

U.S. Department of
Homeland Security

United States
Coast Guard



EQUAL OPPORTUNITY

MANUAL

COMDTINST M5350.4B



Commandant
United States Coast Guard

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COMMANDANT INSTRUCTION M5350.4B

Subj: COAST GUARD EQUAL OPPORTUNITY 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 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, Judge Advocate General, and special staff offices at Headquarters shall ensure compliance with the provisions of this Manual. Internet release is authorized.
3. DIRECTIVES AFFECTED. The Coast Guard Equal Opportunity Manual, COMDTINST M5350.4A is cancelled.
4. MAJOR CHANGES. Major changes in this Manual include:
 - a. Improved explanation of the duties & responsibilities of field Civil Rights Service Providers (Area Civil Rights Directors, Civil Rights Officers, Equal Opportunity Advisors, etc.)
 - b. Improved description of the process to follow when a Social Climate Incident is alleged.
 - c. Changes throughout the manual to reflect the organizational change from G-H to G-CR.
 - d. Changes in the delivery of Sexual Harassment Prevention training.
 - e. Changes in funding authority for Cultural Observance Events.

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NON-STANDARD DISTRIBUTION:

- f. Revised information on the unit climate survey available from the Defense Equal Opportunity Management Institute.
- 5. REQUESTS FOR CHANGES. Recommendations for improvements to the Coast Guard Equal Opportunity Manual should be submitted to Commandant (G-CR) via the chain of command.
- 6. REPORTING REQUIREMENTS. Reporting requirements are detailed in chapter 3.
- 7. ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATIONS. Environmental considerations were examined in the development of this Manual and have been determined to be not applicable.
- 8. FORMS/REPORTS. The form for the Equal Employment Opportunity Commission's Management Directive 715 annual self-assessment will be provided to those units required to complete the self-assessment each year when it is received from the EEOC.

J. R. SMITH /s/
Acting Director of Civil Rights

Equal Opportunity Manual

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Chapter 1. Introduction

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Section A. Program/Manual Introduction

Overview

Introduction This section contains an introduction to the Coast Guard's Equal Opportunity (EO) Program.

In this Section This section contains the following topics:

| Topic | Topic Name | See Page |
|--------------|--|-----------------|
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| 2 | About the Equal Opportunity (EO) Manual | 1-A-7 |
| 3 | The Chain of Command Concept | 1-A-11 |

1. About the Equal Opportunity (EO) Program

Introduction

This topic provides information for the Coast Guard's Equal Opportunity (EO) Program. The Coast Guard mandates that all members of Team Coast Guard – active and reserve military, civilian, non-appropriated fund employees, and auxiliary – are to be treated fairly and with respect. Everyone should be provided the opportunity to work 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.

a. The Purpose of the EO Program

The purpose of the Equal Opportunity (EO) Program is to proactively pursue a workforce that reflects the labor force and a workplace climate that fully embraces the Coast Guard's core values of:

- Honor,
- Respect, and
- Devotion to duty.

The Coast Guard's EO Program has been developed to support this policy and must be carried out in the day-to-day actions of all personnel.

b. Program Vision

The vision of the Coast Guard EO Program is to be the conscience, champion, and advocate for a Coast Guard workforce that reflects the labor force and values differences among individuals. This allows everyone to reach his/her full potential as a member of Team Coast Guard.

This vision also reinforces 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. Every member – regular or reserve military, civilian and auxiliary – is vital to the Coast Guard's overall missions.

Continued on next page

1. About the Equal Opportunity (EO) Program, Continued

c. Program Goals

The foundation of the EO Program is in laws and regulations. However, Coast Guard members must reach beyond mere compliance to ensure that the following objectives are met:

- Proactively pursue a workplace climate that fully embraces our core values;
- Build an organizational culture that:
 - Values diversity;
 - Enables personal growth and personal achievement;
 - Builds a workforce that reflects the American labor force; and
 - Creates an environment free of discrimination and harassment.
- Meet public needs by:
 - Allocating grants based upon a proposal's merit and potential contributions to Coast Guard missions and public policy objectives; and
 - Assuring Coast Guard facilities do not have an adverse environmental impact on minority and/or low-income communities.

Continued on next page

1. About the Equal Opportunity (EO) Program, Continued

d. Program Missions

The Coast Guard's Civil Rights Program has the missions listed below.

Director of Civil Rights (G-CR) Mission

The mission of the Civil Rights staff is to provide policy and oversight for equal opportunity, affirmative action and human relations awareness and prevention of sexual harassment 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.

Field Missions

The Five Field Civil Rights Missions guide field commanders in proactively implementing the EO program within their respective commands and Areas of Responsibility (AOR):

- Demonstrate command leadership.
- Develop an organizational culture that values diversity.
- Correct civilian workforce imbalances.
- Resolve complaints at the lowest level;
- Promote affirmative outreach in the community.

Reference: For information on the Five Field Civil Rights Missions, see [Chapter 1.B.1](#) in this manual.

e. Delivery of EO Programs and Services

The delivery of EO programs and services is dependent on the roles and general responsibilities listed in the table below:

| Roles | General Responsibilities |
|-------------------|---|
| Commandant (G-CR) | <ul style="list-style-type: none"> • Develop and promulgate Coast Guard-wide policy; • Acquire and allocate resources; and • Provide timely oversight and support of the field's implementation of EO Program. |

Continued on next page

1. About the Equal Opportunity (EO) Program, Continued

e. Delivery of EO Programs and Services (continued)

| Roles | General Responsibilities |
|--|---|
| Commandant (CG-1) | <ul style="list-style-type: none"> • Develop and promulgate Coast Guard-wide policy relating to diversity and outreach. |
| Area, District, Maintenance & Logistics Commanders, Commandant (G-CCS), and HQ unit Commanding Officers (with full-time Civil Rights Officers) | <ul style="list-style-type: none"> • Serve as senior EO officer for the AOR responsible for managing, implementing and monitoring the Equal Opportunity (EO) Program; • Directly oversee implementation of Civil Rights and EO Program within AOR, ensuring unit performance meets program standards; • Bring a global perspective to the Five Field Civil Rights Missions; and • Guide and support assigned Civil Rights Service Providers (CRSPs) in the performance of their duties. |
| Field Unit Commanders | <ul style="list-style-type: none"> • Lead unit accomplishment of the Five Field Civil Rights Missions; • Formulate and implement appropriate unit-level programs; • Clearly state expectations and standards; and • Hold all subordinates accountable. |
| Field CRSPs | <ul style="list-style-type: none"> • Provide direct, daily support and guidance to unit leaders and personnel; and • Plan, implement, manage, and evaluate the field EO Program. |

Reference: For more specific information on the roles and responsibilities for

- Headquarters, see [Chapter 2.B](#) in this manual.
- Field CRSPs, see [Chapter 2.C](#) in this manual.
- Defense Equal Employment Opportunity Management Institute, see [Chapter 2.D.1](#) in this manual.

Continued on next page

1. About the Equal Opportunity (EO) Program, Continued

**f. How Success
Is Achieved**

Success in this program is achieved through:

- Visible leadership and commitment;
- Program implementation within the chain of command;
- Clear articulation of, and adherence to, program standards; and
- Personal accountability.

Success requires a personal commitment to the principles of civil rights and equal opportunity, and is based on all personnel acting purposefully and proactively to put this commitment into action.

2. About the EO Manual

| | |
|------------------------------|---|
| Introduction | This topic contains background information about the contents and design of this manual. |
| a. EO Manual Contents | <p>This manual is the primary policy directive to follow for field implementation of the Coast Guard's EO Program. The information contained in this manual includes the:</p> <ul style="list-style-type: none">• Five Field Civil Rights Missions for the EO Program;• Roles and responsibilities of EO Program personnel; and• EO Programs and policies. |
| b. Goal | The goal of this manual is to enable field unit commanders, civil rights service providers and CG members at large to understand and fulfill their roles and responsibilities related to EO Program implementation. |
| c. Manual Design | <p>To fulfill the goal, this manual was designed to:</p> <ul style="list-style-type: none">• Provide an overview of the Civil Rights organization at headquarters and in the field by:<ul style="list-style-type: none">- Delineating roles and responsibilities for program development, planning, and implementation; and- Discussing accountability for results;• Establish the basic policy foundation for program management and implementation;• Describe the components of the EO program in the context of the Five Field Civil Rights Missions;• Highlight the governing laws and regulations for the program;• Describe the high-level processes for program implementation; and• Discuss the goals, objectives, and performance standards against which program implementation will be measured. |

Continued on next page

2. About the EO Manual, Continued

d. The EO Manual Is Not a Procedures Manual

This manual is **not** intended to provide exhaustive standard operating procedures (SOPs) for field CRSPs.

Commandant (G-CR) provides more procedurally-driven supplements to this manual to program staff in the field. The supplements include:

- Job aids;
- Forms;
- Reports; and
- Training materials.

Electronic versions of this material can be found on CG Central under the Civil Rights link located on the Organizational Information tab.

Continued on next page

2. About the EO Manual, Continued

e. Legal Authorities for Civil Rights Policies

The Coast Guard Equal Opportunity Program covers active duty and reserve military members, civilian personnel and applicants for employment. While Coast Guard civil rights policies are based upon legal authorities that have been adapted to the unique organizational and operational character of the Coast Guard and its workforce, it should be noted that equal opportunity for active duty and reserve personnel is driven primarily by military policies and regulations.

- **Federal laws and regulations.** Legal mandates and regulations dictate and define the Coast Guard's EO policies. Some of the laws and applicable statutes include the Equal Pay Act of 1963, as amended, the Civil Rights Act of 1964 and 1991, as amended, and the Age Discrimination in Employment Act of 1967. Military equal opportunity policies are generally based on precepts set forth in civilian equal employment opportunity policy, however, the military EO program is a commander's program based on the concepts of the 1964 and 1991 Civil Rights Acts. Federal statutes and regulations applicable to civilian EEO programs do not apply, and the EEOC has no jurisdiction over military cases.
- **Executive orders.** Executive Order 12876, "Historically Black Colleges and Universities (HBCUs), Executive Order 12900, "Educational Excellence for Hispanic Americans," Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations," Executive Order 13084, "Consultation and Coordination with Indian Tribal Governments," and Executive Order 13096, "American Indian and Alaska Native Education" are some of the executive orders that are applicable to Civil Rights programs.
- **Other directives and guidelines.** Equal Employment Opportunity Commission Management Directives 110 and 715, and Commandant Instructions apply. The Coast Guard also has executed Memoranda of Understanding with Federal agencies and non-governmental organizations.

Continued on next page

2. About the EO Manual, Continued

f. Additional Resources

For additional information on the Coast Guard EO program, refer to:

- EO Policy Statement, COMDTINST 5350.21 (series)
 - Sexual Harassment Policy Statement, COMDTINST 5350.21 (series)
 - Reasonable Accommodation Policy, (under development)
 - Commandant Instructions on specific EO Program components:
 - Partnership in Education, COMDTINST 5350.22 (series)
 - Americans with Disabilities Act Complaint Investigations, COMDTINST 5300.1 (series); and
 - Procedural Guidance for field Civil Rights Service Providers found on the CG Central website under the Civil Rights link in the Organizational Information tab.
-

3. The Chain of Command Concept

Introduction

This topic contains an overview of the chain of command concept at Headquarters and in the field.

a. About the Chain of Command

The chain of command is the basic organizing concept under which lines of authority, supervisory relationships, and accountability are established and implemented for all Coast Guard military members and civilian employees.

A fundamental part of the Coast Guard's military organization is the responsibility and authority inherent in the chain of command, both in terms of a Commander's obligation to establish and enforce policies and standards, and the responsibility of all personnel to adhere to those policies and standards.

b. Chain of Command at Headquarters

At Coast Guard Headquarters there is a clearly defined structure of leadership and authority that covers all military and civilian personnel. The Commandant is the senior individual in the chain of command for policy. The Chief of Staff is the Commanding Officer of Headquarters for all assigned personnel. Various senior personnel support both the Commandant and Chief of Staff to ensure effective performance of EO Program goals.

While the governing laws and regulations related to Civil Rights and EO may vary depending upon whether an individual is Military or Civilian, the basic concepts of adherence to the chain of command, respect for authority, and personal and professional accountability apply to everyone.

c. Chain of Command in the Field

In the field, the Commanding Officer (CO), or Officer in Charge (OIC), is the senior individual in the chain of command. He/she is ultimately responsible for:

- Ensuring successful mission performance;
 - Maintaining good order and discipline of the unit; and
 - Promoting the morale, well-being, and professional development of all personnel assigned to his/her command.
-

Continued on next page

3. The Chain of Command Concept, Continued

**d. CO
Responsibilities
as EO Officer**

In the context of civil rights and equal opportunity, the Commanding Officer is by position the senior EO Officer for the command. This responsibility applies to all Commanders, whether the Area Commander or OIC of a field unit.

It is the direct and personal responsibility of the CO, or equivalent, to ensure the faithful and equitable application of:

- The policies and standards defined in this manual; and
- Any unit-level policies or guidelines established to implement them.

The CO has the ultimate responsibility to:

- Ensure that all unit personnel carry out their responsibilities related to the EO Program; and
 - Take appropriate corrective action for those who do not adhere to the policies and standards defined in this manual.
-

Section B. Introduction to the Five Field Civil Rights Missions

Overview

Introduction This section introduces the Five Field Civil Rights Missions of the Coast Guard.

In this Section This section contains the following topics:

| Topic | Topic Name | See Page |
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| 1 | About the Five Field Civil Rights Missions | 1-B-2 |
| 2 | Demonstrate Command Leadership | 1-B-5 |
| 3 | Develop an Organizational Culture That Values Diversity | 1-B-8 |
| 4 | Correct Civilian Workforce Imbalances | 1-B-10 |
| 5 | Resolve Complaints at the Lowest Level | 1-B-12 |
| 6 | Promote Affirmative Community Outreach | 1-B-15 |

1. About the Five Field Civil Rights Missions

Introduction This topic introduces the Five Field Civil Rights Missions of the Coast Guard.

a. Five Field Civil Rights Missions There are Five Field Civil Rights Missions for the Coast Guard:

- Demonstrate command leadership;
- Develop an organizational culture that values diversity;
- Correct civilian workforce imbalances;
- Resolve complaints at the lowest level; and
- Promote affirmative outreach in the community.

b. Objectives of the Missions The table below lists:

- The objectives of the Five Field Civil Rights Missions; and
- Recommended activities to accomplish these objectives.

| Mission | Objectives | Activities |
|--------------------------------|---|--|
| Demonstrate Command Leadership | Promote the policies, regulations and laws of the EO Program. | <ul style="list-style-type: none"> • Set clear expectations. • Establish goals and standards. • Promote openness, inclusiveness, and tolerance. • Create a positive work environment. • Be aware and involved. • Enforce accountability. |

Continued on next page

1. About the Five Field Civil Rights Missions, Continued

b. Objectives of the Missions (continued)

| Mission | Objectives | Activities |
|---|--|---|
| Develop an Organizational Culture That Values Diversity | <ul style="list-style-type: none"> • Work toward eliminating discrimination in the workplace. • Celebrate and fully draw on the diverse talents and perspectives within the workforce. | <ul style="list-style-type: none"> • Conduct cultural observances. • Hold Human Relations Council (HRC) meetings. • Mentor subordinates. • Raise awareness through Sexual Harassment Prevention and Human Relations Awareness training. • Communicate standards and expectations. • Conduct climate surveys. |
| Correct Civilian Workforce Imbalances | <ul style="list-style-type: none"> • Recruit, retain, and promote people from groups that are underrepresented in the Coast Guard workforce (based on the local civilian labor force). | <ul style="list-style-type: none"> • Conduct annual self-assessments to identify barriers to equal employment opportunity (EEO) for civilian employees (including applicants for employment). • Develop and implement strategic plans to eliminate identified barriers to EEO. • Work with Human Resources to orient and train supervisors and managers on plans to eliminate barriers and achieve a Model EEO Program. • Monitor progress in meeting objectives. |

Continued on next page

1. About the Five Field Civil Rights Missions, Continued

b. Objectives of the Missions (continued)

| Mission | Objectives | Activities |
|---|---|---|
| Resolve Complaints at the Lowest Level | <ul style="list-style-type: none"> • Optimize productivity and improve morale. • Promote organizational harmony. • Repair workplace relationships. • Save time and money associated with prolonged complaint processing and litigation. | <ul style="list-style-type: none"> • Informally resolve complaints at the unit level. • Ensure process integrity, confidentiality and timely action. • Use open communication and feedback. • Respect personal privacy. • Promote and utilize mediation, when appropriate, to resolve disputes. <p><i>References:</i> For more information on Mediation, see Chapter 3.F.9 and Chapter 3.F.10 in this manual.</p> |
| Promote Affirmative Outreach in the Community | <ul style="list-style-type: none"> • Foster a positive public image of the Coast Guard. • Raise awareness of the Coast Guard's missions in the community. • Be viewed as a good neighbor and an employer of choice. | <ul style="list-style-type: none"> • Work with internal CG staff such as Civil Rights Service Providers, Human Resources and Legal; and external civic and community entities to resolve social climate issues. • Partner with civil rights, equal opportunity, educational and community organizations. • Serve as mentors and volunteers in local schools as part of the Partnership in Education (PIE) program. <p><i>Reference:</i> For more information on PIE, see Coast Guard Partnership in Education, COMDTINST 5350.22 (series).</p> |

2. Demonstrate Command Leadership

Introduction

This topic contains information about the field Civil Rights Mission to demonstrate command leadership, including pertinent responsibilities and program elements.

a. About this Mission

Proactively demonstrating command leadership is the key to success in carrying out the Five Field Civil Rights Missions.

Commanders must be visibly and actively committed to civil rights and equal opportunity for all military members and civilian employees of their command, leading through action and by example. They shall focus on building a diverse workforce that mirrors the American labor force and creating and sustaining a positive work environment that fosters personal growth and professional achievement limited only by an individual's motivation, commitment and performance.

The Five Field Civil Rights Missions emphasize a proactive culture, rather than reactive or corrective. Commanders should not wait until a problem occurs to get involved.

Continued on next page

2. Demonstrate Command Leadership, Continued

b. Responsibilities United States Coast Guard Regulations, COMDTINST M5000.3 (series) state that the Commanding Officer's "responsibility for the safety, efficiency, and well-being of the command...is absolute."

The unit Commander (or equivalent for Headquarters units) shall:

- Serve as the senior Equal Opportunity Officer of the command, regardless of the level of the organization;
- Personally and actively promote the spirit and the letter of the policies, regulations and laws that frame the Civil Rights, Equal Opportunity (EO), and Equal Employment Opportunity (EEO) Programs;
- Identify and eliminate barriers to a diverse workforce and discrimination-free work environment;
- Take prompt, positive action to eliminate discrimination in their commands, including being alert for any reprisals in the aftermath of discrimination complaints;
- Review all charges recorded, including offenses dealt with in the non-judicial punishment process, to ensure bias has not been a factor in any phase of the non-judicial punishment or pre-trial process;
- Attempt to resolve complaints at the lowest level;
- Designate in writing a senior commissioned officer to serve as a Collateral Duty Civil Rights Officer for all Districts, MLCs and HQ units if a full-time Civil Rights Officer is not assigned to the District, MLC or HQ unit;
- Focus on proactive, purposeful steps to building a healthy, dynamic, inclusive culture and climate in his/her unit; and
- Publicize on bulletin boards and other locations:
 - Notice of the time limits and necessity of contacting an Equal Opportunity Advisor (EOA) or EEO Counselor before filing a complaint in accordance with the Coast Guard's discrimination complaint program.
 - The following information pertaining to EOAs and EEO Counselors:
 - Names,
 - Hours of availability,
 - Location (address),
 - Business telephone numbers, and
 - Photographs.

Continued on next page

2. Demonstrate Command Leadership, Continued

c. Program Elements Communication and personal involvement are critical to command leadership. Many day-to-day activities provide opportunities for unit Commanders to openly and visibly demonstrate their commitment to the objectives of this mission.

The table below describes the program elements which help meet the objectives of this mission.

Note: This list provides examples of program elements, but is not all-inclusive.

| Program Element | Description |
|-------------------|---|
| Training | <ul style="list-style-type: none"> • Attend the opening session of Human Relations Awareness (HRA) training. • Facilitate the interactive portion of the Sexual Harassment Prevention (SHP) training. |
| Command Direction | <ul style="list-style-type: none"> • Meet regularly with the Human Relations Council (HRC) chair. • Meet regularly with the entire HRC. • Meet with newly reported personnel and specifically identify command expectations relative to the Civil Rights Program. • Review command expectations relative to the Civil Rights Program at all-hands activities. • Meet regularly with personnel to solicit their concerns and ideas. • Conduct outbriefs with departing personnel. • Designate and support Civil Rights Service Providers (CRSPs). |
| Visibility | <ul style="list-style-type: none"> • Support and attend special observances. • Offer personal comments on Civil Rights issues in unit publications and communications. |
| Outreach | <ul style="list-style-type: none"> • Establish proactive outreach programs. • Provide opportunities for command personnel to engage in outreach activities. |

3. Develop an Organizational Culture That Values Diversity

Introduction This topic contains information about the mission to develop an organizational culture that values diversity, and includes the responsibilities and program elements associated with this mission.

a. About this Mission The Coast Guard recognizes that the United States is a diverse mix of people who have brought their own cultures and values to build this nation. The intent of this mission is to bring about long-term change to develop an organizational culture that values diversity through recognition and inclusion of the skills and talents of all individuals in the Coast Guard.

b. Responsibilities Development of an organizational culture that values diversity is the responsibility of all members of the Coast Guard.

c. Program Elements The table below describes the program elements for meeting the objectives of this mission.

Note: This list provides examples of program elements, but is not all-inclusive.

| Program Element | Description |
|----------------------|--|
| HRA and SHP Training | <p>Provides Military and Civilian personnel with training in:</p> <ul style="list-style-type: none"> • Human Relations Awareness (HRA); • Sexual Harassment Prevention (SHP); • Basic precepts of conflict resolution; • Gender, racial and cultural sensitivity; • Disability awareness; and • Developing an organizational culture that values diversity. <p><i>References:</i> For more information on</p> <ul style="list-style-type: none"> • HRA, see Chapter 3.B.1 in this manual; and • SHP, see Chapter 3.B.2 in this manual. |

Continued on next page

3. Develop an Organizational Culture That Values Diversity, Continued

c. Program Elements (continued)

| Program Element | Description |
|----------------------|--|
| Cultural Observances | Sponsor and support events that: <ul style="list-style-type: none"> • Celebrate the contributions of various cultures; • Heighten awareness of the value of diversity within the workforce; and • Teach how to build and manage a diverse workforce. |
| HRCs | <ul style="list-style-type: none"> • Facilitate discussions of human relations policies and issues. • Identify potential issues and problems. • Serve as an early warning system by communicating to the command any potential areas of concern. |
| Climate Assessments | Conduct: <ul style="list-style-type: none"> • Defense Equal Opportunity Management Institute (DEOMI's) Equal Opportunity Climate Surveys (DEOCS). <p><i>Reference:</i> For more information on DEOCS, see Chapter 3.A.8.d and Chapter 3.E.2 in this manual.</p> |

4. Correct Civilian Workforce Imbalances

Introduction

This topic contains information about the mission to correct civilian workforce imbalances, and includes the responsibilities and program elements associated with this mission.

a. About this Mission

Imbalances in the civilian workforce can be corrected through proactive, affirmative programs and practices and a heightened awareness of potential workforce barriers to employment and promotion of women, minorities and people with disabilities.

Civilian workforce imbalances exist when the civilian workforce of a unit does not reflect the relevant Civilian Labor Force at all levels of the organization.

Making progress in this mission gives the Coast Guard a competitive advantage in becoming and remaining an employer of choice. Coast Guard managers and leaders can correct civilian workforce imbalances by performing annual self-assessment to identify barriers to equal employment opportunity for civilians and developing and implementing strategic plans to eliminate identified barriers. Coast Guard progress in eliminating barriers is reported annually to the Department of Homeland Security and the Equal Employment Opportunity Commission (EEOC).

b. Responsibilities

Those responsible for accomplishing this mission include:

- Senior leadership;
 - Unit commanders;
 - Hiring officials;
 - Human Resource Staffs; and
 - Civil Rights Service Providers.
-

4. Correct Civilian Workforce Imbalances, Continued

c. Program Elements The following program elements pertain:

| Program Element | Description |
|---|---|
| Affirmative Programs of Equal Employment Opportunity (AP/EEO) | <ul style="list-style-type: none"> • Model EEO Program that integrates access, inclusion and equality of opportunity into all aspects of the mission of the organization, and aligns equal opportunity principles with strategic Coast Guard plans and objectives. • Barrier identification process and strategic plans for elimination of any identified barriers to equal employment opportunity for civilians. • Monitoring and annually reporting process required by the Department of Homeland Security and the Equal Employment Opportunity Commission. |
| Special Emphasis Program (SEP) | <p>Promotes employment opportunities in the Coast Guard for women, Hispanics, people with disabilities, and other employees (including applicants for employment) covered by special recruiting programs.</p> <p><i>Note:</i> Commandant (CG-1) can provide a list of current special recruiting programs.</p> |

5. Resolve Complaints at the Lowest Level

Introduction This topic contains information about the mission to resolve complaints at the lowest level, and includes the responsibilities and program elements associated with this mission. The Coast Guard is committed to the prompt, fair, and impartial processing of complaints. Adherence to principles of leadership and accountability, will, in many instances, defuse incidents of alleged discrimination before they become complaints.

a. About this Mission This mission involves:

- Making good faith efforts to define the underlying issues in discrimination allegations and complaints;
- Handling these issues at the lowest level of command; and
- Finding satisfactory resolutions as early as possible.

b. Responsibilities It is the responsibility of all members of the Coast Guard to work toward resolving issues at the lowest level and at the earliest opportunity, with the desire to prevent discriminatory behavior. The final authority to informally resolve complaints filed by military members rests with the CO/OINC. This authority may be delegated to members of the chain of command depending on the issues involved. CROs and EOAs serve as facilitators in the resolution process but do not have the authority to establish settlement terms or sign settlement agreements on behalf of the command.

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.

All employees must cooperate fully with the Director of Civil Rights, Area Civil Rights Directors, Civil Rights Officers, Equal Opportunity Advisors, EEO Counselors, EO investigators and mediators and civil rights staff involved in the discrimination complaint process.

It is the responsibility of all members **not** to condone **or** participate in discrimination or retaliation, and if it occurs, to:

- Take appropriate remedial or corrective action; and
 - Notify the command promptly.
-

Continued on next page

5. Resolve Complaints at the Lowest Level, Continued

c. Program Elements The table below describes the program elements for meeting the objectives of this mission.

Note: This list provides examples of program elements, but is not all-inclusive.

| Program Element | Description |
|--------------------------------|--|
| Informal Pre-Complaint Process | <p>The Informal Pre-Complaint Process provides for:</p> <ul style="list-style-type: none"> • Counseling on rights and responsibilities; • Informal efforts to achieve a mutually satisfactory resolution; • Informal counseling on allegation of complaint issues to: <ul style="list-style-type: none"> - Determine the parameters of the complaint; and - Identify and recommend potential solutions; and • Mediation as an avenue of potential resolution. <p><i>Note:</i> The Informal Pre-Complaint Process, including the right to request mediation, is required before entering the Formal Complaint Program.</p> <p>Proposed informal resolutions must be reviewed by legal staff, the appropriate Area Civil Rights Directors, and Human Resources staff, as appropriate, before being presented to the aggrieved party.</p> <p><i>Reference:</i> For more information on the Informal Pre-Complaint Program, see Chapter 3.F.3 in this manual.</p> |
| Formal Complaint Program | <p>Provides a formal process for filing, investigating, and adjudicating Discrimination Complaints.</p> <p><i>Note:</i> This is the only way to adjudicate Discrimination Complaints that cannot be resolved through informal resolution or mediation.</p> <p><i>Reference:</i> For more information on the Formal Discrimination Complaint Program, see Chapter 3.F.6 in this manual.</p> |

Continued on next page

5. Resolve Complaints at the Lowest Level, Continued

c. Program Elements (continued)

| Program Element | Description |
|------------------------|--|
| Mediation | <p>The mediation provides for a qualified, neutral party and can take place at any point in the informal or formal complaint processes. When an aggrieved party requests mediation, it is mandatory for the command, subject to an appropriateness determination by the full-time servicing Area, District, MLC, or Headquarters Units CRO.</p> <p>Mediation can be particularly useful where communication has broken down or emotions are intense. Facts uncovered during mediation are not made a part of the official complaints record. There will not be any notes or other written records of the mediation sessions.</p> |

6. Promote Affirmative Community Outreach

Introduction This topic contains information about the mission to promote affirmative community outreach, and includes the responsibilities and program elements associated with this mission.

a. About this Mission Promoting affirmative community outreach reinforces the Coast Guard as a model corporate citizen and esteemed neighbor in the communities we live in and serve, with particular emphasis on reaching out to and working with low-income youth and their families, and civil rights, equal opportunity and community organizations and educational institutions.

b. Responsibilities Promoting affirmative community outreach is the responsibility of all Coast Guard units.

c. Program Elements The table below describes the program elements for meeting the objectives of this mission.

Note: This list provides examples of program elements, but is not all-inclusive.

| Program Elements | Description |
|-------------------------------------|---|
| Preventing Social Climate Incidents | <p>The Coast Guard is committed to:</p> <ul style="list-style-type: none"> • Interacting with communities in a constructive manner; • Working in partnership with local community leaders to prevent social climate incidents; and • Responding proactively to incidents when they occur. <p><i>Definition of a Social Climate Incident:</i> A Social Climate Incident is an action or incident committed by a member or members of the local community against a Coast Guard military member or a dependent of a military member that is hostile, harassing, or perceived as discriminating in nature.</p> <p><i>Reference:</i> For more information on Social Climate Incidents, see Chapter 3.D.1 in this manual.</p> |

Continued on next page

6. Promote Affirmative Community Outreach, Continued

c. Program Elements (continued)

| Program Elements | Description |
|--------------------------------|--|
| Partnership in Education (PIE) | <ul style="list-style-type: none"> • Promotes excellence in education. • Introduces students to Coast Guard personnel and missions. <p><i>Reference:</i> For more information on PIE, refer to Coast Guard Partnership in Education, COMDTINST 5350.22 (series).</p> |
| Other Community Outreach | <p>Develops a visible connection between the Coast Guard and the community consistent with the goals set by the Assistant Commandant for Human Resources. This outreach may include:</p> <ul style="list-style-type: none"> • Forming partnerships with local civil rights, minority and educational organizations or institutions to achieve mutual goals and enhance performance of Coast Guard missions; • Participating in speaking engagements; • Community clean-up efforts or other civic projects; • Hosting Coast Guard unit open houses; and • Supporting or sponsoring community observances and celebrations, such as parades, memorial observances, etc. |

Chapter 2. Roles and Responsibilities of Equal Opportunity Program Personnel

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Section A. Coast Guard Equal Opportunity Program Organizational Overview

Overview

Introduction This section contains information about the overall organization of the Coast Guard's Equal Opportunity (EO) Program.

