



# Sexual Harassment

*January 2023 – New changes  
NGB DTM 1300.01*



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Maine National Guard  
State Equal Employment Manager



# Sexual Harassment

## The Adjutant General's Policy

### Military Equal Opportunity:

The Maine National Guard (MENG) recognizes the dignity of each employee and the right of employees to work in an environment free from intimidation and harassment. This includes both physical locations and in the digital environment, because sexual harassment seriously undermines the integrity of the workplace and adversely affects employee morale, it is unacceptable, and will not be tolerated. Ensuring a working environment that is free of any form of sexual harassment is both an individual and organizational responsibility at every level of supervision and command. **Simply stated, my policy is "ZERO TOLERANCE".**

--Maj Gen Doug Farnham



# Unlawful Discrimination

## Unequal treatment based on:

- Race
- Color
- National Origin
- Religion
- Sex (sexual orientation, gender, gender stereotyping, gender identity, pregnancy)
- Harassment (Includes sexual harassment, hazing, bullying)



*\*In addition, Civilian Employees can not be discriminated based on:*

- Age
- Disability
- Genetic Information



# Sexual Harassment

## Sexual Harassment

Why do we keep talking about it?





# Sexual Harassment

**WE KEEP TALKING ABOUT IT BECAUSE IT KEEPS HAPPENING!**

*\*Did you know??*

- In the past five years, most of the MENG's EO complaints have been for sexual harassment
- Most Soldiers/Airmen who are victims of sexual harassment leave our organization
- Many Soldiers/Airmen have lost jobs and ruined their careers for engaging in sexual harassment



# Sexual Harassment

A form of **gender discrimination** that involves unwelcome sexual advances, favors, and other verbal or physical conduct of a sexual nature when:

- Submission or rejection is made a term or condition of a person's job, pay, career
- Submission or rejection is used as a basis for career or employment decisions
- Conduct interferes with an individual's work performance
- Conduct creates an intimidating, hostile, or offensive work environment

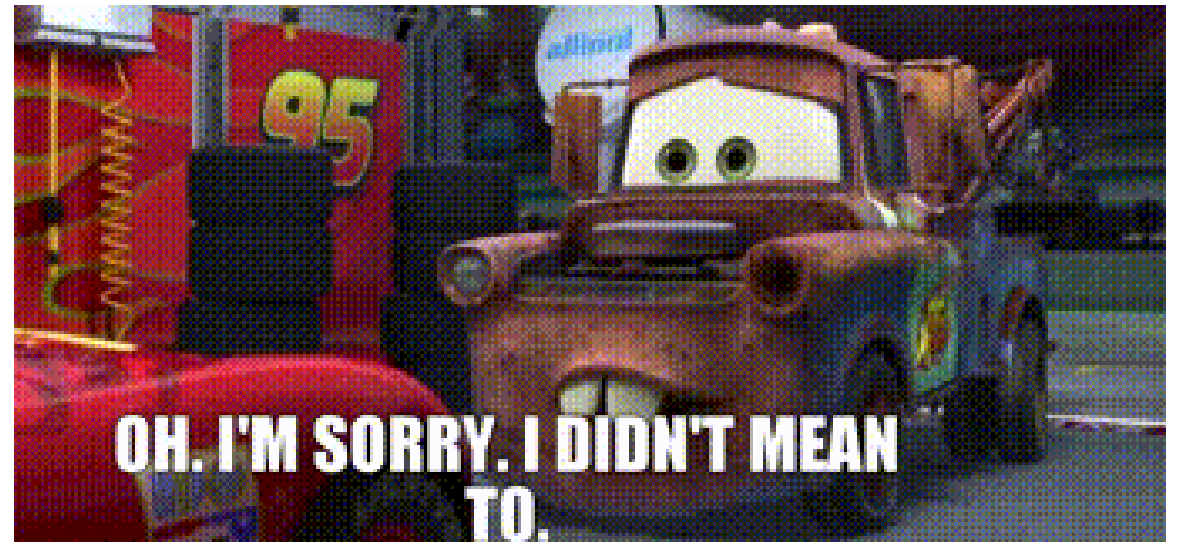
Sexual Harassment can happen to both Females AND Males





# Offensive Behavior

Defined by the impact on a reasonable person who feels offended, **NOT** by the intent of the offender *(think before you speak/act)*





# Types of Sexual Harassment

- **Quid pro quo** – “this for that”

Conditions placed on a person’s career in return for sexual favors

- **Hostile Environment**

Soldiers or civilians subjected to offensive, unwanted, and unsolicited comments or behaviors of a sexual nature and these behaviors interfere with work performance







# Sexual Harassment Behaviors

## 1. Verbal

- Jokes, sexually explicit profanity, describing physical appearance, terms of endearment

## 2. Nonverbal

- Staring, licking lips suggestively
- Displaying sexually explicit pictures or screen savers
- Sexually oriented e-mail, notes, printed material, etc.

