

National Guard Regulation 600-21

Personnel - General

Equal Opportunity Program in the Army National Guard

**National Guard Bureau
Arlington, VA 22204
22 May 2017**

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SUMMARY of CHANGE

NGR 600-21

EQUAL OPPORTUNITY PROGRAM IN THE ARMY NATIONAL GUARD

This major revision, dated 22 May 2017 - -

Makes administrative changes (throughout).

- Updates roles, responsibilities, and operational requirements (chap 1).
- Updates policy for the alignment of the Equal Opportunity Program in the command structure (chap 1).
- Updates staffing requirements (chap 1).
- Updates training requirements (chap 2).
- Updates the Annual Narrative and Statistical report (chap 2/app C).
- Updates the climate assessment requirements (chap 2/app B).
- Updates policy on special commemorations and ethnic observances (chap 4).
- Changes the title of the Equal Opportunity Representative (EOR) to Equal Opportunity Leader (EOL) (throughout).

Effective Date 22 May 2017

Personnel - General

EQUAL OPPORTUNITY PROGRAM IN THE ARMY NATIONAL GUARD

By Order of the Secretary of the Army:

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Lieutenant General, USA
Director, Army National Guard

Official:



Charles P. Baldwin
Deputy Chief of Staff

History. This printing publishes a revision of NGR 600-21, Equal Opportunity Program in the Army National Guard, 14 September 2001.

Summary. This regulation on the Equal Opportunity (EO) Program in the Army National Guard (ARNG) has been revised. It explains the need for EO within the ARNG; outlines organizations and responsibilities; defines fundamentals; and establishes procedures for the development, implementation, and management of the ARNG EO program. It implements the policies of DoD Directive 1350.2, Department of Defense Military Equal Opportunity (MEO) Program, and Army Regulation (AR) 600-20, Army Command Policy.

Applicability.

a. This regulation applies to:

- (1) ARNG Soldiers when serving in Title 32 status (e.g., IDT, AT, ADOS, AGR, etc.) or when performing active duty (Title 10) for less than 30 days.
- (2) Commanders, supervisors, and managers of personnel in the above listed statuses.
- (3) Proponent Staff Responsible for EO Programs in the ARNG.
- (4) ARNG technicians when activities occur while the member is in a military pay status.

b. This regulation does not apply to:

- (1) ARNG Soldiers when performing active duty (Title 10) for 30 days or more. These Soldiers are governed by AR 600-20.
- (2) ARNG Soldiers while serving in a duty status as a ARNG Guard technician. Discrimination complaints of National Guard technician personnel are governed by the respective regulation of each State, Territory, and the District of Columbia.
- (3) ARNG Soldiers while serving in their home State in such roles as disaster relief or control of civil disturbances are in a State Active Duty (SAD) status. Service in this status is completely governed by State law and regulations. Hereinafter the term "State" refers to each of the several States, Territories, Commonwealths, and the District of Columbia.
- (4) Civilian personnel employed in a Title 5 status at State ARNG facilities, the National Guard Bureau, the ARNG and ANG Readiness Centers, and all ARNG field-operating locations.

NGR 600-21 • 22 May 2017

UNCLASSIFIED

Proponent and exception authority. The proponent of this regulation is the Chief, ARNG-CSO-EO. The proponent has the authority to approve exceptions to this regulation that are consistent with controlling law and regulation.

Army management control process. This regulation is not subject to the requirements of AR 11-2. It does not contain management control provisions.

Supplementation. Supplementation of this regulation is prohibited without prior approval from the Director, Army National Guard (DARNG), National Guard Bureau, ATTN: ARNG-CSO-EO, 111 South George Mason Drive, Arlington, VA 22204-1373.

Suggested improvements. The proponent agency of this regulation is the DARNG. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to ARNG-CSO-EO, ng.ncr.ngb-arng.mbx.eo-and-diversity-office.

Distribution. Distribution is intended for all ARNG command levels.

Contents (Listed by paragraph and page number)

* This regulation supersedes NGR 600-21, dated 14 September 2001

NGR 600-21 • 22 May 2017
UNCLASSIFIED

Chapter 1

Introduction, page 1

Purpose • 1-1, page 1

Policy • 1-2, page 1

Responsibilities • 1-3, page 1

Staffing • 1-4, page 4

Chapter 2

General, Page 4

Sexual Harassment • 2-1, page 4

Off-post Activities, On-post activities, and Off-limit Actions • 2-2, page 5

ARNG Duty Status • 2-3, page 6

Evaluation Report Entries • 2-4, page 7

Annual Narrative and Statistical Report on EO Progress • 2-5, page 7

Climate Assessment • 2-6, page 7

Training • 2-7, page 7

Chapter 3

Attendance at the Defense Equal Opportunity Management Institute, page 8

Program Manager and/or EOA Selection and Assignment • 3-1, page 8

Enrollment • 3-2, page 8

Chapter 4

Special Ethnic Observances Program, page 9

Annual Observances • 4-1, page 9

Command Responsibilities • 4-2, page 9

Special Commemoration and Ethnic Observances Timetable • 4-3, page 10

Appendices

A. References, page 11

B. Defense Equal Opportunity Management Institute (DEOMI) Organizational Climate Survey (DEOCS), page 12

C. Sample Annual Narrative and Statistical Report (ANSR) on EO Progress, page 13

D. Suggested Table of Contents for EO Workbook Glossary, page 16

Figure List

Figure 4-3: Special commemorations and/or ethnic observances timetable, page 10

Glossary

Chapter 1 Introduction

1-1 Purpose

a. This regulation establishes the Army National Guard EO Program, and sets policy. The objective of the program is to formulate, direct, and sustain a comprehensive effort that ensures fair treatment of all Soldiers based solely on merit, fitness, and capability that supports readiness. Specifically, this effort is designed to:

- (1) Provide EO for all ARNG military personnel.
- (2) Contribute to mission accomplishment, cohesion, and readiness.
- (3) Create and sustain effective units by eliminating discriminatory behaviors or practices that undermine teamwork, mutual respect, loyalty, and shared sacrifice of the men and women of the ARNG.

b. This regulation implements the policies of DoDD 1350.2 and AR 600-20. The discrimination complaint processes and procedures are not contained in this regulation but are included in CNGBM 9601.01 which is devoted exclusively to the discrimination complaint process.

c. Required and related publications are listed in Appendix A.