In this Section This section contains the following topics:

| Topic | Topic Name | See Page |
|--------------|------------------------------|-----------------|
| 1 | Overall Program Structure | 2-A-2 |
| 2 | EO Program Headquarters Tier | 2-A-3 |
| 3 | EO Program Field Tier | 2-A-5 |

1. Overall Program Structure

Introduction This topic provides information about the overall organization of the Coast Guard's Equal Opportunity (EO) Program.

a. Overall Organization Overall, the Coast Guard's Equal Opportunity (EO) Program can only be effective if it operates within the Coast Guard's operational, military chain of command.

The Headquarters (HQ) Civil Rights staff establishes policy, obtains and allocates resources and provides field oversight under the direction of the Director of Civil Rights.

The EO Program infrastructure in the field carries out the day-to-day program functions that deliver services to field personnel and provide advice to Coast Guard leaders.

Consistent with this concept, the Coast Guard Civil Rights infrastructure is organized into two tiers.

2. EO Program Headquarters Tier

Introduction This topic contains information about the Coast Guard's EO Program Headquarters (HQ) tier.

a.
Headquarters Tier

The **Headquarters (HQ) tier** is comprised of a full-time program staff at Headquarters under the Director of Civil Rights. The Director of Civil Rights is the Commandant's principle advisor on matters relating to Civil Rights and Equal Opportunity. This staff is responsible for:

- Developing and promulgating civil rights and EO program policy;
- Ensuring compliance with EO laws, Executive Orders, Government-wide policies and regulations, and Commandant's EO instructions throughout the Coast Guard;
- Managing and coordinating the implementation of Equal Employment Opportunity Commission Management Directive 715;
- Conducting EO reviews;
- Developing, administering and maintaining Sexual Harassment Prevention and Human Relations Training;
- Managing the Discrimination Complaints and Mediation Program;
- Managing the Partnership In Education Program;
- Managing the Civil Rights Awards Program;
- Providing oversight for monitoring program performance; and
- Acquiring and allocating resources to support program operations throughout the Coast Guard.

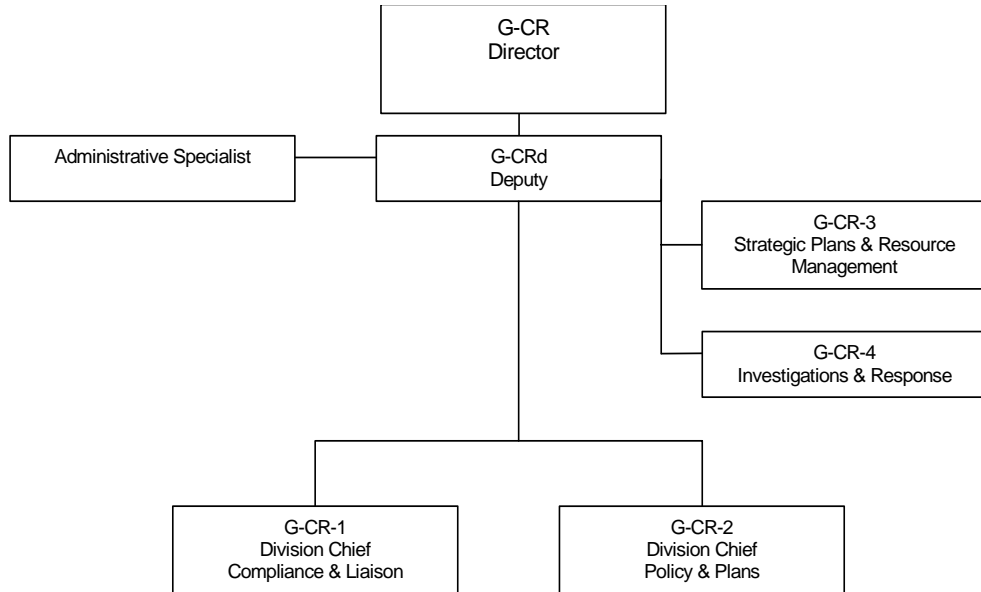
Internally, the Headquarters staff coordinates with other staff elements as needed to ensure consistent direction and policy for field units. Most notable is supporting the Assistant Commandant for Human Resources on a wide range of issues including diversity and outreach. In addition, the Headquarters staff interacts with the Department of Homeland Security Officer for Civil Rights and Civil Liberties, coordinates development and implementation of national-level initiatives in support of program elements (such as liaison with national civil rights organizations, equal opportunity and educational institutions and coordination with the Department of Defense's military and civilian civil rights and equal opportunity award programs sponsored by national civil rights and educational institutions) and works with the Defense Equal Opportunity Management Institute on civil rights training for Coast Guard EO Advisors.

Continued on next page

2. EO Program Headquarters Tier, Continued

b. HQ Civil Rights Staff Organization

The diagram below illustrates the HQ Civil Rights staff organization:



3. EO Program Field Tier

Introduction This topic contains information about the Coast Guard's EO Program Field tier.

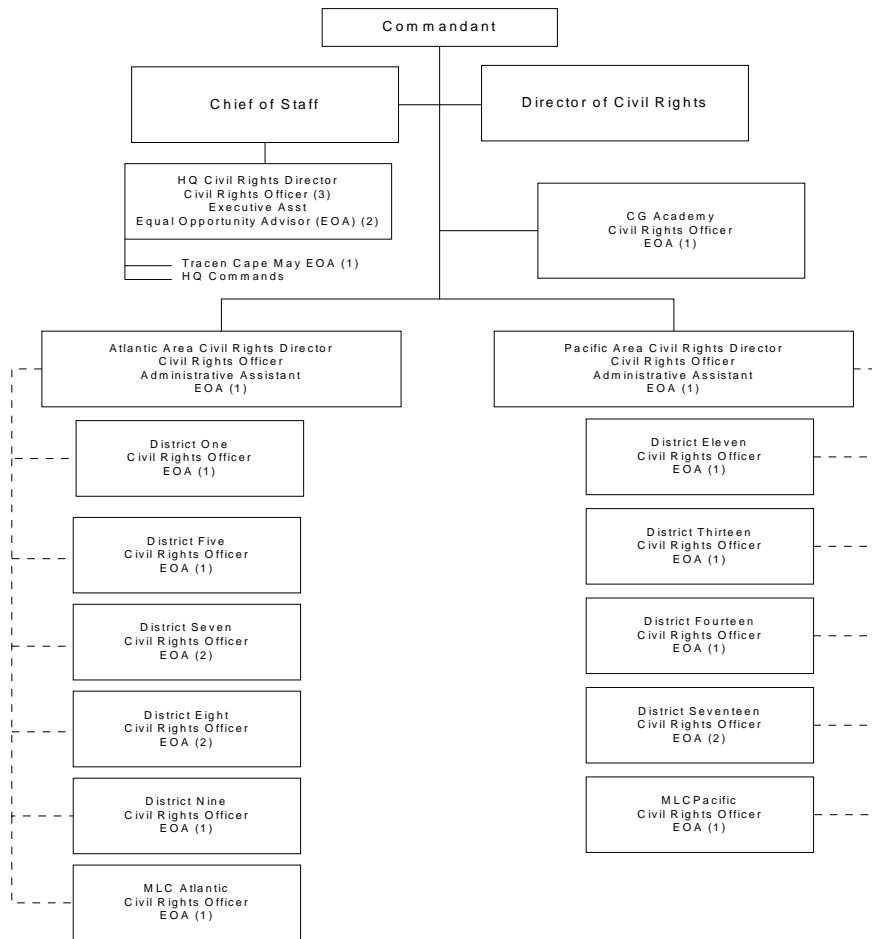
a. Field Tier The **Field tier** is comprised of a network of full-time Area and District/MLC/HQ Unit Civil Rights Service Providers (CRSPs) aligned with the operational chain of command. The Area Civil Rights Directors, under the direction of the Area Commanders, provide technical assistance to managers, supervisors, and civil rights service providers within their area of responsibility. Ensuring compliance with EO policies and mandates, providing required reports, administering the complaints process, conducting EO Reviews and oversight are also responsibilities of the Area Civil Rights Director. The Civil Rights Officer (CRO) manages the EO Programs in his or her area of responsibility under the direction of the Commander/Commanding Officer. The CRO manages and implements a Civil Rights Program; and develops, administers, evaluates, monitors and reports on front-line programs, provides for the delivery of SHP and HRA training and provides technical assistance to military and civilian personnel. A diagram of the organizational infrastructure is provided on the following page.

Continued on next page

3. EO Program Field Tier, Continued

b. Field EO Program Organization

This diagram illustrates the field EO Program infrastructure comprised of full-time, professional Civil Rights service providers working for the designated commanders within the operational chain of command.



Section B. Headquarters

Overview

Introduction This section contains information about the Civil Rights staff at Headquarters.

In this Section This section contains the following topics:

| Topic | Topic Name | See Page |
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| 1 | Director of (G-CR) | 2-B-2 |
| 2 | Compliance & Liaison Division (G-CR-1) | 2-B-3 |
| 3 | Policy & Plans Division (G-CR-2) | 2-B-4 |
| 4 | Strategic Plans & Resource Management Team (G-CR-3) | 2-B-5 |
| 5 | Investigations & Response Team (G-CR-4) | 2-B-6 |

1. Director of Civil Rights (G-CR)

Introduction This topic provides information about the Director of Civil Rights (G-CR) and the roles and responsibilities of the staff.

a. About the Director of Civil Rights The Director of Civil Rights (G-CR) is the overall Program Director for the Coast Guard's Equal Opportunity (EO) Program.

b. Responsibilities The responsibilities of the Director of Civil Rights are listed below.

Under the general direction of the Commandant, the Director:

- Serves as overall Program Director for the EO Program;
 - Serves as Civil Rights and EO policy and oversight champion; and primary representative for Civil Rights and EO to Coast Guard senior leadership and external partners and stakeholders;
 - Establishes and monitors linkages between the Coast Guard's strategic and performance goals and the policies and program standards of the EO Program;
 - Evaluates the mission performance of the Coast Guard's EO Programs and infrastructure by measuring key results and outcomes, and reporting to senior management and externally as appropriate;
 - Actively participates in Coast Guard and Coast Guard Headquarters executive forums;
 - Serves as the CG liaison to the Department of Homeland Security for Civil Rights and Equal Opportunity matters;
 - Serves as senior Coast Guard official responsible for the Partnership in Education Program; and
 - Serves as the process owner for Service-wide military and civilian discrimination complaints and alternative dispute resolution.
-

2. Compliance & Liaison Division (G-CR-1)

Introduction This topic provides information about the Compliance & Liaison Division (G-CR-1), and its roles and responsibilities.

a. About the Compliance & Liaison Division (G-CR-1) The Compliance & Liaison Division oversees the Coast Guard's external Civil Rights programs and its Special Emphasis Programs. This includes:

- Monitoring compliance with, and investigation of complaints related to, all applicable federally assisted or conducted programs.
- Ensuring Coast Guard participation in, and compliance with, Special Emphasis Programs mandated by Executive Order.
- Administering the national awards programs in collaboration with DOD and various national civil rights organizations.
- Developing and overseeing the implementation of the Partnership in Education (PIE) Program, including administering the PIE Awards Program.

b. Responsibilities The responsibilities of the Compliance & Liaison Division are listed below.

- Develops and monitors implementation of policies and programs for external Coast Guard civil rights programs consistent with all applicable laws, regulations, executive orders, and policies.
- Advises Coast Guard senior leadership on the administration and execution of the external Coast Guard Civil Rights programs.
- Monitors compliance with, and investigation of complaints related to, all applicable federally assisted or conducted programs.
- Develops policies and procedures for Special Emphasis Programs (SEPs) relating to the employment and advancement of Hispanics, women, and persons with disabilities.
- Administers the external and internal Civil Rights awards program in association with the Department of Defense and other external organizations.
- Develops policy guidance and oversees implementation of the Coast Guard's PIE Program.

3. Policy & Plans Division (G-CR-2)

Introduction This topic provides information about the Policy & Plans Division (G-CR-2) and its roles and responsibilities.

a. About the Policy & Plans Division (G-CR-2) The Policy & Plans Division oversees most of the Coast Guard's internal EO Programs. The Division:

- Ensures compliance with applicable statutes, regulations, executive policy, and procedures;
- Develops and disseminates Equal Opportunity related training;
- Develops and implements Equal Opportunity (EO) policy and procedure; and
- Oversees other Coast Guard-wide EO Programs.

b. Responsibilities The responsibilities of the Policy & Plans Division are listed below.

- Develops and monitors implementation of policies and programs for internal Coast Guard civil rights programs consistent with all applicable laws, regulations, executive orders, and policies.
- Advises Coast Guard senior leadership on the administration and execution of the internal Coast Guard Civil Rights programs.
- Develops policies and provides guidance for Coast Guard-wide implementation of Affirmative Programs of Equal Employment Opportunity, including:
 - Coast Guard-wide annual organizational MD715 assessments;
 - Annual plans and strategies to correct program deficiencies and workforce barriers identified during the assessment process, and
 - Preparations of annual national CG workforce reports to DHS and EEOC.
- Coordinates and administers a national EO Review Program, to include EO Survey administration.
- Develops and manages standardized Coast Guard-wide Human Relations Awareness (HRA) and Sexual Harassment Prevention (SHP) training programs and manages CRSP training quotas.
- Oversees the credentialing process for all EEO Counselors.
- Manages the DEOMI residential training program, to include the 3 week Coast Guard specific portion of the training.
- Develops, manages and coordinates Military Equal Opportunity (MEO) policies and procedures.
- Publishes the annual Civil Rights Program report.
- Develops policies and procedures for, and tracks social climate issues.

Continued on next page

4. Strategic Plans & Resource Management Team (G-CR-3)

Introduction This topic provides information about the Strategic Plans & Resource Management Team (G-CR-3) and its roles and responsibilities.

a. About the Strategic Plans & Resource Management Team The Strategic Plans & Resource Management Team oversees the Resource and Planning Management for the Coast Guard’s Civil Rights programs.

b. Responsibilities The Strategic Plans & Resources Management Team is responsible for:

- Business and financial planning, including budget formulation, execution and documentation;
- Information Resource Management, including web site sustainment;
- Data compilation, integration, analysis and reporting;
- Procurement and property control; and
- Travel funds management and travel claim review and approval.

Continued on next page

5. Investigations & Response Team (G-CR-4)

Introduction This topic provides information about the Investigations & Response Team (G-CR-4) and its roles and responsibilities.

a. About the Investigations & Response Team The Investigations & Response Team administers the Coast Guard's Equal Opportunity/Equal Employment Opportunity discrimination complaint and alternative dispute resolution programs.

b. Responsibilities The Investigations & Response Team is responsible for:

- Processing all formal discrimination complaints;
- Overseeing administration of informal discrimination pre-complaint process;
- Tracking the status of all complaint related activity (initial contacts, informal pre-complaints, and formal complaints) through the use of the DHS EEO Eagle Complaint Management System;
- Administering the Alternative Dispute Resolution (ADR) program including promoting use of ADR and providing ADR resources; and
- Responding to Congressional inquiries related to the status of complaints.

Section C. Field Civil Rights Service Providers (CRSPs)

Overview

Introduction This section contains information about the Field Civil Rights Service Providers (CRSPs) and their roles and responsibilities.

In this Section This section contains the following topics:

| Topic | Topic Name | See Page |
|---------------------------|---|-----------------|
| 1 | Field Civil Rights Service Providers (CRSPs) Overview | 2-C-2 |
| Full-Time Positions | | |
| 2 | Area/Headquarters Civil Rights Director | 2-C-6 |
| 3 | Civil Rights Officer (CRO) | 2-C-8 |
| 4 | Equal Opportunity Advisor (EOA) | 2-C-11 |
| Collateral Duty Positions | | |
| 5 | Unit Civil Rights Officer (CRO) | 2-C-12 |
| 6 | Equal Employment Opportunity (EEO) Counselor | 2-C-13 |

1. Field Civil Rights Service Providers (CRSPs) Overview

a. CRSPs Positions, Responsibilities and Reporting Relationships

The table below:

- Lists the Civil Rights Service Providers (CRSPs) by level of military chain of command; and
- Describes their basic duties and responsibilities.

| Level of Military Chain of Command | Corresponding Civil Rights Service Provider | Basic Duties and Responsibilities |
|--|---|--|
| Area and Headquarters (HQ) | Area Commander/HQ Chief of Staff | <ul style="list-style-type: none"> • Serves as the Senior Equal Opportunity Officer for Area of Responsibility (AOR). • Responsible for overall Equal Opportunity (EO) Program for all personnel and units within AOR. |
| | Area/Headquarters Civil Rights Director | <ul style="list-style-type: none"> • Manages the implementation of Five Field Civil Rights Missions throughout AOR. • Oversees implementation of Affirmative Programs of Equal Employment Opportunity within AOR. • Evaluates and reports on the effectiveness of EO program. • Provides technical assistance to Civil Rights Officers (CROs). • Serves as a Team Leader on EO reviews of operational units (LANT and PAC Directors). |
| | Civil Rights Officer (CRO) | <ul style="list-style-type: none"> • Manages unit-level implementation of the EO program for all Area units within the AOR. • Implements Affirmative Programs of Equal Employment Opportunity within AOR. |
| | Equal Opportunity Advisor (EOA) | Delivers program content and services for units within the AOR. |
| District, Maintenance Logistics Command (MLC), HQ Unit | District, MLC, HQ Unit Commander | <ul style="list-style-type: none"> • Serves as the Senior EO Officer for AOR. • Responsible for overall EO program for all personnel and units within AOR. |

Continued on next page

1. Field Civil Rights Service Providers (CRSPs) Overview, Continued

a. CRSPs Positions, Responsibilities and Reporting Relationships (continued)

| Level of Military Chain of Command | Corresponding Civil Rights Service Provider | Basic Duties and Responsibilities |
|--|---|---|
| District, Maintenance Logistics Command (MLC), HQ Unit (continued) | CRO | <ul style="list-style-type: none"> • Manages unit-level implementation of the EO program for all District, MLC or HQ units within their AOR. • Provides program reports to Area/HQ Director upon request. • Provides technical assistance and guidance to collateral duty unit CROs within their AOR. • Ensures EEO counselors within their AOR are properly credentialed for counseling. • Administers MD715. • Manages the Special Emphasis Program for their AOR. • Manages the Reasonable Accommodation Program. • Serves as Team Member for EO Reviews. • Reviews personnel policies and programs and advises the CO about their impact on women, minorities and/or people with disabilities; recommends changes or new policies to CO. • Develops District/MLC/HQ Unit strategic plans for accomplishing the Coast Guard’s field Civil Rights missions. • Manages the EEO and military Civil Rights complaints and mediation process. • Supervises EOA. |

Continued on next page

1. Field Civil Rights Service Providers (CRSPs) Overview, Continued

a. CRSPs Positions, Responsibilities and Reporting Relationships (continued)

| Level of Military Chain of Command | Corresponding Civil Rights Service Provider | Basic Duties and Responsibilities |
|--|---|---|
| District, Maintenance Logistics Command (MLC), HQ Unit (continued) | EOA | <ul style="list-style-type: none"> • Delivers program content and services for units within the District or MLC AOR, or at HQ unit to which assigned. • Delivers HRA training; ensures delivery is consistent with HQ guidance. • Delivers SHP training to afloat units and other units unable to use eSHP; supports shore units utilizing eSHP delivery as requested. • Ensures training delivery frequency of SHP and HRA training is consistent with CG policy. • Assists units with administration of DEOMI Equal Opportunity Climate Survey. • Counsels military and civilian personnel on issues relating to bias and discrimination and/or harassment. • Provides feedback on EO policies and program administration to CRO, Area Directors or HQ staff as appropriate. • Identifies barriers to equal opportunity and makes recommendations for elimination of these barriers. • Compiles training, contact and counseling data for reports. • Enters complaint tracking data into EEO Eagle, the DHS complaint mgmt system. • Reports to CRO. |
| | Other collateral-duty program coordinators (not required by Civil Rights policy but may be authorized at discretion of unit commands) | <ul style="list-style-type: none"> • Provide daily support for unit programs for which collateral-duty responsibilities are assigned. • Report to CRO. |

Continued on next page

1. Field Civil Rights Service Providers (CRSPs) Overview, Continued

a. CRSPs Positions, Responsibilities and Reporting Relationships (continued)

| Level of Military Chain of Command | Corresponding Civil Rights Service Provider | Basic Duties and Responsibilities |
|------------------------------------|--|--|
| Field Unit | Commanding Officer | Serves as the Senior EO Officer for unit, responsible for overall EO program for all personnel at unit. |
| | Unit CRO (collateral duty, assigned at all units with more than 50 personnel assigned) | <ul style="list-style-type: none"> • Manages unit-level implementation of the EO program. • Reports to <ul style="list-style-type: none"> - Unit commander for command support and direction; and - Area, District, or MLC CRO for technical program support. |
| | Unit Equal Employment Opportunity (EEO) Counselor (collateral-duty civilian, units with 50 or more civilians assigned are required to have at least one civilian collateral duty EEO Counselor. Units with less than 50 civilians assigned are required make a civilian EEO Counselor available within 3 days of request.) | <ul style="list-style-type: none"> • Serves as the unit-level Civilian informal complaint process counselor. • Reports to Area, District, or MLC CRO for informal pre-complaint guidance and technical program support. • Compiles contact and counseling statistics for reporting. |
| | Other collateral-duty program coordinators (Not required by Civil Rights policy but may be authorized at discretion of unit commanders) | <ul style="list-style-type: none"> • Provide daily support for unit programs for which collateral-duty responsibilities are assigned. • Report to: <ul style="list-style-type: none"> - Unit CRO for command support and direction; and - Area, District, or MLC CRO for technical program support. |

2. Area/Headquarters Civil Rights Director

Introduction This topic provides information about the Area or Headquarters Civil Rights Director and his/her roles and responsibilities.

a. About the Area and HQ Civil Rights Director The Area or Headquarters Civil Rights Director is a full-time civilian on the staff of, and reporting to, the Area Commanders or Chief of Staff at HQ.

Operating within the military chain of command, the Area or Headquarters Civil Rights Director is the field-level program manager for all civil rights activities directed at implementing the Five Field Civil Rights Missions, including Affirmative Programs of Equal Employment Opportunity within the AOR. The Area or Headquarters Civil Rights Director serves as the principle technical advisor on EO, EEO, and other Civil Rights matters for the Area Commander and Chief of Staff, and provides direction, support and oversight for all CRSPs within the AOR.

Continued on next page

2. Area/Headquarters Civil Rights Director, Continued

b. Responsibilities The responsibilities of the Area or Headquarters Civil Rights Director are listed below.

- Manages the implementation of the Five Field Civil Rights Missions throughout the AOR, including evaluating and reporting on the effectiveness of EO Program implementation.
- Develops implementing guidelines for Civil Rights program elements for units within the AOR to ensure compliance with program standards.
- Advises and assists CROs and EOAs within the AOR and conducts annual professional workshops for all CRSPs within the AOR.
- Manages the discrimination complaint process and mediation program, including accepting and recommending dismissals for formal complaints.
- Monitors status and reports on all complaint and mediation activity within the AOR.
- Submits Area training reports to G-CR within timeframes identified.
- Oversees development and monitors effectiveness of Affirmative Programs of Equal Employment Opportunity through the annual self-assessment process and ensures final Area or Headquarters units MD715 Report is provided to HQ G-CR within timeframes identified.
- Works with Human Resources personnel to maximize diversity, climate, and outreach efforts.
- Oversees development and implementation of Special Emphasis Programs (SEPs) within AOR, including but not limited to:
 - Federal Women's Program (FWP);
 - Hispanic Employment Program (HEP); and
 - People with Disabilities Program (PWD).

Reference: For more information on Special Emphasis Programs, see Chapter 3.C.9 in this manual.

3. Civil Rights Officer (CRO)

Introduction This topic contains information about the CRO and his/her responsibilities.

a. About the Area, District, MLC, HQ and HQ Unit CRO The CRO is a full-time or collateral duty civilian or senior military member assigned to Areas, Districts, MLCs, HQ and HQ units.

Operating within the military chain of command, the CRO is a field position that reports directly to the respective flag officer or unit commander and manages unit-level implementation of the EO program for all units within the AOR, under the technical oversight of the Civil Rights Director for his/her Area or HQ for HQ Units. The CRO also serves as the primary technical expert for all Civil Rights/EO related issues, and provides direct support and guidance to unit commanders and leadership on a daily basis.

Continued on next page

3. Civil Rights Officer (CRO), Continued

b. The responsibilities of the CRO are listed below.
Responsibilities

- Plans, manages and implements the EO Program at the Area, District, MLC, HQ, or HQ unit level.
 - Proactively manages the implementation of the Five Field Civil Rights Missions throughout the AOR, including evaluating and reporting on the effectiveness of specific program elements.
 - Coordinates with and reports on program performance to their respective Area or Headquarters Civil Rights Director.
- Advises commander on need for collateral duty support for Civil Rights program elements at units throughout the AOR.
- Monitors qualifications of and effectiveness of collateral duty CRSPs (when authorized) at units within their AOR.
- Oversees the informal complaint process for the AOR including:
 - Coordinating requests for mediation;
 - Determining appropriateness of mediation in particular cases;
 - Tracking the status of all informal complaints and mediation requests;
 - Monitoring, coordinating, and assigning informal pre-complaint workload to EEO Counselors as necessary; and
 - Compiling and reporting on complaint activity.
- Develops and oversees implementation of Affirmative Programs of Equal Employment Opportunity throughout the AOR, including conduct of self-assessments and development and implementation of strategic plans of action to correct program deficiencies and workforce barriers where civilians are employed.
- Publicizes and posts on bulletin boards and in other locations:
 - Notice of the time limits and necessity of contacting an Equal Opportunity Advisor (EOA) or EEO Counselor before filing a complaint in accordance with the Coast Guard's discrimination complaint program.
 - The following information pertaining to EOAs and EEO Counselors:
 - Names,
 - Hours of availability,
 - Location (address),
 - Business telephone numbers, and
 - Photographs.

Continued on next page

3. Civil Rights Officer (CRO), Continued

b.
Responsibilities
(continued)

- Develops and oversees implementation of AOR-wide SEP plans and programs, including:
 - Federal Women’s Program (FWP);
 - Hispanic Employment Program (HEP); and
 - People with Disabilities Program (PWP).
 - Ensures timely and effective HRA and SHP training is conducted throughout the AOR and that training is accurately recorded and reported.
 - Supervises Equal Opportunity Advisors.
 - Advises Commander on Reasonable Accommodation requests.
 - Works with stakeholders, including Human Resources, to coordinate outreach activities throughout AOR, including PIE and MSI.
 - Coordinates and facilitates EO Reviews scheduled at units throughout AOR.
-

4. Equal Opportunity Advisor (EOA)

Introduction This topic provides information about the EOA and his/her responsibilities.

a. About the EOA The EOA is a full-time military or civilian field EO program specialist that delivers program content and services for units within the AOR and serves as the functional subject matter expert.

The EOA reports directly to the Area, District, MLC or HQ Unit CRO.

b. Responsibilities The responsibilities of the EOA are listed below.

- Provides program guidance and support to unit commanders within the AOR on civil rights program areas, including Affirmative Programs of Equal Employment Opportunity.
 - Develops, organizes, schedules, delivers and reports on completion of HRA training.
 - Ensures all personnel within the AOR receive HRA training on a triennial basis.
 - Ensures all personnel aboard cutters and at other units with poor Internet connectivity receive SHP training on an annual basis. Provides assistance as needed to shore units conducting command-facilitated SHP training.
 - Serves as primary program contact for military and civilian members seeking information about the discrimination complaint process.
 - Provides informal counseling to military and civilian members pursuing Discrimination Complaints.
 - Enters complaint tracking information into the DHS complaint management system, EEO Eagle, for all informal discrimination pre-complaints.
 - Maintains counselor contact records for:
 - CRO awareness; and
 - Statistical reports.
-

5. Unit Collateral Duty Civil Rights Officer (CDCRO)

Introduction This topic provides information about the unit Collateral Duty Civil Rights Officer (CDCRO) and his/her responsibilities.

a. About the Unit Collateral Duty CRO The unit CDCRO shall be assigned as a collateral duty at units with 50 or more personnel and may be assigned at smaller units at the discretion of the unit commander. It is recommended that an active duty military member be appointed as a CDCRO if the unit is predominantly comprised of active duty military members. Under the technical guidance of the full-time CRO for their AOR, the unit CDCRO assists the unit's CO or Officer in Charge (OIC) to manage the unit's EO programs. It is recommended that unit CDCRO duties be designated to enlisted E-7 and above or commissioned officer O-3 and above. Collateral Duty CROs must be trained in EEO Counseling before they attempt to counsel and/or inform any individual about the discrimination complaints process.

b. Responsibilities The responsibilities of the unit collateral duty CRO are listed below.

- Assists the CO or OIC in managing and implementing the Civil Rights program at the unit level.
- Develops, plans, coordinates and manages all unit-level EO program activities applicable to the unit, including:
 - Coordinating HRA and SHP training and documentation;
 - Providing military Aggrieved Person(s) with military discrimination complaint process information when the servicing EOA is not accessible.
 - Coordinating activities of unit Human Relations Council (HRC); and
 - Coordinating unit participation in the Defense Equal Opportunity Management Institute's Equal Opportunity Climate Survey (DEOCS).

6. Collateral Duty Equal Employment Opportunity (EEO) Counselor

Introduction This topic contains information about the collateral duty EEO Counselor and his/her responsibilities.

a. About the EEO Counselor Units with 50 or more civilians assigned are required to have one collateral duty EEO Counselor. Units with fewer than 50 civilians assigned are required to make a counselor available and comply with EEOC 29 CFR 1614.103 (5), and publicize to all employees and post at all times the names, business telephone numbers and business addresses of the EEO Counselors. The unit EEO Counselor is a civilian position. Under the technical guidance of the Area, District or MLC CRO, the unit EEO Counselor provides guidance on the process to civilians and/or applicants who have complaints of discrimination. New counselors will be appointed for a one year term, subject to renewal for an additional two years with approval from the CRO for the AOR. EEO Counselor appointments will not exceed a period of 3 years. Collateral duties should be rotated so as to give all members of the workforce an opportunity for involvement in the program.

The EEO Counselor may need to conduct a limited inquiry into issues brought to their attention. They may also attempt informal resolution of these issues, and/or provide appropriate information and forms to personnel who may wish to file formal complaints. The EEO Counselor works under the direct supervision of the respective Area, District, MLC or HQ Unit CRO.

b. Roles and Responsibilities The responsibilities of the EEO Counselor are listed below.

- Serves as a program contact for civilians and/or applicants seeking information about the discrimination complaint process or who wish to file a complaint of discrimination;
 - Maintains counselor contact records and submits these records to the CRO within 5 days of contact or completion of counseling.
 - Provides informal pre-complaint information to his or her supervising CRO for entry in the DHS Complaint Management System.
-

Continued on next page

6. Collateral Duty Equal Employment Opportunity (EEO) Counselor, continued

c. Specific Training

When appointed as a collateral duty, the EEO Counselor must attend:

- 32-hour Basic EEO Counselors Course offered by EEOC or USDA; or EEO Counselor training offered by a full time Civil Rights Officer or Area Civil Rights Director;
 - 8-hour Refresher EEO Counselors Course every year after completing the basic course; and
 - Additional training as determined by the CRO or Area Director.
-

Section D. DEOMI Liaison

Overview

Introduction

This section contains information about the Coast Guard's Defense Equal Employment Opportunity Management Institute (DEOMI) Liaisons.

