



South Dakota
DEPARTMENT OF THE MILITARY
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NGSD-TAG

8 June 2019

MEMORANDUM FOR All Personnel, South Dakota National Guard (SDNG)

SUBJECT: Command Policy for the Prevention and Zero Tolerance of Sexual Harassment

1. Purpose. To ensure all South Dakota National Guard (SDNG) personnel work or serve in an environment free from sexual harassment.

2. Policy. Harassment on the basis of a person's gender or sex constitutes illegal gender or sex based discrimination and is a violation of law as set forth in federal regulations, state statutes and military policy.

a. Sexual Harassment is defined as a form of illegal gender discrimination involving unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- the sexual harassment or conduct is made a term or condition of an individual's employment or career, job or pay/salary, or
- the sexual harassment or conduct is used as the basis for career or employment decisions, or
- the sexual harassment or conduct unreasonably interferes with an individual's work performance, or
- the sexual harassment or conduct creates an intimidating, hostile, or offensive work environment.

Any person in a supervisory or command position who uses or allows implicit or explicit sexual conduct or behavior to control, influence, or affect the career, pay or job of a Soldier, Airman, or employee is engaging in sexual harassment. Similarly, any Soldier, Airman or employee who makes deliberate or repeated unwelcome verbal (i.e. comments, jokes, slurs), nonverbal (i.e. gestures, display of pictures on any type of media) or physical (i.e. touching, bumping) conduct of a sexual nature is engaging in illegal sexual harassment.

b. Commanders, leaders, managers and supervisors are directed to immediately protect all employees, Soldiers, and Airmen from the following:

- Acts of sexual harassment in the workplace. If such acts occur, the leadership must demonstrate they took immediate and appropriate corrective action.
- Acts by non-employees or service members sexually harassing employees or service members in the workplace. Again, leaders will be held accountable for taking immediate and appropriate corrective action.

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c. Commanders, leaders, managers and supervisors are directed to protect all employees by doing the following:

- taking all necessary steps to prevent sexual harassment from ever occurring by: Emulating and enforcing my "Zero Tolerance" policy for the prevention of sexual harassment; providing immediate necessary protections; informing employees and service members of their rights and how to request resolution of sexual harassment complaints; and educating all employees and service members on the definition of sexual harassment, how to identify it and the techniques used to stop it.

- taking all necessary steps to immediately remove from the workplace any and all signs, pictures, posters, clippings, documents, screen savers, papers, books, journals, magazines, videos, and any other written or graphic materials in hard copy or digital form emphasizing or suggesting sexual, lewd, obscene, pornographic or otherwise inappropriate images and/or activity.

d. Request for resolution of sexual harassment complaints will be processed through either the SDNG Joint Civilian Discrimination Complaints Instruction Guide for all Title 5 or 32 technicians or SDNG Military Equal Opportunity Request for Resolution Procedures for all military personnel and in accordance with the appropriate policy per the complaints status.

e. Any employee, Soldier, or Airman found in noncompliance with this policy is subject to immediate disciplinary action under applicable military and federal regulations.

f. Personnel on state active duty are covered by state statutes, policies and regulations regarding sexual harassment.

3. The prevention of sexual harassment is critically important throughout the South Dakota National Guard. The responsibility to assure our work environment is free from illegal sexual harassment rests squarely on the shoulders of all leaders and directly supports my number one priority of "Taking Excellent Care of our Soldiers, Airmen and Families". Everyone in the South Dakota National Guard must fully understand Sexual Harassment will never be tolerated.

4. The following personnel are state points of contact: Full time support: SDNG State Equal Employment Manager, Carstin Jerzak, (605) 737-6635, carstin.k.jerzak.mil@mail.mil; M-Day or Traditional points of contact are: SDANG Military Equal Opportunity Officer, (605) 988-5707, or SDARNG Human Relations/Equal Opportunity, (605) 848-2836.

5. This policy will be posted to all official bulletin boards.


JEFFREY P. MARLETTE
Major General (SD), SDNG
The Adjutant General