



STATE OF WEST VIRGINIA
OFFICE OF THE ADJUTANT GENERAL
1703 COONSKIN DRIVE
CHARLESTON, WEST VIRGINIA 25311-1085

William E. Crane
Brigadier General, WVNG
The Adjutant General

(304) 561-6317
DSN: 623-6317
FAX (304) 561-6327

NGWV-TAG

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MEMORANDUM FOR All Personnel

SUBJECT: Prevention of Sexual Harassment Policy Statement

1. References:

- a. Army Regulation 600-20, Army Command Policy, dated 24 July 2020
- b. Air National Guard Instruction 36-7, Air Guard Military Equal Opportunity Program
- c. Equal Employment Opportunity Commission Management Directive 110 (MD110)

2. Purpose: The purpose of this policy is to establish the policy and definition for Prevention of Sexual Harassment in the West Virginia National Guard (WVNG). Sexual harassment will not be tolerated. All Commanders and Supervisors are expected to watch for any behaviors that may indicate sexual harassment and take immediate and appropriate actions to stop sexual harassment.

3. Definition: Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Both victim and the harasser can be either a female or a male, and can be the same sex. Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted). The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer.

a. The goal of the West Virginia National Guard is to promote a workplace that is free of sexual harassment. Sexual harassment destroys teamwork, adversely affects morale, and degrades unit readiness; it is unlawful and will not be tolerated or condoned in any form.

b. The West Virginia National Guard takes allegations of sexual harassment seriously and will respond promptly to sexual harassment complaints. This organization will take appropriate action where it is determined that such inappropriate behavior has occurred and will act swiftly to eliminate the conduct. Without question, any form of reprisal against the complainant(s) or individual(s) cooperating with an investigation of sexual harassment will not be tolerated.

c. Complainant is encouraged to attempt one or more of the following techniques when dealing with sexual harassment:

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(1) The Direct Approach to inform the harasser and tell him/her what behavior is offensive and unwanted and that it must stop.

(2) The Indirect Approach by sending a letter to the harasser stating the facts of the offense.

(3) The Third Party Approach by requesting assistance from another person.

(4) Report to the Chain of Command if you are wanting to address it at the lowest possible level. Commanders are required to contact the State Equal Employment Manager (SEEM) for any sexual harassment or discrimination complaints to discuss resolution as soon as they are made aware of an issue even if a complaint is not being filed at this time.

d. Individuals have the right to file a complaint by contacting any of the following individuals: the State Equal Employment Manager (SEEM), an Equal Opportunity Advisor (EOA) for military, or an Equal Employment Opportunity Counselor (EEOC) for civilians.

e. The SEEM has primary responsibility for this policy. The SEEM, in coordination with the unit EOAs, EOLs, and Counselors, will ensure Subordinate Major Commands/Wing/Directorates compliance with training requirements.


f. Prevention and bystander intervention are the best tools to eliminate sexual harassment in the workplace. This is not just a leadership issue, it is a form of misconduct that requires personal awareness and immediate attention of every federal employee, manager, supervisor, Commander, Soldier and Airman. The negative impact on the morale, productivity and readiness of our personnel cannot be overstated; the prevention of sexual harassment is vital.

4. General harassment does not have to be of a sexual nature and can include offensive remarks about a person's gender. For example, it is illegal to harass a woman (applicant or employee) by making offensive comments about women in general.

5. Sexual Assault differs from sexual harassment in that it is a crime and is defined by intentional sexual contact. Sexual assault is under the Sexual Assault Prevention Response (SAPR) program and does not fall under EO.

6. The Joint Forces Headquarters EO/EEO staff stands ready to assist all service members, federal employees, commanders, managers and supervisors throughout the process. Do not hesitate to contact the EO/EEO Office with your questions, to seek assistance in filing a complaint, or to request assistance with the process.

7. Point of Contact for this activity is Ms. Deborah K. Amos, State Equal Employment Manager, at (304) 561-6430 or email Deborah.K.Amos.civ@mail.mil.


WILLIAM E. CRANE
Brigadier General, WVNG
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