1. Defense Equal Employment Opportunity Management Institute (DEOMI) Liaison

Introduction This topic contains information about the Defense Equal Employment Opportunity Management Institute Liaison and the role and responsibilities of this liaison. DEOMI serves as the primary institution for training of all Coast Guard active duty members filling EOA billets. EOA training is a 10 week course comprised of seven weeks of Equal Opportunity core courses and three weeks of CG service-specific training. U.S. Coast Guard service-specific training consists of instruction and practical training on policies, issues, directives and program management responsibilities for personnel assigned to EOA and other EO billets.

a. About the DEOMI Liaison The Coast Guard Service Liaison Officers (SLO) at Defense Equal Employment Opportunity Management Institute include a:

- Lieutenant; and
- Senior Chief Petty Officer.

The liaisons augment the DEOMI staff by providing counseling and conducting inter-service training that reinforces the importance of Civil Rights and Equal Opportunity to members of all five services.

b. Responsibilities The DEOMI liaisons are responsible for:

- Developing the curriculum and conducting classroom training for the Coast Guard-specific portion of DEOMI courses, specifically the:
 - EO Advisor Course; and
 - Program Manager Course; and
 - Ensuring that materials and resources used are up-to-date and consistent with current civil rights laws, polices, regulations, directives, etc.
 - Providing CRSPs with tools to assist them with training in the field.
 - Providing advice to the Policy and Plans Division Chief in the Office of Civil Rights on the content of U.S. Coast Guard Service Specific training.
-

c. Specific Training The DEOMI Liaisons must have attended the DEOMI Equal Opportunity Advisor Course and must have served at least one tour as an Equal Opportunity Advisor in the Coast Guard.

Chapter 3. Equal Opportunity (EO) Programs and Policies

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Section A. Equal Opportunity Policy and Program Standards

Overview

Introduction This section contains Coast Guard Equal Opportunity (EO) policies and program standards. It is intended as a concise source of information and standard reference to enable consistent program implementation.

In this Section This section contains the following topics:

| Topic | Topic Name | See Page |
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| 1 | Introduction to Equal Opportunity (EO) Policies | 3-A-2 |
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| 10 | Discrimination Complaint Program and Mediation | 3-A-23 |

1. Introduction to Equal Opportunity (EO) Policies

Introduction This topic contains information about Coast Guard-wide Equal Opportunity (EO) program policies of general application to all Coast Guard personnel, including:

- Background information;
 - Authority and application of policies;
 - Responsibility; and
 - Leadership.
-

a. Background Every member of Team Coast Guard deserves to:

- Be treated with honor, dignity and respect; and
- Work in an environment free of discrimination or harassment.

The Coast Guard **will not** tolerate harassment or discrimination on any prohibited basis against any Coast Guard military member or civilian employee (including applicants for employment) at any time.

This chapter defines the behavioral standards for **all** Coast Guard personnel related to equal opportunity, discrimination, and harassment.

These standards are further reiterated in the EO and Sexual Harassment policy statements issued by the Commandant and by individual unit commanders.

b. Authority and Application of Policies The policies contained in this chapter apply to all Coast Guard active and reserve military and civilians, as specified in each section.

For military, these policies also apply as general orders or regulations under the Uniform Code of Military Justice.

These policies are **not** intended to supersede specific requirements, rights or responsibilities established in statute or Federal regulations or prescribed in other Coast Guard directives.

Continued on next page

1. Introduction to Equal Opportunity (EO) Policies, Continued

c.
Responsibility

Commanding officers (COs) or their equivalent at all levels of the service are personally responsible and accountable for ensuring that EO laws, regulations, policies and program standards are proactively applied and rigorously enforced within their commands.

While specific duties are assigned to field civil rights service providers for program delivery and support, the responsibility for ensuring that these duties are performed, and for ensuring a positive command climate ultimately rests with the CO.

d. Leadership
in Equal
Opportunity

A key precept in the EO Program is that not every leadership issue is an EO issue, but every EO issue is a leadership issue.

It is incumbent on those in leadership positions to create a workplace environment built on the core values of honor, respect, and devotion to duty, and to ensure that the workplace is free of discrimination or harassment on any prohibited basis. Likewise, it is incumbent on every member of Team Coast Guard to promptly inform their chain of command of EO concerns or issues when they arise.

2. EO Policies Applicable to Civilians

Introduction This topic contains information about applicability of the policies contained in this manual to Coast Guard civilians and applicants for civilian employment, including:

- Prohibitions against discrimination in civilian employment; and
 - Civilian coverage.
-

a. Prohibitions Against Discrimination in Civilian Employment It is the policy of the Coast Guard and the Federal Government to provide equal opportunity for all of their employees and applicants for employment without discrimination on the basis of:

- Race;
- Color
- Religion;
- Sex;
- National origin;
- Age over 40;
- Physical or mental disability;
- Protected genetic information;
- Sexual orientation;
- Parental status; or
- Participation in anti-discrimination enforcement proceedings or otherwise opposing unlawful discrimination.

This policy of equal opportunity applies to and must be an integral part of every aspect of personnel policy and practice in the employment, development, advancement and treatment of civilian employees of the federal government.

Continued on next page

2. EO Policies Applicable to Civilians, Continued

b. Coverage of Civilians Prohibitions against discrimination apply to all Coast Guard civilian employees and applicants for civilian employment, including those who are paid from nonappropriated funds.

Equal Employment Opportunity (EEO) for nonappropriated fund employees is also addressed in Chapter 17 of the Nonappropriated Fund Personnel Manual, COMDTINST M12271.1 (series).

Civilian employees covered by the prohibition against discrimination in employment do not include contractors or employees of contractors doing business with the Coast Guard, *unless* the following conditions apply: If, in the light of the 16 factors listed in the EEOC's *Enforcement Guidance: Application of EEO Laws to Contingent Workers Placed by Temporary Employment Agencies and Other Staffing Firms* (EEOC NOTICE No. 915.002, 12/03/97, found on the EEOC website www.eeoc.gov), it can be determined that the right to control the means and manner of the individual's work performance rests with the Coast Guard, the individual may be treated as an employee of the Coast Guard for purposes of coverage by the Coast Guard's discrimination complaint program.

3. EO Policies Applicable to Military Members

Introduction

This topic contains information about the applicability of the policies contained in this manual to Coast Guard military members, including the:

- Policy against discrimination; and
 - Coverage of Coast Guard military members and Auxiliarists.
-

a. Policy Against Discrimination in Terms and Conditions of Military Service

Although the statutory prohibitions against discrimination in civilian employment do not apply to members of the uniformed services, it is the Coast Guard's policy to provide its military members equal opportunity during their military service and access to the rights, responsibilities, and privileges of such service, regardless of:

- Race;
 - Color;
 - Religion;
 - Sex;
 - National origin; or
 - Participation in EO related activities.
-

b. Coverage of Coast Guard military members and Auxiliarists

The prohibitions against discrimination described in [Chapter 3.A.4.b](#) in this manual apply to all military members of the Coast Guard, including active, reserve and the U. S. Public Health Service.

Discrimination complaint procedures specific to Auxiliary personnel are provided in Chapter 7.D of the Auxiliary Manual, COMDTINST M16790.1 (series).

When a Coast Guard military member is assigned or detailed to duty in another uniformed service, determination of coverage by the Coast Guard's discrimination complaint program depends on the extent to which the other uniformed service controls the method, means, and outcome of the aggrieved Coast Guard member's work, and whether the other uniformed service has authority to grant remedies that would make the aggrieved Coast Guard member whole.

4. Discrimination Policy

Introduction This topic contains information about the Coast Guard's discrimination policy, including:

- A definition of discrimination;
 - Prohibited bases of discrimination for military members and civilians; and
 - Access to redress and discrimination complaint process.
-

a. Definition: Discrimination For purposes of this manual, **discrimination** is defined as any action prohibited by law, Executive Order, regulation, or policy in which members of a category or group of individuals are treated differently from members of another category or group.

b. Military Prohibited Bases of Discrimination The prohibited discriminatory bases for military members are:

- Race;
 - Color;
 - Religion;
 - Sex;
 - National origin; and
 - Reprisal.
-

Continued on next page

4. Discrimination Policy, Continued

**c. Civilian
Prohibited
Bases of
Discrimination**

The prohibited discriminatory bases for civilians (or applicants for civilian employment) are:

- Race;
 - Color;
 - Religion;
 - Sex;
 - National origin;
 - Age over 40 years;
 - Mental or physical disability;
 - Sexual orientation;
 - Parental status;
 - Protected genetic information; and
 - Reprisal.
-

**d. Access to
Redress and
Discrimination
Complaint
Process**

All Coast Guard personnel have the right to equal opportunity in seeking career opportunities, and to work in an environment free of discrimination and harassment on any prohibited basis.

When violations of policies regarding EO, discrimination and harassment occur, Coast Guard personnel also have the right to seek timely and fair resolution of their concerns or complaints, and the right to be protected from reprisal for seeking redress.

It is incumbent on all personnel to take these rights seriously, and for supervisors, managers and unit commanders to afford maximum opportunity for individuals who feel their rights have been violated to pursue remedies allowed by law, regulation or policy without threat of sanction or reprisal.

5. Sexual Harassment Policy

Introduction This topic contains information about the Coast Guard's sexual harassment policy and sexual harassment prevention program, including:

- Coast Guard policy;
 - Legal background;
 - Definition and categories of sexual harassment;
 - Types of sexually harassing behaviors;
 - The Commandant's directive;
 - Documenting and reporting sexual harassment;
 - Acts of Reprisal; and
 - Responsibilities of supervisors and commanders.
-

a. About the Sexual Harassment Policy

Consistent with the Service's core values of honor, respect, and devotion to duty, every member of team Coast Guard deserves to work in an environment free of sexual harassment and that allows everyone to perform to his or her full potential.

Important: Sexual harassment is a behavior that will not be tolerated in the Coast Guard.

Sexual harassment harms the individual it is directed toward, erodes unit cohesion, destroys morale, undermines military readiness, and ultimately hampers our ability to conduct Coast Guard missions effectively.

b. Legal Background

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, and the Age Discrimination in Employment Act make discrimination in the workplace illegal.

The United States Supreme Court has identified sexual harassment as a clear violation of a person's right to work in a discrimination-free environment.

Although Title VII does not explicitly extend the same protections to the military, it is the Coast Guard's policy to apply the same protections to the military workforce.

Continued on next page

5. Sexual Harassment Policy, Continued

c. Definition: Sexual Harassment

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when 1) submission to such conduct is made either implicitly or explicitly a term or condition of employment; 2) submission to or rejection of such conduct is used as a basis for employment decisions; or 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

This also encompasses unwelcome display or communication of sexually offensive materials.

Harassment based on perceived or stated sexual orientation is considered sexual harassment and is prohibited.

d. Categories of Sexual Harassment

There are two categories of sexual harassment:

- Tangible employment action harassment; and
- Hostile environment sexual harassment.

These categories are not legal definitions, however they explain the nature of the behaviors that are prohibited.

Tangible employment action harassment is a category in which an agency is strictly liable for the sexual harassment by a supervisor or manager when it results in a personnel action. A tangible employment action must be an official action, such as hiring, firing, promotion or failure to promote, demotion, undesirable assignment, significant change in benefits or pay, or work assignments. In the case of tangible employment action sexual harassment, the Coast Guard is strictly liable for the actions of the supervisor.

Hostile environment sexual harassment encompasses all other situations addressed in the definition of sexual harassment above, whether the offender is a supervisor or a co-worker. To meet the definition of a hostile environment, the harassment must be so severe and pervasive that a reasonable person would view the environment as hostile, offensive, or abusive. In this case, the Coast Guard is liable only if it knew of the conduct and failed to take prompt and effective corrective action.

Continued on next page

5. Sexual Harassment Policy, Continued

e. Types of Sexually Harassing Behaviors

Examples of sexual harassment range from overt behaviors, such as inappropriate touching, to more subtle behaviors, such as making suggestive remarks.

Any behavior that relates to sex, is intentional and/or repeated, is unwelcome, and interferes with a person's ability to do their job or has an adverse effect on their working conditions can be classified as sexually harassing behavior and will not be tolerated in the Coast Guard.

- **Gender harassment** consists of sexist statements and behaviors that convey insulting or degrading attitudes relating to sex or gender. Obscene jokes, offensive graffiti or photographs, insulting remarks or humor about sex, sexual orientation, or gender in general are examples of gender harassment.
- **Seductive behavior** is any unwanted, inappropriate, and offensive sexual advance. Unwelcome, persistent requests for dinner, drinks or dates, repeated unwanted sexual invitations, letters, phone calls, or other invitations are examples of seductive behavior.
- **Sexual bribery** is the solicitation of sexual activity or other sex-related behavior as a basis for a promised reward. Rewards could include a promotion and/or a raise.
- **Sexual coercion** is coercion of sexual activity or other sexually related behavior by threat of punishment, including threat of termination or demotion, withholding of promotion, or negative performance appraisal.
- **Sexual imposition** is an uninvited physical sexual violation or sexual assault. This includes forceful grabbing, feeling, or touching.

Continued on next page

5. Sexual Harassment Policy, Continued

**f.
Commandant's
Directive**

The Commandant has charged every member of the Coast Guard to "...take prompt and decisive action to prevent and eliminate sexual harassment."

This means that all members of the Coast Guard, no matter their rank or position, must constantly be vigilant for signs of sexual harassment and take action to stop it.

The Commandant has also directed that unit commanders and supervisors are not to tolerate sexual harassment at their units and requires that they take immediate corrective action when it occurs.

**g. Responding
to Sexual
Harassment**

When a person experiences sexual harassment, they **should not** ignore the problem or assume it will stop.

Harassment usually intensifies when it is ignored because the lack of corrective action is seen as acceptance or encouragement.

The person experiencing the harassment should report the problem and seek assistance as soon as possible.

**h.
Documenting
Harassment**

It is important to document the harassment, which should include:

- Dates;
- Times;
- Places; and
- Witnesses to the harassment.

Having this documentation readily available will facilitate resolution when seeking assistance.

Continued on next page

5. Sexual Harassment Policy, Continued

i. Reporting Harassment

Sexual harassment is a serious issue and every supervisor and commander has an obligation to take action when they are made aware of a problem.

When sexual harassment has occurred or is taking place, the first step to take is to confront the harasser, unless the situation is so severe that it is dangerous or unreasonable to do so.

If the harassment continues, or is severe enough to warrant immediate command attention, the person experiencing the harassment should discuss the subject with their supervisor or CO in private. If the supervisor is the harasser, report the harassment to the CO. If the CO is the harasser, then the report should be made to the next level in the chain of command.

If the behavior continues despite confronting the harasser and discussing it with his or her supervisor, an individual has the right to file a complaint if they feel that the problem is not being addressed properly or in a timely manner.

At any point in time, an individual experiencing harassment or retaliation may contact the Area, District, Maintenance Logistics Command, Commandant (G-CCS), or Headquarters Unit Civil Rights Officer or Equal Opportunity Advisor for advice and guidance.

j. Acts of Reprisal

Acts of reprisal are illegal. If anyone feels that they are being retaliated against for attempting to stop harassment, they may also file a complaint regarding the retaliation issue.

k. Responsibilities of Supervisors and Commanders

When subordinates make supervisors or commanders aware of sexual harassment within their chain of command, the supervisor or commander is required to:

- Take immediate action by:
 - Inquiring into the facts involved;
 - Taking appropriate steps to end the harassment; and
 - Determining if disciplinary action is warranted for the harasser.
 - Notify the chain of command.
-

6. Affirmative Programs of Equal Employment Opportunity (AP/EEO) Policy

Introduction This topic contains information about the policy governing implementation of the Coast Guard's Affirmative Programs of Equal Employment Opportunity (AP/EEO), including:

- AP/EEO purpose, components, and requirements;
 - Unit AP/EEOs;
 - Special Emphasis Program's (SEP) purpose, requirements, and elements; and
 - Optional SEPs.
-

a. Purpose of the AP/EEO The purpose of the AP/EEO is to provide the maximum opportunity for all employees to advance and to perform at their highest potential.

The AP/EEO is designed to integrate access, inclusion and equality of opportunity into all aspects of the mission of the agency, and align equal opportunity principles with strategic agency plans and objectives. The six elements necessary to achieve this goal (Model EEO Program) are :

- Demonstrated commitment from agency leadership;
- Integration of EEO into the agency's strategic mission;
- Management and program accountability;
- Proactive prevention;
- Efficiency; and
- Responsiveness and legal compliance.

The AP/EEO is required by the Equal Employment Opportunity Commission's (EEOC's) *Management Directive 715 (MD-715)*.

Reference: For information on EEOC's Management Directive 715, see <http://www.eeoc.gov/federal/eeomd715.html>.

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6. Affirmative Programs of Equal Employment Opportunity (AP/EEO) Policy, Continued

b. AP/EEO Program Components

The major components of the AP/EEO are an annual self-assessment and strategic plan of action to correct noted program deficiencies and remove workforce barriers.

c. AP/EEO Program Requirements

The following commands that employ civilians are required to have AP/EEO Programs

- Areas;
 - Districts;
 - MLCs;
 - CGHQ and
 - HQ Units.
-

d. Command AP/EEOs

Command AP/EEOs are implemented through an annual planning process comprised of:

- An annual self-assessment;
 - Identification of program deficiencies and workforce barriers to equal employment opportunity;
 - Development of strategic plans of action;
 - Development of an annual report to DHS and the EEOC via the Coast Guard military chain of command.
 - Monitoring of command progress to carryout strategic plans of action.
-

Continued on next page

6. Affirmative Programs of Equal Employment Opportunity (AP/EEO) Policy, Continued

e. Purpose of SEPs

Special Emphasis Programs (SEPs) are intended to:

- Promote equity, fairness and equal opportunity; and
- Address the unique and special concerns of Hispanics, women and persons with disabilities within the workforce.

SEPs are considered to be a subset of the unit's AP/EEO and can be planned and managed accordingly.

f. SEP Program Requirements

The following commands are required to have SEPs:

- Areas;
 - Districts;
 - MLCs;
 - CGHQ; and
 - HQ units.
-

g. SEP Program Elements

SEP program elements include:

- Identification of AP/EEO program deficiencies and workforce barrier removal;
- Education programs and cultural observances;
- Outreach; and
- Networks and informal partnerships.

SEPs are required to support the following:

- Federal Women's Program (FWP);
 - Hispanic Employment Program (HEP); and
 - Disability Employment Program (DEP).
-

Continued on next page

6. Affirmative Programs of Equal Employment Opportunity (AP/EEO) Policy, Continued

h. Optional SEP Programs

The following SEP programs are optional:

- Black/African American Employment Program (BEP);
 - Asian American/Pacific Islander Program (AAPI); and
 - American Indian/Alaska Native Employment Program (AIAN).
-

7. Reasonable Accommodation Policy

a. Definition: Reasonable Accommodation **Reasonable accommodation** is a change or adjustment to a work environment that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities.

Reasonable accommodation may include:

- Acquiring or modifying equipment or devices;
- Job restructuring;
- Part-time or modified work schedules;
- Reassignment to a vacant position;
- Adjusting or modifying examinations, training materials or policies;
- Providing readers and interpreters; and
- Making the workplace readily accessible to and usable by people with disabilities.

b. Reasonable Accommodation Policy It is the policy of the Coast Guard to provide reasonable accommodation to all civilians with a qualified disability within the scope and limitations of the law, as set forth by specific Coast Guard policies and regulations.

c. Policy and Procedures for Requesting a Reasonable Accommodation Coast Guard reasonable accommodation policy and procedures are established in a separately published Commandant Instruction.

8. Social Climate Incidents Policy

Introduction This topic contains information about the policies governing the Coast Guard's response to Social Climate Incidents, including:

- A definition of a Social Climate Incident;
- The Social Climate Incidents policy; and
- Roles and responsibilities.

a. Definition: Social Climate Incident A **Social Climate Incident** is an action committed by a member or members of the local community against a Coast Guard military member or a military dependent that is hostile, harassing, or perceived to be discriminating in nature.

b. Social Climate Incidents Policy The Coast Guard will not tolerate harassment or discrimination against our military members or dependents at any time by individuals or communities. When it appears that such an incident has occurred, unit commanders must take prompt action to investigate and resolve the issue.

The Coast Guard does not intend to alienate or punish communities for the isolated actions of individuals; however the Coast Guard also does not intend to permit community leaders to turn a blind eye to the actions of their citizens. To this end, any action taken on the part of the Coast Guard must be tempered with due regard for maintaining open lines of communication with community leaders.

8. Social Climate Incidents Policy, Continued

c. Roles and Responsibilities The table below describes the responsibilities of the parties involved in a Social Climate Issue.

| Role | Responsibilities |
|---|---|
| Members | Report to the command that he/she or his/her dependent/family member has experienced discriminatory or harassing behaviors by members of the community. |
| Unit Commanders | <ul style="list-style-type: none"> • Conduct an immediate informal inquiry of the incident; • Inform the chain of command, providing timely, factual information as available; and • Establish ongoing communications with local officials and civic groups, working to resolve social climate issues. |
| Area, District, MLC Commanders, Commandant (G-CCS), HQ Unit COs | <ul style="list-style-type: none"> • Ensure timely follow-up at the unit/community level; and • Provide command perspective and recommendations to Commandant (G-CR) with copy to (CG-1). |

9. Human Relations Councils (HRC) and Climate Surveys Policies

Introduction This topic contains information about policies governing Human Relations Councils (HRC) and climate surveys, including:

- Definitions of HRC and climate surveys;
 - HRC requirements;
 - Types of climate surveys; and
 - Administering climate surveys.
-

a. Definition: Human Relations Councils **Human Relations Councils (HRC)** are chartered by and advise COs on human relations, EO, and diversity issues. The HRC also serves as liaison between members of the command and the CO for EO and civil rights issues that arise at the unit.

b. HRC Requirements The following units are required to have HRCs:

- Areas;
- Districts;
- MLCs;
- CGHQ;
- HQ units; and
- Units with 50 or more personnel.

HRC must meet at least quarterly. HRC meeting minutes shall be provided to the CO within five days of a meeting.

Note: Whenever it appears that an HRC recommendation may implicate the collectively bargained rights of employees, the CO should consult the servicing CSA or HR Specialist to ensure that no action or obligation is undertaken that may be inconsistent with any applicable collective bargaining agreement.

c. Definition: Climate Surveys EO **climate surveys** are tools designed to aid unit commanders in improving the unit's EO climate and organizational effectiveness. These surveys are administered at the request of the unit commander.

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9. Human Relations Councils (HRC) and Climate Surveys Policies, Continued

d. Type of Climate Survey The Defense Equal Opportunity Management Institute provides a climate survey for command use called the DEOMI Equal Opportunity Climate Survey (DEOCS). This survey is appropriate for commands of all sizes however demographic data will not be provided for commands smaller than 17 personnel to ensure confidentiality.

e. Administering Climate Surveys A DEOCS survey must be administered at every unit at least triennially.

Where practicable, units shall conduct a survey within 180 days of a change of command. This can be waived if a DEOCS has been conducted within the previous 18 months. Instructions for requesting and administering the survey can be found at the DEOMI web site, https://www.patrick.af.mil/deomi/research%20main%20pages/MEOCS/MEOCS_Index.htm.

Note: Whenever it appears that an employee survey may implicate the collectively bargained rights of employees, the CO should consult the servicing CSA or HR Specialist before conducting the survey to ensure that it doesn't violate any applicable collective bargaining agreement.

10. Discrimination Complaint Program and Mediation

Introduction This topic contains information about the policies governing the Coast Guard's Discrimination Complaint Program and Mediation, including:

- Protection of identities and confidential information;
 - Representation;
 - Allegations that implicate Coast Guard Civil Rights staff or senior leadership;
 - Conflict of Interest;
 - Mediation; and
 - Scope and conduct of mediation.
-

a. Protection of Identities and Confidential Information The table below describes the protection of identities and confidential information for the different phases of the Discrimination Complaint Program and mediation.

| Phase | Description |
|------------------|--|
| Informal Process | <p>Civilians may request to remain anonymous throughout the informal pre-complaint process. However, if the command articulates a need to know the Aggrieved Person's identity for informal resolution purposes, the Aggrieved Person's options are limited to: waiver of anonymity, filing a formal complaint, or withdrawal from the complaint process.</p> <p>Information provided during informal counseling is considered confidential and may not be shared with others without the consent of the person whose privacy interests would be violated by disclosure.</p> |
| Formal Process | <p>Documents provided during formal complaint processing is subject to the protections of the Privacy Act (5 U.S.C. Section 552a). While identification of complainant and elements of the complaint to managers is permitted during formal complaint processing, discussion of the complaint in the workplace (other than as required for case processing with EEO counselors, investigators, personnel representatives, and legal counsel) is not permitted.</p> |

Continued on next page

10. Discrimination Complaint Program and Mediation,

Continued

a. Protection of Identities and Confidential Information (continued)

| Phase | Description |
|--------------|--|
| Mediation | <p>There are no written records of mediation sessions. Facts discovered during mediation do not become a part of the official complaint record. Nothing said or given in confidence during separate meetings between the Mediator and individual parties may be voluntarily disclosed or offered into evidence in a future legal proceeding, unless all parties and the Mediator agree in writing.</p> <p>Exceptions: The Mediator is required to report any indication of criminal activity and may be required by subpoena to:</p> <ul style="list-style-type: none"> • Disclose information necessary to prevent a manifest injustice; • Help establish a violation of the law; or • Prevent harm to the public health or safety. <p>Note: A resolution agreement that may be developed as part of the mediation process does become a record document once signed by the parties and after successful review by legal and civilian personnel staff.</p> |

b. Representation

Aggrieved Persons, complainants, and witnesses have the right to be represented, accompanied, and advised by any person of their choice, at their own expense, at any stage in the informal or formal discrimination complaint processes, provided that the representative is not a member of the Coast Guard's Civil Rights staff.

When the complainant's representative is an attorney, all communications with the complainant must be through the attorney or in accordance with the attorney's instructions.

Continued on next page

10. Discrimination Complaint Program and Mediation,

Continued

**c. Allegations
Implicating
EOAs, CROs,
CRPMs, or
Senior
Leadership**

The table below allocates responsibility for processing allegations that implicate Coast Guard Civil Rights staff or senior leadership.

| Subject of Allegations | Who is Responsible for Processing |
|---|--|
| Commandant (G-C) | Upon referral Department of Homeland Security (DHS) Civil Rights and Civil Liberties (CRCL), or another DHS Civil Rights Service Provider (CRSP) designated by CRCL. |
| Flag Level Officer or Senior Executive Service official | Commandant (G-CR), in consultation with appropriate Ethics Officer. Upon referral, DHS CRCL, or another DHS CRSP designated by CRCL. |
| Area/HQ Civil Rights Director/CRO/EOA | Alternate official at next higher level designated by CO. <i>Note:</i> Commandant (G-CR) will provide these individuals with technical guidance as requested. |
| CO/Officer in Charge | Next higher level in the chain of command. |

d. Conflict of Interest

To the extent that a discrimination allegation or complaint raises a potential conflict of interest or appearance of impropriety that cannot be resolved within the Coast Guard without impugning the organization, Commandant (G-CR) shall review the circumstances of the case and may refer the matter to DHS CRCL for processing in accordance with the Department's procedures.

Commandant (G-CR) will consult the appropriate Ethics Official in Commandant (G-L) before making the referral.

Continued on next page

10. Discrimination Complaint Program and Mediation,

Continued

e. Mediation Requirement

Mediation is required for command and management, meaning that whenever the Coast Guard determines that mediation is appropriate in the particular case, managers and supervisors are required to participate and make every reasonable effort to reach resolution of the dispute. Mediation will be required when:

- An Aggrieved Person has requested mediation; and
- The Civil Rights Officer (CRO) has determined after considering all the mediability determination factors listed in Chapter 3.F.10.e that mediation is appropriate under the circumstances of the particular case.

An Aggrieved Person may elect not to participate in mediation.

f. Scope and Conduct of Mediation

Mediation of EO/EEO disputes may include related non-EEO workplace issues raised by either party, provided that:

- Both parties are willing to mediate the additional issues;
- The CRO has determined, in accordance with mediability determination factors listed in Chapter 3.F.10.e, that mediation is appropriate under the circumstances of the particular case; and
- Any resolution of the additional issues is subject to the same process of review for legal sufficiency and administrative practicability as applies to resolution of the EO/EEO issues.

Note: Either party can choose to withdraw from mediation at any time and return to the Informal or Formal Discrimination Complaint Process at the point where mediation was requested.

Section B. Equal Opportunity (EO) Awareness Training

Overview

Introduction This section contains information about Equal Opportunity (EO) Awareness Training in the Coast Guard.

In this Section This section contains the following topics:

| Topic | Topic Name | See Page |
|--------------|--|-----------------|
| 1 | Human Relations Awareness (HRA) Training | 3-B-2 |
| 2 | Sexual Harassment Prevention (SHP) Training | 3-B-4 |
| 3 | Equal Opportunity (EO) Awareness Training for Supervisors and Managers | 3-B-6 |
| 4 | Civil Rights Service Provider Training | 3-B-8 |

1. Human Relations Awareness (HRA) Training

Introduction This topic contains information about the Coast Guard's Human Relations Awareness (HRA) training program, including the training's:

- Purpose and background;
 - Requirements;
 - Documentation; and
 - Roles and responsibilities.
-

a. Purpose of the HRA Training The HRA training program provides military and Civilian Coast Guard personnel the tools and knowledge they need to positively interact in a diverse workforce.

b. About HRA Training HRA training is provided by authorized Equal Opportunity Advisors (EOAs) who have graduated from the Defense Equal Opportunity Management Institute (DEOMI) Equal Opportunity Advisor Course.

The ideal class size is 20-30 people, not to exceed 40. Each group of trainees should represent the diversity of the unit. Training should be conducted in an environment that is as free from distractions as possible. All attendees shall be free of other commitments for the entire class.

Commands will coordinate this training through the EOA or Civil Rights Officer (CRO) serving their chain of command at Areas, Districts, Maintenance Logistics Commands (MLCs), Headquarters (HQ) and HQ units. Exceptions can be made when this is not geographically efficient.

Example: Training Center Petaluma is a HQ unit, but it may be more practical for the Coast Guard District 11 EOA to support them instead of the HQ EOA. There should be a memo of understanding (MOU) or similar agreement between the respective CROs to formalize such arrangements.

c. Requirement to Receive HRA Training All Coast Guard personnel (active and reserve military and civilian, to include NAF employees) must attend HRA training triennially, starting within 90 days of accession or hiring. Coast Guard Auxiliarists may attend HRA training as available, however it is not mandatory for Auxiliarists.

Continued on next page

1. Human Relations Awareness (HRA) Training, Continued

d. Documentation Maintaining proper records is essential to facilitating accomplishment of the training objectives and preventing redundancy or gaps in training.

The EOA and command CRO shall ensure proper documentation of training in the Training Management Tool (TMT). The TMT Training Completion Codes are:

- HRA = GMT-003; and
- SHP = GMT-010.

