



REPLY TO
ATTENTION OF

TEXAS MILITARY FORCES
Joint Force Headquarters
Adjutant General's Department
Post Office Box 5218
Austin, Texas 78763-5218
512-782-5001

JFTX-EO

1 May 2011

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: (JFTX P11-08) Sexual Harassment Prevention Policy

1. This policy replaces JFTX P08-03; Subject: Sexual Harassment Prevention Policy, dated 1 April 2008.
2. References.
 - a. AR 600-20, Army Command Policy, dated 18 April 2008
 - b. NGR (AR) 690-600/NGR (AF) 40-1614 and NGR (AR) 600-22/ANGI 36-3
 - c. Equal Employment Opportunity Commission (EEOC) 29 CFR 1614 & DoD 1440.1
3. Applicability. This policy applies to all Texas Military Forces (TXMF) personnel regardless of component or department. Specifically, this policy is applicable to all Texas Army and Air National Guard members, all Texas State Guard members, all state civilian employees, all dual status and non-dual status federal technicians, and all non-paid employees of any type.
4. Sexual harassment is unacceptable conduct and adversely affects the good order and discipline within the Texas Military Forces. Leadership at all levels shall create and maintain an environment conducive to maximum productivity and respect for human dignity. Sexual harassment destroys teamwork and negatively affects mission readiness. The TXMF bases its success on accomplishing missions and taking care of the force. Successful mission accomplishment can be achieved only in an environment free of sexual harassment for all personnel. The prevention of sexual harassment is the responsibility of every member/employee of the Texas Military Forces. Leaders set the standard to be followed.
5. Sexual harassment is a form of gender discrimination that involves unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature between the same or opposite genders. 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 member/employee is engaging in sexual harassment. Similarly, any member/employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature is engaging in sexual harassment.
6. Types of Sexual Harassment - Quid pro quo. "Quid pro quo" is a Latin term meaning "this for that". This term refers to conditions placed on a person's career or terms of employment in return for favors. Examples include demanding sexual favors in exchange for a promotion, award, or favorable assignment; disciplining or relieving a subordinate who refuses sexual

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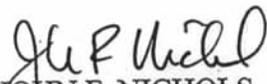
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advances; and threats of poor job evaluation for refusing sexual advances. Incidents of "quid pro quo" may also have a harassing effect on third parties. It may result in allegations of sexual favoritism or general discrimination when a person feels unfairly deprived of recognition, advancement, or career opportunities because of favoritism shown to another member/employee on the basis of a sexual relationship. Hostile environment. A hostile environment occurs when members/employees are subjected to offensive, unwanted and unsolicited comments, or behaviors of a sexual nature. If these behaviors unreasonably interfere with their performance, regardless of whether the harasser and the victim are in the same workplace, then the environment is classified as hostile. A hostile environment brings the topic of sex or gender differences into the workplace in any one of a number of forms. It does not necessarily include the more blatant acts of "quid pro quo"; it normally includes nonviolent, gender-biased sexual behaviors (for example, the use of derogatory gender-biased terms, comments about body parts, suggestive pictures, explicit jokes and unwanted touching).

7. Any individual who feels that they are the victim of harassment or discrimination should report the harassment before it becomes severe or pervasive. When possible, resolution should be attempted through the chain of command or through the EEO Office at (512) 782-5325, the State HR Officer, or the IG Office at (512) 782-5122. Excepted technicians and civilian personnel who experience discrimination must contact an EEO counselor within 45 days of the date of the alleged discrimination; military members have 180 days to file an EO complaint.

8. Individuals who report harassment or discrimination will not be subject to any form of retaliation or reprisal and their privacy will be respected to the extent that it is consistent with applicable military and federal regulations.

9. This policy is punitive in nature. Violation of this policy constitutes a violation of **Texas Government Code (TCMJ), sections 432.137 (Failure to obey an order or regulation) and 432.167 (General Article)**. Persons not adhering to this policy may also be subject to disciplinary action(s) in accordance with additional applicable laws and regulations. Commanders and leaders shall be held accountable for fostering a command and leadership climate which supports and enforces this policy.


JOHN F. NICHOLS
Major General, TXANG
Adjutant General

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CW3/GS/PT/ARNG
JI - Policy Branch

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