



DEPARTMENT OF THE ARMY
US ARMY INSTALLATION MANAGEMENT COMMAND
HEADQUARTERS, UNITED STATES ARMY GARRISON, VICENZA
UNIT 31401, BOX 41
APO AE 09630

IMVI-EE

30 DEC 2011

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: U.S. Army Garrison Vicenza Policy Memorandum #13-12, Policy for Implementation of 10 U.S. Code Section 1561, Complaints of Sexual Harassment: Investigations by Commanding Officers

1. REFERENCES:

a. AR 690-600, Equal Employment Opportunity Discrimination Complaints, 9 February 2004, (http://www.army.mil/USAPA/epubs/pdf/r690_600.pdf);

b. Title 10 U.S. Code, Section 1561, Subtitle A, Part II, Chapter 80, Complaints of Sexual Harassment: Investigation by Commanding Officers, 1 June 2001 (<http://uscode.house.gov>).

2. PURPOSE: To provide guidance on the implementation of 10 U.S. Code Section 1561 Complaints of Sexual Harassment.

3. APPLICABILITY: This policy applies to all organizations and units assigned to the U.S. Africa (USARAF), U.S. Army Garrison Vicenza and tenant units employing appropriated and non-appropriated U.S. Civilians, applicants for employment and former employees in USAG Vicenza. This policy memorandum supersedes U.S. Army Garrison Vicenza Policy Memorandum 10-10, 10 U.S. Code Section 1561, Complaints of Sexual Harassment: Investigations by Commanding Officers, dated 27 May 2010.

4. POLICY:

a. Army Regulation 690-600, Chapter 3, Section IV, subparagraph 3-11 specifically addresses the right to pursue an allegation of sexual harassment simultaneously under 1561 and Title VII. Civilian employees under the direct supervision of a military commanding officer or military officer in charge may use this procedure as an alternate way of raising allegations of sexual harassment. Filing a complaint under Section 1561 will not exhaust administrative remedies with respect to 29 CFR 1614. Command decisions under Section 1561 are final, with no right of appeal to the courts or dispute the awarding of compensatory damages.

b. The POC for Section 1561 complaints is the Deputy to the Garrison Commander (DGC). The DGC will ensure that appropriate actions are taken expeditiously. Upon contact, the DGC will notify in writing the Commander or military officer in charge of the sexual harassment allegations. Within 72 hours of receiving written notification, the Commander or military officer in charge (OIC) will:

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(1) Forward a copy of the DGC's written notification through the chain of command to the general court-martial convening authority (GCMCA);

(2) Commence to investigate the allegations; and

(3) Advise the aggrieved person of the start of the investigation.

c. The Commander or OIC will ensure that the investigation of the allegation is completed no later than 14 calendar days after the start of the investigation. If the investigation is not completed within statutory guidelines, the Commander or OIC will submit an interim report to the GCMCA. Interim reports will be submitted every 14 calendar days until the investigation is completed.

d. Upon receipt of the investigation report the Commander or OIC will:

(1) Determine, within 3 calendar days of the receipt of the report, if allegations have been substantiated.

(2) Notify the aggrieved person, in writing, within 6 calendar days of the receipt of the report of the findings, the decision made on substantiation of the allegations, and to a practicable extent, the decision on corrective action(s) proposed or taken.


(3) Submit a final report to the GCMCA that includes the action(s) taken as a result of the investigation NLT 20 calendar days after the complaint was initiated.

e. The aggrieved person may elect to continue pursuant to 29 CFR 1614, if such a complaint has been filed, or to withdraw the complaint.

5. PROCEDURES. For information on filing a Section 1561 complaint contact the installation EEO office in person, by phone (DSN 314-634-7084/7976) or via e-mail at: ramon.ayala@eur.army.mil or Irene.hopkins@eur.army.mil.

6. POSTING: A copy of this command policy will be posted in all official unit/activity bulletin boards.

7. PROPONENT. The Installation EEO office is the proponent for this policy. POC is Ramon Ayala at DSN 314-634-7084.



DAVID W. BUCKINGHAM
COL, IN
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