1-2. Policy

a. It is the policy of the Army National Guard to provide EO for ARNG military personnel; they will not be subjected to harassment, including sexual harassment, and unlawful discrimination on the basis of race, color, national origin, religion, sex (including gender identity), or sexual orientation. The ARNG will provide fair, equitable, and nondiscriminatory treatment of all members. This policy is designed to maintain and improve morale and productivity, foster unit cohesion and readiness, and increase the combat effectiveness of the Army National Guard.

b. Soldiers will not be accessed, classified, trained, assigned, promoted, or be otherwise managed on the basis of race, color, religion, sex (including gender identity), national origin, or sexual orientation.

c. NGB-EO will establish and operate a Discrimination Complaint Processing System designed to reflect the policies stated herein and to provide a just and effective avenue of redress to aggrieved persons in accordance with applicable laws and regulations. Personnel who feel that they have been subjected to discrimination will be permitted to participate in this complaint process. They will not be discouraged from participation due to fear of reprisal.

d. CNGBM 9601.01 prescribes procedures for processing discrimination complaints.

e. Requests for interpretation of policy or provisions of this regulation will be forwarded, in writing, through command channels, to the Chief, EO and Diversity Office (ARNG-CSO-EO).

1-3. Responsibilities

a. **The DARNG** is responsible for the ARNG-wide policies and plans pertaining to the ARNG EO Program. The DARNG will:

- (1) Establish efficient staff positions to adequately carry out program requirements.
- (2) Implement, evaluate, maintain and assess the ARNG EO Program.
- (3) Monitor and evaluate implementation of EO policies and programs in the ARNG.
- (4) Develop management information and reporting requirements to determine progress toward affirmative action goals.
- (5) Establish EO training consistent with HQDA policy and ARNG needs.
- (6) Establish adequate compliance monitoring procedures to assure the attainment of program objectives for the ARNG.
- (7) Establish sufficient staff positions in the States to adequately carry out EO Program requirements.
- (8) Provide personnel, funds, and other resources to carry out the ARNG EO Program.
- (9) Allocate training seats for attendance at DEOMI.
- (10) Allocate funds for the Equal Opportunity Advisor Reserve Component Course (EOARCC) Adjunct Faculty at DEOMI.
- (11) Establish and maintain ARNG EO/EEO/Diversity committee.
- (12) Establish EO training for units and professional military education (PME) courses consistent with HQDA policy and command needs.

b. **Chief, ARNG EO and Diversity Office.** ARNG-CSO-EO is responsible for providing guidance, direction, and supervision for assigned staff. ARNG-CSO-EO will:

- (1) Develop ARNG policy for administration of EO.
- (2) Serve as manager and principal staff advisor to the DARNG on EO matters.
- (3) Provide ARNG EO Program Manager.

- (4) Ensure that training provided to ARNG personnel by DEOMI meets requirements of the ARNG and reflects EO policies established by Headquarters, Department of the Army (HQDA) and the Soldier Support Institute (SSI).
 - (5) Coordinate with ARNG liaisons assigned to DEOMI.
 - (6) Approve Adjunct Faculty selections for DEOMI.
 - (7) Conduct Staff Assistance Visits (SAVs).
 - (8) Serve as an advisor to the process of selecting ARNG liaison personnel assigned to DEOMI.
- c. The Adjutants General/Commanding General. (TAG/CG)** The Adjutants General/Commanding General will:
- (1) Establish EO training consistent with ARNG policy and organizational requirements.
 - (2) Provide personnel, funds, and other resources to carry out the EO Program. Ensure that units have the required EO personnel.
 - (3) Assign Equal Opportunity Advisors (EOAs) to the Joint Force Headquarter (JFHQ) IAW current ARNG Command Plan Guidance (CPLAN) and as directed in para. 1.4.
 - (4) Ensure all allegations of discrimination within their State and jurisdiction are addressed in a timely fashion.
 - (5) Assess the overall human relations climate in the State and certify the Annual Narrative Statistical Report (ANSR).
 - (6) Ensure personnel assigned to positions as state HR/EO will not be assigned further duties in other human development functions such as alcohol and drug abuse or weight control programs.
 - (7) Ensure the HR/EO has unfettered access to the AG/CG, and the AG/CG will meet regularly (at least quarterly) with the HR/EO.
- d. Commanders.** Commanders will ensure that the policies of the Adjutant General in accordance with (IAW) this regulation are adhered to in their organizations. Commanders at all levels will:
- (1) Be personally responsible and accountable for the EO climate within their units.
 - (2) Develop and implement EO programs for their organizations.
 - (3) Conduct a DEOCS climate assessment within 120 days of assuming command and annually thereafter or as needed. Commanders will supplement assessments with interviews, facilitated small group discussions, and talking with Soldiers. Commanders will also employ an analysis of unit records and statistical information, i.e., complaint reports, awards, promotions, reenlistment and incidents of misconduct resulting in punishment under the Uniform Code of Military Justice (UCMJ) or equivalent State laws and the State Code of Military Justice (SCMJ) system.
 - (4) Identify discriminatory practices and act promptly to initiate corrective actions.
 - (5) Ensure that personnel are fully aware of procedures for obtaining redress of complaints, including those against members of the chain of command. These procedures will be in writing and prominently displayed.
 - (6) Conduct fact finding or inquiry whenever an allegation of discrimination is brought to their attention.
 - (7) Recognize and assess indicators of institutional and individual discrimination and implement remedies to eliminate and prevent discrimination and sexual harassment.
 - (8) Select personnel to attend DEOMI training with State Equal Employment Manager (SEEM) recommendation.
 - (9) IAW AR 600-20, ensure that brigade-level units or brigade equivalent units called to active duty deploy with DEOMI trained EOAs.
 - (10) Commands will assign EOAs to their special staff as prescribed in para 2-2. EOAs must attend staff meetings and be included in unit training exercises and deployments in order to accomplish the Commander's EO mission.
 - (11) Battalion level and below commanders will appoint Equal Opportunity Leaders (EOLs) in the rank of SGT (P) or above in writing.
 - (12) Post EO personnel photo and contact information in a visible location.
 - (13) Directly evaluate and rate EO personnel assigned under their command.
 - (14) Utilize Human Relations/Equal Opportunity Officer (HR/EO)s and EOAs in direct support of the EO program.
 - (a) HR/EOs and EOAs should not perform duties that may subsequently disqualify them from being impartial or being perceived as impartial.
 - (b) Serving in leadership positions such as brigade S-1, unit first sergeant, detachment NCOIC, or platoon sergeant while serving as an HR/EO or EOA is highly discouraged. EO professionals do not have confidentiality and will not serve as a Victim Advocate (VA) or any other collateral duty in the Sexual Harassment/Assault Response & Prevention (SHARP) program.
 - (14) Ensure EO SAVs are conducted for subordinate commands at least annually or as required.
 - (15) Publish and post written command EO policy statements in a visible area.
 - (16) Develop EO policies that include an overview of the command's commitment to the EO program and affirm discrimination will not be condoned or tolerated.

