



OKLAHOMA NATIONAL GUARD
JOINT FORCE HEADQUARTERS
3501 MILITARY CIRCLE
OKLAHOMA CITY OK 73111-4305

POLICY MEMORANDUM
NUMBER 23-21

1 March 2023

SEXUAL HARASSMENT PREVENTION AND RESPONSE POLICY

1. References:

- a. Title VI of the Civil Rights Act of 1964, 42 U.S.C 2000d et seq.
- b. Army Regulation 600-20, Army Command Policy.
- c. Air Force Instruction 36-2710, Equal Employment Program, 18 June 2020.
- d. Department of the Air Force Guidance Memorandum 2022-01, 6 April 2022.
- e. National Guard Regulation (NGR 600-21), Chapter 2, Paragraph 1, 22 May 2017.
- f. National Guard Bureau Directive – Interim Guidance to Supplement CNGBM 9601.01- Reforms to Counter Sexual Harassment in the National Guard, 21 December 2022.
- g. Chief National Guard Bureau Memorandum 9601.01, 25 April 2017.
- h. DoD Instruction (DoDI) 1020.03, Harassment Prevention and Response in the Armed Forces, 8 February 2018, incorporating Change 1, 29 December 2020.
- i. DoDI 1350.02, DoD Military Equal Opportunity Program, 4 September 2020.
- j. DoD Retaliation Prevention and Response Strategy Implementation Plan, January 2017.

2. Policy: The Oklahoma National Guard does not tolerate or condone harassment of any kind, including sexual harassment. Harassment jeopardizes combat readiness and mission accomplishment, weakens trust within the ranks, and erodes unit cohesion. Harassment is fundamentally at odds with the obligations of Service members to treat others with dignity and respect.

3. Department of Defense Definition:

- a. Sexual harassment

POLICY MEMORANDUM 23-21 (CONT'D)

(1) Conduct that:

(a) Involves unwelcome sexual advances, requests for sexual favors, deliberate or repeated offensive comments or gestures of a sexual nature when:

(1) Submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career.

(2) Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person; or

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

(b) Is so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the environment as hostile or offensive.

(2) Any use or condonation, by any person in a supervisory or command position, of any form of sexual behavior to control, influence, or affect the career, pay, or job of a member of the Armed Forces.

(3) Is any deliberate or repeated unwelcome verbal comments or gestures of a sexual nature by any member of the Armed Forces or civilian employee of the Department of Defense.

b. There is no requirement for concrete psychological harm to the complainant for behavior to constitute sexual harassment. Behavior is sufficient to constitute sexual harassment if it is so severe or pervasive that a reasonable person would perceive, and the complainant does perceive, the environment as hostile or offensive.

c. Sexual harassment can occur through electronic communications, including social media, other forms of communication, and in person.

4. Applicability: This policy applies to all Soldiers, Airmen, civilians, and contractors, on and off duty. Any person(s) who files or witnesses an Equal Opportunity/Equal Employment Opportunity complaint will not be subject to retaliation at any level at any time. Leaders at all levels are responsible for upholding the policies of the Oklahoma National Guard. Violations thereof may result in administrative or disciplinary actions up to and including termination.

POLICY MEMORANDUM 23-21 (CONT'D)

5. Employees who wish to file a sexual harassment complaint should contact their Chain of Command/Supervisor, Brigade or Wing Equal Opportunity Advisor, or the State Equal Employment Manager (SEEM) within the timelines applicable to their employment status.

a. Title 32 (Traditional Guard, Active Guard Reserve (AGR), Active Duty for Operational Support (ADOS)) – 180 days from the date of the last occurrence.

b. Title 5 Civilian employees and Title 32 Federal Technicians – 45 days from the date of the last occurrence.

c. Title 10 (Active Duty) – 60 days from the date of the last occurrence.

6. Individuals subjected to acts of sexual harassment may contact a Sexual Assault Prevention and Response (SAPR) professional for limited services including crisis intervention, safety assessments, referrals to resources, support in filing retaliation complaints, support in obtaining Military Protective Orders (MPOs), and Civilian Protective Orders (CPOs). Military members may also be eligible for Special Victims' Counsel (SVC) consultation and representation.

7. All commanders and supervisors will ensure the widest possible dissemination of this policy to their personnel and ensure the policy is posted on bulletin boards.

8. This policy memorandum supersedes Policy Memorandum 19-13, dated 1 July 2019.

9. Additional reporting and complaint avenues may be found at internal website [Diversity, Equity, and Inclusion \(sharepoint-mil.us\)](https://sharepoint-mil.us) and public website <https://ok.ng.mil/Resources/Diversity-Equity-and-Inclusion-Office/>. Questions regarding this memorandum may be directed to the State Equal Employment Manager at 405-228-5297.



THOMAS H. MANCINO
Major General, OKARNG
The Adjutant General

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