



STATE OF WEST VIRGINIA
OFFICE OF THE ADJUTANT GENERAL
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NGWV-TAG

MAY 23 2019

MEMORANDUM FOR All Personnel

SUBJECT: Policy Against Harassment in the Workplace

1. Applicability and guidance for this policy comes from Title VII and Title VIII of the Civil Rights Act of 1964, as amended, and implemented by the following:

- a. CNGBM 9601.01 *National Guard Discrimination Complaint Process*
- b. NGR 600-21 *Equal Opportunity Program in the Army National Guard*
- c. ANGI 36-7 *Air National Guard Military Equal Opportunity Program*
- d. NG Pam 600-22 *Investigating Military Discrimination Complaints*
- e. AFI 36-2706 *Equal Opportunity Program Military and Civilian*
- f. AR 600-20 *Army Command Policy*

2. The West Virginia National Guard (WVNG) is committed to maintaining a work environment that is free of discrimination and harassment based on a person's race, color, sex (gender) or sexual orientation, religion, national origin, age, or disability. This also applies to harassment in connection with reprisal/retaliation for participating in a protected activity. Harassment destroys the command climate of an organization by eroding the basic tenants of trust and discipline; and it will not be tolerated at any level within our organization. All military leaders and civilian supervisors must set the example and ensure all soldiers, airmen, and civilian employees are aware and comply with the acceptable standards of conduct. I expect the personal involvement of every commander, manager, and supervisor to ensure the complete implementation of this policy, and making your personnel aware of the channels available to report perceived or actual instances of harassment. These channels include the chain of command, Equal Opportunity (EO) representatives, and the Inspector General (IG).

a. Sexual harassment is defined as: any unwelcome conduct of a sexual nature or "quid-pro-quo" such as influencing, offering to influence, or threatening the career of another person in exchange for sexual favors. No one should subject another employee to any unwelcome conduct of a sexual nature. This includes both unwelcome physical touching, blocking, staring, making sexual gestures, making or displaying sexual drawings or photographs, and unwelcome verbal conduct, such as sexual propositions, slurs, insults, jokes and other sexual comment.

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b. Other harassment is defined as: unwanted, persistent attacks that can intimidate, isolate, and/or create a hostile environment. Harassment also includes hazing and bullying. Hazing is defined as any conduct whereby an individual recklessly or intentionally causes another individual to suffer (physically, verbally, or psychologically) or be exposed to any activity that is cruel, abusive, humiliating, oppressive, demeaning or harmful. Soliciting or coercing another individual to participate in such activity is also considered hazing. Bullying is defined as any conduct whereby an individual intends to exclude or reject another individual through cruel, abusive, humiliating, oppressive, demeaning, or harmful behavior which results in diminishing the other person's dignity, position, or status. The willingness of any participant is irrelevant; therefore, expressed or implied consent to prohibited behaviors is not a defense to a hazing/bullying violation. Examples of harassment include using racial/ethnic/national origin slurs, offensive stereotypes, "blood stripes" rites of passage, or inappropriate joking relating to an employee's disability, physical characteristics, religion, or age.

3. If you are a victim of harassment, you are requested and encouraged to bring this to the attention of a supervisor or management official and/or make a complaint to your local Equal Opportunity (EO) representative. Complaints may be made verbally and/or in writing. You are not required to complain first to the person who is harassing you. Similarly, if you observe harassment of another employee, you are requested and encouraged to report this to someone in your supervision or chain of command. While leadership will seriously consider all complaints, anonymous complaints pose a unique challenge, and will, in most cases, be referred to the chain of command/supervision for appropriate inquiry. Procedural requirements for making complaints vary based on the employment status of each employee as well as the type of harassment involved. No reprisal, retaliation, or other adverse action will be taken against any employee for making a "good faith" complaint, or reporting harassment, or for assisting in the investigation of any such complaint. Any suspected retaliation or intimidation should be reported immediately to one of the persons described above.

4. The WVNG will promptly and thoroughly examine any complaint or report of a violation of this policy. A thorough inquiry can sometimes involve an official investigation, which can take several weeks in some cases. You may, at any time, ask the person to whom you complained or reported an issue about the status of the inquiry. If an inquiry or investigation shows a violation of this policy, the WVNG will take prompt disciplinary and remedial action. Depending on the circumstances and the status of the employee, the disciplinary action may range from a warning to a discharge. A complaint or report that this policy has been violated is a serious matter. Dishonest complaints or reports are also against policy and the WVNG will take appropriate disciplinary action if its inquiry or investigation reveals that deliberately dishonest and bad faith accusations have been made.

5. It is my intent for all personnel at every level to be trained to recognize harassment and sexual harassment and understand their responsibility in preventing it. Individuals who are

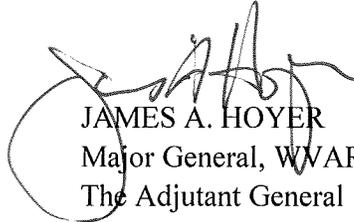
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harassed or others who witness such should make it clear such behavior is unacceptable and report the occurrence of harassment. It is the responsibility of every leader to ensure any instance of harassment is dealt with efficiently and promptly. We must be committed to this policy and demand respect for the human dignity of all our personnel. I am confident you will ensure the spirit and intent of this policy is observed.

6. If you have questions about my policy, please contact one of the following offices:

- State Equal Employment Manager (SEEM) - 304-561-6430 or DSN 623-6430
- Military Authority/ State Human Resources- 304-561-6796 or DSN 623-6796
- 130th Military Equal Opportunity (MEO) - 304-341-6132 or DSN 366-6132
- 167th Military Equal Opportunity (MEO) - 304-616-5323 or DSN 242-5323



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