



NGVT-TAG

01 June 2009

MEMORANDUM FOR All Vermont National Guard Members

SUBJECT: Prevention of Sexual Harassment Policy, Equal Opportunity/Equal Employment Opportunity Policy Renewal Memorandum

1. The standards to adhere to the laws of Equal Opportunity/Equal Employment Opportunity have not changed. Annual updates to the POSH/EO/EEO policy reiterate my commitment to zero tolerance of discriminatory acts and the preventive measures to ensure fair treatment.
2. Title VII of the Civil Rights Act of 1964 prohibits employment discrimination based on race, color, religion, sex or national origin. Civil Service employees are also protected under the ADE and ADA acts. Specifically the Age Discrimination in Employment Act (ADE) of 1967 that protects individuals who are 40 years of age or older from being discriminated against due to their age. The Americans with Disabilities Act of 1990 (ADA) prohibits employment discrimination against qualified individuals with disabilities in the private sector, and in state and local governments. Sexual Harassment is a form of discrimination under the basis of sex. All leaders (commanders, supervisors, managers, and team leaders) are responsible for ensuring that behavior and/or complaints of sexual harassment are given prompt attention and taken seriously. Leaders will conduct inquiries at the lowest level possible whenever an allegation of discrimination is brought to their attention. Leaders could be held personally liable for not taking appropriate action to eliminate such behavior from the workplace. Leaders will ensure compliance of required Prevention of Sexual Harassment (POSH) and EO Training per NGR 600-21/ANGI 36-7. See attachment one for an expansion on EO/POSH principles.
3. The Special Emphasis Program falls under the EO/EEO and is a pro-active entity to maintain working atmospheres free from all forms of discrimination and provide equitable opportunities to all members of the workforce. All leaders are encouraged to support the trainings and events to maintain standards, increase awareness, obtain skills and celebrate the diverse talents that make the Vermont National Guard stand out as a Culturally Adept, World Class organization.
4. This supersedes memorandum dated 01 June 2008, same subject. Please post on All Prominent Bulletin Boards. See the attachment to this notice for a further explanation of these guidelines. Point of contact for this policy is the HRO State Equal Employment Manager, CW3 Doris J. Sumner, (802) 338-3148.

MICHAEL D. DUBIE
Major General, VTNG
The Adjutant General

Encl
Policy Expansions / Explanations
Distribution: A

Attachment One: Policy Expansions / Explanations

The Title VII Civil Rights Act of 1964 contains guidelines for the prevention of **SEXUAL HARASSMENT AND EQUAL EMPLOYMENT OPPORTUNITY**. An awareness of these subjects is of paramount importance to ensure a workplace free of harassment and discrimination where all individuals are treated with dignity, equality, and respect.

All personnel working in and with the National Guard includes active duty military personnel (Army and Air Force), Title 10 and Title 32 Active Guard/Reserve (Army and Air Force), Title 32 Technicians (Army and Air Force) Excepted and Competitive, Traditional Guard members, State employees and ANG Title V Civilians who work on National Guard bases and installations.

Sexual harassment is a form of sex discrimination that involves unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: 1) Submission to such conduct by an individual is made explicitly or implicitly a term or condition of employment; 2) Submission to, or rejection of such conduct by an individual is used as the basis for an employment decision; 3) Such conduct has the purpose or effect to interfere with an individual's work performance, or creates a hostile or intimidating environment. Any person in a supervisory or command position who uses or condones implicit sexual behavior to control, influence or affect the career, pay, or job of a military member or technician employee is engaging in sexual harassment. Also, any military member or technician who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature is also engaging in sexual harassment. Sexual harassment has a very severe impact on individual health, freedom, morale, readiness and mission accomplishment and must not go unchecked. All Vermont National Guard members are entitled to a work environment free from sexual harassment. **SEXUAL HARASSMENT IS WRONG, IT WON'T BE TOLERATED IN THE VERMONT NATIONAL GUARD!** Understand the difference between Sexual Harassment and Sexual Assault. There are different reporting processes for the offense. **There is NO anonymity when reporting violations of EO** however when reporting Sexual Assault there are forms of restricted reporting, contact a Victim Advocate or the JFHQ Sexual Assault Response Coordinator.

The timeframe for reporting a complaint is within **45 calendar days for technicians** and within **180 calendar days for military members**, this includes AGR personnel.

*Leaders at all levels, including **commanders**, managers and supervisors, will be held accountable and responsible for the work environment under their control. *Review* NGR 600-22 National Guard Military Discrimination Complaint System and NGR 600-21, Equal Opportunity Program In The Army National Guard, specifically Paragraph 1-4 f. for responsibilities of Commanders and AR 600-22 Army Command Policy 6-3 e, 'responsibilities' to understand reporting, training and climate assessment requirements.

It is our goal to provide and sustain an atmosphere of equal opportunity and fair treatment for all, and to ensure that there will be no discrimination. Only with total leadership commitment and accountability can we successfully meet this challenge. It is an absolute requirement that we sustain the most productive and user-friendly work environment for all our personnel. The well-being of our people, our mission accomplishment, and our survival is directly related to how we treat each other. Conduct a personal inventory of your own individual behavior daily and maintain loyalty and integrity to the guiding principles of EO. Go on record for taking the appropriate action as soon as you become aware of an alleged discriminatory act. Participate and encourage participation at all EO and or POSH training events. Please join me in achieving our common goals of dignity, respect and equal treatment for all in the Vermont National Guard.