e. Human Relations EO (HR/EO). The HR/EO, or designated EO representative, manages the Adjutant General's Army EO Program. The HR/EO will:

- (1) Ensure the EO program complies with all ARNG EO policies and directives.
- (2) Provide staff supervision of EOAs at subordinate levels.
- (3) Provide a letter of input for the Officer Evaluation Report (OER) or Non-Commissioned Officer Evaluation Report (NCOER) of EOAs at brigade-level commands.
- (4) Meet reporting requirements mandated by the Chief, ARNG-CSO-EO as outlined in this regulation.
- (5) Advise the AG regarding issues, merits, and processing of discrimination complaints.
- (6) Collect, organize, and interpret data obtained from the DEOCS in order to back-brief leadership of findings.
- (7) Assist the AG in preparing the (ANSR) and forward to ARNG-CSO-EO annually.
- (8) Ensure EO training materials are IAW SSI.
- (9) Monitor State ARNG EO training requirements.
- (10) Conduct SAVs to subordinate units and document findings.
- (11) Establish an effective link between EOAs and EEO personnel.
- (12) Assist with EO complaints and training as needed.
- (13) Review ANSRs from subordinate commands.
- (14) Assist commanders/EOAs with DEOCS as needed.
- (15) Verify, validate and monitor the EOA staffing structure for all subordinate commands.
- (16) Conduct, monitor and record EO training on a continuing basis, IAW procedures and current ARNG policies and regulations.
- (17) Coordinate and execute EO training for newly appointed senior leaders.
- (18) HR/EO will coordinate state EO programs. Since all state HR/EO are trained at DEOMI, they are also responsible for the EOA roles and responsibilities.

f. EO Advisor (EOA). EOAs are agents for cultural change and act as the eyes and ears for the commander. EOAs will not be assigned duties that may create a conflict of interest. EOAs will:

- (1) Advise commanders regarding issues, merits, and processing of EO discrimination complaints.
- (2) Assist the commander in establishing a culture that is conducive to a positive EO climate.
- (3) Process and report MEO informal and formal complaints to the HR/EO and SEEM.
- (4) Train and support unit EOLs.
- (5) Assist commanders and investigating officers in the investigation and resolution of discrimination and sexual harassment complaints.
- (6) Review and comment on the investigative report of EO complaints for compliance with ARNG regulations, policies and objectives.
- (7) Inform HR/EO officers of EO matters within their respective units.
- (8) Submit mandatory reports to HR/EO officers IAW EO policies and applicable timelines.
- (9) Assist commanders in assessing, planning, and evaluating the EO Program and unit EO training.
- (10) Conduct follow-up assessments of all formal and informal EO complaints.
- (11) Coordinate training efforts with HR/EO and EOLs to ensure standardization.
- (12) Prepare the ANSR for their command as required.
- (13) Conduct SAVs to subordinate units.
- (14) Conduct special commemorations and/or ethnic observances.
- (15) Assist commanders with DEOCS as needed.

g. EO Leaders (EOLs). EOLs will assist commanders in carrying out the EO Program within units. EOLs will:

- (1) Receive appointment orders in writing as an additional duty in O5 commands and below.
- (2) Attend the EO Proponent (SSI) certifying course within six months of appointment.
- (3) Assist commanders in the recognition of detractors from a healthy unit EO climate.
- (4) Continuously assist commanders in unit climate assessment via the conduct of the DEOCS assessment, interviews and being accessible to the unit.
- (5) Prepare and assist the commander with conducting EO training.
- (6) Establish and maintain liaison with other EOLs and the EOA at higher headquarters.
- (7) Serve as a resource person for EO matters in the unit.

1-4. Staffing

Minimum staffing requirements under Title 32 status.

a. JFHQ staffing. EO professionals (EO program managers, EOAs, HR/EO, and EO specialists) with EO as a primary duty will be assigned to JFHQs. Assignments will not be a collateral or part-time duty. Primary duty position authorizations and requirements that comply with this guidance are to be documented in applicable personnel management authorization documents. Authorized positions will not be changed without prior coordination with ARNG-CSO-EO policy. The Army Staff Element of the JFHQ TDA Document will consist of one EOA (O5 or O4) and one EOA (E9 or E8). This guidance is in accordance with ARNG-FM command plan guidance.

b. Command staffing. EOAs will be assigned to the special staff of commanders at installations, organizations, and agencies that are brigade level and higher. Theater enabler units and divisions will assign the EOA to the Headquarters (HQ) Company. Assignments may be an additional duty if properly documented on an appointment memorandum. EOAs will not be assigned duties that interfere with their EO responsibilities. EOAs should not perform duties that may subsequently disqualify them from being impartial or being perceived as impartial. Serving in leadership positions such as brigade S-1, unit first sergeant, detachment NCOIC, or platoon sergeant while serving as an HR/EO or EOA is highly discouraged. EO professionals do not have confidentiality and will not serve as a Victim Advocate (VA) or any other collateral duty in the Sexual Harassment/Assault Response & Prevention (SHARP) program. States' will have flexibility when staffing other major commands that are not considered a brigade. This includes, but not limited to, Regional Training Institutes (RTIs), mobilizations sites, medical and troop commands, and regional support groups. States, in coordination with the State Equal Employment Manger, will make appropriate risk assessments to meet State mission requirements. Geographic dispersion and Soldier population must be considered when the EOAs at the JFHQ level are going to be in an area support mission role. EOAs that are given the responsibility of those locations will have an established Memorandum of Agreement (MOA). Minimum grades for EO advisors are:

