

**EQUAL OPPORTUNITY COMPLAINT PROCEDURES**  
**NGR (AR) 600-22/ANGI 36-3**  
**NATIONAL GUARD MILITARY DISCRIMINATION COMPLAINT SYSTEM**

**APPLIES TO ARNG / ANG MILITARY MEMBERS**

<b>Drill Status Guard Members</b>		<b>Active Guard/Reserve (AGR)</b>	
<ul style="list-style-type: none"> <li>•IADT, AT, FTS (Title 32)</li> <li>•Applicants for membership</li> <li>•Recipients of National Guard services</li> <li>Beneficiaries of NG under Title VI, Civil Rights Act 1964</li> </ul>		<ul style="list-style-type: none"> <li>•AGR Title 32 USC Status</li> <li>•Recipients of National Guard services</li> <li>•Beneficiaries of NG under Title VI, Civil Rights Act 1964</li> </ul>	
<b>ADR or CONFLICT RESOLUTION</b> Must be offered & may be implemented at any time			
<b>BASIS</b>	Race, Color, Religion, Gender (Sexual Harassment), National Origin, Retaliation (based on EO activity) Complaints based on age or handicap are not addressed in the case of military members due to overriding military concerns of fitness and deployability.		
<b>TIME LIMITS</b>	Complaint MUST be filed 180 days from date of alleged discrimination or when complainant should have known <b>PARA 2-4</b>	Complaint MUST be filed 180 days from date of alleged discrimination or when complainant should have known <b>PARA 1-9</b>	
<b>PROCESSING</b>	<b>MILITARY CHAIN OF COMMAND</b>	<b>FULL-TIME SUPERVISORY CHAIN</b>	
	<ul style="list-style-type: none"> <li>•Chain of command will be the primary channel for resolving discrimination complaints. Individuals will be encouraged to use command channels for redress of grievances. Allegations of discrimination will be referred for processing by the lowest command level</li> <li>•File with any member of the chain of command at the lowest level of command where a remedy or resolution is possible, or the equal opportunity representative or equal opportunity advisor at that level. If unresolved at one level, and forwarded to the next level, the complainant will be provided a copy of the inquiry and will have 30 days to file an appeal with the next level.</li> <li>•The EO personnel will provide appropriate feedback to the complainant on the status of his/her complaint.</li> </ul>	<ul style="list-style-type: none"> <li>•Full-time supervisory chain will process full-time personnel discrimination complaints on behalf of and in coordination with the military commander at each level of the chain.</li> <li>•If unresolved after 14 days</li> <li>•If unresolved at one level, and forwarded to the next level, the complainant will be provided a copy of the inquiry and will have 14 days to file an appeal with the next level.</li> <li>• The supervisory chain will provide appropriate feedback to the complainant on the status of his/her complaint</li> </ul>	
<b>INFORMAL COMPLAINT</b>	<ul style="list-style-type: none"> <li>•In writing on NGB form 333, Jul 00</li> <li>•Complainant will check and initial "Informal" box only</li> <li>•NO case Number Assigned</li> <li>•Military Equal Opportunity (MEO) or Equal Opportunity Advisor (HR/EO)</li> </ul>		
	<b>Commander at that level have 30 calendar days, (or through the following drill weekend) to resolve the complaint.</b>	<b>Supervisors at that level have 14 calendar days, to resolve the complaint</b>	
	<ul style="list-style-type: none"> <li>•If unresolved after 30 days through next drill</li> <li>•Complainant may withdraw complaint or it can become formal</li> <li>•Complainant must sign NGB form 333</li> <li>•Only means of appeal is to file a formal complaint</li> <li>•Complainant will check &amp; initial "Formal" box, NGB form 333</li> </ul>		
<b>FORMAL COMPLAINT</b>	<ul style="list-style-type: none"> <li>• Formal complaint filed with next higher commander</li> <li>• Commander requests NGB complaint number through the SEEM within <b>72 hours</b> of receipt of formal complaint and initiate a reprisal protection plan (figure 2-2)</li> </ul>		
<b>ACTIONS REQUIRED</b>	<b>Lowest Command Level</b>	<b>Lowest Supervisory Level</b>	
	<b>Complete within 60 days</b>	<b>Complete within 14 days</b>	
<ul style="list-style-type: none"> <li>• Procedural review to determine acceptance, dismissal, or referral <ul style="list-style-type: none"> <li>• Complete an inquiry or investigation</li> <li>• Complete an SJA legal review</li> </ul> </li> <li>• Attempt resolution and take corrective action as appropriate <ul style="list-style-type: none"> <li>• Complete an inquiry or investigation</li> <li>• Complete an SJA legal review</li> </ul> </li> <li>• Attempt resolution &amp; take corrective action as appropriate</li> </ul>			