Note: Both codes are required since Sexual Harassment Prevention (SHP) is covered as part of HRA training. This training is not recorded in Direct Access.

e. Roles and Responsibilities The table below describes the roles and responsibilities associated with HRA Training.

| Role | Responsibilities |
|----------------|--|
| EOA | <ul style="list-style-type: none"> • Schedules training with command CRO. • Conducts enough HRA training sessions each year to ensure personnel within his/her AOR meet the triennial training requirement. Teaches an average of 30 participants in each session. • Briefs the Commanding Officer/Executive Officer prior to conducting training. May provide outbriefs. • Ensures entry of training completion for all attendees in TMT. |
| Unit Commander | <p>Introduces the training, placing emphasis on his/her personal commitment to:</p> <ul style="list-style-type: none"> • Equitable treatment to all; and • A workplace environment free of discrimination and harassment. |
| Command CRO | <ul style="list-style-type: none"> • Schedules training with servicing EOA. • Ensures proper documentation of training in TMT. • Implements a 3-year training plan for HRA training delivery within his/her AOR. Reports any training shortfalls to the CO and to the District or Area Civil Rights Office as appropriate. |

2. Sexual Harassment Prevention (SHP) Training

Introduction This topic contains information about Sexual Harassment Prevention (SHP) training, including the training's:

- Purpose;
 - Requirements;
 - Delivery;
 - Documentation; and
 - Roles and responsibilities.
-

a. Purpose of SHP Training The purpose of SHP training is to raise awareness among Coast Guard personnel of behaviors that constitute sexual harassment and to teach actions which should be taken to prevent or eliminate it.

b. Requirement to Receive SHP Training. All Coast Guard personnel – active and reserve military, civilian (including non-appropriated funds (NAF) employees), – must receive SHP Training annually, starting within 90 days of accession into the Coast Guard.

Coast Guard Auxiliarists receive training as part of the basic qualification process and shall comply with the requirements of the Auxiliary Manual, COMDTINST M16790.1 (series).

Note: SHP Training is included in HRA Training and is not required as a stand-alone session during a year when HRA training is conducted.

c. Delivery of SHP Training For the cutter fleet and other units with slow Internet connectivity, SHP training is delivered by the EOA and scheduling occurs in the same manner as HRA training, except with different frequency. For all other units, SHP Training is delivered through a combination of computer-based training and command-facilitated discussion. The discussion shall include:

- Reinforcing policies;
- Expressing personal commitment; and
- Answering questions.

The SHP Training Facilitator's Guide is available on CG Central in the General Military Training section under the Learning Tab. The training materials emphasize the command's commitment to a workplace free of harassment and the process for resolving incidents at the lowest level.

Continued on next page

2. Sexual Harassment Prevention (SHP) Training, Continued

- d. Documentation** Maintaining proper records is essential to facilitating accomplishment of the training objectives, and preventing redundancy or gaps in training.

The unit CRO shall ensure proper documentation of training in TMT. The TMT code is GMT-010.

The unit CRO shall email, or otherwise report, to the respective Area, District, MLC, CGHQ or HQ Unit CRO, indicating completion of SHP Training and number of personnel trained.

- e. Roles and Responsibilities** The table below describes the roles and responsibilities associated with SHP Training.

| Role | Responsibilities |
|-----------------|---|
| EOA | <ul style="list-style-type: none"> • Provide training for the cutter fleet and other units with slow Internet connectivity, coordinating schedules with the Unit CRO. • For all other units, provide assistance as requested. |
| Commander or CO | <p>Facilitates discussion following training, placing emphasis on their personal commitment to:</p> <ul style="list-style-type: none"> • A workplace free of sexual harassment; and • Resolving issues at the lowest level. |
| Unit CRO | <ul style="list-style-type: none"> • Schedules training for unit personnel; facilitates access to e-SHP course, and coordinates all-hands session after all personnel complete the on-line training module. • Ensures that training is recorded in TMT. • Reports training completion (including number of personnel trained and any problems) to the respective Area, District, MLC, CGHQ or HQ Unit CRO. |

3. Equal Opportunity Training for Supervisors and Managers

Introduction This topic contains information about the Equal Opportunity (EO) training for supervisors and managers, including the following:

- Purpose;
 - Background; and
 - Requirements.
-

a. Purpose of Training The purpose of EO training for managers and supervisors is to increase their awareness of specific EO-related responsibilities they have unique to their positions in the organization.

b. About Equal Opportunity Training for Supervisors and Managers EO training for supervisors and managers is a key element of success in effectively implementing the Affirmative Programs of Equal Employment Opportunity, including:

- Knowledge of the annual assessment process;
- Awareness of the disability employment program and reasonable accommodation procedures;
- Understanding the EO process; and
- Ensuring efficient processing of complaints of discrimination.

Most civilian hiring decisions are made by managers and supervisors, and workforce barriers may be unintentionally caused by employee-supervisor relationships. Awareness of program requirements and command AP/EEO goals is critical for all individuals in positions that impact the civilian workforce.

Additionally, since resolving complaints at the lowest level begins with the immediate supervisor, awareness of the complaint process, including mediation, is essential to preventing formal complaints and timely resolution when they arise.

Attending EO training will enable managers and supervisors to clearly:

- Articulate their commitment to a fair, inclusive, non-discriminatory workplace free of harassment;
 - State their expectations for employee conduct; and
 - Understand their personal accountability for a successful EO program.
-

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3. Equal Opportunity Training for Supervisors and Managers, Continued

c. Training Requirement

EO training for supervisors and managers can take place at any time; however, it is recommended within 45 days of an individual assuming responsibility as a manager or supervisor (for both Civilians and Military). Training is coordinated through the servicing CRO or Area/Headquarters Civil Rights Director.

4. Civil Rights Service Provider Training

Introduction This topic contains information about the Coast Guard's civil rights resident training programs, including the following:

- Purpose and background;
 - Training providers
 - Training courses; and
 - Summary of requirements.
-

a. Purpose of Training The purpose of EEO training is to provide Civil Rights Service Providers (CRSPs) with the tools they need to perform their assigned duties.

b. About CRSP Training CRSP training is provided in support of the Coast Guard EO Program. Quotas to attend training courses must be requested via the CRO to the supporting Area or Headquarters Civil Rights Director.

c. Training Providers The table below describes the agencies that provide training courses to Coast Guard civil rights service providers.

| Provider | Description |
|--|---|
| Defense Equal Opportunity Management Institute (DEOMI) | DEOMI provides training with the desired outcome of: <ul style="list-style-type: none"> • Fostering positive human relations throughout the Armed Forces; and • Enhancing leadership and mission readiness. |
| Equal Employment Opportunity Commission (EEOC) | EEOC offers standardized courses specifically for federal EEO professionals. |
| U.S. Department of Agriculture (USDA) Graduate School | This school offers an array of career-related and continuing education courses to include EEO counselor and mediation to EEO professionals and federal, state and local employees throughout the country. |
| Coast Guard Area Civil Rights Directors | The Atlantic and Pacific Area Civil Rights Directors conduct Collateral Duty CRO courses twice a year. |

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4. Civil Rights Service Provider Training, Continued

d. Training Courses The table below describes the available courses and the criteria for attending selected courses.

| Course | Description |
|---|--|
| Equal Opportunity Advisors Course | <p>This course is taught at DEOMI. It is 10 weeks in duration with seven weeks of DOD equal opportunity training and three weeks of Coast Guard service-specific training. The curriculum for the EOA Course provides a foundation for the EOAs to assess the human relations/ social climates for the organization in which they serve. It prepares them to provide sound advice and guidance to Commanding Officers to recognize, prevent, reduce, or eliminate discriminatory practices.</p> <p>The course is targeted to military members who serve as full-time EOAs.</p> |
| Equal Opportunity Program Managers Course | <p>This course is taught at DEOMI. It is for commissioned officers and senior noncommissioned officers who are not EO practitioners, but have overall responsibility for managing the unit's equal opportunity program. The EOPM course focuses on organizational issues.</p> <p>The course is 6 weeks in duration: three weeks of core material and three weeks of service-specific training. The course is targeted for military members and civilian personnel who manage EO programs and supervise EOAs.</p> |
| Leadership Team Awareness Course | <p>The course is conducted in a joint Service environment. The Leadership Team Awareness Course (LTAC) is designed to allow senior leaders serving in key organizational positions an opportunity to explore evolving human relations and equal opportunity/equal employment opportunity issues in addition to gaining a complete understanding of how these issues impact the unit cohesion and mission effectiveness / readiness.</p> <p>The course is five days in duration. The LTAC is targeted for Commanders and key staff and or department heads to include their Silver or Gold Badge Command Chiefs (E-7 to E-9).</p> |

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4. Civil Rights Service Provider Training, Continued**d. Training Courses (continued)**

| Course | Description |
|--|--|
| Equal Employment Opportunity (EEO) Counselors Course | <p>The Equal Employment Opportunity Counselors Course develops a foundation for EEO Counselors to serve as effective EEO practitioners at the entry level. This course covers: the causes and effects of discrimination, EEO programs for federal employees/applicants for employment to include the roles and responsibilities of EEO Counselors, Assistants, and Specialists.</p> <p>This course is four days in duration. It is targeted towards collateral-duty and full-time EEO Counselors, EEO Assistants, and other newly assigned EEO, Civilian Personnel/Human Resource Management, and Equal Opportunity Advisor personnel who have EEO responsibilities and need a thorough introduction to statutory, legal, and organizational aspects of EEO.</p> |
| Collateral Duty Civil Rights Officer Course | This one-week course is designed to provide program management guidance to CDCROs. Training will cover the duties and responsibilities of the CDCRO to include the five civil rights field missions, diversity, sexual harassment prevention, discrimination, mediation, and the informal process. |

e. Summary of Training Requirements The table below indicates the various roles that support the EO Program and the training that is recommended (#) or required (X) for the personnel in these positions.

| Role | EO Program Manager Course | EOA Course | EEO Counselor Course | EEO Counselor Annual Refresher Course | Collateral-duty CRO Course |
|---------------|----------------------------------|-------------------|-----------------------------|--|-----------------------------------|
| District CRO | # | | | | # |
| EOA | | X | X | X | |
| Unit CD CRO | | | # | | X |
| EEO Counselor | | | X | X | |

Section C. Affirmative Programs of Equal Employment Opportunity (AP/EEO)

Overview

Introduction This section contains background information on the Coast Guard's Affirmative Programs of Equal Employment Opportunity including the Special Emphasis Programs (SEP).

In this Section This section contains the following topics:

| Topic | Topic Name | See Page |
|--------------|---|-----------------|
| 1 | Affirmative Programs of Equal Employment Opportunity (AP/EEO) | 3-C-2 |
| 2 | AP/EEO Requirements and Reports | 3-C-5 |
| 3 | AP/EEO Roles and Responsibilities | 3-C-7 |
| 4 | Special Emphasis Programs (SEP) | 3-C-9 |
| 5 | Educational Programs and Cultural Observances | 3-C-13 |

1. Affirmative Programs of Equal Employment Opportunity (AP/EEO)

Introduction

This topic contains background information about the Coast Guard's Affirmative Programs of Equal Employment Opportunity, including:

- Background information;
 - Responsibility for program success;
 - Elements for a Model EEO Program based on the Equal Employment Opportunity Commission's Management Directive 715 (EEOC MD 715) Requirements;
 - Definitions;
 - Its purpose;
 - Annual Self-Assessment Process.
-

a. About the Affirmative Employment Program

EEOC MD 715 requires agencies to develop and sustain a Model Equal Employment Opportunity Program based on six essential elements.

- Demonstrated commitment from agency leadership;
- Integration of EEO into the agency's strategic mission;
- Management and program accountability;
- Proactive prevention of unlawful discrimination;
- Efficiency; and
- Responsiveness and legal compliance.

MD-715 instructions require that:

“Such continuing affirmative programs of EEO shall require that all employment decisions of the federal government be made free of discrimination against any group based on race, color, religion, sex, national origin or disability and that there be equal access for all.”

b. Responsibility for Program Success

Senior leadership support and involvement is crucial to the success of both:

- Creating and sustaining a model EEO Program; and
 - Monitoring and evaluating these programs through an annual self-assessment process.
-

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1. Affirmative Programs of Equal Employment Opportunity (AP/EEO) Continued

**c. Purpose of
the AP/EEO**

The purpose of the AP/EEO is to monitor all aspects of EEO for civilian employees, in terms of both personnel actions and program implementation.

This includes reviewing human resources and equal employment opportunity policies, programs and practices to identify any program deficiencies and eliminate barriers to EEO where they may exist.

This assessment focuses on measures of efficiency, effectiveness, and accountability to achieve the six essential elements of a Model EEO Program.

It is important to note that barriers may also exist in Information Technology systems, funding, and poorly-designed facilities.

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1. Affirmative Programs of Equal Employment Opportunity (AP/EEO), Continued

d. Definition: Barrier A workforce **barrier** is a policy, practice, or condition that limits employment opportunities because of race, ethnic background, gender or disability.

e. Annual Self Assessment Process EEOC MD 715 mandates an Annual Self Assessment Process. It provides methods for this self-assessment of all Human Resource and EEO programs, policies and practices. This directive mandates that agencies are to:

- Collect and analyze civilian workforce data;
 - Assess EEO programs and identify any program deficiencies;
 - Assess HR policies and practices to identify and eliminate any workforce barriers that may exist; and
 - Create strategic plans of action to address any noted program deficiencies and workforce barriers.
-

2. AP/EEO Requirements and Reports

Introduction This topic contains information about AP/EEO requirements and reports for:

- Areas;
 - Districts and Maintenance Logistics Commands (MLCs); and
 - CGHQ and HQ Units.
-

a. Command Requirements The following commands are required to have AP/EEOs:

- Areas;
- Districts;
- Maintenance Logistics Commands (MLCs);
- CGHQ; and
- HQ Units

Each organizational level identified above has specific responsibilities for developing and maintaining Affirmative Programs of Equal Employment Opportunity and MD 715 Reports.

b. Area and CGHQ AP/EEO Requirements

Area and CGHQ AP/EEOs should include the following:

- An instruction outlining program intent, responsible officials and procedures for conducting annual self-assessments.
 - Strategic action plans for correcting program deficiencies and eliminating workforce barriers identified through the annual self-assessment process.
 - An Annual Report (*EEOC Form 715-01*) derived from the self-assessment which includes consolidation of subordinate reports. The consolidated report shall be provided to Commandant (G-CR) in a timely manner.
-

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2. AP/EEO Requirements and Reports, Continued

c. AP/EEO Requirements for Districts, MLCs, HQ Units

District, MLC, HQ Unit AP/EEOs should have the following:

- An instruction outlining program intent, responsible officials and procedures for identifying and eliminating barriers to equal employment opportunity for their AOR.
- A formal process for conducting annual self-assessments to identify program deficiencies and workforce barriers.
- An annual strategic plan of action for correcting program deficiencies and eliminating workforce barriers identified through the assessment process.
- An Annual Report derived from the self-assessment that is to be completed and provided to the Area Commander or, for HQ Units, Commandant (G-CCS).

District, MLC and HQ Unit AP/EEO reports must be provided to the Area Commander and Commandant (G-CCS) in a timely manner in order to enable incorporation in the Areas' and Commandant (G-CCS)'s annual reports.

3. AP/EEO Roles and Responsibilities

a. Roles and Responsibilities AP/EEO The table below summarizes the roles and responsibilities within the AP/EEO:

| Level of Military Chain of Command | Corresponding Civil Rights Service Provider | Basic Duties and Responsibilities for the AP/EEO (including SEPs) |
|---|--|---|
| Area and HQ | Area Commander, Coast Guard Chief of Staff | <ul style="list-style-type: none"> • Serves as the senior EO Officer for AOR. • Responsible for AP/EEOs within their AOR, including certification of <i>MD-715 Annual Report</i>. |
| | Civil Rights Director | <ul style="list-style-type: none"> • Establishes and oversees implementation of the AP/EEO instruction for the AOR. • Develops the consolidated annual AP/EEO assessments and reports for the AOR. • Advises and assists the Civil Rights Officers (CROs) within their AOR with AP/EEO. |
| | CRO | <ul style="list-style-type: none"> • Develops and implements AP/EEO within AOR. • Supports unit-level implementation of the AP/EEO within AOR. • Serves as command assessment team leader for MD 715 self-assessment. • Prepares an annual AP/EEO assessment, strategic plans of action and reports for units they are responsible for supporting. • Advises Commanding Officer on the AP/EEO. |
| | Equal Opportunity Advisor (EOA) | Assists the CRO and units within the AOR on implementing the AP/EEO throughout the AOR. |
| District, MLC, HQ Unit | District, MLC, HQ Unit Commander | Serves as the senior EO Officer responsible for the AP/EEOs within their AOR, including certification of <i>MD-715 Annual Report</i> . |

Continued on next page

3. AP/EEO Roles and Responsibilities, Continued

| | | |
|----------------------------------|-----|--|
| District, MLC, HQ Unit, cont. | CRO | <ul style="list-style-type: none"> • Develops, manages and oversees implementation of strategic plans of action for AP/EEO within AOR. • Serves as command assessment team leader for MD 715 self-assessment • Supports unit-level implementation of the AP/EEO within AOR. • Prepares an annual AP/EEO report for certification by unit commander. • Advises Commanding Officer on the AP/EEO. |
| | EOA | Assists the CRO and units within the AOR on development and implementation of their AP/EEO. |

4. Special Emphasis Programs (SEP)

Introduction This topic contains information about Special Emphasis Programs (SEPs), including:

- The purpose and requirements;
 - Mandatory program elements for units;
 - Optional programs;
 - The SEP and AP/EEO relationship;
 - Educational programs and cultural observances;
 - The outreach programs; and
 - The roles and responsibilities for:
 - FWP;
 - HEP; and
 - DEP.
-

a. Purpose of SEP SEP is part of the overall AP/EEO for civilians. It promotes equity, fairness, equal opportunity, and addresses the unique and special concerns of minorities, women and people with disabilities within our civilian workforce.

SEP supports AP/EEO through its role in:

- Barrier identification and removal;
 - Educational programs and cultural observances;
 - Outreach; and
 - Establishment of internal/external networks to facilitate the above.
-

b. SEP Program Requirements

The following commands are required to have SEPs:

- Areas;
 - Districts;
 - MLCs;
 - CGHQ; and,
 - HQ Units.
-

Continued on next page

4. Special Emphasis Programs (SEP), Continued

c. Mandatory Program Elements for Commands

Mandatory program elements for commands where SEPs are required include:

- Federal Women's Program (FWP);
 - Hispanic Employment Program (HEP); and
 - Disability Employment Program (DEP).
-

d. Optional Programs

The following programs are optional for all commands:

- Black/African American Employment Program (BEP);
 - Asian American/Pacific Islander Program (AAPI); and
 - American Indian/Alaska Native Employment Program (AIAN).
-

e. Roles and Responsibilities

Management of SEPs is the responsibility of the CRO. This includes all aspects of the establishment, management and oversight of the programs. The outreach portion of SEPs will be developed consistent with Coast Guard outreach goals established by Human Resources.

f. Education Programs and Cultural Observances

SEPs may include educational programs and cultural observances. These programs should address the current needs of the special emphasis group, providing professional development opportunities to enable employees to:

- Become more competitive for advancement and/ or
 - Address cultural/diversity issues.
-

Continued on next page

4. Special Emphasis Programs (SEP), Continued

g. Outreach Programs

SEPs may also include outreach programs. Outreach programs must be consistent with CG goals established by Human Resources. SEP-related outreach may be used to:

- Enhance the Coast Guard's reputation in the community;
 - Raise awareness of the Coast Guard as an employer of choice;
 - Increase applicant pools for civilian job vacancies; and
 - Demonstrate opportunities for women, Hispanics and people with disabilities.
-

h. Focus of the FWP

The focus of FWP is the enhancement of women's opportunities within the civilian workforce and to address gender/cultural issues related to employment. The FWP is responsible for monitoring and raising awareness of the following:

- Demographics of the women within their area of responsibility, including:
 - Number and percentage of women vs. total workforce; and
 - Grade distribution of women.
 - Needs of women within AOR in terms of required training, professional development opportunities, and so on.
 - Coast Guard sexual harassment policies, the Commandant's Sexual Harassment Policy Statement, and the climate within the workplace.
-

Continued on next page

4. Special Emphasis Programs (SEP), Continued

i. Focus of the HEP The focus of HEP is the enhancement of opportunities for Hispanics within the civilian workforce and to address cultural issues related to employment. The HEP is responsible for monitoring and raising awareness of:

- Demographics of Hispanics within the AOR, including:
 - Number and percentage of Hispanics vs. total workforce; and
 - Grade distribution of Hispanics within the workforce; and
 - Needs of Hispanics within the AOR in terms of training, professional development, and so on.
-

j. Focus of DEP The focus of DEP is the enhancement of opportunities for people with disabilities within the civilian workforce. The DEP is responsible for monitoring and raising awareness of:

- Demographics of people with disabilities within the AOR including:
 - Number of people with disabilities;
 - Type of disability (and whether targeted); and
 - Grade distribution.
 - Needs of people with disabilities within the AOR in terms of training, professional development, and barrier removal, including reasonable accommodation.
-

5. Educational Programs and Cultural Observances

Introduction This topic contains information about educational programs and cultural observances, including:

- Background information;
 - Definitions;
 - Cultural observance events; and
 - Measures of success.
-

a. About Educational Programs and Cultural Observances

Educational programs and cultural observances are effective ways to promote the employment and advancement of women, minorities, and people with disabilities.

b. Definition: Educational Program

An **educational program** focuses on the needs of current employees and provides opportunities to improve skills in such areas as career development, public speaking or preparing resumes.

c. Definition: Cultural Observances

Cultural observances are opportunities to recognize the accomplishments of individuals or groups of people, and show how their experiences fit into our collective American history.

Continued on next page

5. Educational Programs and Cultural Observances, Continued**d. Cultural
Observance
Events**

The table below lists the cultural events that are observed by the Coast Guard and when they are observed.

| Cultural Event | When Observed |
|---|-------------------------|
| Martin Luther King, Jr. Federal Holiday | January |
| National African-American (Black) History Month | February |
| National Women's History Month | March |
| National Asian-Pacific-American Heritage Month | May |
| Women's Equality Day | 26 August |
| National Hispanic Heritage Month | 15 September-15 October |
| National Disability Employment Month | October |
| Native American Indian Heritage Month | November |

**e. Measures of
Success**

For educational programs and cultural observances to be successful, they must be:

- Well organized;
- Well attended; and
- Connected to the overall missions of the Coast Guard.

To create improvements to the organizational culture and/or develop an organizational culture that values diversity, Commanding Officers should encourage everyone to attend cultural observances.

Continued on next page

5. Educational Programs and Cultural Observances, Continued

f. Funding for Cultural Observances

As provided for in the Financial Resource Management Manual (FRMM), COMDTINST M7100.3 (series), appropriated funds may be used in support of activities that further the EEO objectives of the cultural awareness program. When using appropriated funds, you must be mindful of the purpose that you are attempting to accomplish, that is, attempting to educate our workforce on the history and contributions of a particular culture. Specifically, the following items are currently authorized when determined necessary. You must refer to the FRMM for the most up to date guidance on use of appropriated funds for this purpose.

- **Food:** Small samples of ethnic foods may be provided. Ensure you read the policy for Cultural Awareness Programs under the food heading (currently section 5.K.11.e in the FRMM).
- **Speaker Fees:** Speaker fees or honorarium may be authorized. Providing a memento or plaque for speaking at an event is not authorized.
- **Entertainment:** Use great caution when considering this. As stated by the GAO, you must ensure the planned performance advances the EEO Objectives.

Commanders will ensure that projected events amplify the contributions made to the Coast Guard and to society by the featured ethnic or racial group.

Section D. Social Climate Incidents

Overview

Introduction This section contains information about Social Climate Incidents and the Coast Guard's roles and responsibilities when dealing with these incidents.

In this Section This section contains the following topics:

| Topic | Topic Name | See Page |
|--------------|--------------------------------|-----------------|
| 1 | About Social Climate Incidents | 3-D-2 |
| 2 | Social Climate Review Process | 3-D-7 |
| 3 | Community Resources | 3-D-13 |

1. About Social Climate Incidents

Introduction This topic contains information about Social Climate Incidents, including:

- A definition;
- Coast Guard expectations;
- Impact of a negative social climate;
- Managing social climate Incidents;
- Roles and responsibilities;
- Guidance and procedures for processing reports; and
- Resources available to assist in resolving Social Climate Incidents.

a. Definition: Social Climate Incident A **Social Climate Incident** is an action or incident committed by a member or members of a community against Coast Guard military personnel or their dependents which is perceived as hostile, harassing, or discriminatory in nature.

b. Coast Guard Expectations It is the expectation of the Coast Guard that all Coast Guard members and their families will be treated with fairness, dignity and respect by all citizens of the communities in which Coast Guard units are located or operate, and where our members live.

c. Impact of Social Climate Incidents Social Climate Incidents impact the morale of Coast Guard members and their families. In addition, they may impact job performance and reduce the level of mission accomplishment in a unit.

Continued on next page

1. About Social Climate Incidents, Continued

d. Managing Social Climate Incidents The Coast Guard will not tolerate harassment or discrimination against our members at any time by individuals or communities. When a member reports that such an incident has occurred, commanders must take prompt action to investigate and resolve the issues.

e. Roles and Responsibilities The table below contains the roles and responsibilities for members and commanders relating to monitoring and preventing Social Climate Incidents.

| Role | Responsibilities |
|---------------------------------|---|
| Member | Inform his/her chain of command as soon as possible after experiencing a Social Climate Incident. When housing discrimination is alleged, members are to notify their local area housing office as well as the Regional Office of Fair Housing and Equal Opportunity, Department of Housing and Urban Development (HUD). |
| Unit Commander | <ul style="list-style-type: none"> • Proactively establish and maintain lines of communication to prevent social climate problems. • Monitor social climate in the community. • Encourage members to notify the command of a Social Climate Incident as quickly as possible. • Ensure that a timely informal inquiry is conducted into the alleged Social Climate Incident (see Chapter 3.D.2). • Promptly inform his/her chain of command of incident. • Ensure that the CRO is informed of the incident and requests assistance as needed. • Engage with community leaders to address Social Climate Incident. |
| Equal Opportunity Advisor (EOA) | Work in conjunction with the respective CRO in providing support to the unit commander in order to resolve Social Climate Incidents. |

Continued on next page

1. About Social Climate Incidents, Continued**e. Roles and Responsibilities (continued)**

| Role | Responsibilities |
|--|---|
| CRO | <ul style="list-style-type: none"> • As the primary point of contact for the unit commander or the unit commander's chain of command, provide guidance and direction in resolving Social Climate Incidents. • Coordinate with the Regional Department of Justice, Community Relations Service (CRS) office as needed. • Facilitate opportunities for members to report any housing related incidents to HUD. |
| Area, District, MLC, Commandant (G-CCS) or HQ Unit Commander | <ul style="list-style-type: none"> • Ensure proactive response by unit commanders when incidents occur. • Provide timely reports on nature and management of incidents to Commandant (G-CR) as they occur. • Provide command perspective and recommendations to Commandant (G-CR) with copy to Commandant (CG-1) via the chain of command. |
| Commandant (G-CR) | <ul style="list-style-type: none"> • Oversee the process for managing Social Climate Incidents. • Provide guidance on development of MOU with Department of Justice, Community Relations Service and its Regional Offices to facilitate resolution of Social Climate Incidents. • Provide guidance and direction to commands as requested. • Coordinate policy development with Commandant (CG-1). • Provide guidance and/or recommendations on appropriate responses to Social Climate Incidents. |

Continued on next page

1. About Social Climate Incidents, Continued

f. Guidance and Procedures The table below provides guidance and procedures for processing reports of Social Climate Incidents.

| Who Takes Action | Action to be Taken |
|------------------------------|---|
| Member | Reports as soon as possible to the command that he/she or his/her dependent has experienced a Social Climate Incident. |
| Unit Commanding Officer (CO) | <p>The unit commander is ultimately responsible for identifying, investigating, and taking proactive steps to resolve Social Climate Incidents. To this end the CO:</p> <ul style="list-style-type: none"> • Receives the report of a Social Climate Incident from the member. • Assigns the unit CRO or other official to conduct an immediate informal inquiry of the incident. The informal inquiry should use the basic precepts of an Administrative Investigation (see COMDTINST 5830.1(series)). • Ensures that if Coast Guard personnel or their families are in danger, they are promptly protected from harm. • Works with the member to resolve incidents as soon as practicable. • Establishes ongoing communications with local officials and civic groups to address Social Climate Incidents. • Informs the chain of command by providing timely and factual information. • Ensures that the respective CRO is informed of the incident, and receives guidance/assistance from the CRO as needed. • Ensures that law enforcement authorities are immediately notified when there are harassing or discriminatory actions by members of the community against Coast Guard members or their families. • Counsels the member on his/her options regarding whether to pursue private legal representation/counsel for a violation of Civil Rights laws. • Determines whether to impose restrictive sanctions, such as placing an establishment off-limits when businesses are found responsible for harassing or illegal behavior towards Coast Guard members and/or dependents. • Provides reports of social climate incidents to the District, Area and Commandant (G-CR and CG-1). |

Continued on next page

1. About Social Climate Incidents, Continued

f. Guidance and Procedures (continued)

| Who Takes Action | Action to be Taken |
|-------------------------|---|
| CRO | <ul style="list-style-type: none"> • Provides direct support and guidance to the command and member. • Directs the Equal Opportunity Advisor (EOA), as needed, to provide support to the command and member in addressing Social Climate Incidents. • Coordinates efforts between the Regional CRS office, the command, and local community leaders in addressing and working to resolve Social Climate Incidents. |

2. Social Climate Review Process

- a. Social Climate Review Process** The table below provides guidance and procedures for processing reports of Social Climate Incidents.

| Who Takes Action | Action to be Taken |
|-------------------------|---|
| Unit Commanding Officer | <ul style="list-style-type: none"> • Once the command is notified by a member of a discriminatory action towards them or members of their family by the community, the CO shall appoint an Investigating Officer to conduct a review of the incident. The CO must assign an investigating officer within one day of being notified that an incident has occurred (operations permitting). • Once assigned, the investigating officer will conduct an informal investigation of the situation and will interview all parties involved in order to gather all facts related to the incident. The investigating officer will have 2 weeks to conduct a review of the incident (operations permitting). • After all the facts have been gathered; the investigating officer must analyze the information gathered and present all of the relevant facts surrounding the incident in a report which will follow the general structure of a Report of Investigation as described in the Administrative Investigations Manual, COMDTINST M5830.1 (series). The investigating officer has 1 week (operations permitting) to compile a report. The command has 2 weeks (operations permitting) to make their determination regarding the complaint. • If the final determination by the command is that no discrimination occurred, then they will communicate this finding to the complainant through a counseling forum. If the complainant disagrees with the command's finding, the command should refer them to the proper organization or entity which would assist them in resolving their incident. |

Continued on next page

2. Social Climate Review Process, Continued

a. Social Climate Review Process (continued)

| | |
|------------------------------------|---|
| Unit Commanding Officer, continued | <ul style="list-style-type: none"> • If the command believes a complainant has suffered housing discrimination, the command Housing Officer will refer 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 of responsibility. For details on the Fair Housing Act and to download the Housing Discrimination Complaint form HUD-903, refer to http://www.hud.gov/complaints/housediscrim.cfm. • If the command believes a complaint has suffered non-housing related discrimination, then the CO has the discretion to impose sanctions. For more information, see the Imposing Sanctions Section. • Upon completion of the report, it is recommended that the CO confer with their servicing Legal Office via their servicing CRO. The CRO will review the report and add any necessary comments as an enclosure to the report. The report should be forwarded to Commandant G-CR through the chain of command to arrive no later than 45 days after a social climate incident as occurred. |
|------------------------------------|---|

b. Imposing Sanctions

In instances where a community or a specific business has been proven to be discriminatory in its actions towards Coast Guard personnel, the Commanding Officer has the option to impose sanctions against the various organizations or businesses involved. This leverage may help the Coast Guard get more cooperation from organizations or businesses when addressing Social Climate Incidents. Specific procedures for imposing sanctions are outlined in the Armed Forces Disciplinary Control Boards and Off-Installation Liaison and Operations, COMDTINST 1620.1 (series). Imposing sanctions is highly encouraged once all efforts for resolution have failed, since it may prevent further incidents. Furthermore it 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.