- (1) Officer: Captain (O-3).
- (2) Warrant: Chief Warrant Officer Two (CW2) (see para. 3-1.c.)
- (3) Enlisted: Sergeant First Class (E-7)

c. Requests and justification for waivers for the minimum grade will be submitted to ARNG-CSO-EO, ATTN: ARNG EO Program Manager, by emailing: ng.ncr.ngb-arng.mbx.eo-and-diversity-office.

d. Units mobilized/deployed under Title 10 for 30 days or more must follow AR 600-20 staffing requirements.

e. Command and staff relationship. The EOA will have direct access to the Commander. The EOA will have, at a minimum, access to a private office to conduct EO business.

f. The EO Program and EEO Program relationship. The EO Program for military personnel and the EEO Program for technician personnel share the same foundations and similar goals and objectives. However, their practice and execution are considerably different. The military program is established by DoD policy, and its purpose is to ensure that all military units are capable of accomplishing any assigned mission by producing a command climate for all aspects of a Soldier's life that promotes confidence and, therefore, Soldier and unit readiness. Technician and Federal Civilian EEO is founded on Federal Law (Title VII, Civil Rights Act of 1964) and is primarily concerned with conditions of employment and adjudicating grievances concerning an employee's treatment while at the workplace. The two programs are not redundant efforts. If the SEEM is also the HR/EO officer, he or she will manage two separate programs. However, integrating EO/EEO training, seminars, discussions, and shared use of training materials and facilities is encouraged when doing so promotes understanding, efficiency, economy, and the common use of both programs.

g. EOAs Positions and Assignments. The actual duties of EOAs and relative emphasis on each duty will vary according to type of unit or level of command, unit composition, and location.

Chapter 2

General

2-1. Sexual Harassment

a. The term "sexual harassment" is defined to mean conduct that involves unwelcome sexual advances, requests for sexual favors, and deliberate or repeated offensive comments or gestures of a sexual nature when:

- (1) submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career.
- (2) submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person.
- (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile or offensive working environment.

b. There is no requirement for concrete psychological harm to the victim for an act or actions to constitute sexual harassment; an act or acts are sufficient to constitute sexual harassment if they are so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the environment as hostile or offensive. The term sexual harassment includes anyone in a supervisory or command position using or condoning any form of sexual behavior to control, influence, or affect the career, pay, or job of a military member. The term sexual harassment also includes any military member making deliberate or repeated unwelcome verbal comments or gestures of a sexual nature in the workplace. Commanders must continually monitor the unit and assess sexual harassment prevention policies and programs at all levels within their area of responsibility. Soldiers must understand that if they witness or otherwise know of incidents of sexual harassment, they are obligated to act. If they do not, they themselves are also engaging in sexual harassment.

c. EO personnel are strongly encouraged to develop partnerships with the states SHARP Sexual Assault Response Coordinators (SARC) and Victim Advocate Coordinators (VAC) to address Sexual Harassment issues.

2-2. Off-post Activities, On-post Activities, and Off-limit Actions

a. Off-post activities. Title II of the Civil Rights Act of 1964 addresses the practice of discrimination and segregation in public establishments. These public establishments include privately owned establishments such as hotels, restaurants, gasoline stations, theaters, places of entertainment, and community housing (for example, apartments). The senior commander will ensure that the facts surrounding allegations of discriminatory practices at public establishments are fully developed.

The commander will also ensure those individuals and organizations alleged to practice such unlawful discrimination are given a full and fair opportunity to challenge particular allegations. If all reasonable efforts and alternatives fail to eliminate off-post discriminatory practices in public accommodations, senior commanders are authorized to place those facilities off-limits.

b. Off-limits sanctions. Off-limits sanctions may be appropriate for public accommodations and establishments falsely claiming to be private clubs (fraternal or otherwise) with discriminatory policies and practices. If discriminatory practices off-post are found to be directed at selected Soldiers in a command and efforts at conciliation prove unsuccessful, imposition of off-limits sanctions according to AR 190-24 may be appropriate.

c. Off-limits sanctions and private establishments. The establishment of off-limits areas is a function of command. It may be used by commanders to help maintain the good order and discipline, health, morale, safety, and welfare of Soldiers. A senior commander ordinarily may not apply off-limits sanctions to a bona fide private establishment, club, activity, or organization. However, such an entity may be placed off-limits if the following conditions exist:

(1) It is open to military personnel in general or to Soldiers who meet specific objective criteria (such as sergeant and above) but segregates or discriminates against other Soldiers solely on the basis of race, color, national origin, religion, sex (including gender identity), or sexual orientation.

(2) It is not primarily political or religious in nature.

(3) The senior commander, in consultation with his/her key staff, determines that the available facts support the allegations of unlawful discrimination after affording the management of the establishment, club, activity, or organization a full and fair opportunity to challenge or refute allegations.

(4) Reasonable efforts by the commander to bring about voluntary termination of the discriminatory practices are unsuccessful.

(5) The commander determines that continued unlawful discrimination by the establishment, club, activity, or organization undermines the morale, discipline, or loyalty of Soldiers in the command.

d. On-post activities. All on-post facilities and official activities are open, as appropriate, to all DOD personnel and Family members without regard to race, color, national origin, religion, sex (including gender identity), or sexual orientation. Senior commanders are responsible for ensuring that an organization taking advantage of or using on-post facilities (whether on a reimbursable basis or otherwise) does not engage in unlawful discriminatory practices. It is not enough to depend solely on the published bylaws or the constitution of the organization. The senior commander must assess the organization's actual membership practices and their effect upon the command. In cases where the senior commander determines that credible information of discriminatory practices by an on-post private organization has been presented, the organization has the burden of proving it did not engage in discriminatory practices. Failure to substantiate the absence of discriminatory practices will result in a denial of the use of on-post facilities. However, the provisions of this paragraph do not prohibit the senior commander from approving the operation of private organizations that restrict membership to one gender if one or more of the following apply:

(1) The private organization's purpose is philanthropic and, by tradition, its membership has been of one gender.

