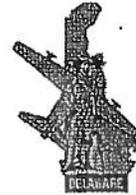




STATE OF DELAWARE
DELAWARE NATIONAL GUARD
JOINT FORCE HEADQUARTERS
FIRST REGIMENT ROAD
WILMINGTON, DELAWARE 19808-2191



NGDE-TAG

25 August 2010

MEMORANDUM FOR All Delaware National Guard Personnel

SUBJECT: TAG Policy Memorandum No. 5 - Sexual Harassment

1. Sexual harassment is a form of discrimination on the basis of sex. Through training and awareness programs, the Delaware National Guard continues to attempt to eliminate the occurrence of sexual harassment; however, this unacceptable behavior still occurs in the Delaware National Guard. The Delaware National Guard will strive for a "zero tolerance" policy in regards to sexual harassment for all employees and contractors.
2. Sexual harassment violates the fundamental policy of the Army and Air Guard to provide equal opportunity and treatment to all of its members. Sexual harassment refers to conduct which is offensive to an individual or group. Sexual harassment harms morale and can have an adverse impact on mission readiness. Sexual advances, requests for sexual favors, and/or other verbal or physical conduct constitute sexual harassment when the following occur:
 - a. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual (such as hiring, promotions, or continued employment in the organization).
 - b. Such conduct interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment.
3. Sexting, which is defined as utilizing electronic devices to make sexual comments about someone or their activities, is a result of advances in technology which enables new forms of social interaction. This is a form of expression in which material can be easily and widely promulgated over which the originator has no control. If any employee is found to be sending, receiving or forwarding these types of electronic data, they may face administrative or legal penalties.
4. In accordance with Title VII of the 1964 Civil Rights Act, engaging in sexual harassment is in direct violation of the law and can be subject to administrative or legal penalties under Equal Employment Opportunity Commission (EEOC) guidelines, TPR 715 or UCMJ.
5. Specifically, any commander, manager, or supervisor who uses implicit or explicit sexual behavior to control, influence, or affect the career, pay, grade/rank, or position of an individual is engaging in sexual harassment. Similarly, any individual who engages in offensive behavior (i.e., declined but repeated sexual flirtations, advances, or propositions; repeated verbal abuse of a sexual nature; explicit or degrading verbal comments about another individual's abilities based upon his/her sex; or any offensive or abusive contact) is also engaging in sexual harassment. In

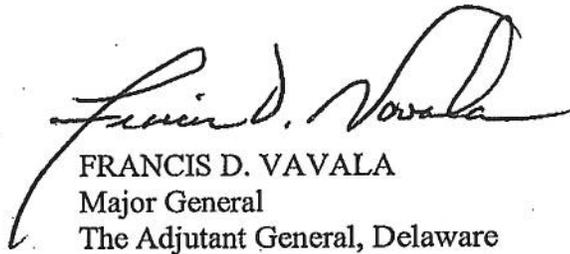
NGDE-TAG

SUBJECT: TAG Policy Memorandum No. 5 – Sexual Harassment

addition, any individual who is in a command or supervisory position and becomes aware of a situation described above and fails to take appropriate action to address the situation can also be charged with sexual harassment per existing regulations NGR 600-22 and ANGI 36-3.

6. It is the policy of the Delaware National Guard to ensure that all of our personnel and assigned contractors work in an environment that is free of all forms of discrimination to include sexual harassment. Individuals who feel that they are sexually harassed by either a supervisor or their co-workers should make it clear that such behavior is unacceptable and this behavior will be reported if the behavior continues. Individuals who feel that they may have been sexually harassed have the option of filing either an informal or formal complaint and report the harassment to an Equal Employment Opportunity (EEO) counselor, the state Human Relations Equal Opportunity (HREO) Officer or State Equal Employment Manager (SEEM). Commanders and Supervisors who become aware of incidents of sexual harassment will take immediate action to address this unacceptable behavior.

7. The proponent for this policy is the State Equal Opportunity Manager, MSgt Bonnie Webb, 302-326-7117.



FRANCIS D. VAVALA
Major General
The Adjutant General, Delaware