

**BY ORDER OF THE
SECRETARY OF THE AIR FORCE**

AIR FORCE POLICY DIRECTIVE 36-27

18 MARCH 2019

Personnel

EQUAL OPPORTUNITY (EO)



COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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This Policy Directive implements Air Force Equal Opportunity policies in accordance with DoDD 1350.2, *Department of Defense Military Equal Opportunity (MEO)*, DoDD 1020.03, *Harassment Prevention and Response in the Armed Forces*, DoDD1440.1, *The DoD Civilian Equal Employment Opportunity (EEO) Program*, DoDD 5500.11, *Nondiscrimination in Federally Assisted Programs*, DoDD 1020.1, *Nondiscrimination on the Bases of Handicape in Porgrams and Activities Assisted or Conducted by the Department of Defense*, and 29 CFR Part 1614, *Federal Sector Equal Opportunity*. This Directive incorporates strategies needed to meet the needs of the Air Force; it reflects the integration of the Civilian Equal Employment Opportunity program with the Military Equal Opportunity program into a consolidated Equal Opportunity Program. Send all recommended changes or comments about this publication to HQ USAF/A1Q, 1500 Perimeter Road, Suite 4500, Joint Base Andrews AFB, MD 20762, usaf.pentagon.af-a1.mbx.a1q--workflow@mail.mil, through appropriate channels, using AF Form 847, *Recommendation for Change of Publication*.

The policies approved in this Air Force Policy Directive have been developed in collaboration with the Chief of Air Force Reserve (AF/RE), the Director of the Air National Guard (NGB/CF), and the Deputy Chief of Staff for Manpower, Personnel, and Services (AF/A1). This publication may not be supplemented. This publication applies to all military personnel subject to the Uniform Code of Military Justice (UCMJ), Air Force Academy Cadets, Reserve Officer Training Corps (ROTC) Cadets, members of the Air Force Reserve, Air National Guard (ANG) on federal Regular Air Force status under Title 10, U.S. Code, and all Air Force civilian personnel subject to administrative and/or disciplinary action under applicable directives and/or implementing

instructions governing civilian disciplinary or adverse action (except National Guard Technicians who are governed by National Guard Bureau regulations, directives, and principles).

Refer recommended changes and questions about this publication to the Office of Primary Responsibility (OPR) using the AF Form 847, *Recommendation for Change of Publication*; route AF Forms 847 from the field through appropriate functional's chain of command. Ensure all records created as a result of processes prescribed in this publication are maintained in accordance with Air Force Manual 33-363, Management of Records, and disposed of in accordance with the Air Force Records Disposition Schedule located in the Air Force Records Information Management System.

SUMMARY OF CHANGES

This document has been substantially revised and must be completely reviewed. Changes include the removal of acronyms and jargon.

1. Air Force Nondiscrimination Policy:

1.1. Unlawful discrimination against military members is any unlawful action that denies equal opportunity to persons or groups based on their race, color, sex (including sexual harassment), national origin, religion, or sexual orientation. The right to non-discrimination on the basis of religion includes the right to reasonable accommodation of one's religious beliefs and practices.

1.2. Unlawful discrimination against civilian Airmen includes, but is not limited to, failing or refusing to hire or promote, removing, or otherwise discriminating against any individual with respect to compensation, terms, conditions, or privileges of employment because of a person's race, sex (including pregnancy, gender identity, and sexual orientation), color, religion, national origin, age, genetic information, disability, or prior Equal Opportunity activity.

1.3. The Air Force is committed to ensuring all Airmen are provided equal employment opportunity in an environment free of unlawful discrimination. Airmen must take proactive steps to prevent, correct, and eliminate unlawful discriminatory behavior.

1.4. The Air Force will not tolerate unlawful discrimination, unlawful harassment or reprisal against individuals who engage in protected activity in the Equal Opportunity process. Any Airman, military or civilian, who violates this policy may be subject to discipline.

1.5. All Equal Opportunity program guidance will ensure the legally mandated separate standards and requirements for civilian employment and military personnel are met at each stage of adjudication of discrimination complaints.

1.6. The Air Force will use Alternative Dispute Resolution to the maximum extent practicable and appropriate to resolve complaints and workplace issues at the lowest level and in the most efficient and effective manner, as prescribed in AFPD 51-12, *Alternative Dispute Resolution*, and AFI 51-1201, *Alternative Dispute Resolution Processes in Workplace Disputes*. The Air Force will continue to train its managers and supervisors in mediation, negotiation, and other problem-solving techniques.