(2) The private organization's purpose and functions is to benefit one sex, and its membership is composed of that gender. (Examples are scouting organizations or women's and men's sporting associations.)

(3) The private organization has a specific purpose and function that restricts membership to one gender, but also has

a counterpart organization with the same purpose and function. (Examples are women's and men's sport clubs, women's and men's civic associations, and boy and girl scouting organizations.)

2-3. ARNG Duty Status

a. Members of the Army are subject to the Uniform Code of Military Justice (UCMJ) at all times while serving on active-duty in the military. An exception to this jurisdictional principle regarding the UCMJ is the applicability to Soldiers serving in the Army National Guard of the individual States. Unless serving in a federal active-duty status under Title 10 of the United States Code, members of the ARNG are not subject to the UCMJ and military justice actions or disciplinary measures must be taken by the individual States. Those military justice actions taken by the States are often markedly different than courts-martial or nonjudicial punishment under the UCMJ. While the ARNG is a component of the Army, it is also the militia of the individual State when not serving in a federal status. More simply put, unless called into federal service under Title 10, the ARNG remains primarily under the control of the States and their governors. Accordingly, EO violations and military justice actions are under the exclusive jurisdiction of the State when not in federal service. ARNG personnel may serve in several different military statuses, all of which impact military justice jurisdiction. Members of the ARNG generally serve in one of four military categories: (1) federal active-duty under Title 10; (2) full-time active-duty under Title 32; (3) inactive training duty under Title 32; and (4) State active duty under the laws of the individual States. Each of these categories is discussed below:

(1). Federal Active-Duty under Title 10

ARNG personnel may serve pursuant to federal law under Title 10 or Title 32. Soldiers of the ARNG normally serve under Title 10 only when they have been federally mobilized for deployment due to a national emergency, or a contingency operation in the United States or overseas. For example, ARNG units mobilized and deployed to war serve under Title 10. Soldiers on active-duty and assigned to the National Guard Bureau may also fall under Title 10. ARNG Soldiers serving in this status are subject to the UCMJ.

(2). Full-Time Active-Duty under Title 32

Soldiers serving in a duty status under Title 32 normally remain under the command and control of their State's governor, even when performing some federal missions such as those related to homeland defense. While most ARNG Soldiers are traditional drilling reservists, there are also personnel who perform their duties on a full-time basis. ARNG units function very much like their active-duty counterparts on a day-to-day basis, but the staffing of these units is somewhat different. Full-time staffing of ARNG units is often by active-duty Soldiers, known as Active Guard Reserve (AGR) personnel. At the State level, AGR Soldiers have a full-time duty status under Title 32. In addition to AGR Soldiers, personnel who are on active-duty for extended periods for advanced training schools, active-duty for special work such a recruiting or counter-drug missions, or other special full-time permanent or temporary assignments, are serving under Title 32. Regardless of whether ARNG Soldiers serve full-time or part-time, if the duty status is under Title 32, those personnel are subject only to the State military codes, and not the UCMJ.

(3). Inactive Training Duty under Title 32

Most ARNG personnel serve in the traditional, part-time military status normally associated with the reserve components. Soldiers serving in an inactive duty training status, such as weekend drill status or during their annual training period, normally fall within the provisions of Title 32. An exception to this rule is when training missions are conducted outside the continental United States, which must be done in a federal active-duty status. ARNG Soldiers attending some advanced individual training, officer basic and advanced courses, and similar training do so under Title 32. Unless ARNG Soldiers are performing inactive duty training under Title 10, they are not subject to the UCMJ in that status.

(4). State Active Duty under the Laws of the Individual States

Unlike members of the other reserve components, ARNG personnel may serve on active-duty solely under State law in their capacity as the State militia. The governor of a State, as Commander-in-Chief of their National Guard, has the authority to order Soldiers to active-duty for State missions. State active duty missions may include fighting forest fires, homeland security missions, relief efforts during natural disasters such as floods, hurricanes, blizzards, or responding to civil unrest or violence, such as rioting. When serving in a State active duty status, ARNG personnel receive their pay and allowances from the State government. Accordingly, these Soldiers do not earn federal military retirement credit for service in their State-only capacity. Another major distinction from a federal mission is that Soldiers performing State active duty are not covered by federal medical or disability benefits. Soldiers performing State missions are only protected under State worker's compensation laws. Because their service is solely under State law, Soldiers performing State missions would never be subject to the UCMJ. The UCMJ only applies to ARNG personnel serving in a federal military status under Title 10.

b. Conduct that would constitute an offense under the UCMJ, but committed while serving in a National Guard status (under Title 32 or while on State active duty) can only be addressed under State law. Unlike active-duty military personnel who are always subject to UCMJ action, State law dictates when and how military justice jurisdiction is applicable to

members of the National Guard. Criminal acts committed by ARNG Soldiers not in a duty status will likely be handled by civilian authorities. Such conduct may, however, result in military administrative action depending on the offense. The inapplicability of the UCMJ, the part-time military status of most National Guard Soldiers, and the diversity of laws in the individual States results in unique military justice issues. If a National Guard member commits a purely military offense, but is not in a duty status the offense committed may have a "military nexus." In some States, the "service connection" is an additional method of obtaining jurisdiction over a National Guard Soldier, if the Soldier was *not* in a duty status when the offense was committed. Violations of standards and instances of reprisal may occur across a combination of military and civilian statuses. The Department of Defense Task Force on Discrimination concluded that a "full-time values - part-time careers" perspective is required with respect to prevention programs. Therefore, it will be the policy of the ARNG that off-duty or non-duty behavior that affects the military workplace will be covered by this regulation.

2-4. Evaluation Report Entries

The performance evaluation process provides commanders and supervisors an excellent opportunity to discuss their goals, objectives, and expectations of the EO Program. In counseling session, commanders and supervisors should discuss this program as expressions of the Army's values and encourage support of this program and how they intend to evaluate individual behaviors and actions. Appeals of evaluation reports due to alleged discrimination or reprisal will be conducted according to the procedures specified in AR 623-3 and will not be handled through the Army's EO Program.

