of CGRIT participants compared to non-participants at the Academy.	1) Ensure all qualified individuals have an equal opportunity for commissioning into the CG through the Academy.	CGRIT participants, CGRIT program effectiveness	• How effective is the CGRIT program? • How many are in the program? • How many CGRIT respondents apply directly to CG Academy? How many of these are admitted to CG Academy? • How many are currently in the Academy? • How many spend a year at an HBCU before applying to CG Academy? How many of these are admitted to CG Academy? • Success rate: How many graduate from CG Academy?	Provide annual report on the CGRIT program to G-HI by 30 November for prior fiscal year. Report may be combined with other reports.

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CGAAP AFFIRMATIVE ACTIONS

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7-C-1	Officer accession programs	G-W, Academy	a) Increase the number of minority and women officers through all officer accession programs to meet 2015 diversity goals.	1) Ensure all qualified individuals have an equal opportunity to compete and be accepted for CG commissioning programs.	All new officers	• What was the racial/ethnic/sex makeup of the new officers during the previous year? • What were their commissioning sources? • How effective was CG in working toward diversity goals?	Provide annual report on race/ethnic/sex/ commissioning source makeup of all new ensigns and direct commission officers to G-HI by 30 November for prior fiscal year. Report should include a description of achievements and shortfalls toward workforce representation goals.
7-C-2	Officer accession programs	G-W, Academy	a) Track and report the racial/ethnic/ sex makeup for each academic class at the Academy and the Academy overall.	1) Ensure all qualified individuals have an EO to compete and be accepted for admission to the Academy. 2) Build a diverse officer corps through diverse Academy classes.	Corps of Cadets at the Academy	• What was the racial/ethnic/sex makeup of each class at the Academy during the previous year? • What was the racial/ethnic/sex makeup of the Academy overall during the previous year?	Provide an annual report to G-HI by 30 November. Data should be reported for the same day each year to allow comparisons year-to year.

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CGAAP AFFIRMATIVE ACTIONS

Category: **7. Recruitment and accessions** *Objective:* Build a diverse workforce by bringing new people into the Coast Guard. *Basis:* CGAAP Goal 2 WCA Intervention D-2-D

Action Number	**Subject Area** Specific area of focus	**Proponent** Individual responsible for carrying out action and reporting progress	**Action** Activity that the proponent shall undertake in the given subject area to achieve the category objective	**Goal** Purpose toward which the action is directed	**Target** Group or activity the action aims to affect or measure	**Questions to answer** Questions that measurement, assessment and reports should answer	**Measures and Milestones** Types of measurement and due dates
7-C-3	Officer accession programs	G-W, OCS	a) Track and report the racial/ethnic/ sex makeup for each OCS class. b) Track the racial/ethnic/sex makeup of "temporary" (Temps) commission candidates (number applied vs. number selected).	1) Ensure all qualified individuals have an EO for commissioning in the CG through OCS. 2) Build a diverse officer corps by having a diverse group of OCS graduates.	OCS Reserve and "temporary" officer commission candidates	• What was the racial/ethnic/sex makeup of OCS graduates during the previous year? • Who is being selected for OCS temporary commissions? • What is the OCS completion rate for temps?	Provide an annual report to G-HI by 30 November.
7-C-4-a	OCS prep programs	G-W, OCS	a) Track and report the racial/ethnic/ sex makeup of PPEP candidates and success rate.	1) Ensure all qualified individuals have an EO for commissioning in the CG through OCS. 2) Build a diverse officer corps through OCS.	PPEP participants	• Who is being selected for the PPEP program?	Provide an annual report to G-HI by 30 November.

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7-C-4-b	OCS prep programs (CSPI program)	G-W, OCS, G-HE, CSPI Program Manager	a) Track and report the racial/ethnic/ sex makeup of College Student Precommissioning Initiative (CSPI) program participants, their status in the program, and their success rate in completing OCS.	1) Build a diverse officer corps by having an effective CSPI program.	CSPI program participants	• How successful is the CSPI program? • What is the success rate of CSPI graduates in completing OCS compared to all OCS graduates?	Provide an annual report to G-HI by 30 November.
7-C-5-a	Direct commission officer programs	G-W	a) Track and report the racial/ethnic/ sex makeup of candidates selected for direct commission officer/direct commission aviator (DCO/DCA) programs.	1) Build a diverse officer corps by hiring a diverse group of DCOs/DCAs.	DCO/DCA accessions	• Who is being selected for DCO/DCA programs? • What was the race/ethnic/sex makeup of DCO/DCA participants during the previous year?	Provide an annual report to G-HI by 30 November.
7-C-5-b	Direct commission officer programs (MAARTP officers)	G-M	a) Track and report the racial/ethnic/ sex demographics of Maritime Academy Active Reserve Training Program officers who enter the CG.	1) Build a diverse officer corps by hiring a diverse group of DCOs/DCAs.	MAARTP accessions	• Who is being selected for MAARTP programs? • What was the race/ethnic/sex makeup of MAARTP program participants during the previous year?	Provide an annual report to G-HI by 30 November.
7-D	Civilian workforce hiring	G-W, Commanders, COs and managers responsible for hiring civilians	a) Track and report the racial/ethnic/ sex makeup of newly hired civilians. b) Assess and report initiatives to eliminate imbalances.	1) Resolve imbalances in the civilian workforce through the Civilian Hiring Program	New Civilian hires	• How effective is CG in diversifying civilian hiring and eliminating imbalances in the workforce?	Provide an annual report on action items to G-HI by 30 November.

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CGAAP AFFIRMATIVE ACTIONS

Category: **8. Force composition** *Objective:* Assess the demographics of the CG workforce and evaluate progress toward achieving CGAPP Goal 2. *Basis:* CGAAP Goal 2

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8-A	Total military workforce composition	G-W	a) Assess and report the demographic profile of the regular and Reserve military workforce for officers, warrant officers and enlisted members by race, ethnicity and sex.	1) Provide EO of assignment according to individual qualifications, specialty preference, and the needs of the CG.	Total CG military workforce	• What does the CG total military workforce look like compared to DOD? • How well is the CG meeting its military workforce goals?	Provide information to G-HI by 30 November for fiscal year completed (data as of 30 September). Information is also available on semi-annual DMDC reports (via DEOMI).
8-B	Civilian workforce composition	G-WPC, All managers and Commanders responsible for hiring civilians.	a) Assess civilian workforce to determine imbalances in various categories and use this information as a factor in making hiring decisions. b) Track and report the racial/ethnic/ sex profile of each of the target groups and show comparisons to DOD and civilian labor force (CLF).	1) Determine where imbalances are in the civilian workforce. 2) Determine the demographic profile of the CG's civilian workforce. 3) Provide EO of assignment and promotion according to individual qualifications, specialty preference, and the needs of the CG.	Civilians by: 1. Grade Scale/Wage Grade level 2. PATCOB category 3. Occupational Category	• Where are the imbalances in the civilian grade levels, PATCOB categories and occupational categories?	Provide information to G-HI by 30 November for fiscal year completed (data as of 30 September).

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CGAAP AFFIRMATIVE ACTIONS

Category: **9. Retention**

Objective: Create a work environment where members can and want to stay in the Coast Guard for a career.

Basis: CGAAP Goal 2
WCA Intervention D-2-D

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9-A-1	Officer accession programs	G-W, Academy	a) Assess and report the causes and rates of cadet attrition. b) Track and report the racial/ethnic/ sex/prior service makeup of cadets who leave the Academy and reasons for their attrition. c) Determine if there are imbalances in attrition rates for racial/ethnic/ sex groups. d) Develop, carry out, and report actions to correct the imbalances.	1) Reduce Academy attrition rates. 2) Provide EO of assignment and promotion according to individual qualifications, specialty preference, and the needs of the CG.	Cadets who leave the Academy	• What is the race/ethnic/sex profile of cadets who leave the Academy? • Are there any trends? • What are the attrition rates for each class? • What is being done to identify and remove barriers to full participation?	Provide annual report on action items to G-HI for fiscal year completed by 30 November.
9-A-2	Officer accession programs	G-W, OCS	a) Assess and report the causes and rates of officer candidate attrition. b) Track and report the racial/ethnic/ sex/prior service makeup of cadets who leave OCS and reasons for their attrition. c) Determine if there are imbalances in attrition rates for racial/ethnic/ sex groups. d) Develop, carry out, and report actions to correct the imbalances. e) Report results of actions taken.	1) Reduce OCS attrition rates. 2) Provide EO of assignment and promotion according to individual qualifications, specialty preference, and the needs of the CG.	Officer Candidates who leave OCS	• What is the race/ethnic/sex profile of candidates who leave OCS? • Why are they leaving? • Are there any trends? • What are the attrition rates for each class? • What is being done to identify and remove barriers to full participation?	Provide annual report on action items to G-HI for fiscal year completed by 30 November.

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9-B	Enlisted Accession Programs	G-W, TRACEN Cape May	a) Assess and report reasons for attrition from basic training. b) Determine if imbalances exist in attrition rates for racial/ethnic/sex groups compared to overall attrition rate. c) Develop, carry out, and report actions to correct the imbalances.	1) Reduce attrition from basic training. 2) Provide EO for qualified new recruits to complete basic training.	Recruits who leave basic training	• What is the race/ethnic/sex profile of recruits who leave boot camp? • Why are they leaving? • Are there any trends or imbalances in attrition rates and causes? • What is being done to identify and remove barriers to full participation?	Provide annual report on action items to G-HI for fiscal year completed by 30 November.
9-C-1	Voluntary officer separations	G-W	a) Assess and report the rate of and reasons for voluntary officer separations. b) Determine if there are imbalances in resignation rates for racial/ethnic/sex groups. c) Develop and carry out actions to correct the imbalances, if warranted. d) Report actions taken to identify and correct causes of resignations in under-represented groups. e) Use exit surveys and/or exit interviews to gather data.	1) Learn why officers voluntarily leave the CG. 2) Reduce voluntary officer resignations, especially by minorities and women.	Officers who voluntarily separate from service: 1. Officers who resign 2. Officers who choose not to renew their initial contracts	• Who is resigning, and why? • What are we doing to reduce resignation rates for under-represented groups? • Is there any disparity among racial/ethnic/sex groups in their propensity to voluntarily separate from service compared to the overall population? If so, why?	Provide annual report on action items to G-HI for fiscal year completed by 30 November.

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9-C-2	Civilian Separations	G-W	a) Assess and report the rate of and reasons for civilian separations. b) Determine if there are imbalances in separation rates for racial/ethnic/sex groups. c) Use exit surveys and/or exit interviews to gather data.	1) Learn why civilians leave the CG.	Civilians who separate from the CG.	• Why do civilians separate from the CG? • Is there any disparity among racial/ethnic/sex groups in their propensity to separate from the CG? If so, why?	Provide annual report on action items to G-HI for fiscal year completed by 30 November.
9-D	Officer Retention	G-W	a) Determine why officers decide to stay in the CG by renewing their initial service obligation contract. b) Use surveys and/or interviews to gather data. c) Report results.	1) Learn why officers decide to stay in the CG. 2) Reduce voluntary officer separations, especially by minorities and women.	Officers who renew their initial service obligation contract	• Why do officers decide to stay in the CG after their initial contract? • Are there any differences in reasons for voluntary separation among racial/ ethnic/sex groups?	Provide annual report on action items to G-HI for fiscal year completed by 30 November.
9-E-1	Enlisted Reenlistment	G-W	a) Assess the reasons for voluntary separations of enlisted members (through non-renewal of contract). b) Determine if there are imbalances in separation rates for racial/ethnic/ sex groups. c) Develop and carry out actions to correct the imbalances.	1) Increase reenlistment rates. 2) Reduce voluntary enlisted separations, especially by minorities and women.	Enlisted members in good standing who choose not to reenlist	• Who is choosing not to reenlist, and why? • What are we doing to increase reenlistment rates?	Provide annual report on action items to G-HI for fiscal year completed by 30 November.

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			d) Use exit surveys and/or exit interviews to gather data.				

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9-E-2	Enlisted Reenlistment	G-W	a) Assess imbalances in reenlistment rates among women and minority groups and determine reasons for reenlistment. b) Report racial/ethnic/sex profile of subject group and reasons for re-enlistment.	1) Increase enlisted reenlistment (after first term). 2) Increase enlisted reenlistment (after subsequent terms). 3) Reenlistment rates for qualified enlisted members (by racial/ ethnic/sex category) should be comparable to the rates of the overall eligible population of qualified enlisted members.	Enlisted members who: 1. Reenlist after their first term 2. Reenlist after subsequent terms	• Who is choosing to reenlist after the first term, and why? Are there any imbalances? • Why do enlisted members want to stay in the CG? • Are there any imbalances?	Provide annual report on action items to G-HI for fiscal year completed by 30 November.
9-F	Overall Retention	G-W	a) Assess and report overall retention efforts and results. b) Assess and report overall retention rates for officers and enlisted personnel by racial/ethnic/sex category. c) Assess and report results of retention efforts and initiatives.	1) Reenlistment rates for qualified members (by racial/ethnic/ sex category) should be comparable to the rates of the overall eligible population of qualified enlisted	Overall retention efforts	• What efforts is the CG making to hold on to the people we have?	Provide annual report on action items to G-HI for fiscal year completed by 30 November.

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				members.			
9-G	Evaluations	G-W	a) Report examples of efforts to eliminate bias from evaluations.	1) Ensure performance evaluations are free from bias.	All military evaluations	• What is the CG doing to ensure bias does not exist in evaluations?	Provide annual report on action items to G-HI for fiscal year completed by 30 November.
9-H-1	Officer Promotions	G-W	a) Maintain results of officer promotion boards and review for disparities. b) Ensure board membership provides diverse representation by race/ ethnicity/sex. c) Include guidance in all instructions to selection boards that addresses the CG's position on diversity	1) Ensure all qualified officers have an EO for promotion regardless of race/ethnicity/sex.	Officers promoted to: 1. LT (from CWO) 2. LT 3. LCDR 4. CDR 5. CAPT	• Are there any disparities in promotion rates among racial/ethnic/sex categories in the target promotion boards?	Results of promotion boards obtained from G-W COMDTNOTE of statistics.

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9-H-2	Civilian Promotions	G-W, District, Area, MLC Commanders, and COs of HQ Units	a) Correct imbalances in the civilian workforce by removing barriers and "glass ceilings." b) Track and report activities and initiatives taken to improve promotional opportunities for minorities and women.	1) Ensure all qualified CG civilians have an EO for promotion and upward mobility regardless of race/ethnic/sex.	All CG civilians	• What is the CG doing to eliminate barriers and "glass ceilings" in the civilian workforce?	Provide annual report on action items to G-HI for fiscal year completed by 30 November.

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9-I	Warrant Officer promotions	G-W	a) Maintain results of promotion selections and review for disparities. b) Ensure board membership provides diverse representation by race/ ethnicity/sex. c) Include guidance in all instructions to selection boards that addresses the CG's position on diversity.	1) Ensure EO in senior enlisted promotions.	Enlisted members promoted to Warrant Officer	• Is there any disparity in the CWO4 promotion board?	Results of promotion boards obtained from G-W COMDTNOTE of statistics.
9-J	Officer Assignments	G-W	a) Track and report race/ethnic/ sex profile of individuals in target ranks selected for command. b) Maintain the results of command selection boards and review for disparities. Variances will be reviewed in terms of both trends and statistical significance.	1) Ensure all qualified officers have an EO for command selection.	Command Selection for: 1. LTJG 2. LT 3. LCDR 4. CDR 5. CAPT	• Is there any disparity in assignment of any particular group of officers (e.g. minorities, non-Academy grads, women) into career-enhancing billets? • What is being done to identify and remove barriers or discrimination? • What are the career-enhancing jobs?	Provide an analysis of command screening panels to G-HI for fiscal year completed by 30 November.

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9-K-1	Social Climate Incidents	District, Area, MLC Commanders and COs of Headquarters Units	a) Track and report race/ethnic/ sex makeup of individuals involved in social climate incidents and the reasons for transfers. b) Track and report: • Social climate incidents. • Actions taken to resolve incidents. • Actions taken to prevent recurrence. c) Report social climate incidents in a timely manner to COMDT (G-HI).	1) Prevent social climate incidents. 2) Quickly resolve those that do occur and prevent recurrence.	1. Individuals who have been transferred because of social climate incidents 2. Commands where social climate incidents have occurred	• Who is being transferred because of social climate incidents? • Where are social climate incidents happening? • What are commands doing to identify and resolve situations?	Provide an annual summary of social climate incidents to G-HI for fiscal year completed by 30 November.
9-K-2	Social Climate Incidents	G-HI Social Climate Program Manager	a) Track and report race/ethnic/ sex makeup of individuals involved in social climate incidents and the reasons for transfers. b) Evaluate data and determine if there are trends.	1) Keep track of social climate incidents throughout the CG.	1. Individuals who have been transferred because of social climate incidents 2. Commands where social climate incidents occurred	• Who is being transferred because of social climate incidents? • Where are social climate incidents happening? • What are commands doing to identify and resolve situations?	Provide an annual summary of social climate incidents to CGAAP program manager by 30 November for fiscal year completed.

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9-L-1	Involuntary Separations (officer and warrant officer)	G-W	a) Review and report data generated by information systems for disparities in separation rates for individuals in the various racial/ ethnic/sex categories in the following areas: • Unsatisfactory performance. • Misconduct. • Punitive discharges (bad conduct and dishonorable). • Other involuntary separations or retirements as required.	1) Ensure separation policies are applied equitably among all personnel. 2) Ensure that separation policies are not inappropriately influenced by race, ethnicity, sex, religion and national origin.	Officers involuntarily separated from service	• Who is being involuntarily separated from service, and why?	Provide annual report on action items to G-HI by 30 November for fiscal year completed.
9-L-2	Involuntary Separations (enlisted)	G-W	a) Review and report data generated by information systems for disparities in separation rates for individuals in the various racial/ ethnic/sex categories in the following areas: • Unsatisfactory performance • Misconduct. • Punitive discharges (bad conduct and dishonorable). • Other involuntary separations or retirements as required.	1) Ensure separation policies are applied equitably among all personnel. 2) Ensure that separation policies are not inappropriately influenced by race, ethnicity, sex, religion and national origin.	Enlisted members involuntarily separated from service	• Who is being involuntarily separated from service, and why?	Provide annual report on action items to G-HI by 30 November for fiscal year completed.

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9-M-1	Mentoring	District, Area, MLC Commanders and COs of Headquarters Units	a) Assess and report examples of mentoring activities taking place at units throughout the CG. b) Build effective mentoring programs throughout the CG.	1) Provide and promote mentoring throughout the CG. 2) Increase inclusion and professional competence of members of Team Coast Guard through mentoring.	Unit-level mentoring efforts for CG members. (Mentoring of students in the community should be described in 4-E, Community Outreach.)	• What kind of mentoring activities are being done in the field?	Provide annual report on mentoring activities in respective AORs to G-HI via CGAAP progress report. Submit report by 30 November for fiscal year completed.
9-M-2	Mentoring	G-WTL	a) Maintain and report statistics on the CG's mentoring program: • Descriptions of mentoring activities: initiatives, progress, results.	1) Provide and promote mentoring throughout the CG. 2) Increase inclusion and professional competence of members of Team Coast Guard through mentoring.	Team Coast Guard members involved in mentoring, and overall mentoring efforts	• What is the focus of the program? • How are we measuring effectiveness of the program? • How many individuals were formally trained as mentors during the FY? • How many of these were minorities/women? • How many military/civilian?	Provide annual narrative and statistical report on the Coast Guard's mentoring program to G-HI by 30 November for fiscal year completed.

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9-N	FWP/HEP Programs	G-W, District, Area, MLC Commanders and COs of HQ Units	a) Assess and report examples of Federal Women's Program and Hispanic Employment Program Initiatives. b) Build effective FWP/HEP Programs throughout the CG.	1) Provide and promote FWP/HEP mentoring and training efforts throughout the CG. 2) Increase inclusion and professional competence of members of Team CG.	CG-wide and unit-level FWP/HEP efforts	What have the FWP and HEP programs accomplished?	Provide annual report on action items to G-HI by 30 November for fiscal year completed. Field commands should report via CGAAP progress report.
9-O-1	Use of Skills (officer)	G-W	a) Maintain and report statistics on the demographic composition of the various occupational specialties for officers: • Aviation, • Marine Safety, • Operations Afloat, • Operations Ashore, and • Other b) Report by race, ethnicity and gender of individuals in each occupational specialty as of 30 September each year.	1) Ensure officers have equal opportunity among the various occupational specialties.	Officers in various career fields and occupational specialties.	• Are there any disparities in representation of racial/ ethnic/gender groups among the officer specialties or career fields (marine safety, aviation, operations, law, etc.)?	Provide annual statistical report on action items to G-HI by 30 November for fiscal year completed.

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Basis: CGAAP Goal 2
WCA Intervention D-2-D

Action Number	**Subject Area** Specific area of focus	**Proponent** Individual responsible for carrying out action and reporting progress	**Action** Activity that the proponent shall undertake in the given subject area to achieve the category objective	**Goal** Purpose toward which the action is directed	**Target** Group or activity the action aims to affect or measure	**Questions to answer** Questions that measurement, assessment and reports should answer	**Measures and Milestones** Types of measurement and due dates
9-O-2	Use of Skills (enlisted)	G-W	a) Maintain and report statistics on the demographic composition of the various occupational ratings of the Regular enlisted corps. b) Assess imbalances within and among ratings. c) Provide report by race, ethnicity, and gender of individuals in no less than five selected ratings as of 30 September each year.	1) Ensure equity of assignments and representation within each rating consistent with individual qualifications, specialty preferences, and needs of the CG. 2) Ensure enlisted members have equal opportunity in all ratings.	Enlisted members in the various ratings.	• Are there any disparities for minorities and women in the enlisted ratings? • Where are the disparities?	Provide annual statistical report on action items to G-HI by 30 November for fiscal year completed.

CGAPP Goal 1: Have a CG workforce that values diversity
CGAPP Goal 2: Have a workforce that mirrors the national population

* WCA= Workforce Cultural Audit

CGAAP REPORTING REQUIREMENTS MATRIX

Proponent	Division	Action Number	Subject Area	Report due to G-HI
Academy *(Also see Note 1 and requirements for large HQ units on page 3)*		7-B-1	Academy prep and introduction programs – NAPS	30 NOV
		7-B-2	Academy prep and introduction programs – AIM	
		7-B-3	Academy prep and introduction programs – MITE	
		7-B-4	Academy prep and introduction programs – CGRIT	
		7-C-1	Officer accession programs – all new officers	
		7-C-2	Officer accession programs – Academy cadets	
		9-A-1	Officer accession programs – Academy attrition	
	LDC – OCS	7-C-3	Officer accession programs – OCS Candidates	
		7-C-4-a	OCS prep programs – PPEP participants	
		7-C-4-b	OCS prep programs – SPI participants	
		9-A-2	Officer accession programs – OCS attrition	
G-CP		1-F	Public affairs	No Report
G-CQ		1-E	Diversity and EO leadership	30 NOV
G-H		1-A	Annual assessment of CGAAP	01 MAR
		1-B	EO compliance reviews	
		1-C	Sexual harassment assessment– DMDC and other surveys	
		1-E	Diversity & EO Leadership	
	G-HE	4-C	PIE programs	30 NOV
		4-D	MAST Academy and JROTC Programs	
		6-B	PIE Awards	
		7-B-4	Academy prep and introduction programs – CGRIT	
		7-C-4-b	OCS prep programs – SPI participants	
	G-HI	3-A	Discrimination complaints (formal)	30 NOV
		5-A-1	Policy Statements	
		5-A-2	Policy Development	
		5-B	Manuals – EO Manual	
		5-C	Instructions	
		6-A	National Civil Rights Awards Programs	
		6-C	EO Counselor Awards	
		9-K-2	Social Climate Incidents	
	G-HI Training Officer	4-B	Training of Civil Rights Professionals	30 OCT
		5-D	Training Materials	
G-L		2-A	Military Justice	30 NOV
		2-B	Confinement or Correctional Facility Population	
G-O	G-OCX	4-A-2	Human Relations Training (Auxiliary)	30 NOV
G-M		7-C-5-b	Direct Commission Officer Programs – MAARTP	30 NOV

CGAPP REPORTING REQUIREMENTS MATRIX

Proponent	Division	Action Number	Subject Area	Report due to G-HI
G-W		1-C	Sexual Harassment Assessment – DMDC and other surveys	As Needed
		1-E	Diversity and EO leadership	30 NOV
		5-A-2	Policy Development	
		7-A-1	Enlisted Recruiting Statistics Quarterly	
		7-A-2	Enlisted Recruiting Initiatives	
		7-B-2	Academy prep and introduction programs – AIM	
		7-B-3	Academy prep and introduction programs – MITE	
		7-B-4	Academy prep and introduction programs – CGRIT	
		7-C-1	Officer accession programs – all new officers	
		7-C-2	Officer accession programs – Academy cadets	
		7-C-3	Officer accession programs – OCS candidates	
		7-C-4-a	OCS prep programs – PPEP participants	
		7-C-4-b	OCS – SPI participants	
		7-C-5-a	Direct Commission Officer Programs – DCO/DCA	
		7-D	Civilian workforce hiring	
		8-A	Total Military workforce composition	
		8-B	Total Civilian workforce composition	
		9-A-1	Officer accession programs – Academy attrition	
		9-A-2	Officer accession programs – OCS attrition	
		9-B	Enlisted accession programs – Recruit attrition	
		9-C-1	Voluntary officer separations	
		9-C-2	Civilian separations	
		9-D	Officer retention	
		9-E-1	Enlisted retention	
		9-E-2	Enlisted reenlistment	
		9-F	Overall retention	
		9-G	Military Evaluations	
		9-H-1	Officer Promotions	
		9-H-2	Civilian Promotions	
		9-I	Warrant Officer Promotions	
		9-J	Officer Assignments	
		9-L-1	Involuntary Separations – Officer and Warrant Officer	
		9-L-2	Involuntary Separations – Enlisted	
		9-M	Mentoring –Team Coast Guard	
		9-N	FWP/HEP Programs	
		9-O-1	Use of Skills (officer)	
		9-O-2	Use of Skills (enlisted)	

CGAAP REPORTING REQUIREMENTS MATRIX

Proponent	Division	Action Number	Subject Area	Report due to G-HI
District, Area, MLC Commanders, and Commanding Officers of large HQ units *(see note 1)*		1-D	EO Climate Surveys	30 NOV via CGAAP progress report. *see 4.B.12.b.*
		1-E	Diversity and EO leadership	
		4-C	PIE Programs	
		4-E	Community Outreach	
		4-F	Cultural Awareness Efforts	
		7-D	Civilian Workforce Hiring	
		9-H-2	Civilian Promotions	
		9-K-1	Social Climate Incidents	
		9-M	Mentoring – Unit level	
		9-N	FWP/HEP Programs	
TRACEN Cape May		9-B	Enlisted accession programs – Recruit attrition	30 NOV
MCRC/Fs *(see note 2)*		3-B	Discrimination Complaints (informal)	Quarterly *see 4.B.12.b.*
		4-A-1	Human Relations Training	
EEO Counselors		3-B	Discrimination Complaints (informal)	Quarterly *see 4.B.12.b*

Notes:

1. In addition to all Districts, MLCs, and Areas, these are the large headquarters units that should submit CGAAP Progress Reports:

   Academy, New London
   Aircraft Repair and Supply Center, Elizabeth City
   Aviation Technical Training Center, Elizabeth City
   Aviation Training Center, Mobile
   Reserve Training Center, Yorktown
   Training Center Cape May
   Headquarters Support Command

2. MCRC/Fs should also submit initial contact tracking forms as required by section 5.A.15.d of this manual.

QUARTERLY COMPLAINTS AND TRAINING REPORT

This report covers **civilian** complaints in the (circle one) 1st 2nd 3rd 4th Quarter of Fiscal Year _____

EEO Counselor Name: _____

Area of Responsibility (Ninth District, Headquarters, etc.): _____

Phone:_____

Total # of discrimination related contacts in: 1st Qtr: [ ] 2nd Qtr:[ ] 3rd Qtr:[ ] 4th Qtr:[ ].

Total # of informal complaints filed in: 1st Qtr: [ ] 2nd Qtr:[ ] 3rd Qtr:[ ] 4th Qtr:[ ].

**** NOTES: (1)** Report is due 10 calendar days after the end of each quarter and should be sent to the servicing CRO (MLC PAC/MLCLANT/Academy/Headquarters CRO) via e-mail or fax. CROs should consolidate this information submitted by the EEO counselors in their AOR and submit this form to G-HI. This form is due via e-mail no later than 15 calendar days after the end of each quarter. (2) Please note that total number of discrimination related contacts *includes* issues that later become informal complaints.

CIVILIAN INFORMAL COMPLAINTS

	BASIS/BASES OF ALLEGED DISCRIMINATION										
ISSUE(S) OF ALLEGED DISCRIMIN.	RACE	COLOR	RELIGION	NAT'L ORIGIN	SEX		REPRISAL	AGE	DISABILITY	SEXUAL ORIENTATION	TOTAL
					M	F					
APPOINTMENT/ HIRE											
ASSIGNMENT OF DUTIES											
AWARDS											
DISCIPLINARY ACTION											
DUTY HOURS											
EVALUATION/ APPRAISAL											
SEXUAL HARASSMENT											
NON-SEXUAL HARASSMENT											
PAY INCLUDING OVERTIME											
PROMOTION/ NON-SELECTION											
REASSIGNMENT											
RETIREMENT											
TIME AND ATTENDANCE											
TRAINING											

QUARTERLY COMPLAINTS AND TRAINING REPORT

TERMS AND CONDITIONS OF EMPLOYMENT											
OTHER											
TOTAL											

This report covers the (circle one) 1st 2nd 3rd 4th Quarter of Fiscal Year _____

MCRC/F Name: _____

Area of Responsibility (Ninth District, Headquarters, etc.): _____

Phone:_____

Total # of discrimination related contacts in: 1st Qtr: _____ 2nd Qtr:_____ 3rd Qtr:_____ 4th Qtr:_____.

Total # of informal complaints filed in: 1st Qtr: _____ 2nd Qtr:_____ 3rd Qtr:_____ 4th Qtr:_____.

**** NOTES: (1)** Report is due 10 calendar days after the end of each quarter and should be sent to the servicing CRO (MLC PAC/MLCLANT/Academy/Headquarters CRO) via e-mail or fax. The CRO will then consolidate this data for their AOR and submit this form to G-HI via e-mail no later than 15 calendar days after the end of each quarter. (2) Please note that total number of discrimination related contacts *includes* issues that later become informal complaints.

Military Informal Complaints

		Basis of Discrimination							
Alleged Source of Discrimination	**Type of Complaint**	**Color**	**Sex (M)**	**Sex (F)**	**National Origin**	**Race**	**Religion**	**Reprisal**	**Grand Total**
CG Personnel Actions	Actions by Supervisors								
	Awards/Recognition								
	Discharge								
	Disparate Treatment								
	Duty Assignment								
	Evaluations								
	Housing								
	Promotions								
	Provoking Speech or Gestures								
	Sexual Harassment								
Community	Housing								

QUARTERLY COMPLAINTS AND TRAINING REPORT

	Public Accommodation								
	Other Harassment								
	Total								

CGAAP SELF-EVALUATION PROCESS

This report covers the (circle one) 1st 2nd 3rd 4th Quarter of Fiscal Year _____

MCRC/F Name: _____

Area of Responsibility (Ninth District, Headquarters, etc.): _____

Phone:_____

Report is due 10 days after the end of each quarter and should be sent to the servicing CRO (MLC PAC/MLCLANT/Academy/Headquarters CRO0COMDT via e-mail or fax. CROs should consolidate the input from the MCRC/Fs in their AOR and submit this form to G-HI via e-mail no later than 15 calendar days after the end of each quarter.

HUMAN RELATIONS TRAINING STATS:

MEASURE	Total number in AOR at the beginning of the FY	Number trained during 1st Quarter (Oct-Dec)	Number trained during 2nd Quarter (Jan-Mar)	Number trained during 3rd Quarter (Apr-Jun)	Number trained during 4th Quarter (Jul-Sep)	Total Trained year-to-date during FY (1Q+2Q+3Q+4Q)
Active Duty Military						
Reserve Military						
CG Civilians						
Auxiliary Members						
Total # of Team CG Members						
CG Units in AOR						
CG Units outside the AOR						

QUARTERLY COMPLAINTS AND TRAINING REPORT

This section describes how commanders and commanding officers can develop local plans and conduct self-evaluations of their progress toward equal opportunity. This is not a mandatory process, but may be useful to commanders or their Human Relations Councils as they develop their local affirmative action plans for the upcoming year.

Plans, either as a supplement to, or part of business plans, should include a description of specific affirmative actions to be taken in within the commander's AOR during the next fiscal year. Commandant (G-H) strongly recommends that commanders use Human Relations Councils to assist in development of these initiatives.

EVALUATION OF AFFIRMATIVE ACTIONS TAKEN

An evaluation of actions taken during the previous fiscal year to accomplish the prior year's goals. The evaluation should honestly address the actions accomplishments and/or shortcomings, and lessons learned. The evaluation of yearly activities could be based on the following criteria:

1. Is the initiative new or a repetition or continuation of things done by the command in the previous year(s)?

2. What barriers to achieving the goals of the CGAAP does the action aim to overcome?

3. How does the action identify a barrier to full participation of all members of Team Coast Guard?

4. How does the action remove or reduce a barrier to achieving the goals of the CGAAP?

5. Was the action taken in response to a Coast Guard-wide goal/objective or was it in response to a local goal/initiative?

6. If the action does not meet the above criteria, how does it fulfill the goals of the CGAAP?

Chapter 5 Discrimination Complaint Programs

This chapter contains the following information:

Section	Topic	See Page
A	Guidance for Handling Allegations of Discrimination	5-3
B	Military Discrimination Complaint Program	5-9
C	Civilian Discrimination Complaint Program	5-26
D	Discriminator Identification and Tracking System	5-43
E	Sexual Harassment Prevention Program	5-46

This chapter contains the following information in Enclosures:

Enclosure	Title	See Page
1	Member Rights and Responsibilities in the Military Discrimination Complaints Process	5-51
2	Rights and Responsibilities of Aggrieved Persons (Civilians) Under Title 29 CFR Part 1614	5-53
3	Alternative Dispute Resolution (ADR)/EO Counseling Option Form	5-58
4	Settlement Agreement	5-59
5a	Notice of Right to File a Discrimination Complaint, Military	5-61
5b	Notice of Right to File a Discrimination Complaint, Civilian	5-62
6	Discrimination Complaint Form	5-63
7	Authorization to Extend Counseling	5-65
8	Counselor's Report Instructions	5-66
8a	Counselor Report, Military	5-67
8b	Counselor Report, Civilian	5-69
9	Mediation Settlement Agreement	5-71
10	Mediation Completion Form	5-72
11	Annual Report on EEO Counseling Activity	5-73
12	EEO Counselor Checklist	5-75
13	Sample Request to Remain Anonymous (Civilians)	5-76
14	Formal Complaint Checklist	5-77
15	Discrimination Incident Report Form	5-79

16	Flowchart of Military Discrimination Complaint Program Informal Complaint Process	5-81
17	Flowchart of Civilian Discrimination Complaint Program Informal Complaint Process	5-82
18	Sexual Harassment Definition and Fact Sheet	5-83
19	Military Civil Rights Counselors/Facilitators and Civilian Civil Rights Officers	5-85
20	Listing of Department of Transportation Office of Civil Rights Regional Offices	5-89
21	Complaint Related Forms and Reports	5-90

5.A. Guidance for Handling Allegations of Discrimination

5.A.1. Introduction

This section contains the policies and procedures for identifying, investigating, and resolving allegations of discrimination in the Coast Guard. This chapter provides guidance relevant to all segments of Team Coast Guard, military and civilian.

5.A.2. Responsibility

5.A.2.a. Commanders and Supervisors

Commanders and supervisors are responsible for leading the men and women under their control. Commanders and supervisors are responsible for and must be committed to preventing discrimination and sexual harassment in their commands and work environments. These responsibilities regarding issues of discrimination are part of the broader responsibility of Commanders and supervisors to foster a positive climate and take appropriate corrective action when conduct is disruptive, provoking, discriminatory, or otherwise unprofessional. They must not ignore nor condone discrimination in any form, and they must take whatever action is required to ensure that a victim of discrimination is not subsequently also the recipient of reprisal or retaliation. Appropriate corrective action, as discussed briefly in Chapter 2, section B.4, may range from verbal counseling and mediation when the behavior was of a unintentional nature, to punitive actions for intentional or egregious behavior.

5.A.2.b. Victims and Witnesses

Individuals who believe they have been discriminated against are encouraged to address their concerns or objections regarding the incident directly with the person demonstrating the discriminatory or harassing behavior. (It is recognized, however, that a common reaction among victims of discrimination is to try to ignore harassing actions or avoid harassers through some change in their routine. Failure of a victim to confront the alleged discriminator must not be used as an excuse by leaders for failing to intervene actively.) Third party persons who become aware of, are subjected to, or observe objectionable behavior should promptly notify the chain of command if:

1. The objectionable behavior does not stop.
2. The situation is not resolved.
3. Addressing the objectionable behavior directly with the person concerned is not reasonable under the circumstances.

4. The behavior is clearly criminal in nature.

If the person demonstrating the objectionable behavior is a direct superior in the chain of command or the chain of command condones the conduct or ignores a report, individuals who have been subjected to or who observe objectionable behavior are encouraged to promptly communicate the incident through other available means, such as the complaint process or UCMJ Article 138.

5.A.2.c. All Military, Civilian, and Auxiliary Personnel

All personnel are responsible for treating others with mutual respect and dignity. This means fully and faithfully complying with this manual. All military, civilian, and Auxiliary personnel are accountable for their actions and responsible for preventing and reporting incidents of discrimination.

5.A.2.d. Civil Rights Program Personnel

1. CROs Shall:
   a. Ensure the MCRC/F is consulted when allegations of discrimination are brought forth, facilitate the command's attempts to resolve allegations or complaints of discrimination, and provide proper guidance to the victim.
   b. Manage the unit level EO Program which includes providing appropriate training and insuring the training codes are entered in the PMIS system by the administering PERSRU. The SHP Training Code is 400469. The 8-hour Civil Rights Training Code is 500201. When code entries are made, it is also important to insure the entries are dated. (See sections 1.H.3 and 1.H.4 of this manual)
2. MCRC/Fs shall ensure that each complainant receives timely counseling and that all steps and requirements in this chapter are adhered to.
3. Auxiliary Civil Rights Counselors (CRC) shall be responsible for providing sexual harassment prevention training and for managing complaints as described in the Auxiliary Manual, COMDTINST M16790.1 (series).

5.A.2.e. Confidentiality

Due to the volatile and potentially damaging nature of the allegations, confidentiality will be maintained to the greatest extent possible without thwarting resolution. The Civil Rights Directorate oversees the complaints systems and retains ultimate responsibility for ensuring their effectiveness.

5.A.3. Resolving Complaints

5.A.3.a. Avenues of Resolution

Individuals who believe they have been discriminated against (victims) will be afforded multiple avenues to seek resolution and redress. Commanders and those in supervisory positions will ensure that notification of allegations of discrimination and sexual harassment can be made in a command climate that does not tolerate acts of reprisal, intimidation, or further acts of harassment. All personnel will be made aware of the avenues of resolution and redress that are available.

5.A.3.b. Characteristics of Effective Resolution Activities

Effective military and civilian systems are in place to resolve complaints of discrimination at the lowest possible level. These systems:

1. Emphasize individual accountability of the recipient, accused, coworkers, and the chain of command.
2. Clarify the roles for coworkers and the chain of command.
3. Emphasize the role that improved interpersonal communications skills can play in resolving (and preventing) discrimination complaints.
4. Incorporate the concepts of a reprisal free environment, timely resolution, and appropriate feedback to all parties.

5.A.3.c. Investigations

Commanders and supervisors must investigate and, to the extent that authority to do so is vested in them by law or regulation, take such action as they consider appropriate on all alleged violations of this instruction. The nature of the investigation will depend upon the particular facts and circumstances and may consist of an informal inquiry where that action is sufficient to resolve factual issues. All incidents will be resolved promptly and with sensitivity. Confidentiality will be maintained to the greatest extent possible. Feedback will be provided to all affected individuals consistent with the requirements of the Privacy Act and other pertinent laws, regulations, and negotiated agreements.

5.A.4. Accountability

5.A.4.a. Provisions

Illegal discrimination is prohibited. No individual in the Coast Guard shall:

1. Commit Discrimination or Sexual Harassment, as defined in Sections 5.B.4.a, 5.C.4.a, and 5.E.4.a.
2. Take reprisal action against a person who in good faith raises an allegation or provides information on an incident of alleged sexual harassment.
3. While in a supervisory or command position, condone or ignore sexual harassment of which he or she has knowledge or should reasonably have knowledge.

5.A.4.b. Violations

The rules in Subparagraph 5.A.4.a. apply to all military, civilian, and Auxiliary personnel in the Coast Guard. These rules may be enforced through punitive, disciplinary, or administrative actions. A violation of these provisions by military personnel may be punishable in accordance with the UCMJ; may be the basis for disciplinary action with respect to civilian employees; and may be grounds for dismissal of Auxiliary members. Additionally, with respect to military members, the table below lists UCMJ articles under which various acts of discrimination and sexual harassment may also be charged. The provisions in Subparagraph 5.A.4.a. apply to all conduct which occurs in or impacts a Coast Guard work environment.

UCMJ	
Article 78	Accessory after the Fact
Article 80	Attempt to Commit an Offense
Article 81	Conspiracy
Article 89	Disrespect to a Superior Commissioned Officer
Article 90	Assaulting a Superior Commissioned Officer
Article 91	Insubordinate Conduct toward a Warrant Officer, Noncommssioned Officer, or Petty Officer
Article 92	Failure to Obey an Order or Regulation
Article 93	Cruelty and Maltreatment
Article 120	Rape and Carnal Knowledge
Article 125	Sodomy
Article 127	Extortion
Article 128	Assault
Article 133	Conduct Unbecoming an Officer
Article 134	Twelve Specifications, including: Indecent Acts, Assault, Exposure or Language; Communicating a Threat; Depositing or Causing to be Deposited Obscene Matters in the Mail; Disorderly Conduct; Fraternization; Misprision of a Serious Offense; and Soliciting Another to Commit an Offense

5A.4.c. Disciplinary Action

Often discrimination and sexual harassment is committed by one person against many individuals. The Discriminator Identification and Tracking System (Section 5.D.) provides an existing tool to track repeat offenders. Current policy is to administratively discharge a person on the first proven occurrence of *quid pro quo* or sexual assault. A member who exhibits an "established pattern" of sexual harassment or discrimination to include occurrences of crude and offensive behavior, sexist behavior, and/or unwanted sexual attention is also presenting grounds for separation.

5.A.4.d. Administrative Separation

Military members. Military members **shall** be processed, in accordance with Chapter 12 of the Personnel Manual, COMDTINST M1000.6 (series), for administrative separation on the first substantiated incident of sexual harassment involving either of the following circumstances (for the purpose of this section, an incident is substantiated if there has been a court-martial conviction; imposition of punishment under Article 15, UCMJ; or if the CO otherwise reasonably determines that one of the following circumstances has occurred):

1. An incident of *quid pro quo* sexual harassment (see section 5.E.4.a.) or the taking of adverse action against the victim for not submitting to this type of sexual harassment.
2. Unwelcome and unauthorized physical contact of a sexual nature which, if charged as a violation of the UCMJ, could result in a punitive discharge, *viz*., rape (Article 120), sodomy (Article 125), indecent assault (Article 134), assault with intent to commit rape or sodomy (Article 134), and appropriate lesser included offenses thereof.

Civilian Members. Lengthy suspension (60 day minimum) to removal **shall** be proposed, in accordance with Chapter 1 of Civilian Personnel Actions: Discipline, Performance, Adverse Actions, Appeals, and Grievances, COMDTINST M12750.4 (series), for civilian employees for the same misconduct contained in Section 5.A.4. Equivalent standards of evidentiary reliability shall be applied in determining whether to pursue the removal action.

Auxiliary. Dismissal of Auxiliary members shall be conducted in accordance with Article 3.E of the Auxiliary Manual, COMDTINST M16790.1 (series) for the misconduct contained in Section 5.A.4, using equivalent standards of evidentiary reliability.

5.A.4.e. Separation, Removal, and Dismissal

Commanders are not precluded from initiating administrative separation for misconduct proceedings for reasons set forth in the Personnel Manual,

COMDTINST M1000.6 (series) Chapter 12, for military members who exhibit an "established pattern" of sexual harassment. Similarly, supervisors of civilian employees are not precluded from proposing removal from Federal service of those employees who exhibit an "established pattern" of sexual harassment in accordance with Civilian Personnel Actions: Discipline, Performance, Adverse Actions, Appeals and Grievances, COMDTINST M12750.4 (series). Additionally, Auxiliary members are not precluded from dismissal when their conduct warrants removal in accordance with the Auxiliary Manual, COMDTINST M16790.1 (series).

5.A.4.f. Counseling

A counseling support and referral network exists and is advertised. Information on the complaint process should be sought through command personnel, civilian EEO Counselors, or the MCRC/F (see Enclosure 19). MCRC/Fs are located at each District, Headquarters, and the Maintenance and Logistics Command, Pacific. The primary source of professional mental health counseling is the Employee Assistance Program, which has a toll free number: 1-800-523-5668. Information on medical concerns should be sought from the normal health care provider or by calling 1-800-942-2422. Additionally, the Leadership and Development Staff has established the Women's Information Phone Line: 1-800-242-9513.

5.B. Military Discrimination Complaint Program

5.B.1. Introduction

This section contains the policies and procedures for administering the Coast Guard's Discrimination Complaint Program for Coast Guard military members, active and reserve. The guidance in this chapter and its enclosures is subject to the authorities set forth in Paragraph 5.A.3.

5.B.2. General Policy

The Coast Guard is committed to the prompt, fair, and impartial processing of military discrimination complaints based on race, religion, sex, color, national origin, or reprisal. It is also important to note that the filing of a discrimination complaint by a member does not relieve the chain of command from its responsibility to take actions it feels are appropriate to prevent or resolve incidents of discrimination in accordance with Sections 5.A and 2.B.2-4. Adherence to the principles of leadership and accountability set forth in Chapter Two will, in many instances, defuse incidents of alleged discrimination before they become complaints.

5.B.3. Legal Authorities

The legal authorities that govern the Military Discrimination Complaint process are:

a. COMDTNOTE M5810.1C, Military Justice Manual.

b. Uniform Code of Military Justice.

c. Human Relations Policy.

d. Sexual Harassment Prevention Policy.

e. COMDTINST 1000.6A, Personnel Manual.

5.B.4. Definitions and Abbreviations

5.B.4.a. Definitions

1. **Illegal Discrimination (military only)**: Any action, omission, or use of language that deprives an individual or group of individuals their rights because of race, religion, sex, color, national origin, or reprisal. Discrimination may be intentional or unintentional in nature and may occur on a personal level (between

or among individuals) or an institutional level (organizational policies or practices). This definition includes complaints of sexual harassment.

2. **"Make Whole" Condition**: To restore the complainant to a reasonably estimated condition/state where the complainant would have been if discrimination had not occurred.
3. **Alternative Dispute Resolution (ADR)**: A process that provides a neutral third person (mediator) to assist the complainant and command in negotiating a settlement of an allegation of discrimination. A process designed to resolve a dispute short of exhausting the formal adjudication process traditionally used for such disputes.
4. **Mediator**: A neutral third party to assist the aggrieved person and command in negotiating a settlement of an allegation of discrimination. The mediator takes an active role in defining the issues, encouraging communication, and offering options for an early resolution.
5. **Informal Counseling Process**: A process that involves a matter of alleged discrimination that a complainant brings to the attention of a Military Civil Rights Counselor/Facilitator (MCRC/F) before a formal complaint is filed.
6. **Formal Complaint Process**: A process where a written complaint is received, and if accepted, an investigation is conducted, and a final agency decision is issued if the complainant's issue cannot be resolved.
7. **Aggrieved Person**: A Coast Guard member who brings issues of discrimination to the attention of the Civil Rights Officer (CRO) or MCRC/F.
8. **Complainant**: A military member who files a formal complaint of discrimination based on his/her race, religion, sex, color, national origin, and/or reprisal.
9. **Reprisal**: An unlawful act to restrain, interfere, coerce, or discriminate against an individual who is involved or participates in the discrimination complaints process (i.e., complainant, their representative, a witness, or an agency official responsible for processing discrimination complaints).
10. **Resolution**: An agreement by the parties involved in the discrimination complaint that resolves the differences/concerns that are raised in the informal/formal discrimination complaint process.
11. **Civil Rights Officer (CRO)**: A person who has been designated by the command to assist in issues relating to Equal Opportunity and Civil Rights. Where the term "CRO" is used, this refers to the Unit's Collateral Duty CRO or the full time CRO who provides support to that unit.
12. **Days**: For the purpose of this section, the term "days" refers to "calendar days."

5.B.4.b. Abbreviations

Abbreviation	
ADR	Alternative Dispute Resolution
AOR	Area of Responsibility
CD CRO	Collateral Duty Civil Rights Officer (unit-level)
CGPC	Coast Guard Personnel Command
CO	Commander/Commanding Officer
CRO	Civil Rights Officer (MLCPAC, MLCLANT, Academy, Headquarters)
DEOMI	Defense Equal Opportunity Management Institute
DOCR	Departmental Office of Civil Rights
DOT	Department of Transportation
EO	Equal Opportunity
FAD	Final Agency Decision
MCRC/F	Military Civil Rights Counselor/Facilitator
MLC	Maintenance and Logistics Command
OINC	Officer In Charge
OST	Office of the Secretary
RD	Regional Director
ROI	Report of Investigation
XO	Executive Officer

5.B.5. Program Administration and Officials

5.B.5.a. Commandant (G-H) Shall:

1. Develop a Service-wide discrimination complaint processing policy, and monitor and evaluate the effectiveness and efficiency of the Military Discrimination Complaint Program.
2. Consult and provide advice and assistance to Commanders/Commanding Officers (COs)/Officers in Charge (OINCs), CROs, MCRC/Fs, and Coast Guard members on the Civil Rights Complaint Process.

5.B.5.b. Commander/Commanding Officer (CO)/Officer In Charge (OINC) Shall:

1. Develop and provide oversight of the command's Military Discrimination Complaint Program in accordance with the guidelines provided in this chapter.

Local guidance that establishes specific procedures and responsibilities for administering the complaint program may be issued by COs.

2. Ensure the success of the discrimination complaint process by involving the Chain of Command in the resolution process. It is the responsibility of individuals within a member's chain of command to keep those seniors in the chain informed of the existence and status of all discrimination complaints.

3. Ensure that complaints are processed expeditiously and that the complainant obtains an appropriate remedy for any discrimination based on race, color, religion, national origin, sex, or reprisal he/she may have suffered. In addition, the command shall ensure that prompt and appropriate administrative or disciplinary action is taken when the command has determined that a member has engaged in discriminatory conduct or has suppressed or otherwise interfered with the filing or investigation of a discrimination complaint. Any member whose actions have resulted in illegal discrimination based on race, color, religion, national origin, sex, or reprisal is subject to administrative and/or discriminatory action, in accordance with Coast Guard regulations and the Uniform Code of Military Justice (UCMJ), as may be deemed appropriate by the commanding officer or a more senior officer in the chain of command.

