



## Military and Naval Affairs

ANDREW M. CUOMO  
Governor  
Commander-in-Chief

ANTHONY P. GERMAN  
Major General  
The Adjutant General

MNAG-TAG

1 JUN 2016

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Sexual Harassment Policy

1. **Applicability:** This policy is applicable to all members assigned to the State's Organized Militia, including the Army National Guard, Air National Guard, Naval Militia, New York Guard, and all State and Federal employees of the Division of Military and Naval Affairs (Division) and Joint Force Headquarters-NY.
2. Sexual harassment is defined as any unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct of a sexual nature when:
  - a. Submission to the conduct is either explicitly or implicitly a term, or condition, of an individual's employment;
  - b. Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting such individuals; or
  - c. The conduct has the purpose or effect of unreasonably interfering with an affected person's work performance or creating an intimidating, hostile, or offensive work environment.
3. Our Division will not tolerate sexual harassment by any member or employee. Sexual harassment violates acceptable standards of conduct required of all personnel, reduces mission effectiveness and wastes valuable resources. This commitment to the prevention of sexual harassment in the workplace will include providing appropriate training on sexual harassment issues.
4. Sexual harassment is a form of employee and member misconduct. Any employee or member who is found to have engaged in sexual harassment shall be subject to prompt and appropriate remedial and/or disciplinary action, which may include termination or discharge. Supervisors are required to immediately report instances of sexual harassment, discriminatory treatment, workplace harassment or retaliations. Failure to do so will result in disciplinary action, which may include termination and/or discharge.
5. All employees and members are required to cooperate fully with any investigation of alleged violations of this policy. An employee or member who fails to cooperate with an investigation, obstructs an investigation, or who intentionally provides false or malicious information during an investigation, may be subject to appropriate disciplinary action.

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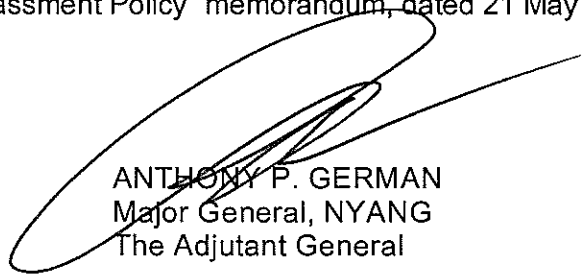
6. No person shall be discharged, disciplined, discriminated against or otherwise subjected to an adverse employment action on the grounds that such person filed a complaint, testified, provided information, or otherwise assisted in any investigation of alleged violations of this policy. Retaliation against any complainant or witness is illegal and any person employed by or a member of the Division who engages in such conduct is subject to disciplinary action and any other consequences the law may provide.

7. Individuals have the right to excel in their position without the threat of sexual harassment or discrimination. A member or employee who believes that he or she has been the victim of sexual harassment or discrimination, or has any knowledge of such behavior is urged to report such conduct immediately.

a. Federal Employees, Soldiers, and Airmen will contact the State Equal Employment Manager, Capt Ashley N. FitzGibbon at (518) 786-4733.

b. State Employees and members of the New York Guard and Naval Militia will contact Affirmative Action Officer, Ms. Susan Schmidt at (518) 786-6143 or State Human Resources Director, Ms. Marilyn Hartley at (518) 786-6156.

8. This policy supersedes "Sexual Harassment Policy" memorandum, dated 21 May 2015.



ANTHONY P. GERMAN  
Major General, NYANG  
The Adjutant General

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