## 3. Physical

- Touching, patting, pinching, blocking passage
- Sexual Assault is an extreme form





# When Do the Policies Apply?

- ❖ Both on and off post
- ❖ During duty and non-duty hours **24/7**
- ❖ To working, living, and recreational environments
- ❖ Active Duty, Reserve, and National Guard (T32)
- ✓ **SOCIAL MEDIA** –*think before you post!*





# When Do the Policies Apply?

## ***Social Media:***



*!!!!BE MINDFUL of what you post and comment on with Social Media!!!!*



*You can and WILL be held accountable.*

**Numerous MENG discrimination complaints originate from social media!**



# Supporting EO Policies

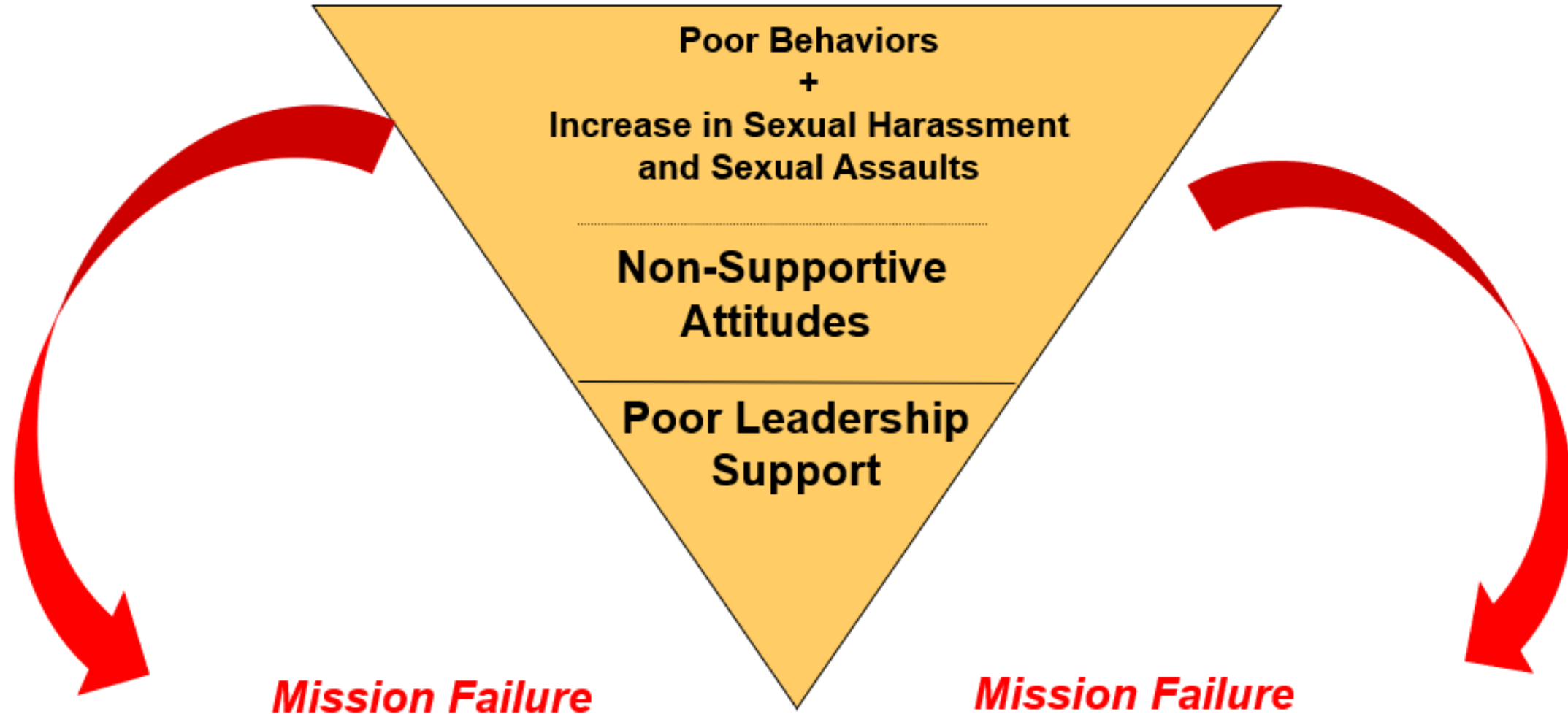
**Preventing Sexual Harassment is  
Leadership driven!**