2-5. Annual Narrative and Statistical Report on EO Progress

The ANSR on Equal Opportunity reflects the progress commanders and the EO personnel made in achieving the established EO readiness goals. The ANSR includes the Adjutant General's assessment of the overall human relations climate. All brigade EOAs will submit an ANSR (minus TAG assessment) to the JFHQs at the end of the fiscal year. HR/EOs, or designated EO representative, will review subordinate commands ANSRs and consolidate. HR/EOs, with SEEM oversight, will assist TAG in preparing the ANSR and forward to ARNG-CSO-EO. This report will cover the preceding fiscal year and is due not later than 15 December each year. ARNG-CSO-EO will provide a roll-up report on State's submissions. ANSR reports will include the following information:

- a. Complaint summary information. Total number of formal complaints listed by basis. Data will include the complaint's disposition.
- b. Equal opportunity advisors by unit. Listing of all required EOAs and whether they are trained.
- c. Number of Staff Assistance Visits. Listing of the number of SAVs required and completed.
- d. Listing of EOLs. Listing trained EOLs.
- e. Number of DEOCS completed. Listing of all climate surveys completed.
- f. Listing of training completed. Listing of required unit training.
- g. Tag assessment. The Adjutant General's assessment of the overall human relations climate.

2-6. Climate Assessment

a. Commanders will, at a minimum, conduct a climate assessment and unit training needs assessment within 120 days following a change of command and annually thereafter. The DEOCS is the survey method in which the ARNG Unit Commanders conduct climate surveys. Leaders must use other assessment methods to validate their DEOCS findings in order to complete a comprehensive command climate assessment. Other assessment tools include the use of interviews, facilitated small group discussions, focus groups, sensing sessions, trend analysis of records and reports, Unit Risk Inventory, and staff assistance visits.

b. Climate Survey data sharing. In addition to presenting valuable organization information to commands, DEOCS data may be required by DoD officials to discharge their duties. Designated officials include commanders, Inspector General (IG), Staff Judge Advocate (SJA), Office of Complex Administrative Investigation (OCI) or other appointed investigators, and higher headquarters officials. The EO office will release DEOCS reports and supporting documents to the official if such requests are in support of a lawful and authorized government purpose. Requesters must submit a formal memorandum to the record holder justifying why the information is needed and how it will be used. Designated officials will identify themselves with official credentialing or appointment memorandums. The decision to share DEOCS survey results and data in response to requests for outside the DoD is the responsibility of the Office of Diversity Management and Equal Opportunity (ODMEO).

2-7. Training

- a. Company (or equivalent) level common mandatory training requirements.
 - (1) Company commanders (or equivalent) will utilize the EO command mandatory Training Support Packages

(TSPs) prepared by the EO training proponent maintained on The Army Central Registry (CAR) in accordance with AR 350-1. EO TSP will include EO mandatory topics and additional EO topics for consideration.

(2) Only trained EO professionals currently serving in an EO capacity (i.e. EOA or EOL) will facilitate EO training.

(3) Commanders and unit leaders will personally attend and be involved during unit training.

(4) Based on the organizations DEOCS the commanders will determine which additional EO topics will be trained during annual EO training.

(5) The commander will incorporate EO training into the overall yearly training plan for the organization.

(6) Commanders will conduct mandatory EO training semiannually. (Includes annual anti-hazing/anti-bullying training.)

(7) Commanders will document training on the training schedules and in Digital Training Management System (DTMS) IAW AR 350-1. DTMS can assist the commander/trainer in planning, resourcing, and tracking individual and collective unit training tasks.

(8) EO training will be interactive and discussion based.

b. Headquarter elements of Brigades or Brigade Combat teams (or equivalent meaning units commanded by COL/O6) and higher will conduct senior leader/executive-level seminars on EO topics annually.

(1) Training will be interactive and discussion based.

(2) DEOCS results should be used to determine the focus areas for EO training.

Chapter 3

Attendance at the Defense EO Management Institute

3-1. Program Manager and/or Equal Opportunity Advisor Selection and Assignment

a. Selection. Candidates for training as EOAs will be carefully vetted by SEEMs and selected by State leadership to ensure that only qualified Officers, Warrant Officers and NCOs are chosen. Personnel must be recommended by their chain of command. The EO Program belongs to the Commander; therefore they must be involved in the selection and recommendation of the candidates to ensure that the best qualified and committed Soldiers perform this sensitive task. In addition to the staffing requirements listed in paragraph 1-4, Soldiers must:

(1) Must have an outstanding duty performance; a review of the individual's evaluation reports will be included.

(2) Must have stability in personal affairs; Soldier will not have a recent history of severe domestic or personal problems (excluding divorce), chronic indebtedness, excessive use of alcohol, or any use of illegal drugs. Individuals withdrawn for cause from any human reliability or personal reliability program during the 2 years preceding the nomination will need a waiver from ARNG-CSO-EO.

(3) Must not have been punished under the provisions of the UCMJ, or equivalent State laws and the State Code of Military Justice (SCMJ), system during the 5 years preceding the nomination.

(4) Must have a minimum of 3 years of service remaining upon completion of the DEOMI.

(5) Must meet Army fitness and body composition standards.

(6) Must be competitive for promotion.

(7) Must have not previously declined or been disenrolled (academic or disciplinary) from Noncommissioned Officer Education System or officer professional development course.

(8) Must maintain qualification standards throughout tour. Personnel assigned to EOA positions must complete certification training at DEOMI. Officer, Warrant Officer and NCO candidates will come from volunteers and command nominees.

b. Curriculum. The ARNG Office of EO, DEOMI and other DoD accredited institutions will establish the guidelines for the ARNG EOA Reserve Component curriculum.

c. Certification. Upon successful completion, DEOMI recommends awarding of the SQI Q (enlisted) and ASI 5T (officers). Warrant Officers are not authorized the 5T identifier.

3-2. Enrollment

Students must register for the Equal Opportunity Reserve Component Course through ATRRS. State Quota Source Managers will submit an ATRRS application for both phases of the course (Ph1 & Ph2) for the appropriate FY. DEOMI's school code is 210. The course number is DD-1512-0007. For **Officer/Warrant** send to AOID 005. For **Enlisted** send to AOID 008. DEOMI will send a Ph1 Distance Learning Welcome Letter with instructions on how to log into the online course. Upon successful completion of Ph1, the student will be shown as graduated "G" in ATRRS. Students that are granted access to the online training modules for Ph1 are not guaranteed a reservation to the Ph2 resident portion. All Ph2 quotas are first come, first served enrollment.