1.7. The Air Force recognizes the essential elements of a model Equal Employment Opportunity program, as identified in the Equal Employment Opportunity Commission's Management Directive 715, including barrier analysis and removal of barriers to equal opportunity. The Air Force also recognizes the elements of DoDD 1350.2 and DoDD 1020.03 in developing model Military Equal Opportunity programs. The Assistant Secretary of the Air Force, Manpower and Reserve Affairs (SAF/MR), the Air Force Equal Opportunity Director, along with the USAF Equal Opportunity Office (AF/A1Q), will incorporate the best practices of both programs to establish a model Equal Opportunity program.

2. Responsibilities:

2.1. The Assistant Secretary of the Air Force for Manpower and Reserve Affairs (SAF/MR) is the Responsible Department Official to implement this instruction as well as DoDD 5500.11, 1020.1, and 1350 implementing the Air Force nondiscrimination program, the harassment prevention program, and the equal employment opportunity program for both civilians and military personnel.

2.2. The Deputy Chief of Staff for Manpower, Personnel and Services (AF/A1) has overall responsibility for implementing this instruction and DoDD 5500.11 and 1020.1 as they apply to civilian under programs assisted or conducted by the Air Force, as well as schools operated by the Air Force in the United States.

2.3. The Air Force General Counsel (SAF/GC) advises the Secretary of the Air Force in all matters covered by this instruction and advises SAF/MR and AF/A1 on matters of policy and law concerning this instruction. The Deputy General Counsel for Fiscal, Ethics and Administrative Law (SAF/GCA) is the OPR for providing GC legal support as described herein.

2.4. The Judge Advocate General (AF/JA) provides legal advice, coordination, and litigation support.

2.5. The Chief of Air Force Reserve (AF/RE) is designated the Responsible Department Official to develop specific programs for Air Force Reserve (AFR) personnel and provide oversight in support of Air Force policies.

2.6. The Director of Air National Guard is designated the the Responsible Department Official to develop specific programs for Air Nation Guard (ANGB/CF) personnel and provide oversight in support of Air Force policies.

2.7. The Deputy Chief of Staff for Engineering & Force Protection (AF/A4) is designated the Responsible Department Official to develop specific programs as they apply to those programs involving the loan or other disposition of surplus personal property to non-federal agencies or activities; the loan, transfer, lease of real property installed equipment and facilities, and historic buildings and properties maintained by the Air Force.

2.8. The Surgeon General (AF/SG) implements this instruction and DoD Directive 1020.1 as they apply to providing specialized medical support in Air Force medical facilities.

2.9. The Director of Public Affairs (SAF/PA) ensures the implementation of this instruction and DoD Directive 1020.1 as they apply to ensuring accessibility for individuals with disabilities to public and community activities and meetings.

2.10. The Information Dominance and Chief Information Officer (SAF/CIOA6) implements this instruction and DoD Directives 5500.11 and 1020.1 as they apply to promulgation of rules and regulations for public comment in a manner that offers individuals with disabilities a reasonable opportunity for such participation in such promulgation.

2.11. Major Commands (including Direct Reporting Units) develop, establish, maintain and implement this instruction and DoD Directives 5500.11, and 1020.1 as they apply to providing oversight, implementation, data collection and reporting of information regarding support of Air Force federally assisted or conducted programs.

2.12. Installation/center commanders (directors) are responsible for implementing this instruction and ensuring discrimination complaints falling under the purview of this instruction are referred and reported through appropriate channels to Air Force Equal Opportunity (EO) Office (AF/A1Q).

2.13. Consistent with 29 C.F.R. Part 1614, Subpart G, the Air Force Equal Opportunity Program Operations office (AFPC/EO) will collect, maintain, and post, on the USAF public website, data required to be reported under the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002.

2.14. USAF Equal Opportunity offices will advise military and civilian complainants with sexual harassment complaints that they have a right to an investigation in accordance with Title 10 U.S.C. § 1561. The local Equal Opportunity Director will post and provide the name and contact information of the designated management official appointed for their base to implement this requirement.

3. Specific Prohibitions:

3.1. Unlawful harassment, in any context, is a violation of Air Force policy. It is the duty of each commander, manager, and supervisor to maintain a workplace free of unlawful discrimination and unlawful harassment. They shall ensure Airmen under their supervision are aware of this policy, and shall ensure Airmen can report violations without fear of reprisal or retaliation. Commanders, managers, and supervisors shall promptly, thoroughly and impartially investigate complaints, and take appropriate corrective action when a violation is found, including disciplinary action, if warranted.

