



JOINT FORCE HEADQUARTERS - COLORADO
COLORADO NATIONAL GUARD
6848 SOUTH REVERE PARKWAY,
CENTENNIAL, COLORADO 80112-6709

NGCO-EEO

17 August 2022

MEMORANDUM FOR All Personnel

SUBJECT: Colorado National Guard (CONG) Anti-Harassment Policy

1. Applicability and guidance for this policy comes from Title VII of the Civil Rights Act of 1964, as amended, and implemented by the following:

- a. 29 CFR, Part 1614, Federal Sector Equal Employment Opportunity
- b. DOD Directive 1440.1, Department of Defense Civilian Equal Employment Opportunity Program
- c. CNGBM 9601.01, National Guard Discrimination Complaint process.
- d. NGR 600-21, Equal Opportunity Program in the Army National Guard.
- e. ANGI 36-, 7 Air National Guard Military Equal Opportunity Program
- f. NG Pam 600-22, Investigating Military Discrimination Complaints
- g. AFI 36-2706, Equal Opportunity Program Military and Civilian
- h. AR 600-20, Army Command Policy

2. The Colorado National Guard (CONG) is committed to maintaining a work environment that is free of discrimination and does not tolerate or condone harassment in any form. Harassment destroys the command climate of an organization by eroding the basic tenants of trust and discipline. All military leaders and civilian supervisors must set the example and ensure all Soldiers, Airmen, and civilian employees are aware of and comply with the acceptable standards of conduct. The personal involvement of every commander, manager, and supervisor is necessary to ensure the complete implementation of this policy and making your personnel aware of the channels available to report perceived or actual instances of harassment. These channels include the chain of command, Equal Employment Opportunity (EEO) professionals, Equal Opportunity (EO) Advisors/Leaders, Human Resources' Labor and Employee Relations professionals, and the Inspector General.

3. Harassment is behavior that is unwelcome or offensive to a reasonable person, whether oral, written, or physical, that creates an intimidating, hostile, or offensive environment. It may include offensive jokes, epithets, ridicule or mockery, insults, displays of offensive objects or imagery,

stereotyping, intimidating acts, veiled threats of violence, threatening or provoking remarks, racial or other slurs, derogatory remarks about a person's accent, or displays of racially offensive symbols. Harassment includes discriminatory harassment, sexual harassment, hazing, bullying, and stalking. Harassment can be oral, visual, written, physical, or electronic.

a. Sexual harassment is defined as any unwelcome conduct of a sexual nature or "quid-pro-quo" such as influencing, offering to influence, or threatening the career of another person in exchange for sexual favors. No one should subject another employee to any unwelcome conduct of a sexual nature. This includes both unwelcome physical touching, blocking, staring, making sexual gestures, making or displaying sexual drawings or photographs, and unwelcome verbal conduct, such as sexual propositions, slurs, insults, jokes, and other sexual comment.

b. Other harassment is defined as unwanted, persistent attacks that can intimidate, isolate, and/or create a hostile environment. Harassment also includes hazing, bullying, stalking, and discriminatory.

1) **Hazing** is defined as any conduct whereby an individual recklessly or intentionally causes another individual to suffer (physically, verbally, or psychologically); or exposes them to any activity that is cruel, abusive, humiliating, oppressive, demeaning, or harmful. Soliciting or coercing another individual to participate in such activity is also considered hazing.

2) **Bullying** is defined as any conduct whereby an individual intends to exclude or reject another individual through cruel, abusive, humiliating, oppressive, demeaning, or harmful behavior, which results in diminishing the other person's dignity, position, or status. The willingness of any participant is irrelevant; therefore, expressed, or implied consent to prohibited behaviors is not a defense to hazing/bullying violation. Examples of harassment include using racial/ethnic/national origin slurs, offensive stereotypes, "blood stripes" rites of passage, or inappropriate joking relating to an employee's disability, physical characteristics, religion, or age.

3) **Stalking** is defined as wrongfully engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety, or the safety of others. Stalking may occur via email, telephone, text messaging, microphones and cameras, or electronic tracking. Stalking may include following, spying on, leaving unwanted items, making direct threats to harm an individual, posting information or spreading rumors about an individual on the internet, in a public place, or by word of mouth.

4) **Discriminatory** harassment is verbal or physical conduct that demeans or shows hostility, or aversion, toward an individual, or group, because of his/her/their race, color, sex (including gender, sexual orientation, or pregnancy), national origin, religion, age, disability (mental or physical), genetic information, or because of retaliation for engaging in protected activity.

4. If you are a victim of harassment, you are requested and encouraged to bring this to the attention of a supervisor or management official and/or make a complaint to your local Inspector General (IG), Equal Opportunity (EOA/L) advisor/leader, EEO Office, or Labor Management Specialist. It is the CONG's policy that all avenues of redress will provide prompt, thorough,

and impartial investigations into the alleged harassing behavior(s). All information surrounding the reporting of the harassment, including those initiating the claim, will be kept confidential to the extent possible consistent with a thorough and impartial investigation. In the instance where it is determined that harassment has indeed occurred, the CONG will take immediate and appropriate corrective action.

5. Personnel who observe harassment of another employee are encouraged to report this to someone in your supervision or chain of command. While leadership will seriously consider all complaints, anonymous complaints pose a unique challenge, and will in most cases be referred to the chain of command/supervision for appropriate inquiry. Procedural requirements for making complaints vary based on the employment status of each employee as well as the type of harassment involved. No reprisal, retaliation, or other adverse action will be taken against any employee for making a “good faith” complaint, or reporting harassment, or for assisting in the investigation of any such complaint. Any suspected retaliation or intimidation should be reported immediately to one of the persons described above.

6. The CONG will promptly and thoroughly examine any complaint or report of a violation of this policy. A thorough inquiry can sometimes involve an official investigation, which can take several weeks in some cases. You may, at any time, ask the person to whom you complained or reported an issue about the status of the inquiry. If an inquiry or investigation shows a violation of this policy, the CONG will take prompt corrective action, which may include disciplinary and remedial actions. Depending on the circumstances and the status of the employee, the disciplinary action may range from a warning to a discharge. A complaint or report that this policy has been violated is a serious matter. Dishonest complaints or reports are also against policy and the CONG will take appropriate corrective action if its inquiry or investigation reveals that deliberately dishonest and bad faith accusations have been made.

7. It is my intent that all personnel at every level be trained to recognize sexual harassment and to understand their responsibility for preventing it. Individuals who are harassed are encouraged to make it clear that such behavior is unacceptable and should report the occurrence of harassment immediately. It is the responsibility of every leader to ensure that any instance of harassment is dealt with swiftly, fairly, and in accordance with applicable regulatory guidance.

8. The point of contact for this memorandum is the Human Resources Office 720-250-1160.

LAURA CLELLAN
Brigadier General, CONG
The Adjutant General