

Date _____

MEMORANDUM FOR (Witness)

SUBJECT: Witness Participation in Complaint Processing

1. A complaint of discrimination has been filed against the Department of the Army wherein you have been identified as having knowledge concerning the matters alleged. The purpose of the discrimination complaint procedure is to determine whether the alleged discrimination occurred so that appropriate remedial action can be taken.
2. The discrimination complaint procedure consists of a pre-complaint and a formal complaint process. During the pre-complaint process, an Equal Employment Opportunity (EEO) counselor is assigned to make an inquiry into a matter of concern set forth by an individual. The individual presenting the matter(s) of concern is referred to as an "aggrieved" during the pre-complaint process. The EEO counselor cannot reveal the identity of the aggrieved unless authorized to do so by the aggrieved. The pre-complaint counseling stage is an informal process for resolving the matter(s) at issue. If the EEO counselor is unable to achieve resolution of the matter(s) of concern, the aggrieved will be advised of his or her right to further pursue the matter by filing a formal complaint of discrimination.
3. If the aggrieved decides to file a formal complaint of discrimination and the complaint is accepted, it will be investigated by an investigator from the Department of Defense Office of Complaint Investigations (DoD OCI). The individual filing a formal complaint of discrimination is referred to as the "complainant" during the formal process.
4. Your role in the complaint process is that of a witness. An EEO counselor may contact you and solicit your input into the matter(s) of concern. Your participation in the counseling process may serve to assist in resolving the matter(s) quickly. Should the aggrieved decide to file a formal EEO complaint and it is accepted for investigation, you may be required to provide testimony at the investigation and at a hearing before an Equal Employment Opportunity Commission administrative judge.
5. As a witness, you have the right to have a personal representative at the EEO counselor interview and at any other meeting necessary during complaint processing. A person of your own choosing, provided the choice of a representative does not involve a conflict of interest or conflict of position, may represent you. The staff judge advocate or the agency representative may not represent you.
6. Upon completion of DoD OCI investigation, the investigator will provide a Report of Investigation. The complainant will be provided a copy of the DoD OCI Report of Investigation and advised of the right to request either a hearing before an Equal

Employment Opportunity (EEOC) administrative judge or the issuance of a final Army decision.

7. If, after investigation by the DoD OCI, the complainant requests a hearing, the EEOC will appoint an administrative judge to conduct the hearing and issue a decision on the complaint, including appropriate remedies and relief if discrimination is found. At this stage, your testimony may be solicited once again. You will be afforded the opportunity to review relevant sanitized documents and to testify for the record. Again, you have the right to have a representative present during the EEOC hearing. Upon completion of the hearing, the EEOC administrative judge will then forward his/her decision to the Office of EEO/Civil Rights (Deputy for EEO Compliance and Complaints Review) for final action.

8. Any questions or need for assistance during the processing of the complaint can be addressed to me. You may contact me at (phone #) _____ Monday - Friday.

Signature block of EEO officer or appropriate official

Signature of Witness

Date Received

Figure 3-5 Sample Witness Notice from EEO Official/EEO Counselor