3.2. It is against Air Force policy for any Airman, military or civilian to unlawfully discriminate, harass, intimidate, or threaten a military or civilian Airman on the basis of race, color, sex, national origin, religion, or sexual orientation. In addition, it is unlawful to discriminate, harass, intimidate, or threaten a civilian Airman based on age, disability, genetic information, gender identity as a form of sex discrimination, reprisal, or any other non-merit factors prohibited by statute, regulation, or Executive Order.

3.2.1. Unlawful harassment includes creating an intimidating, hostile working environment for another person on the basis of one of the characteristics set out in [paragraph 1.1](#) above. A hostile work environment is a series of acts which are so severe and pervasive as to alter the terms and conditions of employment. The acts which make up the hostile environment may be discreet acts or may be ones which taken alone do not rise to the level of an adverse employment action.

3.2.2. Unlawful sexual harassment includes unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature particularly when submission to such conduct is made directly or indirectly as a term or condition of employment, and/or when submission to, or rejection of, such conduct is used as a basis for an employment decision affecting the person.

4. Reporting Violations:

4.1. It is extremely important that unlawful discrimination or unlawful harassment be reported immediately. Failure to report, or any undue delay in reporting, may hinder the Air Force's ability to prevent and/or correct unlawful behavior.

4.1.1. Military Airmen who believe they have been subjected to unlawful discrimination or unlawful harassment based on race, color, sex (including sexual harassment), national origin, religion or sexual orientation should promptly attempt resolution at the lowest possible level. If the supervisor is alleged to have engaged in the offending conduct, the report should be made to the next level supervisor or an Equal Opportunity Counselor/Specialist. Reports of unlawful discrimination or unlawful harassment made by military Airmen will be processed in accordance with the DoD Military Equal Opportunity program.

4.1.2. Civilian Airmen who believe they have been subjected to unlawful discrimination or unlawful harassment based on race, sex (including pregnancy, gender identity, and sexual orientation), color, religion, national origin, age, genetic information, disability, or prior Equal Opportunity activity must report it promptly to an Equal Opportunity Counselor/Specialist or to their supervisor, generally within 45 days in order to file a complaint. Reports of unlawful discrimination or unlawful harassment made by civilian Airmen will be processed in accordance with the DoD Civilian Equal Employment Opportunity program and the Federal regulations found at 29 CFR Part 1614. When requested, the Air Force will protect the confidentiality of the individuals bringing harassment complaints to the extent possible (this is only possible at the informal complaint stage of the process).

Heather A. Wilson
Secretary of the Air Force

Attachment 1**GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION*****References***

- AFPD 33-3, *Air Force Information Management*, 8 September 2011
- AFPD 36-2, *Civilian Recruitment and Placement*, 23 June 2015
- AFPD 51-3, *Civil Litigation*, 21 May 1993
- AFPD 51-12, *Alternative Dispute Resolution*, 9 January 2003, *Operational Reporting*, 5 June 2017
- AFI 25-201, *Support Agreements Procedures*, 18 October 2013
- AFI 32-1024, *Standard Facility Requirements*, 14 July 2011
- AFI 33-332, *Air Force Privacy And Civil Liberties Program*, 12 January 2015 AFI 33-360, *Publications and Forms Management*, 1 December 2015
- AFMAN 33-363, *Management of Records*, 1 March 2008 AFI 36-2101, *Classifying Military Personnel (Officer and Enlisted)*, 25 June 2013
- AFI 36-2301, *Developmental Education*, 16 July 2010 AFI 36-2406, *Officer and Enlisted Evaluation System*, 8 November 2016
- AFI 36-2626, *Airman Retraining Program*, 3 June 2013
- AFI 36-2706, *Equal Opportunity Program, Military and Civilian*, 5 October 2010
- AFI 36-2707, *Nondiscrimination in Programs and Activities Assisted or Conducted by the Department of the Air Force*, 16 December 2010
- AFI 36-2903, *Dress and Personal Appearance of Air Force Personnel*, 18 July 2011
- AFI 36-3206, *Administrative Discharge Procedures for Commissioned Officers*, 9 June 2004
- AFI 36-3208, *Administrative Separation of Airmen*, 9 July 2004
- AFI 51-301, *Civil Litigation*, 1 July 2002
- AFI 51-903, *Dissident and Protest Activities*, 30 July 2015
- AFI 51-1201, *Alternative Dispute Resolution Processes in Workplace Disputes*, 17 March 2014
- AFI 65-601, Volume 1, *Budget Guidance and Procedures*, 16 August 2012
- AFI 71-101, Volume 1, *Criminal Investigations Program*, 8 October 2015
- AFI 90-301, *Inspector General Complaints Resolution*, 27 August 2015
- AFI 90-401, *Air Force Relations with Congress*, 14 June 2012
- FJI 31-213, *Armed Forces Disciplinary Control Boards and Off-Installation Liaison and Operations*, 30 June 1993
- Air Force Systems Security Instruction 5020, *Remanence Security*, 20 August 1996
- Title 5, Code of Federal Regulations, Part 1201, *MSPB Regulations*, current edition

