



National Guard DACOWITS RFI Q17

Gender Discrimination

Response Provided by:
National Guard Bureau, Office of Diversity, Equity and Inclusion



a. NG Gender / Bias Discrimination Policies



Chief National Guard Bureau Instruction (CNGBI) 9601.01, National Guard Discrimination Complaint Program, 27 September 2015

This instruction establishes policy and assigns responsibility as follows:

- Establishment of a National Guard (NG) Discrimination Complaint Program in accordance with for all NG members serving in Title 32 duty status and all NG technicians employed 32 U.S.C. § 709.
- Identifies responsibilities for civilians who work for the NG and their right, along with the right of NG Service members and people receiving services through NG programs, to file a discrimination complaint on the basis of race, color, national origin, religion, or sex-gender—including sexual harassment—and reprisal concerning prior engagement in protected discrimination process-related activity.



NG Gender / Bias Discrimination Policies



It is National Guard Policy that:

- a. The NG does not condone or tolerate unlawful discrimination or sexual harassment of any kind.
- b. No NG Service member or civilian employee may unlawfully discriminate against, harass, intimidate, or threaten another person on the basis of race, color, national origin, religion, sex-gender, or sexual orientation; sexually harass someone; or seek reprisal against someone who engages in a protected discrimination complaint activity.
- c. The investigation and resolution of unlawful discrimination or sexual harassment complaints are fair, impartial, and timely.
- d. Compliance with this policy is a leadership function. NG personnel serving or employed under references k and f are subject to the command, control, and disciplinary authority of The Adjutant General (TAG) or the Commanding General of the District of Columbia National Guard (CG) regardless of their work location. d. Receipt of Title 32 funding, in whole or part, is contingent upon compliance with the policies and processes set forth within this instruction, under the authority granted in Section 108 of reference k, irrespective of whether the alleged discriminatory conduct falls within a specifically enumerated basis under reference j.



NG Gender / Bias Discrimination Policies



Chief National Guard Bureau Manual (CNGBM) 9601.01, National Guard Discrimination Complaint Program, 25 April, 2017

- Establishes procedural guidance for maintaining the National Guard (NG) Discrimination Complaint Process
- Applicable to all NG personnel serving in a Title 32 status, to include NG technicians when activities occur while the member is in a military pay status, or concerns of fitness for duty in the reserve components.
- Does not apply to beneficiaries of services from the Army National Guard (ARNG) and Air National Guard (ANG) in programs receiving Federal financial assistance
- This manual does not apply to NG Service members serving in a Title 10 status, or to civilian personnel employed in a Title 5 status at State NG facilities, the National Guard Bureau (NGB), the ARNG and ANG Readiness Centers, or all NG field-operating locations



Policies, Regulations and Directives Addressing Gender Discrimination



- DoD Directive 1440.1, 21 May 1987, certified current as of 21 November 2003, “The DoD Civilian Equal Opportunity (EEO) Program”
- DoD Directive 1350.2, 18 August 1995, certified current as of 21 November 2003, “Department of Defense Military Equal Opportunity (MEO) Program”
- DoD Directive 1020.1, 31 March 1982, certified as current 21 November 2003, “Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of Defense”
- AR 600-20, 06 November 2014, “Army Command Policy”
- AF Instruction 36-2706, 05 October 2010, “Equal Opportunity Program Military and Civilian”
- 32 U.S.C. § 709, “Technicians: Employment, Use, Status”
- E.O. 13160, 23 June 2000, “Nondiscrimination on the Basis of Race, Sex, Color, National Origin, Disability, Religion, Age, Sexual Orientation, and Status as a Parent in Federally Conducted Education and Training Programs”
- DoD Directive 5500.11, 27 May 1971, certified as current 21 November 2003, “Nondiscrimination in Federally Assisted Programs”
- DoD Directive 5105.77, 21 May 2008, “National Guard Bureau (NGB)”
- 42 U.S.C., Chapter 21, Subchapter V, “Federally Assisted Programs”



b. Training and Education



In addition to compliance with all Department of the Army and Department of the Air Force training requirements; the National Guard provides a variety of optional training opportunities designed to improve the interpersonal skills of attendees to prevent and mitigate negative attitudes and bias toward servicewomen and all other underrepresented groups.



c. Monitoring, Tracking and Enforcing Compliance



- The National Guard maintains records of all mandatory training requirements.
- Inquiries and complaints of gender bias/discrimination are tracked by individual National Guard military equal opportunity (EO) organizations.
- Formal complaints are also tracked to completion by the National Guard Bureau.



d. Tracking Career Progression and Promotion of Servicewomen



Internal research indicates the following:

- The National Guard regularly reviews demographic data – to include gender representation – across various service member lifecycle events.
- The data is prepared to assist individual National Guard organizations in their accomplishment of barrier analysis.



Commissioned Surveys, Studies or Feedback Solicitation



The National Guard has not conducted or commissioned surveys, studies, or taken other measures to solicit feedback on the specific topic of gender discrimination.