5.B.5.c. Civil Rights Officer (CRO) Shall:

Administer the command's Equal Opportunity and Discrimination Complaint Programs. The CRO provides guidance, advice, assistance, and technical support to COs/OINCs and MCRC/Fs. The CRO acts as a consultant and advisor to COs/OINCs, MCRC/Fs, legal staff, and Coast Guard members on issues relating to the EO Program and the complaint process. The CRO should not take the role of a MCRC/F as it relates to providing counseling to the aggrieved person.

5.B.5.d. Military Civil Rights Counselor/Facilitators (MCRC/Fs) Shall:

Conduct a limited inquiry into matters brought to their attention for the purpose of furnishing information for resolution attempts. The MCRC/Fs are not advocates for the Coast Guard or the aggrieved person during the counseling process. MCRC/Fs must remain objective and impartial during counseling. They must not express their opinion to the aggrieved person or management officials on the merits of allegations of discrimination brought to them for counseling.

5.B.5.e. Legal Staff Shall:

1. Provide advice to COs/OINCs, CROs, and MCRC/Fs concerning legal matters that arise during the processing of complaints.

2. Review any and all proposed settlement agreements with pay or promotion, to ensure that relief being offered does not violate law or regulations.

5.B.5.f. Coast Guard Personnel Command (CGPC) Shall:

1. Review proposed settlement agreements to ensure that the relief being offered does not violate personnel regulations and does not establish personnel policy or precedents.
2. Assist in the implementation of corrective actions ordered by the DOCR that involve personnel actions.

5.B.6. Coverage

An individual who believes that he or she has been discriminated against based on their race, religion, color, sex, national origin, or has experienced reprisal in a discrimination complaint decision or activity by the Coast Guard may initiate a complaint to be processed in accordance with the procedures in this chapter.

5.B.7. Informal Resolutions

5.B.7.a. Resolution

COs/OINCs, CROs, and MCRC/Fs shall seek to achieve informal resolution of discrimination complaints at the earliest possible stage.

5.B.7.b. Authority

The final authority to informally resolve complaints rests with the CO/OINC. This authority, however, may be delegated to members of the chain of command depending upon the issues involved. CROs and MCRC/Fs serve as facilitators in the resolution process and do not have the authority to establish settlement terms or sign settlement agreements on behalf of the command.

5.B.7.c. Informal Resolution

Proposed informal resolution involving awards, assignments, promotions, or pay must be reviewed by the legal staff, Commandant (G-HI), and CGPC before being presented to the aggrieved party.

5.B.8. Cooperation

All employees, both military and civilian, must cooperate fully with Commandant (G-H), the CROs, MCRC/Fs, EO investigators/mediators, and DOCR officials throughout the discrimination complaint process. Failure to cooperate may result in administrative or disciplinary action against the member.

5.B.9. Representation

5.B.9.a. Aggrieved Person's Rights

The aggrieved person has the right to be accompanied, represented, and advised by a representative of his/her choosing at any stage in the discrimination complaint process at his/her own expense. The name, address, and telephone number of the representative must be provided in writing to the CRO.

5.B.9.b. Disqualification

The CRO may, after giving the representative an opportunity to respond, disqualify the representative if it is determined that such representation would constitute a conflict of interest.

5.B.9.c. Notifying Legal Staff

The appropriate legal staff should be notified when an aggrieved person/complainant is represented by private counsel.

5.B.9.d. Civil Rights Officials

Civil Rights officials (i.e., CROs and MCRC/Fs) may not serve, or give the appearance of serving, as representatives of the aggrieved person.

5.B.10. Complaint File Information

1. The DOCR establishes and maintains the official complaint file. The official complaint file, report of investigation, and administrative record are considered systems of records under the Privacy Act 5 U.S.C. Section 552a. The routine used for these systems of records is outlined in DOT/OST 011 (Discriminatory Complaint Investigatory Files) and DOT/CG 517 (Complaints of Discrimination). Enclosure 1 to this chapter provides information concerning the administrative restrictions on a counselor's use of personal information contained in the official complaint file, report of investigation, and administrative record.
2. All correspondence required by this instruction should be sent by certified mail, facsimile transmission, or overnight express mail when possible. Mailing will be at Coast Guard expense.

5.B.11. Disclosure of Investigative Materials

5.B.11.a. Reports

The complainant will receive a copy of the MCRC/F's report without any Privacy Act material.

5.B.11.b. Rights

If an informal complaint has been filed, the individual allegedly responsible for the discriminatory activity and the complainant's command have the right to be advised of the allegations and afforded an opportunity to respond. This does not imply that the individual allegedly responsible for discriminatory actions has the right to be provided a copy of the actual complaint or be notified of the names of witnesses without the complainant's permission. The individual allegedly responsible for the discriminatory activity is a witness and is entitled to no more rights than any other witness. He or she has the right to have a representative of their choosing at any stage of the complaint process.

5.B.11.c. Confidentiality

Any information provided to the MCRC/F during counseling is considered confidential and may not be shared with others until the complainant initiates an informal complaint. Exceptions to this rule include situations where it is believed bodily harm or destruction of government property is imminent.

5.B.12. Official Time to Present Case

Coast Guard members shall have a reasonable amount of official time to prepare and present their complaint, or serve as a complainant's representative. The complainant and representative shall be on official time, regardless of their tour of duty, when their presence is authorized or required by the Coast Guard or DOT during the investigation of the complaint.

5.B.13. Freedom from Reprisal

Complainants, their representatives, witnesses, MCRC/Fs, and other EO officials shall be free from restraint, interference, coercion, discrimination, or reprisal at any stage in the presentation and processing of an informal or formal complaint. Allegations of reprisal are processed as complaints of discrimination under the procedures in this chapter. Also, any member who experiences an act or incident of reprisal as a result of opposing the complaint process may file a complaint based on reprisal.

5.B.14. Rights of Aggrieved Persons

1. To be provided equal treatment without regard to race, color, religion, national origin, or sex.
2. To be provided timely resolution of discrimination complaints.
3. To present allegations of discrimination to the chain of command and to seek redress when they believe they have been discriminated against.
4. To communicate with Civil Rights personnel on procedures for filing a complaint of discrimination and filing a motion for reconsideration.
5. To present a complaint of discrimination to the command and DOCR without fear of intimidation, reprisal, or harassment.
6. To representation throughout the informal/formal complaint process, at his/her own expense.

5.B.15. Informal Complaint Program

5.B.15.a. Aggrieved Person

An individual who believes that he or she has been discriminated against must submit written notification (i.e., a chit or Enclosure 6) to the CO/OINC via the chain of command. If the chain of command and CO/OINC cannot resolve it, the CO/OINC shall arrange for the aggrieved person to meet with the MCRC/F before

filing a formal discrimination complaint. The MCRC/F must make whatever inquiry he/she believes necessary and attempt to resolve the matter informally. The MCRC/F's inquiry, however, is limited in scope and does not constitute an "investigation."

5.B.15.b. Process and Time Limits

1. A flowchart demonstrating the informal complaint process is shown in Enclosure 16.
2. The aggrieved person must submit written notification (i.e., a chit or Enclosure 6) within 45 days from the date of the alleged discriminatory incident or effective date of a personnel action to the CO/OINC via the chain of command. If the 45-day time limit is exceeded, the MCRC/F must still provide counseling; however, the MCRC/F must make the aggrieved person aware that if a formal complaint is filed, it may be dismissed as untimely, unless there is justification for waiving the time limit.
3. The chain of command has 5 days from receipt of written notification to meet with the complainant, conduct an informal inquiry, and attempt resolution. If resolution is not achieved, the chain of command will endorse the written notification and forward it to the CO/OINC.
4. The CO/OINC has 10 days to conduct inquiries into the allegations and attempt resolution. If a resolution is not achieved, then the CO/OINC will arrange for the complainant to meet with the MCRC/F.
5. The MCRC/F has 15 days from the date of initial contact by the CO/OINC to meet with the CO/OINC and complainant. The MCRC/F will explain the complaint procedures to the complainant and inform him or her of ADR as an option in the counseling process.
6. The MCRC/F has 30 days from the date of initial contact to counsel the complainant and to attempt to resolve the complaint. If the situation is near resolution, the counseling process may be extended up to an additional 60 days if the complainant and CRO agree to this in writing (Enclosure 7). If a resolution is not achieved, the MCRC/F will conduct a final counseling interview with the complainant and provide him or her with the Notice of Right to File a formal complaint on the thirtieth day (Enclosure 5a).
7. If the complainant elects the ADR process, the MCRC/F will refer him or her to the CRO. The CRO will contact Commandant (G-HI) to have a mediator assigned. When the complainant elects to participate in the ADR process, the informal complaint process may be extended, not to exceed 90 days. The mediator will meet with the complainant and chain of command to mediate issues. If the parties achieve a resolution, the mediator will reduce the terms of agreement to writing; all parties involved will sign it and provide a copy to the CRO. If a resolution is not achieved, the mediator will complete the mediation

form and provide a copy to the CRO. The complainant will return to the counseling process at the point counseling ceased.

5.B.15.c. Duties of Complainant

1. Advise the chain of command and seek redress when they believe they have been discriminated against because of their race, color, religion, national origin, sex, or reprisal.
2. Attempt to resolve any complaint of discrimination at the lowest level possible in the chain of command.
3. Allow the command an opportunity to provide a remedy or take appropriate action before the complaint is brought to the attention of higher authorities.
4. Tolerate no discrimination and take appropriate action promptly when incidents of discrimination are observed.

5.B.15.d. Duties of the MCRC/F

1. At the initial counseling session, advise the aggrieved person about the EO complaint process and their rights and responsibilities. A list of information to be discussed with the individual is (Enclosure 1).
2. Provide the aggrieved person with a copy of the notice, Member Rights and Responsibilities in the Military Discrimination Complaints Process (Enclosure 1). The MCRC/F will retain a signed and dated copy of the notice.
3. Determine the issue(s) and basis(es) of the potential complaint. A detailed description of the alleged discriminatory incident or personnel action, including the date on which the incident occurred, must be obtained. If the allegation is not an EO matter, the MCRC/F shall refer the aggrieved person to the appropriate office or program. However, the MCRC/F cannot evaluate the merits (i.e., whether or not discrimination occurred) of the allegation or refuse counseling based on such an evaluation.
4. Conduct an informal inquiry into the issues raised by the aggrieved person for the purpose of furnishing information for resolution efforts and determining jurisdictional questions if a formal complaint is filed. This consists of seeking information from supervisors, members of the chain of command, and others who may have knowledge relating to the issues presented. If further information is needed, pertinent records, including personnel data records, may be reviewed. The MCRC/F will be responsible for assuring that disclosure of the information contained in the records to any persons, to include the complainant, does not violate the Privacy Act, 5 U.S.C. Section 552a. The scope of the inquiry will vary based on the complexity of the issues, but the inquiry is limited and not intended to substitute for the fact-finding required at the formal stage. The MCRC/F must at all times control the inquiry. Problems with the inquiry should be reported to the CRO immediately.

5. Ensure that the aggrieved person is aware of his/her option to participate in the ADR process anytime in the counseling process and complete the ADR/EO Counseling Option Form (Enclosure 3). If ADR is elected, coordinate with the Unit CRO. The ADR process is voluntary for the aggrieved person; however, it is a responsibility of the command to participate. Commandant (G-HI) will provide a mediator.
6. Attempt resolution whenever possible at the lowest level in the chain of command. If resolution is achieved, the MCRC/F will reduce the terms of the agreement to writing and have the parties involved sign it. All parties involved will receive a copy of the resolution agreement. The MCRC/F will forward a copy of the resolution agreement to the CRO. Enclosure 4 is a sample settlement agreement form. The MCRC/F's role is to facilitate resolution, not to develop or advocate specific terms of an agreement. MCRC/Fs must be careful not to inject their personal views on settlement negotiations.
7. During the final interview, the MCRC/F will provide verbal feedback on the results of the inquiry and resolution attempts and issue the Notice of Right to File a Discrimination Complaint within 30 days of initial contact with the aggrieved person (Enclosure 5a). Prior to the end of the 30-day period, counseling may be extended for up to an additional 60 days, for a total of 90 days, if the aggrieved person agrees in writing to such an extension (Enclosure 7).
8. The MCRC/F shall keep a careful record of information gathered during counseling, such as copies of all notices given to the aggrieved person, attempted resolutions, and summary statements from witnesses. The MCRC/F shall provide the CRO with the written report of counseling activities (Enclosure 8a) within 5 days after the issuance of the notice of right to file a formal complaint to the aggrieved person.
9. The MCRC/F shall provide advice to the complainant in filing a formal discrimination complaint, if necessary.
10. Prior to interviewing a military member suspected of an offense under the UCMJ, the MCRC/F is responsible for ensuring that the requirements of Article 31, UCMJ are complied with.

5.B.15.e. Duties of CROs

1. Provide technical advice and assistance to the COs/OINCs, MCRC/Fs, and members on Civil Rights issues and the discrimination complaint process.
2. When ADR is elected by a complainant, ensure the criteria are met and contact Commandant (G-HI) to provide information concerning mediation and to get a mediator assigned.

3. Provide Commandant (G-HI) with a summary report that addresses the ADR criteria specified in paragraph 5.B.18. of this instruction. If the ADR is appropriate, G-HI will assign a mediator.
4. When ADR is elected, provide mediator with the complaint information and make all necessary arrangements (i.e., time, date, and location).
5. Review the counselor's report to ensure it contains all the required information and does not contain any opinions or conclusions. If the report meets the standard, a copy will be given to the complainant and command. If the report needs revision, it will be returned to the MCRC/F. The MCRC/F has 1 day to make the necessary corrections.
6. Forward the counselor's report to the appropriate DOCR regional office upon receipt of the DOCR acknowledgement letter.
7. District, area/MLC, and headquarters CROs will provide to Commandant (G-HI) the number of discrimination complaints counseled by the MCRC/F on a quarterly basis (see section 5.B.19).

5.B.15.f. Duties of the COs/OINCs

1. Ensure the names and phone numbers of the designated CROs/MCRC/Fs and the procedures for filing a discrimination complaint are displayed prominently at the units.
2. Ensure, whenever possible, that an attempt is made to resolve complaints at the lowest level possible in the chain of command. This includes using any administrative counseling or investigative tools that are available to the CO/OINC.
3. Ensure that any member who participates in the complaint process or files a complaint of discrimination in the complaint process is not subjected to any form of reprisal.
4. Ensure all complaints receive prompt command attention and appropriate action using the guidelines stated in this instruction. Such command action may include, but is not limited to, a suitable administrative remedy, which serves to make the complainant whole.
5. Ensure that when an appropriate action or remedy cannot be effected by the local command, the complaint is forwarded to the appropriate level in the chain of command for proper disposition.
6. Arrange for the MCRC/F to meet with aggrieved person if resolution cannot be achieved.
7. Has 10 days to review the complaint and attempt resolution upon receipt of a formal complaint. If resolution is not achieved, the command shall prepare an endorsement to the formal complaint. The endorsement must state:

a. That the complainant has received the required counseling and has been advised of the procedures for filing the formal complaint.

b. That any delay in submission of the formal complaint was (was not) justified, and the reasons therefore.

c. That all command attempts at informal resolution have been unsuccessful.

d. Whether there are any pending disciplinary or administrative proceedings related to the complaint.

8. Submit a formal complaint letter of endorsement to the appropriate DOCR regional office within 10 days from receipt of complaint, with a copy to the complainant. DOCR contact information is included in Enclosure 20.
9. Ensure the Report of Investigation (ROI) is reviewed for an attempt to resolve the complaint. Consult with his or her servicing legal counsel, if necessary.
10. Ensure correspondence and information concerning a formal discrimination complaint is disseminated to the appropriate individuals.
11. Serve as the initial point of contact for DOT investigators for the on-site investigation.

5.B.15.g. Duties of ADR Mediator

1. Meet with the complainant and chain of command to explain the mediation process.
2. Facilitate the mediation process with the parties involved.
3. If a resolution is achieved, reduce the terms of the agreement to writing (Enclosure 9) and have the parties involved sign it.
4. Complete the mediation form (Enclosure 10) and forward a copy to the CRO.
5. Consult with the servicing legal counsel when resolution involves pay, promotion, and/or monetary settlement, or as needed.

5.B.16. Complaints Against the CO/OINC

Where the CO/OINC is identified as the official responsible for directly engaging in the alleged discriminatory action, the informal complaint will be processed by the next higher level in the chain of command.

5.B.17. Complaints Against Commandant (G-C), Flag Officers, Senior Executive Service Officials, and CROs

5.B.17.a. Against Commandant

Informal complaints filed against Commandant (G-C) will be processed by the DOCR.

5.B.17.b. Against Flag Level Officers and Senior Executive Service Officials

Informal complaints filed against Flag level officers and Senior Executive Service officials will be processed by the DOCR.

5.B.17.c. Against CROs

Informal complaints filed against CROs will be processed locally by an alternate official at the next higher level designated by the CO. Commandant (G-HI) will provide technical guidance to this individual as requested.

5.B.18. Alternative Dispute Resolution (ADR) Mediation Process

The aggrieved person is given the option to elect the ADR process anytime during the counseling process. If the person elects to participate in ADR, he or she will be referred to the CRO, who will coordinate the mediation through Commandant (G-HI). Where the complainant elects to participate in the ADR process, the informal complaint process period may be extended, not to exceed 90 days. Mediation can be particularly useful where communication has broken down or emotions are intense. Any settlements reached through mediation must be achieved by the parties themselves. Facts uncovered during mediation are not made a part of the official complaint record. There will not be any notes or other written records of the mediation sessions. The use of mediation is voluntary for the complainant and kept confidential. When the complainant elects to participate in the ADR process, Commandant (G-HI) evaluates the complaint against the ADR criteria. If the criteria are met, a mediator will be assigned. The ADR criteria are:

1. The basic facts of the complaint are not in dispute.
2. The aggrieved person/complainant is more interested in resolving the complaint than placing blame.
3. There is a management official who has the authority to grant the relief requested by the aggrieved person/complainant.

4. The personalities of the individuals involved require intervention by a trained mediator to keep the parties focused on the issues and alternatives for resolution.

5.B.19. Reports

1. Enclosure 3 in Chapter 4 will be used to compile a quarterly report on the trends and types of informal discrimination complaints received. MCRC/Fs are required to complete and submit this form to the servicing CRO (Area/MLC, Headquarters, or Academy) quarterly.

2. Area/MLC, Headquarters, and Academy CROs are required to submit a copy of Enclosure 3 of Chapter 4 to Commandant (G-HI) quarterly to report on the trends and types of informal discrimination complaints received. This report should consolidate informal/formal complaints and counseling for their AORs. This report is due to G-HI no later than 14 calendar days after the end of the quarter.

5.B.20. Formal Complaint Program

5.B.20.a. Formal Complaint Processing

Formal complaint processing of allegations of discrimination raised by military members of the Coast Guard is the responsibility of the Department of Transportation (DOT) and Departmental Office of Civil Rights (DOCR). The following list is the responsibility of the DOCR regional offices (see Enclosure 20 for a listing of offices):

1. Accept/Dismiss.
2. Investigation.
3. Writing the Report of Investigation (ROI).
4. Writing the Final Agency Decision (FAD).

The Director, DOCR will issue the FAD on the merits of the accepted issue(s) based on the ROI.

5.B.20.b. Procedures for Filing a Formal Discrimination Complaint

1. A complainant may only file a formal discrimination complaint after they have been counseled by an MCRC/F (see Enclosure 14).
2. A formal complaint must be filed within 15 days from the date the complainant received the Notice of Right to File.
3. A formal complaint must be filed directly to the appropriate DOCR regional office responsible for the geographical area where the alleged discrimination

occurred. For units afloat, this refers to the homeport site. Copies will also be sent directly to the CO/OINC responding to the complaint and to the servicing CRO.

5.B.20.c. Duties of the Complainant

1. File a formal complaint within 15 days of the receipt of the Notice of Right to File a discrimination complaint. The complaint must be in writing, and the body of the complaint must contain the basis(es) (race, color, national origin, religion, sex, or reprisal) and issues (incident or action) giving rise to the complaint and the date of the incident or of the known action. The complainant may request advice or clerical assistance of the MCRC/F in preparing the complaint.
2. Clearly and concisely state the action, condition, or matter upon which the formal complaint is made and the specific remedy requested, including the factual basis for the complainant's belief that discrimination has occurred.
3. Submit one copy of the formal complaint and endorsement to the appropriate DOCR regional office, Enclosure 20, within 10 days from receipt of complaint, with a copy to the servicing CRO (Unit/District/MLC/HQ). Submit another copy to the commanding officer for endorsement.

5.B.20.d. Duties of the MCRC/F

1. Provide advice to the complainant in preparing his/her formal discrimination complaint, if the complainant so desires.
2. Prepare and provide the counselor's report to the CRO within 5 days of issuance of the Notice of Right to File.

5.B.20.e. Duties of the CO/OINC

1. Review the complaint and, if appropriate, attempt to resolve the complaint informally.
2. If a formal complaint has been filed and resolution is still not possible or cannot be achieved within 10 days of the CO's receipt of the formal complaint, the CO will prepare a command endorsement to the formal complaint. As a minimum, the endorsement must state: (1) that the complainant has received the required counseling and has been advised of the procedures for filing the formal complaint; (2) any delay in submission of the formal complaint was (was not) justified, and the reasons therefore; (3) that all command attempts at informal resolution have been unsuccessful; and (4) whether there are any pending disciplinary or administrative proceedings related to the complaint.
3. Forward the formal complaint and endorsement to the appropriate DOCR regional office (see Enclosure 20) within 10 days from receipt of complaint, with a copy to the servicing CRO (Unit/District/MLC/HQ).

5.B.20.f. Duties of the CRO

1. Review the counselor's report to ensure it includes all the required information and does not contain any opinions or conclusions. (See Enclosures 8 and 14.)
2. Upon receipt of DOCR's letter acknowledging receipt of the complaint, forward the counselor's report to the appropriate DOCR regional office within 5 days.

5.C. Civilian Discrimination Complaint Program

5.C.1. Introduction

This section contains the policies and procedures for administering the Coast Guard's Civilian Discrimination Complaint Program. The guidance in this section is subject to the authorities set forth in Paragraph 5.C.3.

5.C.2. General Policy

The Coast Guard is committed to the prompt, fair, and impartial processing of discrimination complaints based on race, religion, sex, color, national origin, age (over 40 years), mental or physical disability, sexual orientation, or reprisal. It is also important to note that the filing of a discrimination complaint by a member does not relieve the chain of command from its responsibility to take actions it feels are appropriate to prevent or resolve incidents of discrimination in accordance with Chapter Two, sections B. Adherence to the principles of leadership and accountability set forth in Chapter Two will, in many instances, defuse incidents of alleged discrimination before they become complaints.

5.C.3. Legal Authorities

The legal authorities that govern the Civilian Discrimination Complaint process are:

a. Section 717 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-16.

b. Section 6(d) of the Fair Labor Standards Act of 1938 (the Equal Pay Act) as amended, 29 U.S.C. § 206(d).

c. Section 15 of the Age Discrimination in Employment Act (ADEA) of 1967, as amended, 29 U.S.C. § 633a.

d. Sections 501 and 505 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. §§ 791 and 794a.

e. Executive Order 11478.

f. Title 29, Code of Federal Regulations, Part 1614 et seq.

g. Equal Employment Opportunity Commission (EEOC) Management Directive 110.

h. Department of Transportation Order 1100.60A.

i. Executive Order 13087 “Employment Opportunity in the Federal Government” (May 28, 1998).

j. Title 49 Code of Federal Regulations 1.23 (a).

5.C.4. Definitions and Abbreviations

In addition to the definitions and abbreviations provided in the Military Discrimination Complaint Program (Section 5.B.4.), the following terms apply to the Civilian Discrimination Complaint Program.

5.C.4.a. Definitions

1. **Illegal Discrimination (civilians only)**: Any action, omission, or use of language that deprives an individual or group of individuals their rights because of race, religion, sex, color, national origin, reprisal, age (over 40 years), mental or physical disability, or sexual orientation. Discrimination may be intentional or unintentional in nature and may occur on a personal level (between or among individuals) or an institutional level (organizational policies or practices). This definition includes complaints of sexual harassment.
   a. "Disability" and "discrimination based on disability" as used in this chapter are synonymous with the legal definitions of handicap, 29 CFR 1614.203.
2. **Informal Complaint Process**: A process that involves a matter of alleged discrimination that a complainant brings to the attention of an EEO Counselor before a formal complaint is filed.
3. **Aggrieved Person**: An employee who brings issues of discrimination to the attention of an EEO Counselor.
4. **Complainant**: An employee who files a formal complaint of discrimination based on his/her race, religion, sex, color, national origin, reprisal, age (over 40 years), mental or physical disability, or sexual orientation.

5.C.4.b. Abbreviations

Abbreviation	
AJ	Administrative Judge
CD	Collateral Duty
EEO	Equal Employment Opportunity
EEOC	Equal Employment Opportunity Commission

5.C.5. Program Administration and Officials

5.C.5.a. Commandant (G-H) Shall:

Provide the same support to the Civilian Discrimination Complaint Program as provided in the Military Discrimination Complaint Program, Section 5.B.5.a.

5.C.5.b. Commander/Commanding Officer (CO)/Officer In Charge (OINC) Shall:

1. Provide the same support to the Civilian Discrimination Complaint Program as provided in the Military Discrimination Complaint Program, Section 5.B.5.b.
2. Support the Civilian Discrimination Complaint System for the basis of race, color, religion, national origin, sex, age (over 40 years), sexual orientation, disability, or reprisal.

5.C.5.c. Civil Rights Officer (CRO) Shall:

1. Provide the same support to the Civilian Discrimination Complaint Program as provided in the Military Discrimination Complaint Program, Section 5.B.5.c.
2. Ensure a qualified EEO Counselor is provided to the aggrieved person for processing an informal complaint.

5.C.5.d. Equal Employment Opportunity (EEO) Counselor Shall:

1. Conduct a limited inquiry into matters brought to his or her attention for the purpose of furnishing information for resolution attempts. Please note that the EEO Counselor's inquiry is limited in scope and does not constitute an "investigation."
2. Attempt to informally resolve the matter informally, if possible.
3. Not serve as an advocate for the Coast Guard or the aggrieved person during the counseling process. EEO Counselors must remain objective and impartial during counseling. They must not express their opinion to the aggrieved person or management officials on the merits of allegations of discrimination brought to them for counseling. The EEO Counselor must make whatever inquiry he or she believes necessary and attempt to resolve the matter informally. The EEO Counselor's inquiry, however, is limited in scope and does not constitute an "investigation".
4. Not conduct counseling until the CRO has determined that they have successfully completed all required basic EEO counseling training.

5.C.5.e. Legal Staff

The legal staff provides advice to requisite agency officials concerning legal matters that arise during the processing of complaints. In addition, legal staff will represent the Coast Guard at hearings before Administrative Judges (AJs) of the EEOC; present, in coordination with the DOCR, the Coast Guard's legal position on a given complaint to the EEOC if the complainant

appeals the final agency decision to the EEOC; and determine attorney's fees and award amounts. Finally, the legal staff reviews any and all settlement agreements involving pay, promotion, or monetary awards to ensure the relief being offered does not violate existing laws or regulations.

5.C.6. Coverage

An aggrieved person who believes that he or she has been discriminated against based on their race, religion, sex, color, national origin, age (over 40 years), sexual orientation, mental or physical disability, or has experienced retaliation in an employment related decision or activity by the Coast Guard may initiate a complaint to be processed in accordance with the procedures in this chapter. Please note that individuals filing complaints based on sexual orientation will follow the same informal complaint procedures as an individual filing a complaint based on one of the other bases. Complaints of discrimination based on sexual orientation, however, cannot be heard before an Administrative Law Judge; all complaints based on sexual orientation will be investigated by and decided by the DOT, DOCR. Finally, individuals filing a complaint of discrimination based on sexual orientation may not be awarded compensatory damages.

5.C.7. Informal Resolutions

5.C.7.a. Resolution

COs/OINCs, managers, supervisors, CROs, and EEO Counselors shall seek to achieve informal resolution of informal and formal discrimination complaints at the earliest possible stage.

5.C.7.b. Authority

The final authority to informally resolve complaints rests with the CO/OINC. However, this authority may be delegated to individual managers and supervisors depending upon the issues involved. CROs and EEO Counselors serve as facilitators in the resolution process and do not have the authority to establish settlement terms or sign settlement agreements on behalf of the organization.

5.C.7.c. Informal Resolution

1. Informal settlements that include awards of back pay and reasonable attorney's fees and costs, must be reviewed by the legal staff before being presented to the aggrieved party.
2. Funding for settlements or attorney fees usually come from unit funds. In the event of large settlement costs that will significantly impact the unit’s ability to meet its mission, requests for additional funds can be forwarded via the chain of command to Commandant (G-CFM-2). Endorsements to these requests must address the parent unit’s ability to provide funds to help offset the cost of the final negotiations.

3. Informal settlements that include civilian personnel actions should be reviewed by CGPC-cpm before being presented to the aggrieved party.

5.C.7.d. Sexual Orientation

There are certain limitations to relief that may be offered to current and former civilian employees in the informal resolution of discrimination based on sexual orientation (See Chapter VIII to DOCR Investigative Procedures Manual). Consult with your servicing legal officer and CGPC-cpm before offering resolutions that involve pay, promotion, or other personnel actions.

1. Compensatory damages are not available for acts of discrimination based on sexual orientation.
2. A current or former civilian employee may be offered:
   (a) A position applied for or an equivalent position if it is clear the complainant would have occupied the position applied for but for discrimination.
   (b) Back pay and benefits pursuant to 5 U.S.C. 5596.
   (c) Reasonable attorney's fees as authorized by 5 U.S.C. 5596.
   (d) Cancellation of an unwarranted personnel action.
3. A civilian applicant cannot receive back pay, interest, or attorney's fees.

5.C.8. Cooperation

All employees, military and civilian, shall cooperate fully with Commandant (G-H), the CRO, EEO Counselors, EEO Investigators/Mediators, and DOCR and EEOC officials throughout the complaint process.

5.C.9. Representation

5.C.9.a. Aggrieved Person's Rights

The aggrieved person has the right to be accompanied, represented, and advised by a representative of his/her choosing at any stage in the discrimination complaint process. The name, address, and telephone number of the representative must be provided in writing to the CRO.

5.C.9.b. Disqualification

The CRO may, after giving the representative an opportunity to respond, disqualify the representative if it is determined that such representation would constitute a conflict of interest.

5.C.9.c. Notification of Legal Staff

The appropriate legal staff should be notified when an aggrieved person/complainant is represented by private counsel.

5.C.9.d. Civil Rights Officials

Civil Rights officials (i.e., CROs, EEO Counselors) may not serve, or give the appearance of serving, as representatives of the aggrieved person.

5.C.10. Complaint File Information

1. The DOCR establishes and maintains the official complaint file. The official complaint file, report of investigation, and administrative record, are considered systems of records under the Privacy Act 5 U.S.C. Section 552a. The routine used for these systems of records are outlined in DOT/OST 011 (Discriminatory Complaint Investigatory Files) and DOT/CG 517 (Complaints of Discrimination). Enclosure 2 outlines the administrative restrictions on a complainant's use of personnel information on third parties contained in the official complaint file, report of investigation, and administrative record.
2. All correspondence required by this instruction should be sent by certified mail, facsimile transmission, or overnight express mail. Mailing will be at Coast Guard expense.

5.C.11. Disclosure of Investigative Materials

5.C.11.a. Reports

The complainant must receive a copy of the EEO Counselor's report, report of investigation (minus any Privacy Act Material), and Final Agency Decision.

5.C.11.b. Rights

If an informal complaint has been filed, the individual allegedly responsible for the discriminatory activity and the complainant’s command has the right to be advised of the allegations and afforded an opportunity to respond. This does not imply that the individual allegedly responsible for discriminatory actions has the right to be provided a copy of the actual complaint or be notified of the names of witnesses without the complainant’s permission. The individual allegedly responsible for the discriminatory activity is a witness and is entitled to no more rights than any other witness. He or she has the right to have a representative of their choosing at any stage of the complaint process. In the *informal* civilian EEO complaint process, the counselor must be careful not to reveal the identity of the aggrieved individual unless the individual has so authorized (see below).

5.C.11.c. Confidentiality

Any information provided to the EEO Counselor during counseling is considered confidential and may not be shared with others until the complainant initiates an informal complaint. Exceptions to this rule include situations where it is believed bodily harm or destruction of government property is imminent.

5.C.12. Official Time to Present Case

Coast Guard employees shall have a reasonable amount of official time to prepare and present their complaint, or serve as a complainant's representative. The complainant and representative, if employed by the Coast Guard and otherwise in a pay status, shall be on official time, regardless of their tour of duty, when their presence is authorized or required by the Coast Guard, DOT, or the EEOC during the investigation of or hearing on the complaint.

5.C.13. Freedom from Reprisal

Complainants, their representatives, witnesses, EEO Counselors, and EEO officials shall be free from restraint, interference, coercion, discrimination, or reprisal at any stage in the presentation and processing of an informal or formal complaint. Allegations of reprisal are processed as complaints of discrimination under the procedures in this chapter. Also, any member who experiences an act or incident of reprisal as a result of opposing the complaint process may file a complaint based on reprisal.

5.C.14. Rights of Aggrieved Persons

1. To be provided equal treatment without regard to race, color, religion, national origin, sex, age (over 40 years), disability, and sexual orientation.
2. To be provided timely resolution of discrimination complaints.
3. To present allegations of discrimination to the chain of command and to seek redress when they believe they have been discriminated against.
4. To communicate with Civil Rights personnel on procedures for filing a complaint of discrimination and filing a motion for reconsideration. A civilian employee may initially communicate with any EEO counselor. However, counseling of an informal complaint must be conducted by the aggrieved person’s servicing EEO Counselor or an alternative counselor provided by the unit CRO.
5. To present a complaint of discrimination to the command and DOCR without fear of intimidation, reprisal, or harassment.
6. To representation throughout the informal/formal complaint process, at his/her own expense.
7. To remain anonymous throughout the informal process unless they choose to waive that right.

5.C.15. Informal Complaint Program

5.C.15.a. Aggrieved Person

An individual who believes that he or she has been discriminated against must first contact a Coast Guard EEO Counselor to initiate a discrimination complaint. In most cases, this should be an EEO Counselor at the aggrieved person's unit or one that services the unit. Should the EEO Counselor be named in the complaint or the aggrieved person feel the Counselor will not be objective, the unit CRO or command shall provide an alternate EEO Counselor for the member to utilize in the complaint process.

5.C.15.b. Process and Time Limits

1. A flowchart of the informal complaint process is Enclosure 17.
2. The aggrieved person must contact an EEO Counselor within 45 days of the date of the alleged discriminatory incident or effective date of a personnel action. If the 45-day time limit is exceeded, the EEO Counselor must still provide counseling, however, the EEO Counselor must make the aggrieved person aware that if a formal complaint is filed, it may be dismissed as untimely.
3. The EEO Counselor has 30 days from the day of initial contact to counsel the complainant and to attempt to resolve the complaint. If the situation is near resolution, the counseling process may be extended up to an additional 60 days if the complainant and CRO agree to this in writing (Enclosure 7). If a resolution is not achieved, the EEO Counselor will conduct a final counseling interview with the complainant and provide him or her with the Notice of Right to File a formal complaint on the thirtieth day (Enclosure 5b).
4. If the complainant elects the ADR process, the EEO Counselor will refer him/her to the CRO. The CRO will contact Commandant (G-HI) to have a mediator assigned. When the complainant elects to participate in the ADR process, the informal complaint process may be extended, not to exceed 90 days. The mediator will meet with the complainant and chain of command to mediate issues. If the parties achieve a resolution, the mediator will reduce the terms of agreement to writing; all parties involved will sign it and provide a copy to the CRO. If a resolution is not achieved, the mediator will complete the mediation form and provide a copy to the CRO. The complainant will return to the counseling process at the point counseling ceased.

5.C.15.c. Duties of Complainant

1. Contact an EEO Counselor and to seek redress when they believe they have been discriminated against because of their race, color, religion, national origin, sex, age (over 40 years), disability, sexual orientation, or reprisal.
2. Attempt to resolve any complaint of discrimination at the lowest level possible in the chain of command.

3. Allow the command an opportunity to provide a remedy or take appropriate action before the complaint is brought to the attention of higher authorities.
4. Tolerate no discrimination and promptly take appropriate action when incidents of discrimination are observed.

5.C.15.d. Duties of the EEO Counselor

1. At the initial counseling session, advise the aggrieved person about the complaint process and possible election requirements. The EEO Counselor Checklist (Enclosure 12) lists all of the information that must be discussed with the individual.
2. Notify the aggrieved person's unit CRO or command that a complaint has been filed. When not acting as servicing EEO Counselor for the member's unit, assist the member in contacting an alternative EEO Counselor provided by the member's unit CRO.
3. Provide the aggrieved person with a copy of the notice on the Rights and Responsibilities of Aggrieved Persons (Enclosure 2). The EEO Counselor will retain a signed and dated copy of this notice.
4. Determine the issue(s) and basis(es) of the potential complaint. A detailed description of the alleged discriminatory incident or personnel action, including the date on which the incident occurred, must be obtained. If the allegation is not an EEO matter, the EEO Counselor shall refer the aggrieved person to the appropriate office or program. The EEO Counselor, however, cannot evaluate the merits (i.e., whether or not discrimination occurred) of the allegation or refuse counseling based on such an evaluation.
5. Ensure that the aggrieved person is aware of their option to participate in the ADR process anytime in the counseling process and complete the ADR/EO Counseling Option Form (Enclosure 3). If ADR is elected, coordinate with the Unit CRO. The ADR process is voluntary for the aggrieved person; however, it is a management responsibility to participate. Commandant (G-HI) will evaluate the criteria for ADR and assign a mediator.
6. Maintain the aggrieved person's anonymity, unless waived by that individual, until a formal complaint of discrimination has been filed. Anonymity is considered waived once a formal complaint is filed (Enclosure 13).
7. Conduct a limited inquiry into the issues raised by the aggrieved person for the purpose of furnishing information for resolution efforts. The scope of the inquiry will vary based on the complexity of the issues, but the inquiry is limited and not intended to substitute for an investigation that is required at the formal stage. The inquiry will generally include interviewing supervisory/management officials, civilian personnel officials/liaisons, and employees and reviewing pertinent records, including official personnel files. The EEO Counselor must at all times control the inquiry. Problems with the inquiry should be reported to the CRO immediately.
8. Seek an informal resolution of the matter at the lowest possible level. The EEO Counselor's role is to facilitate resolution, not develop or advocate specific terms of an agreement. EEO Counselors must be careful not to inject their personal views on settlement negotiations. When an informal resolution is reached during counseling, the

terms of the settlement must be put in writing. A sample format is provided in Enclosure 4.

9. During the final interview, provide verbal feedback on the results of the inquiry resolution attempts and issue the Notice of Right to File Discrimination Complaint within 30 days of initial contact with the aggrieved person (Enclosure 5b). A written report is only prepared after a formal complaint is filed. A formal complaint may be filed by the aggrieved person at this time (see Enclosure 14). Prior to the end of the 30-day period, counseling may be extended for up to an additional 60 days, for a total of 90 days, if the aggrieved person agrees in writing to such an extension (Enclosure 7).
10. Prepare the counselor's report. Keep a careful record of information gathered during counseling such as copies of all notices given to the aggrieved person, attempted resolutions, and summary statements from witnesses. The EEO Counselor shall provide the CRO with the written report of counseling activities in the format provided at Enclosure 8b within 5 days after the issuance of the Notice of Right to File a formal complaint to the aggrieved person.
11. The EEO Counselor shall provide advice to the complainant in filing a formal discrimination complaint as necessary.

5.C.15.e. Duties of CROs

1. Provide technical advice and assistance to the COs/OINCs and members on Civil Rights issues and the discrimination complaint process.
2. When ADR is elected by a complainant, ensure the criteria are met and contact Commandant (G-HI) to provide information concerning mediation and to get a mediator assigned.
3. Provide Commandant (G-HI) with a summary report that addresses the ADR criteria specified in paragraph 5.C.18. of this instruction. If the ADR is appropriate, G-HI will assign a mediator.
4. When ADR is elected, provide mediator with the complaint information and make all necessary arrangements (i.e., time, date, and location).
5. Review the counselor’s report to ensure it contains all the required information and does not contain any opinions or conclusions. If the report meets the standard, a copy will be given to the complainant and command. If the report needs revision, it will be returned to the EEO counselor. The EEO Counselor has 1 day to make the necessary corrections.
6. Forward the counselor’s report to the appropriate DOCR regional office upon receipt of the DOCR acknowledgement letter.
7. District, area/MLC, and headquarters CROs will provide to Commandant (G-HI) the number of discrimination complaints counseled by the EEO Counselor on a quarterly basis (see section 5.C.19).

5.C.15.f. Duties of the COs/OINCs

1. Ensure the names and phone numbers of the designated CROs/EEO Counselors and the procedures for filing a discrimination complaint are displayed prominently at the units.
2. Ensure, whenever possible, that an attempt is made to resolve complaints at the lowest level possible in the chain of command. This includes using any administrative counseling or investigative tools that are available to the CO/OINC.
3. Ensure that any member who participates in the complaint process or files a complaint of discrimination in the complaint process is not subjected to any form of reprisal.
4. Ensure all complaints receive prompt command attention and appropriate action using the guidelines stated in this instruction. Such command action may include, but is not limited to, a suitable administrative remedy, which serves to make the complainant whole.
5. Ensure that when an appropriate action or remedy cannot be effected by the local command, the complaint is forwarded to the appropriate level in the chain of command for proper disposition.
6. Ensure any oral/written information provided by the complainant during the informal process is not shared with anyone, unless the complainant grants permission.
7. Arrange for the EEO Counselor to meet with aggrieved person if resolution cannot be achieved.
8. Has 10 days to review the complaint and attempt resolution upon receipt of a formal complaint. If resolution is not achieved, the command may prepare an endorsement to the formal complaint. The endorsement would state:
   a. That the complainant has received the required counseling and has been advised of the procedures for filing the formal complaint.
   b. That any delay in submission of the formal complaint was (was not) justified, and the reasons therefore.
   c. That all command attempts at informal resolution have been unsuccessful.
9. Forward the formal complaint and endorsement to the appropriate DOCR regional office within 10 days from receipt of complaint, with a copy to the CRO. CRO and DOCR contact information is included in Enclosures 19 and 20.
10. Ensure the Report of Investigation (ROI) is reviewed for an attempt to resolve the complaint. Consult with his or her servicing legal counsel, if necessary.
11. Ensure correspondence and information concerning a formal discrimination complaint is disseminated to the appropriate individuals.
12. Serve as the initial point of contact for DOT investigators for the on-site investigation.

5.C.15.g. Duties of ADR Mediator

1. Meet with the complainant and chain of command to explain the mediation process.
2. Facilitate the mediation process with the parties involved.

3. If a resolution is achieved, reduce the terms of the agreement to writing (Enclosure 9) and have the parties involved sign it.
4. Complete the mediation form (Enclosure 10) and forward a copy to the CRO.
5. Consult with the servicing legal counsel when resolution involves pay, promotion, and/or monetary settlement, or as needed.

5.C.16. Complaints Against the CO/OINC or Management Officials

Where the CO/OINC or Management Official is identified as the official responsible for directly engaging in the alleged discriminatory action, the informal complaint will be processed by the next higher level in the chain of command.

5.C.17. Complaints Against Commandant (G-C), Flag Level Officers, Senior Executive Service Officials, and CROs

5.C.17.a. Against Commandant

Informal complaints filed against Commandant (G-C) will be processed by the DOCR.

5.C.17.b. Against Flag Level Officers and Senior Executive Service Officials

Informal complaints filed against Flag level officers and Senior Executive Service officials will be processed by the DOCR.

5.C.17.c. Against CROs

Informal complaints filed against CROs will be processed locally by an alternate official at the next higher level designated by the CO. Commandant (G-HI) will provide technical guidance to this individual as requested.

5.C.18. Alternative Dispute Resolution (ADR) Mediation Process

1. The aggrieved person is given the option to elect the ADR process anytime during the counseling process. See Section 5.B.18. for further directions.
2. The duties of the ADR mediator are found in Section 5.B.15.g.

5.C.19. Reports

Area/MLC, Headquarters, and Academy CROs are required to submit the following reports that consolidate informal/formal complaints and counseling by the EEO counselors their AORs.

1. Enclosure 3 of Chapter 4 is required quarterly to report on the trends and types of informal discrimination complaints received. This report is due to G-HI no later than 14 calendar days after the end of the quarter.

2. Enclosure 11 is required by November 3rd each year to report on EEO counseling activity specifically.

5.C.20. Formal Complaint Program

5.C.20.a. Formal Complaint Processing

Formal complaint processing of allegations of discrimination raised by civilian members of the Coast Guard is the responsibility of the Department of Transportation (DOT), Departmental Office of Civil Rights (DOCR). The following list is the responsibility of the DOCR regional offices (see Enclosure 21 for a listing of offices):

1. Accept/Dismiss.
2. Investigation.
3. Writing the Report of Investigation (ROI).
4. Writing the Final Agency Decision (FAD).
5. Issuing a Final Agency Decision (FAD), with or without a hearing.

5.C.20.b. Alternative Complaint Processing

Under certain circumstances, an aggrieved person may have the option of electing to pursue his or her complaint through venues other than the Agency formal process (District Court, Merit Systems Protection Board, etc…). These alternative venues and procedures are described in enclosure (2) in this chapter. Be sure to read this information carefully. Your decision concerning which procedures to use may be final, and you may not be permitted to change that decision. If you have any questions concerning your election rights, please contact your EEO Counselor or Civil Rights Officer.

5.C.20.c. Procedures for Filing a Formal Discrimination Complaint

1. Complainants may only file a formal discrimination complaint after they have been counseled by an EEO Counselor (see Enclosure 14).
2. A formal complaint must be filed within 15 days from the date the complainant received the Notice of Right to File.
3. A formal complaint must be filed directly to the appropriate DOCR regional office responsible for the geographical area where the alleged discrimination occurred. A copy must be provided to the servicing CRO (MLC, Headquarters, Academy).

5.C.20.d. Duties of the Complainant

1. File a formal complaint within 15 days of the receipt of the Notice of Right to File a discrimination complaint. The complaint must be in writing and the body of the complaint must contain the basis(es) (race, color, national origin, religion, sex, sexual orientation, disability, age (over 40 years), or reprisal) and issues (incident or action) giving rise to the complaint and the date of the incident or of the known action. The complainant may request advice or clerical assistance of the EEO Counselor in preparing the complaint.
2. Clearly and concisely state the action, condition or matter upon which the formal complaint is made and the specific remedy requested, including the factual basis for the complainant's belief that discrimination has occurred.
3. Submit the formal complaint directly to the DOCR with a copy to the CRO.

5.C.20.e. Duties of the EEO Counselor

1. Provide advice to the complainant in preparing his/her formal discrimination complaint, if the complainant so desires.
2. Prepare and provide the counselor's report to the CRO within 5 days of issuing the Notice of Right to File.

5.C.20.f. Duties of the CRO

1. Review the counselor's report to ensure it includes all the required information and does not contain any opinions or conclusions (See Enclosures 8 and 14.)
2. Upon receipt of DOCR's letter acknowledging receipt of the complaint, forward the counselor's report to the appropriate DOCR regional office within 5 days.

5.C.21. Department of Transportation (DOT), Departmental Office of Civil Rights (DOCR) Responsibilities

5.C.21.a. Acknowledgment Letters

The Regional Director (RD), or his/her designee, will acknowledge receipt of a complaint within 7 days. The acknowledgment letter will inform the complainant of the following:

1. Date on which the complaint is considered filed.
2. DOCR case number assigned to the complaint.
3. DOCR contact person and his/her telephone number.
4. Complainant's right to appeal the final decision/dismissal of all or a portion of the complaint.

5. Agency's (DOT) requirement to conduct a complete and fair investigation of the complaint within 180 days of the filing of the complaint unless the parties agree in writing to extend the period.

5.C.21.b. Accept/Dismiss

A complaint can be dismissed by DOCR if:

1. The complaint is not timely (complainant did not contact EEO Counselor within 45 days of alleged discrimination).
2. The complainant cannot be located.
3. The complainant fails to cooperate in providing relevant information or other requests by DOCR.
4. There is lack of jurisdiction under 29 CFR 1614.107(a).
5. The complainant files a civil action based on the issue(s) raised in the complaint and at least 180 days have passed since the filing of the EEO complaint.
6. The complainant has elected to raise the allegation in a grievance procedure.

5.C.21.c. Methods of Investigation

1. If the complaint is accepted, DOCR will investigate the complaint.
2. The role of the investigator in the investigative process is to collect factual information concerning the issues in the complaint under investigation and to prepare a Report of Investigation (ROI).

5.C.21.d. Notification of On-Site Investigation

When the RD, or his/her designee, determines that the investigation will include an on-site visit, he or she should generally give at least 10 days notice to the complainant and CO/OINC of the planned dates for the on-site investigation and/or interview. Notification will be done in writing.

5.C.21.e. Report of Investigation (ROI)

1. The ROI provides a thorough and concise record of the testimonial and documentary evidence obtained during the course of the investigation. The report is a complete and impartial factual record sufficient to render a decision on each issue accepted for investigation.
2. The complainant and the unit will receive a copy of the ROI (minus any Privacy Act information) for review and attempt to resolve the complaint within 30 days from the date of receipt, if possible.
3. The complainant shall be given the option to accept the ROI and ask for a FAD from DOCR or to have an EEOC hearing.

5.C.21.f. Withdrawals/Settlements

1. The DOCR RD will close a complaint administratively when it is withdrawn by the complainant or when he or she and the Coast Guard reach a settlement agreement.

2. A complainant may withdraw his/her complaint at any time. If a complainant has sought withdrawal of a complaint because the matter has been settled, an executed copy of the settlement agreement must be provided to the RD before the complaint can be closed.

3. A complaint shall be closed administratively (in whole or in part) when the complainant has entered into a written agreement that states as one of its terms that the complaint(s) will be withdrawn. If the settlement agreement fails to address withdrawal of the complaint(s), or if it appears that the settlement agreement does not satisfactorily address the issue(s) of discrimination raised in the complaint(s), the RD shall refer the matter to the Chief, Compliance Operations Division, DOCR, for appropriate action.

4. The Chief, Compliance Operations Division, will consult with the Civil Rights legal staff of the Office of the Assistant General Counsel for Environmental, Civil Rights, and General Law (C-18) prior to initiating any action under this section.

5.C.21.g. Hearings

1. Civilian members may seek remedy for a violation of the statutes enforced by DOCR by requesting a hearing before an EEOC AJ prior to the issuance of a FAD or after 180 days have elapsed. The hearing is a continuation of the investigative process.
2. When a hearing is requested, the DOCR is no longer processing the complaint until an AJ makes a recommended decision to the DOCR.

5.C.21.h. Final Agency Decision (FAD)

1. A FAD is issued by the Director, DOCR, with the Regional Director's signature.
2. The FAD should set forth DOCR's findings and conclusions on each of the complainant's allegations of unlawful discrimination and, when discrimination is found, the FAD should recommend and direct appropriate remedies and relief.

5.D. Discriminator Identification and Tracking System

5.D.1. Purpose

a. The Discriminator Identification and Tracking System establishes a personnel records system to account for those persons in the Coast Guard, both military members and civilian employees, who discriminate illegally.

b. This system will be used to inform officials making personnel decisions (permanent change of station [PCS], promotion boards, assignment panels, etc.), involving persons who condone discrimination or persons who have illegally discriminated.

c. This system, in and of itself, will act as a stern deterrent to discriminatory behavior. This policy is one of many related Coast Guard policies designed to demonstrate the organization's steadfast commitment towards eliminating illegal discrimination in our workplace.

d. This system is designed to capture statistical data to assist with trend analysis and programmatic measures of effectiveness.