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2. Social Climate Review Process, Continued

**c. Repeat
Incidents of
Community
Discrimination
Towards Coast
Guard
Personnel**

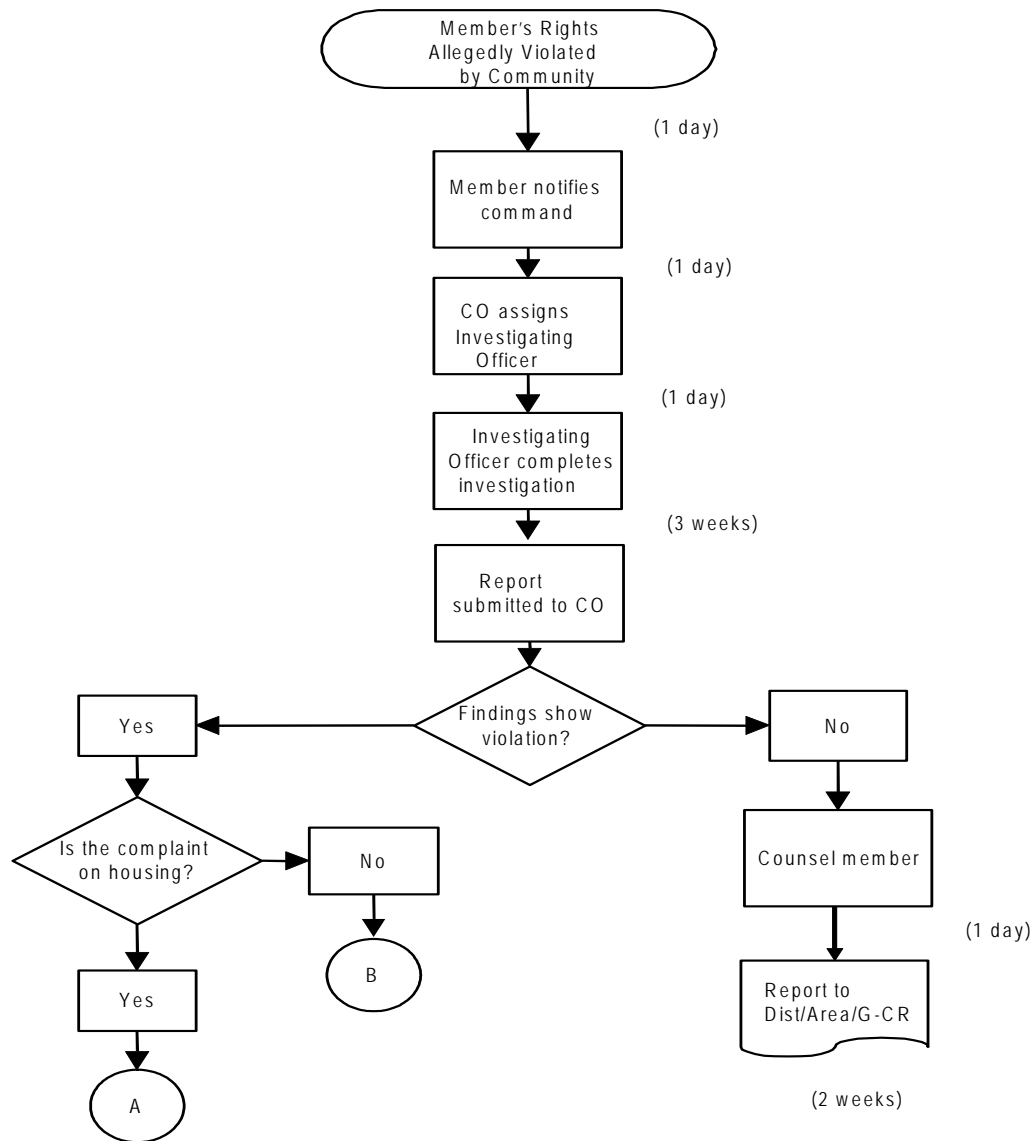
In some areas of the country, there have been repeat complaints of the community discriminating towards Coast Guard personnel. This raises many concerns for the Coast Guard. The final determinations made in Social Climate Incidents can help guide the command in the type of approach that should be taken to resolve these incidents. Working with the CRS will help the command determine the best approach.

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2. Social Climate Review Process, Continued

d. Social Climate Incident Process Flowchart

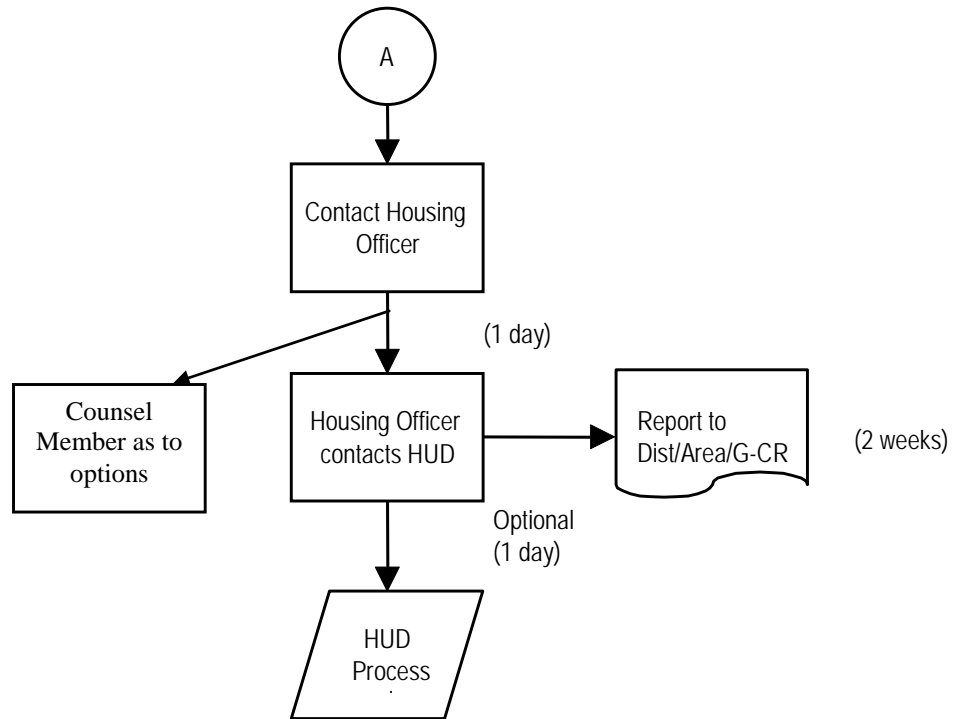
The following charts map the Social Climate Incident Review Process.



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2. Social Climate Review Process, Continued

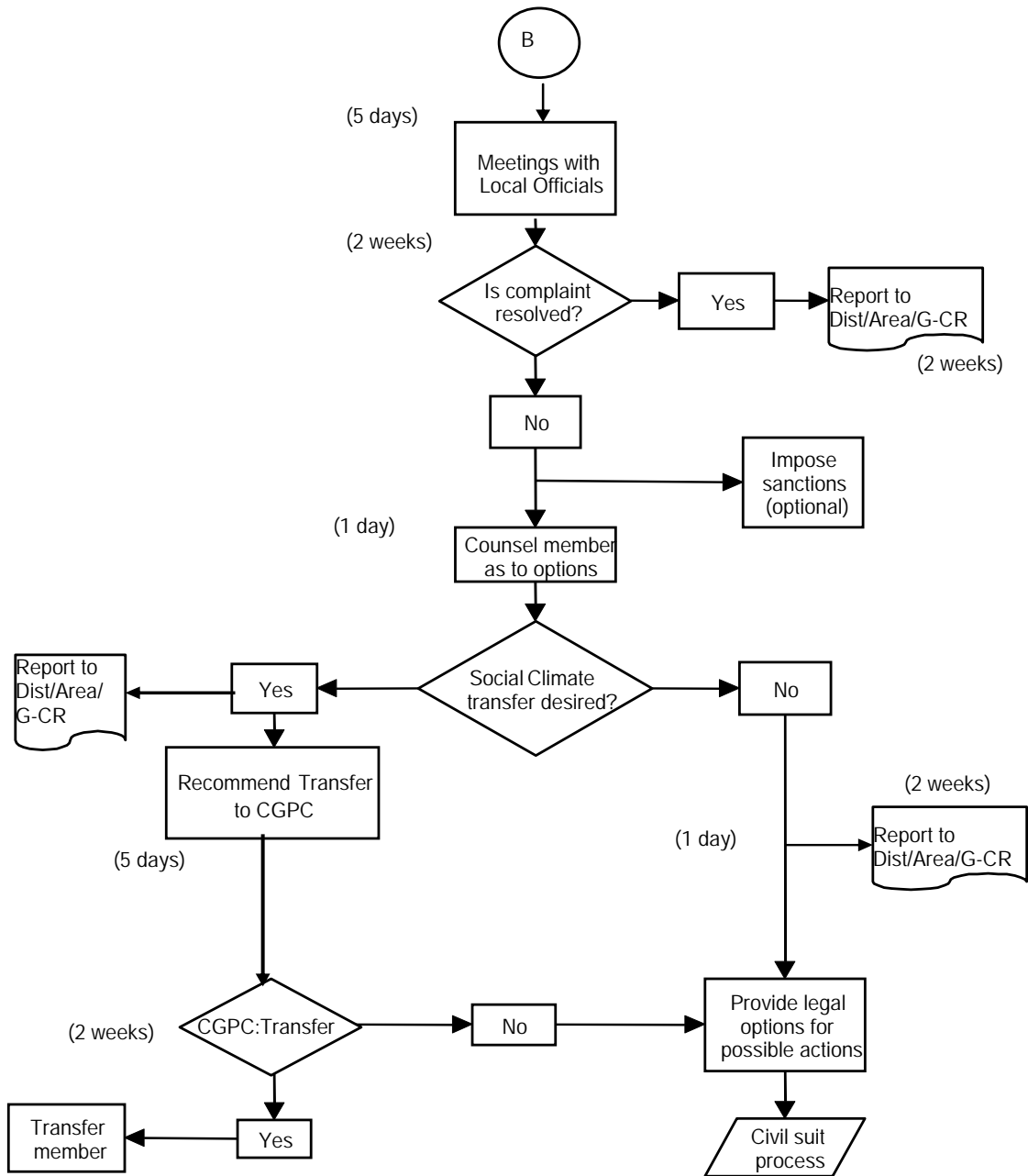
d. Social Climate Incident Process Flowchart, (continued)



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2. Social Climate Review Process, Continued

d. Social Climate Incident Process Flowchart, (continued)



3. Community Resources

a. Resources Available The table below contains information available to the Area, District, MLC, Headquarters, or HQ Unit CRO, the command, and the member to assist in resolving Social Climate Incidents.

| Resource | Assistance |
|--|---|
| Department of Justice, Community Relations Service | <p>The Community Relations Service (CRS), within the Department of Justice (DOJ):</p> <ul style="list-style-type: none"> • Helps Coast Guard unit commanders develop mechanisms (such as a MOU) to resolve service members’ complaints of harassment and/or discrimination by members of local communities. • Advises Coast Guard unit commanders on resolution of service members’ complaints of harassment and/or discrimination by members of local communities; • Identifies community or civic groups that can assist Coast Guard unit commanders in resolving service members’ complaints of harassment and/or discrimination by members of local communities; • Mediates, upon request, disputes between the Coast Guard and community entities regarding service members’ charges of harassment and/or discrimination; and • Provides Coast Guard unit commanders with information about relevant race relations issues within the community for purposes of incorporation into the command’s assessment of the community’s social climate. <p><i>Note:</i> The CRS is authorized under the Civil Rights Act of 1964 to provide assistance to communities and individuals in resolving disputes relating to discriminatory practices based on race, color, or national origin that impair the rights of individuals under the Constitution or laws of the United States.</p> |

Continued on next page

3. Community Resources, Continued**a. Resources Available** (continued)

| Resource | Assistance |
|---|---|
| Regional Office of Fair Housing and Equal Opportunity | <p>HUD can provide assistance in processing housing Discrimination Complaints.</p> <p>The Fair Housing Act, enforced by HUD, prohibits discrimination in any respect regarding:</p> <ul style="list-style-type: none"> • Home/apartment/condominium rentals; • Home/condominium sales; • Refinancing of dwellings; or • Provision of brokerage services. <p>Complaints can be filed at HUD Regional Offices throughout the country. In addition, HUD refers many housing Discrimination Complaints to state and local Civil Rights agencies.</p> <p>Command Housing Officers should assist members in completing and submitting the forms provided by HUD.</p> |
| Legal Counsel | <p>Coast Guard legal counsel may:</p> <ul style="list-style-type: none"> • Provide the respective CRO, command, and/or the member a general overview of possible legal options to consider for steps in addressing a Social Climate Incident; • Provide information regarding the process to initiate a civil suit, when Civil Rights Laws have been violated; • Assist the unit in negotiating a MOU when the CRS is involved; <p><i>Note:</i> Coast Guard attorneys will not represent a member in a civil suit as per the Legal Assistance Program Manual, COMDTINST 5801.4 (series). However, giving legal assistance to member concerning complaints of discrimination is a legal assistance priority. Legal offices may provide advice and assistance of a general nature. If legal recourse is preferred, the member should be assisted in requesting such action through a legal aid organization.</p> |

Section E. Human Relations Council (HRC), Climate Surveys, and EO Review Program

Overview

Introduction This section contains information about Human Relations Councils (HRC), Climate Surveys, and the Equal Opportunity (EO) Review Program.

In this Section This section contains the following topics:

| Topic | Topic Name | See Page |
|--------------|---------------------------------------|-----------------|
| 1 | Human Relations Councils (HRC) | 3-E-2 |
| 2 | Climate Surveys | 3-E-5 |
| 3 | Equal Opportunity (EO) Review Program | 3-E-8 |

1. Human Relations Councils (HRC)

Introduction This topic contains information about the Human Relations Councils (HRC), including:

- Description of the HRC;
 - Requirement to have a HRC;
 - HRC roles and responsibilities;
 - Policies for conduct of meeting;
 - Membership requirements and criteria;
 - Responsibilities and election of HRC officers; and
 - Documentation requirements.
-

**a. HRC
Description and
Requirement**

The Human Relations Council (HRC) is chartered by and advises the Commanding Officer (CO) on human relations, Equal Opportunity (EO) and diversity issues. It serves as liaison between members of the command and the CO for EO and civil rights issues that arise at the unit.

Areas, Districts, Maintenance Logistics Commands (MLCs), Headquarters (HQ), HQ Units and units with 50 or more military members and civilian employees are required to have HRCs. Where units are physically co-located, COs may agree to merge their HRCs into a “combined HRC” (for example Coast Guard units located on Government Island in Alameda, California). In such cases, HRC membership should be drawn from personnel from each command, and minutes should be provided to all COs whose units are represented.

Note: Whenever it appears that an HRC recommendation may implicate the collectively bargained rights of employees, the CO should consult the servicing CSA or HR Specialist to ensure that no action or obligation is undertaken that may be inconsistent with any applicable collective bargaining agreement.

Continued on next page

1. Human Relations Councils (HRC), Continued**b. HRC Roles
and
Responsibilities**

The HRC:

- Facilitates discussion of human relations issues and policies;
- Creates a line of communication between employees and the command on matters related to the command's EO climate;
- Encourages resolution of EO issues at the unit level;
- Stimulates participation in EO activities; and
- Assists in planning and sponsoring cultural awareness and special observance programs.

**c. Roles and
Responsibilities
of HRC
Officers**

The following table lays out roles and responsibilities for convening and managing HRC meetings and activities.

| HRC Officer | Responsibilities |
|--------------------|---|
| Chair | <ul style="list-style-type: none"> • Calls and presides over meetings. • Act as an <i>ex officio</i> member of all subcommittees. • Ensures the minutes are recorded for all meetings. • Provides copy of minutes to commanding officer(s) |
| Vice-Chair | <ul style="list-style-type: none"> • Performs the duties the Chair may delegate. • Presides over meetings in the Chair's absence. • Assumes the office of the Chair, if the position becomes vacant. |
| Secretary | <ul style="list-style-type: none"> • Works with the Chair to prepare and distribute the agenda for all meetings. • Records all proceedings of HRC meetings. • Assumes the office of Vice-Chair if the position becomes vacant. (In this event, the Council votes for a new Secretary at the next HRC meeting.) |

Continued on next page

1. Human Relations Councils (HRC), Continued

d. HRC Documentation The table below contains information about the HRC Charter, meeting minutes, and an official membership list.

| Document | Description |
|-----------------|--|
| HRC Charter | <p>The HRC Charter contains Guidance from the CO to the HRC regarding the role of the HRC for that command, and establishes:</p> <ul style="list-style-type: none"> • Frequency and location of meetings; • Guidelines for selecting HRC membership; • Responsibilities of HRC members; and • Preparation and routing of meeting minutes. <p><i>Note:</i> The charter may be in the form of a unit instruction or included as a section of the unit's organization manual.</p> |
| Minutes | <ul style="list-style-type: none"> • Shall be prepared after each meeting and routed to the CO for review and/or comment. • Shall be made available to any visiting Commandant (G-CR) EO Review Team Leader upon request • Shall be kept on file with other HRC records. |
| Membership List | Membership must be designated by letter and included in the command administration list. |

2. Climate Surveys

Introduction

This topic contains information about the climate surveys developed by the Defense Equal Opportunity Management Institute (DEOMI) for administration at the unit level, including:

- Background information;
 - Determining which survey to administer;
 - Requesting a survey;
 - Survey feedback; and
 - Contacting the DEOMI Directorate of Research.
-

a. About Climate Surveys

Defense Equal Opportunity Management Institute (DEOMI) has developed climate surveys as a tool to aid unit commanders in improving the unit's EO climate and organizational effectiveness. These surveys are administered at the request of the unit commander.

DEOMI provides the following survey:

- Defense Equal Opportunity Management Institute's (DEOMI's), DEOMI Equal Opportunity Climate Survey (DEOCS), which is available for administration online or through a paper-based instrument for those units without Internet access.

The DEOCS survey measures 12 EO and organizational effectiveness factors. It can be administered at units of any size, however demographic data is not provided to small units in order to ensure confidentiality. Commands may review more detailed information about the survey process in the Survey section of DEOMI's webpage

(https://www.patrick.af.mil/deomi/research%20main%20pages/MEOCS/MEOCS_Index.htm) or by contacting DEOMI's Directorate of Research.

Note: Whenever it appears that an employee survey may implicate the collectively bargained rights of employees, the CO should consult the servicing CSA or HR Specialist before conducting the survey to ensure that it is not inconsistent with any applicable collective bargaining agreement.

Continued on next page

2. Climate Surveys, Continued

b. Requesting a Survey from DEOMI Unit commanders may contact DEOMI to request a DEOCS survey. The standard DEOCS request form can be found on the DEOMI website (https://www.patrick.af.mil/deomi/research%20main%20pages/MEOCS/MEOCS_Index.htm).

Requests may also be made by letter and must include number of personnel assigned to the unit broken out by:

- Race/gender;
 - Officer/enlisted; and
 - Military/Civilian.
-

c. Survey Administration Upon receipt of a request, DEOMI forwards a master copy of the requested survey to the unit and, if a paper-based survey is requested, provides answer sheets for the survey population. The requesting unit is responsible for reproducing sufficient copies of the survey for administration to all assigned personnel. Once the responses are collected, the unit returns the answer sheets to DEOMI for analysis.

d. Feedback from the Survey The assessment report is normally returned to the CO within one month of DEOMI's receipt of the answer sheets or conclusion of the online survey time period.

The assessment report contains the statistical analysis of the results and a narrative interpretation of the responses.

Continued on next page

2. Climate Surveys, Continued

**e. Contacting
DEOMI
Directorate of
Research**

The contact information for the Directorate of Research is listed in the table below.

| Type | Contact Information |
|-----------------|---|
| Mailing address | Director of Research (DEOCS) Defense Equal Opportunity Management Institute 366 Tuskegee Airmen Drive Patrick Air Force Base, FL 32925 |
| Web address | https://www.patrick.af.mil/deomi/deomi.htm |
| Telephone | (321) 494-2675; 1586 |

3. Equal Opportunity (EO) Review Program

Introduction This topic contains information about the Equal Opportunity (EO) Review Program, including:

- Background information;
 - Legal mandate;
 - Purpose of a review;
 - Preparing for a review;
 - EO review process;
 - Follow-up actions.
-

a. Background EO Reviews are an integral part of the overall Coast Guard EO Program. EO Reviews are primarily used as an evaluative and management tool for the units that are visited. They also provide a means for monitoring the Coast Guard-wide EO climate as well as providing a method of continuous improvement for the Civil Rights Program. Commandant (G-CR) and the Area Civil Rights Directors conduct approximately 22 EO Reviews annually.

b. Legal Mandate The Equal Employment Opportunity Commission’s (EEOCs) Management Directive (MD) 715 requires agencies to:

“Conduct a self-assessment on at least an annual basis to monitor progress and identify areas where barriers may operate to exclude certain groups.”

EEOC regulations in 29 CFR 1614 state 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.

The EO Review conducted by Commandant (G-CR) augments these requirements and also serves as an additional means of evaluating the effectiveness of unit EO programs.

Continued on next page

3. Equal Opportunity (EO) Review Program, Continued

**c. Purpose of
EO Reviews**

The focus of an EO Review is to assess and provide feedback to the command on the overall EO climate and state of its civil rights program. EO Reviews:

- Determine unit effectiveness in implementing the field Civil Rights missions outlined in Chapter 1;
- Identify best practices;
- Offer recommendations for improving the command's EO program; and
- Identify areas that may require program-wide action.

Overall, the EO Review Program results in heightened awareness and improved program performance.

**d. EO Review
Preparation**

In preparation for an EO Review, Commandant (G-CR):

- Contacts the command in writing at least 45 days in advance that describes the process and expectations for the EO Review.
- Provides an EO Review pre-visit survey to be administered by the command.
- Survey results are used as a preliminary indicator for any areas of focus during the review and are provided to the command for their use.
- Compiles and analyzes unit demographic and Affirmative Programs of Equal Employment Opportunity (AP/EEO) data.
- Assesses the unit's EO complaint profile (i.e. number of complaints filed, issues involved, resolutions attained, cases pending, etc.).
- Reviews local command EO policies and instructions.

Actions by the command being reviewed:

- Administers the EO Review Survey to a representative sample of the command (approximately one-third of assigned personnel).
 - Assembles respective documents for review by EO Review team members and makes necessary other preparations to ensure a smooth review.
-

Continued on next page

3. Equal Opportunity (EO) Review Program, Continued

e. EO Review Process

An In-brief is conducted with the senior leadership and Civil Rights Service Providers (CRSPs) at the command. The EO Review team leader provides an overview of the EO Review program and answers any questions regarding the process.

Focus groups sessions are conducted with a variety of groups, divided by grade/rank and civilian/military. In addition, the team meets with the command senior leadership, Human Relations Council members, Special Emphasis Program Managers, supporting personnel Command Service Advisors, and Civil Rights Service Providers.

An Out-brief is provided to the command at the conclusion of the EO Review. The EO Review team presents a preliminary report to the command's senior leadership that captures the results found during the Review.

f. Evaluation Report

Commandant (G-CR) provides a final written report to the command approximately 45 days following the EO Review visit. The report incorporates noteworthy issues that were identified in the preliminary report. The final report is a formal report that provides a benchmark for future EO Reviews at the command.

Section F. The Discrimination Complaint Program

Overview

Introduction This section contains information about the informal and formal processes provided in the Coast Guard's Discrimination Complaint Program for Civil Rights/Equal Opportunity disputes and complaints.

In this Section This section contains the following topics:

| Topic | Topic Name | See Page |
|-------|---|----------|
| 1 | About the Discrimination Complaint Program | 3-F-2 |
| 2 | Terminology | 3-F-4 |
| 3 | Informal Discrimination Pre-Complaint Process Overview | 3-F-7 |
| 4 | Military Informal Discrimination Pre-Complaint Process | 3-F-11 |
| 5 | Civilian Informal Discrimination Pre-Complaint Process | 3-F-17 |
| 6 | Formal Discrimination Complaint Process Overview | 3-F-21 |
| 7 | Formal Discrimination Complaint Process-- Filing of a Formal Discrimination Complaint | 3-F-29 |
| 8 | Formal Discrimination Complaint Process-- Investigation and Post-Investigation Procedures | 3-F-36 |
| 9 | Mediation Overview | 3-F-44 |
| 10 | Mediation Procedures | 3-F-46 |

1. About the Discrimination Complaint Program

Introduction This topic contains information about the Discrimination Complaint Program, including the:

- Program components; and
 - Description of the program components.
-

a. Components of the Discrimination Complaint Program Components of the Discrimination Complaint Program are:

- The Informal Discrimination Pre-Complaint Process;
- The Formal Discrimination Complaint Process; and
- Mediation.

b. Description of the Discrimination Complaint Program The following table describes each of the components that make up the Discrimination Complaint Program.

| Component | Description |
|---|--|
| Informal Discrimination Pre-Complaint Process | <p>This process includes the following stages:</p> <ul style="list-style-type: none"> • Initiation of potential discrimination complaints; • Counseling about issues and bases that are covered by the discrimination complaint program; • Information about other forums for employment issues that are not covered by the program; and • Informal efforts to resolve disputes at the lowest level. |
| Formal Discrimination Complaint Process | <p>This process includes the following stages:</p> <ul style="list-style-type: none"> • Filing and intake of formal discrimination complaints; • Investigation of such complaints; and • Adjudication and other post-investigative processing of such complaints. |

Continued on next page

1. About the Discrimination Complaint Program, Continued

b. Description of the Discrimination Complaint Program (continued)

| Component | Description |
|-----------|--|
| Mediation | <p>Mediation is available throughout the course of the complaint process as an alternative method of dispute resolution. It offers a prompt and informal alternative to the conventional complaint process, and includes the following stages:</p> <ul style="list-style-type: none"> • Request for and offer of mediation; • Mediation sessions; • Resolution and coordination of terms; and • Conclusion with or without settlement. <p><i>Note:</i> Mediation is voluntary for persons claiming to be aggrieved by alleged discrimination, and may be determined to be inappropriate in certain cases. However, every aggrieved person must have an opportunity to request mediation before proceeding to file a formal discrimination complaint. Whenever the Coast Guard determines that mediation is appropriate in a particular case, managers and supervisors are required to participate and make every reasonable effort to reach a resolution of the dispute. Mediation may also be used for workplace disagreements that do not involve allegations of discrimination.</p> <p><i>Reference:</i> For more information on mediation procedures, see <u>Chapter 3.F.10</u>.</p> |

2. Terminology

Introduction This topic contains the definitions of terms and acronyms commonly used in Discrimination Complaint Program.

a. Administrative Judge (AJ) The Equal Employment Opportunity Commission (EEOC) official responsible for conducting a hearing and rendering a decision on a civilian employee's complaint when the employee elects a hearing instead of a Final Agency Decision.

b. Aggrieved Person A Coast Guard military member, civilian employee, former employee, or applicant for Coast Guard employment who brings issues of alleged discrimination to the attention of the chain of command, servicing Equal Opportunity Advisor (EOA), or servicing EEO Counselor to initiate the informal pre-complaint process.

c. Chain of Command The next higher level to which the Aggrieved Person reports for supervisory control, leading ultimately to the Commanding Officer (CO)/ Officer in Charge (OIC). The operative chain of command is the one located in the unit where the dispute arose, whether or not the Aggrieved Person is still located in that unit.

d. Civilian Employee An employee or applicant for employment with the Coast Guard, whether paid from appropriated or nonappropriated funds.

e. Command/Management Representative The person designated by the Area, District, Maintenance Logistics Command (MLC), Headquarters (HQ), or HQ Unit Commander or CO to participate in mediation sessions on behalf of command or management.

f. Commanding Officer/Officer in Charge (CO/OIC) The CO/OIC of the unit where the dispute arose, whether or not the Aggrieved Person is still located in that unit.

Continued on next page

2. Terminology, Continued

-
- g. Complainant** A Coast Guard member, former member, employee, former employee, or applicant for Coast Guard employment who files a formal complaint of discrimination based on his/her protected class membership or retaliation.
-
- h. Department of Homeland Security Office for Civil Rights and Civil Liberties (DHS CRCL)** The Departmental office with oversight over the Coast Guard's and other Departmental components' civil rights programs.
-
- i. Final Agency Decision (FAD)** Final disposition of a complaint, drafted by the Department of Homeland Security's Office for Civil Rights and Civil Liberties on the basis of the report of investigation (ROI), consisting of findings of fact, conclusions of law, and a remedial order, if appropriate.
-
- j. Investigator** The person designated by Commandant (G-CR) to investigate a formal complaint of discrimination. The investigator may be a member of the Coast Guard's or other Federal agency's Civil Rights staff or a contractor or contractor employee working under the terms of a contract solicited by the Coast Guard for investigative services.
-
- k. Mediation** A process that provides a neutral third person (Mediator) to assist the Aggrieved Person and the Command or Management Representative in resolving an allegation of discrimination.
-
- l. Mediator** A neutral third party who assists the Aggrieved Person and the Command or Management Representative in resolving an allegation of discrimination by helping to define the issues, encouraging communication, and offering options for early resolution.
-
- m. Parties** The Aggrieved Person or complainant and the Coast Guard. For purposes of detailed descriptions of the processes covered by this chapter, "parties" also refers to the parties' representatives, including the Command/Management Representative, and the Responsible Command or Management Official.
-

Continued on next page

2. Terminology, Continued

| | |
|---|---|
| n. Report of Investigation (ROI) | The complete investigative file, including the investigator’s summary of investigation and all the elements required in civilian cases under Equal Employment Opportunity Commission Management Directive 110. |
| o. Resolution Agreement | A written agreement resulting from the efforts of a Civil Rights Service Provider or Mediator to facilitate informal resolution of a discrimination dispute or complaint. For most purposes, including requirements of essential terms of agreements and procedures for enforcing compliance with agreements, this term has the same meaning as “settlement agreement.” |
| p. Responsible Management Official (RMO) | The Coast Guard official with immediate control or authority over the facts and evidence in the Government’s custody that is needed to respond to the allegations of the complaint. The Responsible Management Official usually is the individual named in the complaint as the official who took the action alleged to be discriminatory or has immediate personnel authority over the person so named. |
| q. Settlement Agreement | A written agreement resulting from the unassisted efforts of the parties to achieve informal resolution of a discrimination dispute or complaint. For most purposes, including requirements of essential terms of agreements and procedures for enforcing compliance with agreements, this term has the same meaning as “resolution agreement.” |

3. Informal Discrimination Pre-Complaint Process Overview

Introduction

This topic contains information on the Informal Discrimination Pre-Complaint process, including:

- Informal Discrimination Pre-Complaint process objectives;
 - Resolving allegations;
 - Protection of identities and confidential information;
 - Informal resolution and settlement authority; and
 - Counselor reports.
-

a. Informal Discrimination Pre-Complaint Process Objectives

The objectives of the Informal Discrimination Pre-Complaint Process are to:

- Provide a forum for addressing discrimination allegations in a context that facilitates resolution at the lowest level; and
- Frame the issues of the allegations for more formal fact-finding, if informal resolution is unsuccessful.