Chapter 4

Special Recognition Observances Program

4-1. Annual Observances

- a. The purpose of the Special Recognition Observances Program is to -
 - (1) Increase education and awareness of the contributing factors and damaging effects of discrimination in order to prevent recurrence.
 - (2) Strengthen commitment to protect the dignity and respect of all people in order to improve unit cohesion and teamwork.
 - (3) Recognize the contributions and achievements of all individuals.
- b. IAW the DA, ARNG recognizes the following special commemorations and ethnic observances: Dr. Martin Luther King, Jr. Day, African American/Black History Month, Women's History Month, "Days of Remembrance" for Victims of the Holocaust, Asian Pacific Heritage Month, Women's Equality Day, National Hispanic Heritage Month and National Native American Indian Heritage Month.
- c. JFHQ's will observe and fund the special recognition observances.
- d. Special recognition observances must accomplish the following objectives:
 - (1) Recognize the achievements and contributions made by recognized groups and increase awareness, mutual respect and understanding of all attendees,
 - (2) Enhance cross-cultural education and awareness,
 - (3) Focus on interaction, not just recognition, and serve as extensions of the EO education and training objectives.
- e. Command sponsored special recognition observances should not serve as a networking event for any particular group, or serve solely as a celebration activity for the group.

4-2. Command Responsibilities

- a. JFHQs will-
 - (1) Develop, plan, and conduct special commemorations and ethnic observances during the designated timeframe as outlined in table 4-3.
 - (2) Encourage all members of the military community to contribute to and participate in the planning, implementation, and conduct of the special recognition observance activities.
 - (3) Involve members of the staff elements and subordinate units in the development and conduct of special commemoration and ethnic observance functions.
 - (4) Select and announce an appropriate theme for the special commemoration and ethnic observance, consistent with the spirit of the event and the needs of the local community. National or DoD themes are often published that may be used to augment the activities.
 - (5) Allocate funds for installation special commemorations and ethnic observances.
 - (6) JFHQs may use the funds they allocate for their EO Program on activities and publications that are intended to promote cross-cultural harmony, education, and awareness. Examples of permissible expenditures include guest speakers, artistic or cultural activities, food exhibits or samples (samples are not intended as meals). Additionally, funds may be allocated for guest speakers or presentations as part of an educational awareness program. Commanders will ensure that special commemorations and ethnic observances amplify the contributions made to the Army, the society, and to the champions who supported their pursuit of equality.
- b. Commanders will-
 - (1) Announce the special commemoration and ethnic observance events through command information channels to include print and social media, ensuring widest dissemination.
 - (2) Form a standing committee to plan special recognition observances. Members of the committee will include the EO professional and may include the Director of Morale Welfare and Recreation (MWR), Public Affairs Officer (PAO) representative, unit chaplains, school representatives/liaison, resource management personnel, and other individuals, as necessary.
 - (3) Encourage maximum use of recreational facilities to include the library, recreation center, theater, and so forth for use during special recognition observance events. Suggested activities include the following:
 - (a) Special displays in libraries.
 - (b) Expositions and displays of artifacts and crafts.
 - (c) Special music or drama programs.
 - (d) Programs featuring historical achievements and contributions by all groups to government, education, industry, religion, music, and theater.
 - (e) Speeches or presentations by local chain of command, Family members, and DA Civilians.
- c. Activities will be scheduled to allow for maximum attendance by all.

4-3. Special Commemoration and Ethnic Observances Timetable

JFHQ's are expected to announce these events through command information channels, and establish policy that supports and allows personnel to have a reasonable opportunity to participate in these events. Within the capacity of small units to conduct observances, commanders will follow the designated timeframes as outlined table 4-3. Any such activities must be consistent with Amy Directive 2017-01, dated 18 Jan 2017. TAGs may authorize commanders to conduct a consolidated annual observance in lieu of the timetable. This event will recognize members of all racial and ethnic groups. The "Unity Day" is an event comprised of various observances and activities designed to enhance cross-cultural awareness, and to encourage and promote interaction, inclusion, understanding, teamwork, harmony, pride and mutual respect within the ARNG.

Table 4-3
Special commemorations and/or ethnic observances timetable

Month: January
Dates: 3rd Monday
Observance: Martin Luther King, Jr. Birthday
Authority/comment: Public Law 98-144, Nov. 83 (Federal holiday)

Month: February
Dates: 1-28/29
Observance: African-American/Black History Month
Authority/comment: First Presidential Proclamation, Feb. 76

Month: March
Dates: 1-31
Observance: Women's History Month
Authority/comment: Public Law 100-9, Mar. 87

Month: April/May
Dates: Sunday to Sunday for Week Incorporating Yom HaShoah
Observance: "Days of Remembrance" for Victims of the Holocaust
Authority/comment: Public Law 96-388, Oct. 80

Month: May
Dates: 1-31
Observance: Asian Pacific Heritage Month
Authority/comment: First Presidential Proclamation, May 91

Month: August
Dates: 26
Observance: Women's Equality Day
Authority/comment: First Presidential Proclamation, Aug. 73

Month: September/October
Dates: 15 September-15 October.
Observance: National Hispanic Heritage Month
Authority/comment: Public Law 100-402, Aug. 88

Month: November
Dates: 1-30
Observance: National Native American Indian Heritage Month
Authority/comment: Public Law 102-188, March 1992

Appendix A
References

Section I
Required Publications

AR 600-20
Army Command Policy

DoDD 1350.2
Department of Defense Military Equal Opportunity (MEO) Program

DoDD 1020.02E
Diversity Management and Equal Opportunity in the DoD

CNGBM 9601.01
National Guard Discrimination Complaint Process

Section II
Related Publications

DA Training Circular TC 26-6
Commander's Equal Opportunity Handbook The Soldier Support Institute publishes TC 26-6, Commander's Equal Opportunity Handbook that may assist commanders in developing required training.