5.D.2. Policy

5.D.2.a. This policy applies to:

1. All Coast Guard civilian employees, including non-appropriated fund (NAF) employees.
2. Active duty military personnel, including regular members, reserve members, and reserve members on active duty for training and inactive duty for training.
3. Members of other branches of the Armed Forces serving with the Coast Guard.
4. Members of the U.S. Public Health Service serving with the Coast Guard.

5.D.2.b. Promulgation

This policy is promulgated in the Personnel Manual, COMDTINST M1000.6 (series), for military personnel. This policy in regards to civilian personnel is promulgated in this manual.

1. The Coast Guard must hold persons accountable for illegal discriminatory conduct and track those persons through the personnel records system. Laws and regulations prohibiting illegal discrimination may be enforced through administrative or disciplinary action under both military and civilian personnel systems.
2. Disciplinary or administrative action shall be taken only where the discriminatory conduct is believed to be intentional and/or the conduct could be classified as particularly egregious. Egregious conduct would include behavior, such as quid pro quo sexual harassment, which the Coast Guard has clearly communicated through extensive human awareness training is illegal. Although law and policy prohibit discrimination of both an

intentional and unintentional nature (e.g., discrimination that results in a disparate impact upon a class of individuals through the application of an agency or unit policy), only those persons who commit discrimination of an intentional or egregious nature are included within the scope of this section. In those instances where the conduct could reasonably be considered to be unintentional and of a minor nature, disciplinary and administrative action may be inappropriate and unjustified. In such instances, simple verbal or written counseling may be the appropriate tool to draw attention to the discriminatory impact of the unintentional conduct or policy application.

3. The Coast Guard also recognizes that a credible system balances the need to hold discriminators accountable for their unlawful conduct with a need to ensure that those accused of discrimination are accorded due process. Therefore, only those persons found to have illegally discriminated as a result of Article 15, Uniform Code of Military Justice (UCMJ), Non-Judicial Punishment (NJP), a court-martial, or pursuant to the civilian employee procedures contained in Civilian Personnel Actions, COMDTINST M12750.4, will be entered into the Discriminator Identification and Tracking System.
4. Discrimination complaint investigations under Chapter 5, Sections B and C, of this manual focus on "making the victim whole." Because these investigations do not provide due process protections for those accused of discriminatory conduct, they shall not form the basis for entry into the Discriminator Identification and Tracking System. Consequently, a finding of discrimination resulting solely from a Civil Rights investigation shall not be the basis on which disciplinary action is taken. Discrimination complaint investigations, however, may be used by a CO/OINC in determining what additional investigatory action is warranted.
5. Not all instances of discriminatory conduct will require formal disciplinary action or entry into the Discriminator Identification and Tracking System. For minor offenses, counseling may be sufficient and the most appropriate means to deal with the situation. Documenting such counseling through evaluations or other appropriate personnel management tools, such as letters of counseling, is strongly encouraged. This system depends on leadership and the exercise of proper discretion by CO/OINC and supervisors.

5.D.2.c. Required Reporting

Proper personnel management requires prompt reporting. Commanders, COs, and OINCs will complete and forward Enclosure 16 upon the following events:

1. Submission of a special or regular evaluation by the member's rating chain following imposition of NJP punishment based upon illegal discrimination.
2. Submission of a special or regular evaluation by the member's rating chain following convening authority approval of a court-martial conviction based upon illegal discrimination.
3. For civilian employees, execution of an SF-50, Request for Personnel Action, for a suspension, reduction in grade or pay, or removal based upon illegal discrimination.

5.D.2.d. Management of Tracking System

1. Commander (CGPC-C) will manage the Discriminator Identification and Tracking System case files for military personnel.
2. The Chief, Office of Civilian Personnel (G-WPC), will manage Discriminator Identification and Tracking System case files for civilian employees.
3. Commandant (G-WP) will be responsible for issuing policy and answering questions regarding this policy. A finding of illegal discrimination, and subsequent entry into the Discriminator Identification and Tracking System, will normally not be deleted during a military member's career, regardless of any breaks in Coast Guard service. Such records for civilian personnel will be retained consistent with OPM Standards in the applicable OPM System of Records. This case file information will be protected from public disclosure under the Privacy Act, but will be available to appropriate officials in the Human Resource Directorate and the CGPC responsible for assignments and other personnel actions.

5.E. Sexual Harassment Prevention Program

5.E.1. Purpose

1. This section establishes the Sexual Harassment Prevention Program for the Coast Guard. It discusses leadership issues, training, policies, and processes that will help to prevent and eliminate sexual harassment from the Coast Guard. This section clarifies the definition of sexual harassment and provides tools for preventing sexual harassment and dealing with incidents of sexual harassment. More specifically, this section:
   a. Prohibits reprisals against individuals who provide information on incidents of sexual harassment (see Section 5.D.6.).
   b. Expands education and training requirements (see 5.D.5.a.).
   c. Establishes mandatory separation standards for certain substantiated sexual harassment offenses (see Section 5.D.6.).
   d. Adds a requirement for an effective system to resolve complaints of sexual harassment (see Section 5.D.6.).
   e. Addresses reporting requirements in accordance with the Coast Guard Discriminator Identification and Tracking System for ensuring accountability for incidents of sexual harassment (see Section 5.D.6.).

5.E.2. Applicability

This section applies to all Coast Guard civilian employees, including NAF employees; active-duty military personnel, including both regular and reserve; cadets of the Coast Guard Academy; reserve personnel when performing active or inactive duty for training, or engaging in any activity directly related to performance of a Coast Guard duty or function; members of the Coast Guard Auxiliary when under orders or engaged in any activity directly related to the mission of the Auxiliary; and members of other branches of the Armed Forces and the U.S. Public Health Service serving with the Coast Guard.

5.E.3. Background

5.E.3.a. Studies and Previous Guidance

Several highly publicized recent events have focused attention on the widespread problem of sexual harassment. As the Coast Guard is a part of the larger society in which this problem exists, its organization has not been able to escape the detrimental effects of sexual harassment. Traditionally, the Coast Guard has been in the forefront among organizations

attempting to deal with difficult Civil Rights issues, including sexual harassment. Nevertheless, the Women in the Coast Guard Study, completed in 1990; the U. S. Coast Guard Academy Climate Assessment, completed in 1992; and the Defense Manpower Data Center (DMDC) 1995 Survey on Sexual Harassment each confirmed that sexual harassment continues to be a problem in the Service and that more needs to be done to prevent it. A more recent, comprehensive step was the Quality Action Team (QAT) chartered on 9 September 1996 to manage and direct the Coast Guard toward the prevention and elimination of sexual harassment. Specifically, the QAT was chartered to:

1. Review the findings of the DMDC 1995 Survey on Sexual Harassment.
2. Create a list of proposed recommendations for eliminating sexual harassment.
3. Make recommendations that are within the art of the possible.
4. Develop a plan of action and establish target dates for completing each action.

QAT provided a report to G-H, forwarded to the Commandant for approval on numerous recommendations, many of which are incorporated in this manual.

5.E.3.b. 1996 Sexual Harassment Prevention Quality Action Team (SHP QAT) Findings

1. The American Psychological Association estimates sexual harassment touches the lives of 40 to 60 percent of all working women and students.
2. Seventy-one percent of all working women will experience sexual harassment sometime in their careers.
3. The Coast Guard Workforce Cultural Audit indicated about half of all Coast Guard members surveyed feel sexism and sexual discrimination are problems in today's Coast Guard.
4. Most incidents of sexual harassment are lesser offenses of crude and offensive behavior and/or sexist behaviors.
5. Sexual harassment is not limited to one group but occurs across all military pay grades, both officer and enlisted, and across all civilian pay grades.
6. Approximately half of the time, the harasser is a co-worker. Most remaining harassers are either immediate supervisors or persons of a higher rank or grade.

5.E.3.c. Negative Effects of Sexual Harassment

The economic costs of sexual harassment are significant. Even more harmful, however, are the negative effects of sexual harassment on productivity and readiness, including increased absenteeism, greater personnel turnover, lower morale, decreased effectiveness, and a loss of personal, organizational, and public trust. While not easily quantified, these costs are real and seriously affect the Coast Guard's ability to accomplish its mission.

5.E.3.d. Integration of Sexual Harassment Prevention Directives

This manual pulls together all elements of the current sexual harassment prevention system and implements significant improvements recommended by the 1996 SHP QAT.

5.E.3.e. Working Together

The Coast Guard must be comprised of *men and women who work together effectively* to accomplish its missions. Each individual is entitled to be treated fairly, with dignity and respect, and must be allowed to work in an environment free of unlawful discrimination. The Commandant is committed to eliminating sexual harassment in the Coast Guard.

5.E.4. Discussion

5.E.4.a. Definition and Terms

1. **Definition of Sexual Harassment**: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment. Sexual harassment can occur in a variety of circumstances, including but not limited to the following:
   a. The victim as well as the harasser may be a woman. The victim does not have to be of the opposite sex.
   b. The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
   c. The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
   d. Unlawful sexual harassment may occur without economic injury to or discharge of the victim.
   e. The harasser's conduct must be unwelcome.
2. **Definition of Reasonable Person Standard**: The reasonable person standard shall be used to determine whether a violation of these provisions has occurred. The Reasonable Person Standard is an objective test used to determine if behavior constitutes sexual harassment. This standard considers what a reasonable person's reaction would be under similar circumstances and in a similar environment. The reasonable person standard considers allegations of sexual harassment from the perspective of a reasonable recipient.

This perspective should be that of a reasonable person who is in a work environment free of unwelcome conduct of a sexual nature or references to sexual favors.

3. **Definition of "Quid Pro Quo" Sexual Harassment**: Sexual Harassment where job benefits or losses are conditional upon sexual cooperation. "Quid Pro Quo" literally translates as "This for that." An example of this "Quid Pro Quo" sexual harassment would be an incident in which a supervisor tells an employee that "if you want to get promoted, you must go out on a date with me."
4. **Definition of Established Patterns of Sexual Harassment (Reference Personnel Manual 12-B-18)**: An established pattern of Sexual Harassment may exist when it appears to a reasonable person that a member exhibits sexual harassing behaviors on more than one occasion that is disruptive to good order and discipline and inconsistent with unit cohesiveness. This may mean two or more proven incidents of sexual harassing behaviors depending on the nature and severity of the incidents, the period of time in which the incidents occurred, and whether disciplinary action was taken. The term "proven incidents" typically means that through NJP or Captain's Mast, a person was found guilty of having committed offensive acts of sexual harassment or gender discrimination. Types of sexual harassment are described in Enclosure (20) of this manual.
5. **Definition of Sex Discrimination**: Sex Discrimination refers to the practice of wrongfully treating men and women differently in the workplace, solely because of their sex. The Supreme Court has held that sexual harassment of both men and women is a form of sex discrimination.

5.E.4.b. Leadership Responsibility

Sexual harassment is a form of discrimination. By law, the Coast Guard must take action to prevent its occurrence. All levels of leadership, from the leading seaman to top management, need to hold their subordinates accountable for their behavior. Leaders and supervisors who fail to recognize actions of sexual harassment and take appropriate action do not perform the responsibilities and duties of their position. Leadership must be completely knowledgeable of sexual harassment prevention policies and deal with sexual harassment incidents. Once sexual harassment does occur, each and every one of us must take appropriate administrative and/or disciplinary action.

5.E.4.c. Communications and Marketing

1. The primary purpose of a marketing plan is to maximize the effectiveness of the Sexual Harassment Prevention Training Program. Communicating program efforts and initiatives with units and individuals, and using new ways to increase program and policy awareness are our strongest avenues of reaching all personnel. Unit Commanders should develop a plan to continue efforts to eliminate sexual harassment.
2. The plan should identify target markets, budget requirements, and short- and long-term goals. This marketing plan should incorporate input from field MCRC/Fs and address each component of Team Coast Guard to include military, civilian, and Auxiliary personnel.

3. Marketing efforts for the Sexual Harassment Prevention Program as a whole is a strong step towards reducing sexual harassment in all elements of Team Coast Guard. This effort will decrease harassment by increasing prevention awareness and knowledge, bringing the Coast Guard closer to being an employer of choice. Eliminating sexual harassment will also assist the Coast Guard in reaching the 2015 diversity goal of being a demographic reflection of society.

5.E.5. Policies

The Coast Guard is committed to maintaining a work environment free from unlawful discriminatory practices and inappropriate behavior. *The Commandant's Sexual Harassment Prevention Policy Statement (Chapter 1, Enclosure 1) shall be adhered to by all members of Team Coast Guard.*

5.E.5.a. Education and Training

All Coast Guard personnel, both military and civilian, are required to receive sexual harassment prevention training upon accession into the Coast Guard (within 90 days to the extent possible) and *annually* thereafter, in the areas of identification, prevention, resolution, and elimination of sexual harassment. Annual training keeps issues current and requires leadership to be actively involved in the prevention of sexual harassment. Auxiliary members shall receive training as an element of the basic qualification process. Section 1.H.4. of this manual describes this training in detail.

5.E.5.b. Command Responsibilities With Regards to Resolving incidents of Sexual Harassment

As with other types of discrimination, there are courses of action available to the command (ranging from verbal counseling to punitive measures) in addressing allegations and incidents of sexual harassment. Guidance to commands concerning their responsibilities in resolving incidents of sexual harassment is provided in Chapter Two, Section B and in section A of this chapter.

5.E.5.c. Examples of Sexually Harassing Behaviors

A table describing some sexually harassing behaviors is included in Enclosure 18. The information contained within the table is not all-inclusive and serves only as a guide for determining whether or not sexual harassment occurred. The intent for providing this table and the five categories is to provide general guidance as to what constitutes sexual harassment. It is most important to state that there are other actions that may be considered sexual harassment.

MEMBER RIGHTS AND RESPONSIBILITIES IN THE MILITARY DISCRIMINATION COMPLAINTS PROCESS

Subj: Rights and Responsibilities of Aggrieved Persons

From: (Name of MCRC/F)

To: (Name of Complainant)

This notice advises you of your rights and responsibilities in the military complaints process. PLEASE READ THIS NOTICE CAREFULLY SO THAT YOU FULLY UNDERSTAND YOUR RIGHTS AND RESPONSIBILITIES. Should you have any questions or difficulty in clearly understanding these instructions, please contact your Military Civil Rights Counselor/Facilitator or Civil Rights Officer for assistance.

1. If you believe that you have been discriminated against, you are required to submit a chit to your chain of command within forty-five (45) calendar days of the date of the alleged discriminatory action. This shall normally be an EEO Counselor which services your unit. Should you desire an alternate counselor, one shall be provided by your unit CRO.

2. The Coast Guard may extend the forty-five (45) day time limit if:

   - You show that you were not notified of the time limits and were not otherwise aware of them, or

   - You did not know and reasonably could not have known that the matter or personnel action which occurred was discriminatory, or

   - You showed that despite due diligence, you were prevented by circumstances beyond your control from submitting a chit within the time limits, or

   - Other reasons considered sufficient by the Department of Transportation are found to exist.

3. Counseling must be completed within thirty (30) calendar days. If the Counselor is close to reaching a resolution, the counseling process may be extended up to an additional sixty (60) days, if you and Commandant (G-H) agree to this in writing.

4. If you agree to participate in alternative dispute resolution (ADR) process that is available as part of the counseling process, the counseling period shall be extended an additional sixty (60) days, not to exceed ninety (90) calendar days.

5. If the matter has not been informally resolved, you will be informed in writing at the conclusion of the counseling period of your right to file a discrimination complaint.

6. If you wish to file a complaint at the conclusion of counseling you MUST file a formal complaint within fifteen (15) calendar days of the receipt of the Notice of Right to File a Discrimination Complaint.

7. Only matters raised at the counseling stage (or matters like or related to matters raised at the counseling stage), may be the subject of your formal complaint.

8. You have the right to representation throughout the complaint process.

9. You have the right to prevent your informal written complaint from being shared with anyone unless you have agreed to do so.

10. You have the duty to keep the Departmental Office of Civil Rights (DOCR) informed of your current mailing address, telephone number throughout the formal complaint process.

11. If your formal complaint is accepted by DOCR, it will be assigned for a fact finding investigation. At the conclusion of the investigation, and after the Report of Investigation (ROI) is completed, one copy of the ROI

will be forwarded to you with appropriate instructions. Your copy will be for your permanent possession and does not need to be returned. PLEASE READ THE ROI THOROUGHLY.

12. Your copy of the ROI contains personal data to be treated in a confidential manner. Your ROI may not be shown or disseminated to a third party other than your representative of record. Persons who violate the privacy safeguards are subject to disciplinary actions.

IT IS YOUR RESPONSIBILITY TO PICK UP CERTIFIED MAIL OR ANY OTHER CORRESPONDENCE FORWARDED TO YOU BY THE DEPARTMENT OF TRANSPORTATION (DOT), DEPARTMENTAL OFFICE OF CIVIL RIGHTS (DOCR) AND TO NOTIFY THE DOT DOCR OF ANY CHANGE OF ADDRESS. If you fail to inform DOT DOCR of your mailing address or if you fail to pick up certified mail, your case may be closed for failure to prosecute.

It is recommended that you retain this letter for future reference.

Sincerely,

MCRC/F

I, _____, acknowledge receipt on _____,
Complainant's Name (month, day, year)
of the above letter, subject: COMPLAINANT'S RIGHTS AND RESPONSIBILITIES LETTER.

Complainant's Signature: _____

RIGHTS AND RESPONSIBILITIES OF AGGRIEVED PERSONS (CIVILIANS) UNDER TITLE 29 CFR PART 1614

From: (Name of EEO Counselor)

To: (Name of Aggrieved Person)

This notice advises you of your rights and responsibilities in the civilian complaint process. PLEASE READ THIS NOTICE CAREFULLY SO THAT YOU FULLY UNDERSTAND YOUR RIGHTS AND RESPONSIBILITIES. Should you have any questions or difficulty in clearly understanding these instructions, please contact your EEO Counselor or Civil Rights Officer for assistance.

1. If you believe that you have been discriminated against, you are required to notify an EEO Counselor within forty-five (45) calendar days of the date of the alleged discriminatory action. This shall normally be an EEO Counselor which services your unit. Should you desire an alternate, one shall be provided by your unit CRO.

2. The Coast Guard may extend the forty-five (45) day time limit if:

   - You show that you were not notified of the time limits and were not otherwise aware of them, or

   - You did not know and reasonably could not have known that the matter or personnel action which occurred was discriminatory, or

   - Other reasons considered sufficient by the Department of Transportation are found to exist.

3. Counseling must be completed within thirty (30) calendar days. If the EEO Counselor is close to reaching a resolution, the counseling process may be extended up to an additional sixty (60) days, if you and Commandant (G-H) agree to this in writing.

4. If you agree to participate in alternative dispute resolution (ADR) process that is available as part of the counseling process, the counseling period shall be extended an additional sixty (60) days, not to exceed ninety (90) calendar days.

5. If the matter has not been informally resolved, you will be informed in writing at the conclusion of the counseling period of your right to file a discrimination complaint.

6. You have the right to remain anonymous throughout the informal process complaint process unless you waive that right. Should you choose to file a formal complaint, your name will be made known to your command upon submission of the formal complaint.

7. If you wish to file a complaint at the conclusion of counseling you MUST file a formal complaint within fifteen (15) calendar days of the receipt of the Notice of Right to File a Discrimination Complaint.

8. Only matters raised at the counseling stage (or matters like or related to matters raised at the counseling stage), may be the subject of your formal complaint.

9. If you desire to file a class complaint, the class allegation must be brought to the attention of an EEO Counselor by the class agent within forty-five (45) calendar days of the date that the specific policy or practice adversely affected the class agent or if a personnel action, within forty-five (45) days after the effective date. Extensions of time will be considered by the agency pursuant to the guidance in paragraph 2.

10. You have the right to representation throughout the complaint process.

11. Your election rights in the complaints process are explained in Enclosure 1. PLEASE READ YOUR ELECTION RIGHTS CAREFULLY. If you have any questions concerning your election rights, please contact your EEO Counselor or your Civil Rights Officer.
12. You have the right to go directly to the U.S. District Court on claims of sex based wage discrimination under the Equal Pay Act even though such claims are also cognizably under Title VII. In connection with an Equal Pay Act claim, liquidated damages are available for a willful violation.

13. You have the duty to mitigate damages, e.g., interim earnings or amounts which could be earned by you with reasonable diligence generally must be deducted from an award of back pay.

14. You have the right to not have your informal written complaint shared with anyone unless you have agreed to do so.

15. You have the duty to keep the Departmental Office of Civil Rights and the Equal Employment Opportunity Commission informed of your current mailing address, telephone number and to serve copies of appeal papers on the agency. If you file an appeal, you must serve the papers on the head of the agency and the Departmental Director of Civil Rights whose addresses appear below:

    Secretary of Transportation
    United States Department of Transportation
    400 7th Street, S.W.
    Washington, D.C. 20590

    Departmental Director of Civil Rights
    United States Department of Transportation
    400 7th Street, S.W.
    Washington, D.C. 20590

16. If your complaint is accepted, it will be assigned for a fact finding investigation. At the conclusion of the investigation, and after the Report of Investigation (ROI) is completed, one copy of the ROI will be forwarded to you with appropriate instructions. Your copy will be for your permanent possession and does not need to be returned. PLEASE READ THE ROI THOROUGHLY.

17. Your copy of the ROI contains personal data to be treated in a confidential manner. Your ROI may not be shown or disseminated to a third party other than your representative of record. Persons who violate the privacy safeguards are subject to disciplinary actions, or a fine of up to $5,000, or both (PL-93-576).

18. You will have thirty (30) calendar days from receipt of the ROI to request a hearing by an EEOC Administrative Judge (AJ) or, alternatively, an immediate final DOT decision on the written record. If you request a final DOT decision, or if the thirty (30) calendar day period lapses without you requesting a hearing, DOT will issue a final decision in your complaint within 60 calendar days.

19. You may request a hearing with an AJ, at any time after one-hundred eighty (180) calendar days have elapsed from the filling of your complaint. (Note: this does not apply when the basis of the complaint is sexual orientation.

20. At the conclusion of the process you elect, a copy of the Department's final decision on your complaint will be forwarded to you. READ IT CAREFULLY.

21. As a complainant you have the following rights of appeal:

- You may appeal the Department's final decision to the Equal Employment Opportunity Commission's Office of Federal Operations, P.O. Box 19848, Washington, D.C. 20036.
- Such an appeal must be filed by you in writing and received by the EEOC Office of Federal Operations within thirty (30) calendar days from the date you receive the decision.
- You will still reserve the right to file a civil court action within ninety (90) calendar days following the date you receive a decision from the Office of Federal Operations.

22. Should the EEOC Office of Federal Operations fail to render a decision on your appeal of the Department's final decision within one-hundred eighty (180) calendar days of their receipt of your appeal, you may file a civil court action in an appropriate U.S. District Court.

23. You may forego an appeal to EEOC and immediately file a civil court action regarding the Department's final decision, in an appropriate U. S. District Court, within ninety (90) calendar days from the date you receive the decision.

24. If the Department fails to issue a final decision within one-hundred eighty (180) days from the date your formal discrimination complaint was filed, you may initiate a civil court action in an appropriate U.S. District Court. Please be advised that the Department, when informed that a civil action has been filed, will cancel the administrative processing of the complaint.

IT IS YOUR RESPONSIBILITY TO PICK UP CERTIFIED MAIL OR ANY OTHER CORRESPONDENCE FORWARDED TO YOU BY THE DEPARTMENT OF TRANSPORTATION (DOT), DEPARTMENTAL OFFICE OF CIVIL RIGHTS (DOCR) AND TO NOTIFY THE DOT DOCR OF ANY CHANGE OF ADDRESS. If you fail to inform DOT DOCR of your mailing address or if you fail to pick up certified mail, your case may be closed for failure to prosecute.

It is recommended that you retain this letter for future reference.

Sincerely,

EEO Counselor

I, _____, acknowledge receipt on _____,
Complainant's Name (month, day, year)

of the above letter, subject: COMPLAINANT'S RIGHTS AND RESPONSIBILITIES LETTER.

Complainant's Signature: _____

AGGRIEVED PERSON ELECTION RIGHTS (CIVILIAN)

Subj:Aggrieved Person Election Rights

From: (Name of EEO Counselor)

To: (Name of Aggrieved Person - Person Counseled)

The following information is provided to assure that you are informed of your election rights in the EEO process. An aggrieved person who believes (s)he has been discriminated against on the basis of race, color, religion, sex, national origin, sexual orientation, age (forty (40) years or older), disability, or reprisal for past EEO activity may file a complaint of discrimination with the Department of Transportation (DOT) pursuant to the administrative complaint procedures of 29 C. F. R., Part 1614. These procedures are explained in the proceeding notice. Your EEO Counselor will be able to provide you with additional information on this process.

Under certain circumstances, an aggrieved person may have the option of electing to pursue his or her complaint under alternative procedures. These procedures are described below. Be sure to read this information carefully. Your decision concerning which procedures to use may be final, and you may not be permitted to change that decision. If you have any questions concerning your election rights, please contact your EEO Counselor or Civil Rights Officer.

AGE DISCRIMINATION: Subpart B, section 1614.201(a)

If you believe you were discriminated against because of age (40 and over), you may elect to bypass the administrative complaint process of Part 1614 and file a civil action directly in a U. S. District Court under the Age Discrimination in Employment Act (ADEA) against the head of the alleged discriminating agency. You must give the Equal Employment Opportunity Commission (EEOC) not less than thirty (30) days notice of the intent to file such an action. Such notice must be filed in writing within one-hundred eighty (180) days of the occurrence (date) of the alleged unlawful (discriminatory) action with the:

EEO Commission
Federal Sector Programs
1801 L. Street, N. W.
Washington, D. C. 20507

The notice must contain (1) a statement that you intend to file a civil action under section (5) (d) of the ADEA: (2) your name, address, and telephone number, (3) the name, address, and telephone number of your representative, if any; (4)the name and location of the agency where the alleged discrimination occurred; (5) the dates of the alleged discriminatory actions; (6) a description of the action(s); and (7) your signature.

After notifying the EEOC of your intent to file a civil action, you must wait thirty (30) days before filing. If you elect instead to use the discrimination complaint process, you may not file a civil action until the process has been completed, or the time limits for completing the process have been exceeded.

MIXED CASES: Subpart C, section 1614.302

A “mixed case complaint” is a complaint of employment discrimination based on race, color, religion, sex, national origin, age, disability, or reprisal based on past EEO activity, related to or stemming from an agency action that can be appealed to the Merit Systems Protection Board (MSPB). A “mixed case appeal” is an appeal filed directly with the MSPB that alleges that an appealable agency action was effected, in whole or in part, because of such discrimination. Mixed cases may be processed under the EEO discrimination complaint process, or appealed to MSPB, BUT NOT TO BOTH. Whatever action you file first is considered an election to proceed in that forum.

Filing a formal discrimination complaint constitutes an election to proceed in the EEO forum. Contacting an EEO Counselor or receiving EEO counseling does not constitute an election.

If you decide to file with MSPB, you have:

- Twenty (20) calendar days from the date of the alleged discriminatory act to file mixed case appeal, or
- Fifteen (15) calendar days from the date of the EEO Counselor's Notice of Right to File a Discrimination Complaint or thirty (30) calendar days (unless extended) after the initial EEO Counselor contact to file a mixed case complaint.

Most MSBP appealable matters fall into the following six categories:

- Reduction in-grade or removal for unacceptable performance;
- Removal, reduction-in-grade of pay, suspension for more than fourteen (14) days, or furlough for thirty (30) days or less for cause that will promote the efficiency of the services;
- Separation, reduction-in-grade, or furlough for more than thirty (30) days, when the action was effected because of a reduction in force;
- Reduction-in-force action affecting a career appointee in the Senior Executive Service;
- Reconsideration decision sustaining a negative determination of competence for a general schedule employee; and
- Disqualification of an employee or applicant because of suitability determination.

The following employees generally do not have rights to appeal to the MSPB:

- probationary employees
- non-appropriated fund activity employees, and
- employees serving under a temporary appointment limited to one year or less.

NEGOTIATED GRIEVANCE PROCEDURES: Subpart C, section 1614.301

If you are covered by a negotiated union grievance procedure which provides for allegations of discrimination based on the same bases covered by the EEO discrimination process, you may file your complaint or grievance under either process, BUT NOT BOTH. The filing of a timely written grievance constitutes an election to proceed under a negotiated grievance procedure. The filing of a formal discrimination complaint under part 1614 constitutes an election to proceed in the EEO forum. Contacting an EEO Counselor or receiving EEO counseling does not constitute an election.

EQUAL PAY ACT COMPLAINTS: Subpart B, section 1614.202

Equal Pay Act (EPA) complaints will be administratively processed like discrimination complaints. You are hereby notified of the statute of limitations of two years or three years for a willful violation and of the right to file directly in a United States District Court without first providing notice to EEOC or exhausting administrative remedies.

I, _____, acknowledge receipt on _____
(aggrieved person's name)(month/day/year)

of the above letter, subject: ELECTION RIGHTS OF AGGRIEVED PERSONS.

_____
Signature of Aggrieved Person

ALTERNATIVE DISPUTE RESOLUTION (ADR)/EO COUNSELING OPTION FORM

One of the options provided to the complainant under the discrimination complaints procedures is elect to participate in the ADR mediation process anytime in the counseling process. If the complainant agrees to participate in the procedure, the counseling process shall be extended an additional sixty (60) days, not to exceed ninety (90) days. This form is to be completed and signed by the complainant.

COMPLAINANT PERSON:_____

ADDRESS:_____

PHONE #:_____ ADR: YES _____ NO_____

I ELECT TO UTILIZE THE ALTERNATIVE DISPUTE MEDIATION PROCESS TO SETTLE MY ALLEGATION/COMPLAINT OF DISCRIMINATION.

IF A SETTLEMENT IS NOT REACHED AT THE INFORMAL STAGE, I UNDERSTAND THAT I WILL BE GIVEN A NOTICE OF RIGHT TO FILE A FORMAL COMPLAINT. IF A SETTLEMENT IS NOT REACHED IN THE ADR PROCESS, THE COMPLAINANT WILL RETURN TO THE COUNSELING PROCESS WHERE S/HE WAS PRIOR TO PARTICIPATING IN THE ADR PROCESS.

_____ _____
(Complainant's Signature) (Date)

_____ _____
(Counselor's Signature) (Date)

DEPT. OF TRANS.,U.S.C.G., CG-5656D (3-99)

DEPARTMENT OF TRANSPORTATION
U. S. COAST GUARD

SAMPLE FORMAT FOR SETTLEMENT AGREEMENT

1. This refers to the matter which _____ first discussed with myself, as a
(Complainant's Name)
representative of the agency, on _____ when you alleged discrimination because of
(date)
_____ when on _____ the following occurred:
(identify basis of discrimination) (date of incident)

_____
(Incident)
_____

_____

_____

_____

_____

_____

2. The purpose of this agreement is to set out the terms of the informal resolution of this matter. The _____ agrees to:
(Name of Organization)

_____

_____

_____

_____

3. In exchange for the above, you agree to withdraw your informal complaint of discrimination.

4. If you believe that the Coast Guard has not complied with the terms of the Agreement, you may notify the Director of Civil Rights, Department of Transportation in writing within thirty (30) days of the date of the alleged violation, requesting that the terms of the informal agreement be specifically implemented. Alternatively, you may request that the matter be reinstated for further processing from the point processing ceased.

5. It is understood that this Settlement Agreement shall in no way constitute an admission of liability, wrongdoing, or discrimination by the Coast Guard, its commanders/commanding officers, managers, supervisors, employees or CG members.

6. The Coast Guard has signed the terms of the resolution as indicated by the signature and date below, will verify your receipt of this settlement, and will signify your agreement with the terms of the informal resolution of this matter as set out above.

_____ _____
(Agency Official's Signature) (Date)

_____ _____
(Complainant's Signature) (Date)

NOTICE OF RIGHT TO FILE A DISCRIMINATION COMPLAINT, MILITARY

From: MCRC/F (Area, MLC, District or Headquarters Unit)

To: (Name of Person Counseled)

1. This is to inform you that because the matter you brought to my attention has not been resolved to your satisfaction, you are now entitled to file a discrimination complaint based on your race, color, religion, national origin, sex or reprisal. If you decide to file a complaint, it must be in writing, and signed within 15 days after receipt of this notice, with the following official authorized to receive discrimination complaints. Please note that (Enclosure 1) is a form which may be used to file a formal complaint.

   (Put in only the name, title and address of the Commanding Officer. Do not include any Departmental or other Coast Guard Headquarters officials).

2. Your formal complaint must contain the factual basis of the complaint (race, color, religion, national origin, sex, or reprisal); the date of the incident, situation or the date of the discovery of the incident or event giving rise to the formal complaint; your unit of assignment and the specific remedy requested. It must be specific and limited to the matters discussed with me.

3. You must file your formal discrimination complaint directly to the DOCR with copies to the servicing CRO and your CO/OINC. Your Commanding Officer will review the discrimination complaint and prepare an endorsement to the complaint and forward it to the appropriate Department of Transportation, Departmental Office of Civil Rights Regional Office. The DOCR address is:

   _____

   _____

   _____

   Your servicing CRO is: _____

4. If you need some assistance in preparing your formal discrimination complaint, I am available to assist you.

(Signature Block)
MCRC/F

NOTE TO MCRC/Fs: This notice **MUST** be given to the person counseled within 30 days after starting the counseling process. A copy will be provided to the CRO along with the Counselor's Report and made a part of the complaint.

****

I acknowledge receipt of this form and understand the requirements set forth.

_____ _____
Signature of Complainant Date

Enclosure (1): Discrimination Complaint Form

DEPT. OF TRANS.,U.S.C.G., CG-5656F (3-99)

NOTICE OF RIGHT TO FILE A DISCRIMINATION COMPLAINT, CIVILIAN

From: EEO Counselor

To: Aggrieved Person Name

1. This is to inform you that because the matter you brought to my attention has not been resolved to your satisfaction, you are now entitled to file a discrimination complaint based on your race, color, religion, sex, age (40 and over), sexual orientation, national origin, physical or mental disability, and/or reprisal with the Department of Transportation, Departmental Office of Civil Rights Office.

2. If you file a complaint, it must be in writing, and signed, and filed, in person or by mail within 15 calendar days after receipt of this notice. Enclosure 1 is a form which may be used to file a formal complaint. The use of this form is not required; however, your complaint must contain the information reflected on the form. Failure to provide the requested information may lead to a delay in processing or to a dismissal of your formal complaint. You must file your complaint directly with the following DOCR office authorized to receive discrimination complaints.

   The DOCR address is:

   _____

   _____

   _____

   Your servicing CRO is: _____

3. When you file your complaint with the Department of Transportation, Departmental Office of Civil Rights be sure to provide a copy of your complaint to the Civil Rights Officer at your command to ensure prompt processing of your complaint.

4. The complaint must be specific and must be limited to the maters discussed with me. It must also state whether or not you have filed a grievance under a negotiated grievance procedure or an appeal to the Merit System Protection Board on the same matters.

5. If you retain an attorney or any other person to represent you, you or your representative must immediately notify the Civil Rights Officer in writing. You and/or your representative will receive a written notice of receipt of your discrimination complaint from the Department of Transportation, Departmental Office of Civil Rights.

(NAME & SIGNATURE OF EEO COUNSELOR)

****

I acknowledge I have received and understand this document:

_____ _____

Signature of Aggrieved Person Date

Enclosure (1): Discrimination Complaint Form
DEPT. OF TRANS.,U.S.C.G., CG-5656G (3-99)

DEPARTMENT OF TRANSPORTATION U.S. COAST GUARD CG-5650 (11-98)	**DISCRIMINATION COMPLAINT FORM**	U. S. COAST GUARD

PRIVACY ACT STATEMENT

IN ACCORDANCE WITH 5 USC 552a(e) (3), THE FOLLOWING INFORMATION IS PROVIDED TO YOU WHEN SUPPLYING PERSONAL INFORMATION TO THE U.S. COAST GUARD

1. Authority: 49 C.F.R Subsection 1.23.
2. Purpose: To collect information to permit processing of a formal discrimination complaint.
3. Routine Uses: The information on this form may be used (a) in the processing and adjudication of the Complaint and any appeal concerning the Complaint and (b) as a data source for production of summary descriptive statistics and analytical studies of Complaint processing and resolution efforts.
4. Disclosure: Voluntary; however, failure to provide requested information may lead to a delay in processing of this complaint.

PLEASE TYPE OR PRINT ALL ANSWERS (Including any attached sheets)

1. NAME (Last, First MI):

2. STREET ADDRESS CITY STATE ZIP

3. ARE YOU ON ACTIVE DUTY?____
ARE YOU A RESERVIST?____
ARE YOU A CIVILIAN?_____
ARE YOU AN AUXILIARIST?____

4. UNIT/WORK ADDRESS:

5. RANK/GRADE:

6. WORK PHONE *(Area Code)*:

7. NAME AND ADDRESS OF COAST GUARD UNIT TO WHICH THE PERSON IS ATTACHED WHO YOU BELIEVE DISCRIMINATED AGAINST YOU.

8. **DATE OF ALLEGED DISCRIMINATORY INCIDENT FOR WHICH YOU SOUGHT COUNSELING *(Month/Day/Year):***

9. NAME OF MILITARY CIVIL RIGHTS COUNSELOR/FACILITATOR OR EEO COUNSELOR WITH WHOM YOU DISCUSSED YOUR COMPLAINT:

10. WHAT IS THE BASIS OF YOUR COMPLAINT (Check all that apply)?

____ RACE (Specify) _____
____ COLOR (Specify) _____
____ RELIGION (Specify) _____
____ NATIONAL ORIGIN (Specify) _____
____ SEX (Specify) _____
____ AGE (40 AND OVER) _____
____ DISABILITY (MENTAL/PHYSICAL) _____
____ REPRISAL _____

11. SIGNATURE:

12. DATE SIGNED:

FOR AGENCY USE ONLY
DATE RECEIVED:

(PLEASE COMPLETE BACK OF FORM)

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13. EXPLAIN HOW YOU BELIEVE YOU WERE DISCRIMINATED AGAINST (*TREATED DIFFERENTLY FROM OTHER EMPLOYEES OR APPLICANTS)* BECAUSE OF YOUR RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN, OR AS AN ACT OF REPRISAL. *For each allegation, please state to the best of your knowledge, information and belief, what incident(s) occurred and when (the date) the incident(s) occurred. (Attach additional sheets, if needed).*

14. WHAT CORRECTIVE ACTION(S) ARE YOU SEEKING?

Date:_____

AUTHORIZATION TO EXTEND COUNSELING

It is hereby agreed by the undersigned that counseling on the matter of _____
(Complainant's Name)

brought to the attention of _____, Counselor on_____
(Insert Counselor Name) (date)

will be extended for an additional _____ days, to _____.
(# of days) (month, day, year)

This action is taken to permit additional efforts at resolution.

_____ _____
(Signature of Complainant) (Signature of Counselor)

DEPT. OF TRANS.,U.S.C.G., CG-5656E (3-99)

COUNSELOR'S REPORT INSTRUCTIONS

This report form should be used both as a worksheet during the counseling stage and as the form for the counselor's report when requested by the Unit Civil Rights Officer. It will provide a permanent record of the counselor's efforts, and it will also provide information for use in preparing the acceptance/dismissal letter should a formal complaint be filed. The aggrieved person will be furnished a copy of the counseling report should a formal complaint be filed.

Section 13

It is vital that you state specifically what the complainant's race, color, national origin, religion and sex is when the complainant selects one as the base(es) for his/her discrimination complaint.

Section 14

It is of vital importance during the initial interview that a clear understanding results between the counselor and the complainant as to what the allegation(s) are in the case. Every effort should be made to obtain a clear and specific understanding at the commencement of the counseling stage. The counselor should take particular care to list all the allegations. Care must also be taken to differentiate between the specific allegation and any background information the aggrieved person provides to support an allegation(s). In cases where several allegations are raised, the counselor should be alert to the possibility that the allegation(s) may have different bases. Dates are critical.

Section 15

This section should include what the complainant considers a resolution of the informal complaint.

Section 17

This section does not need to be completed in all cases, but would be useful in complex situations where the alleged discriminatory act is linked to earlier events (i.e. reprisal).

Sections 18 and 19

Obtain not only the views of the complainant concerning the specifics of the alleged discriminatory act, but also the reason(s) that led to a conclusion that the act was the result of discrimination. The counselor should obtain the names of witnesses who can support the allegations.

Section 20

This section should include all significant information that tends to either support or rebut the allegations. Specifically include information obtained from the aggrieved, other witnesses, documents and records, and statistical information pertaining to the aggrieved individual's group.

Section 21

This section shall contain a record of all actions taken by the counselor to achieve an informal resolution, including meetings held, resolutions proposed, etc.

NOTE

The report shall not include conclusions or determinations of any kind. Counselors are reminded that their role in the process is that of a neutral party. They are to seek resolution and determine basic facts in the case.

COUNSELOR REPORT, Military		
1. NAME OF COMPLAINANT		
2. JOB TITLE, RANK/GRADE	3. LOCATION	4. WORK PHONE NO.
5. HOME ADDRESS (as appropriate) _____		6. HOME PHONE NO.
7. NAME OF COUNSELOR	8. LOCATION	9. PHONE NO.
10. NAME OF COMPLAINANT'S REPRESENT.	11. LOCATION	12. PHONE NO.

13. BASIS OF COMPLAINT

_____ RACE _____ COLOR _____ NAT'L ORIGIN

_____ RELIGION _____ GENDER _____ REPRISAL

14. ISSUE(S), ALLEGATIONS AND BASES AS PRESENTED TO COUNSELOR (Include dates)

a.

b.

c.

15. RESOLUTION REQUESTED

16. CHRONOLOGY OF EO COUNSELING

a. Date of Initial Contact: _____

b. Date of Interview _____

c. Date Rights and Responsibilities Issued _____

d. Date of Alleged Discriminatory Event _____

e. 45th Day After Event _____

f. Final Interview/Notice of Right to File Issued _____

g. Reason for delayed contact beyond 45 days, (if applicable)

17. NAME/ADDRESS OF SERVICING CRO:

DEPT. OF TRANS.,U.S.C.G., CG-5656B (3-99) *Continued on reverse* RCN 5350-1

COUNSELOR REPORT, Military, continued

18. BACKGROUND - DESCRIPTION OF EVENTS LEADING TO THE ALLEGED DISCRIMINATORY ACT(S) (as appropriate)

19. THE COMPLAINANT'S DESCRIPTION OF ALLEGED DISCRIMINATORY ACT(S)

20. OTHER WITNESSES

NAME	LOCATION	PHONE

21. FACTS DEVELOPED (Attach additional sheets as needed.)

22. ACTIONS TAKEN TO ACHIEVE AN INFORMAL RESOLUTION (Attach additional sheets as needed)

ANY PERSONNEL ACTIONS PENDING IN THE NEXT 365 DAYS (Promotion, assignment, training, etc.)

SIGNATURE OF COUNSELOR _____ DATE _____

DEPT. OF TRANS.,U.S.C.G., CG-5656B (3-99) RCN 5350-1

COUNSELOR REPORT, Civilian		
1. NAME OF COMPLAINANT		
2. JOB TITLE, SERIES AND GRADE	3. LOCATION	4. PHONE NO.
5. HOME ADDRESS (as appropriate) _____		6. HOME PHONE NO.
7. NAME OF COUNSELOR	8. LOCATION	9. PHONE NO.
10. NAME OF COMPLAINANT'S REPRESENT.	11. LOCATION	12. PHONE NO.

13. BASIS OF COMPLAINT

_____ RACE	_____ COLOR	_____ NAT'L ORIGIN	_____ RELIGION
_____ GENDER	_____ AGE (over 40)	_____ SEXUAL ORIENTATION	_____ REPRISAL
_____ DISABILITY (Mental)	_____ DISABILITY (Physical)		

14. ISSUE(S), ALLEGATIONS AND BASES AS PRESENTED TO COUNSELOR (Include dates)

a.

b.

c.

15. RESOLUTION REQUESTED

16. DATES

a. ALLEGED DISCRIMINATION INCIDENT OCCURRED _____

b. INITIAL COUNSEL OR CONTACT _____

c. INTERVIEW CONDUCTED _____

d. FINAL INTERVIEW & NOTE OF RIGHT TO FILE FORMAL COMPLAINT ISSUED (30 DAY LETTER) _____

DEPT. OF TRANS.,U.S.C.G., CG-5656A (3-99) *Continued on reverse* RCN 5350-2

COUNSELOR REPORT, Civilian, continued

17. BACKGROUND - DESCRIPTION OF EVENTS LEADING TO THE ALLEGED DISCRIMINATORY ACT(S) (as appropriate)

18. THE COMPLAINANT'S DESCRIPTION OF ALLEGED DISCRIMINATORY ACT(S)

19. OTHER WITNESSES

NAME	LOCATION	PHONE

20. FACTS DEVELOPED (Attach additional sheets as needed.)

21. ACTIONS TAKEN TO ACHIEVE AN INFORMAL RESOLUTION (Attach additional sheets as needed.)

SIGNATURE OF COUNSELOR _____ DATE _____

DEPT. OF TRANS.,U.S.C.G., CG-5656A (3-99) RCN 5350-2

DEPARTMENT OF TRANSPORTATION
U. S. COAST GUARD

SAMPLE FORMAT FOR MEDIATION SETTLEMENT AGREEMENT

This Settlement Agreement sets out the terms of the agreement between the agency and yourself.

(INSERT TEXT HERE)

When signed and approved by the appropriate authorities for all parties, this settlement agreement shall be binding upon all parties to the agreement.

The aggrievant agrees to not institute (and/or withdraw any pending) formal EEO complaint, claim, appeal, grievance or lawsuit, relating to any facts or disputes that are the subject of this settlement agreement, against the United States, the Coast Guard (CG) or any CG employees. The aggrievant agrees and understands that this Agreement and its contents are confidential and not for communication, display, disclosure or publication without the written consent of both the CG and the aggrievant. This Agreement may be used as evidence in a later proceeding in which either the CG or the aggrievant allege a breach of the terms of resolution cited in this agreement. If the CG rescinds or fails to carry out any of the terms of the resolution set forth above for any reasons not attributable to the aggrievant's acts of conduct or performance, the aggrievant may have his/her complaint reinstated for further processing by filing a written request to the effect with the U. S. Coast Guard, Civil Rights, 2100 Second Street, S. W., Washington, D. C. 20593 within 30 days of the CG's noncompliance with the Agreement.

The CG has agreed to the terms of the agreement as indicated by the signature of the CG Official. Your signature and date below will signify your agreement with the terms set out above. Please sign and date the original and the copy in the spaces provided below.

Party	Date	Party	Date
_____	_____	_____	_____
Representative	Date	Representative	Date
_____	_____	_____	_____

Mediator	Date
_____	_____

MEDIATION COMPLETION FORM

Mediation has been completed in the case of _____. The mediation resulted in:

_____ An agreement on all issues

_____ A partial agreement

_____ No agreement

_____ Basis(es) of Complaint:

_____ Issue(s) as presented to Mediator by the Complainant:

_____ _____
SIGNATURE OF MEDIATOR DATE

NAME OF THE CIVIL RIGHTS OFFICER _____

NOTE: THE CIVIL RIGHTS OFFICER WILL FORWARD THIS FORM TO THE DEPARTMENT OF TRANSPORTATION, DEPARTMENTAL OFFICE OF CIVIL RIGHTS REGIONAL OFFICE, WITH A COPY TO COMMANDANT (G-H).

DEPT. OF TRANS.,U.S.C.G., CG-5656 (3-99)

ANNUAL REPORT ON EEO COUNSELING ACTIVITY

NOTICE: Per COMDTNOTE 5354, dated 13 March 2002, this form has been revised and renamed. The revised form is accessible through the following link: http://cgweb.comdt.uscg.mil/g-hi/QUARTERLY REPORT ON EEOC COUNSELING AND ADR ACTIVITY.xls

~~Area/MLC, Headquarters, and Academy CROs are required to submit this EEOC Report Form to Commandant (G-HI) no later than COB November 3rd of each year. This report should consolidate EEO counseling activity for the CRO's entire Area of Responsibility. Negative reports are required. This form can be locally reproduced.~~

~~PART I. SUMMARY OF PRE-COMPLAINT COUNSELING ACTIVITY~~

~~Report the number of individuals who received pre-complaint informal counseling for _____ (fiscal year). If the counseling is still in progress at the end of the fiscal year, the individual will not be counted until the reporting period in which counseling is completed.~~

~~PART II. TOTAL NUMBER OF INDIVIDUALS COUNSELED DURING FY97 (a+b+c+d) _____~~

~~a. _____ NUMBER COUNSELED WITHIN 30 DAYS~~

~~b. _____ NUMBER COUNSELED WITHIN 60 DAYS EXTENSION~~

~~c. _____ NUMBER COUNSELED THROUGH AGENCY DISPUTE RESOLUTION PROCEDURE~~

~~d. _____ NUMBER COUNSELED ON REMAND~~

~~PART III. AGENCY WORKFORCE AND EEO RESOURCES~~

~~TOTAL NUMBER OF EEO COUNSELORS (a+b+c) _____~~

~~a. _____NUMBER OF FULL-TIME~~

~~b. _____NUMBER OF PART-TIME~~

~~c. _____NUMBER OF COLLATERAL DUTY~~

~~PART VI. SUMMARY OF CLOSURES BY AGENCY~~

~~_____ NUMBER OF CLOSURES BY SETTLEMENTS (INCLUDING MONETARY AND/OR CORRECTIVE ACTIONS) IN THE FISCAL YEAR~~

~~PART VII. SUMMARY OF (PRE) COMPLAINTS CLOSED WITH CORRECTIVE ACTION UP TO AND INCLUDING FINAL DECISION BY THE AGENCY~~

~~TOTAL NUMBER OF COMPLAINTS CLOSED WITH CORRECTIVE ACTION THIS REPORTING PERIOD~~

~~AMOUNT OF BACKPAY AWARDED THIS REPORTING PERIOD $~~

~~ATTORNEY'S FEES AND COSTS AWARDED $~~

~~TYPES OF CORRECTIVE ACTION~~	~~TOTAL NUMBER WITH BACKPAY~~	~~TOTAL NUMBER WITHOUT BACKPAY~~
~~HIRE~~		
~~a. RETROACTIVE~~		
~~b. NON RETROACTIVE~~		
~~PROMOTION~~		
~~a. RETROACTIVE~~		
~~b. NON RETROACTIVE~~		
~~DISCIPLINARY ACTION~~		
~~a. RESCINDED~~		
~~b. MODIFIED~~		
~~REINSTATEMENT~~		
~~REASSIGNMENT~~		
~~PERFORMANCE EVALUATION MODIFIED~~		
~~PERSONNEL FILE PURGED OF ADVERSE MATERIAL~~		
~~OTHER~~		

DEPT. OF TRANS.,U.S.C.G., CG-5656C (3-99) RCN 5350-3

EEO COUNSELOR CHECKLIST

At the initial counseling session, counselors must advise individuals in writing of their rights and responsibilities. The rights and responsibilities are covered in the memoranda you furnish the aggrieved person.

1. The right to anonymity in the counseling phase of the complaint process unless waived.

2. The right to representation throughout the complaint process including the counseling stage.

3. The possible election requirement between a negotiated grievance procedure and the discrimination complaint procedure.