Title 29, Code of Federal Regulations, Part 1614, *EEOC Regulations*, current edition

DoD Instruction 1300.17, *Accommodation of Religious Practices within the Military Services*, February 10, 2009

DoD Directive 1020.02, *Diversity Management and Equal Opportunity (EO) in the Department of Defense*, 29 November 2016

DoD Instruction 1325.06, *Handling Dissident and Protest Activities Among Members of the Armed Forces*, November 27, 2009.

DoD Directive 1350.2, *Department of Defense Military Equal Opportunity (MEO) Program*, 18 August 1995

DoD Instruction 5145.5 *Alternative Dispute Resolution and Conflict Management* May 27, 2016

DoD Directive 5500.11, *Nondiscrimination in Federally Assisted Programs*, 27 May 1971

DoD Directive 1440.1, *DoD Civilian Equal Employment Opportunity (EEO) Program*, 21 May 1987

DoD Directive 5100.03, *Support of the Headquarters of Combatant and Subordinate Unified Commands*, February 9, 2011

DoD Directive 5400.07, *DoD Freedom of Information Act Program*, 2 January 2008

Executive Order 9397, *Numbering System for Federal Accounts Relating to Individual Persons*, 30 November 1943, as amended

Executive Order 11478, *Equal Employment Opportunity in the Federal Government*, 8 August 1969, as amended

Executive Order 12106, *Transfer of Certain Equal Employment Enforcement Functions*, 28 Dec 1978, as amended

Public Law 106-398, *National Defense Authorization Act of 2001, Section 1111, Pilot Program For Reengineering The Equal Employment Opportunity Complaint Process*, October 30, 2000

Public Law 107-174, *Notification and Federal Employee Antidiscrimination Act of 2002 ("No FEAR" Act)*, May 15, 2002

Title 5 United States Code Sections 552a and 571, et. seq.

Title 10 United States Code Section 1561

Title 10 United States Code Section 8013

Title 29 United States Code Sections 204, 206, 626, 633(a), and 791

Title 42 United States Code Section 2000e-16

29 CFR Part 1614

Equal Employment Opportunity Commission Management Directive 110, *Federal Sector Equal Employment*, November 9, 1999

Equal Employment Opportunity Commission Management Directive 715, *Title VII and Rehabilitation Act Programs*, October 1, 2003

Adopted Forms

AF Form 847, Recommendation for Change of Publication

Terms

Complainant—For the purpose of this directive, a military member or retiree, military family member, an employee, former employee, or applicant for employment who files a complaint of discrimination or who submits allegations of unlawful discrimination or sexual harassment.

Hostile Work Environment—a series of acts which are so severe and pervasive as to alter the terms and conditions of employment. The acts which make up the hostile environment may be discreet acts or may be ones which taken alone do not rise to the level of an adverse employment action.

Responsible Department Officials—with respect to any program receiving federal financial assistance means the official of the Department who by law or by delegation has the principal authority within the Department for the administration of a law extending federal financial assistance. It also means any officials designated by due delegation of authority to act in such capacity with regard to any program under this Instruction.

Unlawful Discrimination—Unlawful Discrimination for military personnel is discrimination on the basis of race, color, sex, national origin, religion, or sexual orientation. Unlawful Discrimination for civilians is discrimination on the basis of race, sex (including pregnancy, gender identity, and sexual orientation), color, religion, national origin, age, genetic information, disability or prior Equal Opportunity activity. The right to non-discrimination on the basis of religion includes the right to reasonable accommodation of one's religious beliefs and practices.

Unlawful Harassment—a form of discrimination that includes creating an intimidating, hostile working environment for another person on the basis of the characteristics set out in the above definition of unlawful discrimination.

Unlawful Sexual Harassment—behavior that includes unwelcomed sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, particularly when submission to such conduct is made directly or indirectly a term or condition of employment, or when an employment decision is based on the person's submission to or rejection of such conduct. Sexual harassment may include, but is not limited to sexual jokes and comments, sexual propositions, comments about a person's body parts, uninvited physical contact, and any sexual picture or statement communicated through computer systems, telephones, and/or social media.