	<b>Successive command levels</b>	<b>Successive Supervisory levels</b>
	<ul style="list-style-type: none"> <li>• If settled or withdrawn, forward the case file to the SEEM, include in case file:                             <ul style="list-style-type: none"> <li>• Complaint</li> </ul> </li> <li>• Appointment of IO &amp; Report of Investigation or inquiry Legal review                             <ul style="list-style-type: none"> <li>• Settlement agreement</li> <li>• Any corrective action taken</li> </ul> </li> </ul>	
	<ul style="list-style-type: none"> <li>• A formal complaint that is unresolved at the lowest level of command after 60 days will be automatically appealed to the next command level, unless the complainant, in writing, withdraws the complaint.</li> </ul>	<ul style="list-style-type: none"> <li>• A formal complaint that is unresolved at the lowest level of command after 14 days will be automatically appealed to the next supervisory level, unless the complainant, in writing, withdraws the complaint.</li> </ul>
<b>INVESTIGATION INQUIRY &amp; RESOLUTION RULES</b>	<ul style="list-style-type: none"> <li>• Will have 30 days to complete a procedural review and attempt resolution with the complainant and/or forward to the next higher echelon. If no resolution is made, complaint will automatically appeal to next command level when 30 days has expired</li> </ul>	<ul style="list-style-type: none"> <li>• At each supervisory level in coordination with commander will conduct additional inquiry, if necessary attempt resolution and/or forward to the next higher echelon If no resolution is made, complaint will automatically appeal to next command level when 14 days has expired</li> </ul>
<b>CONDUCT INQUIRIES OR SUPPLEMENTAL INQUIRIES</b>	<ul style="list-style-type: none"> <li>• Chapter 3, NGR 600-22/ANGI 36-3 Authority to conduct EO Investigation                             <ul style="list-style-type: none"> <li>• Not in the scope of a formal AR 15-6 investigation</li> </ul> </li> <li>• If investigator believes criminal actions happened, stop interview, consult appointing authority                             <ul style="list-style-type: none"> <li>• Resolution</li> <li>• Document</li> <li>• Written</li> </ul> </li> </ul>	
	<ul style="list-style-type: none"> <li>• At each command level</li> <li>• By commander or unit personnel</li> <li>• Will have 30 days from receipt of the complaint from the subordinate unit to complete a procedural review and attempt resolution</li> <li>• EO/MEO personnel advise inquiry officers -- do not conduct personally</li> </ul>	<ul style="list-style-type: none"> <li>• At each supervisory level</li> <li>• By supervisor or unit personnel</li> <li>• Will have 14 days from receipt of the complaint from the subordinate supervisor to complete a procedural review and attempt resolution</li> <li>• EO/MEO personnel advise inquiry officers -- do not conduct personally</li> </ul>
<b>ADJUTANT GENERAL</b>	<ul style="list-style-type: none"> <li>• 90 days to complete following:                             <ul style="list-style-type: none"> <li>• Attempt resolution</li> <li>• Order an investigation (if one has not been completed)</li> </ul> </li> <li>• Review for legal and administrative compliance • Provide a redacted copy of the ROI to Complainant                             <ul style="list-style-type: none"> <li>• Annotate resolution (if applicable) • Annotate withdrawal</li> </ul> </li> <li>Request a Final Agency Decision from NGB</li> </ul>	
<b>NGB REVIEWS ROI</b>	<ul style="list-style-type: none"> <li>• Compliance with Laws &amp; Regulations</li> <li>• Sufficiency of Documentation • Adherence to Procedures</li> <li>• Adequacy of Investigation • Validity of Conclusions • Appropriateness of Dismissal</li> <li>• Deficiencies - Return to AG for Correction • No Deficiencies - Final Decision / Admin Closure</li> <li>• Notify AG and Complainant</li> </ul>	
<b>Additional Notes</b>		
<p>•Disciplinary action against the individual responsible for substantiated discrimination is within the discretion of the commander and not the right of the complainant to demand as part of a resolution. Punitive action may be appropriate and should be considered by the commander as a means of maintaining good order and discipline, it does nothing in terms of restoring any benefits or privileges lost by the complainant as a result of the discrimination.</p> <p>•Anonymous complaints alleging discrimination received by State NG officials will not be processed under this regulation</p> <p>-Any person who knowingly submits a false equal opportunity complaint (a complaint containing information or allegations that the complainant knew to be false) may be subject to judicial or non-judicial punishment.</p>		
<b>POINTS of CONTACT</b>	<ul style="list-style-type: none"> <li>•State Equal Employment Manager 217-761-3518</li> <li>•ARNG HQ STARC HR/EO 217-761-3510 / 3964</li> <li>•Senior Command -Equal Opportunity Advisors _____</li> <li>•ANG – Military Equal Opportunity Office _____</li> </ul>	