4. The election requirement in the event that the matter at issue is appealable to the Merit Systems Protection Board, (i.e., the matter is a mixed case).

5. The requirement that the aggrieved person file her/his complaint within fifteen (15) calendar days of receipt of the Notice of Right to File a Discrimination complaint in the event (s)he wishes to file a formal complaint at the conclusion of counseling.

6. The right to file a notice of intent to sue when age is alleged as a basis for discrimination and of the right to file a lawsuit under the ADEA instead of an administrative complaint of age discrimination.

7. The right to go directly to U.S. District Court on claims of sex based wage discrimination under the Equal Pay Act even though such claims are also cognizable under Title VII, and in connection with an Equal Pay Act claim, advise of the availability of liquidated damages for a willful violation.

8. The right to a hearing before an EEOC AJ in a non-mixed case one hundred eighty (180) calendar days after filing the formal complaint or after completion of the investigation, whichever came first.

9. The right to go to U.S. District court one-hundred eighty (180) calendar days after filing a formal complaint or one-hundred eighty (180) calendar days after filing an appeal.

10. The duty to mitigate damages, e.g., that interim earnings or amount which could be earned by the individual with reasonable diligence generally must be deducted from an award of back pay.

11. The responsibility to keep DOT and EEOC informed of the aggrieved person's current mailing address and to serve copies of the appeal papers on DOT.

12. The right to receive within thirty (30) calendar days of the first counseling contact (unless time period is extended by complainant's prior written consent), a notice terminating counseling and informing the aggrieved person the right to file a discrimination complaint within fifteen (15) calendar days of receipt of the notice.

13. Only matters raised at the counseling stage or matters like or related to matters raised at the counseling stage, may be the subject of a discrimination complaint.

14. The time frames in the complaint process.

15. The class complaint procedures and the responsibilities of a class agent.

SAMPLE REQUEST TO REMAIN ANONYMOUS (CIVILIAN)

DATE:_____

I, _____, wish to remain anonymous during the counseling process.
(Aggrieved Person)

The EEO Counselor will not reveal my name to anyone during the informal inquiry. I understand that this may impede attempts to resolve my complaint informally. I understand that if I file a formal discrimination complaint, I will no longer have the right to remain anonymous.

_____ _____
(Signature of Aggrieved Person) (Signature of EEO Counselor)

FORMAL COMPLAINT CHECKLIST

This checklist is designed to assist in the preparation and review of a formal discrimination complaint to ensure the information provided is complete, clear and specific in nature. Vague or general statements complicate the processing and should be avoided. The items listed below as "required" are those which must be included.

Section I. Documents

Required: The following documents must be forwarded with the formal discrimination complaint to the appropriate Department of Transportation, Departmental Office of Civil Rights Regional Office:

Description	(✓)
The initial written notification that was submitted through the Chain of Command (Military only)	
The aggrieved person's written and signed formal discrimination complaint	
The Notice of Right to File a Formal Complaint	

Section II. Complainant's Written Complaint

Required: The following items must be included in the complainant's written complaint:

Description	(✓)
Name/Rank/Rate of complainant	
Race/Sex of complainant	
The (Area, MLC, District, ISC or Headquarters unit) against which the complaint is being filed	
Signature and date	
Bases for the complaint (i.e., race, color, religion, national origin, sex, reprisal, age (40 and over, civilian only), disability (physical or mental, civilians only), or sexual orientation (real or perceived, civilians only). These are the only bases for which a discrimination complaint can be processed under this procedure.	
Specific statements concerning the alleged discriminatory act or omission. The statements should be sufficiently clear so there is no doubt in the mind of the reader what the specific allegation(s) is/are. Allegations are best defined when they are briefly stated and do not have to be inferred from a long discussion of background information.	
The relief requested by the aggrieved person	
All previous attempts at resolution	
All other actions taken as a result of the complaint (i.e., unit training, initiation of disciplinary action, personnel transfers)	
The complainant's work and home addresses and telephone numbers	
The name and address of the servicing CRO	

Section III. Counselor's Report

Required: The following items must be included in the Counselor's Report:

Description	(✓)
Name of the complainant	
Complainant's rank, rate and unit	
Date the complainant contacted the counselor	
List of all allegations for which counseling was provided, whether or not they are included in the formal complaint	
A brief discussion of the attempts made at informal resolution	
A brief listing of the information developed by the counselor	
The date of the last interview between the complainant and counselor	
Counselor's name, office address and telephone number	
Counselor's signature	

Section IV. Commanding Officer's endorsement

A Commanding Officer may submit a letter of endorsement within 10 days of a formal complaint being filed. The Command endorsement, if submitted, shall state:

Description	(✓)
The complainant has received the required counseling and has been advised of the procedures for filing the formal discrimination complaint	
Any delay in submission beyond the 45 days from the date of the incident or discovery of the incident was (was not) justified, and the reasons therefore	
All command attempts at informal resolution have been unsuccessful	
Any pending disciplinary or administrative proceedings related to the incident	

DISCRIMINATION INCIDENT REPORT FORM

A. **Information on Discriminator**

Name:_____Date of Report:
(Last) (First) (MI)

SSN:_____Rank/Rate:_____Pay Grade:

	Status:
	AD (regular)
	AD (reserve)
	Reserve on ADT/IDT
	Civilian

	Location of Incident:
	Afloat
	Off-Base (ashore)
	On-Base (ashore)

Offense(s):
Article_____, UCMJ

Basis of Discrimination:

	Race
	Religion
	National Origin
	Color
	Age
	Disability
	Gender
	Sexual Harassment
	Sexual Orientation

Disciplinary Action Taken:

Basis of Report:

	NJP
	Court-Martial
	SF-50

Administrative Action Taken:

Member counseled by Supervisor? Y_____/N_____
Discrimination documented in Performance Evaluation? Y_____/N_____
Member given punitive letter of reprimand (military) or
letter of counseling (civilian)? Y____/N____
Other (comments/action):

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B. **Information on Victim**:

Rank/Rate:_____ Pay Grade_____

	Status:
	AD (regular)
	AD (reserve)
	Reserve on ADT/IDT
	Dependent
	Civilian (Fed. employee)
	Civilian (non-Fed.employee)

	Race:
	Black
	Hispanic
	American Indian/Alaskan Native/Pacific Islander
	Other

Sex:

	Male
	Female

Age:

C. Remarks/Description of Incident, etc.

D. Authenticating Official (CO or OINC) * See below.

Name/Signatue: Rank/Rate: Date:

Title: Unit:

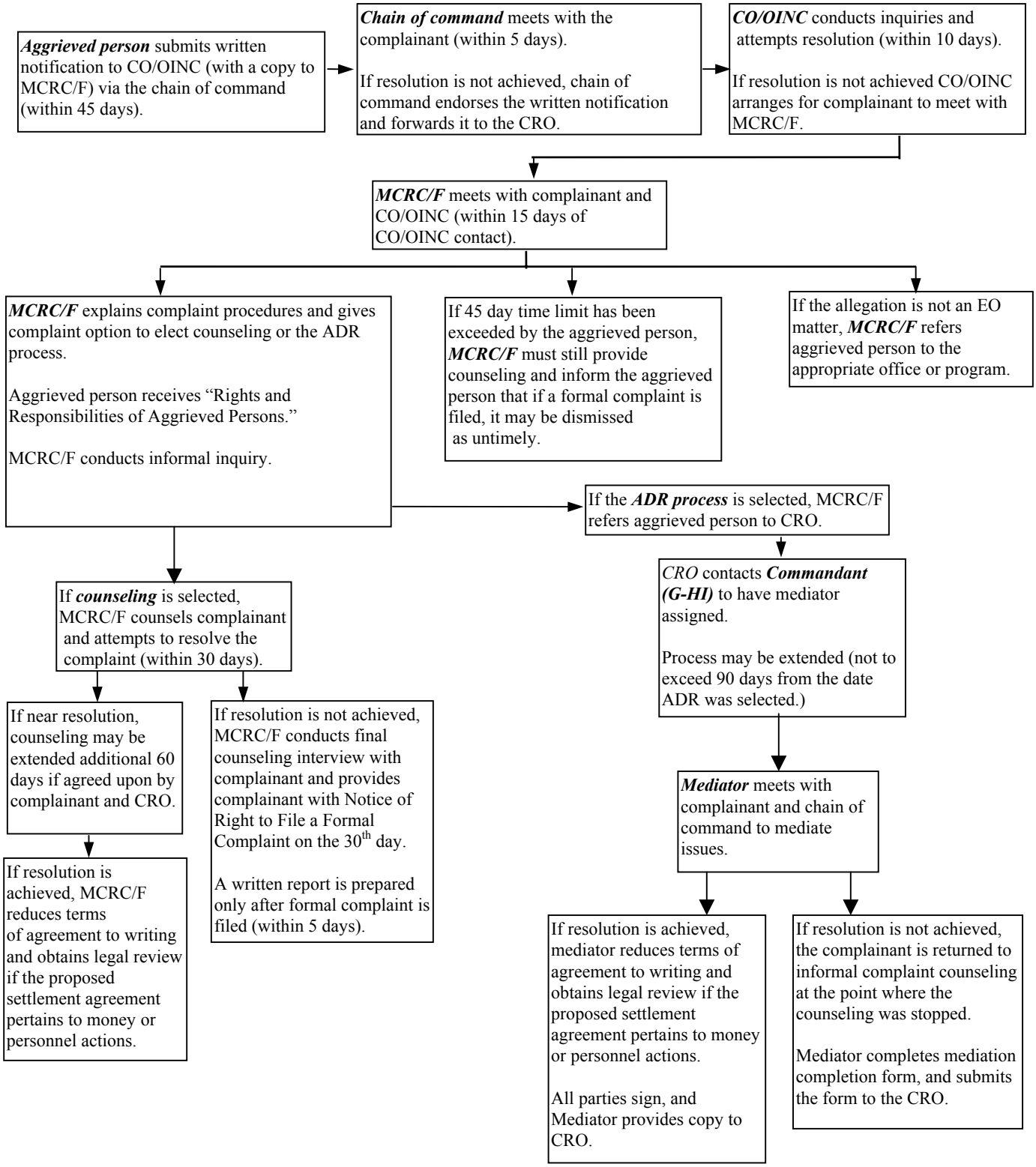
E. Instructions

1. Fill in or "x" as applicable.
2. This form must be completed within three working days after:
   a. Submission of an evaluation following imposition of NJP based on illegal discrimination (military).
   b. Submission of an evaluation following court-martial conviction based on illegal discrimination (military).
   c. Execution of an SF-50 based on illegal discrimination (civilian employee).
3. Complete original only.
4. Send completed form directly to Commander, (CGPC-cd).

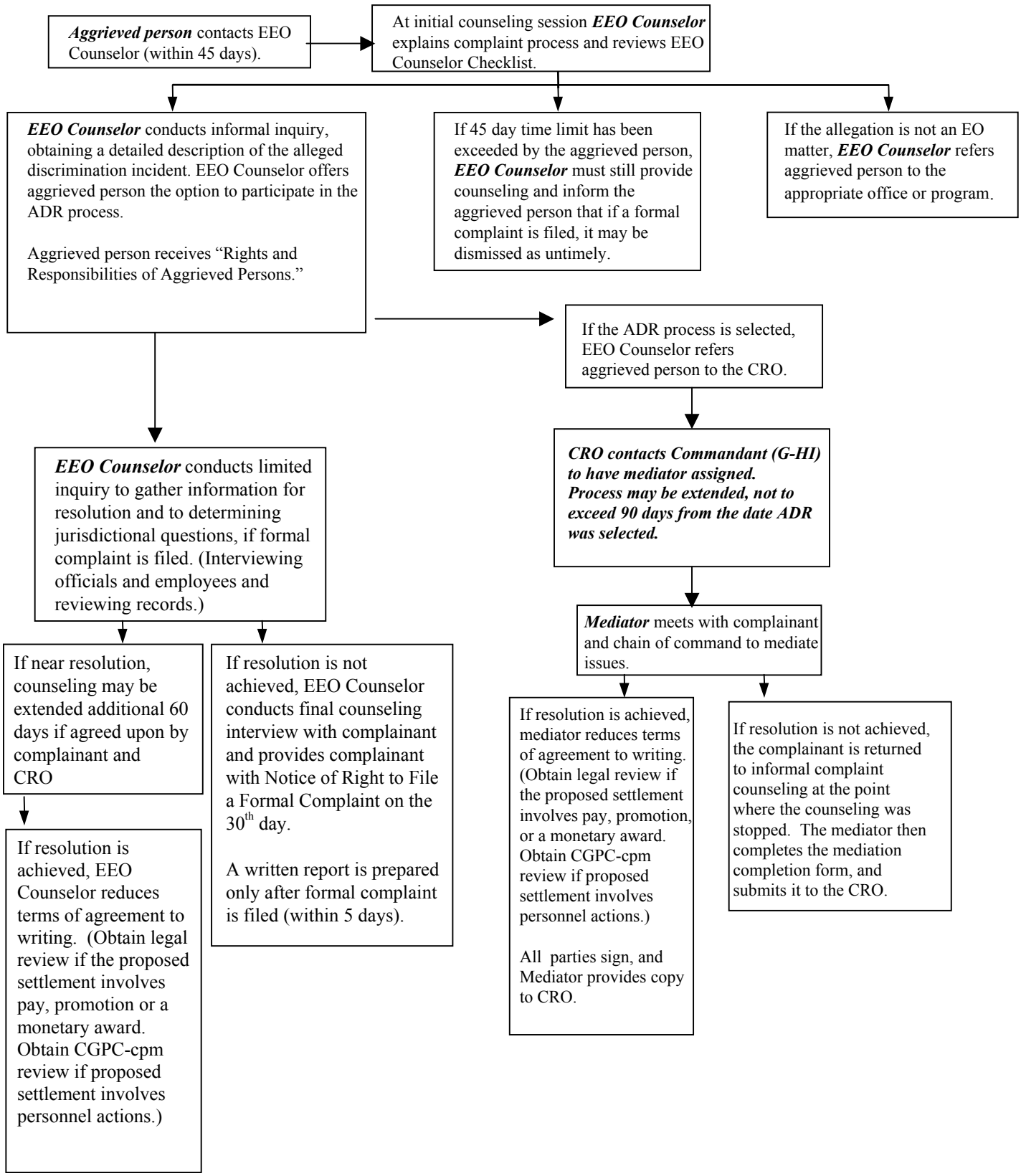
* Form must be signed by the Personnel Evaluation Reviewing Official if discriminator is attached to other than a Coast Guard unit.

DEPT. OF TRANS.,U.S.C.G., CG-5696 (3-99)

FLOWCHART OF MILITARY DISCRIMINATION COMPLAINT PROGRAM INFORMAL COMPLAINT PROCESS



FLOWCHART OF CIVILIAN DISCRIMINATION COMPLAINT PROGRAM INFORMAL COMPLAINT PROCESS



SEXUAL HARASSMENT FACT SHEET FOR COS/XOS

Definition: *Sexual Harassment is a form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:*

a. Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, career, or
b. Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, or
c. Such conduct interferes with an individual's performance or creates an intimidating, hostile, or offensive environment.

Types of Sexual Harassment (From Lesser Offenses to More Serious Offenses)

Crude/Offensive Behaviors: *Verbal, nonverbal behaviors of a sexual nature that were offensive or embarrassing (*i.e., repeatedly telling sexual stories or jokes that are offensive, making offensive remarks about appearance, body or sexual activities, etc.).

Sexist Behaviors: *Verbal, nonverbal behaviors that convey insulting, offensive, and condescending attitudes based on gender of the victim* (i.e., displaying, using or distributing sexist or suggestive materials such as pictures, stories, pornography).

Unwanted Sexual Attention: *Attempts to establish a sexual relationship* (i.e., making continual requests for dates, drinks, dinner, etc., even though the respondents say "NO").

Sexual Coercion: *Classic quid pro quo instances of job benefits or losses conditioned on sexual cooperation* (i.e., making someone feel threatened with some sort of retaliation for not being sexually cooperative such as mentioning an evaluation).

Sexual Assault: *Unsuccessful attempts and sex without the respondent's consent and against his/her will* (i.e., making attempts to have or having sex without consent or against someone's will).

For more information reference the following Commandant Instructions or contact your Military Civil Rights Counselor/Facilitator (MCRC/F) or Civil Rights/EEO Officer.

COMDTINST 5350.21A – The Commandant's Human Relations and Sexual Harassment Prevention Policy Statements

COMDTINST 5350.30 – U.S. Coast Guard Sexual Harassment Prevention System

Enclosure 18

DEFINITION OF SEXUAL HARASSMENT

Sexual harassment is a form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

a. Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, career, or
b. Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, or
c. Such conduct interferes with an individual's performance or creates an intimidating, hostile, or offensive environment.

CATEGORIES OF SEXUAL HARASSMENT

LESSER OFFENSES OF SEXUAL HARASSMENT → **MORE SERIOUS OFFENSES OF SEXUAL HARASSMENT**

Crude/Offensive Behaviors: Verbal, nonverbal behaviors of a sexual nature that were offensive or embarrassing.	**Sexist Behaviors: Verbal, nonverbal behaviors that convey insulting, offensive, and condescending attitudes based on gender of the victim.**	**Unwanted Sexual Attention: Attempts to establish a sexual relationship.**	**Sexual Coercion: Classic *quid pro quo* instances of job benefits or losses conditioned on sexual cooperation.**	**Sexual Assault: Unsuccessful attempts and sex without the respondent's consent and against his/her will.**
Repeatedly telling sexual stories or jokes that are offensive.	Treating someone differently because of the person's gender (e.g. mistreated, slighted, or ignored).	Making unwanted attempts to establish a romantic sexual relationship despite efforts to discourage it.	Making someone feel they are being bribed with some sort of reward or special treatment to engage in sexual behavior.	Making attempts to have sex without consent or against someone's will.
Whistling, calling, or hooting at in a sexual way.	Displaying, using, or distributing sexist or suggestive materials (e.g. pictures, stories, pornography).	Making continual requests for dates, drinks, dinner, etc., even though the respondent says "NO."	Making someone feel threatened with some sort of retaliation for not being sexually cooperative (e.g.. mentioning a review/evaluation).	Having sex without consent or against someone's will.
Unwelcome attempts to draw a person into a discussion of sexual matters (e.g. sex life).	Making offensive sexist remarks (e.g. suggesting a person not suited for particular work because of gender).	Touching in a way that makes a person feel uncomfortable.	Treating someone badly for refusing to have sex.	
Making crude and offensive sexual remarks, either publicly or privately.	Putting someone down or being condescending because of a person's gender.	Making unwanted attempts to stroke, fondle, or kiss a person.	Implying faster promotions or better treatment if that person were sexually cooperative.	
Making offensive remarks about appearance, body, or sexual activities.			Making someone afraid of being treated poorly if they didn't cooperate sexually.	
Making gestures or using body language of a sexual nature which embarrasses or offends.			Making offers to be sexually cooperative in exchange for a favor or special treatment (e.g.. sex in exchange for a good assignment).	
Staring, leering, or ogling in a way to make one feel uncomfortable.				
Exposing in a way that makes one embarrassed or uncomfortable (e.g.. mooning).				

MILITARY CIVIL RIGHTS COUNSELORS/FACILITATORS AND FULL-TIME CIVIL RIGHTS OFFICERS

LOCATION	TITLE	ADDRESS	TELEPHONE	FAX
USCG Academy	MCRC/F, CIVILIAN CRO	SUPERINTENDENT, U.S. Coast Guard Academy Attn: Civil Rights Office 15 Mohegan Avenue New London, CT 06320-4195	860/444-8680 860/444-8269	860/444-8288
Headquarters/ National Capitol Region	MCRC/F, CIVILIAN CRO	U.S. Coast Guard Headquarters Support Command (eo) 2100 2nd Street, S.W. Washington, DC 20593-0001	202/267-1244 202/267-2268	202/267-4284
Maintenance & Logistics Command Atlantic	CIVILIAN CRO	MAINTENANCE & LOGISTICS COMMAND ATLANTIC Attn: Civil Rights Officer 300 East Main Street Suite 800 Norfolk, VA 23510-9104	757/628-4286	
Maintenance & Logistics Command Pacific	CIVILIAN CRO MCRC/F	MAINTENANCE & LOGISTICS COMMAND PACIFIC Attn: Civil Rights Officer/MCRC/F U.S. Coast Guard Island Building 34 Alameda, CA 94501-5100	510/437-3439	
TRACEN Cape May	MCRC/F	Commanding Officer, Coast Guard Training Center Attn: Military Civil Rights Counselor/Facilitator 1 Munro Avenue Cape May, NY 08204-5002	609/898-6419	609/898-6852

MILITARY CIVIL RIGHTS COUNSELORS/FACILITATORS AND CIVILIAN CIVIL RIGHTS OFFICERS

LOCATION	TITLE	ADDRESS	TELEPHONE	FAX
1st C.G. District	MCRC/F	COMMANDER, U.S. Coast Guard 1st District Attn: Military Civil Rights Counselor/Facilitator 408 Atlantic Avenue Boston, MA 02110-3350	617/223-3185	617/223-3166
5th C.G. District	MCRC/F	COMMANDER, U.S. Coast Guard 5th District Attn: Military Civil Rights Counselor/Facilitator 431 Crawford Street, Federal Building Portsmouth, VA 23704-5004	757/398-6680	
7th C.G. District	MCRC/F	COMMANDER, U.S. Coast Guard 7th District Attn: Military Civil Rights Counselor/Facilitator 909 SE First Ave, Brickell Plaza Federal Building Miami, FL 33131-3050	305/536-4102	
8th C.G. District	MCRC/F	COMMANDER, U.S. Coast Guard 8th District Attn: Military Civil Rights Counselor/Facilitator 500 Camp Street, Hale Boggs Federal Building New Orleans, LA 70130-3396	504/589-2965	
8th C.G. District	MCRC/F	COMMANDER, U.S. Coast Guard 8th District Attn: Military Civil Rights Counselor/Facilitator 1222 Spruce Street St. Louis, MO 63103-2832	314/539-3900 ext. 317	

MILITARY CIVIL RIGHTS COUNSELORS/FACILITATORS AND CIVILIAN CIVIL RIGHTS OFFICERS

LOCATION	TITLE	ADDRESS	TELEPHONE	FAX
9th C.G. District	MCRC/F	COMMANDER, U.S. Coast Guard 9th District Attn: Military Civil Rights Counselor/Facilitator 1240 East 9th Street Cleveland, OH 44199-2060	216/902-6010	216/902-6019
11th C.G. District	MCRC/F	COMMANDER, U.S. Coast Guard 11th District Attn: Military Civil Rights Counselor/Facilitator 1001 South Seaside Avenue, Building 20 San Pedro, CA 90731-0208	310/732-7434	757/391-8105
13th C.G. District	MCRC/F	COMMANDER, U.S. Coast Guard 13th District Attn: Military Civil Rights Counselor/Facilitator 915 Second Avenue, Jackson Federal Building Seattle, WA 98174-1067	206/217-6609	206/217-6606
14th C.G. District	MCRC/F	COMMANDER, U.S. Coast Guard 14th District Attn: Military Civil Rights Counselor/Facilitator 300 Ala Moana Boulevard, 9th Floor, Prince Kalanianaole Federal Building Honolulu, HI 96850-4982	808/541-2162	808/541-2166

MILITARY CIVIL RIGHTS COUNSELORS/FACILITATORS AND CIVILIAN CIVIL RIGHTS OFFICERS

LOCATION	TITLE	ADDRESS	TELEPHONE	FAX
17th C.G. District	MCRC/F	COMMANDER, U.S. Coast Guard 17th District Attn: Military Civil Rights Counselor/Facilitator 1300 Stedman Street Ketchikan, AK 99901-6698	907/463-2129	907/463-2133
17th C.G. District	MCRC/F	U.S. Coast Guard 17th District Attn: Military Civil Rights Counselor/Facilitator P.O. Box 193034, (Bldg "LL": for FEDEX) Kodiak, AK 99619-5034	907/487-5601	907/487-5239

LISTING OF DEPARTMENT OF TRANSPORTATION OFFICE OF CIVIL RIGHTS REGIONAL OFFICES

REGIONAL OFFICE	AREA OF RESPONSIBILITY
ATLANTA DEPARTMENTAL OFFICE OF CIVIL RIGHTS 1701 COLUMBIA AVENUE, ROOM 580 COLLEGE PARK, GA 30337 PHONE: (404) 305-5875 FAX: (404) 305-5989	ALABAMA FLORIDA GEORGIA KENTUCKY MISSISSIPPI NORTH CAROLINA SOUTH CAROLINA TENNESSEE
CAMBRIDGE DEPARTMENTAL OFFICE OF CIVIL RIGHTS VOLPE NATIONAL TRANSPORTATION SYSTEMS CENTER, ROOM 947 55 BROADWAY CAMBRIDGE, MA 20142-1093 PHONE: (617) 494-2486 FAX: (617) 494-2941	CONNECTICUT MASSACHUSETTS MAINE NEW HAMPSHIRE NEW JERSEY NEW YORK PENNSYLVANIA PUERTO RICO RHODE ISLAND VIRGIN ISLAND VERMONT
CHICAGO DEPARTMENTAL OFFICE OF CIVIL RIGHTS FEDERAL AVIATION ADMINISTRATION 2300 EAST DEVON STREET DES PLAINES, IL 60018 PHONE: (847) 294-8601 FAX: (847) 294-8605	IOWA ILLINOIS INDIANA KANSAS MICHIGAN MINNESOTA MISSOURI NEBRASKA OHIO WISCONSIN
FORT WORTH DEPARTMENTAL OFFICE OF CIVIL RIGHTS DEPARTMENT OF TRANSPORTATION 2601 MEACHAM BLVD, ROOM 687 FT. WORTH, TX 76193 PHONE: (817) 222-5799 FAX: (817) 222-5642	ARKANSAS COLORADO LOUISIANA MONTANA NORTH DAKOTA SOUTH DAKOTA NEW MEXICO OKLAHOMA TEXAS UTAH WYOMING
SAN FRANCISO DEPARTMENTAL OFFICE OF CIVIL RIGHTS 201 MISSION STREET, SUITE 2030 SAN FRANCISO, CA 94105 PHONE: (415) 744-2668 FAX: (415) 744-2724	ALASKA ARIZONA CALIFORNIA HAWAII IDAHO NEVADA OREGON PACIFIC ISLANDS WASHINGTON
WASHINGTON DEPARTMENTAL OFFICE OF CIVIL RIGHTS 400 SEVENTH STREET, S.W., ROOM 2104 WASHINGTON, D.C. 20590 PHONE: (202) 366-9730 FAX: (202) 493-2064	WASHINGTION, D.C. DELAWARE MARYLAND VIRGINIA WEST VIRGINIA

COMPLAINT RELATED FORMS AND REPORTS

1. This manual includes several new discrimination complaint related forms and reports. These new forms and reports are included as enclosures to chapter 5 of this manual and are listed here:

a. ALTERNATIVE DISPUTE RESOLUTION (ADR)/EO COUNSELING OPTION FORM CG-5656D (3-99)

b. NOTICE OF RIGHT TO FILE A DISCRIMINATION COMPLAINT, MILITARY CG-5656F (3-99)

c. NOTICE OF RIGHT TO FILE A DISCRIMINATION COMPLAINT, CIVILIAN CG-5656G (3-99)

d. AUTHORIZATION TO EXTEND COUNSELING, CG-5656E (3-99)

e. COUNSELOR REPORT, MILITARY, CG-5656B, RCN 5350-1

f. COUNSELOR REPORT, CIVILIAN, CG-5656A, RCN 5350-2

g. MEDIATION COMPLETION FORM, CG-5656 (3-99)

h. ANNUAL REPORT ON EEO COUNSELING ACTIVITY, CG-5656C (3-99)

i. DISCRIMINATION INCIDENT REPORT FORM, CG-5696 (3-99)

2. Instructions for when to use the forms listed on this page are included in chapter 5 of this manual. These forms may be obtained through local reproduction from this manual.

Chapter 6 Community Affirmative Outreach

This chapter contains the following information:

Section	Topic	See Page
A	Introduction	6-2
B	Social Climate Incidents	6-2
C	Coast Guard Public Image	6-8
D	Partnership in Education (PIE) Program	6-9
E	Junior Reserve Officers Training Corps (JROTC) Program	6-11
F	Centers of Influence	6-11

This chapter contains the following information in Enclosures:

Enclosure	Title	See Page
1	Procedures for Handling Social Climate Incidents Flowchart	6-13
2	Social Climate Incident Report	6-16

6.A. Introduction

Reaching out to every segment of society to provide a diverse work environment is an important part of preparing the United States for entry into the twenty-first century. Obtaining diversity in every segment of society is important, not only to America's future, but to the Coast Guard's as well. Through partnerships with educational organizations and institutions, which provide enhanced educational opportunities and career awareness for the Nation's youth, the Coast Guard is helping to fulfill the organization's goal of a Coast Guard that mirrors society and values differences. All of these undertakings directly support the Coast Guard's entry into the twenty-first century. By employing outreach programs and ensuring that public and private sector partners recognize the importance of a diverse work environment, the Coast Guard is providing the opportunity for those willing to work for it; maximizing human potential; and advocating respect for cultural differences and respect for our shared values. The efforts increase the availability of quality education and opportunities for everyone, while also providing them exposure to Coast Guard role models and increasing the applicant pool for all Coast Guard programs.

6.B. Social Climate Incidents

6.B.1. Introduction

All Coast Guard military members and their families are part of the civilian community, which should provide a positive social climate, free from harassment and intimidation. A negative environment impacts on the morale of Service members and their families, possibly minimizing job performance and reducing the level of mission accomplishment at a unit.

6.B.2. Definition

Social climate issues refer to hostile reactions or incidents by members of the local civilian community that have a negative impact on the emotional, physical, and/or social well-being of a Service member and his or her dependents. Social climate issues develop when civilian communities in which Coast Guard members are located passively or actively resist accepting and/or supporting Coast Guard families within their neighborhoods. These issues may involve illegal violations of an individual's Civil Rights and/or direct or subtle discrimination.

6.B.3. Description of Resources Available

6.B.3.a. The Community Relations Service (CRS)

The CRS, Department of Justice (DOJ), assists individuals and other agencies in investigating, mediating, and mitigating racial tensions. In addition, they observe trends in communities leading to disruptive conflicts. They also assist Coast Guard personnel with identifying community or civic groups in the vicinity of their commands that can assist in resolving community based complaints by Service members. Their regional offices are informed of the Coast Guard's procedures for processing social climate issues. Commanding officers are encouraged to establish and maintain communications with CRS Regional Offices. The CRS has extensive experience in these matters and has been very helpful in the past in helping Coast Guard commands resolve problems of social climate issues within the civilian community. The Coast Guard signed a Memorandum of Understanding with the CRS on 18 July 1990, describing the responsibilities of both parties. For additional information, contact your local CRS Regional Office or refer to ***http://www.usdoj.gov/offices/crs.html***.

6.B.3.b. Regional Office of Fair Housing and Equal Opportunity

The Regional Office of Fair Housing and Equal Opportunity under the Department of Housing and Urban Development (HUD) can provide assistance in processing housing discrimination complaints. The Fair Housing Act prohibits discrimination in any respect relating to the rental, sale, or refinancing of dwellings or in the provision of brokerage services or facilities in connection with the sale or rental of a dwelling based on race, color, religion, sex, disability, familial status, or national origin. This law is administratively enforced by the HUD, which has regional offices throughout the country where complaints can be filed. An up-to-date listing of these regional offices can be found on their web page: ***http://www.hud.gov/local.html***. For details on the Fair Housing Act and to download the Housing Discrimination Complaint form HUD-903, refer to ***http://www.hud.gov/fhe/fheact.html***. In addition, HUD refers many housing discrimination complaints to state and local Civil Rights agencies and provides Coast Guard Housing Officers with forms for filing a discrimination complaint. Unit Housing Officers assist the Service member in completing the form(s) and submitting the complaint.

6.B.4. Procedures in Handling Social Climate Incidents

Refer to the Procedures for Handling Social Climate Incidents flowchart (Enclosure 1) to determine ideal timelines and step-by-step guidance. Below is a description of each step. Considering that each case is unique, refer to these steps for guidance. In cases where there are multiple alleged social climate incidents, some of these steps and reports may be consolidated for better efficiency.

6.B.4.a. Experiencing a Social Climate Incident

If a member and/or dependents feel that they have experienced a social climate incident, and if the member wants the Coast Guard to take action, the member must immediately notify the command.

6.B.4.b. Conducting a Review

Once the command is notified, the Commanding Officer (CO) shall appoint a Reviewing Officer to conduct a review of the incident. The CO does not have to convene the investigation as an Administrative Investigations Manual (AIM) investigation under the provisions of the AIM, COMDTINST M5830.1, but can refer to the AIM for general guidance concerning informal investigations.

6.B.4.c. Interviews

1. The Reviewing Officer should interview the Service member and anyone else who has knowledge of the incident. The interviews should focus on the facts and perceptions of the incident(s) (e.g., dates, time, persons involved and their specific roles, verbal accounts of the incident, participation of law enforcement officials, actions precipitating the incident, and any other relevant information).
2. If possible, members of the community with knowledge of the incident should be interviewed to acquire facts and perceptions of actions contributing to the incident. If appropriate, the records of law enforcement officials should be reviewed to determine their account of the incident. Interviews should be held with the appropriate civic and community organizations to determine any history of similar incidents in the community. The community's actions and reactions should be noted. When appropriate, CRS should be consulted to determine the extent of their activities in the community and their recommendations as to an appropriate response to the incident.

6.B.4.d. Review Report

After all data are collected, the Reviewing Officer will conduct an analysis and provide a recommendation to the command regarding the merits of the case. The interviews and analysis report should be in the standard Report of Investigation format as shown in Enclosure 5 of the Administrative Investigations Manual (AIM), COMDTINST M5830.1. This complete package will then be forwarded to the CO.

6.B.4.e. Finding of No Social Climate Incident

1. If the command believes no social climate incident occurred, then the member will be counseled of such. The CO may utilize a Military Civil Rights Counselor/ Facilitator (MCRC/F) or Equal Employment Opportunity (EEO) Counselor in providing this counseling.
2. If the member feels the issue is still unresolved, then the CO should ensure that legal advice and counsel are made available to the member. The legal advice and counsel should include a discussion of the member's right to initiate civil suits, either privately or through the Attorney General of the United States, against persons or organizations that he or she feels has violated Civil Rights laws. The legal advice and counseling are there to provide the member a general overview of possible legal options that the member could consider for his or her next steps in addressing this issue.
3. It must be noted that Coast Guard attorneys will not represent the member in a civil suit as per COMDTINST 5801.4A, Legal Assistance Program; however, giving legal assistance to members concerning complaints of discrimination is a legal assistance priority (see paragraph 5h of COMDTINST 5801.4A). Therefore, legal offices may provide advice and assistance of a general nature. If legal recourse is preferred, the Service member should be assisted in requesting such action through a legal aid organization or the NAACP Legal Defense Fund. Following counseling, the commanding officer must forward a summary of actions taken and recommendations to Commandant (G-HI) following the example in Enclosure 2.

6.B.4.f. Finding of Housing Social Climate Incident

If the command believes a social climate incident occurred and the complaint involves housing discrimination, then the command Housing Officer refers the complaint to the state or local Fair Housing Agency or HUD for processing. Coast Guard Housing Officers should establish and maintain a working relationship with the various fair housing agencies in their area. When a housing

discrimination complaint is filed, the command Housing Officer works closely with the Service member and the Fair Housing Agency to resolve the complaint. Once HUD is

contacted, the CO must forward a summary of actions taken and conclusions to Commandant (G-HI) following the example in Enclosure 2.

6.B.4.g. Finding of Other Social Climate Incidents

If the command believes a social climate incident occurred and the complaint does not involve housing, then the command shall contact the CRS. Upon that meeting, the CRS will help initiate and mediate meetings between the CO and local officials and/or involved parties. If the efforts to resolve the dispute are successful (meaning acceptable to the member and/or dependents), then the CO must forward a summary of actions taken and conclusions to Commandant (G-HI) following the example in Enclosure 2. The Service member and his/her family should be provided support in their readjustment to the community. A senior unit representative should consult with appropriate community and/or civic organizations to solicit their assistance in helping the Service member and his/her family readjust.

6.B.4.h. Efforts to Resolve Dispute

If the outcome of the efforts to resolve the dispute are unsuccessful, the CO will counsel the member on his/her options for the next steps. Transfer should only be recommended as a last resort. If the CO decides that a social climate transfer is necessary, then the CO must forward a recommendation, attaching the social climate report as shown in Enclosure 2, via the chain of command to Commandant (G-HI). Commandant (G-HI) will then forward it to Coast Guard Personnel Command (CGPC) with a recommendation for approval or disapproval.

6.B.4.i. Imposing Sanctions

Whether or not a social climate transfer is chosen, the commanding officer has the option to impose sanctions against certain organizations or businesses involved in the dispute. Specific procedures for imposing sanctions are outlined in the Armed Forces Disciplinary Control Boards and Off-Installation Liaison and Operations, COMDTINST 1620.1D. Imposing sanctions is highly encouraged once all efforts for resolution have failed, since it may prevent further incidents and displays the Coast Guard's commitment to fair treatment and equal opportunity for all members. The command may choose to coordinate these efforts with other military units in the area.

6.B.4.j. Bringing a Civil Suit

The member also has the option to begin the civil suit process. Legal advice and counsel procedures should follow restrictions as stated in 6.B.4.e. Following counseling, the CO should report actions taken and conclusions to Commandant (G-HI) following the example in Enclosure 2.

6.B.5. Monitoring and Prevention

COs should be proactive in monitoring the environment and preventing social climate incidents directed at Coast Guard members. Effective measures that can identify and resolve perceptions and such acts include:

a. Utilizing the Human Relations Council to discuss local social climate issues affecting military personnel and their dependents.

b. Establishing local liaison with other military services and Federal agencies to coordinate actions to eliminate any social climate incidents.

c. Obtaining the cooperation of local officials and organizations to ensure non-discriminatory practices apply at all public accommodations, medical facilities, off-base housing, and business establishments.

d. Imposing restrictive sanctions against businesses or facilities that display harassing or illegal treatment of military personnel and their dependents (e.g., placing an establishment "off-limits").

6.B.6. Responsibilities

6.B.6.a. Commandant (G-H)

Commandant (G-H) is responsible for maintaining oversight of the social climate incidents in the Coast Guard. This includes maintaining a database of social climate reports. This database is for official use only and may be made available to CGPC (OPM/EPM) and the Assistant Commandant for Human Resources to address personnel issues.

6.B.6.b. District Commanders

District Commanders are responsible for ensuring proactive methods are being utilized by COs in areas where social climate incidents have occurred. Constant communication with the community and other organizations can help prevent further incidents from occurring in the future.

6.B.6.c. Commanding Officers (COs) Shall:

1. Establish and maintain ongoing communications with local officials and civic groups, which impact the adjustment of Service members and their families to the local community.
2. Encourage Service members to address perceived social climate incidents as quickly as possible. This will give the command the opportunity to address the incident early.

3. Contact his/her servicing legal officer for guidance. The legal officer can advise Service members of any legal recourse available to them in pursuing relief of actions perceived as social climate issues. If legal recourse is preferred, the Service member should be assisted in requesting such action through a legal aid organization or the NAACP Legal Defense Fund (see 6.B.4.e.).
4. Take immediate action to ensure the security of the Service member and his or her dependents. All alternatives to resolving a social climate issue should be attempted: use of community social action agencies, CRS and other Federal agencies, sanctions, or other means. Transfer of a member is the least desirable alternative but remains an option if the severity of circumstances makes it absolutely necessary. The complaint should still be pursued even if the victim member has been relocated from the offending community.
5. Provide social climate reports of incidents as required by this section.

6.C. Coast Guard Public Image

One benefit the Coast Guard derives from developing and implementing educational partnerships, whether at the national or local level, is the opportunity to promote Coast Guard roles and missions. Expanding these opportunities leads to expanded viability of the Coast Guard, which in turn expands the applicant pool for the Coast Guard. Interacting with Coast Guard members on the job and in the classroom demonstrates the importance of developing positive work habits. Participants may even go on to Coast Guard careers, military or civilian. As the Coast Guard develops greater diversity, these partnerships help foster military cohesiveness by providing visible evidence that acceptance and advancement within the Coast Guard are possible for members of all racial and ethnic groups.

6.D. Partnership In Education (PIE) Program

The National and Community Service Act of 1990 provided that agencies design and implement a comprehensive strategy that would involve personnel in partnership programs with elementary and secondary schools. Within that context, the Coast Guard's Partnership In Education Program was designed to enhance educational opportunities and provide career awareness for the nation's youth through direct participation in educational related programs. Through collaboration with students in grades kindergarten through post-secondary Coast Guard personnel volunteer their time and resources by helping students develop to their full potential. These volunteers make a positive impact on the lives of youth by performing, among other things, tutoring, providing classroom presentations, sponsoring field trips, mentoring, and enhancing school environments through rehabilitating school buildings and grounds. (See 2.D.8 of this manual for more information.)

6.D.1. Informal Programs

This Presidential Proclamation resulted in informal PIE Programs within the Coast Guard. For example, local reservists and Auxiliarists in Arizona sponsored outreach activities at elementary schools in their communities. They invited elementary schools to “Adopt a Coast Guard Officer” and learn about Coast Guard missions and its history.

6.D.2. Employee Involvement

The National and Community Services Act of 1990, Public Law, Number 101-610, directs the head of each Federal agency to design and carry out a comprehensive strategy to allow employee involvement in partnership programs with elementary and secondary schools. Pursuant to the National and Community Services Act of 1990, COMDINST 5350.22 (series) was initially issued on 29 August 1991 and revised on 12 May 1994:

a. Establishes the Coast Guard’s PIE: 2000 Program.

b. Encourages partnership programs with schools to enhance educational opportunities and career awareness for students.

c. Provides for an annual Commandant’s award to the Coast Guard units notable results in working with local school systems in their respective communities.

6.D.3. Measures of Effectiveness

Measures of effectiveness of the Coast Guard's implementation of PIE focus on four areas:

a. Excellence in education as measured by evidence of enhanced student learning in reading, math, the sciences, computer learning methods, and drug awareness; increased test scores; and academic achievement awards.

b. Evidence of student participation in off-site educational opportunities, such as field trips, an overnight trip to the Coast Guard Academy, job shadowing, and tours of Coast Guard facilities.

c. Increased student interest in Coast Guard missions, increased student and faculty attendance, and increased morale among members of the units.

d. Improved educational opportunities success rate as measured by activities that show varied participation in classroom instruction from Coast Guard personnel as teacher assistants, lecturers, guest speakers on expert subject matter, tutors, and mentors. In the past, Coast Guard volunteers have provided unique classroom instruction which encompasses science, engineering, English, mathematics, and computer sciences.

6.D.4. Informal Activities

There are also informal PIE activities which are implemented each year. For example, one air station displayed rotary aircraft at 40 elementary schools during 1995. These schools were not included in the Service-wide statistics because this initiative was not an ongoing program at the same school over the school year, but the unit was recognized and commended for its outstanding performance. Another example of informal activities is the landing of "Santa" by helicopter for various schools in many districts. The PIE Program is a "win/win" situation for all units with PIE Programs because the Coast Guard, students, teachers, and community benefit.

6.D.5. Commandant PIE Award Program

The Commandant is aware of the significant and positive impact the PIE Program has on the Coast Guard and the communities where these units are located. COMDTNOTE 5350, Coast Guard PIE: 2000 Program Award Nomination is disseminated Service-wide each year to select candidates for the Commandant's individual and collaborative partnership awards. The Commandant's PIE award program recognizes the best individual and collaborative partnership programs developed and maintained by a Coast

Guard unit or individual each school year. (See chapter 11 in this manual for more information.)

6.D.6. Long-Term Success

The Coast Guard's PIE Program has been successful over the past several years. Each year from 1993 to 1997, there has been an expanded presence in the program in communities where we live and work. The streamlining transition, with major changes in areas of operation and available human resources, resulted in new trends that affect the PIE Program Service-wide. Many units experienced a reduction in the number of volunteers and volunteer hours. This does not indicate a depreciation in the quality of the PIE Program. Past history reveals the Commandant's PIE: 2000 Program Award on two occasions was presented to individual volunteers rather than Coast Guard units. Therefore, quality achievement, excellence in education, improved educational opportunities, and improved Coast Guard visibility are still being maintained at a high level with fewer resources.

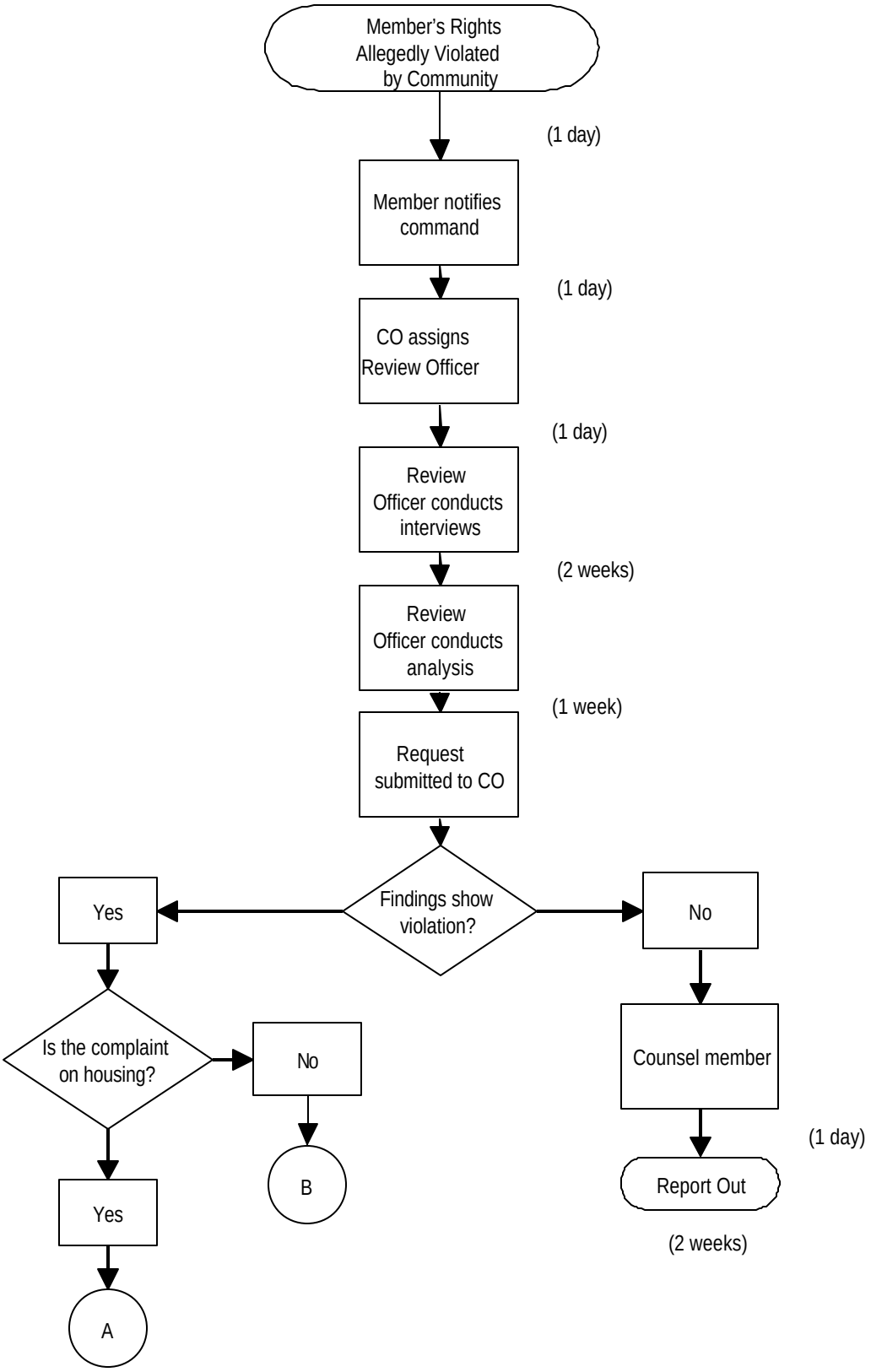
6.E. Junior Reserve Officers Training Corps (JROTC) Program

In December 1989, the President signed legislation to create a Coast Guard JROTC unit at the MAST Academy High School in Dade County, Florida. Named the "Claude Pepper Junior Reserve Officers Training Program," the legislation was specific in location and in having only one ROTC Program. The Claude Pepper JROTC Program is set up pursuant to existing Armed Service JROTC guidelines and is designed for 150 to 200 students from ninth to twelfth grades. The mission of the Claude Pepper JROTC Program is to motivate young people to be better Americans by promoting and encouraging citizenship. The JROTC Program, authorized by public law, has proven effective towards achieving Coast Guard diversity goals by increasing the number of candidates considering application to the Coast Guard Academy.

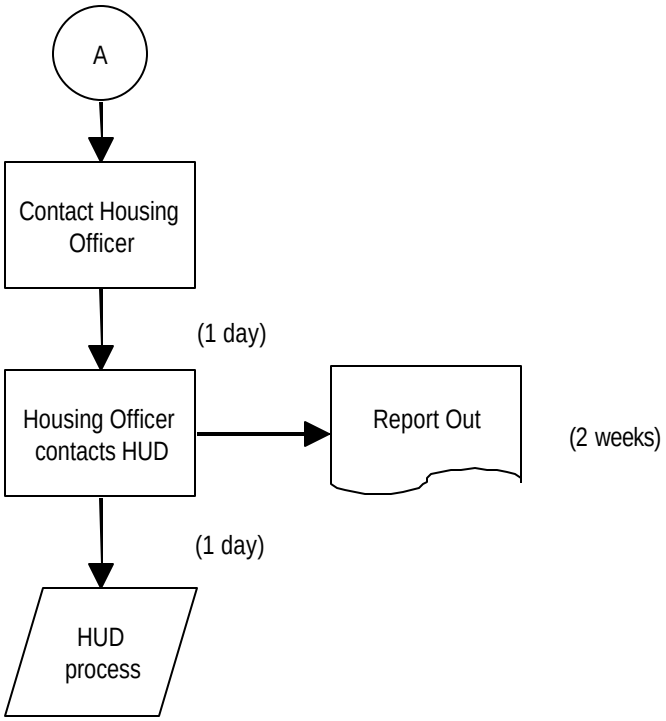
6.F. Centers of Influence

The Coast Guard is committed to creating an awareness of its missions in inter-city and/or lower income communities. This initiative has been undertaken by the Service participating in major national conventions, sponsoring Coast Guard activities with minority organizations, and recruiting and hiring inter-city and low income students for summer employment. These ongoing efforts will assist the Service in solidifying their relationship with the minority community and address their efforts to achieving diversity in the workforce.

