NGSD-TAG

18 December 2017

MEMORANDUM FOR All South Dakota Army and Air National Guard Military Personnel


1. References: See enclosure 1.

2. Definitions: See enclosure 2.

3. Purpose: The purpose of the equal opportunity program is to:

   a. Ensure all personnel are treated with dignity and respect and afforded fair and equitable treatment in the South Dakota National Guard.

   b. Ensure compliance with all applicable laws, regulations, and procedures and embed equal opportunity as a force multiplier in the South Dakota National Guard.

   c. Contribute to the overall unit climate and readiness of the force as a multiplier of the human dimension necessary for effective leadership and team cohesiveness to assure mission accomplishment.

4. The South Dakota National Guard is committed to developing and maintaining a professional organization and unit environment where all individuals are treated with dignity and respect. This includes fostering a policy of equality, offering the broadest of opportunities and ensuring fair and equitable treatment of all Military personnel and their Families, Recruits and Retirees based on merit, fitness and capabilities in support of readiness. Unlawful discrimination or harassment are contrary to our values and counterproductive to combat readiness and accomplishing the mission.

5. Policy. Equal Opportunity is a commander’s program and commanders will lead by example and ensure the requirements of this policy and applicable regulations are enforced.

   a. The South Dakota National Guard will not tolerate, condone, nor permit any kind of unlawful harassment, including sexual harassment, or unlawful discrimination on the basis of race, color, national origin, religion, sex (including gender identity), or sexual orientation. This is to include hazing or bullying as defined in enclosure 2. SDNG will ensure fair, equitable and
nondiscriminatory treatment, free of retaliation, for all members, including Army, Air, AGR/M-Day/Traditional Title 32, former military personnel, Retirees, Family members, Recruits or applicants for membership or AGR tours, in recruitment, accessions, classification, awards, disciplinary, employment, promotion or training selection, or any administrative type practices in the workplace, to include garrison and field training environments, as well as off-duty behavior affecting the military workplace. Officer or enlisted Soldiers and Airmen who engage in or permit unlawful discrimination or harassment without taking positive corrective action will be subject to appropriate discipline.

b. The number one priority of our organization is to take excellent care of Soldiers, Airmen and their Families and the prevention of discrimination and any type of harassment is a significant part of that priority. People are our most important resource. All personnel have the right to participate in programs, benefits and services, and compete for opportunities for which they are qualified without being discriminated or harassed. All leadership, regardless of rank and position, are responsible for ensuring our personnel are afforded fair and equitable opportunities and positive affirmative action’s ensuring these opportunities. Discrimination and harassment do not fit within our values, mission, or vision of this organization. The EO program is about taking care of people, and is to be embedded in our planning, risk assessments and climate assessment processes. Leadership will monitor their EO programs for triggers identifying barriers such as social, personal, institutional, or procedural barriers preventing anyone from rising to the highest level of their capabilities to include all selection boards, formal/informal mentorship or social programs.

6. All requests for resolution will be processed per SDNG TAG Memorandum, SUBJECT: The South Dakota National Guard Military Discrimination and Harassment (Sexual or Non-Sexual) Resolution Request Procedures, dated the same as this policy, and all applicable regulations.

6. **This policy will be posted on all unit bulletin boards.** Point of contact for this policy and the resolution process are: SDNG SEEM, Carstin Jerzak at 605-737-6635 or via email: carstin.k.jerzak.mil@mail.mil. Air National Guard POC is Military Equal Opportunity Officer, 2d Lt Marie Schaffhauser, (605) 988-5707, DSN: 798-7707, or via email: maria.a.schaffhauser.mil@mail.mil. Army National Guard POC is the JFHQ Human Relations/Equal Opportunity Officer, LTC Stephen Sewell, (605) 737-6831 or DSN 747-6831, or via email: stephen.e.sewell2.mil@mail.mil.

Enclosures:
1 – References
2 - Definitions

[Signature]
TIMOTHY A. REISCH
MG, SDNG
The Adjutant General

*Every Member Counts*
SOUTH DAKOTA NATIONAL GUARD
Enclosure 1 - References:

a. Title VI of the Civil Rights Act of 1964, as amended.

b. Memorandum from Under Secretary of Defense Clifford L. Stanley Re: Repeal of “Don’t Ask, Don’t Tell” (20 September 2011).

c. DOD Directive 1020.02E, Diversity Management and Equal Opportunity in the DOD, Certified Current as of 8 June 2015


g. Directive-type Memorandum (DTM) 16-005 Military Service of Transgender Service Members


k. TC 26-6, Commanders Equal Opportunity Handbook, DTD: JUN2008


m. CNGB Instruction 9601.01, National Guard Discrimination Complaint Program, DTD: 27 September 2015

n. CNGB Manual 9601.01, National Guard Discrimination Complaint Process, DTD: 25 April 2017

o. National Guard Regulation 600-21, Equal Opportunity in the Army National Guard, DTD: 22 May 2017