It also provides the first opportunity to resort to mediation.

b. Resolving Allegations

The Aggrieved Person and the command or management should work with each other and the EOA or EEO Counselor to resolve allegations of discrimination at the lowest possible level in the chain of command.

The Aggrieved Person must exhaust the Informal Discrimination Pre-Complaint Process before filing a formal discrimination complaint. The parties involved in a discrimination complaint have the option of requesting mediation at any stage of the discrimination complaint process.

Informal allegations of discrimination against a Civil Rights Service Provider who would be responsible for processing the allegations in question will be processed by an official at the next higher level in the Civil Rights organization. Contact the Complaints Investigations and Response Team at Coast Guard Headquarters for guidance if questions arise in this situation.

References: For information on the

- Formal Discrimination Complaint Process, see [Chapter 3.F.6](#) in this manual; and
 - Mediation, see [Chapter 3.F.9](#) in this manual.
-

Continued on next page

3. Informal Discrimination Pre-Complaint Process Overview, Continued

**c. Protection of
Identities and
Confidential
Information**

Aggrieved Persons are entitled to protection of their identities and confidential information during the informal pre-complaint process as follows:

- A civilian Aggrieved Person has the right to remain anonymous throughout the informal pre-complaint process, unless the Aggrieved Person waives this right. If command management articulates a need to know as part of participating in informal resolution attempts, the Aggrieved Person must be informed and may either:
 - Waive anonymity; or
 - Proceed directly to issuance of Notice of Right to File a Discrimination Complaint; or
 - Withdraw from the informal pre-complaint process.
- If the Aggrieved Person is a military member, the right to anonymity only applies to the initial contact with a CRSP before the Aggrieved Person decides to notify the Chain of Command about the discrimination allegations. Military members have no right to anonymity after referral of discrimination allegations to the Chain of Command.
- To the greatest extent possible, any information provided to the EOA or EEO Counselor during counseling is considered confidential. The EOA or EEO Counselor may not share the information with others, without the consent of the person whose privacy interests would be violated by disclosure, unless a need to know exception occurs. Exceptions where a need to know may apply:
 - Needed to respond to allegations, attempt resolution, or otherwise advance the case through the complaint process to the servicing CRO, Area/Headquarters Civil Rights Director, Commandant (G-CR), command or management, and/or any other person involved in the complaint process with a clear need to know; after the Aggrieved Person decides to proceed with informal resolution and pre-complaint activities.
 - Indicating criminal activity, to appropriate authorities.
 - Necessary to prevent a manifest injustice, help establish a violation of law, or prevent harm to the public health or safety.
 - Required by a court pursuant to subpoena.

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3. Informal Discrimination Pre-Complaint Process Overview, Continued

d. Informal Resolution and Settlement Authority

Although the final authority to resolve discrimination complaints informally rests with the CO/OIC, that authority may be exercised, in the interests of resolution at the lowest level, by:

- Military members of the chain of command;
- Individual managers; or
- Supervisors.

CROs and EOAs or EEO Counselor 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 or organization. The parties establish terms of settlement, and properly designated representatives of command or management sign them.

In all cases, any contemplated settlement discussions or proposed agreements must be reviewed and approved by the CO/OIC. The CO/OIC shall also be notified of the outcome of all discussions between the parties that may result in further proceedings in either the informal or formal complaint processes, including ADR/mediation. In addition to review by the CO/OIC, all proposed settlement agreements must be reviewed by the CRO and for legal sufficiency and compliance with labor agreements by the servicing legal office and the CSA or HR Specialist.

Note: The EOA or EEO Counselor is responsible for facilitating resolution, **not** for developing or advocating specific terms of agreement.

Note: Compliance with agreements resulting from informal resolution efforts will be monitored and enforced in the same manner as agreements resulting from mediation. See Chapter 3.F.10.

Important: The EOA or EEO Counselor must be careful **not** to inject personal views into settlement negotiations. Moreover, the EOA's or EEO Counselor's role should not be confused with that of the Mediator in the mediation process, as discussed in Chapter 3.F.10.

Reference: For information on resolutions options for:

- Military members, see [Chapter 3.F.4.c](#) in this manual.
- Civilian employees, see [Chapter 3.F.5.c](#) in this manual.

Continued on next page

3. Informal Discrimination Pre-Complaint Process Overview, Continued

e. Counselor Reports

The EOA or EEO Counselor must document and preserve all information obtained throughout the informal counseling process. This information remains confidential until or unless the Aggrieved Person authorizes disclosure.

The EOA or EEO Counselor is required to draft a Counselor's Report in every case, whether or not it becomes a formal complaint. The report is submitted to the CRO, who will forward it to Commandant (G-CR) through the servicing Area or Headquarters Civil Rights Director upon request.

Note: The CRO must maintain the confidentiality of the personal information contained in the Counselor's Report.

Reference: For information on confidentiality required during the Informal Discrimination Pre-Complaint Process, see [Chapter 3.F.3.c](#) in this manual.

4. Military Informal Discrimination Pre-Complaint Process

Introduction This topic contains information about the Military Informal Discrimination Pre-Complaint Process, including:

- The process stages;
 - The roles and responsibilities of participants;
 - Resolution and settlement options; and
 - A process flowchart.
-

a. Military Informal Discrimination Pre-Complaint Process Stages The stages of Military Informal Discrimination Pre-Complaint Process include:

- Initial contact with the EOA;
- Counseling and informal resolution; and
- Final interview.

Note: While initial contact is with the EOA, the informal process for military members also includes notification of the member’s CO/OIC.

b. Military Informal Discrimination Pre-Complaint Process Roles and Responsibilities The following table describes the roles and responsibilities of participants in the Military Informal Discrimination Pre-Complaint Process, including the chain of command, Civil Rights Service Providers, and parties to the complaint.

| Level of Military Chain of Command | Corresponding Civil Rights Service Provider or Party | Basic Duties and Responsibilities |
|------------------------------------|--|---|
| Area or CGHQ | Area Commander or Chief of Staff of Coast Guard | <ul style="list-style-type: none"> • Serves as senior EO Officer for their Areas of Responsibility (AOR). • Accountable for effective and timely processing of informal pre-complaints. |
| | Area/HQ Civil Rights Director | <ul style="list-style-type: none"> • Monitors informal pre-complaint activity in the AOR. • Briefs Area Commander or Chief of Staff as appropriate. |

Continued on next page

4. Military Informal Discrimination Pre-Complaint Process,
Continued

b. Military Informal Discrimination Pre-Complaint Process Roles and Responsibilities
(continued)

| Level of Military Chain of Command | Corresponding Civil Rights Service Provider or Party | Basic Duties and Responsibilities |
|---|---|--|
| District, MLC, or HQ Unit | District or MLC Commander or HQ Unit CO | <ul style="list-style-type: none"> • Serves as senior EO Officer for their AOR. |
| | District or MLC Commander or HQ Unit CO (continued) | <ul style="list-style-type: none"> • Accountable for effective and timely processing of informal pre-complaints. |
| | CRO | <ul style="list-style-type: none"> • Receives, reviews (for quality), retains, and maintains confidentiality of Counselor’s Report for every counseling contact in AOR. • Coordinates mediation requests. • Briefs CO as appropriate. |

Continued on next page

4. Military Informal Discrimination Pre-Complaint Process,
Continued

b. Military Informal Discrimination Pre-Complaint Process Roles and Responsibilities
(continued)

| Level of Military Chain of Command | Corresponding Civil Rights Service Provider or Party | Basic Duties and Responsibilities |
|---|---|--|
| District, MLC, or HQ Unit (continued) | EOA | <ul style="list-style-type: none"> • Primary contact for Aggrieved Person seeking information about complaint process to facilitate decision on initiating Informal Discrimination Pre-Complaint Process. • Provides information to Aggrieved Person about complaint process, mediation, and forums for matters beyond scope of the Discrimination Complaint Program. • Guides Aggrieved Person through appropriate steps to attempt resolution at lowest level, including notification of CO/OIC in every case. • Ensures that all informal resolution options have been explored. • Provides Aggrieved Person with Notice of Right to File Discrimination Complaint when resolution efforts are unsuccessful. • Ensures documentation for each stage of process, including contact and informal resolution effort information from CO/OIC. |

Continued on next page

4. Military Informal Discrimination Pre-Complaint Process, Continued

b. Military Informal Discrimination Pre-Complaint Process Roles and Responsibilities (continued)

| Level of Military Chain of Command | Corresponding Civil Rights Service Provider or Party | Basic Duties and Responsibilities |
|---------------------------------------|--|---|
| District, MLC, or HQ Unit (continued) | EOA (continued) | <ul style="list-style-type: none"> • Prepares Counselor’s Report for every Aggrieved Person in AOR who contacts CO/OIC for informal pre-complaint process purposes. <p><i>Note:</i> If the official who took the action alleged to be discriminatory is the Aggrieved Person’s CO/OIC, the EOA will forego notification of the CO/OIC before processing the allegations at a higher level.</p> |
| Field Unit | CO/OIC | <ul style="list-style-type: none"> • Serves as senior EO Officer for their unit. • Accountable for effective and timely processing of informal pre-complaints upon notification by EOA, Unit CRO or Aggrieved Person. • Conducts appropriate informal inquiry as necessary to pursue informal resolution. • Offers options in attempt to reach informal resolution. • Forwards matter to EOA when CO/OIC’s initial resolution efforts are unsuccessful. • Continues to cooperate with EOA in efforts to resolve allegations informally. |
| | Aggrieved Person | Notifies EOA of discrimination allegations in a timely manner. If the servicing EOA cannot be contacted the Aggrieved Person should contact the Unit CRO. |

Continued on next page

4. Military Informal Discrimination Pre-Complaint Process, Continued

c. Resolution and Settlement Options for Military Members

The remedies available to military members through the discrimination complaint process are limited to “make whole” relief to put themselves where they would have been in the absence of the alleged discrimination. They may not obtain actual or compensatory damages, costs, or attorney’s fees and may not be awarded promotions or pay other promotions or pay improperly withheld. Furthermore, records of military personnel may only be altered by the Board of Corrections for Military Records (BCMR). Before being presented to the aggrieved parties, informal resolutions that include awards, assignments, promotions, or pay for military members must be reviewed and approved by:

- Appropriate Coast Guard legal counsel;
- The unit Commanding Officer; and
- Coast Guard Personnel Command (CGPC).

Reference: For more information on identifying the appropriate Coast Guard legal counsel, see [Chapter 3.F.10.d](#) in this manual.

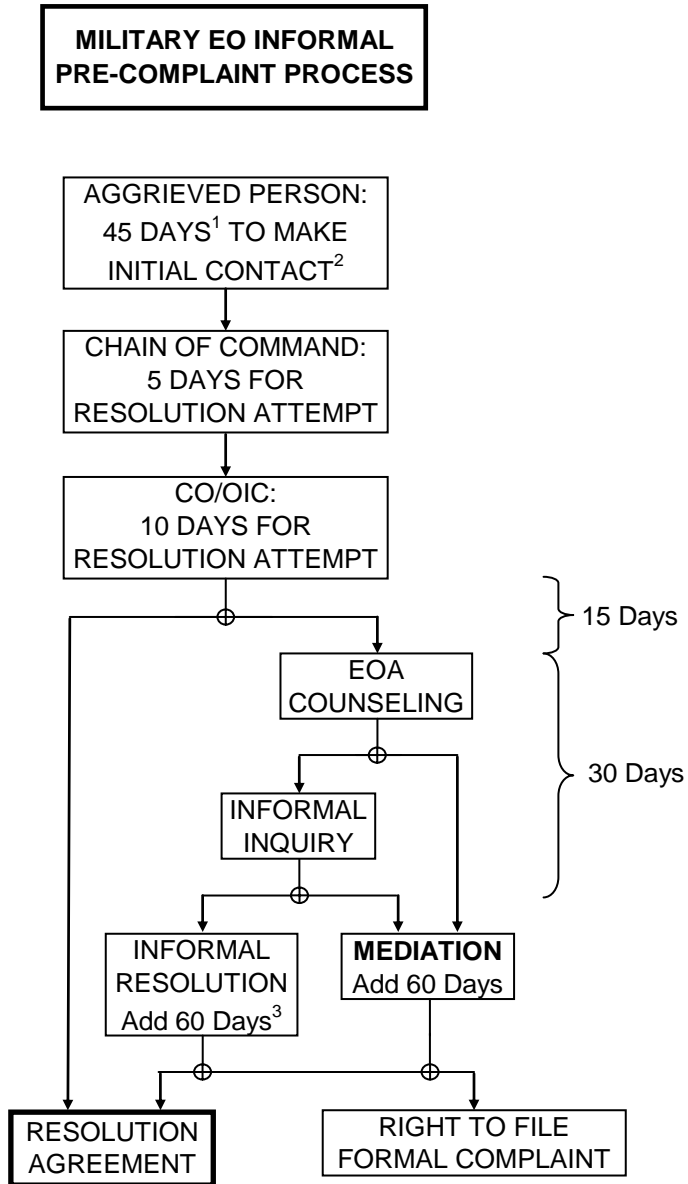
Note: Copies of settlement agreements should be forwarded to Commandant (G-CR) and Commandant (G-LGL) after they become final.

Continued on next page

4. Military Informal Discrimination Pre-Complaint Process, Continued

d. Military Informal Discrimination Pre-Complaint Process Flowchart

The following chart maps the Military Informal Discrimination Pre-Complaint Process.



¹ After alleged discriminatory action.

² With EOA (or Unit CRO, if EOA is not immediately available), for notification of CO/OIC and guidance through informal pre-complaint process.

³ With AP's consent, if close to resolution.

5. Civilian Informal Discrimination Pre-Complaint Process

Introduction This topic contains information about the Civilian Informal Discrimination Pre-Complaint Process, including:

- The process stages;
 - The roles and responsibilities of participants;
 - Resolution and settlement options;
 - Relief limitations; and
 - A process flowchart.
-

a. Civilian Informal Discrimination Pre-Complaint Process Stages The stages of the informal pre-complaint process for civilian employees include:

- Initial contact with the CRO, EOA or EEO Counselor;
- Counseling and informal resolution; and
- Final interview.

Note: Notification of the CO/OIC is not required for informal processing of civilian employee allegations.

b. Civilian Informal Discrimination Pre-Complaint Process Roles and Responsibilities The following table describes the roles and responsibilities of participants in the Civilian Informal Discrimination Pre-Complaint Process, including the chain of command, Civil Rights Service Providers, and parties to the complaint.

| Level of Military Chain of Command | Corresponding Civil Rights Service Provider or Party | Basic Duties and Responsibilities |
|------------------------------------|--|---|
| Area or CGHQ | Area Commander or Chief of Staff of Coast Guard | <ul style="list-style-type: none"> • Serves as senior EO Officer for their AOR. • Accountable for effective and timely processing of informal pre-complaints. |
| | Area/HQ Civil Rights Director | <ul style="list-style-type: none"> • Monitors informal and formal complaint activity in AOR. • Briefs Area Commander or Chief of Staff as appropriate (for example, statistical trends, and so on). |

Continued on next page

5. Civilian Informal Discrimination Pre-Complaint Process, Continued

b. Civilian Informal Discrimination Pre-Complaint Process Roles and Responsibilities

(continued)

| Level of Military Chain of Command | Corresponding Civil Rights Service Provider or Party | Basic Duties and Responsibilities |
|------------------------------------|--|--|
| District, MLC, or HQ Unit | District or MLC Commander or HQ Unit CO | <ul style="list-style-type: none"> • Serves as senior EO Officer for their AOR. • Accountable for effective and timely processing of informal pre-complaints. |
| | CRO | <ul style="list-style-type: none"> • Receives, reviews (for quality), retains, and maintains confidentiality of Counselor’s Report for every counseling contact in AOR. • Determines appropriateness of mediation requests. • Briefs CO as appropriate (for example, statistical trends, and so on). |
| | EOA or EEO Counselor | <ul style="list-style-type: none"> • First point of contact for initiation of informal pre-complaint process. • Provides contact information to the Area/District/MLC CRO. • Provides information about complaint process, mediation, and forums for matters beyond scope of discrimination complaint program. • Conducts limited informal inquiry to determine jurisdiction, scope of issues and prospects of informal resolution. • Provides Aggrieved Persons with Notice of Right to File Discrimination Complaint when resolution efforts are unsuccessful, including mandatory mediation at informal stage. • Prepares Counselor’s Report for every Aggrieved Person who contacts EOA or EEO Counselor for informal pre-complaint process purposes; provides to CRO. • If a formal complaint is filed, provides a copy of the Counselor’s Report to the servicing legal office. |

Continued on next page

5. Civilian Informal Discrimination Pre-Complaint Process, Continued

b. Civilian Informal Discrimination Pre-Complaint Process Roles and Responsibilities (continued)

| Level of Military Chain of Command | Corresponding Civil Rights Service Provider or Party | Basic Duties and Responsibilities |
|------------------------------------|--|---|
| Field Unit | Aggrieved Person | Notifies chain of command of discrimination allegations in a timely manner. |

c. Resolution and Settlement Options for Civilian Employees

A current or former civilian employee may be offered:

- A position applied for, or an equivalent position, if it is clear the Aggrieved Person would have occupied the position but for the alleged discrimination;
- Cancellation of an unwarranted personnel action;
- Back pay and benefits;
- Reasonable attorney’s fees; and/or
- A monetary amount not exceeding the amount of back pay, attorney’s fees, costs or damages the employee would be entitled to if discrimination were actually found.

Before being presented to aggrieved parties, informal settlements that include awards of back pay, reasonable attorney’s fees and costs, or personnel actions for civilian employees must be reviewed by:

- The CO;
- Appropriate Coast Guard legal counsel; and
- The local Command Staff Advisor (CSA) or Human Relations Specialist.

Copies of settlement agreements should be forwarded to the Area or Headquarters Civil Rights Director, Commandant (G-CR) and Commandant (G-LGL) after they become final.

d. Relief Limitations

Relief that may be offered to resolve allegations of discrimination based on sexual orientation, parental status, or protected genetic information is subject to the following limitations:

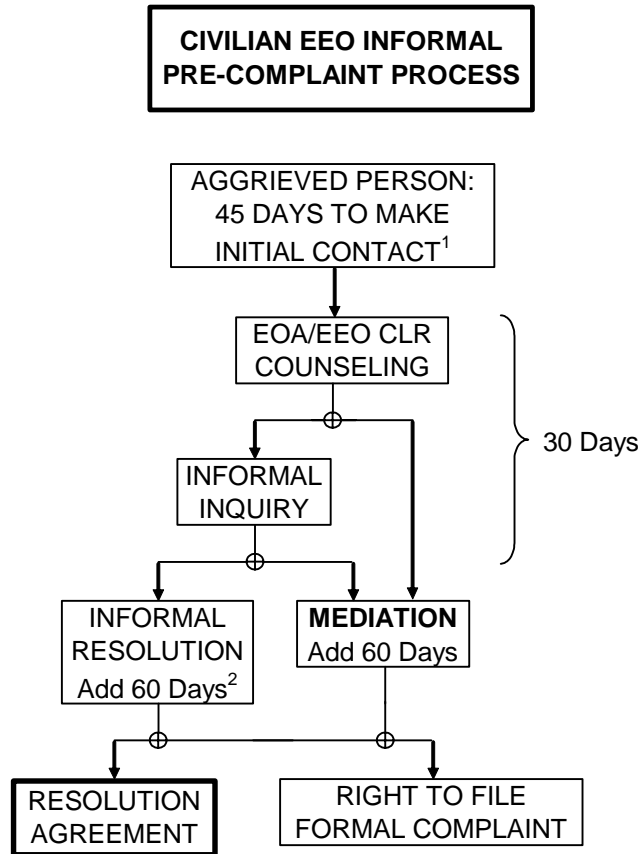
- Compensatory damages are not available; and
 - A civilian **applicant** may not receive back pay, interest, or attorney’s fees.
-

Continued on next page

5. Civilian Informal Discrimination Pre-Complaint Process, Continued

**e. Civilian
Informal
Discrimination
Pre-Complaint
Process
Flowchart**

The following chart maps the Civilian Informal Discrimination Pre-Complaint Process.



¹ After alleged discriminatory action.

² With AP's consent, if near resolution.

6. Formal Discrimination Complaint Process Overview

Introduction This topic contains overview information about the Formal Discrimination Complaint Process, including:

- The stages of the Formal Discrimination Complaint Process;
 - The shared administrative responsibilities;
 - Confidentiality;
 - Alternative discrimination complaint processing for civilian employees;
 - Burdens of proof;
 - Amendment/consolidation of complaints;
 - Counseling of potential class complainant representatives;
 - The class certification process;
 - Withdrawing a complaint;
 - Administrative closure due to settlement;
 - A Military Formal Discrimination Complaint Process flowchart; and
 - A Civilian Formal Discrimination Complaint Process flowchart.
-

a. Stages of the Formal Discrimination Complaint Process

The Formal Discrimination Complaint Process includes the following phases:

- Intake, which includes filing of formal discrimination complaints;
- Determinations to accept issues for investigation or recommend their dismissal without investigation;
- Investigation; and
- Post-investigative adjudication and review procedures that differ for military and civilian complainants.

Note: Mediation is available at every stage of the formal complaint process.

Reference: For information about mediation, see [Chapter 3.F.9](#) in this manual.

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6. Formal Discrimination Complaint Process Overview, Continued

b. Shared Administrative Responsibilities

The Coast Guard and the Department of Homeland Security Office for Civil Rights and Civil Liberties (DHS CRCL) share responsibility for processing formal discrimination complaints filed by Coast Guard members and employees.

The following table outlines the Coast Guard’s and the DHS CRCL’s responsibilities.

| Who is Responsible | Action |
|---------------------------|---|
| Coast Guard | <ul style="list-style-type: none"> • Receives and acknowledges formal complaints. • Accepts issues for investigation and issues Acceptance Letter, if any issue in complaint is accepted. • Recommends dismissal without investigation to DHS CRCL, if all issues in complaint are proposed to be dismissed. • Investigates accepted issues. • Issues ROIs. • Prepares briefs and represents Coast Guard in hearings and appeals before EEOC, and in Federal District Court. • Implements DHS CRCL or EEOC decisions and final orders. |
| DHS CRCL | <ul style="list-style-type: none"> • Issues letters dismissing complaints without investigation. • Processes applications for class certification in class action complaints. • Drafts, signs, and issues FADs based on ROIs in military cases, and whenever civilian complainants elect FADs in lieu of EEOC hearings. • Issues departmental Final Orders, wholly accepting, partially accepting, or rejecting EEOC AJ’s decisions after hearings. |

Continued on next page

6. Formal Discrimination Complaint Process Overview, Continued

c. **Confidentiality** Complainants and witnesses are entitled to confidentiality in the formal complaint process. Documents provided to investigators must be protected from disclosure to unauthorized persons in accordance with the Privacy Act (5 U.S.C. Section 552a), and other information, including discussions, is protected under EEOC regulations.

Once a formal complaint has been filed, the complainant's identity and relevant information obtained in the course of investigation of the complaint must be shared with the command or management officials who have a *need to know* in order to advance the complaint process. The following guidelines apply when information is shared with the individual allegedly responsible for the discriminatory activity:

- The official who took the alleged discriminatory action and the complainant's command have the right to be advised of the allegations and afforded an opportunity to respond.
- The RMO has the right to be provided a copy of the actual complaint and be notified of the names of witnesses.
- The official who took the action alleged to be discriminatory does **not** have the right to be provided a copy of the actual complaint or be notified of the names of witnesses without the complainant's permission, unless the individual is also the RMO.
- The official who took the alleged discriminatory action is considered to be a witness and is entitled to no more rights than any other witness, including the right to have a representative of his/her choosing at any stage of the complaint process.

The servicing legal office will be provided a copy of any document, including the Report of Investigation or any other correspondence, at the same time it is provided to the complainant or to the complainant's representative. Once in receipt of the Report of Investigation, agency counsel may share with witnesses those portions necessary to defend the case.

d. **Alternative Discrimination Complaint Processing for Civilian Employees**

A civilian complainant may have the option to pursue his/her complaint through forums other than the Formal Discrimination Complaint Process, including:

- The DHS or CG grievance system as described in DHS regulations or CG instructions.
- A negotiated grievance procedure (under an existing collective bargaining agreement);
- The Merit Systems Protection Board (MSPB); or
- Federal District Court.

The decision concerning which alternative procedure to pursue is final and may not be changed. The complainant should contact the servicing EOA, EEO Counselor, or CRO with any questions regarding election rights.

6. Formal Discrimination Complaint Process Overview, Continued

e. Burdens of Proof

The complainant has the initial burden of producing direct evidence of discrimination or circumstantial evidence indicating that the prohibited discrimination more likely than not motivated the adverse actions or circumstances in question.

When that burden of production is satisfied, the burden shifts to the Coast Guard to rebut the direct evidence of discrimination or to articulate a legitimate nondiscriminatory explanation for the actions or circumstances in question.

Thereafter, the complainant has an opportunity to demonstrate that the Coast Guard's explanation is unworthy of credence or a pretext for prohibited discrimination. Unlike the burden of production of evidence, the burden of persuasion remains at all times on the complainant.

f. Amendment/Consolidation of Complaints

At any time before the parties receive notice of results of the investigation, the complainant:

- May amend the complaint to add like or related incidents or claims; and
- Need not seek informal counseling on amendments that the servicing Area/Headquarters Civil Rights Director or Commandant (G-CR) determine are like or related.

If the complainant's original complaint has not been investigated, the servicing Civil Rights Director or Commandant (G-CR):

- Must consolidate it for joint processing with the complainant's subsequent like or related claims; and
- May consolidate it for joint processing with like or related claims of other complainants.

In addition, like or related uninvestigated claims from two or more complainants may be consolidated for joint processing, which:

- May include investigation where practicable; but
- Must include either a single FAD or an EEOC hearing by a single AJ, if one has been elected by the complainant(s).

The servicing Civil Rights Director or Commandant (G-CR) will provide the command with a copy of the amended or consolidated complaint.

Continued on next page

6. Formal Discrimination Complaint Process Overview, Continued

g. Counseling of Potential Class Complainant Representatives

Current or former civilian employees or applicants seeking to represent a class of potential complainants must seek counseling through the Informal Discrimination Pre-Complaint Process. Upon the conclusion of counseling, the EOA or EEO Counselor will prepare a Counselor’s Report and provide the potential class representative with Notice of Right to File a Discrimination Complaint. If the formal class complaint is filed, Commandant (G-LGL) will be provided a copy of the Counselor’s Report immediately.

h. Class Certification Process

The following table describes the class certification process.

| Stage | Description |
|-------|---|
| 1 | Upon receipt of a class complaint, the Area or Headquarters Civil Rights Director will: <ul style="list-style-type: none"> • Obtain the Counselor’s Report; and • Forward the complaint and report to Commandant (G-CR), without determining whether to accept the complaint or dismiss it without investigation. |
| 2 | Commandant (G-CR) will send the materials to DHS CRCL, who will seek a recommended decision on class certification from the EEOC. Within 30 calendar days after receipt of the complaint, Commandant (G-CR) will notify Commandant (G-LGL) of the complaint and the need for agency representation. |
| 3 | If the EEOC recommends class certification, CRCL will notify Commandant (G-CR) within three calendar days that the Coast Guard has 40 calendar days to respond to the recommendation before CRCL issues a final order on certification. Commandant (G-CR) will immediately notify Commandant (G-LGL) so that it can respond to CRCL. |
| 4 | If the class is certified, Commandant (G-CR) will coordinate with Commandant (G-LGL) to notify the class members and will ensure that the matter is investigated. |
| 5 | If the complaint is resolved by settlement agreement, Commandant (G-CR) or Commandant (G-LGL) will notify the class members of the terms of resolution and the right to file objections within 30 calendar days. Such settlement agreements must be authorized by CRCL. |

Continued on next page

6. Formal Discrimination Complaint Process Overview, Continued

i. Withdrawing a Complaint The complainant may withdraw a complaint at any time. Withdrawal must be in writing and must indicate that the action is voluntary and not due to coercion. If the complainant seeks withdrawal of a complaint because the matter has been settled, the Area or Headquarters Civil Rights Director must provide Commandant (G-CR) and Commandant (G-LGL) with an executed copy of the settlement agreement before the complaint can be closed.

j. Administrative Closure Due to Settlement Upon notification of a settlement agreement, Commandant (G-CR) will:

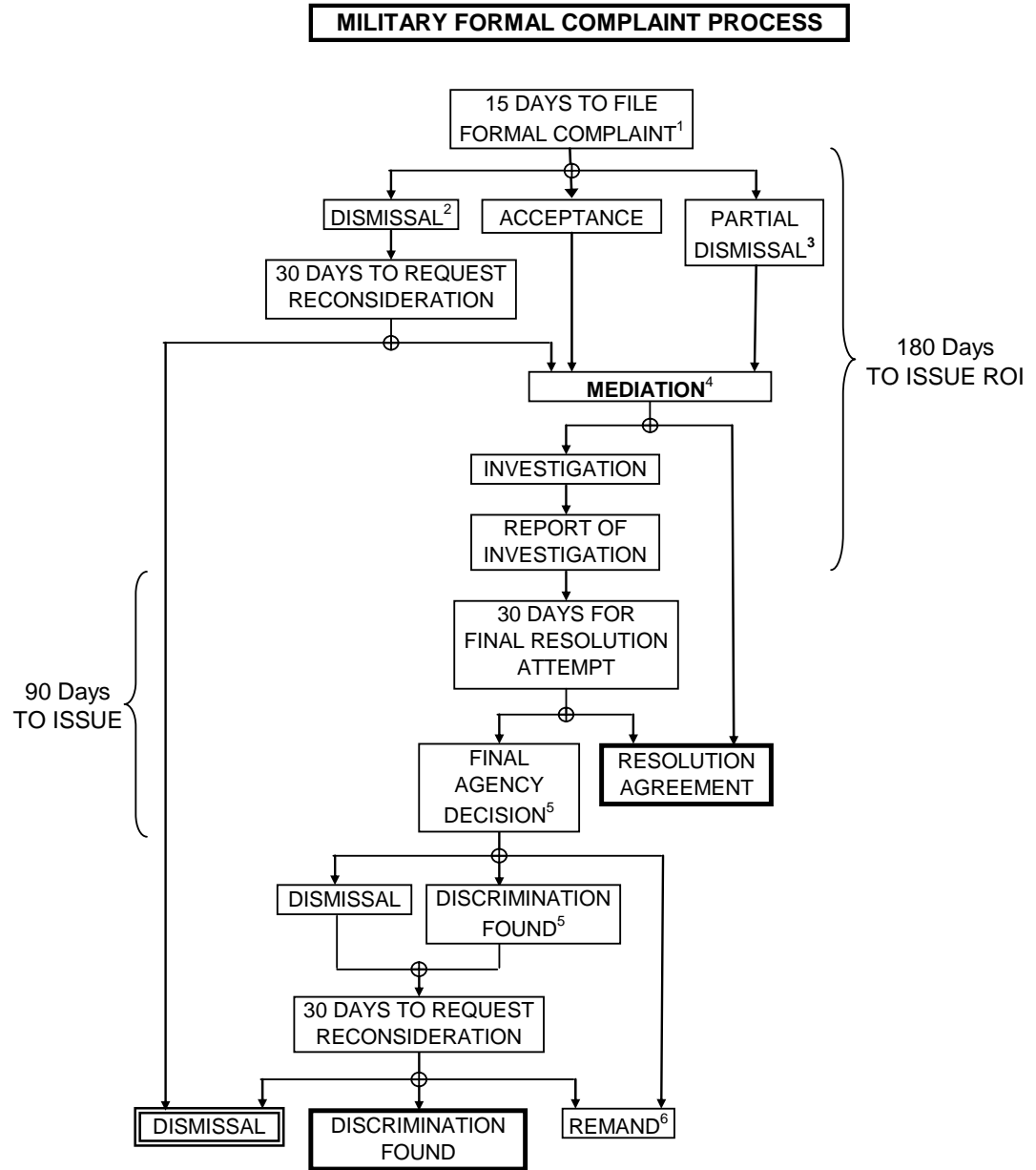
- Close a complaint administratively when the complainant has entered into a written agreement that states as one of its terms that the complaint will be withdrawn.
- Refer the matter to DHS CRCL for appropriate action if:
 - The settlement agreement fails to address withdrawal of the complaint; or
 - It appears that the settlement agreement does not satisfactorily address the issue(s) of discrimination raised in the complaint.