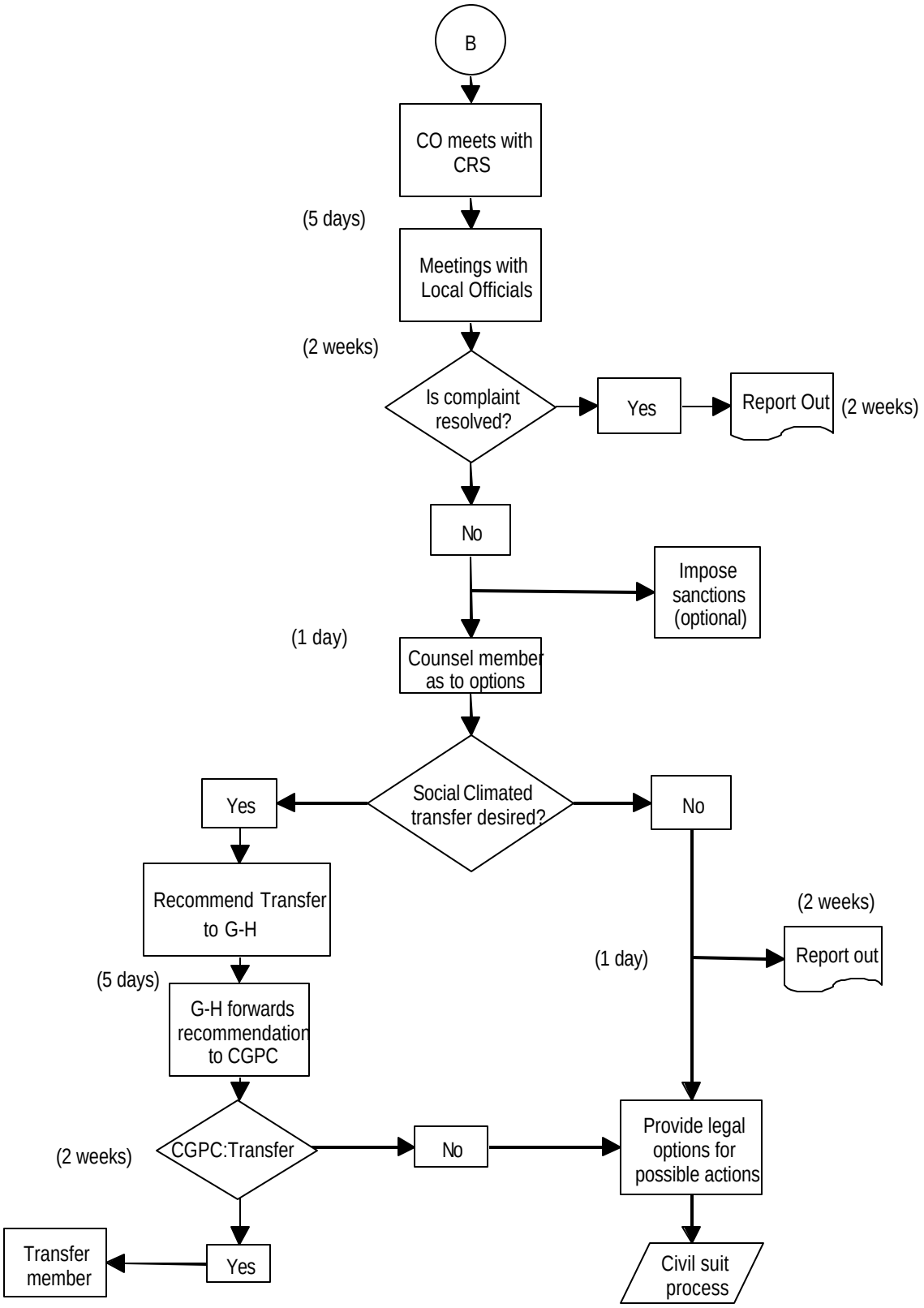
PROCEDURES FOR HANDLING SOCIAL CLIMATE INCIDENTS



PROCEDURES FOR HANDLING SOCIAL CLIMATE INCIDENTS



PROCEDURES FOR HANDLING SOCIAL CLIMATE INCIDENTS



U.S. Department
of Transportation
**United States
Coast Guard**

Commanding Officer
United States Coast Guard
Integrated Support Command
Ketchikan

1300 Stedman Street
Ketchikan, AK 99901
Staff Symbol: CX
Phone: (907) 228-0212
FAX: (907) 228-0213

5350

From: Commanding Officer, Integrated Support Command Ketchikan
To: Commandant (G-H)
Via: Commander, Maintenance & Logistics Command Pacific

Subj: SOCIAL CLIMATE INCIDENT REPORT

Ref: (a) If needed, refer to the Equal Opportunity Program Manual (EOPM), COMDTINST M5350.4 (series)

1. Issue. A concise statement of the incident.

2. Actions Taken. What steps did we take? Summary of meetings, personnel, training, sanctions, personnel transfer, organizations, or agencies contacted, etc. Follow flowchart.

3. Conclusion. Any recommendations. Brief wrap-up.

I. M. CAPTAIN

Encl: (1) Social Climate Review
(2) Any counseling documentation
(3) Any other supporting documents

Copy: Member

16	Flowchart of Military Discrimination Complaint Program Informal Complaint Process	5-81
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5.A. Guidance for Handling Allegations of Discrimination

5.A.1. Introduction

This section contains the policies and procedures for identifying, investigating, and resolving allegations of discrimination in the Coast Guard. This chapter provides guidance relevant to all segments of Team Coast Guard, military and civilian.

5.A.2. Responsibility

5.A.2.a. Commanders and Supervisors

Commanders and supervisors are responsible for leading the men and women under their control. Commanders and supervisors are responsible for and must be committed to preventing discrimination and sexual harassment in their commands and work environments. These responsibilities regarding issues of discrimination are part of the broader responsibility of Commanders and supervisors to foster a positive climate and take appropriate corrective action when conduct is disruptive, provoking, discriminatory, or otherwise unprofessional. They must not ignore nor condone discrimination in any form, and they must take whatever action is required to ensure that a victim of discrimination is not subsequently also the recipient of reprisal or retaliation. Appropriate corrective action, as discussed briefly in Chapter 2, section B.4, may range from verbal counseling and mediation when the behavior was of a unintentional nature, to punitive actions for intentional or egregious behavior.

5.A.2.b. Victims and Witnesses

Individuals who believe they have been discriminated against are encouraged to address their concerns or objections regarding the incident directly with the person demonstrating the discriminatory or harassing behavior. (It is recognized, however, that a common reaction among victims of discrimination is to try to ignore harassing actions or avoid harassers through some change in their routine. Failure of a victim to confront the alleged discriminator must not be used as an excuse by leaders for failing to intervene actively.) Third party persons who become aware of, are subjected to, or observe objectionable behavior should promptly notify the chain of command if:

1. The objectionable behavior does not stop.
2. The situation is not resolved.
3. Addressing the objectionable behavior directly with the person concerned is not reasonable under the circumstances.

4. The behavior is clearly criminal in nature.

If the person demonstrating the objectionable behavior is a direct superior in the chain of command or the chain of command condones the conduct or ignores a report, individuals who have been subjected to or who observe objectionable behavior are encouraged to promptly communicate the incident through other available means, such as the complaint process or UCMJ Article 138.

5.A.2.c. All Military, Civilian, and Auxiliary Personnel

All personnel are responsible for treating others with mutual respect and dignity. This means fully and faithfully complying with this manual. All military, civilian, and Auxiliary personnel are accountable for their actions and responsible for preventing and reporting incidents of discrimination.

5.A.2.d. Civil Rights Program Personnel

1. CROs Shall:

   a. Ensure the MCRC/F is consulted when allegations of discrimination are brought forth, facilitate the command's attempts to resolve allegations or complaints of discrimination, and provide proper guidance to the victim.

   b. Manage the unit level EO Program which includes providing appropriate training and insuring the training codes are entered in the PMIS system by the administering PERSRU. The SHP Training Code is 400469. The 8-hour Civil Rights Training Code is 500201. When code entries are made, it is also important to insure the entries are dated. (See sections 1.H.3 and 1.H.4 of this manual)

2. MCRC/Fs shall ensure that each complainant receives timely counseling and that all steps and requirements in this chapter are adhered to.

3. Auxiliary Civil Rights Counselors (CRC) shall be responsible for providing sexual harassment prevention training and for managing complaints as described in the Auxiliary Manual, COMDTINST M16790.1 (series).

5.A.2.e. Confidentiality

Due to the volatile and potentially damaging nature of the allegations, confidentiality will be maintained to the greatest extent possible without thwarting resolution. The Civil Rights Directorate oversees the complaints systems and retains ultimate responsibility for ensuring their effectiveness.

5.A.3. Resolving Complaints

5.A.3.a. Avenues of Resolution

Individuals who believe they have been discriminated against (victims) will be afforded multiple avenues to seek resolution and redress. Commanders and those in supervisory positions will ensure that notification of allegations of discrimination and sexual harassment can be made in a command climate that does not tolerate acts of reprisal, intimidation, or further acts of harassment. All personnel will be made aware of the avenues of resolution and redress that are available.

5.A.3.b. Characteristics of Effective Resolution Activities

Effective military and civilian systems are in place to resolve complaints of discrimination at the lowest possible level. These systems:

1. Emphasize individual accountability of the recipient, accused, coworkers, and the chain of command.
2. Clarify the roles for coworkers and the chain of command.
3. Emphasize the role that improved interpersonal communications skills can play in resolving (and preventing) discrimination complaints.
4. Incorporate the concepts of a reprisal free environment, timely resolution, and appropriate feedback to all parties.

5.A.3.c. Investigations

Commanders and supervisors must investigate and, to the extent that authority to do so is vested in them by law or regulation, take such action as they consider appropriate on all alleged violations of this instruction. The nature of the investigation will depend upon the particular facts and circumstances and may consist of an informal inquiry where that action is sufficient to resolve factual issues. All incidents will be resolved promptly and with sensitivity. Confidentiality will be maintained to the greatest extent possible. Feedback will be provided to all affected individuals consistent with the requirements of the Privacy Act and other pertinent laws, regulations, and negotiated agreements.

5.A.4. Accountability

5.A.4.a. Provisions

Illegal discrimination is prohibited. No individual in the Coast Guard shall:

1. Commit Discrimination or Sexual Harassment, as defined in Sections 5.B.4.a, 5.C.4.a, and 5.E.4.a.
2. Take reprisal action against a person who in good faith raises an allegation or provides information on an incident of alleged sexual harassment.
3. While in a supervisory or command position, condone or ignore sexual harassment of which he or she has knowledge or should reasonably have knowledge.

5.A.4.b. Violations

The rules in Subparagraph 5.A.4.a. apply to all military, civilian, and Auxiliary personnel in the Coast Guard. These rules may be enforced through punitive, disciplinary, or administrative actions. A violation of these provisions by military personnel may be punishable in accordance with the UCMJ; may be the basis for disciplinary action with respect to civilian employees; and may be grounds for dismissal of Auxiliary members. Additionally, with respect to military members, the table below lists UCMJ articles under which various acts of discrimination and sexual harassment may also be charged. The provisions in Subparagraph 5.A.4.a. apply to all conduct which occurs in or impacts a Coast Guard work environment.

UCMJ	
Article 78	Accessory after the Fact
Article 80	Attempt to Commit an Offense
Article 81	Conspiracy
Article 89	Disrespect to a Superior Commissioned Officer
Article 90	Assaulting a Superior Commissioned Officer
Article 91	Insubordinate Conduct toward a Warrant Officer, Noncommssioned Officer, or Petty Officer
Article 92	Failure to Obey an Order or Regulation
Article 93	Cruelty and Maltreatment
Article 120	Rape and Carnal Knowledge
Article 125	Sodomy
Article 127	Extortion
Article 128	Assault
Article 133	Conduct Unbecoming an Officer
Article 134	Twelve Specifications, including: Indecent Acts, Assault, Exposure or Language; Communicating a Threat; Depositing or Causing to be Deposited Obscene Matters in the Mail; Disorderly Conduct; Fraternization; Misprision of a Serious Offense; and Soliciting Another to Commit an Offense

5A.4.c. Disciplinary Action

Often discrimination and sexual harassment is committed by one person against many individuals. The Discriminator Identification and Tracking System (Section 5.D.) provides an existing tool to track repeat offenders. Current policy is to administratively discharge a person on the first proven occurrence of *quid pro quo* or sexual assault. A member who exhibits an "established pattern" of sexual harassment or discrimination to include occurrences of crude and offensive behavior, sexist behavior, and/or unwanted sexual attention is also presenting grounds for separation.

5.A.4.d. Administrative Separation

Military members. Military members **shall** be processed, in accordance with Chapter 12 of the Personnel Manual, COMDTINST M1000.6 (series), for administrative separation on the first substantiated incident of sexual harassment involving either of the following circumstances (for the purpose of this section, an incident is substantiated if there has been a court-martial conviction; imposition of punishment under Article 15, UCMJ; or if the CO otherwise reasonably determines that one of the following circumstances has occurred):

1. An incident of *quid pro quo* sexual harassment (see section 5.E.4.a.) or the taking of adverse action against the victim for not submitting to this type of sexual harassment.
2. Unwelcome and unauthorized physical contact of a sexual nature which, if charged as a violation of the UCMJ, could result in a punitive discharge, *viz*., rape (Article 120), sodomy (Article 125), indecent assault (Article 134), assault with intent to commit rape or sodomy (Article 134), and appropriate lesser included offenses thereof.

Civilian Members. Lengthy suspension (60 day minimum) to removal **shall** be proposed, in accordance with Chapter 1 of Civilian Personnel Actions: Discipline, Performance, Adverse Actions, Appeals, and Grievances, COMDTINST M12750.4 (series), for civilian employees for the same misconduct contained in Section 5.A.4. Equivalent standards of evidentiary reliability shall be applied in determining whether to pursue the removal action.

Auxiliary. Dismissal of Auxiliary members shall be conducted in accordance with Article 3.E of the Auxiliary Manual, COMDTINST M16790.1 (series) for the misconduct contained in Section 5.A.4, using equivalent standards of evidentiary reliability.

5.A.4.e. Separation, Removal, and Dismissal

Commanders are not precluded from initiating administrative separation for misconduct proceedings for reasons set forth in the Personnel Manual, COMDTINST M1000.6 (series) Chapter 12, for military members who exhibit an "established pattern" of sexual harassment. Similarly, supervisors of civilian employees are not precluded from proposing removal from Federal service of those employees who exhibit an "established pattern" of

sexual harassment in accordance with Civilian Personnel Actions: Discipline, Performance, Adverse Actions, Appeals and Grievances, COMDTINST M12750.4 (series). Additionally, Auxiliary members are not precluded from dismissal when their conduct warrants removal in accordance with the Auxiliary Manual, COMDTINST M16790.1 (series).

5.A.4.f. Counseling

A counseling support and referral network exists and is advertised. Information on the complaint process should be sought through command personnel, civilian EEO Counselors, or the MCRC/F (see Enclosure 19). MCRC/Fs are located at each District, Headquarters, and the Maintenance and Logistics Command, Pacific. The primary source of professional mental health counseling is the Employee Assistance Program, which has a toll free number: 1-800-523-5668. Information on medical concerns should be sought from the normal health care provider or by calling 1-800-942-2422. Additionally, the Leadership and Development Staff has established the Women's Information Phone Line: 1-800-242-9513.

5.B. Military Discrimination Complaint Program

5.B.1. Introduction

This section contains the policies and procedures for administering the Coast Guard's Discrimination Complaint Program for Coast Guard military members, active and reserve. The guidance in this chapter and its enclosures is subject to the authorities set forth in Paragraph 5.A.3.

5.B.2. General Policy

The Coast Guard is committed to the prompt, fair, and impartial processing of military discrimination complaints based on race, religion, sex, color, national origin, or reprisal. It is also important to note that the filing of a discrimination complaint by a member does not relieve the chain of command from its responsibility to take actions it feels are appropriate to prevent or resolve incidents of discrimination in accordance with Sections 5.A and 2.B.2-4. Adherence to the principles of leadership and accountability set forth in Chapter Two will, in many instances, defuse incidents of alleged discrimination before they become complaints.

5.B.3. Legal Authorities

The legal authorities that govern the Military Discrimination Complaint process are:

a. COMDTNOTE M5810.1C, Military Justice Manual.

b. Uniform Code of Military Justice.

c. Human Relations Policy.

d. Sexual Harassment Prevention Policy.

e. COMDTINST 1000.6A, Personnel Manual.

5.B.4. Definitions and Abbreviations

5.B.4.a. Definitions

1. **Illegal Discrimination (military only)**: Any action, omission, or use of language that deprives an individual or group of individuals their rights because of race, religion, sex, color, national origin, or reprisal. Discrimination may be intentional or unintentional in

nature and may occur on a personal level (between or among individuals) or an institutional level (organizational policies or practices). This definition includes complaints of sexual harassment.

2. **"Make Whole" Condition**: To restore the complainant to a reasonably estimated condition/state where the complainant would have been if discrimination had not occurred.
3. **Alternative Dispute Resolution (ADR)**: A process that provides a neutral third person (mediator) to assist the complainant and command in negotiating a settlement of an allegation of discrimination. A process designed to resolve a dispute short of exhausting the formal adjudication process traditionally used for such disputes.
4. **Mediator**: A neutral third party to assist the aggrieved person and command in negotiating a settlement of an allegation of discrimination. The mediator takes an active role in defining the issues, encouraging communication, and offering options for an early resolution.
5. **Informal Counseling Process**: A process that involves a matter of alleged discrimination that a complainant brings to the attention of a Military Civil Rights Counselor/Facilitator (MCRC/F) before a formal complaint is filed.
6. **Formal Complaint Process**: A process where a written complaint is received, and if accepted, an investigation is conducted, and a final agency decision is issued if the complainant's issue cannot be resolved.
7. **Aggrieved Person**: A Coast Guard member who brings issues of discrimination to the attention of the Civil Rights Officer (CRO) or MCRC/F.
8. **Complainant**: A military member who files a formal complaint of discrimination based on his/her race, religion, sex, color, national origin, and/or reprisal.
9. **Reprisal**: An unlawful act to restrain, interfere, coerce, or discriminate against an individual who is involved or participates in the discrimination complaints process (i.e., complainant, their representative, a witness, or an agency official responsible for processing discrimination complaints).
10. **Resolution**: An agreement by the parties involved in the discrimination complaint that resolves the differences/concerns that are raised in the informal/formal discrimination complaint process.
11. **Civil Rights Officer (CRO)**: A person who has been designated by the command to assist in issues relating to Equal Opportunity and Civil Rights. Where the term "CRO" is used, this refers to the Unit's Collateral Duty CRO or the full time CRO who provides support to that unit.
12. **Days**: For the purpose of this section, the term "days" refers to "calendar days."

5.B.4.b. Abbreviations

Abbreviation	
ADR	Alternative Dispute Resolution
AOR	Area of Responsibility
CD CRO	Collateral Duty Civil Rights Officer (unit-level)
CGPC	Coast Guard Personnel Command
CO	Commander/Commanding Officer
CRO	Civil Rights Officer (MLCPAC, MLCLANT, Academy, Headquarters)
DEOMI	Defense Equal Opportunity Management Institute
DOCR	Departmental Office of Civil Rights
DOT	Department of Transportation
EO	Equal Opportunity
FAD	Final Agency Decision
MCRC/F	Military Civil Rights Counselor/Facilitator
MLC	Maintenance and Logistics Command
OINC	Officer In Charge
OST	Office of the Secretary
RD	Regional Director
ROI	Report of Investigation
XO	Executive Officer

5.B.5. Program Administration and Officials

5.B.5.a. Commandant (G-H) Shall:

1. Develop a Service-wide discrimination complaint processing policy, and monitor and evaluate the effectiveness and efficiency of the Military Discrimination Complaint Program.
2. Consult and provide advice and assistance to Commanders/Commanding Officers (COs)/Officers in Charge (OINCs), CROs, MCRC/Fs, and Coast Guard members on the Civil Rights Complaint Process.

5.B.5.b. Commander/Commanding Officer (CO)/Officer In Charge (OINC) Shall:

1. Develop and provide oversight of the command's Military Discrimination Complaint Program in accordance with the guidelines provided in this chapter. Local guidance that establishes specific procedures and responsibilities for administering the complaint program may be issued by COs.
2. Ensure the success of the discrimination complaint process by involving the Chain of Command in the resolution process. It is the responsibility of individuals within a member's chain of command to keep those seniors in the chain informed of the existence and status of all discrimination complaints.
3. Ensure that complaints are processed expeditiously and that the complainant obtains an appropriate remedy for any discrimination based on race, color, religion, national origin, sex, or reprisal he/she may have suffered. In addition, the command shall ensure that prompt and appropriate administrative or disciplinary action is taken when the command has determined that a member has engaged in discriminatory conduct or has suppressed or otherwise interfered with the filing or investigation of a discrimination complaint. Any member whose actions have resulted in illegal discrimination based on race, color, religion, national origin, sex, or reprisal is subject to administrative and/or discriminatory action, in accordance with Coast Guard regulations and the Uniform Code of Military Justice (UCMJ), as may be deemed appropriate by the commanding officer or a more senior officer in the chain of command.

5.B.5.c. Civil Rights Officer (CRO) Shall:

Administer the command's Equal Opportunity and Discrimination Complaint Programs. The CRO provides guidance, advice, assistance, and technical support to COs/OINCs and MCRC/Fs. The CRO acts as a consultant and advisor to COs/OINCs, MCRC/Fs, legal staff, and Coast Guard members on issues relating to the EO Program and the complaint process. The CRO should not take the role of a MCRC/F as it relates to providing counseling to the aggrieved person.

5.B.5.d. Military Civil Rights Counselor/Facilitators (MCRC/Fs) Shall:

Conduct a limited inquiry into matters brought to their attention for the purpose of furnishing information for resolution attempts. The MCRC/Fs are not advocates for the Coast Guard or the aggrieved person during the counseling process. MCRC/Fs must remain objective and impartial during counseling. They must not express their opinion to the aggrieved person or management officials on the merits of allegations of discrimination brought to them for counseling.

5.B.5.e. Legal Staff Shall:

1. Provide advice to COs/OINCs, CROs, and MCRC/Fs concerning legal matters that arise during the processing of complaints.
2. Review any and all proposed settlement agreements with pay or promotion, to ensure that relief being offered does not violate law or regulations.

5.B.5.f. Coast Guard Personnel Command (CGPC) Shall:

1. Review proposed settlement agreements to ensure that the relief being offered does not violate personnel regulations and does not establish personnel policy or precedents.
2. Assist in the implementation of corrective actions ordered by the DOCR that involve personnel actions.

5.B.6. Coverage

An individual who believes that he or she has been discriminated against based on their race, religion, color, sex, national origin, or has experienced reprisal in a discrimination complaint decision or activity by the Coast Guard may initiate a complaint to be processed in accordance with the procedures in this chapter.

5.B.7. Informal Resolutions

5.B.7.a. Resolution

COs/OINCs, CROs, and MCRC/Fs shall seek to achieve informal resolution of discrimination complaints at the earliest possible stage.

5.B.7.b. Authority

The final authority to informally resolve complaints rests with the CO/OINC. This authority, however, may be delegated to members of the chain of command depending upon the issues involved. CROs and MCRC/Fs serve as facilitators in the resolution process and do not have the authority to establish settlement terms or sign settlement agreements on behalf of the command.

5.B.7.c. Informal Resolution

Proposed informal resolution involving awards, assignments, promotions, or pay must be reviewed by the legal staff, Commandant (G-HI), and CGPC before being presented to the aggrieved party.

5.B.8. Cooperation

All employees, both military and civilian, must cooperate fully with Commandant (G-H), the CROs, MCRC/Fs, EO investigators/mediators, and DOCR officials throughout the discrimination complaint process. Failure to cooperate may result in administrative or disciplinary action against the member.

5.B.9. Representation

5.B.9.a. Aggrieved Person's Rights

The aggrieved person has the right to be accompanied, represented, and advised by a representative of his/her choosing at any stage in the discrimination complaint process at his/her own expense. The name, address, and telephone number of the representative must be provided in writing to the CRO.

5.B.9.b. Disqualification

The CRO may, after giving the representative an opportunity to respond, disqualify the representative if it is determined that such representation would constitute a conflict of interest.

5.B.9.c. Notifying Legal Staff

The appropriate legal staff should be notified when an aggrieved person/complainant is represented by private counsel.

5.B.9.d. Civil Rights Officials

Civil Rights officials (i.e., CROs and MCRC/Fs) may not serve, or give the appearance of serving, as representatives of the aggrieved person.

5.B.10. Complaint File Information

1. The DOCR establishes and maintains the official complaint file. The official complaint file, report of investigation, and administrative record are considered systems of records under the Privacy Act 5 U.S.C. Section 552a. The routine used for these systems of records is outlined in DOT/OST 011 (Discriminatory Complaint Investigatory Files) and DOT/CG 517 (Complaints of Discrimination). Enclosure 1 to this chapter provides information concerning the administrative restrictions on a counselor's use of personal information contained in the official complaint file, report of investigation, and administrative record.
2. All correspondence required by this instruction should be sent by certified mail, facsimile transmission, or overnight express mail when possible. Mailing will be at Coast Guard expense.

5.B.11. Disclosure of Investigative Materials

5.B.11.a. Reports

The complainant will receive a copy of the MCRC/F's report without any Privacy Act material.

5.B.11.b. Rights

If an informal complaint has been filed, the individual allegedly responsible for the discriminatory activity and the complainant's command have the right to be advised of the allegations and afforded an opportunity to respond. This does not imply that the individual allegedly responsible for discriminatory actions has the right to be provided a copy of the actual complaint or be notified of the names of witnesses without the complainant's permission. The individual allegedly responsible for the discriminatory activity is a witness and is entitled to no more rights than any other witness. He or she has the right to have a representative of their choosing at any stage of the complaint process.

5.B.11.c. Confidentiality

Any information provided to the MCRC/F during counseling is considered confidential and may not be shared with others until the complainant initiates an informal complaint. Exceptions to this rule include situations where it is believed bodily harm or destruction of government property is imminent.

5.B.12. Official Time to Present Case

Coast Guard members shall have a reasonable amount of official time to prepare and present their complaint, or serve as a complainant's representative. The complainant and representative shall be on official time, regardless of their tour of duty, when their presence is authorized or required by the Coast Guard or DOT during the investigation of the complaint.

5.B.13. Freedom from Reprisal

Complainants, their representatives, witnesses, MCRC/Fs, and other EO officials shall be free from restraint, interference, coercion, discrimination, or reprisal at any stage in the presentation and processing of an informal or formal complaint. Allegations of reprisal are processed as complaints of discrimination under the procedures in this chapter. Also, any member who experiences an act or incident of reprisal as a result of opposing the complaint process may file a complaint based on reprisal.

5.B.14. Rights of Aggrieved Persons

1. To be provided equal treatment without regard to race, color, religion, national origin, or sex.
2. To be provided timely resolution of discrimination complaints.
3. To present allegations of discrimination to the chain of command and to seek redress when they believe they have been discriminated against.
4. To communicate with Civil Rights personnel on procedures for filing a complaint of discrimination and filing a motion for reconsideration.
5. To present a complaint of discrimination to the command and DOCR without fear of intimidation, reprisal, or harassment.
6. To representation throughout the informal/formal complaint process, at his/her own expense.

5.B.15. Informal Complaint Program

5.B.15.a. Aggrieved Person

An individual who believes that he or she has been discriminated against must submit written notification (i.e., a chit or Enclosure 6) to the CO/OINC via the chain of command. If the chain of command and CO/OINC cannot resolve it, the CO/OINC shall arrange for

the aggrieved person to meet with the MCRC/F before filing a formal discrimination complaint. The MCRC/F must make whatever inquiry he/she believes necessary and attempt to resolve the matter informally. The MCRC/F's inquiry, however, is limited in scope and does not constitute an "investigation."

5.B.15.b. Process and Time Limits

1. A flowchart demonstrating the informal complaint process is shown in Enclosure 16.
2. The aggrieved person must submit written notification (i.e., a chit or Enclosure 6) within 45 days from the date of the alleged discriminatory incident or effective date of a personnel action to the CO/OINC via the chain of command. If the 45-day time limit is exceeded, the MCRC/F must still provide counseling; however, the MCRC/F must make the aggrieved person aware that if a formal complaint is filed, it may be dismissed as untimely, unless there is justification for waiving the time limit.
3. The chain of command has 5 days from receipt of written notification to meet with the complainant, conduct an informal inquiry, and attempt resolution. If resolution is not achieved, the chain of command will endorse the written notification and forward it to the CO/OINC.
4. The CO/OINC has 10 days to conduct inquiries into the allegations and attempt resolution. If a resolution is not achieved, then the CO/OINC will arrange for the complainant to meet with the MCRC/F.
5. The MCRC/F has 15 days from the date of initial contact by the CO/OINC to meet with the CO/OINC and complainant. The MCRC/F will explain the complaint procedures to the complainant and inform him or her of ADR as an option in the counseling process.
6. The MCRC/F has 30 days from the date of initial contact to counsel the complainant and to attempt to resolve the complaint. If the situation is near resolution, the counseling process may be extended up to an additional 60 days if the complainant and CRO agree to this in writing (Enclosure 7). If a resolution is not achieved, the MCRC/F will conduct a final counseling interview with the complainant and provide him or her with the Notice of Right to File a formal complaint on the thirtieth day (Enclosure 5a).
7. If the complainant elects the ADR process, the MCRC/F will refer him or her to the CRO. The CRO will contact Commandant (G-HI) to have a mediator assigned. When the complainant elects to participate in the ADR process, the informal complaint process may be extended, not to exceed 90 days. The mediator will meet with the complainant and chain of command to mediate issues. If the parties achieve a resolution, the mediator will reduce the terms of agreement to writing; all parties involved will sign it and provide a copy to the CRO. If a resolution is not achieved, the

mediator will complete the mediation form and provide a copy to the CRO. The complainant will return to the counseling process at the point counseling ceased.

5.B.15.c. Duties of Complainant

1. Advise the chain of command and seek redress when they believe they have been discriminated against because of their race, color, religion, national origin, sex, or reprisal.
2. Attempt to resolve any complaint of discrimination at the lowest level possible in the chain of command.
3. Allow the command an opportunity to provide a remedy or take appropriate action before the complaint is brought to the attention of higher authorities.
4. Tolerate no discrimination and take appropriate action promptly when incidents of discrimination are observed.

5.B.15.d. Duties of the MCRC/F

1. At the initial counseling session, advise the aggrieved person about the EO complaint process and their rights and responsibilities. A list of information to be discussed with the individual is (Enclosure 1).
2. Provide the aggrieved person with a copy of the notice, Member Rights and Responsibilities in the Military Discrimination Complaints Process (Enclosure 1). The MCRC/F will retain a signed and dated copy of the notice.
3. Determine the issue(s) and basis(es) of the potential complaint. A detailed description of the alleged discriminatory incident or personnel action, including the date on which the incident occurred, must be obtained. If the allegation is not an EO matter, the MCRC/F shall refer the aggrieved person to the appropriate office or program. However, the MCRC/F cannot evaluate the merits (i.e., whether or not discrimination occurred) of the allegation or refuse counseling based on such an evaluation.
4. Conduct an informal inquiry into the issues raised by the aggrieved person for the purpose of furnishing information for resolution efforts and determining jurisdictional questions if a formal complaint is filed. This consists of seeking information from supervisors, members of the chain of command, and others who may have knowledge relating to the issues presented. If further information is needed, pertinent records, including personnel data records, may be reviewed. The MCRC/F will be responsible for assuring that disclosure of the information contained in the records to any persons, to include the complainant, does not violate the Privacy Act, 5 U.S.C. Section 552a. The scope of the inquiry will vary based on the complexity of the issues, but the inquiry is limited and not intended to substitute for the fact-finding required at the formal stage.

The MCRC/F must at all times control the inquiry. Problems with the inquiry should be reported to the CRO immediately.

5. Ensure that the aggrieved person is aware of his/her option to participate in the ADR process anytime in the counseling process and complete the ADR/EO Counseling Option Form (Enclosure 3). If ADR is elected, coordinate with the Unit CRO. The ADR process is voluntary for the aggrieved person; however, it is a responsibility of the command to participate. Commandant (G-HI) will provide a mediator.
6. Attempt resolution whenever possible at the lowest level in the chain of command. If resolution is achieved, the MCRC/F will reduce the terms of the agreement to writing and have the parties involved sign it. All parties involved will receive a copy of the resolution agreement. The MCRC/F will forward a copy of the resolution agreement to the CRO. Enclosure 4 is a sample settlement agreement form. The MCRC/F's role is to facilitate resolution, not to develop or advocate specific terms of an agreement. MCRC/Fs must be careful not to inject their personal views on settlement negotiations.
7. During the final interview, the MCRC/F will provide verbal feedback on the results of the inquiry and resolution attempts and issue the Notice of Right to File a Discrimination Complaint within 30 days of initial contact with the aggrieved person (Enclosure 5a). Prior to the end of the 30-day period, counseling may be extended for up to an additional 60 days, for a total of 90 days, if the aggrieved person agrees in writing to such an extension (Enclosure 7).
8. The MCRC/F shall keep a careful record of information gathered during counseling, such as copies of all notices given to the aggrieved person, attempted resolutions, and summary statements from witnesses. The MCRC/F shall provide the CRO with the written report of counseling activities (Enclosure 8a) within 5 days after the issuance of the notice of right to file a formal complaint to the aggrieved person.
9. The MCRC/F shall provide advice to the complainant in filing a formal discrimination complaint, if necessary.
10. Prior to interviewing a military member suspected of an offense under the UCMJ, the MCRC/F is responsible for ensuring that the requirements of Article 31, UCMJ are complied with.

5.B.15.e. Duties of CROs

1. Provide technical advice and assistance to the COs/OINCs, MCRC/Fs, and members on Civil Rights issues and the discrimination complaint process.
2. When ADR is elected by a complainant, ensure the criteria are met and contact Commandant (G-HI) to provide information concerning mediation and to get a mediator assigned.

3. Provide Commandant (G-HI) with a summary report that addresses the ADR criteria specified in paragraph 5.B.18. of this instruction. If the ADR is appropriate, G-HI will assign a mediator.
4. When ADR is elected, provide mediator with the complaint information and make all necessary arrangements (i.e., time, date, and location).
5. Review the counselor's report to ensure it contains all the required information and does not contain any opinions or conclusions. If the report meets the standard, a copy will be given to the complainant and command. If the report needs revision, it will be returned to the MCRC/F. The MCRC/F has 1 day to make the necessary corrections.
6. Forward the counselor's report to the appropriate DOCR regional office upon receipt of the DOCR acknowledgement letter.
7. District, area/MLC, and headquarters CROs will provide to Commandant (G-HI) the number of discrimination complaints counseled by the MCRC/F on a quarterly basis (see section 5.B.19).

5.B.15.f. Duties of the COs/OINCs

1. Ensure the names and phone numbers of the designated CROs/MCRC/Fs and the procedures for filing a discrimination complaint are displayed prominently at the units.
2. Ensure, whenever possible, that an attempt is made to resolve complaints at the lowest level possible in the chain of command. This includes using any administrative counseling or investigative tools that are available to the CO/OINC.
3. Ensure that any member who participates in the complaint process or files a complaint of discrimination in the complaint process is not subjected to any form of reprisal.
4. Ensure all complaints receive prompt command attention and appropriate action using the guidelines stated in this instruction. Such command action may include, but is not limited to, a suitable administrative remedy, which serves to make the complainant whole.
5. Ensure that when an appropriate action or remedy cannot be effected by the local command, the complaint is forwarded to the appropriate level in the chain of command for proper disposition.
6. Arrange for the MCRC/F to meet with aggrieved person if resolution cannot be achieved.
7. Has 10 days to review the complaint and attempt resolution upon receipt of a formal complaint. If resolution is not achieved, the command shall prepare an endorsement to the formal complaint. The endorsement must state:

a. That the complainant has received the required counseling and has been advised of the procedures for filing the formal complaint.

b. That any delay in submission of the formal complaint was (was not) justified, and the reasons therefore.

c. That all command attempts at informal resolution have been unsuccessful.

d. Whether there are any pending disciplinary or administrative proceedings related to the complaint.

8. Submit a formal complaint letter of endorsement to the appropriate DOCR regional office within 10 days from receipt of complaint, with a copy to the complainant. DOCR contact information is included in Enclosure 20.

9. Ensure the Report of Investigation (ROI) is reviewed for an attempt to resolve the complaint. Consult with his or her servicing legal counsel, if necessary.

10. Ensure correspondence and information concerning a formal discrimination complaint is disseminated to the appropriate individuals.

11. Serve as the initial point of contact for DOT investigators for the on-site investigation.

5.B.15.g. Duties of ADR Mediator

1. Meet with the complainant and chain of command to explain the mediation process.

2. Facilitate the mediation process with the parties involved.

3. If a resolution is achieved, reduce the terms of the agreement to writing (Enclosure 9) and have the parties involved sign it.

4. Complete the mediation form (Enclosure 10) and forward a copy to the CRO.

5. Consult with the servicing legal counsel when resolution involves pay, promotion, and/or monetary settlement, or as needed.

5.B.16. Complaints Against the CO/OINC

Where the CO/OINC is identified as the official responsible for directly engaging in the alleged discriminatory action, the informal complaint will be processed by the next higher level in the chain of command.

5.B.17. Complaints Against Commandant (G-C), Flag Officers, Senior Executive Service Officials, and CROs

5.B.17.a. Against Commandant

Informal complaints filed against Commandant (G-C) will be processed by the DOCR.

5.B.17.b. Against Flag Level Officers and Senior Executive Service Officials

Informal complaints filed against Flag level officers and Senior Executive Service officials will be processed by the DOCR.

5.B.17.c. Against CROs

Informal complaints filed against CROs will be processed locally by an alternate official at the next higher level designated by the CO. Commandant (G-HI) will provide technical guidance to this individual as requested.

5.B.18. Alternative Dispute Resolution (ADR) Mediation Process

The aggrieved person is given the option to elect the ADR process anytime during the counseling process. If the person elects to participate in ADR, he or she will be referred to the CRO, who will coordinate the mediation through Commandant (G-HI). Where the complainant elects to participate in the ADR process, the informal complaint process period may be extended, not to exceed 90 days. Mediation can be particularly useful where communication has broken down or emotions are intense. Any settlements reached through mediation must be achieved by the parties themselves. Facts uncovered during mediation are not made a part of the official complaint record. There will not be any notes or other written records of the mediation sessions. The use of mediation is voluntary for the complainant and kept confidential. When the complainant elects to participate in the ADR process, Commandant (G-HI) evaluates the complaint against the ADR criteria. If the criteria are met, a mediator will be assigned. The ADR criteria are:

1. The basic facts of the complaint are not in dispute.
2. The aggrieved person/complainant is more interested in resolving the complaint than placing blame.
3. There is a management official who has the authority to grant the relief requested by the aggrieved person/complainant.

4. The personalities of the individuals involved require intervention by a trained mediator to keep the parties focused on the issues and alternatives for resolution.

5.B.19. Reports

1. Enclosure 3 in Chapter 4 will be used to compile a quarterly report on the trends and types of informal discrimination complaints received. MCRC/Fs are required to complete and submit this form to the servicing CRO (Area/MLC, Headquarters, or Academy) quarterly.

2. Area/MLC, Headquarters, and Academy CROs are required to submit a copy of Enclosure 3 of Chapter 4 to Commandant (G-HI) quarterly to report on the trends and types of informal discrimination complaints received. This report should consolidate informal/formal complaints and counseling for their AORs. This report is due to G-HI no later than 14 calendar days after the end of the quarter.

5.B.20. Formal Complaint Program

5.B.20.a. Formal Complaint Processing

Formal complaint processing of allegations of discrimination raised by military members of the Coast Guard is the responsibility of the Department of Transportation (DOT) and Departmental Office of Civil Rights (DOCR). The following list is the responsibility of the DOCR regional offices (see Enclosure 20 for a listing of offices):

1. Accept/Dismiss.
2. Investigation.
3. Writing the Report of Investigation (ROI).
4. Writing the Final Agency Decision (FAD).

The Director, DOCR will issue the FAD on the merits of the accepted issue(s) based on the ROI.

5.B.20.b. Procedures for Filing a Formal Discrimination Complaint

1. A complainant may only file a formal discrimination complaint after they have been counseled by an MCRC/F (see Enclosure 14).
2. A formal complaint must be filed within 15 days from the date the complainant received the Notice of Right to File.

3. A formal complaint must be filed directly to the appropriate DOCR regional office responsible for the geographical area where the alleged discrimination occurred. For units afloat, this refers to the homeport site. Copies will also be sent directly to the CO/OINC responding to the complaint and to the servicing CRO.

5.B.20.c. Duties of the Complainant

1. File a formal complaint within 15 days of the receipt of the Notice of Right to File a discrimination complaint. The complaint must be in writing, and the body of the complaint must contain the basis(es) (race, color, national origin, religion, sex, or reprisal) and issues (incident or action) giving rise to the complaint and the date of the incident or of the known action. The complainant may request advice or clerical assistance of the MCRC/F in preparing the complaint.
2. Clearly and concisely state the action, condition, or matter upon which the formal complaint is made and the specific remedy requested, including the factual basis for the complainant's belief that discrimination has occurred.
3. Submit one copy of the formal complaint and endorsement to the appropriate DOCR regional office, Enclosure 20, within 10 days from receipt of complaint, with a copy to the servicing CRO (Unit/District/MLC/HQ). Submit another copy to the commanding officer for endorsement.

5.B.20.d. Duties of the MCRC/F

1. Provide advice to the complainant in preparing his/her formal discrimination complaint, if the complainant so desires.
2. Prepare and provide the counselor's report to the CRO within 5 days of issuance of the Notice of Right to File.

5.B.20.e. Duties of the CO/OINC

1. Review the complaint and, if appropriate, attempt to resolve the complaint informally.
2. If a formal complaint has been filed and resolution is still not possible or cannot be achieved within 10 days of the CO's receipt of the formal complaint, the CO will prepare a command endorsement to the formal complaint. As a minimum, the endorsement must state: (1) that the complainant has received the required counseling and has been advised of the procedures for filing the formal complaint; (2) any delay in submission of the formal complaint was (was not) justified, and the reasons therefore; (3) that all command attempts at informal resolution have been unsuccessful; and (4) whether there are any pending disciplinary or administrative proceedings related to the complaint.

3. Forward the formal complaint and endorsement to the appropriate DOCR regional office (see Enclosure 20) within 10 days from receipt of complaint, with a copy to the servicing CRO (Unit/District/MLC/HQ).

5.B.20.f. Duties of the CRO

1. Review the counselor's report to ensure it includes all the required information and does not contain any opinions or conclusions. (See Enclosures 8 and 14.)
2. Upon receipt of DOCR's letter acknowledging receipt of the complaint, forward the counselor's report to the appropriate DOCR regional office within 5 days.

5.C. Civilian Discrimination Complaint Program

5.C.1. Introduction

This section contains the policies and procedures for administering the Coast Guard's Civilian Discrimination Complaint Program. The guidance in this section is subject to the authorities set forth in Paragraph 5.C.3.

5.C.2. General Policy

The Coast Guard is committed to the prompt, fair, and impartial processing of discrimination complaints based on race, religion, sex, color, national origin, age (over 40 years), mental or physical disability, sexual orientation, or reprisal. It is also important to note that the filing of a discrimination complaint by a member does not relieve the chain of command from its responsibility to take actions it feels are appropriate to prevent or resolve incidents of discrimination in accordance with Chapter Two, sections B. Adherence to the principles of leadership and accountability set forth in Chapter Two will, in many instances, defuse incidents of alleged discrimination before they become complaints.

5.C.3. Legal Authorities

The legal authorities that govern the Civilian Discrimination Complaint process are:

a. Section 717 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-16.

b. Section 6(d) of the Fair Labor Standards Act of 1938 (the Equal Pay Act) as amended, 29 U.S.C. § 206(d).

c. Section 15 of the Age Discrimination in Employment Act (ADEA) of 1967, as amended, 29 U.S.C. § 633a.

d. Sections 501 and 505 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. §§ 791 and 794a.

e. Executive Order 11478.

f. Title 29, Code of Federal Regulations, Part 1614 et seq.

g. Equal Employment Opportunity Commission (EEOC) Management Directive 110.

h. Department of Transportation Order 1100.60A.

i. Executive Order 13087 "Employment Opportunity in the Federal Government" (May 28, 1998).

j. Title 49 Code of Federal Regulations 1.23 (a).

5.C.4. Definitions and Abbreviations

In addition to the definitions and abbreviations provided in the Military Discrimination Complaint Program (Section 5.B.4.), the following terms apply to the Civilian Discrimination Complaint Program.

5.C.4.a. Definitions

1. **Illegal Discrimination (civilians only)**: Any action, omission, or use of language that deprives an individual or group of individuals their rights because of race, religion, sex, color, national origin, reprisal, age (over 40 years), mental or physical disability, or sexual orientation. Discrimination may be intentional or unintentional in nature and may occur on a personal level (between or among individuals) or an institutional level (organizational policies or practices). This definition includes complaints of sexual harassment.

   a. "Disability" and "discrimination based on disability" as used in this chapter are synonymous with the legal definitions of handicap, 29 CFR 1614.203.

2. **Informal Complaint Process**: A process that involves a matter of alleged discrimination that a complainant brings to the attention of an EEO Counselor before a formal complaint is filed.

3. **Aggrieved Person**: An employee who brings issues of discrimination to the attention of an EEO Counselor.

4. **Complainant**: An employee who files a formal complaint of discrimination based on his/her race, religion, sex, color, national origin, reprisal, age (over 40 years), mental or physical disability, or sexual orientation.

5.C.4.b. Abbreviations

Abbreviation	
AJ	Administrative Judge
CD	Collateral Duty
EEO	Equal Employment Opportunity
EEOC	Equal Employment Opportunity Commission

5.C.5. Program Administration and Officials

5.C.5.a. Commandant (G-H) Shall:

Provide the same support to the Civilian Discrimination Complaint Program as provided in the Military Discrimination Complaint Program, Section 5.B.5.a.

5.C.5.b. Commander/Commanding Officer (CO)/Officer In Charge (OINC) Shall:

1. Provide the same support to the Civilian Discrimination Complaint Program as provided in the Military Discrimination Complaint Program, Section 5.B.5.b.
2. Support the Civilian Discrimination Complaint System for the basis of race, color, religion, national origin, sex, age (over 40 years), sexual orientation, disability, or reprisal.

5.C.5.c. Civil Rights Officer (CRO) Shall:

1. Provide the same support to the Civilian Discrimination Complaint Program as provided in the Military Discrimination Complaint Program, Section 5.B.5.c.
2. Ensure a qualified EEO Counselor is provided to the aggrieved person for processing an informal complaint.

5.C.5.d. Equal Employment Opportunity (EEO) Counselor Shall:

1. Conduct a limited inquiry into matters brought to his or her attention for the purpose of furnishing information for resolution attempts. Please note that the EEO Counselor's inquiry is limited in scope and does not constitute an "investigation."
2. Attempt to informally resolve the matter informally, if possible.
3. Not serve as an advocate for the Coast Guard or the aggrieved person during the counseling process. EEO Counselors must remain objective and impartial during counseling. They must not express their opinion to the aggrieved person or management officials on the merits of allegations of discrimination brought to them for counseling. The EEO Counselor must make whatever inquiry he or she believes necessary and attempt to resolve the matter informally. The EEO Counselor's inquiry, however, is limited in scope and does not constitute an "investigation".
4. Not conduct counseling until the CRO has determined that they have successfully completed all required basic EEO counseling training.

5.C.5.e. Legal Staff

The legal staff provides advice to requisite agency officials concerning legal matters that arise during the processing of complaints. In addition, legal staff will represent the Coast Guard at hearings before Administrative Judges (AJs) of the EEOC; present, in coordination with the DOCR, the

Coast Guard's legal position on a given complaint to the EEOC if the complainant appeals the final agency decision to the EEOC; and determine attorney's fees and award amounts. Finally, the legal staff reviews any and all settlement agreements involving pay, promotion, or monetary awards to ensure the relief being offered does not violate existing laws or regulations.

5.C.6. Coverage

An aggrieved person who believes that he or she has been discriminated against based on their race, religion, sex, color, national origin, age (over 40 years), sexual orientation, mental or physical disability, or has experienced retaliation in an employment related decision or activity by the Coast Guard may initiate a complaint to be processed in accordance with the procedures in this chapter. Please note that individuals filing complaints based on sexual orientation will follow the same informal complaint procedures as an individual filing a complaint based on one of the other bases. Complaints of discrimination based on sexual orientation, however, cannot be heard before an Administrative Law Judge; all complaints based on sexual orientation will be investigated by and decided by the DOT, DOCR. Finally, individuals filing a complaint of discrimination based on sexual orientation may not be awarded compensatory damages.

5.C.7. Informal Resolutions

5.C.7.a. Resolution

COs/OINCs, managers, supervisors, CROs, and EEO Counselors shall seek to achieve informal resolution of informal and formal discrimination complaints at the earliest possible stage.

5.C.7.b. Authority

The final authority to informally resolve complaints rests with the CO/OINC. However, this authority may be delegated to individual managers and supervisors depending upon the issues involved. CROs and EEO Counselors serve as facilitators in the resolution process and do not have the authority to establish settlement terms or sign settlement agreements on behalf of the organization.

5.C.7.c. Informal Resolution

1. Informal settlements that include awards of back pay and reasonable attorney's fees and costs, must be reviewed by the legal staff before being presented to the aggrieved party.
2. Funding for settlements or attorney fees usually come from unit funds. In the event of large settlement costs that will significantly impact the unit’s ability to meet its mission, requests for additional funds can be forwarded via the chain of command to Commandant (G-CFM-2). Endorsements to these requests must address the parent unit’s ability to provide funds to help offset the cost of the final negotiations.

3. Informal settlements that include civilian personnel actions should be reviewed by CGPC-cpm before being presented to the aggrieved party.

5.C.7.d. Sexual Orientation

There are certain limitations to relief that may be offered to current and former civilian employees in the informal resolution of discrimination based on sexual orientation (See Chapter VIII to DOCR Investigative Procedures Manual). Consult with your servicing legal officer and CGPC-cpm before offering resolutions that involve pay, promotion, or other personnel actions.

1. Compensatory damages are not available for acts of discrimination based on sexual orientation.
2. A current or former civilian employee may be offered:
   (a) A position applied for or an equivalent position if it is clear the complainant would have occupied the position applied for but for discrimination.
   (b) Back pay and benefits pursuant to 5 U.S.C. 5596.
   (c) Reasonable attorney's fees as authorized by 5 U.S.C. 5596.
   (d) Cancellation of an unwarranted personnel action.
3. A civilian applicant cannot receive back pay, interest, or attorney's fees.

5.C.8. Cooperation

All employees, military and civilian, shall cooperate fully with Commandant (G-H), the CRO, EEO Counselors, EEO Investigators/Mediators, and DOCR and EEOC officials throughout the complaint process.

5.C.9. Representation

5.C.9.a. Aggrieved Person's Rights

The aggrieved person has the right to be accompanied, represented, and advised by a representative of his/her choosing at any stage in the discrimination complaint process. The name, address, and telephone number of the representative must be provided in writing to the CRO.

5.C.9.b. Disqualification

The CRO may, after giving the representative an opportunity to respond, disqualify the representative if it is determined that such representation would constitute a conflict of interest.

5.C.9.c. Notification of Legal Staff

The appropriate legal staff should be notified when an aggrieved person/complainant is represented by private counsel.

5.C.9.d. Civil Rights Officials

Civil Rights officials (i.e., CROs, EEO Counselors) may not serve, or give the appearance of serving, as representatives of the aggrieved person.

5.C.10. Complaint File Information

1. The DOCR establishes and maintains the official complaint file. The official complaint file, report of investigation, and administrative record, are considered systems of records under the Privacy Act 5 U.S.C. Section 552a. The routine used for these systems of records are outlined in DOT/OST 011 (Discriminatory Complaint Investigatory Files) and DOT/CG 517 (Complaints of Discrimination). Enclosure 2 outlines the administrative restrictions on a complainant's use of personnel information on third parties contained in the official complaint file, report of investigation, and administrative record.
2. All correspondence required by this instruction should be sent by certified mail, facsimile transmission, or overnight express mail. Mailing will be at Coast Guard expense.