Appendix B
Defense Equal Opportunity Management Institute (DEOMI) Organizational Climate Survey (DEOCS)

	Company or equivalent	Battalion or equivalent	Brigade or equivalent	Division or above
Frequency: 120 days upon assumption of command and annually thereafter				
Inform the members of the command of the upcoming assessment	X	X	X	X
Survey for entire company (minus command team)	X			
Survey for battalion staff element and company command teams		X		
Survey for brigade staff element and subordinate command teams one-level below			X	
Survey for headquarters staff element and subordinate command teams one-level below				X
Utilize other assessment tools ¹	X	X	X	X
Prepare Command Climate Assessment Summary and Action Plan	X	X	X	X
DRS roll up of subordinate unit responses and historical comparison data	X	X	X	X
Brief to commander/supervisor at the next higher level	X	X	X	X

¹ See paragraph 2-6. Climate Assessment

Appendix C
Sample Annual Narrative and Statistical Report (ANSR) on EO Progress

NATIONAL GUARD BUREAU ARMY NATIONAL GUARD ANNUAL NARRATIVE and STATISTICAL REPORT on EO PROGRESS <small>NGR 600-21 "Equal Opportunity Program In the Army National Guard" governs the collection of data reported.</small>							
STATE:						Date (YYYYMMDD)	
PERIOD COVERED: 01OCT15-30SEP16		RESPONSIBLE OFFICER: MAJ IMA COWBOY, ARNG HREC					
1. FORMAL COMPLAINT SUMMARY INFORMATION							
Disposition	Race	Color	Religion	Gender, not S/H	Sexual Harassment (Includes Sexual Orientation)	Reprisal	National Origin
Settled							
Withdrawn							
Appealed & Pending NGB FAD							
FAD - No Finding of Discrimination							
FAD - Finding of Discrimination							
Other							
Total Formal Complaints _____		a. Total # ADR _____		b. Total # ADR Settled _____			
Total Informal Complaints _____		a. Total # ADR _____		b. Total # ADR Settled _____			

2. EQUAL OPPORTUNITY ADVISORS BY UNIT <small>(Do not include Equal Opportunity Leaders [EOLs])</small>								
Unit and Level of Command	Rank / Name	Position	DEOMI Qualified		Race	Gender	Assigned Date	Replacement Date
			Yes (Date)	No				
Joint Force Headquarters	MAJ Anyone	HR/EO Officer		No	White	Male	1-Mar-10	2-Sep-13

5. IDENTIFY COMMUNITY AFFAIRS INVOLVEMENT:

6. ADJUTANT GENERAL ASSESSMENT OF THE OVERALL HUMAN RELATIONS CLIMATE:						
<table border="1"> <tr> <td>ACTION OFFICER</td> <td>SIGNATURE</td> <td>DATE</td> </tr> <tr> <td>TAG</td> <td>SIGNATURE</td> <td>DATE</td> </tr> </table>	ACTION OFFICER	SIGNATURE	DATE	TAG	SIGNATURE	DATE
ACTION OFFICER	SIGNATURE	DATE				
TAG	SIGNATURE	DATE				

Note: Your demographic data is available online. To review it for your analysis, go to <https://public.tableau.com/profile/amq.cso.eo#!/> and select "Annual Statistical Report on Equal Opportunity." If you see anything that you believe to be in error, please contact us at ng.ncr.ngb-amq.mbx.eo-and-diversity-office@mail.mil.

Appendix D

Suggested Table of Contents for EO Workbook Glossary

An EO workbook may be developed to aid in the performance of your duties. The following lists are suggested references for the HR/EO, EOAs, and EOLs. Tailor your workbook to suit the needs of your state or unit.

1. AR 600-20 Army Command Policy.
2. NGR 600-21 MEO Program in the Army National Guard.
3. CNGBM 9601.01 National Guard Discrimination Complaint Process
4. Training attendance rosters.
5. OIP/SAV checklist.
6. EO Policy Statement for TAG and every commander down to individual units (revised annually or upon change of command).
7. Appointments to EO Council.
8. Minutes of Council Meetings.
9. Orders appointing Special Emphasis Program Manager.
10. Orders appointing EOA/EOL.

Glossary

Section I Abbreviations

AAP

Affirmative Action Plan

ADOS

Active Duty Operational Support

ANSR

Annual Narrative Statistical Report

AR

Army Regulation

ARNG

Army National Guard

ARNG-CSO-EO

Army National Guard-Chief of Staff Office-Equal Opportunity

AT

Annual Training

ATMS

Army Training Management System

ATRRS

Army Training Requirements and Resources System

CAR

Central Army Registry

CNGB

Chief, National Guard Bureau

CPLAN

Command Plan Guidance

DARNG

Director, Army National Guard

DEOCS

DEOMI Organizational Climate Survey

DEOMI

Defense Equal Opportunity Management Institute

DoD

Department of Defense

DTMS

Digital Training Management System

EEO

Equal Employment Opportunity

EO

Equal Opportunity

EOA

Equal Opportunity Advisor

EOAC

Equal Opportunity Advisor Course

EOARCC

Equal Opportunity Advisor Reserve Component Course

EOL

Equal Opportunity Leader

HQDA

Headquarters, Department of the Army

HR/EO

Human Relations/Equal Opportunity Officer

HR

Human Resources

IAW

In Accordance With

IDT

Inactive Duty Training

JFHQ

Joint Forces Headquarters

JPAS

Joint Personnel Adjudication System

MEO

Military Equal Opportunity

MOA

Memorandum of Agreement

NCOER

Non-Commissioned Officer Evaluation Report

NCOIC

Non-Commissioned Officer in Charge

OER

Officer Evaluation Report

OIP

Organization Inspection Program

PEV

Program Evaluation Visit

PME

Professional Military Education

RTI

Regional Training Institute

SAD

State Active Duty

SARC

Sexual Assault Response Coordinator

SAV

Staff Assistance Visit

SCMJ

State Code of Military Justice

SEEM

State Equal Employment Manager

SHARP

Sexual Harassment/Assault Response & Prevention

SJA

Staff Judge Advocate

SSI

Soldier Support Institute

TAG

The Adjutant General

TBP

To Be Published

TDA

Table of Distribution and Allowances

UCMJ

Uniform Code of Military Justice

USACIDC

United States Army Criminal Investigation Command

VA

Victim Advocate