Continued on next page

6. Formal Discrimination Complaint Process Overview, Continued

k. Military Formal Complaint Process Flowchart

The flowchart below describes the Military Formal Discrimination Complaint Process.



¹ From receipt of Notice of Right to File Discrimination Complaint

² By DHS CRCL, based on CRPM's recommendation

³ Dismissed issues reviewable by DHS CRCL in FAD.

⁴ Available at every stage of formal complaint process.

⁵ Including partial dismissal.

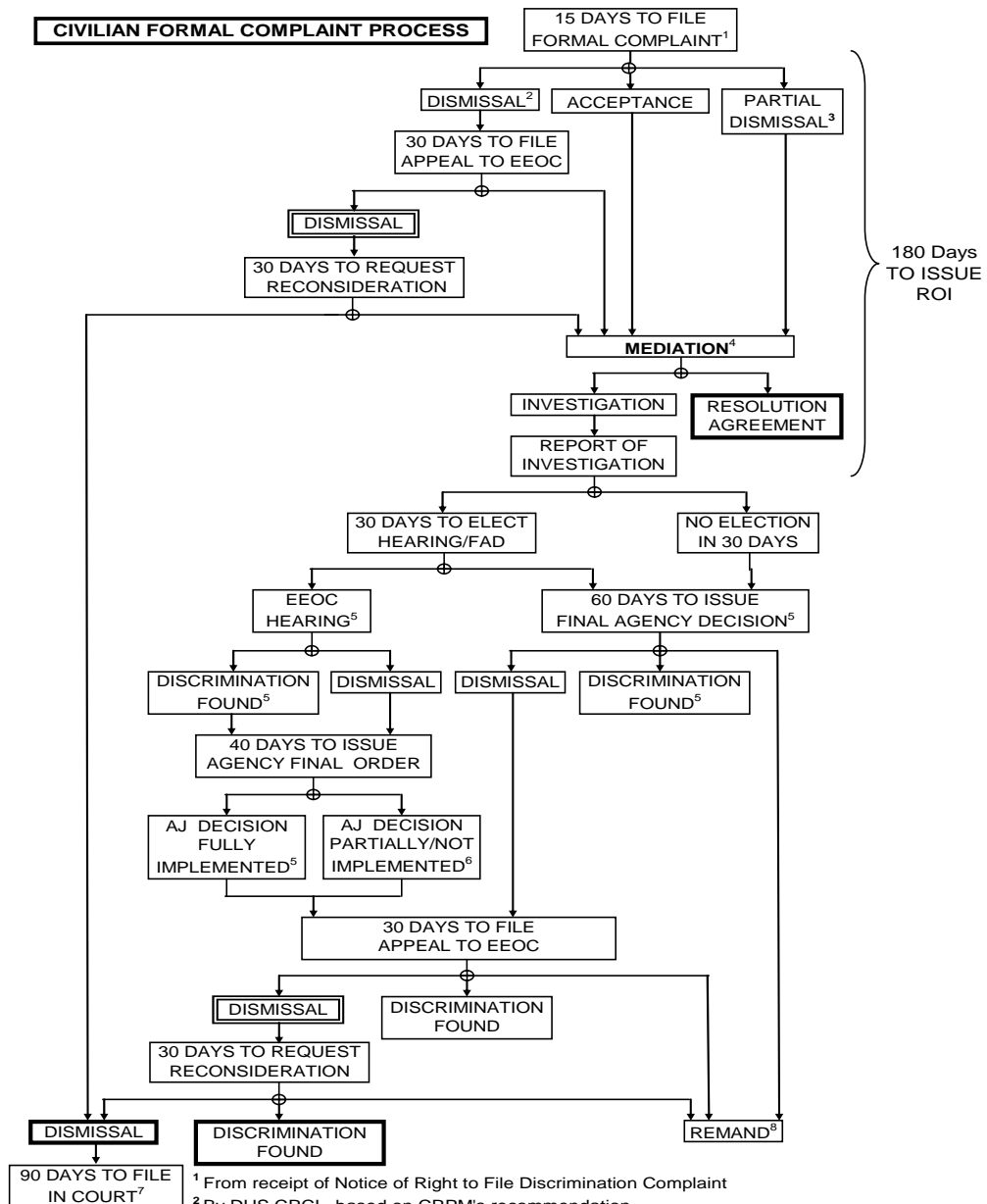
⁶ For further investigation.

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6. Formal Discrimination Complaint Process Overview, Continued

1. Civilian Formal Discrimination Complaint Process Flowchart

The flowchart below describes the Civilian Formal Discrimination Complaint Process.



¹ From receipt of Notice of Right to File Discrimination Complaint
² By DHS CRCL, based on CRPM's recommendation
³ Dismissed issues reviewable by DHS CRCL in FAD or EEOC AJ in Hearing.
⁴ Available at every stage of formal complaint process.
⁵ Including partial dismissal.
⁶ With simultaneous appeal to EEOC.
⁷ After final action or after expiration of 180 days after filing without final action.
⁸ For further investigation.

7. Formal Discrimination Complaint Process--Filing of a Formal Complaint

Introduction This topic contains information about the filing of a formal complaint, including:

- The stages of the intake phase;
 - The intake phase roles and responsibilities;
 - The required elements of a complaint;
 - Where and when to file;
 - Acknowledgement letter requirements;
 - Dismissal criteria;
 - Acceptance letter requirements;
 - Dismissal letter requirements; and
 - Reviewing complaint dismissals.
-

a. Stages of the Intake Phase The stages of the intake phase include:

- Filing of complaint;
 - Acknowledgement of receipt by Area or Headquarters Civil Rights Director; and
 - Acceptance of complaint for investigation or dismissal without investigation. Complaints may only be dismissed for procedural reasons and not on the basis of merit.
-

b. Intake Phase Roles and Responsibilities The following table describes the roles and responsibilities of Civil Rights Service Providers and parties in the filing and intake phases.

| Level of Military Chain of Command | Corresponding Civil Rights Service Provider or Party | Basic Duties and Responsibilities |
|------------------------------------|--|---|
| DHS | CRCL | <ul style="list-style-type: none"> • Issues letters dismissing complaints without investigation. • Processes applications for class certification in class action complaints. |
| Commandant | Commandant (G-CR) | <ul style="list-style-type: none"> • Forwards dismissal recommendations to DHS CRCL and acts on CRCL determinations. • Reviews all partial dismissals. |

Continued on next page

7. Formal Discrimination Complaint Process--Filing of a Formal Complaint, Continued

b. Intake Phase Roles and Responsibilities (continued)

| Level of Military Chain of Command | Corresponding Civil Rights Service Provider or Party | Basic Duties and Responsibilities |
|------------------------------------|--|---|
| Area or CGHQ | Area Commander or Chief of Staff of Coast Guard | <ul style="list-style-type: none"> • Serves as senior EO Officer for their AOR. • Accountable for effective and timely processing of formal complaints. |
| | Civil Rights Director | <ul style="list-style-type: none"> • Acknowledges receipt of complaint. • Determines whether to accept any issues or recommend dismissal of entire complaint to DHS CRCL. • Issues Acceptance Letters. • Drafts Dismissal Letters for review by DHS CRCL. • Briefs CO as appropriate (for example, statistical trends, and so on). |
| District, MLC, or HQ Unit | District or MLC Commander or HQ Unit CO | <ul style="list-style-type: none"> • Serves as senior EO Officer for their AOR. • Accountable for effective and timely processing of formal complaints. |
| | CRO | <ul style="list-style-type: none"> • Forwards Counselor’s Report to Area or Headquarters Civil Rights Director, upon receipt of notice of complaint filing, for acceptance/dismissal analysis. • Briefs CO as appropriate (for example, statistical trends, and so on). |
| Field Unit | Complainant | <ul style="list-style-type: none"> • Exhausts informal pre-complaint process and obtains Notice of Right to File a Discrimination Complaint. • Files a formal complaint. |

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7. Formal Discrimination Complaint Process--Filing of a Formal Complaint, Continued

c. Required Elements of Complaint

The complaint must clearly and concisely state the:

- Actions, conditions, or decisions alleged to be discriminatory;
- Discriminatory basis for each action, condition, or decision;
- Dates on which the actions or decisions occurred or the complainant became aware that they were discriminatory;
- Factual basis for the complainant's belief that discrimination occurred;
- Identity of the Responsible Management Official; and
- Specific remedies requested.

The EOA or EEO Counselor will provide an official form for this purpose.

d. Where and When to File

The complainant must file the formal complaint within 15 calendar days after receipt of the Notice of Right to File, with the:

- Chief of Staff Atlantic Area (Acs), if the complaint arose in a District, MLC, or Area unit within the Atlantic Area;
- Chief of Staff, Pacific Area (Pcs), if the complaint arose in a District, MLC, or Area unit within the Pacific Area; or
- Deputy Chief of Staff of the Coast Guard (G-CCSd), if the complaint arose at Coast Guard HQ or in a HQ Unit.

NOTE: The respective Chief of Staff or Deputy Chief of Staff of the Coast Guard may delegate the responsibility to receive and acknowledge formal complaints to the Area or Headquarters Civil Rights Director for the corresponding area of responsibility.

Continued on next page

7. Formal Discrimination Complaint Process--Filing of a Formal Complaint, Continued

e. Acknowledgment Letter Requirements

The Acknowledgment Letter must include:

- The date on which the complaint is considered filed (date on which it was received or date of postmark, if it was mailed);
- A brief description of the formal complaint process, including time limits;
- Contact information for Commandant (G-CR);
- Notice of the complainant's right to request reconsideration (military) or to file an appeal (civilian); and
- Contact information for filing requests for reconsideration or appeals.

Reference: For information on reconsideration and appeal rights and procedures, see [Chapter 3.F.8](#) in this manual.

f. Dismissal Criteria

DHS CRCL can dismiss an **entire** complaint for untimeliness, if the complainant failed to file the complaint within 15 days after the complainant received the Notice of Right to File a Formal Discrimination Complaint.

DHS CRCL can dismiss a **claim** in a complaint if it:

- Is not timely (the complainant did not contact the chain of command, EOA, or EEO Counselor within 45 calendar days of alleged discrimination);
 - Fails to state a claim on which relief can be granted;
 - Is part of a pattern of misuse of the complaint process for purposes other than those for which it was designed;
 - Is identical to one that is pending before or has been decided by the Coast Guard or the Department of Homeland Security;
 - Has already been decided by a court of competent jurisdiction;
 - Has been raised in a civil action filed at least 180 calendar days after the filing of the complaint, in a negotiated grievance procedure, or in an appeal to the MSPB;
 - Only alleges a proposed personnel action or a step preliminary to such an action;
 - Is moot; or
 - Alleges only dissatisfaction with the Civil Rights processing of a previously filed complaint.
-

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7. Formal Discrimination Complaint Process--Filing of a Formal Complaint, Continued

g. Acceptance Letter Requirements

An Acceptance Letter must include:

- The DHS case number assigned to the complaint;
 - A statement identifying each issue (claim) accepted for investigation;
 - Notice that the complainant may submit a correction of the issues as stated in the letter within a prescribed period and that the corrected statement will be made a part of the official complaint file; and
 - Notice of right of reconsideration (military) or appeal (civilian) when some, but not all of the claims or issues alleged in the complaint are dismissed (“partial dismissal”).
-

h. Dismissal Letter Requirements

A Draft Dismissal Letter must include:

- The DHS case number assigned to the complaint;
- A statement identifying each claim or issue dismissed, indicating that it will not be investigated;
- Specification of the regulatory or other basis for dismissal; and
- Notice of right of reconsideration (military) or appeal (civilian).

Reference: For information on reconsideration and appeal rights and procedures, see [Chapter 3.F.8](#) in this manual.

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7. Formal Discrimination Complaint Process--Filing of a Formal Complaint, Continued

i. Reviewing Complaint Dismissals The following table outlines the procedure for reviewing full and partial complaint dismissals.

| Complainant's Status | Scope of Dismissal | Action |
|----------------------|---------------------------------------|--|
| Military | All claims in complaint | <p>Complainant may request that DHS CRCL reconsider its dismissal determination. Commandant (G-LGL) will be provided a copy of all Requests for Reconsideration, and shall have 30 days after receipt to file a Brief in Opposition to the request with the DHS CRCL.</p> <p><i>Note:</i> The request must be made in writing. Military Civil Rights complainants do not come under the jurisdiction of the EEOC, and will not be issued appeal rights or rights to file with the EEOC. There is no other appeal.</p> |
| | Some, but not all claims in complaint | <ul style="list-style-type: none"> • DHS CRCL reviews Coast Guard's rationale for dismissing issues without investigation together with ROI following investigation of accepted claims. • CRCL may require investigation of dismissed claims. • CRCL's decision on partial dismissal becomes part of FAD. <p><i>Reference:</i> For information on</p> <ul style="list-style-type: none"> • Investigations and ROIs, see Chapter 3.F.8.c in this manual. • FADs, see Chapter 3.F.8 in this manual. <p><i>Note:</i> The complainant may request reconsideration of the FAD in the same manner as a dismissal without investigation.</p> |

Continued on next page

7. Formal Discrimination Complaint Process--Filing of a Formal Complaint, Continued

i. Reviewing Complaint Dismissals (continued)

| Complainant's Status | Scope of Dismissal | Action |
|----------------------|---------------------------------------|---|
| Civilian | All claims in complaint | Complainant may appeal dismissal to EEOC's Office of Federal Operations. |
| | Some, but not all claims in complaint | <p>If complainant elects FAD based on ROI:</p> <ul style="list-style-type: none"> • DHS CRCL reviews Coast Guard's rationale for dismissing issues without investigation; • CRCL may require investigation of dismissed claims; and • CRCL's decision on partial dismissal will become part of FAD. <p><i>Note:</i> The complainant may appeal the dismissal of any issue in the FAD in the same manner as a dismissal without investigation.</p> <p>If complainant elects EEOC hearing:</p> <ul style="list-style-type: none"> • EEOC AJ reviews Coast Guard's rationale for dismissing issues without investigation; • AJ may permit discovery to develop record on dismissed issues, if AJ rejects Coast Guard's rationale for partial dismissal; • Hearing proceeds on all issues meeting standards for inclusion; and • AJ's decision on partial dismissal becomes part of AJ's final decision on complaint, and may be appealed as detailed above. <p><i>Note:</i> The complainant may appeal the dismissal of any issue in the AJ's decision in the same manner as a dismissal without investigation.</p> |

8. Formal Discrimination Complaint Process--Investigation and Post-Investigation Procedures

Introduction This topic contains information about the investigation and post-investigation procedures for the formal discrimination complaint process, including:

- The stages of the investigation and post-investigation phases;
 - The roles and responsibilities of Civil Rights Service Providers and participants;
 - The timeline for ROI transmittal;
 - Reconsideration of FADs for military complainants;
 - Appellate review of:
 - FADs for civilian complainants; and
 - AJ decisions and departmental final orders;
 - The contents of final orders;
 - Distribution of decisions; and
 - Enforcing compliance with final orders and decisions.
-

a. Stages of Investigation and Post-Investigation Phases

The stages of the investigation and post-investigation phases include:

- Assignment to an investigator;
 - Development and approval of investigative plan;
 - Investigative activities;
 - Issuance of the ROI;
 - (Civilian) election of EEOC hearing or FAD;
 - Issuance of the FAD;
 - Hearing and issuance of the AJ's decision;
 - Issuance of the departmental Final Order;
 - Appellate review; and
 - Request for reconsideration.
-

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8. Formal Discrimination Complaint Process--Investigation and Post-Investigation Procedures, Continued

b. Investigation Roles and Responsibilities The following table describes the roles and responsibilities of participants in the investigative phase, including the chain of command, Civil Rights Service Providers, parties, and witnesses.

| Level of Military Chain of Command | Corresponding Civil Rights Service Provider, Party, or Witness | Basic Duties and Responsibilities |
|------------------------------------|--|--|
| Commandant | Commandant (G-CR) | <ul style="list-style-type: none"> • Assigns accepted complaint to investigator. • Reviews and approves investigative plan. • Reviews ROI and file for completeness, accuracy, and legal sufficiency. • Distributes ROI to complainant and command. • Notifies civilian complainant of right to elect between FAD based on ROI, or <i>de novo</i> hearing before EEOC AJ. <p><i>Note:</i> Military complainants cannot elect a post-investigative process, but automatically enter FAD process.</p> |
| Commandant | Investigator assigned by Commandant (G-CR) | <ul style="list-style-type: none"> • Prepares investigative plan. • Gathers evidence. • Prepares ROI. |
| Area or CGHQ | Area Commander or Chief of Staff of Coast Guard | <ul style="list-style-type: none"> • Serves as senior EO Officer for their AOR. • Accountable for effective and timely processing of formal complaints. |
| | Civil Rights Director | May assist investigator in identifying and contacting sources of requested evidence, but should <i>not</i> be involved in producing such evidence (with the exception of prior EEO protected activity). |
| District, MLC, or HQ Unit | District or MLC Commander or HQ Unit CO | <ul style="list-style-type: none"> • Serves as senior EO Officer for their AOR. • Accountable for effective and timely processing of formal complaints. |

Continued on next page

8. Formal Discrimination Complaint Process--Investigation and Post-Investigation Procedures, Continued

b. Investigation Roles and Responsibilities (continued)

| Level of Military Chain of Command | Corresponding Civil Rights Service Provider, Party, or Witness | Basic Duties and Responsibilities |
|---------------------------------------|--|---|
| District, MLC, or HQ Unit (continued) | District or MLC Commander or HQ Unit CO (continued) | <ul style="list-style-type: none"> Ensure access for investigator and witness availability as requested. |
| | CRO | May assist investigator in identifying and contacting sources of requested evidence, but should <i>not</i> be involved in producing such evidence (with the exception of prior EEO protected activity). |
| Field Unit | CO | Ensure access for investigator and witness availability as requested. |
| | Complainant and witnesses | Provides requested testimony and evidence to investigator. |

Note: When any party witness with exclusive knowledge or control of any matter or item of evidence relevant to an issue of material fact fails or refuses without good cause to testify about the matter or produce the evidence, the investigator may recommend an inference that the testimony or evidence would have supported the opposing party’s position on the factual issue.

c. Timeline for ROI Transmittal

Commandant (G-CR) will provide the complainant and command, via the servicing Civil Rights Director and CRO, a complete copy of the ROI (minus any Privacy Act information) within either:

- 180 calendar days after receipt of the formal complaint or, if the complaint was amended; or
- The lesser of 180 calendar days after the filing of an amendment or 360 calendar days after the filing the original complaint.

This period may be extended by:

- 90 calendar days, with mutual consent of the parties; and/or
- 30 calendar days, if Commandant (G-CR) is required to sanitize a file that contains classified material.

Continued on next page

8. Formal Discrimination Complaint Process--Investigation and Post-Investigation Procedures, Continued

d. Military Post-Investigation Roles and Responsibilities

The following table describes the roles and responsibilities of participants in the post-investigation process for military complaints, including the chain of command, Civil Rights Service Providers, and parties to the complaint.

| Level of Military Chain of Command | Corresponding Civil Rights Service Provider or Party | Basic Duties and Responsibilities |
|------------------------------------|--|--|
| DHS | CRCL | Drafts and issues FAD based on ROI, upon receipt of ROI from Commandant (G-CR). |
| Commandant | Commandant (G-CR) | <ul style="list-style-type: none"> Issues ROI copies to complainant and command, via Civil Rights Director, together with notice of 30-day period for final attempt at informal resolution. Forwards ROI copy to DHS CRCL for FAD preparation, if no notification of successful resolution is received by 31st day after ROI issuance. |
| Area or CGHQ | Area Commander or Chief of Staff of Coast Guard | <ul style="list-style-type: none"> Serves as senior EO Officer for their AOR. Accountable for effective and timely processing of formal complaints. |
| | Civil Rights Director | <ul style="list-style-type: none"> Forwards ROI copy to command. Coordinates final informal resolution effort with command. Notifies Commandant (G-CR) of final informal resolution results. |
| District, MLC, or HQ Unit | District or MLC Commander or HQ Unit CO | <ul style="list-style-type: none"> Serves as senior EO Officer for their AOR Accountable for effective and timely processing of formal complaints. |
| Field Unit | Commanding Officer | <p>Make final good faith attempt at informal resolution within 30 days after receipt of ROI.</p> <p><i>Note:</i> The command's final informal resolution effort is MANDATORY unless waived by Commandant (G-CR).</p> |

Continued on next page

8. Formal Discrimination Complaint Process--Investigation and Post-Investigation Procedures, Continued

e. Civilian Post-Investigation Roles and Responsibilities

The following table describes the roles and responsibilities of participants in the post-investigation process for civilian complaints, including the chain of command, Civil Rights Service Providers, and parties to the complaint.

| Level of Military Chain of Command | Corresponding Civil Rights Service Provider or Party | Basic Duties and Responsibilities |
|------------------------------------|--|--|
| DHS | CRCL | <ul style="list-style-type: none"> • If complainant elected EEOC hearing, reviews AJ decision following hearing; and <ul style="list-style-type: none"> - Issues Final Order implementing decision; - Issues Final Order partially implementing decision; or - Issues Final Order rejecting AJ decision. • If complainant elected FAD, or failed to elect hearing within prescribed period, drafts and issues FAD, upon receipt of ROI from Commandant (G-CR). |
| Commandant | Commandant (G-CR) | <ul style="list-style-type: none"> • Forwards ROI to complainant, with notice of 30-day hearing/FAD election period. • Forward ROI to command, via Civil Rights Director. • Provides copy of ROI to Commandant (G-LGL). • Forwards copy of ROI to EEOC, if complainant elects hearing. • Forwards copy of ROI to DHS CRCL for FAD preparation if complainant elects FAD, or 30 days elapse after ROI issuance without election. |
| | Commandant (G-LGL) | Represents Coast Guard in EEOC hearing. |

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8. Formal Discrimination Complaint Process--Investigation and Post-Investigation Procedures, Continued

e. Civilian Post-Investigation Roles and Responsibilities (continued)

| Level of Military Chain of Command | Corresponding Civil Rights Service Provider or Party | Basic Duties and Responsibilities |
|------------------------------------|--|--|
| Area or CGHQ | Area Commander or Chief of Staff of Coast Guard | <ul style="list-style-type: none"> Serves as senior EO Officer for their AOR. Accountable for effective and timely processing of formal complaints. |
| | Civil Rights Director | Forwards ROI to command. |
| District, MLC, or HQ Unit | District or MLC Commander or HQ Unit CO | <ul style="list-style-type: none"> Serves as senior EO Officer for their AOR. Accountable for effective and timely processing of formal complaints. |
| Field Unit Field Unit | CO | <p>Make final good faith attempt at informal resolution within 30 days after receipt of ROI.</p> <p><i>Note:</i> The command's final informal resolution effort is MANDATORY unless waived by Commandant (G-CR).</p> |
| | Complainant | <p>Elects EEOC hearing or FAD within 30 days after receipt of ROI.</p> <p><i>Note:</i> When 180 calendar days following the filing of complaint have elapsed without issuance of a FAD, the complainant may request an EEOC hearing.</p> |

f. **Reconsideration of FAD for Military Complainants**

A military complainant may request that DHS CRCL reconsider its decision following issuance of a FAD. This request must occur in writing within 30 calendar days of receipt of the FAD. Commandant (G-LGL) will be provided a copy of all Requests for Reconsideration, and shall have 30 days after receipt to file a Brief in Opposition to the request with CRCL.

Note: There is **no other** appeal for military members.

Continued on next page

8. Formal Discrimination Complaint Process--Investigation and Post-Investigation Procedures, Continued

g. Appellate Review of FADs for Civilian Complainants

A civilian complainant may appeal the FAD to the EEOC's Office of Federal Operations within 30 calendar days of the receipt of the FAD.

Note: Commandant (G-LGL) represents the Coast Guard in opposition to the complainants' appeals.

h. Contents of Final Order

DHS CRCL's Final Order will include notice of the:

- Department's intention to implement the AJ's decision fully, partially, or not at all;
 - Complainant's right to file an appeal with the EEOC or a civil action in Federal District Court;
 - Name of the proper defendant in an appeal or civil action (i.e., the Secretary of Homeland Security); and
 - Applicable time limits for an appeal or civil action.
-

i. Appellate Review of AJ Decisions and Departmental Final Orders

If the Final Order does not fully implement the AJ's decision, Commandant (G-CR) will notify Commandant (G-LGL), and Commandant (G-LGL) will file an appeal of the AJ's decision with the EEOC's Office of Federal Operations.

The complainant may appeal any final decision dismissing the complaint to the EEOC's Office of Federal Operations within 30 calendar days of the receipt of decision.

Note: Commandant (G-LGL) represents the Coast Guard in appeals to the EEOC and in opposition to the complainants' appeals.

j. Distribution of DHS CRCL and EEOC Decisions

Upon receipt of a FAD or Final Order from DHS CRCL, an AJ decision or appellate decision from the EEOC, or a decision on reconsideration from DHS CRCL or the EEOC, Commandant (G-CR) will forward a copy to Commandant (G-LGL).

Commandant (G-LGL) will forward a copy of the decision to the responsible command via the appropriate MLC legal office and Civil Rights Director.

Continued on next page

8. Formal Discrimination Complaint Process--Investigation and Post-Investigation Procedures, Continued

**k. Enforcing
Compliance
with Final
Orders and
Decisions**

Department of Homeland Security Final Orders that are not the subjects of appeals to the EEOC or civil actions are binding on the Coast Guard to the same extent as settlement and resolution agreements that were knowingly and voluntarily entered.

Reference: For information on monitoring compliance with and enforcing resolution agreements, see [Chapter 3.F.10.j](#) in this manual.

9. Mediation Overview

Introduction This topic contains information about mediation, including:

- A definition of mediation;
 - Remedies available through mediation; and
 - Confidentiality requirements.
-

a. Definition of Mediation Mediation is:

- An essential aspect of the informal and formal discrimination complaint processes; and
- The Coast Guard's preferred alternative method for resolving discrimination allegations.

Note: The option to request mediation is a required element of the informal pre-complaint process before an individual may file a formal complaint.

Note: However, the offer of mediation is subject to the servicing District, MLC, or Headquarters Units CRO's determination of appropriateness of mediation (Mediability Determination Factors) in the particular case. See Chapter 3.F.10.e in this manual.

b. Remedies Available Through Mediation Mediation discussions and resolution agreements may include any remedy that is available through the Informal or Formal Discrimination Complaint Processes, subject to the same limitations that apply to remedies sought through those processes.

Note: Some remedies available to civilian employees through mediation may be unavailable to military members, based on different rules, regulations, and policies for making Aggrieved Persons whole. For restrictions on remedies available for military members see Chapter 3-F-4.c.

Continued on next page

9. Mediation Overview, Continued

c. Parties are entitled to confidentiality in the mediation process as follows:

Confidentiality

- Nothing said or given to the Mediator in confidence during separate meetings with individual parties may be voluntarily disclosed or offered into evidence in a future legal proceeding, unless all parties and the Mediator agree in writing.
- There will be no written records of the sessions.
- Facts discovered during mediation will not become a part of the official complaint record.
- At the conclusion of mediation, the Mediator will destroy all notes taken.

