MILITARY DIVISION, STATE OF IDAHO
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C. L. "BUTCH" OTTER
GOVERNOR

THE ADJUTANT GENERAL
GARY L. SAYLER

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NGID-TAG

15 December 2011

MEMORANDUM FOR All Members of the Idaho Military Division, Idaho National Guard, Bureau of Homeland Security

SUBJECT: Idaho Military Division – Sexual Harassment Prevention Policy (IDNG-8)

1. The Idaho Military Division does not tolerate sexual harassment. As Commanding General, I am committed to the goal of an Idaho Military Division that is free of sexual harassment. This memorandum establishes my policy that no employee or military member within the Military Division should participate in or tolerate sexual harassment in any of its forms.

a. **Sexual harassment is a form of gender discrimination**. Sexual harassment is defined as any unwelcome conduct that involves sexual advances, requests for sexual favors, or other visual, verbal, nonverbal, or physical conduct of a sexual nature, when any of the following occur:

(1) Submission to or rejection of such conduct is made, either explicitly or implicitly, as term or condition of a person's employment; or

(2) Submission to or rejection of such conduct by an individual is used as a basis for career or employment decisions affecting such individuals, or

(3) Such conduct has the purpose or effect of unreasonably interfering with an individual's performance or creates an intimidating, hostile, or offensive environment.

b. **Quid Pro Quo – Sexual harassment.** This occurs when an individual in a supervisory or command position uses this leadership position, or otherwise condones the improper sexual behavior of another, in order to control, influence, or affect the career, pay, or job of a subordinate.

c. **Hostile Work Environment - Sexual harassment.** This occurs when verbal or nonverbal behavior in the workplace creates an inappropriate focus on the sexuality of another person or otherwise occurs because of an individual's gender, when such conduct is unwanted or unwelcome and is sufficiently severe or pervasive enough to affect the person's work environment; or, when any military member or employee makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature while in the workplace.

2. As part of the military community that institutionalizes excellence in leadership in the areas of equality and fair treatment, we are committed to protecting the individual dignity and human worth of all with which we come in contact. Professionalism is the standard within the Idaho Military Division and nothing less will be tolerated in this area. Sexual harassment adversely affects everyone's performance – supervisors, peers, subordinates, and senior management alike. It is detrimental to productivity, morale, unit cohesion, and mission readiness. **Sexual harassment is illegal, it is wrong, and it will *not* be tolerated.**

3. Any allegation of sexual harassment committed by or against any soldier or airman, or federal or state civilian employee, will result in a prompt, thorough, and impartial investigation, with timely, appropriate disciplinary action when it is determined that harassment has occurred.

4. The Idaho Military Division strives to set the highest standard in all areas of fair treatment. We must all be prepared to set the best example and follow it. We must take a proactive role in preventing and eliminating sexual harassment and in ensuring that no employee or applicant for employment is retaliated against for reporting a matter of harassment or discrimination. Adverse treatment to any individual that reports harassment or provides information relating to such a complaint will not be tolerated. All managers and supervisors are responsible for ensuring their personnel have received mandatory EEO/EO awareness training on the prevention of sexual harassment. Enclosed are specific guidelines to aid in the prevention of sexual harassment.

5. The Equal Employment Opportunity (EEO) civilian and Equal Opportunity (EO) military reporting processes start by contacting the State Equal Employment Manager (SEEM) for civilian and state discriminatory issues and the immediate chain of command for military personnel. Issues relating to federal or state employment must be reported to the SEEM within 45 days of the discriminatory event. National Guard Military personnel must report a claim of discrimination to their supervisory chain of command or the State Equal Employment Manager within 180 days of the discriminatory event.

6. Questions or concerns regarding this policy or the enclosure, *Sexual Harassment Prevention Policy*, should be directed to the State Equal Employment Manager (SEEM), located with the Human Resource Office, 4794 Farman Street, in Building 441 on Gowen Field. Phone number is (208) 422-4210 or e-mail at gayle.a.hinrichs@id.ngb.army.mil

7. This memorandum supersedes all IDNG-8 policies, subject *Idaho Military Division - Sexual Harassment Policy (IDNG-8)*, and will be updated annually.

GARY L. SAYLER
Major General
Commanding General, IDNG

Encl

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IDAHO MILITARY DIVISION

SEXUAL HARASSMENT PREVENTION POLICY

Behavior that can be perceived as sexual harassment can be in the form of verbal abuse, non-verbal abuse, or physical contact. Examples include comments of a sexual nature, terms of endearment, profanity, off-color jokes, whistles, winks, staring, patting or touching, displaying sexually suggestive photos, posters, calendars, or other materials, and the sending of inappropriate emails. There isn't always a clear distinction between what is and what is not considered to be sexual harassment. Opinions vary between what actions are acceptable and what actions are prohibited. The above list is not all-inclusive, but is offered due to the frequent occurrence and general acceptance of these types of behaviors in many work environments.

Unwanted, unwelcome, or unsolicited sexual conduct that is imposed on a person who perceives it as offensive or undesirable is sexual harassment. **The recipient determines *"Unwelcome."*** When a recipient communicates that the conduct is unwelcome, it becomes illegal to continue the conduct. Even if the conduct is implicit in nature (hidden in subtlety or innuendo), as long as it is unwelcome, it is unlawful.

The following are a few guidelines on actions to take should you experience inappropriate behavior that you consider to be sexual harassment:

(1) **Know your rights and agency policy.** Be informed, review agency policy, and ask questions. Know the complaint process for your type of employment (i.e. federal, state, or military).

(2) **Communicate.**

- **Direct Approach.** The best time to halt harassment is as soon as it occurs. Confront the harasser and communicate that his/her behavior or conduct is not appreciated, is not welcome and that it must stop. Be calm, but be firm in telling the harasser you won't tolerate being harassed. In some cases, the harasser might not know the behavior is offensive or unwelcome. Be sure to act professionally. If you feel too intimidated to confront the harasser yourself, find a co-worker or supervisor who will represent you firmly. Anyone, regardless of difference in rank or position, has the right to confront another employee (who is perceived to be engaging in sexual harassment) in an effort to stop the unwelcome or illegal behavior before it rises to the level of a formal complaint.
- **Indirect Approach**. Send a written communication to the harasser (keep a copy) and state clearly the specific facts regarding the harasser's behavior or conduct that is not appreciated, is not welcome and that it must stop. Keep your written comments succinct and professional in nature.

(3) **Report any incident of sexual harassment**, especially severe harassment you can't curtail by confronting the harasser. Be responsible by taking reasonable effort to eliminate inappropriate behaviors by telling the person he or she is harassing you and that the attention is unwelcome and illegal. Further explain that you are going to report the behavior, if necessary, to get the problem resolved. The behavior still should be reported **immediately** to the supervisor, supervisor's supervisor, the Human Resource Office, State Equal Employment Manager or management in your chain-of-command to give them the opportunity to ensure that the behavior is eliminated.

(4) **Document the harassment.** Begin keeping a detailed record documenting the events. Write down details of the harassment, noting times, places, witnesses, and any actions you took at the time to make the harasser stop. I recommend that you do not leave it in your office. You might want to confide in a trusted friend, but you should also present your issue immediately to the State Equal Employment Manager, EEO Counselor, or military chain-of-command for corrective action, as needed.

Enclosure