*“The culture of an organization is  
shaped by the worst thing the leader is  
willing to tolerate”*



# Leader Support

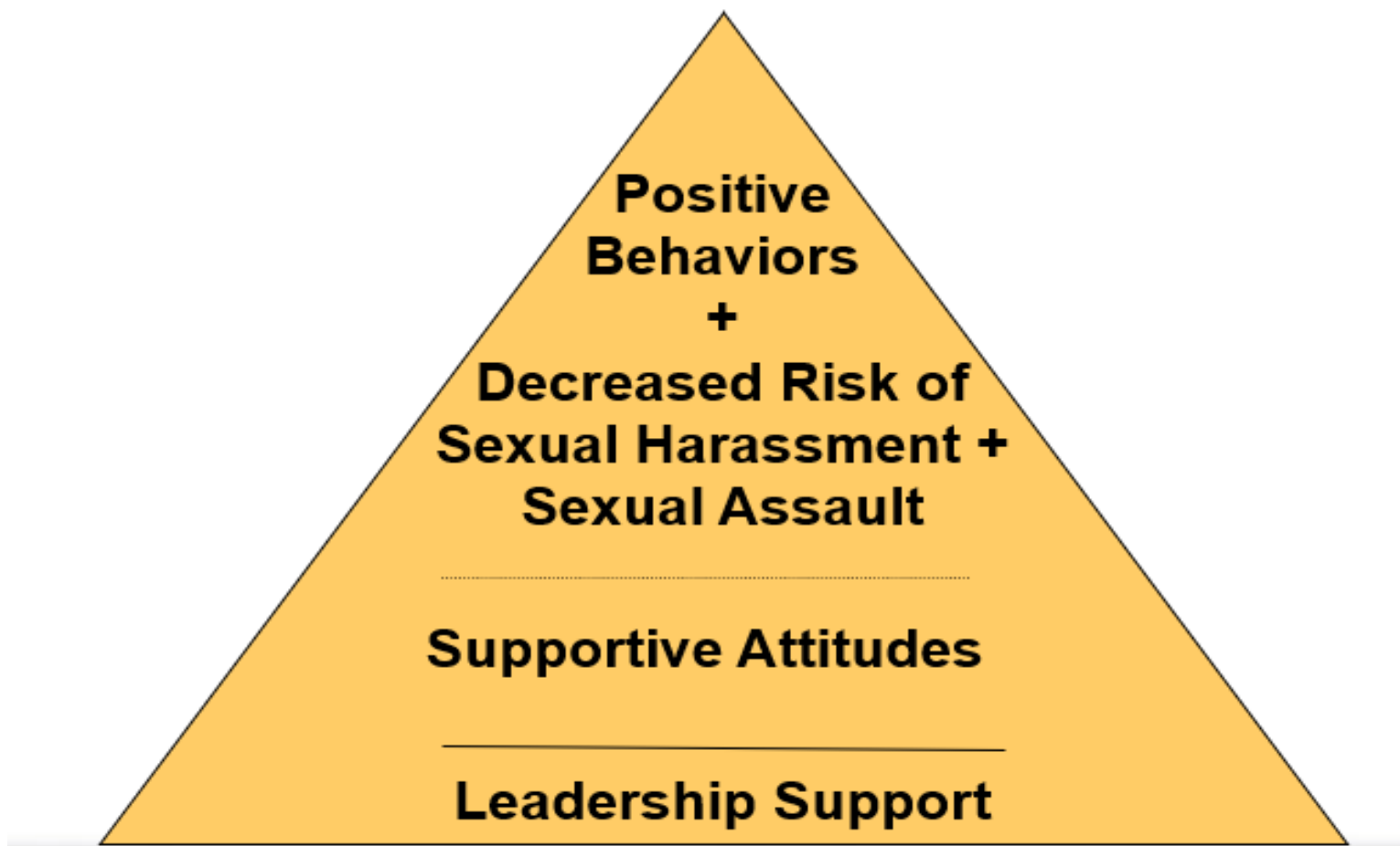
## Mission Accomplishment





# Leader Support

## Mission Accomplishment







# Response Strategies

✓ Minor issues are best resolved at the lowest level !!!!