The National Guard Bureau EO Hotline 800-371-0617
Enclosure 2 – Definitions:

a. *Discrimination.* Any action unlawfully or unjustly resulting in unequal treatment of persons or groups based on race, color, gender, national origin, sexual orientation or religion. Ref: j

b. *Equal opportunity.* The right of all persons to participate in, and benefit from, programs and activities (for example, career, employment, educational, social) for which they are qualified. These programs and activities will be free from social, personal, or institutional barriers preventing people from rising to the highest level of responsibility possible. Persons will be evaluated on individual merit, fitness, and capability, regardless of race, color, sex, national origin, or religion. Ref: j

c. *Disparaging terms.* Terms used to degrade or connote negative statements pertaining to race, color, gender, national origin, or religion. Such terms may be expressed as verbal statements, printed material, visual material, signs, symbols, posters, or insignia. The use of these terms constitutes unlawful discrimination. Ref: j

d. *Gender discrimination.* The action taken by an individual to deprive a person of a right because of their gender or sex (includes Transgender). Such discrimination can occur overtly, covertly, intentionally or unintentionally. Ref: j

e. *Sexism.* Attitudes and beliefs one gender is superior to another. Ref: j

f. *Hazing.* Any conduct whereby a Service member or members regardless of service, rank, or position, and without proper authority, recklessly or intentionally causes a Service member to suffer or be exposed to any activity that is cruel, abusive, humiliating, oppressive, demeaning, or harmful. Soliciting or coercing another to participate in any such activity is also considered hazing. Hazing need not involve physical contact among or between military members or employees; it can be verbal or psychological in nature. Likewise, it need not be committed in the physical presence of the victim; it may be accomplished through written or phone messages, text messages, email, social media, or any other virtual or electronic medium. Actual or implied consent to acts of hazing does not eliminate the culpability of the perpetrator. Without outside intervention, hazing conduct typically stops at an identified end-point. Ref: j

g. *Bullying.* Bullying is any conduct whereby a Service member or members, regardless of service, rank, or position, intends to exclude or reject another Service member through cruel, abusive, humiliating, oppressive, demeaning, or harmful behavior, which results in diminishing the other Service member’s dignity, position, or status. Absent outside intervention, bullying will typically continue without any identifiable end-point. Bullying may include an abuse of authority. Bullying tactics include, but are not limited to, making threats, spreading rumors, social isolation, and attacking someone physically, verbally, or through the use of electronic media. Ref: j

h. *Racism.* Any attitude or action of a person or institutional structure that subordinates a person or group because of skin color or race. Ref: j

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The National Guard Bureau EO Hotline 800-371-0617
i. **Sexual Orientation.** Refers to an individual’s emotional or physical attraction to the same and/or opposite sex (heterosexual, homosexual or bisexual). Ref: d

j. **Ally.** A person who does not identify as lesbian, gay or bisexual, but supports the rights and safety of those who do identify as lesbian, gay or bisexual. Ref: h

k. **Bisexual.** A person who is attracted romantically, physically or emotionally to both men and women. Ref: h

l. **Gay.** A male-identified person who is attracted romantically, or physically or emotionally to another male-identified person. Ref: h

m. **Lesbian.** A female-identified person who is attracted romantically, physically or emotionally to another female-identified person. Ref: h

n. **Transgender Service member.** A service member who has received a medical diagnosis indicating gender transition is medically necessary, including any service member who intends to begin transition, is undergoing transition, or has completed transition and is stable in the preferred gender. Ref: d

o. **Unlawful harassment.** Includes but isn’t limited to, unwelcome conduct, intimidation, ridicule, insult, offensive comments or jokes, or physical conduct based on any of the other bases such as race, color, religion, sex/gender, national origin, or sexual orientation when an employee’s acceptance or rejection of such conduct explicitly or implicitly forms the basis for a tangible employment action affecting the employee or the conduct is sufficiently severe or pervasive as to alter the terms, conditions or privileges of the person or otherwise create a hostile or abusive work environment. Ref: i

p. **Hostile Work environment.** Discriminatory conduct or behavior in the workplace that is unwelcome and offensive to an employee or group of employees based on any of the protected bases. The conduct or behavior must be pervasive and constitute a pattern rather than consist of one or two isolated incidents. The pattern of behavior has to be of a degree severe enough to cause disruption beyond a reasonable degree in the work of the targeted person such as when the person becomes disturbed because of intimidation or due to fear of loss of employment. The complainant must have reason to believe such behavior patterns are likely to continue indefinitely. Offensive conduct may include, but is not limited to offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures and interference with work performance. The harasser can be the victim’s supervisor, a supervisor from another section, an agent of the harasser, a co-worker or a non-military person. The victim does not have to be the person harassed, but can be anyone affected by the offensive conduct. Ref: m

q. **Sexual Harassment.** See the state policy for specific information regarding definitions and procedures for reporting sexual harassment complaints. Ref: j and m