5.C.11. Disclosure of Investigative Materials

5.C.11.a. Reports

The complainant must receive a copy of the EEO Counselor's report, report of investigation (minus any Privacy Act Material), and Final Agency Decision.

5.C.11.b. Rights

If an informal complaint has been filed, the individual allegedly responsible for the discriminatory activity and the complainant’s command has the right to be advised of the allegations and afforded an opportunity to respond. This does not imply that the individual allegedly responsible for discriminatory actions has the right to be provided a copy of the actual complaint or be notified of the names of witnesses without the complainant’s permission. The individual allegedly responsible for the discriminatory activity is a witness and is entitled to no more rights than any other witness. He or she has the right to have a representative of their choosing at any stage of the complaint process. In the *informal* civilian EEO complaint process, the counselor must be careful not to reveal the identity of the aggrieved individual unless the individual has so authorized (see below).

5.C.11.c. Confidentiality

Any information provided to the EEO Counselor during counseling is considered confidential and may not be shared with others until the complainant initiates an informal complaint. Exceptions to this rule include situations where it is believed bodily harm or destruction of government property is imminent.

5.C.12. Official Time to Present Case

Coast Guard employees shall have a reasonable amount of official time to prepare and present their complaint, or serve as a complainant's representative. The complainant and representative, if employed by the Coast Guard and otherwise in a pay status, shall be on official time, regardless of their tour of duty, when their presence is authorized or required by the Coast Guard, DOT, or the EEOC during the investigation of or hearing on the complaint.

5.C.13. Freedom from Reprisal

Complainants, their representatives, witnesses, EEO Counselors, and EEO officials shall be free from restraint, interference, coercion, discrimination, or reprisal at any stage in the presentation and processing of an informal or formal complaint. Allegations of reprisal are processed as complaints of discrimination under the procedures in this chapter. Also, any member who experiences an act or incident of reprisal as a result of opposing the complaint process may file a complaint based on reprisal.

5.C.14. Rights of Aggrieved Persons

1. To be provided equal treatment without regard to race, color, religion, national origin, sex, age (over 40 years), disability, and sexual orientation.
2. To be provided timely resolution of discrimination complaints.
3. To present allegations of discrimination to the chain of command and to seek redress when they believe they have been discriminated against.
4. To communicate with Civil Rights personnel on procedures for filing a complaint of discrimination and filing a motion for reconsideration. A civilian employee may initially communicate with any EEO counselor. However, counseling of an informal complaint must be conducted by the aggrieved person’s servicing EEO Counselor or an alternative counselor provided by the unit CRO.
5. To present a complaint of discrimination to the command and DOCR without fear of intimidation, reprisal, or harassment.
6. To representation throughout the informal/formal complaint process, at his/her own expense.

7. To remain anonymous throughout the informal process unless they choose to waive that right.

5.C.15. Informal Complaint Program

5.C.15.a. Aggrieved Person

An individual who believes that he or she has been discriminated against must first contact a Coast Guard EEO Counselor to initiate a discrimination complaint. In most cases, this should be an EEO Counselor at the aggrieved person's unit or one that services the unit. Should the EEO Counselor be named in the complaint or the aggrieved person feel the Counselor will not be objective, the unit CRO or command shall provide an alternate EEO Counselor for the member to utilize in the complaint process.

5.C.15.b. Process and Time Limits

1. A flowchart of the informal complaint process is Enclosure 17.
2. The aggrieved person must contact an EEO Counselor within 45 days of the date of the alleged discriminatory incident or effective date of a personnel action. If the 45-day time limit is exceeded, the EEO Counselor must still provide counseling, however, the EEO Counselor must make the aggrieved person aware that if a formal complaint is filed, it may be dismissed as untimely.
3. The EEO Counselor has 30 days from the day of initial contact to counsel the complainant and to attempt to resolve the complaint. If the situation is near resolution, the counseling process may be extended up to an additional 60 days if the complainant and CRO agree to this in writing (Enclosure 7). If a resolution is not achieved, the EEO Counselor will conduct a final counseling interview with the complainant and provide him or her with the Notice of Right to File a formal complaint on the thirtieth day (Enclosure 5b).
4. If the complainant elects the ADR process, the EEO Counselor will refer him/her to the CRO. The CRO will contact Commandant (G-HI) to have a mediator assigned. When the complainant elects to participate in the ADR process, the informal complaint process may be extended, not to exceed 90 days. The mediator will meet with the complainant and chain of command to mediate issues. If the parties achieve a resolution, the mediator will reduce the terms of agreement to writing; all parties involved will sign it and provide a copy to the CRO. If a resolution is not achieved, the mediator will complete the mediation form and provide a copy to the CRO. The complainant will return to the counseling process at the point counseling ceased.

5.C.15.c. Duties of Complainant

1. Contact an EEO Counselor and to seek redress when they believe they have been discriminated against because of their race, color, religion, national origin, sex, age (over 40 years), disability, sexual orientation, or reprisal.
2. Attempt to resolve any complaint of discrimination at the lowest level possible in the chain of command.
3. Allow the command an opportunity to provide a remedy or take appropriate action before the complaint is brought to the attention of higher authorities.
4. Tolerate no discrimination and promptly take appropriate action when incidents of discrimination are observed.

5.C.15.d. Duties of the EEO Counselor

1. At the initial counseling session, advise the aggrieved person about the complaint process and possible election requirements. The EEO Counselor Checklist (Enclosure 12) lists all of the information that must be discussed with the individual.
2. Notify the aggrieved person's unit CRO or command that a complaint has been filed. When not acting as servicing EEO Counselor for the member's unit, assist the member in contacting an alternative EEO Counselor provided by the member's unit CRO.
3. Provide the aggrieved person with a copy of the notice on the Rights and Responsibilities of Aggrieved Persons (Enclosure 2). The EEO Counselor will retain a signed and dated copy of this notice.
4. Determine the issue(s) and basis(es) of the potential complaint. A detailed description of the alleged discriminatory incident or personnel action, including the date on which the incident occurred, must be obtained. If the allegation is not an EEO matter, the EEO Counselor shall refer the aggrieved person to the appropriate office or program. The EEO Counselor, however, cannot evaluate the merits (i.e., whether or not discrimination occurred) of the allegation or refuse counseling based on such an evaluation.
5. Ensure that the aggrieved person is aware of their option to participate in the ADR process anytime in the counseling process and complete the ADR/EO Counseling Option Form (Enclosure 3). If ADR is elected, coordinate with the Unit CRO. The ADR process is voluntary for the aggrieved person; however, it is a management responsibility to participate. Commandant (G-HI) will evaluate the criteria for ADR and assign a mediator.
6. Maintain the aggrieved person's anonymity, unless waived by that individual, until a formal complaint of discrimination has been filed. Anonymity is considered waived once a formal complaint is filed (Enclosure 13).
7. Conduct a limited inquiry into the issues raised by the aggrieved person for the purpose of furnishing information for resolution efforts. The scope of the inquiry will vary based on the complexity of the issues, but the inquiry is limited and not intended to substitute for an

investigation that is required at the formal stage. The inquiry will generally include interviewing supervisory/management officials, civilian personnel officials/liaisons, and employees and reviewing pertinent records, including official personnel files. The EEO Counselor must at all times control the inquiry. Problems with the inquiry should be reported to the CRO immediately.

8. Seek an informal resolution of the matter at the lowest possible level. The EEO Counselor's role is to facilitate resolution, not develop or advocate specific terms of an agreement. EEO Counselors must be careful not to inject their personal views on settlement negotiations. When an informal resolution is reached during counseling, the terms of the settlement must be put in writing. A sample format is provided in Enclosure 4.
9. During the final interview, provide verbal feedback on the results of the inquiry resolution attempts and issue the Notice of Right to File Discrimination Complaint within 30 days of initial contact with the aggrieved person
(Enclosure 5b). A written report is only prepared after a formal complaint is filed. A formal complaint may be filed by the aggrieved person at this time (see Enclosure 14). Prior to the end of the 30-day period, counseling may be extended for up to an additional 60 days, for a total of 90 days, if the aggrieved person agrees in writing to such an extension (Enclosure 7).
10. Prepare the counselor's report. Keep a careful record of information gathered during counseling such as copies of all notices given to the aggrieved person, attempted resolutions, and summary statements from witnesses. The EEO Counselor shall provide the CRO with the written report of counseling activities in the format provided at Enclosure 8b within 5 days after the issuance of the Notice of Right to File a formal complaint to the aggrieved person.
11. The EEO Counselor shall provide advice to the complainant in filing a formal discrimination complaint as necessary.

5.C.15.e. Duties of CROs

1. Provide technical advice and assistance to the COs/OINCs and members on Civil Rights issues and the discrimination complaint process.
2. When ADR is elected by a complainant, ensure the criteria are met and contact Commandant (G-HI) to provide information concerning mediation and to get a mediator assigned.
3. Provide Commandant (G-HI) with a summary report that addresses the ADR criteria specified in paragraph 5.C.18. of this instruction. If the ADR is appropriate, G-HI will assign a mediator.
4. When ADR is elected, provide mediator with the complaint information and make all necessary arrangements (i.e., time, date, and location).
5. Review the counselor’s report to ensure it contains all the required information and does not contain any opinions or conclusions. If the report meets the standard, a copy will be given to the complainant and command. If the report needs revision, it will be returned to the EEO counselor. The EEO Counselor has 1 day to make the necessary corrections.

6. Forward the counselor's report to the appropriate DOCR regional office upon receipt of the DOCR acknowledgement letter.
7. District, area/MLC, and headquarters CROs will provide to Commandant (G-HI) the number of discrimination complaints counseled by the EEO Counselor on a quarterly basis (see section 5.C.19).

5.C.15.f. Duties of the COs/OINCs

1. Ensure the names and phone numbers of the designated CROs/EEO Counselors and the procedures for filing a discrimination complaint are displayed prominently at the units.
2. Ensure, whenever possible, that an attempt is made to resolve complaints at the lowest level possible in the chain of command. This includes using any administrative counseling or investigative tools that are available to the CO/OINC.
3. Ensure that any member who participates in the complaint process or files a complaint of discrimination in the complaint process is not subjected to any form of reprisal.
4. Ensure all complaints receive prompt command attention and appropriate action using the guidelines stated in this instruction. Such command action may include, but is not limited to, a suitable administrative remedy, which serves to make the complainant whole.
5. Ensure that when an appropriate action or remedy cannot be effected by the local command, the complaint is forwarded to the appropriate level in the chain of command for proper disposition.
6. Ensure any oral/written information provided by the complainant during the informal process is not shared with anyone, unless the complainant grants permission.
7. Arrange for the EEO Counselor to meet with aggrieved person if resolution cannot be achieved.
8. Has 10 days to review the complaint and attempt resolution upon receipt of a formal complaint. If resolution is not achieved, the command may prepare an endorsement to the formal complaint. The endorsement would state:
    a. That the complainant has received the required counseling and has been advised of the procedures for filing the formal complaint.
    b. That any delay in submission of the formal complaint was (was not) justified, and the reasons therefore.
    c. That all command attempts at informal resolution have been unsuccessful.
9. Forward the formal complaint and endorsement to the appropriate DOCR regional office within 10 days from receipt of complaint, with a copy to the CRO. CRO and DOCR contact information is included in Enclosures 19 and 20.
10. Ensure the Report of Investigation (ROI) is reviewed for an attempt to resolve the complaint. Consult with his or her servicing legal counsel, if necessary.

11. Ensure correspondence and information concerning a formal discrimination complaint is disseminated to the appropriate individuals.
12. Serve as the initial point of contact for DOT investigators for the on-site investigation.

5.C.15.g. Duties of ADR Mediator

1. Meet with the complainant and chain of command to explain the mediation process.
2. Facilitate the mediation process with the parties involved.
3. If a resolution is achieved, reduce the terms of the agreement to writing (Enclosure 9) and have the parties involved sign it.
4. Complete the mediation form (Enclosure 10) and forward a copy to the CRO.
5. Consult with the servicing legal counsel when resolution involves pay, promotion, and/or monetary settlement, or as needed.

5.C.16. Complaints Against the CO/OINC or Management Officials

Where the CO/OINC or Management Official is identified as the official responsible for directly engaging in the alleged discriminatory action, the informal complaint will be processed by the next higher level in the chain of command.

5.C.17. Complaints Against Commandant (G-C), Flag Level Officers, Senior Executive Service Officials, and CROs

5.C.17.a. Against Commandant

Informal complaints filed against Commandant (G-C) will be processed by the DOCR.

5.C.17.b. Against Flag Level Officers and Senior Executive Service Officials

Informal complaints filed against Flag level officers and Senior Executive Service officials will be processed by the DOCR.

5.C.17.c. Against CROs

Informal complaints filed against CROs will be processed locally by an alternate official at the next higher level designated by the CO. Commandant (G-HI) will provide technical guidance to this individual as requested.

5.C.18. Alternative Dispute Resolution (ADR) Mediation Process

1. The aggrieved person is given the option to elect the ADR process anytime during the counseling process. See Section 5.B.18. for further directions.
2. The duties of the ADR mediator are found in Section 5.B.15.g.

5.C.19. Reports

Area/MLC, Headquarters, and Academy CROs are required to submit the following reports that consolidate informal/formal complaints and counseling by the EEO counselors their AORs.

1. Enclosure 3 of Chapter 4 is required quarterly to report on the trends and types of informal discrimination complaints received. This report is due to G-HI no later than 14 calendar days after the end of the quarter.
2. Enclosure 11 is required by November 3rd each year to report on EEO counseling activity specifically.

5.C.20. Formal Complaint Program

5.C.20.a. Formal Complaint Processing

Formal complaint processing of allegations of discrimination raised by civilian members of the Coast Guard is the responsibility of the Department of Transportation (DOT), Departmental Office of Civil Rights (DOCR). The following list is the responsibility of the DOCR regional offices (see Enclosure 21 for a listing of offices):

1. Accept/Dismiss.
2. Investigation.
3. Writing the Report of Investigation (ROI).
4. Writing the Final Agency Decision (FAD).
5. Issuing a Final Agency Decision (FAD), with or without a hearing.

5.C.20.b. Alternative Complaint Processing

Under certain circumstances, an aggrieved person may have the option of electing to pursue his or her complaint through venues other than the Agency formal process (District Court, Merit Systems Protection Board, etc…). These alternative venues and procedures are described in enclosure (2) in this chapter. Be sure to read this information carefully. Your decision concerning which procedures to use may be final, and you may not be permitted to change that decision. If you have

any questions concerning your election rights, please contact your EEO Counselor or Civil Rights Officer.

5.C.20.c. Procedures for Filing a Formal Discrimination Complaint

1. Complainants may only file a formal discrimination complaint after they have been counseled by an EEO Counselor (see Enclosure 14).
2. A formal complaint must be filed within 15 days from the date the complainant received the Notice of Right to File.
3. A formal complaint must be filed directly to the appropriate DOCR regional office responsible for the geographical area where the alleged discrimination occurred. A copy must be provided to the servicing CRO (MLC, Headquarters, Academy).

5.C.20.d. Duties of the Complainant

1. File a formal complaint within 15 days of the receipt of the Notice of Right to File a discrimination complaint. The complaint must be in writing and the body of the complaint must contain the basis(es) (race, color, national origin, religion, sex, sexual orientation, disability, age (over 40 years), or reprisal) and issues (incident or action) giving rise to the complaint and the date of the incident or of the known action. The complainant may request advice or clerical assistance of the EEO Counselor in preparing the complaint.
2. Clearly and concisely state the action, condition or matter upon which the formal complaint is made and the specific remedy requested, including the factual basis for the complainant's belief that discrimination has occurred.
3. Submit the formal complaint directly to the DOCR with a copy to the CRO.

5.C.20.e. Duties of the EEO Counselor

1. Provide advice to the complainant in preparing his/her formal discrimination complaint, if the complainant so desires.
2. Prepare and provide the counselor's report to the CRO within 5 days of issuing the Notice of Right to File.

5.C.20.f. Duties of the CRO

1. Review the counselor's report to ensure it includes all the required information and does not contain any opinions or conclusions (See Enclosures 8 and 14.)
2. Upon receipt of DOCR's letter acknowledging receipt of the complaint, forward the counselor's report to the appropriate DOCR regional office within 5 days.

5.C.21. Department of Transportation (DOT), Departmental Office of Civil Rights (DOCR) Responsibilities

5.C.21.a. Acknowledgment Letters

The Regional Director (RD), or his/her designee, will acknowledge receipt of a complaint within 7 days. The acknowledgment letter will inform the complainant of the following:

1. Date on which the complaint is considered filed.
2. DOCR case number assigned to the complaint.
3. DOCR contact person and his/her telephone number.
4. Complainant's right to appeal the final decision/dismissal of all or a portion of the complaint.
5. Agency's (DOT) requirement to conduct a complete and fair investigation of the complaint within 180 days of the filing of the complaint unless the parties agree in writing to extend the period.

5.C.21.b. Accept/Dismiss

A complaint can be dismissed by DOCR if:

1. The complaint is not timely (complainant did not contact EEO Counselor within 45 days of alleged discrimination).
2. The complainant cannot be located.
3. The complainant fails to cooperate in providing relevant information or other requests by DOCR.
4. There is lack of jurisdiction under 29 CFR 1614.107(a).
5. The complainant files a civil action based on the issue(s) raised in the complaint and at least 180 days have passed since the filing of the EEO complaint.
6. The complainant has elected to raise the allegation in a grievance procedure.

5.C.21.c. Methods of Investigation

1. If the complaint is accepted, DOCR will investigate the complaint.
2. The role of the investigator in the investigative process is to collect factual information concerning the issues in the complaint under investigation and to prepare a Report of Investigation (ROI).

5.C.21.d. Notification of On-Site Investigation

When the RD, or his/her designee, determines that the investigation will include an on-site visit, he or she should generally give at least 10 days notice to the complainant and CO/OINC of the planned dates for the on-site investigation and/or interview. Notification will be done in writing.

5.C.21.e. Report of Investigation (ROI)

1. The ROI provides a thorough and concise record of the testimonial and documentary evidence obtained during the course of the investigation. The report is a complete and impartial factual record sufficient to render a decision on each issue accepted for investigation.
2. The complainant and the unit will receive a copy of the ROI (minus any Privacy Act information) for review and attempt to resolve the complaint within 30 days from the date of receipt, if possible.
3. The complainant shall be given the option to accept the ROI and ask for a FAD from DOCR or to have an EEOC hearing.

5.C.21.f. Withdrawals/Settlements

1. The DOCR RD will close a complaint administratively when it is withdrawn by the complainant or when he or she and the Coast Guard reach a settlement agreement.
2. A complainant may withdraw his/her complaint at any time. If a complainant has sought withdrawal of a complaint because the matter has been settled, an executed copy of the settlement agreement must be provided to the RD before the complaint can be closed.
3. A complaint shall be closed administratively (in whole or in part) when the complainant has entered into a written agreement that states as one of its terms that the complaint(s) will be withdrawn. If the settlement agreement fails to address withdrawal of the complaint(s), or if it appears that the settlement agreement does not satisfactorily address the issue(s) of discrimination raised in the complaint(s), the RD shall refer the matter to the Chief, Compliance Operations Division, DOCR, for appropriate action.
4. The Chief, Compliance Operations Division, will consult with the Civil Rights legal staff of the Office of the Assistant General Counsel for Environmental, Civil Rights, and General Law (C-18) prior to initiating any action under this section.

5.C.21.g. Hearings

1. Civilian members may seek remedy for a violation of the statutes enforced by DOCR by requesting a hearing before an EEOC AJ prior to the issuance of a FAD or after 180 days have elapsed. The hearing is a continuation of the investigative process.
2. When a hearing is requested, the DOCR is no longer processing the complaint until an AJ makes a recommended decision to the DOCR.

5.C.21.h. Final Agency Decision (FAD)

1. A FAD is issued by the Director, DOCR, with the Regional Director's signature.

2. The FAD should set forth DOCR's findings and conclusions on each of the complainant's allegations of unlawful discrimination and, when discrimination is found, the FAD should recommend and direct appropriate remedies and relief.

5.D. Discriminator Identification and Tracking System

5.D.1. Purpose

a. The Discriminator Identification and Tracking System establishes a personnel records system to account for those persons in the Coast Guard, both military members and civilian employees, who discriminate illegally.

b. This system will be used to inform officials making personnel decisions (permanent change of station [PCS], promotion boards, assignment panels, etc.), involving persons who condone discrimination or persons who have illegally discriminated.

c. This system, in and of itself, will act as a stern deterrent to discriminatory behavior. This policy is one of many related Coast Guard policies designed to demonstrate the organization's steadfast commitment towards eliminating illegal discrimination in our workplace.

d. This system is designed to capture statistical data to assist with trend analysis and programmatic measures of effectiveness.

5.D.2. Policy

5.D.2.a. This policy applies to:

1. All Coast Guard civilian employees, including non-appropriated fund (NAF) employees.
2. Active duty military personnel, including regular members, reserve members, and reserve members on active duty for training and inactive duty for training.
3. Members of other branches of the Armed Forces serving with the Coast Guard.
4. Members of the U.S. Public Health Service serving with the Coast Guard.

5.D.2.b. Promulgation

This policy is promulgated in the Personnel Manual, COMDTINST M1000.6 (series), for military personnel. This policy in regards to civilian personnel is promulgated in this manual.

1. The Coast Guard must hold persons accountable for illegal discriminatory conduct and track those persons through the personnel records system. Laws and regulations prohibiting illegal discrimination may be enforced through administrative or disciplinary action under both military and civilian personnel systems.
2. Disciplinary or administrative action shall be taken only where the discriminatory conduct is believed to be intentional and/or the conduct could be classified as particularly egregious. Egregious conduct would include behavior, such as quid pro quo sexual harassment, which the Coast Guard has clearly communicated through extensive human awareness training is illegal. Although law and policy prohibit discrimination of both an

intentional and unintentional nature (e.g., discrimination that results in a disparate impact upon a class of individuals through the application of an agency or unit policy), only those persons who commit discrimination of an intentional or egregious nature are included within the scope of this section. In those instances where the conduct could reasonably be considered to be unintentional and of a minor nature, disciplinary and administrative action may be inappropriate and unjustified. In such instances, simple verbal or written counseling may be the appropriate tool to draw attention to the discriminatory impact of the unintentional conduct or policy application.

3. The Coast Guard also recognizes that a credible system balances the need to hold discriminators accountable for their unlawful conduct with a need to ensure that those accused of discrimination are accorded due process. Therefore, only those persons found to have illegally discriminated as a result of Article 15, Uniform Code of Military Justice (UCMJ), Non-Judicial Punishment (NJP), a court-martial, or pursuant to the civilian employee procedures contained in Civilian Personnel Actions, COMDTINST M12750.4, will be entered into the Discriminator Identification and Tracking System.
4. Discrimination complaint investigations under Chapter 5, Sections B and C, of this manual focus on "making the victim whole." Because these investigations do not provide due process protections for those accused of discriminatory conduct, they shall not form the basis for entry into the Discriminator Identification and Tracking System. Consequently, a finding of discrimination resulting solely from a Civil Rights investigation shall not be the basis on which disciplinary action is taken. Discrimination complaint investigations, however, may be used by a CO/OINC in determining what additional investigatory action is warranted.
5. Not all instances of discriminatory conduct will require formal disciplinary action or entry into the Discriminator Identification and Tracking System. For minor offenses, counseling may be sufficient and the most appropriate means to deal with the situation. Documenting such counseling through evaluations or other appropriate personnel management tools, such as letters of counseling, is strongly encouraged. This system depends on leadership and the exercise of proper discretion by CO/OINC and supervisors.

5.D.2.c. Required Reporting

Proper personnel management requires prompt reporting. Commanders, COs, and OINCs will complete and forward Enclosure 16 upon the following events:

1. Submission of a special or regular evaluation by the member's rating chain following imposition of NJP punishment based upon illegal discrimination.
2. Submission of a special or regular evaluation by the member's rating chain following convening authority approval of a court-martial conviction based upon illegal discrimination.

3. For civilian employees, execution of an SF-50, Request for Personnel Action, for a suspension, reduction in grade or pay, or removal based upon illegal discrimination.

5.D.2.d. Management of Tracking System

1. Commander (CGPC-C) will manage the Discriminator Identification and Tracking System case files for military personnel.
2. The Chief, Office of Civilian Personnel (G-WPC), will manage Discriminator Identification and Tracking System case files for civilian employees.
3. Commandant (G-WP) will be responsible for issuing policy and answering questions regarding this policy. A finding of illegal discrimination, and subsequent entry into the Discriminator Identification and Tracking System, will normally not be deleted during a military member's career, regardless of any breaks in Coast Guard service. Such records for civilian personnel will be retained consistent with OPM Standards in the applicable OPM System of Records. This case file information will be protected from public disclosure under the Privacy Act, but will be available to appropriate officials in the Human Resource Directorate and the CGPC responsible for assignments and other personnel actions.

5.E. Sexual Harassment Prevention Program

5.E.1. Purpose

1. This section establishes the Sexual Harassment Prevention Program for the Coast Guard. It discusses leadership issues, training, policies, and processes that will help to prevent and eliminate sexual harassment from the Coast Guard. This section clarifies the definition of sexual harassment and provides tools for preventing sexual harassment and dealing with incidents of sexual harassment. More specifically, this section:
   a. Prohibits reprisals against individuals who provide information on incidents of sexual harassment (see Section 5.D.6.).
   b. Expands education and training requirements (see 5.D.5.a.).
   c. Establishes mandatory separation standards for certain substantiated sexual harassment offenses (see Section 5.D.6.).
   d. Adds a requirement for an effective system to resolve complaints of sexual harassment (see Section 5.D.6.).
   e. Addresses reporting requirements in accordance with the Coast Guard Discriminator Identification and Tracking System for ensuring accountability for incidents of sexual harassment (see Section 5.D.6.).

5.E.2. Applicability

This section applies to all Coast Guard civilian employees, including NAF employees; active-duty military personnel, including both regular and reserve; cadets of the Coast Guard Academy; reserve personnel when performing active or inactive duty for training, or engaging in any activity directly related to performance of a Coast Guard duty or function; members of the Coast Guard Auxiliary when under orders or engaged in any activity directly related to the mission of the Auxiliary; and members of other branches of the Armed Forces and the U.S. Public Health Service serving with the Coast Guard.

5.E.3. Background

5.E.3.a. Studies and Previous Guidance

Several highly publicized recent events have focused attention on the widespread problem of sexual harassment. As the Coast Guard is a part of the larger society in which this problem exists, its organization has not been able to escape the detrimental effects of sexual harassment. Traditionally, the Coast Guard has been in the forefront among organizations

attempting to deal with difficult Civil Rights issues, including sexual harassment. Nevertheless, the Women in the Coast Guard Study, completed in 1990; the U. S. Coast Guard Academy Climate Assessment, completed in 1992; and the Defense Manpower Data Center (DMDC) 1995 Survey on Sexual Harassment each confirmed that sexual harassment continues to be a problem in the Service and that more needs to be done to prevent it. A more recent, comprehensive step was the Quality Action Team (QAT) chartered on 9 September 1996 to manage and direct the Coast Guard toward the prevention and elimination of sexual harassment. Specifically, the QAT was chartered to:

1. Review the findings of the DMDC 1995 Survey on Sexual Harassment.
2. Create a list of proposed recommendations for eliminating sexual harassment.
3. Make recommendations that are within the art of the possible.
4. Develop a plan of action and establish target dates for completing each action.

QAT provided a report to G-H, forwarded to the Commandant for approval on numerous recommendations, many of which are incorporated in this manual.

5.E.3.b. 1996 Sexual Harassment Prevention Quality Action Team (SHP QAT) Findings

1. The American Psychological Association estimates sexual harassment touches the lives of 40 to 60 percent of all working women and students.
2. Seventy-one percent of all working women will experience sexual harassment sometime in their careers.
3. The Coast Guard Workforce Cultural Audit indicated about half of all Coast Guard members surveyed feel sexism and sexual discrimination are problems in today's Coast Guard.
4. Most incidents of sexual harassment are lesser offenses of crude and offensive behavior and/or sexist behaviors.
5. Sexual harassment is not limited to one group but occurs across all military pay grades, both officer and enlisted, and across all civilian pay grades.
6. Approximately half of the time, the harasser is a co-worker. Most remaining harassers are either immediate supervisors or persons of a higher rank or grade.

5.E.3.c. Negative Effects of Sexual Harassment

The economic costs of sexual harassment are significant. Even more harmful, however, are the negative effects of sexual harassment on productivity and readiness, including increased absenteeism, greater personnel turnover, lower morale, decreased effectiveness, and a loss of personal, organizational, and public trust. While not easily quantified, these costs are real and seriously affect the Coast Guard's ability to accomplish its mission.

5.E.3.d. Integration of Sexual Harassment Prevention Directives

This manual pulls together all elements of the current sexual harassment prevention system and implements significant improvements recommended by the 1996 SHP QAT.

5.E.3.e. Working Together

The Coast Guard must be comprised of *men and women who work together effectively* to accomplish its missions. Each individual is entitled to be treated fairly, with dignity and respect, and must be allowed to work in an environment free of unlawful discrimination. The Commandant is committed to eliminating sexual harassment in the Coast Guard.

5.E.4. Discussion

5.E.4.a. Definition and Terms

1. **Definition of Sexual Harassment**: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment. Sexual harassment can occur in a variety of circumstances, including but not limited to the following:
   a. The victim as well as the harasser may be a woman. The victim does not have to be of the opposite sex.
   b. The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
   c. The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
   d. Unlawful sexual harassment may occur without economic injury to or discharge of the victim.
   e. The harasser's conduct must be unwelcome.
2. **Definition of Reasonable Person Standard**: The reasonable person standard shall be used to determine whether a violation of these provisions has occurred. The Reasonable Person Standard is an objective test used to determine if behavior constitutes sexual harassment. This standard considers what a reasonable person's reaction would be under similar circumstances and in a similar environment. The reasonable person standard considers allegations of sexual harassment from the perspective of a reasonable recipient.

   This perspective should be that of a reasonable person who is in a work environment free of unwelcome conduct of a sexual nature or references to sexual favors.

3. **Definition of "Quid Pro Quo" Sexual Harassment**: Sexual Harassment where job benefits or losses are conditional upon sexual cooperation. "Quid Pro Quo" literally translates as "This for that." An example of this "Quid Pro Quo" sexual harassment would be an incident in which a supervisor tells an employee that "if you want to get promoted, you must go out on a date with me."

4. **Definition of Established Patterns of Sexual Harassment (Reference Personnel Manual 12-B-18)**: An established pattern of Sexual Harassment may exist when it appears to a reasonable person that a member exhibits sexual harassing behaviors on more than one occasion that is disruptive to good order and discipline and inconsistent with unit cohesiveness. This may mean two or more proven incidents of sexual harassing behaviors depending on the nature and severity of the incidents, the period of time in which the incidents occurred, and whether disciplinary action was taken. The term "proven incidents" typically means that through NJP or Captain's Mast, a person was found guilty of having committed offensive acts of sexual harassment or gender discrimination. Types of sexual harassment are described in Enclosure (20) of this manual.

5. **Definition of Sex Discrimination**: Sex Discrimination refers to the practice of wrongfully treating men and women differently in the workplace, solely because of their sex. The Supreme Court has held that sexual harassment of both men and women is a form of sex discrimination.

5.E.4.b. Leadership Responsibility

Sexual harassment is a form of discrimination. By law, the Coast Guard must take action to prevent its occurrence. All levels of leadership, from the leading seaman to top management, need to hold their subordinates accountable for their behavior. Leaders and supervisors who fail to recognize actions of sexual harassment and take appropriate action do not perform the responsibilities and duties of their position. Leadership must be completely knowledgeable of sexual harassment prevention policies and deal with sexual harassment incidents. Once sexual harassment does occur, each and every one of us must take appropriate administrative and/or disciplinary action.

5.E.4.c. Communications and Marketing

1. The primary purpose of a marketing plan is to maximize the effectiveness of the Sexual Harassment Prevention Training Program. Communicating program efforts and initiatives with units and individuals, and using new ways to increase program and policy awareness are our strongest avenues of reaching all personnel. Unit Commanders should develop a plan to continue efforts to eliminate sexual harassment.

2. The plan should identify target markets, budget requirements, and short- and long-term goals. This marketing plan should incorporate input from field MCRC/Fs and address each component of Team Coast Guard to include military, civilian, and Auxiliary personnel.

3. Marketing efforts for the Sexual Harassment Prevention Program as a whole is a strong step towards reducing sexual harassment in all elements of Team Coast Guard. This effort will decrease harassment by increasing prevention awareness and knowledge, bringing the Coast Guard closer to being an employer of choice. Eliminating sexual harassment will also assist the Coast Guard in reaching the 2015 diversity goal of being a demographic reflection of society.

5.E.5. Policies

The Coast Guard is committed to maintaining a work environment free from unlawful discriminatory practices and inappropriate behavior. *The Commandant's Sexual Harassment Prevention Policy Statement (Chapter 1, Enclosure 1) shall be adhered to by all members of Team Coast Guard.*

5.E.5.a. Education and Training

All Coast Guard personnel, both military and civilian, are required to receive sexual harassment prevention training upon accession into the Coast Guard (within 90 days to the extent possible) and *annually* thereafter, in the areas of identification, prevention, resolution, and elimination of sexual harassment. Annual training keeps issues current and requires leadership to be actively involved in the prevention of sexual harassment. Auxiliary members shall receive training as an element of the basic qualification process. Section 1.H.4. of this manual describes this training in detail.

5.E.5.b. Command Responsibilities With Regards to Resolving incidents of Sexual Harassment

As with other types of discrimination, there are courses of action available to the command (ranging from verbal counseling to punitive measures) in addressing allegations and incidents of sexual harassment. Guidance to commands concerning their responsibilities in resolving incidents of sexual harassment is provided in Chapter Two, Section B and in section A of this chapter.

5.E.5.c. Examples of Sexually Harassing Behaviors

A table describing some sexually harassing behaviors is included in Enclosure 18. The information contained within the table is not all-inclusive and serves only as a guide for determining whether or not sexual harassment occurred. The intent for providing this table and the five categories is to provide general guidance as to what constitutes sexual harassment. It is most important to state that there are other actions that may be considered sexual harassment.

MEMBER RIGHTS AND RESPONSIBILITIES IN THE MILITARY DISCRIMINATION COMPLAINTS PROCESS

Subj: Rights and Responsibilities of Aggrieved Persons

From: (Name of MCRC/F)

To: (Name of Complainant)

This notice advises you of your rights and responsibilities in the military complaints process. PLEASE READ THIS NOTICE CAREFULLY SO THAT YOU FULLY UNDERSTAND YOUR RIGHTS AND RESPONSIBILITIES. Should you have any questions or difficulty in clearly understanding these instructions, please contact your Military Civil Rights Counselor/Facilitator or Civil Rights Officer for assistance.

1. If you believe that you have been discriminated against, you are required to submit a chit to your chain of command within forty-five (45) calendar days of the date of the alleged discriminatory action. This shall normally be an EEO Counselor which services your unit. Should you desire an alternate counselor, one shall be provided by your unit CRO.

2. The Coast Guard may extend the forty-five (45) day time limit if:

   - You show that you were not notified of the time limits and were not otherwise aware of them, or

   - You did not know and reasonably could not have known that the matter or personnel action which occurred was discriminatory, or

   - You showed that despite due diligence, you were prevented by circumstances beyond your control from submitting a chit within the time limits, or

   - Other reasons considered sufficient by the Department of Transportation are found to exist.

3. Counseling must be completed within thirty (30) calendar days. If the Counselor is close to reaching a resolution, the counseling process may be extended up to an additional sixty (60) days, if you and Commandant (G-H) agree to this in writing.

4. If you agree to participate in alternative dispute resolution (ADR) process that is available as part of the counseling process, the counseling period shall be extended an additional sixty (60) days, not to exceed ninety (90) calendar days.

5. If the matter has not been informally resolved, you will be informed in writing at the conclusion of the counseling period of your right to file a discrimination complaint.

6. If you wish to file a complaint at the conclusion of counseling you MUST file a formal complaint within fifteen (15) calendar days of the receipt of the Notice of Right to File a Discrimination Complaint.

7. Only matters raised at the counseling stage (or matters like or related to matters raised at the counseling stage), may be the subject of your formal complaint.

8. You have the right to representation throughout the complaint process.

9. You have the right to prevent your informal written complaint from being shared with anyone unless you have agreed to do so.

10. You have the duty to keep the Departmental Office of Civil Rights (DOCR) informed of your current mailing address, telephone number throughout the formal complaint process.

11. If your formal complaint is accepted by DOCR, it will be assigned for a fact finding investigation. At the conclusion of the investigation, and after the Report of Investigation (ROI) is completed, one copy of the ROI will be forwarded to you with appropriate instructions. Your copy will be for your permanent possession and does not need to be returned. PLEASE READ THE ROI THOROUGHLY.

12. Your copy of the ROI contains personal data to be treated in a confidential manner. Your ROI may not be shown or disseminated to a third party other than your representative of record. Persons who violate the privacy safeguards are subject to disciplinary actions.

IT IS YOUR RESPONSIBILITY TO PICK UP CERTIFIED MAIL OR ANY OTHER CORRESPONDENCE FORWARDED TO YOU BY THE DEPARTMENT OF TRANSPORTATION (DOT), DEPARTMENTAL OFFICE OF CIVIL RIGHTS (DOCR) AND TO NOTIFY THE DOT DOCR OF ANY CHANGE OF ADDRESS. If you fail to inform DOT DOCR of your mailing address or if you fail to pick up certified mail, your case may be closed for failure to prosecute.

It is recommended that you retain this letter for future reference.

Sincerely,

MCRC/F

I, _____, acknowledge receipt on _____,
Complainant's Name (month, day, year)
of the above letter, subject: COMPLAINANT'S RIGHTS AND RESPONSIBILITIES LETTER.

Complainant's Signature: _____

RIGHTS AND RESPONSIBILITIES OF AGGRIEVED PERSONS (CIVILIANS) UNDER TITLE 29 CFR PART 1614

From: (Name of EEO Counselor)

To: (Name of Aggrieved Person)

This notice advises you of your rights and responsibilities in the civilian complaint process. PLEASE READ THIS NOTICE CAREFULLY SO THAT YOU FULLY UNDERSTAND YOUR RIGHTS AND RESPONSIBILITIES. Should you have any questions or difficulty in clearly understanding these instructions, please contact your EEO Counselor or Civil Rights Officer for assistance.

1. If you believe that you have been discriminated against, you are required to notify an EEO Counselor within forty-five (45) calendar days of the date of the alleged discriminatory action. This shall normally be an EEO Counselor which services your unit. Should you desire an alternate, one shall be provided by your unit CRO.

2. The Coast Guard may extend the forty-five (45) day time limit if:

   - You show that you were not notified of the time limits and were not otherwise aware of them, or

   - You did not know and reasonably could not have known that the matter or personnel action which occurred was discriminatory, or

   - Other reasons considered sufficient by the Department of Transportation are found to exist.

3. Counseling must be completed within thirty (30) calendar days. If the EEO Counselor is close to reaching a resolution, the counseling process may be extended up to an additional sixty (60) days, if you and Commandant (G-H) agree to this in writing.

4. If you agree to participate in alternative dispute resolution (ADR) process that is available as part of the counseling process, the counseling period shall be extended an additional sixty (60) days, not to exceed ninety (90) calendar days.

5. If the matter has not been informally resolved, you will be informed in writing at the conclusion of the counseling period of your right to file a discrimination complaint.

6. You have the right to remain anonymous throughout the informal process complaint process unless you waive that right. Should you choose to file a formal complaint, your name will be made known to your command upon submission of the formal complaint.

7. If you wish to file a complaint at the conclusion of counseling you MUST file a formal complaint within fifteen (15) calendar days of the receipt of the Notice of Right to File a Discrimination Complaint.

8. Only matters raised at the counseling stage (or matters like or related to matters raised at the counseling stage), may be the subject of your formal complaint.

9. If you desire to file a class complaint, the class allegation must be brought to the attention of an EEO Counselor by the class agent within forty-five (45) calendar days of the date that the specific policy or practice adversely affected the class agent or if a personnel action, within forty-five (45) days after the effective date. Extensions of time will be considered by the agency pursuant to the guidance in paragraph 2.

10. You have the right to representation throughout the complaint process.

11. Your election rights in the complaints process are explained in Enclosure 1. PLEASE READ YOUR ELECTION RIGHTS CAREFULLY. If you have any questions concerning your election rights, please contact your EEO Counselor or your Civil Rights Officer.
12. You have the right to go directly to the U.S. District Court on claims of sex based wage discrimination under the Equal Pay Act even though such claims are also cognizably under Title VII. In connection with an Equal Pay Act claim, liquidated damages are available for a willful violation.

13. You have the duty to mitigate damages, e.g., interim earnings or amounts which could be earned by you with reasonable diligence generally must be deducted from an award of back pay.

14. You have the right to not have your informal written complaint shared with anyone unless you have agreed to do so.

15. You have the duty to keep the Departmental Office of Civil Rights and the Equal Employment Opportunity Commission informed of your current mailing address, telephone number and to serve copies of appeal papers on the agency. If you file an appeal, you must serve the papers on the head of the agency and the Departmental Director of Civil Rights whose addresses appear below:

    Secretary of Transportation
    United States Department of Transportation
    400 7th Street, S.W.
    Washington, D.C. 20590

    Departmental Director of Civil Rights
    United States Department of Transportation
    400 7th Street, S.W.
    Washington, D.C. 20590

16. If your complaint is accepted, it will be assigned for a fact finding investigation. At the conclusion of the investigation, and after the Report of Investigation (ROI) is completed, one copy of the ROI will be forwarded to you with appropriate instructions. Your copy will be for your permanent possession and does not need to be returned. PLEASE READ THE ROI THOROUGHLY.

17. Your copy of the ROI contains personal data to be treated in a confidential manner. Your ROI may not be shown or disseminated to a third party other than your representative of record. Persons who violate the privacy safeguards are subject to disciplinary actions, or a fine of up to $5,000, or both (PL-93-576).

18. You will have thirty (30) calendar days from receipt of the ROI to request a hearing by an EEOC Administrative Judge (AJ) or, alternatively, an immediate final DOT decision on the written record. If you request a final DOT decision, or if the thirty (30) calendar day period lapses without you requesting a hearing, DOT will issue a final decision in your complaint within 60 calendar days.

19. You may request a hearing with an AJ, at any time after one-hundred eighty (180) calendar days have elapsed from the filling of your complaint. (Note: this does not apply when the basis of the complaint is sexual orientation.

20. At the conclusion of the process you elect, a copy of the Department's final decision on your complaint will be forwarded to you. READ IT CAREFULLY.

21. As a complainant you have the following rights of appeal:

    - You may appeal the Department's final decision to the Equal Employment Opportunity Commission's Office of Federal Operations, P.O. Box 19848, Washington, D.C. 20036.
    - Such an appeal must be filed by you in writing and received by the EEOC Office of Federal Operations within thirty (30) calendar days from the date you receive the decision.
    - You will still reserve the right to file a civil court action within ninety (90) calendar days following the date you receive a decision from the Office of Federal Operations.

22. Should the EEOC Office of Federal Operations fail to render a decision on your appeal of the Department's final decision within one-hundred eighty (180) calendar days of their receipt of your appeal, you may file a civil court action in an appropriate U.S. District Court.

23. You may forego an appeal to EEOC and immediately file a civil court action regarding the Department's final decision, in an appropriate U. S. District Court, within ninety (90) calendar days from the date you receive the decision.

24. If the Department fails to issue a final decision within one-hundred eighty (180) days from the date your formal discrimination complaint was filed, you may initiate a civil court action in an appropriate U.S. District Court. Please be advised that the Department, when informed that a civil action has been filed, will cancel the administrative processing of the complaint.

IT IS YOUR RESPONSIBILITY TO PICK UP CERTIFIED MAIL OR ANY OTHER CORRESPONDENCE FORWARDED TO YOU BY THE DEPARTMENT OF TRANSPORTATION (DOT), DEPARTMENTAL OFFICE OF CIVIL RIGHTS (DOCR) AND TO NOTIFY THE DOT DOCR OF ANY CHANGE OF ADDRESS. If you fail to inform DOT DOCR of your mailing address or if you fail to pick up certified mail, your case may be closed for failure to prosecute.

It is recommended that you retain this letter for future reference.

Sincerely,

EEO Counselor

I, _____, acknowledge receipt on _____,
Complainant's Name (month, day, year)

of the above letter, subject: COMPLAINANT'S RIGHTS AND RESPONSIBILITIES LETTER.

Complainant's Signature: _____

AGGRIEVED PERSON ELECTION RIGHTS (CIVILIAN)

Subj: Aggrieved Person Election Rights

From: (Name of EEO Counselor)

To: (Name of Aggrieved Person - Person Counseled)

The following information is provided to assure that you are informed of your election rights in the EEO process. An aggrieved person who believes (s)he has been discriminated against on the basis of race, color, religion, sex, national origin, sexual orientation, age (forty (40) years or older), disability, or reprisal for past EEO activity may file a complaint of discrimination with the Department of Transportation (DOT) pursuant to the administrative complaint procedures of 29 C. F. R., Part 1614. These procedures are explained in the proceeding notice. Your EEO Counselor will be able to provide you with additional information on this process.

Under certain circumstances, an aggrieved person may have the option of electing to pursue his or her complaint under alternative procedures. These procedures are described below. Be sure to read this information carefully. Your decision concerning which procedures to use may be final, and you may not be permitted to change that decision. If you have any questions concerning your election rights, please contact your EEO Counselor or Civil Rights Officer.

AGE DISCRIMINATION: Subpart B, section 1614.201(a)

If you believe you were discriminated against because of age (40 and over), you may elect to bypass the administrative complaint process of Part 1614 and file a civil action directly in a U. S. District Court under the Age Discrimination in Employment Act (ADEA) against the head of the alleged discriminating agency. You must give the Equal Employment Opportunity Commission (EEOC) not less than thirty (30) days notice of the intent to file such an action. Such notice must be filed in writing within one-hundred eighty (180) days of the occurrence (date) of the alleged unlawful (discriminatory) action with the:

EEO Commission
Federal Sector Programs
1801 L. Street, N. W.
Washington, D. C. 20507

The notice must contain (1) a statement that you intend to file a civil action under section (5) (d) of the ADEA: (2) your name, address, and telephone number, (3) the name, address, and telephone number of your representative, if any; (4)the name and location of the agency where the alleged discrimination occurred; (5) the dates of the alleged discriminatory actions; (6) a description of the action(s); and (7) your signature.

After notifying the EEOC of your intent to file a civil action, you must wait thirty (30) days before filing. If you elect instead to use the discrimination complaint process, you may not file a civil action until the process has been completed, or the time limits for completing the process have been exceeded.

MIXED CASES: Subpart C, section 1614.302

A “mixed case complaint” is a complaint of employment discrimination based on race, color, religion, sex, national origin, age, disability, or reprisal based on past EEO activity, related to or stemming from an agency action that can be appealed to the Merit Systems Protection Board (MSPB). A “mixed case appeal” is an appeal filed directly with the MSPB that alleges that an appealable agency action was effected, in whole or in part, because of such discrimination. Mixed cases may be processed under the EEO discrimination complaint process, or appealed to MSPB, BUT NOT TO BOTH. Whatever action you file first is considered an election to proceed in that forum. Filing a formal

discrimination complaint constitutes an election to proceed in the EEO forum. Contacting an EEO Counselor or receiving EEO counseling does not constitute an election.

If you decide to file with MSPB, you have:

- Twenty (20) calendar days from the date of the alleged discriminatory act to file mixed case appeal, or
- Fifteen (15) calendar days from the date of the EEO Counselor's Notice of Right to File a Discrimination Complaint or thirty (30) calendar days (unless extended) after the initial EEO Counselor contact to file a mixed case complaint.

Most MSBP appealable matters fall into the following six categories:

- Reduction in-grade or removal for unacceptable performance;
- Removal, reduction-in-grade of pay, suspension for more than fourteen (14) days, or furlough for thirty (30) days or less for cause that will promote the efficiency of the services;
- Separation, reduction-in-grade, or furlough for more than thirty (30) days, when the action was effected because of a reduction in force;
- Reduction-in-force action affecting a career appointee in the Senior Executive Service;
- Reconsideration decision sustaining a negative determination of competence for a general schedule employee; and
- Disqualification of an employee or applicant because of suitability determination.

The following employees generally do not have rights to appeal to the MSPB:

- probationary employees
- non-appropriated fund activity employees, and
- employees serving under a temporary appointment limited to one year or less.

NEGOTIATED GRIEVANCE PROCEDURES: Subpart C, section 1614.301

If you are covered by a negotiated union grievance procedure which provides for allegations of discrimination based on the same bases covered by the EEO discrimination process, you may file your complaint or grievance under either process, BUT NOT BOTH. The filing of a timely written grievance constitutes an election to proceed under a negotiated grievance procedure. The filing of a formal discrimination complaint under part 1614 constitutes an election to proceed in the EEO forum. Contacting an EEO Counselor or receiving EEO counseling does not constitute an election.

EQUAL PAY ACT COMPLAINTS: Subpart B, section 1614.202

Equal Pay Act (EPA) complaints will be administratively processed like discrimination complaints. You are hereby notified of the statute of limitations of two years or three years for a willful violation and of the right to file directly in a United States District Court without first providing notice to EEOC or exhausting administrative remedies.

I, _____, acknowledge receipt on _____
(aggrieved person's name) (month/day/year)

of the above letter, subject: ELECTION RIGHTS OF AGGRIEVED PERSONS.

_____
Signature of Aggrieved Person

ALTERNATIVE DISPUTE RESOLUTION (ADR)/EO COUNSELING OPTION FORM

One of the options provided to the complainant under the discrimination complaints procedures is elect to participate in the ADR mediation process anytime in the counseling process. If the complainant agrees to participate in the procedure, the counseling process shall be extended an additional sixty (60) days, not to exceed ninety (90) days. This form is to be completed and signed by the complainant.

COMPLAINANT PERSON:_____

ADDRESS:_____

PHONE #:_____ ADR: YES _____ NO_____

I ELECT TO UTILIZE THE ALTERNATIVE DISPUTE MEDIATION PROCESS TO SETTLE MY ALLEGATION/COMPLAINT OF DISCRIMINATION.

IF A SETTLEMENT IS NOT REACHED AT THE INFORMAL STAGE, I UNDERSTAND THAT I WILL BE GIVEN A NOTICE OF RIGHT TO FILE A FORMAL COMPLAINT. IF A SETTLEMENT IS NOT REACHED IN THE ADR PROCESS, THE COMPLAINANT WILL RETURN TO THE COUNSELING PROCESS WHERE S/HE WAS PRIOR TO PARTICIPATING IN THE ADR PROCESS.

_____ _____
(Complainant's Signature) (Date)

_____ _____
(Counselor's Signature) (Date)

DEPT. OF TRANS.,U.S.C.G., CG-5656D (3-99)

DEPARTMENT OF TRANSPORTATION
U. S. COAST GUARD

SAMPLE FORMAT FOR SETTLEMENT AGREEMENT

1. This refers to the matter which _____ first discussed with myself, as a
(Complainant's Name)
representative of the agency, on _____ when you alleged discrimination because of
(date)
_____ when on _____ the following occurred:
(identify basis of discrimination) (date of incident)

_____
(Incident)
_____

_____

_____

_____

_____

_____

2. The purpose of this agreement is to set out the terms of the informal resolution of this matter. The _____ agrees to:
(Name of Organization)

_____

_____

_____

_____

3. In exchange for the above, you agree to withdraw your informal complaint of discrimination.

4. If you believe that the Coast Guard has not complied with the terms of the Agreement, you may notify the Director of Civil Rights, Department of Transportation in writing within thirty (30) days of

the date of the alleged violation, requesting that the terms of the informal agreement be specifically implemented. Alternatively, you may request that the matter be reinstated for further processing from the point processing ceased.

