

WHO HAS TO PROVE THAT DISCRIMINATION OCCURRED?



The “Burden of Proof” rests with the aggrieved. The complaint must put forth evidence that will support a reasonable inference of Race, Color, Religion, Sex, Age (40+), National Origin, Disability (Mental or Physical), Genetic Information and/or Reprisal (for engaging in Protected Activity) discrimination in employment matters subject to control of the Army without fear of coercion, restraint, interference, harassment, intimidation or retaliation.

Once that occurs, management must articulate a legitimate, non-discriminatory job related reason(s) for their action(s).

The burden then shifts to the aggrieved to prove by a preponderance of the evidence that management’s explanation (articulated reason) was merely a pretext (mask or cover up for discrimination).

PROCESSING INDIVIDUAL COMPLAINTS OF DISCRIMINATION (Informal Complaint Process)

- ✓ *Alleged discriminatory action occurred or personnel action became effective*
- ✓ *Within 45 calendar days, the aggrieved contacts EEO and is offered either traditional counseling or mediation*
- ✓ *Dependent upon the aggrieved’s election, a counselor or mediator is assigned*
- ✓ *When counseling or mediation is successful, EEO will prepare a binding Negotiated Settlement Agreement (NSA)*
- ✓ *If resolution through counseling or mediation is unsuccessful, the EEO counselor will issue a Notice of Right to File a Formal Complaint of Discrimination*
- ✓ *Within 15 calendar days from the receipt of the Notice of Right to File, the aggrieved may file a formal complaint of discrimination*

For additional information contact your servicing EEO Office at:

**Carney Hall, Room A106
10 General Greene Ave
Natick, MA 01760**

(508) 206-4017

I WANT TO FILE AN EEO COMPLAINT!

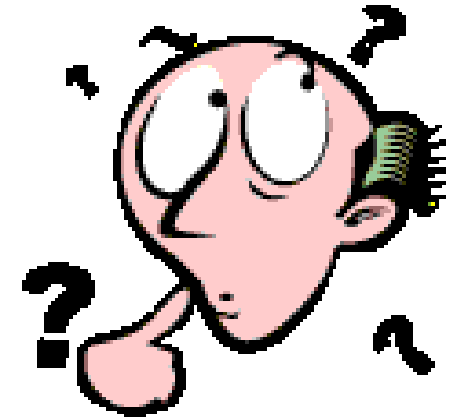
An Informational Brochure

Before deciding to file an EEO Complaint ask yourself...

Who?

What?

When?



Why?

How?

**Natick Soldier Systems Center
Equal Employment
Opportunity Program**

WHAT is the problem?

Is the problem related to a matter dealing with employment in which the Army has control?

- *Appointment*
- *Promotion*
- *Reassignment*
- *Separation/Termination*
- *Reprimand*
- *Evaluation/Performance Appraisal*
- *Time and Attendance*
- *Retirement*
- *Assignment of Duties*
- *Pay (Including Overtime)*
- *Harassment*
- *Reprisal*
- *Award*
- *Training*
- *Reinstatement*
- *Work Conditions*
- *Other*

WHEN did the incident or action occur?



Was it within the last 45 calendar days?

WHO is involved?

As the aggrieved, are you...

- A current civilian employee
- A former civilian employee
- An applicant for employment

Who took or failed to take the action in question?

- A supervisor
- A co-worker
- A visitor
- A contract worker
- Other

HOW were you treated differently?

Were you denied a job benefit?

- Promotion
- Training
- Award
- Request for Leave
- Poor Performance Evaluation
- Other

WHAT harm have you suffered?

- Adverse material in your personnel file
- Adverse impact on performance rating/appraisal
- Treated unfairly (no one else was treated in the manner you were)
- Other

WHY do you feel you were treated differently?

Title VII of the Civil Rights Act of 1964, as amended, protects groups from discrimination in employment situations. The protected activity (group) forms the basis of your EEO Complaint.

Ask yourself was the action taken against you because of your (protected status as listed below) and only because of your status based on:

- **Race/Color**
 - ✦ *Caucasian/White*
 - ✦ *African American/Black*
 - ✦ *American Indian/Alaskan Native*
 - ✦ *Asian*
 - ✦ *Pacific Islander*
 - ✦ *Hispanic*
- **Sex**
- **National Origin**
- **Religion**
- **Age (40+)**
- **Disability (Mental/Physical)**
- **Genetic Information**
- **Reprisal (have you engaged in the EEO process as a complainant or witness, etc?)**
- **EPA**
- **Sexual Orientation**

Final approach to your questioning

Now that you have taken all the information into consideration, ask yourself:

- If it were not for my race, color, sex, age religion, national origin, disability, or reprisal, would this action have happened?
- Am I better qualified than the person who was selected? If so, was it because of my race, color, sex, age religion, national origin, disability, or reprisal that I was not selected?
- In a termination issue, are the reasons stated by management in the termination letter false? Did the incidents occur?
- If the incidents did not occur, then why was I terminated, disciplined or received other action?
- Was it because of my race/color, sex, age, religion, national origin, disability or reprisal?