



South Dakota

**DEPARTMENT OF THE MILITARY
OFFICE OF THE ADJUTANT GENERAL**

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NGSD-TAG

9 July 2021

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

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

1. Purpose. To ensure all South Dakota National Guard (SDNG) personnel work or serve in an environment free from unlawful sexual harassment.
2. Policy. Harassment on the basis of a person's gender or sex constitutes unlawful 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 as evaluated from the standpoint of a reasonable person, and/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 in the form of harassing, hazing, bullying or stalking behavior to control, influence, or affect the career, pay or job of a Soldier, Airman, or Employee is engaging in unlawful 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 unlawful sexual harassment.

b. Commanders, leaders, managers and supervisors are directed to take immediate actions to protect all Employees, Soldiers, and Airmen from all acts of sexual harassment in the workplace by co-workers, peers, other employees regardless of status, and non-employee's or other personnel in the work place by doing the following:

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- 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; provide immediate necessary protections; informing employees and service members of their rights and how to request resolution of sexual harassment complaints through the contact below; educating all employees and service members on the definitions and how to identify sexual harassment and methods of harassment such as hazing, bullying, stalking; and the techniques used to stop it.

- taking all necessary steps to assess and 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 published graphic materials in hard copy or digital form emphasizing or suggesting sexual, lewd, obscene, pornographic or otherwise inappropriate images and/or activity.

c. 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 complainant and/or the alleged offender status.

d. Any Employee, Soldier, or Airman found in noncompliance with this policy is subject to immediate disciplinary action under applicable policy, or military, state or federal regulations.

e. Personnel on state active duty and assigned at South Dakota state employees 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 sexual harassment rests squarely on the shoulders of all leaders and supervisors 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 not be tolerated.

4. The following personnel are state points of contact: Full time support: SDNG Equal Employment Manager, Mrs. 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 made available to all SDNG personnel and posted in all facilities on official bulletin boards and internal/external websites.



JEFFREY P. MARLETTE

MG, SDNG

The Adjutant General