5. It is understood that this Settlement Agreement shall in no way constitute an admission of liability, wrongdoing, or discrimination by the Coast Guard, its commanders/commanding officers, managers, supervisors, employees or CG members.

6. The Coast Guard has signed the terms of the resolution as indicated by the signature and date below, will verify your receipt of this settlement, and will signify your agreement with the terms of the informal resolution of this matter as set out above.

_____ _____
(Agency Official's Signature) (Date)

_____ _____
(Complainant's Signature) (Date)

NOTICE OF RIGHT TO FILE A DISCRIMINATION COMPLAINT, MILITARY

From: MCRC/F (Area, MLC, District or Headquarters Unit)

To: (Name of Person Counseled)

1. This is to inform you that because the matter you brought to my attention has not been resolved to your satisfaction, you are now entitled to file a discrimination complaint based on your race, color, religion, national origin, sex or reprisal. If you decide to file a complaint, it must be in writing, and signed within 15 days after receipt of this notice, with the following official authorized to receive discrimination complaints. Please note that (Enclosure 1) is a form which may be used to file a formal complaint.

   (Put in only the name, title and address of the Commanding Officer. Do not include any Departmental or other Coast Guard Headquarters officials).

2. Your formal complaint must contain the factual basis of the complaint (race, color, religion, national origin, sex, or reprisal); the date of the incident, situation or the date of the discovery of the incident or event giving rise to the formal complaint; your unit of assignment and the specific remedy requested. It must be specific and limited to the matters discussed with me.

3. You must file your formal discrimination complaint directly to the DOCR with copies to the servicing CRO and your CO/OINC. Your Commanding Officer will review the discrimination complaint and prepare an endorsement to the complaint and forward it to the appropriate Department of Transportation, Departmental Office of Civil Rights Regional Office. The DOCR address is:

   _____

   _____

   _____

   Your servicing CRO is: _____

4. If you need some assistance in preparing your formal discrimination complaint, I am available to assist you.

(Signature Block)
MCRC/F

<u>NOTE TO MCRC/Fs</u>: This notice **<u>MUST</u>** be given to the person counseled within 30 days after starting the counseling process. A copy will be provided to the CRO along with the Counselor's Report and made a part of the complaint.

****

I acknowledge receipt of this form and understand the requirements set forth.

_____ _____
Signature of Complainant Date

Enclosure (1): Discrimination Complaint Form

DEPT. OF TRANS.,U.S.C.G., CG-5656F (3-99)

NOTICE OF RIGHT TO FILE A DISCRIMINATION COMPLAINT, CIVILIAN

From: EEO Counselor

To: Aggrieved Person Name

1. This is to inform you that because the matter you brought to my attention has not been resolved to your satisfaction, you are now entitled to file a discrimination complaint based on your race, color, religion, sex, age (40 and over), sexual orientation, national origin, physical or mental disability, and/or reprisal with the Department of Transportation, Departmental Office of Civil Rights Office.

2. If you file a complaint, it must be in writing, and signed, and filed, in person or by mail within 15 calendar days after receipt of this notice. Enclosure 1 is a form which may be used to file a formal complaint. The use of this form is not required; however, your complaint must contain the information reflected on the form. Failure to provide the requested information may lead to a delay in processing or to a dismissal of your formal complaint. You must file your complaint directly with the following DOCR office authorized to receive discrimination complaints.

   The DOCR address is:
   _____

   _____

   _____

   Your servicing CRO is: _____

3. When you file your complaint with the Department of Transportation, Departmental Office of Civil Rights be sure to provide a copy of your complaint to the Civil Rights Officer at your command to ensure prompt processing of your complaint.

4. The complaint must be specific and must be limited to the maters discussed with me. It must also state whether or not you have filed a grievance under a negotiated grievance procedure or an appeal to the Merit System Protection Board on the same matters.

5. If you retain an attorney or any other person to represent you, you or your representative must immediately notify the Civil Rights Officer in writing. You and/or your representative will receive a written notice of receipt of your discrimination complaint from the Department of Transportation, Departmental Office of Civil Rights.

(NAME & SIGNATURE OF EEO COUNSELOR)

****

I acknowledge I have received and understand this document:

_____ _____
Signature of Aggrieved Person Date

Enclosure (1): Discrimination Complaint Form
DEPT. OF TRANS.,U.S.C.G., CG-5656G (3-99)

DEPARTMENT OF TRANSPORTATION U.S. COAST GUARD CG-5650 (11-98)	**DISCRIMINATION COMPLAINT FORM**	U. S. COAST GUARD

PRIVACY ACT STATEMENT

IN ACCORDANCE WITH 5 USC 552a(e) (3), THE FOLLOWING INFORMATION IS PROVIDED TO YOU WHEN SUPPLYING PERSONAL INFORMATION TO THE U.S. COAST GUARD

1. Authority: 49 C.F.R Subsection 1.23.
2. Purpose: To collect information to permit processing of a formal discrimination complaint.
3. Routine Uses: The information on this form may be used (a) in the processing and adjudication of the Complaint and any appeal concerning the Complaint and (b) as a data source for production of summary descriptive statistics and analytical studies of Complaint processing and resolution efforts. 4. Disclosure: Voluntary; however, failure to provide requested information may lead to a delay in processing of this complaint.

PLEASE TYPE OR PRINT ALL ANSWERS (Including any attached sheets)

1. NAME (Last, First MI):

2. STREET ADDRESS CITY STATE ZIP

3. ARE YOU ON ACTIVE DUTY?____
ARE YOU A RESERVIST?____
ARE YOU A CIVILIAN?_____
ARE YOU AN AUXILIARIST?____

4. UNIT/WORK ADDRESS:

5. RANK/GRADE:

6. WORK PHONE *(Area Code)*:

7. NAME AND ADDRESS OF COAST GUARD UNIT TO WHICH THE PERSON IS ATTACHED WHO YOU BELIEVE DISCRIMINATED AGAINST YOU.

8. **DATE OF ALLEGED DISCRIMINATORY INCIDENT FOR WHICH YOU SOUGHT COUNSELING *(Month/Day/Year):***

9. NAME OF MILITARY CIVIL RIGHTS COUNSELOR/FACILITATOR OR EEO COUNSELOR WITH WHOM YOU DISCUSSED YOUR COMPLAINT:

10. WHAT IS THE BASIS OF YOUR COMPLAINT (Check all that apply)?

____ RACE (Specify) _____

____ COLOR (Specify) _____

____ RELIGION (Specify) _____

____ NATIONAL ORIGIN (Specify) _____

____ SEX (Specify) _____

____ AGE (40 AND OVER) _____

____ DISABILITY (MENTAL/PHYSICAL) _____

____ REPRISAL _____

11. SIGNATURE:	12. DATE SIGNED:	**FOR AGENCY USE ONLY** DATE RECEIVED:

(PLEASE COMPLETE BACK OF FORM)

PAGE 2 OF CG 5650 (11-98)

13. EXPLAIN HOW YOU BELIEVE YOU WERE DISCRIMINATED AGAINST (*TREATED DIFFERENTLY FROM OTHER EMPLOYEES OR APPLICANTS)* BECAUSE OF YOUR RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN, OR AS AN ACT OF REPRISAL. *For each allegation, please state to the best of your knowledge, information and belief, what incident(s) occurred and when (the date) the incident(s) occurred. (Attach additional sheets, if needed).*

14. WHAT CORRECTIVE ACTION(S) ARE YOU SEEKING?

Date:_____

AUTHORIZATION TO EXTEND COUNSELING

It is hereby agreed by the undersigned that counseling on the matter of _____
(Complainant's Name)

brought to the attention of _____, Counselor on_____
(Insert Counselor Name) (date)

will be extended for an additional _____ days, to _____.
(# of days) (month, day, year)

This action is taken to permit additional efforts at resolution.

_____ _____
(Signature of Complainant) (Signature of Counselor)

DEPT. OF TRANS.,U.S.C.G., CG-5656E (3-99)

COUNSELOR'S REPORT INSTRUCTIONS

This report form should be used both as a worksheet during the counseling stage and as the form for the counselor's report when requested by the Unit Civil Rights Officer. It will provide a permanent record of the counselor's efforts, and it will also provide information for use in preparing the acceptance/dismissal letter should a formal complaint be filed. The aggrieved person will be furnished a copy of the counseling report should a formal complaint be filed.

Section 13

It is vital that you state specifically what the complainant's race, color, national origin, religion and sex is when the complainant selects one as the base(es) for his/her discrimination complaint.

Section 14

It is of vital importance during the initial interview that a clear understanding results between the counselor and the complainant as to what the allegation(s) are in the case. Every effort should be made to obtain a clear and specific understanding at the commencement of the counseling stage. The counselor should take particular care to list all the allegations. Care must also be taken to differentiate between the specific allegation and any background information the aggrieved person provides to support an allegation(s). In cases where several allegations are raised, the counselor should be alert to the possibility that the allegation(s) may have different bases. Dates are critical.

Section 15

This section should include what the complainant considers a resolution of the informal complaint.

Section 17

This section does not need to be completed in all cases, but would be useful in complex situations where the alleged discriminatory act is linked to earlier events (i.e. reprisal).

Sections 18 and 19

Obtain not only the views of the complainant concerning the specifics of the alleged discriminatory act, but also the reason(s) that led to a conclusion that the act was the result of discrimination. The counselor should obtain the names of witnesses who can support the allegations.

Section 20

This section should include all significant information that tends to either support or rebut the allegations. Specifically include information obtained from the aggrieved, other witnesses, documents and records, and statistical information pertaining to the aggrieved individual's group.

Section 21

This section shall contain a record of all actions taken by the counselor to achieve an informal resolution, including meetings held, resolutions proposed, etc.

NOTE The report shall not include conclusions or determinations of any kind. Counselors are reminded that their role in the process is that of a neutral party. They are to seek resolution and determine basic facts in the case.

COUNSELOR REPORT, Military		
1. NAME OF COMPLAINANT		
2. JOB TITLE, RANK/GRADE	3. LOCATION	4. WORK PHONE NO.
5. HOME ADDRESS (as appropriate) _____		6. HOME PHONE NO.
7. NAME OF COUNSELOR	8. LOCATION	9. PHONE NO.
10. NAME OF COMPLAINANT'S REPRESENT.	11. LOCATION	12. PHONE NO.
13. BASIS OF COMPLAINT _____ RACE _____ COLOR _____ NAT'L ORIGIN _____ RELIGION _____ GENDER _____ REPRISAL		
14. ISSUE(S), ALLEGATIONS AND BASES AS PRESENTED TO COUNSELOR (Include dates) a. b. c.		
15. RESOLUTION REQUESTED		
16. CHRONOLOGY OF EO COUNSELING a. Date of Initial Contact: _____ b. Date of Interview _____ c. Date Rights and Responsibilities Issued _____ d. Date of Alleged Discriminatory Event _____ e. 45th Day After Event _____ f. Final Interview/Notice of Right to File Issued _____ g. Reason for delayed contact beyond 45 days, (if applicable)		
17. NAME/ADDRESS OF SERVICING CRO:		

DEPT. OF TRANS.,U.S.C.G., CG-5656B (3-99)	*Continued on reverse*	RCN 5350-1

COUNSELOR REPORT, Military, continued

18. BACKGROUND - DESCRIPTION OF EVENTS LEADING TO THE ALLEGED DISCRIMINATORY ACT(S) (as appropriate)

19. THE COMPLAINANT'S DESCRIPTION OF ALLEGED DISCRIMINATORY ACT(S)

20. OTHER WITNESSES

NAME	LOCATION	PHONE

21. FACTS DEVELOPED (Attach additional sheets as needed.)

22. ACTIONS TAKEN TO ACHIEVE AN INFORMAL RESOLUTION (Attach additional sheets as needed)

ANY PERSONNEL ACTIONS PENDING IN THE NEXT 365 DAYS (Promotion, assignment, training, etc.)

SIGNATURE OF COUNSELOR _____ DATE _____

DEPT. OF TRANS.,U.S.C.G., CG-5656B (3-99) RCN 5350-1

COUNSELOR REPORT, Civilian		
1. NAME OF COMPLAINANT		
2. JOB TITLE, SERIES AND GRADE	3. LOCATION	4. PHONE NO.
5. HOME ADDRESS (as appropriate) _____		6. HOME PHONE NO.
7. NAME OF COUNSELOR	8. LOCATION	9. PHONE NO.
10. NAME OF COMPLAINANT'S REPRESENT.	11. LOCATION	12. PHONE NO.

13. BASIS OF COMPLAINT

_____ RACE _____ COLOR _____ NAT'L ORIGIN _____ RELIGION

_____ GENDER _____ AGE (over 40) _____ SEXUAL ORIENTATION _____ REPRISAL

_____ DISABILITY (Mental) _____ DISABILITY (Physical)

14. ISSUE(S), ALLEGATIONS AND BASES AS PRESENTED TO COUNSELOR (Include dates)

a.

b.

c.

15. RESOLUTION REQUESTED

16. DATES

a. ALLEGED DISCRIMINATION INCIDENT OCCURRED _____

b. INITIAL COUNSEL OR CONTACT _____

c. INTERVIEW CONDUCTED _____

d. FINAL INTERVIEW & NOTE OF RIGHT TO FILE FORMAL COMPLAINT ISSUED (30 DAY LETTER) _____

DEPT. OF TRANS.,U.S.C.G., CG-5656A (3-99) *Continued on reverse* RCN 5350-2

COUNSELOR REPORT, Civilian, continued

17. BACKGROUND - DESCRIPTION OF EVENTS LEADING TO THE ALLEGED DISCRIMINATORY ACT(S) (as appropriate)

18. THE COMPLAINANT'S DESCRIPTION OF ALLEGED DISCRIMINATORY ACT(S)

19. OTHER WITNESSES

NAME	LOCATION	PHONE

20. FACTS DEVELOPED (Attach additional sheets as needed.)

21. ACTIONS TAKEN TO ACHIEVE AN INFORMAL RESOLUTION (Attach additional sheets as needed.)

SIGNATURE OF COUNSELOR _____ DATE _____

DEPT. OF TRANS.,U.S.C.G., CG-5656A (3-99) RCN 5350-2

DEPARTMENT OF TRANSPORTATION
U. S. COAST GUARD

SAMPLE FORMAT FOR MEDIATION SETTLEMENT AGREEMENT

This Settlement Agreement sets out the terms of the agreement between the agency and yourself.

(INSERT TEXT HERE)

When signed and approved by the appropriate authorities for all parties, this settlement agreement shall be binding upon all parties to the agreement.

The aggrievant agrees to not institute (and/or withdraw any pending) formal EEO complaint, claim, appeal, grievance or lawsuit, relating to any facts or disputes that are the subject of this settlement agreement, against the United States, the Coast Guard (CG) or any CG employees. The aggrievant agrees and understands that this Agreement and its contents are confidential and not for communication, display, disclosure or publication without the written consent of both the CG and the aggrievant. This Agreement may be used as evidence in a later proceeding in which either the CG or the aggrievant allege a breach of the terms of resolution cited in this agreement. If the CG rescinds or fails to carry out any of the terms of the resolution set forth above for any reasons not attributable to the aggrievant's acts of conduct or performance, the aggrievant may have his/her complaint reinstated for further processing by filing a written request to the effect with the U. S. Coast Guard, Civil Rights, 2100 Second Street, S. W., Washington, D. C. 20593 within 30 days of the CG's noncompliance with the Agreement.

The CG has agreed to the terms of the agreement as indicated by the signature of the CG Official. Your signature and date below will signify your agreement with the terms set out above. Please sign and date the original and the copy in the spaces provided below.

Party	Date	Party	Date
_____	_____	_____	_____
Representative	Date	Representative	Date
_____	_____	_____	_____

Mediator	Date
_____	_____

MEDIATION COMPLETION FORM

Mediation has been completed in the case of _____. The mediation resulted in:

_____ An agreement on all issues

_____ A partial agreement

_____ No agreement

_____ Basis(es) of Complaint:

_____ Issue(s) as presented to Mediator by the Complainant:

_____ _____

SIGNATURE OF MEDIATOR DATE

NAME OF THE CIVIL RIGHTS OFFICER _____

NOTE: THE CIVIL RIGHTS OFFICER WILL FORWARD THIS FORM TO THE DEPARTMENT OF TRANSPORTATION, DEPARTMENTAL OFFICE OF CIVIL RIGHTS REGIONAL OFFICE, WITH A COPY TO COMMANDANT (G-H).

DEPT. OF TRANS.,U.S.C.G., CG-5656 (3-99)

ANNUAL REPORT ON EEO COUNSELING ACTIVITY

GENERAL INSTRUCTIONS

Area/MLC, Headquarters, and Academy CROs are required to submit this EEOC Report Form to Commandant (G-HI) no later than COB November 3rd of each year. This report should consolidate EEO counseling activity for the CRO's entire Area of Responsibility. Negative reports are required. This form can be locally reproduced.

PART I. SUMMARY OF PRE-COMPLAINT COUNSELING ACTIVITY

Report the number of individuals who received pre-complaint informal counseling for (fiscal year). If the counseling is still in progress at the end of the fiscal year, the individual will not be counted until the reporting period in which counseling is completed.

PART II. TOTAL NUMBER OF INDIVIDUALS COUNSELED DURING FY97 (a+b+c+d) _____

a. ____ NUMBER COUNSELED WITHIN 30 DAYS

b. ____ NUMBER COUNSELED WITHIN 60 DAYS EXTENSION

c. ____ NUMBER COUNSELED THROUGH AGENCY DISPUTE RESOLUTION PROCEDURE

d. ____ NUMBER COUNSELED ON REMAND

PART III. AGENCY WORKFORCE AND EEO RESOURCES

TOTAL NUMBER OF EEO COUNSELORS (a+b+c) _____

a. _____NUMBER OF FULL-TIME

b. _____NUMBER OF PART-TIME

c. _____NUMBER OF COLLATERAL DUTY

PART VI. SUMMARY OF CLOSURES BY AGENCY

_____ NUMBER OF CLOSURES BY SETTLEMENTS (INCLUDING MONETARY AND/OR CORRECTIVE ACTIONS) IN THE FISCAL YEAR

DEPT. OF TRANS.,U.S.C.G., CG-5656C (3-99) RCN 5350-3

PART VII. SUMMARY OF (PRE-) COMPLAINTS CLOSED WITH CORRECTIVE ACTION UP TO AND INCLUDING FINAL DECISION BY THE AGENCY

TOTAL NUMBER OF COMPLAINTS CLOSED WITH CORRECTIVE ACTION THIS REPORTING PERIOD

AMOUNT OF BACKPAY AWARDED THIS REPORTING PERIOD $

ATTORNEY'S FEES AND COSTS AWARDED $

TYPES OF CORRECTIVE ACTION	TOTAL NUMBER WITH BACKPAY	TOTAL NUMBER WITHOUT BACKPAY
HIRE		
a. RETROACTIVE		
b. NON-RETROACTIVE		
PROMOTION		
a. RETROACTIVE		
b. NON-RETROACTIVE		
DISCIPLINARY ACTION		
a. RESCINDED		
b. MODIFIED		
REINSTATEMENT		
REASSIGNMENT		
PERFORMANCE EVALUATION MODIFIED_____		
PERSONNEL FILE PURGED OF ADVERSE MATERIAL		
OTHER		

DEPT. OF TRANS.,U.S.C.G., CG-5656C (3-99) RCN 5350-3

EEO COUNSELOR CHECKLIST

At the initial counseling session, counselors must advise individuals in writing of their rights and responsibilities. The rights and responsibilities are covered in the memoranda you furnish the aggrieved person.

1. The right to anonymity in the counseling phase of the complaint process unless waived.

2. The right to representation throughout the complaint process including the counseling stage.

3. The possible election requirement between a negotiated grievance procedure and the discrimination complaint procedure.

4. The election requirement in the event that the matter at issue is appealable to the Merit Systems Protection Board, (i.e., the matter is a mixed case).

5. The requirement that the aggrieved person file her/his complaint within fifteen (15) calendar days of receipt of the Notice of Right to File a Discrimination complaint in the event (s)he wishes to file a formal complaint at the conclusion of counseling.

6. The right to file a notice of intent to sue when age is alleged as a basis for discrimination and of the right to file a lawsuit under the ADEA instead of an administrative complaint of age discrimination.

7. The right to go directly to U.S. District Court on claims of sex based wage discrimination under the Equal Pay Act even though such claims are also cognizable under Title VII, and in connection with an Equal Pay Act claim, advise of the availability of liquidated damages for a willful violation.

8. The right to a hearing before an EEOC AJ in a non-mixed case one hundred eighty (180) calendar days after filing the formal complaint or after completion of the investigation, whichever came first.

9. The right to go to U.S. District court one-hundred eighty (180) calendar days after filing a formal complaint or one-hundred eighty (180) calendar days after filing an appeal.

10. The duty to mitigate damages, e.g., that interim earnings or amount which could be earned by the individual with reasonable diligence generally must be deducted from an award of back pay.

11. The responsibility to keep DOT and EEOC informed of the aggrieved person's current mailing address and to serve copies of the appeal papers on DOT.

12. The right to receive within thirty (30) calendar days of the first counseling contact (unless time period is extended by complainant's prior written consent), a notice terminating counseling and informing the aggrieved person the right to file a discrimination complaint within fifteen (15) calendar days of receipt of the notice.

13. Only matters raised at the counseling stage or matters like or related to matters raised at the counseling stage, may be the subject of a discrimination complaint.

14. The time frames in the complaint process.

15. The class complaint procedures and the responsibilities of a class agent.

SAMPLE REQUEST TO REMAIN ANONYMOUS (CIVILIAN)

DATE:_____

I, _____, wish to remain anonymous during the counseling process.
(Aggrieved Person)

The EEO Counselor will not reveal my name to anyone during the informal inquiry. I understand that this may impede attempts to resolve my complaint informally. I understand that if I file a formal discrimination complaint, I will no longer have the right to remain anonymous.

_____ _____
(Signature of Aggrieved Person) (Signature of EEO Counselor)

FORMAL COMPLAINT CHECKLIST

This checklist is designed to assist in the preparation and review of a formal discrimination complaint to ensure the information provided is complete, clear and specific in nature. Vague or general statements complicate the processing and should be avoided. The items listed below as "required" are those which must be included.

Section I. Documents

Required: The following documents must be forwarded with the formal discrimination complaint to the appropriate Department of Transportation, Departmental Office of Civil Rights Regional Office:

Description	(✓)
The initial written notification that was submitted through the Chain of Command (Military only)	
The aggrieved person's written and signed formal discrimination complaint	
The Notice of Right to File a Formal Complaint	

Section II. Complainant's Written Complaint

Required: The following items must be included in the complainant's written complaint:

Description	(✓)
Name/Rank/Rate of complainant	
Race/Sex of complainant	
The (Area, MLC, District, ISC or Headquarters unit) against which the complaint is being filed	
Signature and date	
Bases for the complaint (i.e., race, color, religion, national origin, sex, reprisal, age (40 and over, civilian only), disability (physical or mental, civilians only), or sexual orientation (real or perceived, civilians only). These are the only bases for which a discrimination complaint can be processed under this procedure.	
Specific statements concerning the alleged discriminatory act or omission. The statements should be sufficiently clear so there is no doubt in the mind of the reader what the specific allegation(s) is/are. Allegations are best defined when they are briefly stated and do not have to be inferred from a long discussion of background information.	
The relief requested by the aggrieved person	
All previous attempts at resolution	
All other actions taken as a result of the complaint (i.e., unit training, initiation of disciplinary action, personnel transfers)	
The complainant's work and home addresses and telephone numbers	
The name and address of the servicing CRO	

Section III. Counselor's Report

Required: The following items must be included in the Counselor's Report:

Description	(✓)
Name of the complainant	
Complainant's rank, rate and unit	
Date the complainant contacted the counselor	
List of all allegations for which counseling was provided, whether or not they are included in the formal complaint	
A brief discussion of the attempts made at informal resolution	
A brief listing of the information developed by the counselor	
The date of the last interview between the complainant and counselor	
Counselor's name, office address and telephone number	
Counselor's signature	

Section IV. Commanding Officer's endorsement

A Commanding Officer may submit a letter of endorsement within 10 days of a formal complaint being filed. The Command endorsement, if submitted, shall state:

Description	(✓)
The complainant has received the required counseling and has been advised of the procedures for filing the formal discrimination complaint	
Any delay in submission beyond the 45 days from the date of the incident or discovery of the incident was (was not) justified, and the reasons therefore	
All command attempts at informal resolution have been unsuccessful	
Any pending disciplinary or administrative proceedings related to the incident	

DISCRIMINATION INCIDENT REPORT FORM

A. **Information on Discriminator**

Name:_____Date of Report:
(Last) (First) (MI)

SSN:_____Rank/Rate:_____Pay Grade:

	Status:
	AD (regular)
	AD (reserve)
	Reserve on ADT/IDT
	Civilian

	Location of Incident:
	Afloat
	Off-Base (ashore)
	On-Base (ashore)

Offense(s):
Article____, UCMJ

Basis of Discrimination:

	Race
	Religion
	National Origin
	Color
	Age
	Disability
	Gender
	Sexual Harassment
	Sexual Orientation

Disciplinary Action Taken:

Basis of Report:

	NJP
	Court-Martial
	SF-50

Administrative Action Taken:

Member counseled by Supervisor? Y_____/N_____
Discrimination documented in Performance Evaluation? Y_____/N_____
Member given punitive letter of reprimand (military) or
letter of counseling (civilian)? Y____/N____
Other (comments/action):

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B. **Information on Victim**:

Rank/Rate:_____ Pay Grade_____

	Status:
	AD (regular)
	AD (reserve)
	Reserve on ADT/IDT
	Dependent
	Civilian (Fed. employee)
	Civilian (non-Fed.employee)

	Race:
	Black
	Hispanic
	American Indian/Alaskan Native/Pacific Islander
	Other

Sex:

	Male
	Female

Age:

C. Remarks/Description of Incident, etc.

D. Authenticating Official (CO or OINC) * See below.

Name/Signatue: Rank/Rate: Date:

Title: Unit:

E. Instructions

1. Fill in or "x" as applicable.
2. This form must be completed within three working days after:
   a. Submission of an evaluation following imposition of NJP based on illegal discrimination (military).
   b. Submission of an evaluation following court-martial conviction based on illegal discrimination (military).
   c. Execution of an SF-50 based on illegal discrimination (civilian employee).
3. Complete original only.
4. Send completed form directly to Commander, (CGPC-cd).

* Form must be signed by the Personnel Evaluation Reviewing Official if discriminator is attached to other than a Coast Guard unit.

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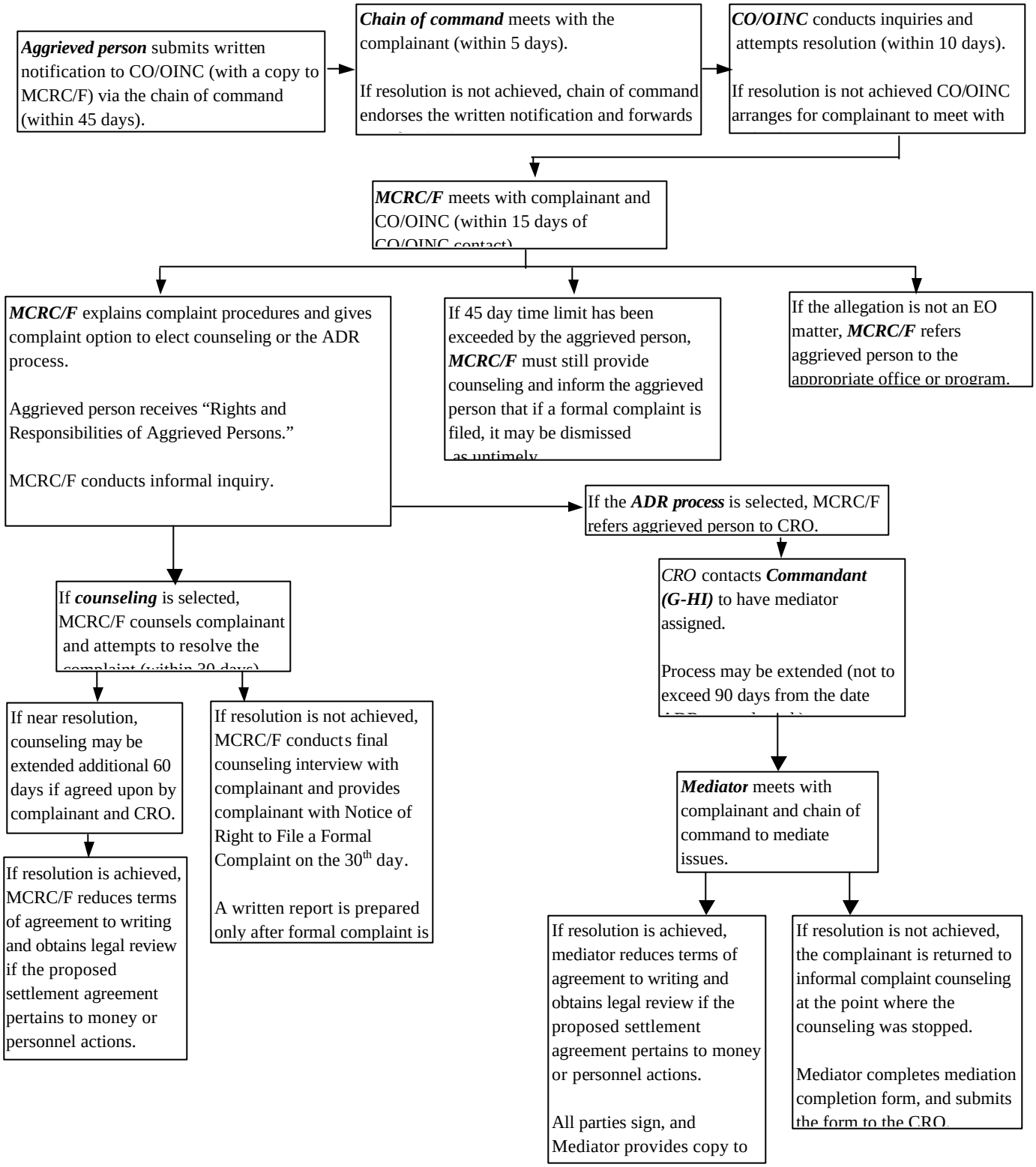
FLOWCHART OF MILITARY DISCRIMINATION COMPLAINT PROGRAM INFORMAL COMPLAINT PROCESS



FLOWCHART OF CIVILIAN DISCRIMINATION COMPLAINT PROGRAM
INFORMAL COMPLAINT PROCESS

Aggrieved person contacts EEO Counselor (within 45 days).

At initial counseling session ***EEO Counselor*** explains complaint process and reviews EEO Counselor Checklist.

EEO Counselor conducts informal inquiry, obtaining a detailed description of the alleged discrimination incident. EEO Counselor offers aggrieved person the option to participate in the ADR process.

Aggrieved person receives "Rights and Responsibilities of Aggrieved Persons."

If 45 day time limit has been exceeded by the aggrieved person, ***EEO Counselor*** must still provide counseling and inform the aggrieved person that if a formal complaint is filed, it may be dismissed as untimely.

If the allegation is not an EO matter, ***EEO Counselor*** refers aggrieved person to the appropriate office or program.

If the ADR process is selected, EEO Counselor refers aggrieved person to the CRO.

EEO Counselor conducts limited inquiry to gather information for resolution and to determining jurisdictional questions, if formal complaint is filed. (Interviewing officials and employees and reviewing records.)

If near resolution, counseling may be extended additional 60 days if agreed upon by complainant and CRO.

If resolution is achieved, EEO Counselor reduces terms of agreement to writing. (Obtain legal review if the proposed settlement involves pay, promotion or a monetary award. Obtain CGPC-cpm review if proposed settlement involves personnel actions.)

If resolution is not achieved, EEO Counselor conducts final counseling interview with complainant and provides complainant with Notice of Right to File a Formal Complaint on the 30th day.

A written report is prepared only after formal complaint is filed (within 5 days).

CRO contacts Commandant (G-HI) to have mediator assigned. Process may be extended, not to exceed 90 days from the date ADR was selected.

Mediator meets with complainant and chain of command to mediate issues.

If resolution is achieved, mediator reduces terms of agreement to writing. (Obtain legal review if the proposed settlement involves pay, promotion, or a monetary award. Obtain CGPC-cpm review if proposed settlement involves personnel actions.)

All parties sign, and Mediator provides copy to CRO.

If resolution is not achieved, the complainant is returned to informal complaint counseling at the point where the counseling was stopped. The mediator then completes the mediation completion form, and submits it to the CRO.

SEXUAL HARASSMENT FACT SHEET FOR COS/XOS

Definition: *Sexual Harassment is a form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:*

a. Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, career, or
b. Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, or
c. Such conduct interferes with an individual's performance or creates an intimidating, hostile, or offensive environment.

Types of Sexual Harassment (From Lesser Offenses to More Serious Offenses)

Crude/Offensive Behaviors: *Verbal, nonverbal behaviors of a sexual nature that were offensive or embarrassing (*i.e., repeatedly telling sexual stories or jokes that are offensive, making offensive remarks about appearance, body or sexual activities, etc.).

Sexist Behaviors: *Verbal, nonverbal behaviors that convey insulting, offensive, and condescending attitudes based on gender of the victim* (i.e., displaying, using or distributing sexist or suggestive materials such as pictures, stories, pornography).

Unwanted Sexual Attention: *Attempts to establish a sexual relationship* (i.e., making continual requests for dates, drinks, dinner, etc., even though the respondents say "NO").

Sexual Coercion: *Classic quid pro quo instances of job benefits or losses conditioned on sexual cooperation* (i.e., making someone feel threatened with some sort of retaliation for not being sexually cooperative such as mentioning an evaluation).

Sexual Assault: *Unsuccessful attempts and sex without the respondent's consent and against his/her will* (i.e., making attempts to have or having sex without consent or against someone's will).

For more information reference the following Commandant Instructions or contact your Military Civil Rights Counselor/Facilitator (MCRC/F) or Civil Rights/EEO Officer.

COMDTINST 5350.21A – The Commandant's Human Relations and Sexual Harassment Prevention Policy Statements

COMDTINST 5350.30 – U.S. Coast Guard Sexual Harassment Prevention System

Enclosure 18

DEFINITION OF SEXUAL HARASSMENT

Sexual harassment is a form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

a. Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, career, or
b. Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, or
c. Such conduct interferes with an individual's performance or creates an intimidating, hostile, or offensive environment.

CATEGORIES OF SEXUAL HARASSMENT

LESSER OFFENSES OF SEXUAL HARASSMENT → **MORE SERIOUS OFFENSES OF SEXUAL HARASSMENT**

Crude/Offensive Behaviors: Verbal, nonverbal behaviors of a sexual nature that were offensive or embarrassing.	**Sexist Behaviors: Verbal, nonverbal behaviors that convey insulting, offensive, and condescending attitudes based on gender of the victim.**	**Unwanted Sexual Attention: Attempts to establish a sexual relationship.**	**Sexual Coercion: Classic *quid pro quo* instances of job benefits or losses conditioned on sexual cooperation.**	**Sexual Assault: Unsuccessful attempts and sex without the respondent's consent and against his/her will.**
Repeatedly telling sexual stories or jokes that are offensive.	Treating someone differently because of the person's gender (e.g. mistreated, slighted, or ignored).	Making unwanted attempts to establish a romantic sexual relationship despite efforts to discourage it.	Making someone feel they are being bribed with some sort of reward or special treatment to engage in sexual behavior.	Making attempts to have sex without consent or against someone's will.
Whistling, calling, or hooting at in a sexual way.	Displaying, using, or distributing sexist or suggestive materials (e.g. pictures, stories, pornography).	Making continual requests for dates, drinks, dinner, etc., even though the respondent says "NO."	Making someone feel threatened with some sort of retaliation for not being sexually cooperative (e.g.. mentioning a review/evaluation).	Having sex without consent or against someone's will.
Unwelcome attempts to draw a person into a discussion of sexual matters (e.g. sex life).	Making offensive sexist remarks (e.g. suggesting a person not suited for particular work because of gender).	Touching in a way that makes a person feel uncomfortable.	Treating someone badly for refusing to have sex.	
Making crude and offensive sexual remarks, either publicly or privately.	Putting someone down or being condescending because of a person's gender.	Making unwanted attempts to stroke, fondle, or kiss a person.	Implying faster promotions or better treatment if that person were sexually cooperative.	
Making offensive remarks about appearance, body, or sexual activities.			Making someone afraid of being treated poorly if they didn't cooperate sexually.	
Making gestures or using body language of a sexual nature which embarrasses or offends.			Making offers to be sexually cooperative in exchange for a favor or special treatment (e.g.. sex in exchange for a good assignment).	
Staring, leering, or ogling in a way				

to make one feel uncomfortable. Exposing in a way that makes one embarrassed or uncomfortable (e.g.. mooning).

MILITARY CIVIL RIGHTS COUNSELORS/FACILITATORS AND FULL-TIME CIVIL RIGHTS OFFICERS

LOCATION	TITLE	ADDRESS	TELEPHONE	FAX
USCG Academy	MCRC/F, CIVILIAN CRO	SUPERINTENDENT, U.S. Coast Guard Academy Attn: Civil Rights Office 15 Mohegan Avenue New London, CT 06320-4195	860/444-8680 860/444-8269	860/444-8288
Headquarters/ National Capitol Region	MCRC/F, CIVILIAN CRO	U.S. Coast Guard Headquarters Support Command (eo) 2100 2nd Street, S.W. Washington, DC 20593-0001	202/267-1244 202/267-2268	202/267-4284
Maintenance & Logistics Command Atlantic	CIVILIAN CRO	MAINTENANCE & LOGISTICS COMMAND ATLANTIC Attn: Civil Rights Officer 300 East Main Street Suite 800 Norfolk, VA 23510-9104	757/628-4286	
Maintenance & Logistics Command Pacific	CIVILIAN CRO MCRC/F	MAINTENANCE & LOGISTICS COMMAND PACIFIC Attn: Civil Rights Officer/MCRC/F U.S. Coast Guard Island Building 34 Alameda, CA 94501-5100	510/437-3439	
TRACEN Cape May	MCRC/F	Commanding Officer, Coast Guard Training Center Attn: Military Civil Rights Counselor/Facilitator 1 Munro Avenue Cape May, NY 08204-5002	609/898-6419	609/898-6852

MILITARY CIVIL RIGHTS COUNSELORS/FACILITATORS AND CIVILIAN CIVIL RIGHTS OFFICERS

LOCATION	TITLE	ADDRESS	TELEPHONE	FAX
1st C.G. District	MCRC/F	COMMANDER, U.S. Coast Guard 1st District Attn: Military Civil Rights Counselor/Facilitator 408 Atlantic Avenue Boston, MA 02110-3350	617/223-3185	617/223-3166
5th C.G. District	MCRC/F	COMMANDER, U.S. Coast Guard 5th District Attn: Military Civil Rights Counselor/Facilitator 431 Crawford Street, Federal Building Portsmouth, VA 23704-5004	757/398-6680	
7th C.G. District	MCRC/F	COMMANDER, U.S. Coast Guard 7th District Attn: Military Civil Rights Counselor/Facilitator 909 SE First Ave, Brickell Plaza Federal Building Miami, FL 33131-3050	305/536-4102	
8th C.G. District	MCRC/F	COMMANDER, U.S. Coast Guard 8th District Attn: Military Civil Rights Counselor/Facilitator 500 Camp Street, Hale Boggs Federal Building New Orleans, LA 70130-3396	504/589-2965	
8th C.G. District	MCRC/F	COMMANDER, U.S. Coast Guard 8th District Attn: Military Civil Rights Counselor/Facilitator 1222 Spruce Street St. Louis, MO 63103-2832	314/539-3900 ext. 317	

MILITARY CIVIL RIGHTS COUNSELORS/FACILITATORS AND CIVILIAN CIVIL RIGHTS OFFICERS

LOCATION	TITLE	ADDRESS	TELEPHONE	FAX
9th C.G. District	MCRC/F	COMMANDER, U.S. Coast Guard 9th District Attn: Military Civil Rights Counselor/Facilitator 1240 East 9th Street Cleveland, OH 44199-2060	216/902-6010	216/902-6019
11th C.G. District	MCRC/F	COMMANDER, U.S. Coast Guard 11th District Attn: Military Civil Rights Counselor/Facilitator 1001 South Seaside Avenue, Building 20 San Pedro, CA 90731-0208	310/732-7434	757/391-8105
13th C.G. District	MCRC/F	COMMANDER, U.S. Coast Guard 13th District Attn: Military Civil Rights Counselor/Facilitator 915 Second Avenue, Jackson Federal Building Seattle, WA 98174-1067	206/217-6609	206/217-6606
14th C.G. District	MCRC/F	COMMANDER, U.S. Coast Guard 14th District Attn: Military Civil Rights Counselor/Facilitator 300 Ala Moana Boulevard, 9th Floor, Prince Kalanianaole Federal Building Honolulu, HI 96850-4982	808/541-2162	808/541-2166

MILITARY CIVIL RIGHTS COUNSELORS/FACILITATORS AND CIVILIAN CIVIL RIGHTS OFFICERS

LOCATION	TITLE	ADDRESS	TELEPHONE	FAX
17th C.G. District	MCRC/F	COMMANDER, U.S. Coast Guard 17th District Attn: Military Civil Rights Counselor/Facilitator 1300 Stedman Street Ketchikan, AK 99901-6698	907/463-2129	907/463-2133
17th C.G. District	MCRC/F	U.S. Coast Guard 17th District Attn: Military Civil Rights Counselor/Facilitator P.O. Box 193034, (Bldg "LL": for FEDEX) Kodiak, AK 99619-5034	907/487-5601	907/487-5239

LISTING OF DEPARTMENT OF TRANSPORTATION OFFICE OF CIVIL RIGHTS REGIONAL OFFICES

REGIONAL OFFICE	AREA OF RESPONSIBILITY
ATLANTA DEPARTMENTAL OFFICE OF CIVIL RIGHTS 1701 COLUMBIA AVENUE, ROOM 580 COLLEGE PARK, GA 30337 PHONE: (404) 305-5875 FAX: (404) 305-5989	ALABAMA FLORIDA GEORGIA KENTUCKY MISSISSIPPI NORTH CAROLINA SOUTH CAROLINA TENNESSEE
CAMBRIDGE DEPARTMENTAL OFFICE OF CIVIL RIGHTS VOLPE NATIONAL TRANSPORTATION SYSTEMS CENTER, ROOM 947 55 BROADWAY CAMBRIDGE, MA 20142-1093 PHONE: (617) 494-2486 FAX: (617) 494-2941	CONNECTICUT MASSACHUSETTS MAINE NEW HAMPSHIRE NEW JERSEY NEW YORK PENNSYLVANIA PUERTO RICO RHODE ISLAND VIRGIN ISLAND VERMONT
CHICAGO DEPARTMENTAL OFFICE OF CIVIL RIGHTS FEDERAL AVIATION ADMINISTRATION 2300 EAST DEVON STREET DES PLAINES, IL 60018 PHONE: (847) 294-8601 FAX: (847) 294-8605	IOWA ILLINOIS INDIANA KANSAS MICHIGAN MINNESOTA MISSOURI NEBRASKA OHIO WISCONSIN
FORT WORTH DEPARTMENTAL OFFICE OF CIVIL RIGHTS DEPARTMENT OF TRANSPORTATION 2601 MEACHAM BLVD, ROOM 687 FT. WORTH, TX 76193 PHONE: (817) 222-5799 FAX: (817) 222-5642	ARKANSAS COLORADO LOUISIANA MONTANA NORTH DAKOTA SOUTH DAKOTA NEW MEXICO OKLAHOMA TEXAS UTAH WYOMING
SAN FRANCISO DEPARTMENTAL OFFICE OF CIVIL RIGHTS 201 MISSION STREET, SUITE 2030 SAN FRANCISO, CA 94105 PHONE: (415) 744-2668 FAX: (415) 744-2724	ALASKA ARIZONA CALIFORNIA HAWAII IDAHO NEVADA OREGON PACIFIC ISLANDS WASHINGTON
WASHINGTON DEPARTMENTAL OFFICE OF CIVIL RIGHTS 400 SEVENTH STREET, S.W., ROOM 2104	WASHINGTION, D.C. DELAWARE MARYLAND

WASHINGTON, D.C. 20590 PHONE: (202) 366-9730 FAX: (202) 493-2064	VIRGINIA WEST VIRGINIA

COMPLAINT RELATED FORMS AND REPORTS

1. This manual includes several new discrimination complaint related forms and reports. These new forms and reports are included as enclosures to chapter 5 of this manual and are listed here:

a. ALTERNATIVE DISPUTE RESOLUTION (ADR)/EO COUNSELING OPTION FORM CG-5656D (3-99)

b. NOTICE OF RIGHT TO FILE A DISCRIMINATION COMPLAINT, MILITARY CG-5656F (3-99)

c. NOTICE OF RIGHT TO FILE A DISCRIMINATION COMPLAINT, CIVILIAN CG-5656G (3-99)

d. AUTHORIZATION TO EXTEND COUNSELING, CG-5656E (3-99)

e. COUNSELOR REPORT, MILITARY, CG-5656B, RCN 5350-1

f. COUNSELOR REPORT, CIVILIAN, CG-5656A, RCN 5350-2

g. MEDIATION COMPLETION FORM, CG-5656 (3-99)

h. ANNUAL REPORT ON EEO COUNSELING ACTIVITY, CG-5656C (3-99)

i. DISCRIMINATION INCIDENT REPORT FORM, CG-5696 (3-99)

2. Instructions for when to use the forms listed on this page are included in chapter 5 of this manual. These forms may be obtained through local reproduction from this manual.

Chapter 6 Community Affirmative Outreach

This chapter contains the following information:

Section	Topic	See Page
A	Introduction	6-2
B	Social Climate Incidents	6-2
C	Coast Guard Public Image	6-8
D	Partnership in Education (PIE) Program	6-9
E	Junior Reserve Officers Training Corps (JROTC) Program	6-11
F	Centers of Influence	6-11

This chapter contains the following information in Enclosures:

Enclosure	Title	See Page
1	Procedures for Handling Social Climate Incidents Flowchart	6-13
2	Social Climate Incident Report	6-16

6.A. Introduction

Reaching out to every segment of society to provide a diverse work environment is an important part of preparing the United States for entry into the twenty-first century. Obtaining diversity in every segment of society is important, not only to America's future, but to the Coast Guard's as well. Through partnerships with educational organizations and institutions, which provide enhanced educational opportunities and career awareness for the Nation's youth, the Coast Guard is helping to fulfill the organization's goal of a Coast Guard that mirrors society and values differences. All of these undertakings directly support the Coast Guard's entry into the twenty-first century. By employing outreach programs and ensuring that public and private sector partners recognize the importance of a diverse work environment, the Coast Guard is providing the opportunity for those willing to work for it; maximizing human potential; and advocating respect for cultural differences and respect for our shared values. The efforts increase the availability of quality education and opportunities for everyone, while also providing them exposure to Coast Guard role models and increasing the applicant pool for all Coast Guard programs.

6.B. Social Climate Incidents

6.B.1. Introduction

All Coast Guard military members and their families are part of the civilian community, which should provide a positive social climate, free from harassment and intimidation. A negative environment impacts on the morale of Service members and their families, possibly minimizing job performance and reducing the level of mission accomplishment at a unit.

6.B.2. Definition

Social climate issues refer to hostile reactions or incidents by members of the local civilian community that have a negative impact on the emotional, physical, and/or social well-being of a Service member and his or her dependents. Social climate issues develop when civilian communities in which Coast Guard members are located passively or actively resist accepting and/or supporting Coast Guard families within their neighborhoods. These issues may involve illegal violations of an individual's Civil Rights and/or direct or subtle discrimination.

6.B.3. Description of Resources Available

6.B.3.a. The Community Relations Service (CRS)

The CRS, Department of Justice (DOJ), assists individuals and other agencies in investigating, mediating, and mitigating racial tensions. In addition, they observe trends in communities leading to disruptive conflicts. They also assist Coast Guard personnel with identifying community or civic groups in the vicinity of their commands that can assist in resolving community based complaints by Service members. Their regional offices are informed of the Coast Guard's procedures for processing social climate issues. Commanding officers are encouraged to establish and maintain communications with CRS Regional Offices. The CRS has extensive experience in these matters and has been very helpful in the past in helping Coast Guard commands resolve problems of social climate issues within the civilian community. The Coast Guard signed a Memorandum of Understanding with the CRS on 18 July 1990, describing the responsibilities of both parties. For additional information, contact your local CRS Regional Office or refer to ***http://www.usdoj.gov/offices/crs.html***.

6.B.3.b. Regional Office of Fair Housing and Equal Opportunity

The Regional Office of Fair Housing and Equal Opportunity under the Department of Housing and Urban Development (HUD) can provide assistance in processing housing discrimination complaints. The Fair Housing Act prohibits discrimination in any respect relating to the rental, sale, or refinancing of dwellings or in the provision of brokerage services or facilities in connection with the sale or rental of a dwelling based on race, color, religion, sex, disability, familial status, or national origin. This law is administratively enforced by the HUD, which has regional offices throughout the country where complaints can be filed. An up-to-date listing of these regional offices can be found on their web page: ***http://www.hud.gov/local.html***. For details on the Fair Housing Act and to download the Housing Discrimination Complaint form HUD-903, refer to ***http://www.hud.gov/fhe/fheact.html***. In addition, HUD refers many housing discrimination complaints to state and local Civil Rights agencies and provides Coast Guard Housing Officers with forms for filing a discrimination complaint. Unit Housing Officers assist the Service member in completing the form(s) and submitting the complaint.

6.B.4. Procedures in Handling Social Climate Incidents

Refer to the Procedures for Handling Social Climate Incidents flowchart (Enclosure 1) to determine ideal timelines and step-by-step guidance. Below is a description of each step. Considering that each case is unique, refer to these steps for guidance. In cases where there are multiple alleged social climate incidents, some of these steps and reports may be consolidated for better efficiency.

6.B.4.a. Experiencing a Social Climate Incident

If a member and/or dependents feel that they have experienced a social climate incident, and if the member wants the Coast Guard to take action, the member must immediately notify the command.

6.B.4.b. Conducting a Review

Once the command is notified, the Commanding Officer (CO) shall appoint a Reviewing Officer to conduct a review of the incident. The CO does not have to convene the investigation as an Administrative Investigations Manual (AIM) investigation under the provisions of the AIM, COMDTINST M5830.1, but can refer to the AIM for general guidance concerning informal investigations.

6.B.4.c. Interviews

1. The Reviewing Officer should interview the Service member and anyone else who has knowledge of the incident. The interviews should focus on the facts and perceptions of the incident(s) (e.g., dates, time, persons involved and their specific roles, verbal accounts of the incident, participation of law enforcement officials, actions precipitating the incident, and any other relevant information).
2. If possible, members of the community with knowledge of the incident should be interviewed to acquire facts and perceptions of actions contributing to the incident. If appropriate, the records of law enforcement officials should be reviewed to determine their account of the incident. Interviews should be held with the appropriate civic and community organizations to determine any history of similar incidents in the community. The community's actions and reactions should be noted. When appropriate, CRS should be consulted to determine the extent of their activities in the community and their recommendations as to an appropriate response to the incident.

