



DEPARTMENTS OF THE ARMY AND THE AIR FORCE  
JOINT FORCE HEADQUARTERS, KENTUCKY NATIONAL GUARD  
BOONE NATIONAL GUARD CENTER, 100 MINUTEMAN PARKWAY  
FRANKFORT, KENTUCKY 40601-6168

NGKY-TAG

8 March 2023

MEMORANDUM FOR All Members of the Kentucky National Guard, T32 Technicians and T5 Employees

SUBJECT: Sexual Harassment

1. This policy memorandum supersedes all previous editions.
2. References:
  - a. Interim Guidance Memo to Supplement CNGBM 9601.01 – Reforms to Counter Sexual Harassment in the National Guard.
  - b. CNGBI 1400.25, Volume 752 National Guard Technician and Civilian Personnel Discipline and Adverse Action Program, 08 November 2021.
  - c. DoDI 1020.03 Harassment Prevention and Response in the Armed Forces Effective 8 February 2018, Change 2 Effective 2 December 2022.
  - d. DoDI 1020.04 Harassment Prevention and Responses for DoD Civilian Employees, Effective 30 June 2020.
  - d. KYNGI 9600.01, Kentucky National Guard Joint Civilian Discrimination Complaint Instruction, 10 December 2019.
  - e. AFI36-2406, Officer and Enlisted Evaluation Systems, 14 November 2019.
  - f. NGR 600-21, Equal Opportunity in the Army National Guard, 22 May 2017.
  - g. AR 623-3, Evaluation Reporting System, 14 June 2019.
  - h. CNGBM 9601.01, National Guard Discrimination Complaint Process, 22 May 2017.
3. It is my policy that all personnel should be able to enjoy a work atmosphere free from all forms of discrimination and harassment, including sexual harassment. Sexual harassment infringes on an individual's right to a comfortable work environment and is a form of misconduct that undermines the integrity of the employment relationship. No employee, male or female, military, T32 technician, or T5 employee, should be subjected to unsolicited and unwelcome sexual overtones or conduct, either verbal or physical, overt or subtle.

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4. Sexual harassment refers to conduct which is offensive to the individual, harms morale and interferes with the effectiveness of our mission. Such conduct is prohibited.

a. Sexual harassment is defined to mean conduct that involves unwelcome sexual advances, requests for sexual favors, and 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 the person.

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

b. Any person in a supervisory or command position who uses or condones implicit or explicit sexual behavior to control, influence, or affect the career, pay, or job of a military member or civilian employee, is engaging in sexual harassment. Similarly, any military member, or civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature is also engaging in sexual harassment.

5. 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.

6. It remains this Department's policy that sexual harassment is unacceptable conduct and will not be tolerated. Immediate disciplinary action will be taken against any employee engaging in sexual harassment. Such action may include suspension, change to a lower grade, removal, and/or other administrative actions.

7. Questions regarding this policy should be addressed to the State Equal Employment Manager, Human Relations/Equal Opportunity Officer (ARNG), or Equal Opportunity Professionals (ANG). Any person who believes that he or she has been the victim of sexual harassment, or who has any knowledge of that kind of behavior, is urged to report such conduct immediately. The conduct should be reported to the chain of command through the following:

a. Ms. Sheila Lawson, State Equal Employment Manager, 100 Minuteman Parkway, Building 100, Frankfort, Kentucky 40601, DSN 667-1274 or (502) 607-1274.

b. LTC Walter N. Shackelford, Human Relations (HR)/Equal Opportunity (EO) Officer,

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Joint Forces Headquarters, Kentucky Army National Guard, DSN 667-1274 or (502) 607-1274.

c. 1<sup>st</sup> Lt Lashonda R. Unseld, Director of Equal Opportunity, 1101 Grade Lane, Building 800, Louisville, Kentucky 40213, DSN 741-4094 or (502) 413-4094.

8. In the event you feel that your concerns are not being adequately addressed, do not hesitate to bring any and all matters in the workplace to my personal attention in accordance with my open door policy.

A handwritten signature in black ink that reads "Haldane B. Lamberton". The signature is written in a cursive style with a large initial "H" and a long, sweeping underline.

HALDANE B. LAMBERTON  
Major General, KYNG  
The Adjutant General