If you are being subjected to an Offensive Behavior:

- ❑ Indirect Approach
- ❑ Direct Approach
- ❑ Third Party Assistance / SARC or Victim Advocate
- ❑ Chain of Command
- ❑ File a complaint with your EO Professional
  - Brigade EO Advisor
  - State Equal Employment Manager





# Filing a Sexual Harassment Complaint

- **T32 (Traditional Guardsmen, AGR, ADOS)** - 180 days of the last occurrence
- **T5 (civilians) or Technicians** - 45 days from the date of the last occurrence
- **T10 (Active Duty)** - 60 Days from the date of the last occurrence

## *Who can help resolve your issue?*

- Unit EO Leader (EOL)
- Chain of Command / Supervisor
- Commander / 1SG
- Brigade or Wing EO Advisor/Director
- State Equal Employment Manager (SEEM)



# EO Complaint Process (T32 Traditional Guardsmen)

## Resolve the Issue at the Lowest Level

- Resolve minor incidents before an official complaint is filed
- Resolved MUCH faster

*\*Alternate Dispute Resolution (ADR) (voluntary)*

## Informal Request for Resolution (IRR) – NGB Form 333

Complaint received by Commander/Equal Opportunity Advisor/SEEM within 180 days of alleged incident of discrimination

- **This is an official complaint that will ruin a Soldiers / Airmen career if substantiated!**
- Subject to Timelines
  - State has 60 days to Complete the Investigation
  - Commander has 30 days to review it
  - Complainant is issued a Notice of Proposed Resolution (NPR) NLT 90 days.

*\*Only the SEEM or Brigade EO Advisor can file and process an EO Complaint*



# EO Complaint Process (T32 Traditional Guardsmen)

## Formal Request for Resolution (FRR)

- If the complainant is not satisfied with the Informal Request for Resolution (IRR) process..*(not the outcome of the process)*
  - Soldier has a Right to file a Formal Complaint (FRR)
- Sent to the National Guard Bureau (NGB)
- NGB reviews the informal complaint and decides if a new inquiry/investigation needs to be conducted
- If informal was not handled properly, a formal inquiry will be conducted
- **This is a safeguard for the Soldier** if they feel the informal complaint was not handled properly



# Recent Changes (NGB DTM 1300.01.01)

## EOA or SEEM is responsible to conduct complaint intake procedures

- SARC has a consultative role of the Soldier/Airmen filing a **sexual harassment complaint**
- Soldier/Airman can receive limited services through the SAPR program
- The victim can meet with a victim advocate first, inform them of the sexual harassment, and choose not to report it (similar to a restricted report of a sexual assault)



## Sexual Harassment Complaint Investigations

- Commanders will appoint investigating officers (IOs) from OUTSIDE the alleged offender's assigned BRIGADE-SIZED element or wing
- Investigations will be processed IAW CNGBM 9601.01 (no change)





# Recent Changes (NGB DTM 1300.01.01)

## Administrative Flagging of the Offender

- Commanders will ensure all alleged offenders are administratively flagged ASAP
- The flag will remain in effect until the MEO process is complete
- **Commanders who allow favorable personnel actions when the person should have been flagged** WILL THEMSELVES BE SUBJECT TO POSSIBLE DISCIPLINARY ACTION

## Publishing of Disciplinary Actions

- Commanders will publish the nature and results of all judicial, non-judicial, and/or administrative actions taken against the offender of a substantiated complaint and disseminate this info to troops via unit newsletters, bulletin boards, and other communication channels

## Substantiated Complaints

- If a MEO complaint is substantiated, Commanders WILL ENSURE the offender's evaluation is documented to show he/she did not support EO policies during the rated period. If the Soldier is and E4 or below, the Commander will document the substantiated complaint in a reprimand filed in the offender's Official Military Personnel File (OMPF)





# Implications for Violating EO Policy

- Administrative Actions
- Mandatory Counseling
- Additional Training
- Denial of certain Privileges
- Rehabilitative Transfer
- Adverse Performance Evaluations
- General Officer Letter of Reprimand (GOMOR)
- Relief for Cause
- Bar from Reenlistment
- Separation

*\*Having a legitimate EO Complaint that is substantiated through an inquiry/investigation **WILL** ruin your career no matter what rank you are*

*\*A complaint that is not legitimate will be found unsubstantiated through the inquiry/investigation*

*\***Any soldier who submits false information** during a complaint will be held accountable (this includes someone knowingly filing a false complaint)*



# Military Whistleblower Protection Act

How does this protect a Soldier who files a complaint?