Exceptions:

- The Mediator is required to report any indication of criminal activity and may be required by subpoena to:
 - Disclose information necessary to prevent a manifest injustice;
 - Help establish a violation of the law; or
 - Prevent harm to the public health or safety.
 - A resolution agreement that may be developed as part of the mediation process does become a record document once signed by the parties.
-

10. Mediation Procedures

Introduction This topic contains information on mediation procedures, including:

- Stages of the mediation process;
 - Request and preparation roles and responsibilities;
 - Command/management representative;
 - Coast Guard legal and personnel reviewing authorities;
 - Mediability determination factors;
 - Discussion and agreement responsibilities;
 - Essential elements of resolution agreements;
 - Legal and personnel review of resolution terms;
 - Post mediation roles and responsibilities;
 - Compliance monitoring roles and responsibilities;
 - Remedies for breach of settlement agreement; and
 - A mediation process flowchart.
-

a. Stages of the Mediation Process The mediation process includes the following stages:

- Mediation request;
 - Command/management representative identification;
 - Determination of mediability;
 - Preparation for mediation;
 - Mediation discussions;
 - Resolution and agreement;
 - Coordination of resolution terms;
 - Conclusion of proceedings; and
 - Monitoring compliance.
-

Continued on next page

10. Mediation Procedures, Continued

b. Request and Preparation Roles and Responsibilities The following table describes the roles and responsibilities of participants in the request and preparation phases of the mediation process, including the chain of command, Civil Rights Service Providers, and parties to the dispute.

| Level of Military Chain of Command | Corresponding Civil Rights Service Provider or Party | Basic Duties and Responsibilities |
|------------------------------------|--|--|
| Commandant | Commandant (G-CR) | <ul style="list-style-type: none"> • Ensures assignment of certified Mediator. • Serves as primary point of contact for contract mediators |
| | Mediator assigned by Commandant (G-CR) | <ul style="list-style-type: none"> • Secures parties' agreement to mediate. |
| Areas and CGHQ | Area Commander or Chief of Staff of Coast Guard | <ul style="list-style-type: none"> • Serves as senior EO Officer for their AOR. • Accountable for effective and timely resolution of discrimination allegations. |
| | Civil Rights Director | <ul style="list-style-type: none"> • Arranges Shared Neutral mediator or forwards mediation request to Commandant (G-CR). |
| District, MLC, HQ Unit | District or MLC Commander or HQ Unit CO | <ul style="list-style-type: none"> • Serves as senior EO Officer for their AOR. • Accountable for effective and timely resolution of discrimination allegations. |

Continued on next page

10. Mediation Procedures, Continued

b. Request and Preparation Roles and Responsibilities (continued)

| Level of Military Chain of Command | Corresponding Civil Rights Service Provider or Party | Basic Duties and Responsibilities |
|---|---|---|
| District, MLC, HQ Unit | CRO | <ul style="list-style-type: none"> • Advises COs on mediation policy and process. • Consults with appropriate Coast Guard legal counsel and military or civilian personnel reviewing authority to determine whether Aggrieved Person’s dispute is amenable to mediation. • Ensures offer of mediation is made in all cases determined to be appropriate for mediation, unless waived by Commandant (G-CR). • Advises Commandant (G-CR) via appropriate Civil Rights Director of status of mediation if arrangement was made utilizing local sources of mediation. • Coordinates participation of Command/Management Representative. <p><i>Reference:</i> For information on command/management representatives, see Chapter 3.F.10.c in this manual.</p> |

Continued on next page

10. Mediation Procedures, Continued

b. Request and Preparation Roles and Responsibilities (continued)

| Level of Military Chain of Command | Corresponding Civil Rights Service Provider or Party | Basic Duties and Responsibilities |
|------------------------------------|--|---|
| Field Unit | Commanding Officer | <ul style="list-style-type: none"> • Ensures offer of mediation is made to Aggrieved Person. • Identifies Command/Management Representative. |
| | Command/Management Representative | <ul style="list-style-type: none"> • Consults with appropriate legal counsel and civilian personnel specialist for advice on nature and scope of resolution options that may be offered. |
| | Aggrieved Person | <ul style="list-style-type: none"> • Requests mediation through EOA, EEO Counselor, or CO. • Returns to informal or formal discrimination complaint process if CRO determines that mediation is not appropriate. <p><i>Note:</i> When mediation is requested, the informal pre-complaint processing period is automatically extended, not to exceed 90 calendar days.</p> |

c. Command/Management Representative

The Command/Management Representative:

- Participates in the mediation session on behalf of the command or management;
- Is usually designated by the CO;
- Is authorized to speak on behalf of the CO; and
- Should either possess the necessary authority to resolve the dispute to the parties' mutual satisfaction, or have immediate access to the person who does.

Continued on next page

10. Mediation Procedures, Continued

**d. Coast
Guard Legal
and Personnel
Reviewing
Authorities**

The appropriate Coast Guard legal counsel for advice on legal sufficiency of resolution options and proposed resolution terms is:

- MLC Legal Counsel, for disputes originating in an Area, District or MLC unit; or
- Commandant (G-LGL), for disputes originating at Headquarters or at a Headquarters unit.

The appropriate personnel reviewing authority for advice on consistency of resolution options and proposed resolution terms with Coast Guard personnel policies is:

- The unit Commanding Officer when the dispute concerns a military member; or
- The Command Staff Advisor or Human Resources Specialist when the dispute concerns a civilian employee.

NOTE: These reviewing authorities should also be consulted in connection with resolution options and proposed resolution terms arising in the context of informal resolution efforts during conventional pre-complaint processing.

Continued on next page

10. Mediation Procedures, Continued

e. Mediability Determination Factors

Although not exhaustive, the following lists of factors may be helpful in determining whether mediation is appropriate for a particular dispute. No single factor is necessarily determinative.

Factors suggesting that mediation is appropriate include:

- The availability of an identifiable command/management official with authority to grant the relief requested or that would make the Aggrieved Person whole.
- The Aggrieved Person's preference for resolving the dispute rather than punishing the other person.
- The parties' interest in maintaining a continuing relationship.
- The likelihood that the parties would benefit from intervention by a trained mediator to keep them focused on issues and resolution options.

Factors suggesting that mediation is inappropriate include:

- Any indication that either party engaged in waste, fraud, abuse, criminal activity, or violations of the Uniform Code of Military Justice.
- The likelihood that resolution of the dispute would set a significant legal or policy precedent, implicate collectively bargained rights, or have a significant impact on non-parties.
- The unavailability of any relief that would satisfy or make the Aggrieved Person whole without violating a law, regulation, or Coast Guard policy.

Note: The decision on the appropriateness of the case for mediation shall not be the basis for any EO/EEO complaint.

Continued on next page

10. Mediation Procedures, Continued

f. Discussion and Agreement Responsibilities The following table describes the roles and responsibilities of participants in the discussion and agreement phases of the mediation process, including the chain of command, Civil Rights Service Providers, and parties to the dispute.

| Level of Military Chain of Command | Corresponding Civil Rights Service Provider or Party | Basic Duties and Responsibilities |
|--|--|--|
| Commandant | Mediator assigned by Commandant (G-CR) | <ul style="list-style-type: none"> • Meets with parties (separately or jointly) to facilitate discussion. • If parties agree in principle on resolution terms, reduces terms to written agreement. • Ensures appropriate review of terms before agreement becomes final. <p><i>Reference:</i> For more information on essential elements of resolution agreements, see Chapter 3.F.10.g in this manual.</p> |
| Area and District, MLC, CGHQ, or HQ Unit | Area, District or MLC Commander; Commandant (G-CCS); or HQ Unit CO | <ul style="list-style-type: none"> • Serves as senior EO Officer for their AOR. • Accountable for effective and timely resolution of discrimination allegations. |
| | CRO | <p>Ensures that appropriate Coast Guard legal counsel and personnel authority review resolution terms for legal sufficiency and compliance with Coast Guard policy, before agreement becomes final.</p> <p><i>Reference:</i> For more information on how to effect legal and personnel policy review of resolution terms, see Chapter 3.F.10.h in this manual.</p> |
| Field Unit | CO | Coordinates with CRO to effect legal and personnel policy review of resolution terms by appropriate Coast Guard officials. |
| | Command/ Management Representative | Makes every reasonable effort to reach a resolution of the dispute. |
| | Aggrieved Person | Makes every reasonable effort to reach a resolution of the dispute |

Continued on next page

10. Mediation Procedures, Continued

g. Essential Elements of Resolution Agreements

The typewritten resolution agreement must specify:

- The name of the Aggrieved Person;
 - The matter being resolved, identified by issue, basis, and the date informal counseling was initiated--if the matter is an informal complaint--or docket number--if the matter is a formal complaint;
 - A statement that the Aggrieved Person and the Coast Guard voluntarily enter into the agreement,
 - The effective date of agreement, including whether effectiveness is contingent upon expiration of a specific period for review of resolution terms by appropriate legal counsel and personnel reviewing authorities;
 - What will happen if subsequent review determines that the terms of the agreement are inconsistent with applicable laws and regulations, collective bargaining agreements, or Coast Guard policy, or cannot be completed within the agreed timeframe; and
 - The procedures for addressing alleged noncompliance with resolution terms.
-

h. Legal and Personnel Review of Resolution Terms

The CRO and the Mediator should establish a procedure, in advance of the beginning of mediation discussions, for effecting review of resolution terms by the CO, appropriate Coast Guard legal counsel and the appropriate civilian personnel specialist, for legal sufficiency and compliance with Coast Guard policy.

This should be done by:

- Arranging for the appropriate reviewing authorities to be on call to render timely review (in person, by telephone, or by e-mail); or
- Including a standard term in the draft resolution agreement making final effect contingent upon review by the appropriate reviewing authorities within a specified period.

An agreement that does not pass a review for legal sufficiency (i.e. in compliance with law, regulation, and DHS/Coast Guard policy), contains terms that as a practical matter cannot be implemented, or violates a union contract, should not be made a record document, which could be cited in a subsequent hearing.

Continued on next page

10. Mediation Procedures, Continued

i. Post Mediation Roles and Responsibilities

The following table describes the roles and responsibilities of participants in the post mediation phase of the mediation process, including the chain of command, Civil Rights Service providers, and parties to the dispute.

| Level of Military Chain of Command | Corresponding Civil Rights Service Provider or Party | Basic Duties and Responsibilities |
|------------------------------------|--|--|
| Commandant | Commandant (G-CR) | <ul style="list-style-type: none"> • Monitors and maintains records of all mediation activity. • Coordinates with contract mediator on contractual matters. |
| | Mediator assigned by Commandant (G-CR) | If resolution terms cannot be implemented as written, reconvenes mediation to reformulate or renegotiate terms, or to terminate mediation process. |
| Areas and CGHQ | Area Commander, Chief of Staff | <ul style="list-style-type: none"> • Serves as senior EO Officer for their AOR. • Accountable for effective and timely resolution of discrimination allegations. |
| | Civil Rights Director | Transmits results of mediation efforts to Commandant (G-CR) for mediation conducted in connection with formal complaints. |
| District, MLC, or HQ Unit | District or MLC Commander or HQ Unit CO | <ul style="list-style-type: none"> • Serves as senior EO Officer for their AOR. • Accountable for effective and timely resolution of discrimination allegations. |
| | CRO | Facilitates Aggrieved Person's return to conventional complaint process, if resolution efforts are unsuccessful. |
| Field Unit | Aggrieved Person | Returns to informal or formal discrimination complaint process for issuance of Notice of Right to File Discrimination Complaint, if resolution efforts are unsuccessful. |

Continued on next page

10. Mediation Procedures, Continued

j. Compliance Monitoring Roles and Responsibilities The following table describes the roles and responsibilities of participants in the compliance-monitoring phase of the mediation process, including the chain of command, Civil Rights Service Providers, and parties to the dispute.

| Level of Military Chain of Command | Corresponding Civil Rights Service Provider or Party | Basic Duties and Responsibilities |
|------------------------------------|--|---|
| DHS | CRCL | <ul style="list-style-type: none"> • Requests inquiry by Commandant (G-CR) into any alleged noncompliance with resolution agreement. • Issues compliance determination based on results of inquiry. |
| Commandant | Commandant (G-CR) | Coordinates inquiry into alleged noncompliance with servicing Civil Rights Director. |
| Area or CGHQ | Area Commander or Chief of Staff of Coast Guard | <ul style="list-style-type: none"> • Serves as senior EO Officer for their AOR. • Accountable for good faith implementation of resolution terms. |
| | Civil Rights Director | Requests status reports on compliance with resolution agreements in AOR from CRO. |
| District, MLC, or HQ Unit | District or MLC Commander or HQ Unit CO | <ul style="list-style-type: none"> • Serves as senior EO Officer for their AOR. • Accountable for good faith implementation of resolution terms. |
| | CRO | <ul style="list-style-type: none"> • Monitors compliance with resolution agreements in AOR and reports to Civil Rights Director when requested. • In cases of alleged non-compliance, notifies CO to ascertain facts. |

Continued on next page

10. Mediation Procedures, Continued

j. Compliance Monitoring Roles and Responsibilities (continued)

| Level of Military Chain of Command | Corresponding Civil Rights Service Provider or Party | Basic Duties and Responsibilities |
|------------------------------------|--|---|
| Field Unit | Parties to Agreement | If either party believes the other has failed to comply with resolution terms, they should immediately notify CRO. |
| | Aggrieved Person | <ul style="list-style-type: none"> • Notifies DHS CRCL in writing if command is unwilling/unable to effect compliance with resolution agreement within 30 days. • May appeal to EEOC for compliance determination if unsatisfied with CRCL determination or if CRCL does not issue determination within 30 days. <p>NOTE: Only civilian employee Aggrieved Persons may appeal to EEOC. EEOC has no jurisdiction over military members.</p> |

k. Remedies for Breach of Settlement Agreement

In any case where, upon review of facts, after discovering a possible breach in the course of routine monitoring of specific obligations and deadlines undertaken in the agreement, or after receiving notice of possible breach from either party, the CRO or Area/Headquarters Civil Rights Director determines that the settlement agreement has not been implemented according to the agreed-upon terms, or that either party has deliberately violated the terms of the agreement, then the parties may choose either specific implementation of resolution terms or reinstatement of the discrimination allegation or complaint.

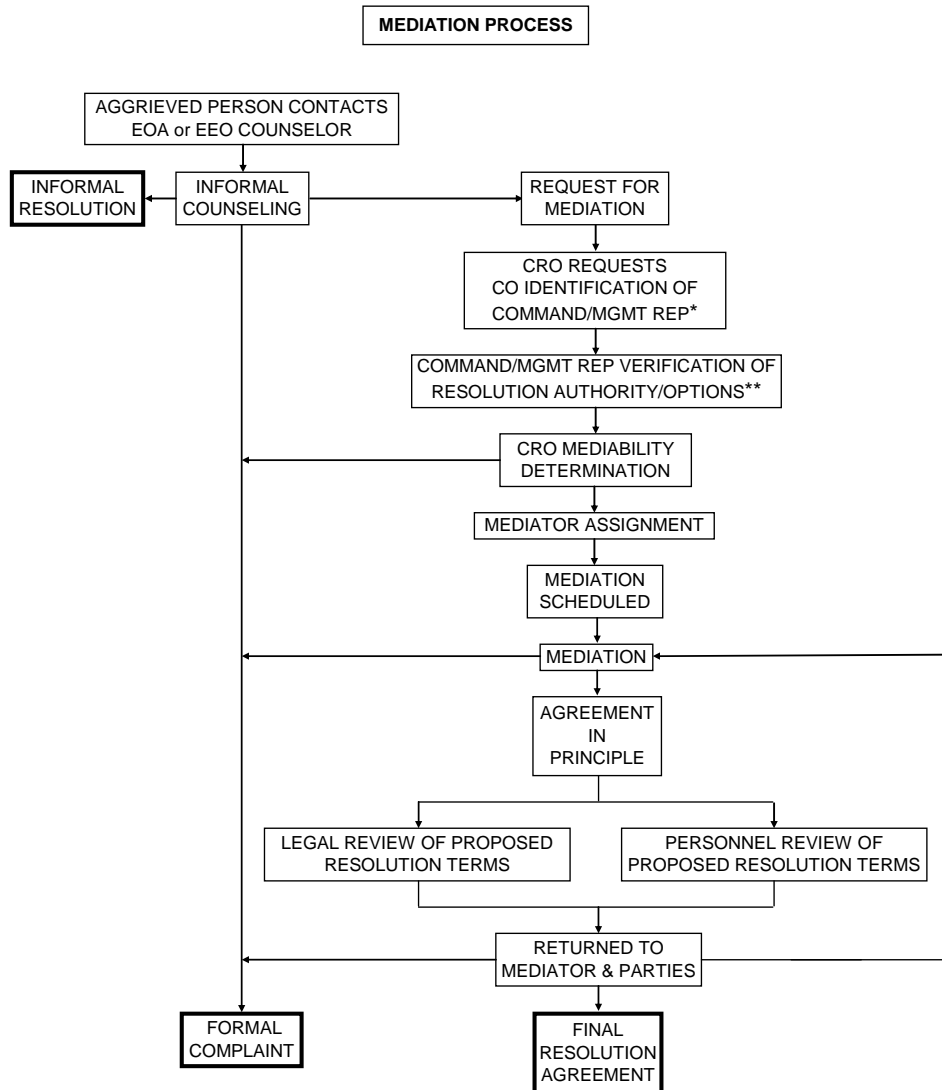
Note: In irreconcilable cases, the final determination of non-compliance with the terms of a settlement agreement resides with DHS CRCL.

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10. Mediation Procedures, Continued

I. Mediation Process Flowchart

The flowchart below describes the mediation process.



* IN CONSULTATION WITH CHAIN OF COMMAND
** IN CONSULTATION WITH LEGAL AND PERSONNEL

Section G. Award Programs

Overview

Introduction This section contains information about awards that are presented to recognize significant contributions to civil rights, equal opportunity and Partnership In Education (PIE) Programs.

In this Section This section contains the following topics:

| Topic | Topic Name | See Page |
|-------|---|----------|
| 1 | Equal Opportunity Award Programs | 3-G-2 |
| 2 | NAACP Roy Wilkins Renown Service Award | 3-G-4 |
| 3 | The National Image, Inc. (IMAGE) Meritorious Service Award | 3-G-6 |
| 4 | The Federal Asian Pacific American Council (FAPAC) Awards for Meritorious Service and Outstanding Service | 3-G-8 |
| 5 | Coast Guard Civil Rights Service Provider (CRSP) of the Year Award | 3-G-10 |
| 6 | Coast Guard Partnership in Education (PIE) Award | 3-G-13 |

1. Equal Opportunity Award Programs

Introduction This topic contains information about the Coast Guard Civil Rights, Equal Opportunity (EO) and PIE award programs, including the following two types of awards:

- Individual awards; and
 - Unit awards.
-

a. Types of Awards The awards presented for significant contributions to Civil Rights and Equal Opportunity fall into two categories:

- Individual awards; and
 - Unit awards.
-

b. Individual Awards Individual awards are presented annually to deserving Coast Guard personnel. Each year, between January and March, Commandant (G-CR) solicits nominations for individual awards via ALCOAST. Each ALCOAST includes the procedures for nomination, selection, and presentation of the award.

The table below lists the awards presented annually to Coast Guard personnel and sponsoring organization.

| Sponsor | Award |
|--|--|
| Blacks in Government (BIG) | Meritorious Service Award (Civilian) |
| Federal Asian Pacific American Council (FAPAC) | <ul style="list-style-type: none"> • Meritorious Service Award (Military) • Outstanding Service Award (Civilian) |
| Federally Employed Women (FEW) | Exemplary Service Award (Active and Reserve Military) |
| Latina Style | Meritorious Service Award (Military Hispanic Female) |
| League of United Latin Citizens (LULAC) | Meritorious Service Award (Active and Reserve Military) |
| National Association for the Advancement of Colored People (NAACP) | NAACP Roy Wilkins Renown Service Award |

Continued on next page

1. Equal Opportunity Award Programs, Continued

b. Individual Awards (continued)

| | |
|---------------------------------------|---|
| The National Image, Inc. (IMAGE) | Meritorious Service Award |
| Commandant, United States Coast Guard | <p>Civil Rights Service Provider (CRSP) of the Year Award:</p> <ul style="list-style-type: none"> • Full-time civil rights service provider; and • Collateral-duty civil rights service provider. |

c. Unit Awards The Coast Guard’s annual Partnership in Education (PIE) Awards recognizes the best unit and collaborative PIE programs.

The table below describes the categories for this award.

| Award Category | Description |
|---------------------------|---|
| Unit Partnership | Any cooperative effort between one Coast Guard unit and one school. |
| Collaborative Partnership | Involving one or more Coast Guard units collaborating with one or more schools. |

2. NAACP Roy Wilkins Renown Service Award

Introduction This topic contains information about the NAACP Roy Wilkins Renown Service Award, including:

- Background information about NAACP and the Roy Wilkins Renown Service Award;
 - Description of the award;
 - Eligibility;
 - Nomination and selection of winners;
 - Selection criteria; and
 - Presentation of awards.
-

a. About the NAACP The National Association for the Advancement of Colored People (NAACP) is a national organization established to ensure political, educational, social, and economic equality for African Americans and other minorities.

b. About the Roy Wilkins Award

The Roy Wilkins Renown Service Award was instituted in 1980 in recognition of the distinguished service of Roy Wilkins.

As the fifth NAACP executive director, he established the NAACP Armed Services and Veterans Affairs Department in 1969.

Roy Wilkins recognized that the advances being made in obtaining civil and human rights for African Americans in the civilian population must also apply to those who serve in the military.

c. Description of the Award

The NAACP Roy Wilkins Renown Service Award is presented annually to Americans who have distinguished themselves by contributions to military equal opportunity policies and programs.

One military member or civilian employee from each of the military services is selected each year for the NAACP Roy Wilkins Renown Service Award.

d. Eligibility

Any military member or civilian employee of the Coast Guard is eligible to be nominated for this award.

Continued on next page

2. NAACP Roy Wilkins Renown Service Award, Continued

e. Nomination and Selection of Winners

Any Military or Civilian member of the Coast Guard may submit nominations for this award to Commandant (G-CR), through the chain of command, in accordance with award package submission guidelines described in the annual solicitation ALCOAST. Nominations must be endorsed by a Flag Officer or member of the Senior Executive Service.

Commandant (G-CR) appoints an awards board to review the nominations, select the award winners, and notify the award recipients.

f. Selection Criteria

The selection criteria for the award are established by NAACP. Examples of criteria are listed below. Specific award criteria are listed each year in the annual Award Solicitation ALCOAST message.

The nominee must have demonstrated that he/she has:

- Distinguished himself or herself by promoting the tenets of civil/human rights, race relations, equal opportunity, affirmative action, human relations, and/or public service.
 - Has enthusiastically supported the civil rights of African Americans.
 - Has endorsed the full integration and promotion of minorities and women within the armed forces.
 - Has promoted a positive understanding of the armed forces among and between African American members of the military and civilian population of the nation.
 - Has fostered innovative and creative involvement within a community (civilian or military) of all racial and ethnic backgrounds that benefit the employees and/or residents.
 - Has promoted programs and activities that advocate equal opportunity for African Americans in the Federal workplace.
 - Has displayed exceptional qualities that distinguish the individual as an outstanding leader.
 - Believes in and practices the tenets of the U. S. Constitution and the democratic society that all people are created equal, and that freedom is a universal right that must be protected at all times.
-

g. Presentation of the Awards

The NAACP recognizes award winners at their annual *Armed Services and Veterans Affairs Dinner*. This dinner is usually held in June or July.

3. The National Image, Inc. (IMAGE) Meritorious Service Award

Introduction This topic provides information about the National Image, Inc. (IMAGE) Meritorious Service Award, including:

- Background information;
 - Description of the award;
 - Eligibility;
 - Nomination and selection of winners;
 - Selection criteria; and
 - Presentation of awards.
-

a. About IMAGE IMAGE is a network of professionals whose objective is to find positive and creative solutions to the challenges facing the Hispanic American community in the United States.

IMAGE is committed to the improvement of opportunities for Hispanic Americans in the areas of employment, education, and civil rights.

b. Description of the Award The IMAGE Meritorious Service Award recognizes members of the armed services for their achievements in the field of civil rights in support of the Hispanic community. All five military services submit nominations.

IMAGE selects an officer and enlisted member from each of the five military services to receive this award.

c. Eligibility Nominations are open to all Coast Guard military (active duty and reserve).

d. Nomination and Selection of Winners Any military member or civilian employee of the Coast Guard may submit nominations for this award to Commandant (G-CR), through the chain of command, in accordance with award package submission guidelines described in the annual solicitation ALCOAST. Nominations must be endorsed by a Flag Officer or member of the Senior Executive Service

Commandant (G-CR) appoints an awards board to review the nominations, select the award winners, and notifies the award recipients.

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3. The National Image, Inc. (IMAGE) Meritorious Service Award, Continued

e. Selection Criteria Selection criteria are similar to those for the NAACP Roy Wilkins Award, tailored to the interests of the Hispanic community. Specific award criteria are listed each year in the annual Award Solicitation ALCOAST message.

f. Presentation of the Awards Presentation of the awards is made at the IMAGE *Salute to Hispanics in the Military* banquet during the organization's annual training conference. This conference is usually held in May.

4. The Federal Asian Pacific American Council (FAPAC) Awards for Meritorious Service and Outstanding Service

Introduction This topic contains information about the Federal Asian Pacific American Council (FAPAC) and the awards that are presented to military and civilian personnel within the Federal workforce, including

- Background information about Federal Asian Pacific American Council;
 - Description of the award;
 - Eligibility;
 - Nomination and selection of winners;
 - Selection criteria; and
 - Presentation of awards.
-

a. About FAPAC FAPAC is an inter-agency organization that promotes equal opportunity and cultural diversity for Asian Pacific Americans within the federal workforce.

b. Description of the Awards The awards are open to any Coast Guard member who has had a significant impact on improving human relations and equal opportunity within the service and the Asian Pacific American community. FAPAC recognizes both military members and civilian employees.

The Meritorious Service Award

This 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 Outstanding Service Award

This award recognizes a federal civilian for his/her achievement in the field of Civil Rights and Asian Pacific American issues. Only one person throughout all of the services is selected annually. The Coast Guard forwards its nomination to FAPAC for consideration.

c. Eligibility All military members or civilian employees who have completed one year of service are eligible for the respective awards.

Continued on next page

4. The Federal Asian Pacific American Council (FAPAC) Awards for Meritorious Service and Outstanding Service, Continued

**d. Nomination
and Selection of
Winners**

Nomination letters must describe how nominees distinguished themselves during the past calendar year through significant achievements that contributed to the advancement of equal opportunity for the Asian Pacific American Community and are forwarded through the chain of command. Nominations must be endorsed by a Flag Officer or member of the Senior Executive Service. Specific details on award package submissions are provided in the annual solicitation ALCOAST.

Commandant (G-CR) appoints an awards board to review the nominations, select the award winners, and notify the award recipients.

**e. Selection
Criteria**

Award criteria are similar to those for the NAACP Roy Wilkins Award, tailored to the interests of the Asian Pacific community. Specific award criteria are listed each year in the annual Award Solicitation ALCOAST message.

**f. Presentation
of the Awards**

Coast Guard awards are presented at the *Annual FAPAC Conference Awards Banquet*, usually held in May.

5. Coast Guard Civil Rights Service Provider (CRSP) of the Year Award

Introduction This topic contains information about the Civil Rights Service Provider (CRSP) of the Year Awards presented by the Coast Guard, including:

- Background information;
 - Description of the award;
 - Eligibility;
 - Nomination and selection of winners;
 - Selection criteria; and
 - Presentation of awards.
-

a. Description of the Award The Civil Rights Service Provider (CRSP) of the Year Awards are given to one full-time and one collateral-duty service provider each year.

Individuals selected for this award must have demonstrated a strong personal and professional commitment to supporting the Coast Guard equal opportunity and civil rights programs.

b. Eligibility All military and civilian full-time and collateral duty CRSPs are eligible, including:

- Area/Headquarters Civil Rights Directors;
 - Civil Rights Officers (CROs);
 - Equal Opportunity Advisors (EOAs);
 - Special Emphasis Program (SEP) Managers;
 - Unit Collateral Duty Civil Rights Officers (CROs);
 - Equal Employment Opportunity Counselors (EEOCs).
-

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5. Coast Guard Civil Rights Service Provider (CRSP) of the Year Award, Continued

c. Nomination and Selection of Winners

All Coast Guard commands with eligible CRSPs may forward nomination packages to Commandant (G-CR). Nominations must include:

- A two-page nomination memo describing how the nominee has met the criteria for this award; and
- An endorsement from the chain of command, signed by a flag officer or SES Official.

Commandant (G-CR) appoints an awards board to review the nominations, select the award winners, and notify the award recipients.

d. Selection Criteria

The selection is based on how a nominee has:

- Demonstrated command leadership through a strong personal commitment to the Coast Guard equal opportunity and civil rights program;
 - Proved to have a sound working knowledge of all aspects of the EO and Civil Rights program;
 - Developed an organizational culture that values diversity by demonstrating strong support for conducting cultural awareness activities;
 - Proactively ensured Human Relations Awareness (HRA) and Sexual Harassment Prevention (SHP) training were conducted.
 - Supported the Human Relations Council (HRC);
 - Demonstrated commitment to correcting civilian workforce imbalances;
 - Promoted diversity when filling position vacancies;
 - Worked to enhance upward mobility;
 - Vigorously supported training and other career development opportunities for civilians;
 - Resolved complaints at the lowest level by achieving informal resolution of EO complaints;
 - Strongly supported the use of alternative dispute resolution/mediation to resolve complaints; and
 - Promoted community affirmative outreach by:
 - Building a positive equal opportunity and diversity image of the Coast Guard to the public; and
 - Strongly supporting the PIE program or other community outreach projects.
-

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5. Coast Guard Civil Rights Service Provider (CRSP) of the Year Award, Continued

-
- e. Presentation of the Award** Each year, the Commandant of the Coast Guard presents the awards to the recipients. An award ceremony is conducted at Coast Guard Headquarters and is usually held in July.
-

6. Coast Guard Partnership in Education (PIE) Award

Introduction This topic contains information on the Coast Guard's PIE Awards, including:

- Background information;
 - Description of the award;
 - Eligibility;
 - Nominations;
 - Award categories;
 - Selection criteria; and
 - Presentation of awards.
-

a. About PIE Awards PIE awards are given to the units that have demonstrated exceptional results in working with local schools. PIE initiatives include activities such as:

- Tutoring;
- Mentoring;
- Coaching; and
- Improving school facilities.

The award recognition period is from 1 September through 31 May of each year.

PIE awards are presented to recognize the best:

- Unit partnership program; and
 - Collaborative partnership program.
-

b. Eligibility All Coast Guard units that have entered into and/or have maintained an active unit partnership program or collaborative partnership program during the award period are eligible for the award.

c. Nominations Each unit is allowed one nomination for each of the two award categories, following the process described in the annual solicitation ALCOAST. Nominations must be no more than two single typed pages in length and endorsed by a Flag Officer or member of the Senior Executive Service.

A selection panel convened by Commandant (G-CR) will review all nomination packages to select the award recipients.

Continued on next page

6. Coast Guard Partnership in Education (PIE) Award,

Continued

**d. Award
Categories**

There are two award categories:

Unit partnership program.

This category includes any cooperative effort between a single Coast Guard unit and a school.

Collaborative partnership program.

This category includes any effort where one or more Coast Guard units coordinate with one or more community organizations to pool resources to assist one or more schools.

**e. Selection
Criteria**

Each nomination must specifically describe the unit's partnership activity and how it supports the programs purposes, using one or more of the category criteria listed in the table below.

| Category | Description |
|------------------------------------|--|
| Quality Achievement | This category focuses on accomplishment of pre-stated goals and objectives, focusing on generating higher academic achievement for students and schools. |
| Excellence in Education | This category relates to enhancing student learning in the areas of reading, math, the sciences, computer learning methods, and drug awareness. |
| Improved Educational Opportunities | This category relates to improving students' participation in classroom instruction through tutors, mentors, teacher assistants, lecturers, and guest speakers on expert subject matter. These improved opportunities can be unique classroom instruction, which encompasses science, engineering, and computer science. Other activities can include off-site educational opportunities and an improved learning environment. |
| Improved Coast Guard Visibility | This category relates to creating and sustaining sound relationships and liaisons with various schools and local communities, focusing on improved public understanding of the Coast Guard missions. |

Continued on next page

6. Coast Guard Partnership in Education (PIE) Award, Continued

**f. Award
Presentation**

The awards are presented in at annual award ceremonies at the units receiving the awards. State and Federal school and education officials often attend these ceremonies.