6.B.4.d. Review Report

After all data are collected, the Reviewing Officer will conduct an analysis and provide a recommendation to the command regarding the merits of the case. The interviews and analysis report should be in the standard Report of Investigation format as shown in Enclosure 5 of the Administrative Investigations Manual (AIM), COMDTINST M5830.1. This complete package will then be forwarded to the CO.

6.B.4.e. Finding of No Social Climate Incident

1. If the command believes no social climate incident occurred, then the member will be counseled of such. The CO may utilize a Military Civil Rights Counselor/ Facilitator (MCRC/F) or Equal Employment Opportunity (EEO) Counselor in providing this counseling.
2. If the member feels the issue is still unresolved, then the CO should ensure that legal advice and counsel are made available to the member. The legal advice and counsel should include a discussion of the member's right to initiate civil suits, either privately or through the Attorney General of the United States, against persons or organizations that he or she feels has violated Civil Rights laws. The legal advice and counseling are there to provide the member a general overview of possible legal options that the member could consider for his or her next steps in addressing this issue.
3. It must be noted that Coast Guard attorneys will not represent the member in a civil suit as per COMDTINST 5801.4A, Legal Assistance Program; however, giving legal assistance to members concerning complaints of discrimination is a legal assistance priority (see paragraph 5h of COMDTINST 5801.4A). Therefore, legal offices may provide advice and assistance of a general nature. If legal recourse is preferred, the Service member should be assisted in requesting such action through a legal aid organization or the NAACP Legal Defense Fund. Following counseling, the commanding officer must forward a summary of actions taken and recommendations to Commandant (G-HI) following the example in Enclosure 2.

6.B.4.f. Finding of Housing Social Climate Incident

If the command believes a social climate incident occurred and the complaint involves housing discrimination, then the command Housing Officer refers the complaint to the state or local Fair Housing Agency or HUD for processing. Coast Guard Housing Officers should establish and maintain a working relationship with the various fair housing agencies in their area. When a housing

discrimination complaint is filed, the command Housing Officer works closely with the Service member and the Fair Housing Agency to resolve the complaint. Once HUD is

contacted, the CO must forward a summary of actions taken and conclusions to Commandant (G-HI) following the example in Enclosure 2.

6.B.4.g. Finding of Other Social Climate Incidents

If the command believes a social climate incident occurred and the complaint does not involve housing, then the command shall contact the CRS. Upon that meeting, the CRS will help initiate and mediate meetings between the CO and local officials and/or involved parties. If the efforts to resolve the dispute are successful (meaning acceptable to the member and/or dependents), then the CO must forward a summary of actions taken and conclusions to Commandant (G-HI) following the example in Enclosure 2. The Service member and his/her family should be provided support in their readjustment to the community. A senior unit representative should consult with appropriate community and/or civic organizations to solicit their assistance in helping the Service member and his/her family readjust.

6.B.4.h. Efforts to Resolve Dispute

If the outcome of the efforts to resolve the dispute are unsuccessful, the CO will counsel the member on his/her options for the next steps. Transfer should only be recommended as a last resort. If the CO decides that a social climate transfer is necessary, then the CO must forward a recommendation, attaching the social climate report as shown in Enclosure 2, via the chain of command to Commandant (G-HI). Commandant (G-HI) will then forward it to Coast Guard Personnel Command (CGPC) with a recommendation for approval or disapproval.

6.B.4.i. Imposing Sanctions

Whether or not a social climate transfer is chosen, the commanding officer has the option to impose sanctions against certain organizations or businesses involved in the dispute. Specific procedures for imposing sanctions are outlined in the Armed Forces Disciplinary Control Boards and Off-Installation Liaison and Operations, COMDTINST 1620.1D. Imposing sanctions is highly encouraged once all efforts for resolution have failed, since it may prevent further incidents and displays the Coast Guard's commitment to fair treatment and equal opportunity for all members. The command may choose to coordinate these efforts with other military units in the area.

6.B.4.j. Bringing a Civil Suit

The member also has the option to begin the civil suit process. Legal advice and counsel procedures should follow restrictions as stated in 6.B.4.e. Following counseling, the CO should report actions taken and conclusions to Commandant (G-HI) following the example in Enclosure 2.

6.B.5. Monitoring and Prevention

COs should be proactive in monitoring the environment and preventing social climate incidents directed at Coast Guard members. Effective measures that can identify and resolve perceptions and such acts include:

a. Utilizing the Human Relations Council to discuss local social climate issues affecting military personnel and their dependents.

b. Establishing local liaison with other military services and Federal agencies to coordinate actions to eliminate any social climate incidents.

c. Obtaining the cooperation of local officials and organizations to ensure non-discriminatory practices apply at all public accommodations, medical facilities, off-base housing, and business establishments.

d. Imposing restrictive sanctions against businesses or facilities that display harassing or illegal treatment of military personnel and their dependents (e.g., placing an establishment "off-limits").

6.B.6. Responsibilities

6.B.6.a. Commandant (G-H)

Commandant (G-H) is responsible for maintaining oversight of the social climate incidents in the Coast Guard. This includes maintaining a database of social climate reports. This database is for official use only and may be made available to CGPC (OPM/EPM) and the Assistant Commandant for Human Resources to address personnel issues.

6.B.6.b. District Commanders

District Commanders are responsible for ensuring proactive methods are being utilized by COs in areas where social climate incidents have occurred. Constant communication with the community and other organizations can help prevent further incidents from occurring in the future.

6.B.6.c. Commanding Officers (COs) Shall:

1. Establish and maintain ongoing communications with local officials and civic groups, which impact the adjustment of Service members and their families to the local community.
2. Encourage Service members to address perceived social climate incidents as quickly as possible. This will give the command the opportunity to address the incident early.

3. Contact his/her servicing legal officer for guidance. The legal officer can advise Service members of any legal recourse available to them in pursuing relief of actions perceived as social climate issues. If legal recourse is preferred, the Service member should be assisted in requesting such action through a legal aid organization or the NAACP Legal Defense Fund (see 6.B.4.e.).
4. Take immediate action to ensure the security of the Service member and his or her dependents. All alternatives to resolving a social climate issue should be attempted: use of community social action agencies, CRS and other Federal agencies, sanctions, or other means. Transfer of a member is the least desirable alternative but remains an option if the severity of circumstances makes it absolutely necessary. The complaint should still be pursued even if the victim member has been relocated from the offending community.
5. Provide social climate reports of incidents as required by this section.

6.C. Coast Guard Public Image

One benefit the Coast Guard derives from developing and implementing educational partnerships, whether at the national or local level, is the opportunity to promote Coast Guard roles and missions. Expanding these opportunities leads to expanded viability of the Coast Guard, which in turn expands the applicant pool for the Coast Guard. Interacting with Coast Guard members on the job and in the classroom demonstrates the importance of developing positive work habits. Participants may even go on to Coast Guard careers, military or civilian. As the Coast Guard develops greater diversity, these partnerships help foster military cohesiveness by providing visible evidence that acceptance and advancement within the Coast Guard are possible for members of all racial and ethnic groups.

6.D. Partnership In Education (PIE) Program

The National and Community Service Act of 1990 provided that agencies design and implement a comprehensive strategy that would involve personnel in partnership programs with elementary and secondary schools. Within that context, the Coast Guard's Partnership In Education Program was designed to enhance educational opportunities and provide career awareness for the nation's youth through direct participation in educational related programs. Through collaboration with students in grades kindergarten through post-secondary Coast Guard personnel volunteer their time and resources by helping students develop to their full potential. These volunteers make a positive impact on the lives of youth by performing, among other things, tutoring, providing classroom presentations, sponsoring field trips, mentoring, and enhancing school environments through rehabilitating school buildings and grounds. (See 2.D.8 of this manual for more information.)

6.D.1. Informal Programs

This Presidential Proclamation resulted in informal PIE Programs within the Coast Guard. For example, local reservists and Auxiliarists in Arizona sponsored outreach activities at elementary schools in their communities. They invited elementary schools to “Adopt a Coast Guard Officer” and learn about Coast Guard missions and its history.

6.D.2. Employee Involvement

The National and Community Services Act of 1990, Public Law, Number 101-610, directs the head of each Federal agency to design and carry out a comprehensive strategy to allow employee involvement in partnership programs with elementary and secondary schools. Pursuant to the National and Community Services Act of 1990, COMDINST 5350.22 (series) was initially issued on 29 August 1991 and revised on 12 May 1994:

a. Establishes the Coast Guard’s PIE: 2000 Program.

b. Encourages partnership programs with schools to enhance educational opportunities and career awareness for students.

c. Provides for an annual Commandant’s award to the Coast Guard units notable results in working with local school systems in their respective communities.

6.D.3. Measures of Effectiveness

Measures of effectiveness of the Coast Guard's implementation of PIE focus on four areas:

a. Excellence in education as measured by evidence of enhanced student learning in reading, math, the sciences, computer learning methods, and drug awareness; increased test scores; and academic achievement awards.

b. Evidence of student participation in off-site educational opportunities, such as field trips, an overnight trip to the Coast Guard Academy, job shadowing, and tours of Coast Guard facilities.

c. Increased student interest in Coast Guard missions, increased student and faculty attendance, and increased morale among members of the units.

d. Improved educational opportunities success rate as measured by activities that show varied participation in classroom instruction from Coast Guard personnel as teacher assistants, lecturers, guest speakers on expert subject matter, tutors, and mentors. In the past, Coast Guard volunteers have provided unique classroom instruction which encompasses science, engineering, English, mathematics, and computer sciences.

6.D.4. Informal Activities

There are also informal PIE activities which are implemented each year. For example, one air station displayed rotary aircraft at 40 elementary schools during 1995. These schools were not included in the Service-wide statistics because this initiative was not an ongoing program at the same school over the school year, but the unit was recognized and commended for its outstanding performance. Another example of informal activities is the landing of "Santa" by helicopter for various schools in many districts. The PIE Program is a "win/win" situation for all units with PIE Programs because the Coast Guard, students, teachers, and community benefit.

6.D.5. Commandant PIE Award Program

The Commandant is aware of the significant and positive impact the PIE Program has on the Coast Guard and the communities where these units are located. COMDTNOTE 5350, Coast Guard PIE: 2000 Program Award Nomination is disseminated Service-wide each year to select candidates for the Commandant's individual and collaborative partnership awards. The Commandant's PIE award program recognizes the best individual and collaborative partnership programs developed and maintained by a Coast

Guard unit or individual each school year. (See chapter 11 in this manual for more information.)

6.D.6. Long-Term Success

The Coast Guard's PIE Program has been successful over the past several years. Each year from 1993 to 1997, there has been an expanded presence in the program in communities where we live and work. The streamlining transition, with major changes in areas of operation and available human resources, resulted in new trends that affect the PIE Program Service-wide. Many units experienced a reduction in the number of volunteers and volunteer hours. This does not indicate a depreciation in the quality of the PIE Program. Past history reveals the Commandant's PIE: 2000 Program Award on two occasions was presented to individual volunteers rather than Coast Guard units. Therefore, quality achievement, excellence in education, improved educational opportunities, and improved Coast Guard visibility are still being maintained at a high level with fewer resources.

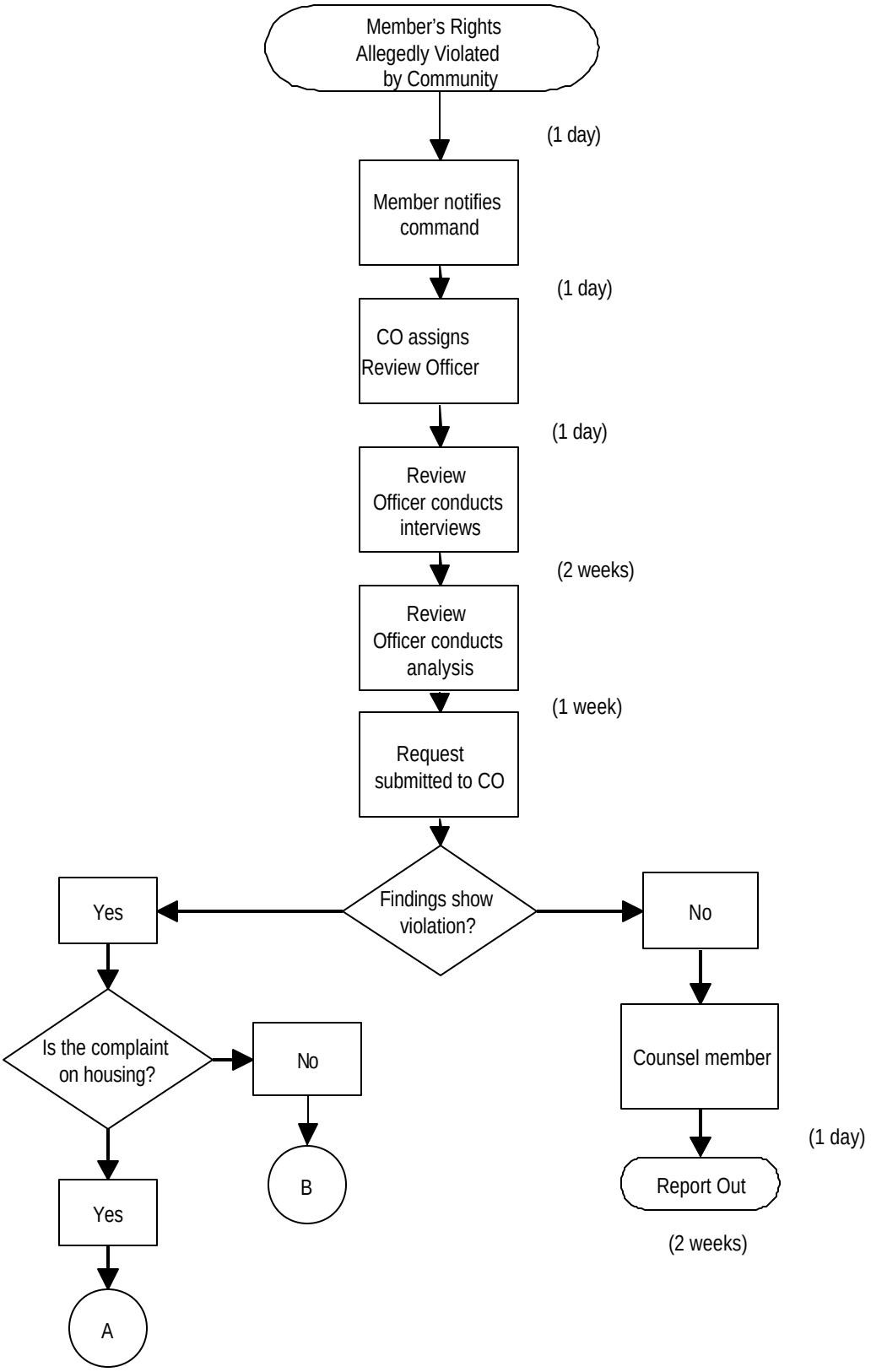
6.E. Junior Reserve Officers Training Corps (JROTC) Program

In December 1989, the President signed legislation to create a Coast Guard JROTC unit at the MAST Academy High School in Dade County, Florida. Named the "Claude Pepper Junior Reserve Officers Training Program," the legislation was specific in location and in having only one ROTC Program. The Claude Pepper JROTC Program is set up pursuant to existing Armed Service JROTC guidelines and is designed for 150 to 200 students from ninth to twelfth grades. The mission of the Claude Pepper JROTC Program is to motivate young people to be better Americans by promoting and encouraging citizenship. The JROTC Program, authorized by public law, has proven effective towards achieving Coast Guard diversity goals by increasing the number of candidates considering application to the Coast Guard Academy.

6.F. Centers of Influence

The Coast Guard is committed to creating an awareness of its missions in inter-city and/or lower income communities. This initiative has been undertaken by the Service participating in major national conventions, sponsoring Coast Guard activities with minority organizations, and recruiting and hiring inter-city and low income students for summer employment. These ongoing efforts will assist the Service in solidifying their relationship with the minority community and address their efforts to achieving diversity in the workforce.

PROCEDURES FOR HANDLING SOCIAL CLIMATE INCIDENTS



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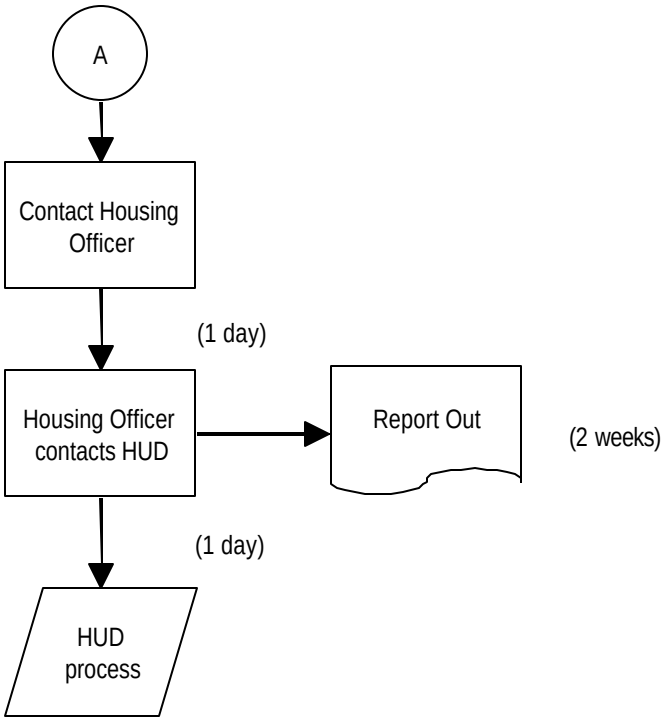

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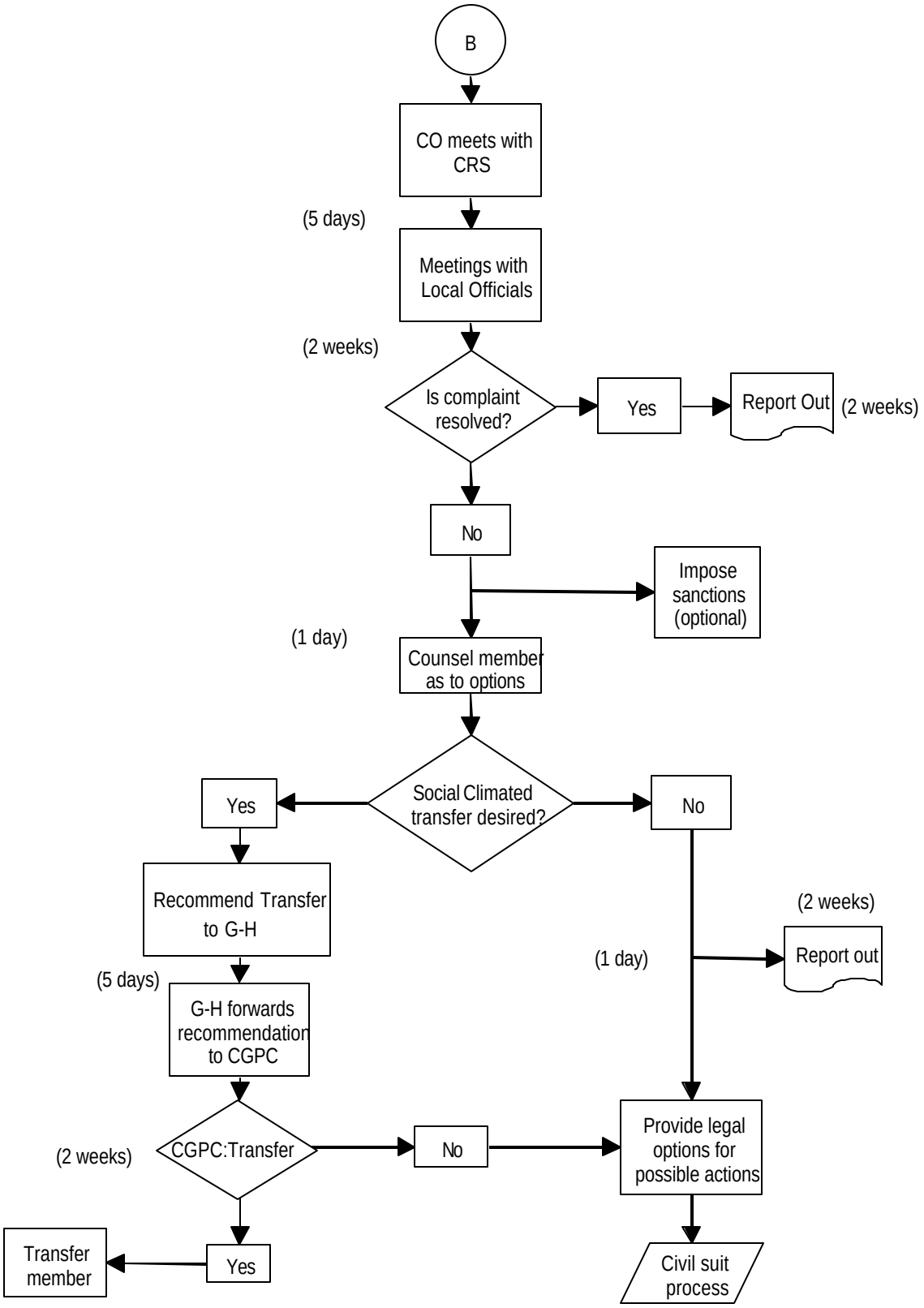

U.S. Department
of Transportation
**United States
Coast Guard**

Commanding Officer
United States Coast Guard
Integrated Support Command
Ketchikan

1300 Stedman Street
Ketchikan, AK 99901
Staff Symbol: CX
Phone: (907) 228-0212
FAX: (907) 228-0213

5350

From: Commanding Officer, Integrated Support Command Ketchikan
To: Commandant (G-H)
Via: Commander, Maintenance & Logistics Command Pacific

Subj: SOCIAL CLIMATE INCIDENT REPORT

Ref: (a) If needed, refer to the Equal Opportunity Program Manual (EOPM), COMDTINST M5350.4 (series)

1. Issue. A concise statement of the incident.

2. Actions Taken. What steps did we take? Summary of meetings, personnel, training, sanctions, personnel transfer, organizations, or agencies contacted, etc. Follow flowchart.

3. Conclusion. Any recommendations. Brief wrap-up.

I. M. CAPTAIN

Encl: (1) Social Climate Review
(2) Any counseling documentation
(3) Any other supporting documents

Copy: Member

Chapter 7. Educational Outreach Programs

This chapter contains the following information:

Section	Topic	See Page
A	Introduction	7-2
B	HBCU	7-3
C	HACU/HSI	7-4
D	CGRIT	7-5
E	College Student Pre-commissioning Initiative	7-5
F	American Indian and Alaskan Native Education Program	7-5
G	Garret A. Morgan Technology and Transportation Futures Program	7-6

7.A. Introduction

With the implementation of the PIE Program with HBCUs, HACU, and HSIs the opportunities of students and faculty to understand the Coast Guard and its missions and career opportunities will be strengthened. Through various partnerships, the Coast Guard, committed to enhancing diversity in its workforce Service-wide, provides opportunities for minority students to consider the Coast Guard as a career option either through the enlistment program, the officer corps, or the civilian workforce.

7.A.1. Coast Guard and Higher Education Outreach

Working cooperatively with the HBCUs, HACU, and HSIs, the Coast Guard can undertake the following:

1. Identify HSIs and HBCUs located near Coast Guard units that have identifiable resources to successfully establish PIE Programs.
2. Create student and faculty awareness of the Coast Guard's missions, people, and opportunities.
3. Provide students with opportunities to achieve first-hand knowledge and experience of how marine science applies to the daily operations of the Coast Guard.
4. Provide opportunities for students to join the Coast Guard military and civilian workforces through the CGRIT, CSPI, and Student Employment Programs.

7.A.1.a. Partnership Program

To implement the partnership program, the Coast Guard targets HSIs and HBCUs within the immediate area of Coast Guard units that have appropriate resources to conduct a partnership program. Working with HSI and HBCU presidents, the needs of the institutions are identified and matched with the available resources of the Coast Guard unit. A formal MOU is executed between the specific school and Coast Guard unit, listing the agreed upon activities to be developed and implemented. Both partners assign a project manager or PIE Coordinator to provide oversight, coordination, and implementation of the program under the MOU.

7.A.1.b. Collaborative Activities

Implementation of these programs in conjunction with existing secondary school partnerships in the area, can result in collaborative activities at the high school level to achieve the following:

1. Motivate students to enter college.
2. Pursue curricula that equip students with marketable skills while attending college.
3. Enhance students' desire to transfer to a 4-year college program to further develop skills, if they are enrolled at a community college.

7.A.1.c. Make Students Academically Prepared

The implementation of this initiative makes students academically prepared to successfully pursue career opportunities in the Coast Guard.

7.A.1.d. Understanding Coast Guard Missions

The HACU and HBCU Programs under the MOU develop sound relationships and liaison with various schools and local communities, and public understanding of the Coast Guard missions through special school and community events. The Coast Guard uses the lessons learned from various partnership efforts to develop a model for Service-wide implementation of a PIE Program.

7.B. HBCU

The HBCU Program is mandated by Executive Order 12876 and implemented by the Coast Guard through Commandant Instruction 5354.3 (series). The purpose of the HBCU program is to advance the development of human potential, to strengthen the capacity of historically Black colleges and universities to provide quality education, and to increase opportunities to participate in and benefit from Coast Guard programs. Students attending HBCUs participate in various scholarships, tuition assistance, and student employment programs. There are also opportunities for HBCUs to participate in Boating Safety Grants. HBCU campuses are visited for the purpose of recruiting students for the Coast Guard's military/civilian workforce. (See the position description for the HBCU Coordinator in section 2.D.9 of this manual.) The HACU program is a similar effort that establishes a partnership with schools that have 25% or more Hispanic student enrollment (see below).

7.B.1. Boating Safety Grants (14 USC, Section 822, Auxiliary Manual (Commandant Instruction M16790.1 (series))

The Coast Guard's Boating Safety Grants Program allocates approximately $1.8 million each year to be awarded to national nonprofit service organizations to conduct activities in support of national boating safety. HBCUs do not qualify as national nonprofit service organizations, but the Coast Guard has developed guidance

designed to enable HBCUs to participate in recreational boating safety grant projects. The guidance contains information on how HBCUs can set up a working relationship with eligible nonprofit service organizations. Under this arrangement, the National Association for Equal Opportunity in Higher Education (NAFEO) acts as the HBCU Program's coordinating organization for projects.

7.C. HACU/HSI

7.C.1. Executive Order 12900, Memorandum of Understanding (MOU) of 2/17/93 Between Coast Guard and Hispanic Association of Colleges and Universities (HACU)

In support of Executive Order 12900, Educational Excellence for Hispanic Americans, the Coast Guard has collaborated with the HACU to develop and implement innovative programs to increase participation in Coast Guard-sponsored programs and to increase maritime educational opportunities for Hispanic Americans. This partnership in education has been formalized through a MOU.
(See the position description in section 2.D.9 of this manual.)

7.C.1.a. Hispanic Serving Institution (HSI) Campuses

The PIE Program presents an opportunity for the Coast Guard and the HACU to strengthen and enhance educational excellence on HSI campuses (schools that have 25% or more Hispanic student enrollment). This initiative expands opportunities for students to become knowledgeable about the HACU and the Coast Guard.

7.C.1.b. Student Employment Program (5 CFR, Subsection 213.3202(a)-(d))

The Student Employment Program provides opportunities for students attending HSI campuses and HBCUs to obtain exposure to careers in the Coast Guard while gaining work experience and earning income to help with school expenses. Students are employed at various Coast Guard facilities nationwide. The students participate in this program through their counseling and placement offices.

7.D. Coast Guard Recruiting Initiative for the Twenty-First Century (CGRIT), Commandant Instruction 5354.6(series)

CGRIT is a program designed to expand the pool of applicants who can qualify for the Coast Guard Academy and Officer Candidate School (OCS). Since they are the gateways to the Coast Guard for virtually all officers, this program will, over time, have a far-reaching effect on the Service's officer corps. The goal of CGRIT is to identify qualified applicants for the Academy, the College Student Pre-commissioning Initiative (CSPI), and OCS.

7.E. College Student Pre-commissioning Initiative (CSPI), Commandant Instruction 1131.16(series)

The CSPI, formerly known as Minority Officer Recruiting Effort (MORE) Program was developed in 1989 to increase minority colleges' and universities' participation in the Coast Guard officer corps. The program supports scholarships, which pay full tuition and books for full-time HBCU/HACU/HSI students in their junior and senior years. These students enlist in the Coast Guard with the intent of attending OCS upon graduation. CSPI students receive full pay and benefits, which include monthly pay, medical and dental care, and 30 days paid vacation.

7.F. American Indian and Alaskan Native Education Program

7.F.1. Executive Order 13083, Federalism and Executive Order 13084, Consultation and Coordination with Indian Tribal Governments

The United States Government has a unique legal relationship with Native American tribal governments as set forth in the Constitutions of the United States, treaties, statutes, and court decisions. Executive Order 13083 and Executive Order 13084 outline principles that executive departments and agencies must follow in their interactions with Native American tribal governments. The purpose of these directives is to clarify agency responsibility to ensure that the Federal Government operates within a government-to-government relationship with federally recognized Native American tribes. The fundamental mission of the Department of Transportation is to serve the United States by ensuring a fast, safe, efficient, accessible, and convenient transportation system that meets vital national interests

and enhances the quality of life of the American people, today and into the twenty-first century. In carrying out these responsibilities, the Coast Guard will consider Tribal interests in formulating Service policy. The Coast Guard will also ensure appropriate involvement of Tribal Governments in making decisions and managing Service programs that may affect reservation policies.

7.F.2. Executive Order 13096, American Indian and Alaska Native Education

Executive Order 13096 affirms the unique political and legal relationship of the Federal Government with tribal governments. The Federal Government has a special, historic responsibility for the education of American Indian and Alaska Native students. Improving educational achievement and academic progress for these students is vital to the national goal of preparing every student for responsible citizenship, continued learning, and productive employment. In recognition of the unique educational and culturally related academic needs of America Indian and Alaska Native students, six goals were defined to assist Federal agencies to help fulfill its commitment to the students. These goals are: (1) improving reading and mathematics; (2) increasing high school completion and postsecondary attendance rates; (3) reducing the influence of long-standing factors that impede educational performance, such as poverty and substance abuse; (4) creating strong, safe, and drug-free school environments; (5) improving science education, and (6) expanding the use of educational technology.

7.G. Garrett A. Morgan Technology and Transportation Futures Program (GAM)

At the 1997 Summit for America's Future, President Clinton charged each Federal agency with ensuring that America's children have marketable skills for the twenty-first century jobs. As a part of the Department of Transportation's commitment to the President's challenge, the Secretary announced the establishment of the Garrett A. Morgan Technology and Transportation Futures Program (GAM). This Program is an educational initiative that will ensure that today's generation is prepared to become the transportation workforce of the twenty-first century. There are four components of the GAM Program.

7.G.1. Math, Science, and Technology Literacy Challenge (K-12)

This component challenges the Coast Guard to provide students in grades K-12 with positive incentives for attaining math, science, and technology literacy. This Program is designed to stimulate public and private partnerships to help educators integrate

transportation components into the curriculum for each grade level, thereby making math and science relevant to the students.

7.G.2. Community College Partnership

Well trained, efficient transportation workers are crucial to the safety and competitiveness of the nation's transportation system. A high school diploma no longer guarantees the skills level necessary for today's transportation-related jobs. Experienced transportation workers find that they need additional training in transportation and/or technology to keep up with the demands of their current positions. Community colleges are often well suited to meet the requirements of both. The GAM Program seeks to identify and support collaborative efforts with community colleges, junior colleges, technical schools, and the private sector to assist the Department in developing a technological transportation workforce.

7.G.3. Undergraduate and Graduate Opportunities

In the face of increasing globalization of transportation, the nation's institutions of higher learning must prepare graduates to deal with transportation as a complex field involving systems with global dimensions. The GAM Program goals will, among other factors:

1. Integrate multidisciplinary and intermodal transportation curricula into the degree programs of the Coast Guard Academy and the Merchant Marine Academy.
2. Increase student interest in transportation degree programs through transportation internships and specialized summer program.

7.G.4. Life-long Learning

Changes in technology and management systems have caught many transportation workers unprepared. Given the rapid pace of change, they need continuing education regarding the latest technology advances and management tools. The GAM Program will stimulate collaborative partnerships to ensure the availability and accessibility of continuing education programs for employees in the transportation field to keep pace with technological and management innovations.

Chapter 8. Environmental Justice Strategy

Executive Order 12898 requires Federal agencies to address and identify any of its programs, policies, or activities that may have disproportionately high and adverse human health or environmental effects in minority and/or low-income populations. The Coast Guard operates cutters, aircraft, and boats for search and rescue, drug law enforcement, and ice operations; stores fuel underground for its aircraft and ships; and maintains a buoy system for U.S. navigation system. Some of the facilities or sites from which the Coast Guard carries out its activities are located in or near minority and/or low- income populations. The Coast Guard is responsible for ensuring its programs, policies, and activities are in conformance with the Executive Order.

Chapter 9. State Recreational Boating Safety Grant Program

Title VI of the Civil Rights Act of 1964 states that no person or persons shall be excluded in the participation of, be denied the benefits of, or be subject to discrimination in any program or activity receiving Federal financial assistance on the basis of race, color, or national origin. The Coast Guard provides funds to State agencies and nonprofit organizations under its State Recreational Boating Safety grant program for the purpose of States' administering a comprehensive and effective boating safety program. The Coast Guard is responsible for ensuring its grant recipients do not discriminate in the distribution of services and benefits under this financial assistance program.

Chapter 10. Individuals with Disabilities Program

Section 504 of the Rehabilitation Act of 1973, as amended, and Americans with Disabilities Act (ADA) of 1990 state that no person shall be excluded from participation in, be denied the benefits of, or be subject to discrimination in any program or activity receiving Federal financial assistance on the basis of his or her disability. As a result, the Coast Guard is responsible for ensuring that any person or persons are not discriminated against in any Coast Guard-sponsored program or activity on the basis of their disability. This includes, but is not limited to, the following: employment opportunities; equal access to Coast Guard-sponsored facilities; participation in Coast Guard sponsored programs or activities such as the Boating Safety training course.

Chapter 11 Awards and Recognition

This chapter contains the following information:

Section	Topic	See Page
A	Introduction	11-2
B	Image, NAACP, and FAPAC Awards Process	11-3
C	EEO Counselor of the Year Award	11-8
D	Partnership in Education: 2000 Award	11-9

This chapter contains the following information in Enclosures:

Enclosure	Title	See Page
1	PIE Program Sample Nomination Form	11-13

11.A. Introduction

Each year, the Coast Guard, along with the other military Services, participates in national awards ceremonies to recognize military and civilian members of the Services who have made significant contributions to Civil Rights and equal opportunity. The three national Civil Rights organizations that recognize achievements in the military Services are the National IMAGE, Inc.; National Association for the Advancement of Colored People (NAACP); and the Federal Asian Pacific American Council (FAPAC). National IMAGE, Inc., is the fourth largest Hispanic Civil Rights organization in the nation. The FAPAC Leadership Award is an award instituted in 1998 that recognizes achievements of Asian Pacific Americans in the military. These organizations hold their annual convention or conference in a different city each year. Funding for travel and lodging of the award recipients is provided by Commandant (G-H). Commandant (G-H) coordinates and awards the EO Counselor of the Year Award (for military and civilian counselors) and the Partnership in Education: 2000 Award.

11.B. Image, NAACP, and FAPAC Awards Process

Generally, Commandant (G-H) will follow this timeline for the awards process:

Activity	Timeline
Solicit award nominations by ALDIST Message	Late December - Early January
Nomination packages due to G-H	March 15
Selection board convenes and makes recommendations to G-H	During the week of March 15
G-H approves recommendations and notifies nominees of selection or non-selection.	During the week following selection board date
Provide award winners' names and nomination packages to DOD for inclusion in banquet programs.	April 1
Publish the award winners' names and accomplishments by ALDIST Message.	Prior to awards banquets
Annual IMAGE conference and military awards banquet	May
Annual FAPAC conference and awards banquet.	May
Annual NAACP convention and military awards banquet	July

11.B.1. Nominations

Any military or civilian member of Team Coast Guard may submit nominations for the given awards to Commandant (G-H). Nominations for each award are accepted for one member per command and must be endorsed by the unit CO in their chain of command. Nomination packages should include:

a. A nomination letter (Coast Guard letter format), no more than 2 pages long, describing how the nominee meets each of the criteria listed on the following pages for the given award and any additional criteria listed in ALDIST message soliciting nominations.

b. Endorsement from the unit CO or commander.

2. A recent head-and-shoulders color photograph of the nominee in service dress blue bravo for military members, or equivalent attire for civilians. The winners' photos are used in the awards banquet programs. Photos will not be returned.

3. A 1-page biography of the nominee.

4. All nominations must be received by Commandant (G-H) by 15 March. Advance fax copies of nomination packages are accepted.

11.B.2. Selection Process

11.B.2.a. Commandant (G-H) shall:

1. Appoint a selection committee to review nominations and make recommendations to G-H. Usually a single selection committee reviews nominations for the IMAGE awards, Roy Wilkins Award, and the FAPAC Leadership Award.
2. Select and notify the Coast Guard award winners.
3. Provide the Deputy Assistant Secretary of Defense (Equal Opportunity) with the award winners' names, photos, and nomination packages for inclusion in the banquet programs.
4. Fund travel and lodging expenses for the award winners to attend the week-long conference or convention and the awards banquet.
5. Publicize the names and accomplishments of the award winners by ALDIST message.

11.B.2.b. Selection Boards

Selection boards use the criteria for each award as references when making their award recommendations. Current (1998) criteria are listed below. ALDIST messages soliciting award nominations will contain up-to-date criteria and nomination procedures. Nomination letters should address each of the criteria listed for the target award.

11.B.3. National IMAGE, Inc., Meritorious Service Award

11.B.3.a. Description

1. The National IMAGE, Inc., Meritorious Service Award recognizes members of the Armed Services for their achievements in the field of Civil Rights. All five military Services submit nominations. The nominations are not limited to individuals currently in full- or part-time Civil Rights positions. For the Coast Guard, the award is open to any military member who has contributed to or performed significant acts that have had an impact on improving human relations and equal opportunity within the Service.
2. Two award winners are normally selected from each of the five Armed Services. Presentation of the awards is made at the National IMAGE, Inc., "Salute to Hispanics in the Military" banquet during the organization's annual training conference, usually held during May.

11.B.3.b. Selection Criteria

All military members of the Coast Guard and Coast Guard Reserve are eligible for this award. Nomination letters must describe how nominees have distinguished themselves through significant contributions to their Service and the nation by:

1. Promoting the tenets of civil/human rights, race relations, equal opportunity, affirmative action, and public service programs.
2. Supporting and contributing to advance the Civil Rights of Hispanics.
3. Endorsing the full integration and promotion of minorities and women within the Armed Forces.
4. Promoting a positive understanding of the Armed Forces among and between Hispanics and non-minority members of the military and civilian population.
5. Fostering an innovative and creative environment between the military and civilian community of all races and ethnic backgrounds benefiting the employees and/or residents.
6. Promoting programs and activities to advocate equal opportunity for Hispanics within the Federal workplace.
7. Displaying exceptional qualities to distinguish the individual as an outstanding leader.
8. Believing in and practicing the tenets of the U.S. Constitution and the democratic society that all persons are created equal, and freedom is a God-given right protected vigilantly at all times.

11.B.4. NAACP Roy Wilkins Renown Service Award

11.B.4.a. Description

1. One military or civilian member from each of the military Services is selected for the Roy Wilkins Renown Service Award. The NAACP recognizes Coast Guard and DOD award winners at the annual Armed Services and Veterans Affairs Dinner at their annual convention, usually held during July.
2. The award recognizes a military or civilian member working in any office or field position and of any grade, rank, or service level. The individual must have demonstrated leadership in Civil Rights/human relations by meeting the criteria listed below. Any military or civilian member is eligible for the award. Nominations are not restricted to Civil Rights/EO Program workers but are encouraged for all deserving members of Team Coast Guard.

11.B.4.b. Selection Criteria

Nomination letters for the Roy Wilkins Renown Service Award must address the following criteria and describe how the nominee:

1. Made a significant contribution to the country in the area of civil and human rights, race relations, equal opportunity, affirmative action, human resources, or public service.
2. Enthusiastically supported the Civil Rights movement.
3. Supported the full integration and promotion of minorities and women within the Armed Services.
4. Fostered support and understanding of the Armed Services among and between minority and non-minority members of the military and civilian population of the nation.
5. Fostered an innovative and creative involvement within a community (military or civilian) resulting in positive action on behalf of the residents.
6. Fostered better understanding between the races both in the Armed Forces and the private sector.
7. Has been committed, involved, and dedicated to the Civil Rights movement in the federal sector.
8. Has, by his or her actions, made personal sacrifices resulting in significant contributions to civil and human rights.
9. Has displayed the outstanding qualities distinguishing him or her as a leader.
10. Believes in and practices the tenets of a democratic society, including the U.S. Constitution, the belief that all people are created equal, and freedom is a God-given right protected vigilantly at all times.

11.B.5. FAPAC Leadership Award

11.B.5.a. Description

1. FAPAC is an interagency association that addresses issues that promote and establish effective and equitable participation of Asian Pacific Americans in the Federal workforce. FAPAC plans and organizes program activities that highlight the contributions, achievements, and aspirations of Asian Pacific Americans in public service, culminating with their Annual Conference held each year in May, which is Asian Pacific American Heritage Month.
2. The FAPAC Meritorious Service Award recognizes military members of the Armed Services (and retirees) for their achievement in the field of Civil Rights and Asian

Pacific American issues. All five military Services submit one nomination each. The nominations are not limited to individuals currently in full- or part-time Civil Rights positions. For the Coast Guard, the award is open to any military member who has contributed to or performed significant acts that have had an impact on improving human relations and equal opportunity within the Service and the Asian Pacific American community.

3. The single award winner from the Coast Guard is presented with the FAPAC Meritorious Service Award at a dinner banquet during the Annual FAPAC Congressional Seminar and National Leadership Training Conference.

11.B.5.b. Selection Criteria

All military members of the Coast Guard and Coast Guard Reserve (and retirees) are eligible for this award. Nomination letters must describe how nominees have distinguished themselves through significant contributions to their service and the nation by:

1. Fostering an innovative and harmonic environment between the military and civilian community of all race and ethnic backgrounds that benefits the employees and/or residents.
2. Assisting the work force in overcoming discrimination and eliminating barriers that hinder equal opportunity for women and minorities in the Armed Forces.
3. Promoting the tenets of civil/human rights, race relations, equal opportunity, affirmative action, human relations and public service programs.
4. Allowing employees to participate in program activities that will benefit the career development of Asian Pacific Americans in the community.
5. Creating job or training opportunities that support and contribute to the advancement of Asian Pacific Americans in their employment with the Federal government.
6. Maintaining personal interests and efforts in achieving FAPAC's goal to promote equal opportunity, either outside their job duties or beyond original job responsibilities.
7. Serving Asian Pacific Americans in the community and in government by reaching out and continuing education, setting an example for others to follow.
8. Encouraging other leaders to promote EEO program activities that advocate equal opportunity for Asian Pacific Americans and members of the military and civilian population.

11.C. EO Counselor of the Year Award

11.C.1. Purpose

This section issues guidance for the Coast Guard's EO Counselor of the Year Award, including eligibility criteria and nominating procedures.

11.C.2. Background

a. DOT's realignment of the discrimination complaint process resulted in a new emphasis on informally resolving complaints at the lowest levels, while the complaint is still under the Coast Guard's jurisdiction. Military Civil Rights Counselor/Facilitators (MCRC/Fs) and EEO Counselors have an enormous responsibility in this effort. These counselors serve as a bridge between employees, members, and management and, wherever possible, attempt to resolve allegations of discrimination. These EO Counselors are responsible for conducting inquiries into allegations of discrimination while remaining objective and impartial. They are neither advocates for management nor representatives of the complainant.

b. In spite of the challenging circumstances, EO Counselors are successful in resolving the majority of the allegations of discrimination that are brought to their attention. Outstanding contributions to the EO Counseling Program are to be recognized each year through a Coast Guard EO Counselor of the Year Award.

11.C.3. Discussion

The EO Counselor of the Year Award recognizes the outstanding contribution EO Counselors make to the success of the EO Program. The award period is from 1 June through 31 May of each year.

11.C.4. Eligibility

All military and civilian EO counselors are eligible for this award. Please note that each Coast Guard unit is assigned one nomination quota for the award.

11.C.5. Selection Criteria

Selections are based on evaluations of the following four criteria:

a. **Achievement in Resolving Complaints**: Demonstrated results in achieving the informal resolution of EO complaints.

b. **Objectivity and Neutrality**: Demonstrated ability to remain objective and neutral in the face of complex and/or conflicting information. Ability to remain calm in the midst of emotionally charged situations.

c. **Personal Commitment to Equal Opportunity**: Demonstrated willingness to support the EO and Civil Rights Programs.

d. **Communication**: Demonstrated ability to communicate clearly and concisely, both orally and in writing. Generates high quality EO Counselor reports. Is responsive to employees, members, and management on questions regarding the Coast Guard's discrimination complaint process.

e. **Knowledge of Procedures Governing the Complaints Process**: Demonstrated a sound working knowledge of the rules and regulations governing the Coast Guard's discrimination complaint process. Is aware of the relationship between the discrimination complaint processes and other administrative avenues of redress.

11.C.6. Nomination Procedure

All Coast Guard units review nominations from their commands and choose one nominee for the award and forward the nominations to Commandant (G-H).

a. Individuals making nominations submit their nominations through the chain of command in their geographic area.

b. All nominations for awards are forwarded to Commandant (G-H) by 31 May.

11.C.7. Recognition

Each year, one nominee will be selected EO Counselor of the Year by Commandant (G-H). All EO Counselor of the Year Award winners are recognized with a plaque, and their names are added to the Master Plaque retained at Coast Guard Headquarters in the Assistant Commandant of Civil Rights' office.

11.D. Partnership in Education: 2000 Award

11.D.1. Background

The Partnership In Education (PIE) Program is designed to enhance educational opportunities and career awareness for the Nation's youth through direct participation in education-related programs. Outstanding achievements in this program are to be recognized each year through a Coast Guard Partnership In Education: 2000 Award.

11.D.2. Discussion

The Partnership In Education: 2000 Award recognizes the very best individual and collaborative partnership programs developed and/or maintained by a Coast Guard unit and/or individual (regular, reserve, Auxiliary, retiree, or civilian) during the award period.

11.D.3. Award Categories

The award is given in two categories:

1. Best individual partnership program, a cooperative effort between a Coast Guard unit(s) or individual(s) and a school(s).
2. Best collaborative partnership program, in which one or more Coast Guard units coordinate with one or more community organizations to pool resources to assist one or more schools.

11.D.4. Eligibility

All Coast Guard units or individuals that have entered into and/or maintained an active individual partnership program or collaborative partnership program, as defined by 3.D.8.c. (1) and (2), during the award period are eligible for nominations for these awards. Each Coast Guard unit is assigned one nomination quota for each of the two award categories.

11.D.5. Selection Criteria

Selections are based on evaluations of the following four criteria:

a. **Quality Achievement**: The results of accomplished pre-stated goals and objectives that impact on units and schools (e.g., improved test scores, increased morale among members of the units, increased student interests in Coast Guard missions, increased student and faculty attendance, and role models).

b. **Excellence in Education**: Documented evidence of enhanced student learning in the areas of reading, math, the sciences, computer learning methods, and drug awareness (e.g., increased test scores, writing essays resulting in academic achievement awards, improved reading and writing skills by developing newsletters, computerized learning instructional techniques). Documented evidence of student participation in off-site educational opportunities (e.g., field trips, job shadowing, and tours of facilities).

c. **Improved Educational Opportunities**: Varied participation in classroom instruction as teacher assistants, lecturers, guest speakers or subject matter experts, tutors, and mentors. Unique classroom instruction encompasses science, engineering, and computer sciences (e.g., computer literacy program and science projects such as

potential vs. kinetic energy, solar power, evaporation and condensation, and marine science projects).

d. **Improved Coast Guard Visibility**: Documented evidence of sound relationships and liaison with various schools and local communities, as well as public understanding of the Coast Guard missions (e.g., special school and community events, open houses and tours, positive working relationships with Government/civic leaders, special recognition awarded to unit).

11.D.6. Nomination Procedure

The award period is from 1 September through 31 May of each year. All nominations should include the following information (see Enclosure 1):

a. Category of nomination: individual or collaborative.

b. Unit(s), address, phone and fax number.

c. Collaborative partner(s), address, and phone number.

d. Name and address of partner school(s).

e. Number and age/grade of students participating.

f. Total number of Coast Guard personnel—military, civilian, reserve, retirees, or Auxiliary personnel—participating as volunteers in the program.

g. Approximate number of total volunteer hours during the award period.

h. A description of the individual partnership or collaborative partnership program, not to exceed one single-spaced, typewritten page, addressing at a minimum the following areas:

1. Activities conducted and how they relate to key elements of the partnership program, citizenship, or other goals established between the partners.

2. Innovative and unique approaches to PIE Programs.

3. Demonstrated effectiveness in improving student academic, health/fitness, and/or citizenship performance. If possible, attach a statement or evaluation provided by the school partner.

4. Other benefits realized from the program, (e.g., benefits to volunteers, the unit, the community).

5. Local, state or national recognition of the PIE Program or school(s).

6. For collaborative partnerships, the extent of cooperation with public and/or private sector organizations, such as businesses, colleges, universities, churches,

foundations, community groups, Government, labor unions, media groups, hospitals, or other military Services to pool resources for partnership efforts.

11.D.7. Recognition

All Partnership In Education: 2000 Award winners are recognized with a plaque. All units which submit nominations will receive special recognition through a letter of commendation.

11.D.8. Action

1. All Coast Guard units review nominations from their commands and choose one nominee from each category for the award and forward the nominations to Commandant (G-H).
2. Individuals should submit their nominations through the chain of command in their geographic area. All nominations for the PIE 2000 Awards are forwarded to Commandant (G-H) by the date and in the format contained in the Commandant Notice 5350 that is issued each year.

PIE PROGRAM AWARD SAMPLE NOMINATION FORM

Sample Nomination Form

Category of nomination: Individual _____ Collaborative _____

Unit: _____

Address: _____

Phone: ( ) _____ Fax: ( ) _____

PIE Coordinator: _____

School Partner(s): _____

_____

_____

Collaborative Districts/Units: _____

_____

_____

Community Partner(s): _____

_____

_____

Number of: Students Participating

Number	Grade(s)
_____	_____
_____	_____
_____	_____

Number of: Volunteers:

Category		Volunteer Hours
Military	_____	_____
Civilian	_____	_____
Reserve	_____	_____
Auxiliary	_____	_____
Retirees	_____	_____
Other	_____	_____

PIE PROGRAM AWARD SAMPLE NOMINATION FORM

On a separate sheet provide the following information:

1. The name of the program (if applicable) and a brief description of the program including its objectives.

2. List typical activities and how they relate to key elements of PIE: 2000 program's education and citizenship activities.

3. Innovative and/or unique aspects of the partnership program.

4. Measures of the effectiveness of the program. (These should relate directly to program objectives).

5. List other benefits that were realized as a result of the partnership program. (These may include benefits to volunteers, the unit, the community, etc.).

6. Any local, state or national awards/recognition of the partnership program.

7. For collaborative partnerships, indicate the method and scope of your cooperation and coordination with other partners.

Attach any endorsements or amplifying documents, label them clearly. Do not forward certificates unless they contain substantive information not covered in items 1-7 above. You can also submit photographs and videotapes of your partnership program.