- No person will restrict a member of the Armed Services from making a protected communication
- Soldiers will be free from reprisal

***Note: The Soldier subject to reprisal (the complainant) must make a first person complaint to an IG within 1 year of becoming aware of the personnel action taken or threatened***



# Remember..

*As leaders we are entrusted with the Blood Treasure of American Citizens*

**If a Soldier volunteers to serve in the Military, they Deserve:**

- A place of work they can feel **SAFE**
- A place of work they can be treated with **Dignity**
- A place of work they can feel as **Part of a Team**
- A place of work **Free of Discrimination**
- A place of work **Free of Sexual Harassment and Sexual Violence**
- **Take part in All Opportunities** our organization has to offer



# MENG Equal Opportunity Contacts

**MENG**  
**State Equal Employment  
Manager**  
**Mr. Daniel Dubay**  
[Daniel.s.dubay.mil@army.mil](mailto:Daniel.s.dubay.mil@army.mil)  
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**MEARNG**  
**Military Equal Opportunity**  
**CW4 Daniel Dubay**  
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**MEANG**  
**Equal Opportunity Director**  
**Lt Col Emily Sevigny**  
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**JFHQ**  
**Equal Opportunity Advisor**  
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**52D TC**  
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**CW3 Jennifer Paradis**  
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**120 RSG**  
**Equal Opportunity Advisor**  
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# COMMANDER'S EQUAL OPPORTUNITY PROGRAM

## EO COMPLAINT CHECKLIST

- Complaint received by Commander/Equal Opportunity Advisor/SEEM within 180 days of alleged incident of discrimination
- Complaint provided to lowest level commander (with authority over the subject of the complaint) immediately to attempt resolution\*
- If complaint cannot be resolved by the Chain of Command the allegations will be recorded on NGB Form 333 and filed with NGB EO Case Management for tracking
- Commander and EOA will:
  - Acknowledge receipt of the IRR to the complainant in writing within 7 days (EOA)
  - Appoint an Inquiry Official of equal or higher rank than the Subject (Cdr)
  - Initiate a Commanders Reprisal Prevention Plan which is briefed to and signed by all parties involved in Inquiry (complainant/subject/witnesses)
  - Report complaints of discrimination/harassment to the SEEM for tracking (Cdr or EOA)
- Inquiry Official has 60 days to conduct a Leaders Inquiry and provide the report to the Subjects Commander
- The Commander has 30 days to review the report and develop a Notice of Proposed resolution (NPR)
- Complainant is provided with the NPR and notified they have 30 days to accept or reject the NPR and file a Formal Resolution Request

\*Resolution should be attempted continuously throughout the inquiry process

## COMMANDERS PROGRAM REQUIREMENTS

- Publish and post Commanders EO Policy
- Publish and post Unit Harassment Prevention and Response Policy
- Appoint unit EOA (O-6 level) or EOL (O-5 level and below) in writing
  - Ensure EO staff are trained or are scheduled to attend required training at the earliest possible date
- Have a unit EO Bulletin Board posting information required by OIP
- Include Annual Anti-Harassment and EO training in the YTC
  - Record unit completion of training in DTMS
- Conduct Command Climate Survey (DEOCS) within 180 days of taking command and every two years thereafter
  - Develop Summary and EO Action Plan based on CCA results
  - Brief Summary and Action Plan to next higher command within 60 days of completion of the survey
- Work with EO Officer to provide data for the Annual Narrative Statement Report NLT 15 December annually
- Follow complaint procedures as outlined in CNGBM 9601.01
  - Forward complaints and records to SEEM for tracking and record maintenance
- Publicize Special Observances and encourage unit participation
  - Host one Special Observance per year (O-6 level)
  - Select participants for Diversity and Inclusion Committee