



**STATE OF CONNECTICUT
ADJUTANT GENERAL'S OFFICE
MILITARY DEPARTMENT
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FRANCIS J. EVON, JR.
MAJOR GENERAL
THE ADJUTANT GENERAL

**CONNECTICUT MILITARY DEPARTMENT (CTMD)
MILITIA ANTI-HARASSMENT AND DISCRIMINATION POLICY
CIRCULAR LETTER 2023-01**

PURPOSE

The CTMD is committed to providing an environment in which all people are treated with respect and dignity. It is the duty of all militia members to abide militia standards and to report any occurrence or suspected occurrence of harassment or discrimination. If militia members cannot report, if any reason, through their commanders, they are encouraged to elevate the complaint to the next higher-level of command.

APPLICABILITY

The Connecticut militia is comprised of members of the National Guard, State Guard and Governor's Guard when called-up, organized and ordered to perform State military duty (commonly known as "State Active Duty") under state command – with or without pay. Although militia members are not State employees, CTMD requires militia members to comply with militia standards pertaining to discrimination and harassment as a matter of militia customs and courtesies, good order, and discipline. CTMD investigates complaints of discrimination made by or against militia members through this Militia Discrimination Complaint Process, as detailed in Circular Letter 2023-02, issued separately. Militia members who are found to have committed a discrimination or harassment offense will be processed administratively, which may result in a dismissal for enlisted personnel or the vacating of their commission for officers. Because militia members are not state employees, militia members do not have the same due process that is afforded to state employees (e.g., legal remedy beyond the CTMD/Militia command).

PROHIBITED CONDUCT

State and federal laws that prohibit various forms of discrimination and illegal harassment in employment (e.g., Title VII of the 1964 Civil Rights Act, 42 U.S.C. § 2000e-2(a)(1), and the Connecticut Fair Employment Practices Act, C.G.S. §46a-60et seq.) do not apply to the militia members because they are not employees. The CTMD relies on military authorities to enforce anti-discrimination and harassment standards in the militia. For example, C.G.S. 27-59 prohibits discrimination. "Subject to federal law or regulation governing membership in the National Guard, no person shall be denied membership in the armed forces of the state, nor be discriminated against in the matter of promotion therein, on account of such person's religion, national origin, color, race, sex, gender identity or expression or sexual orientation. No units of such organizations shall be formed, and no separate types of duties or separate accommodations shall be assigned, in such a manner as to result in the segregation of members thereof on account of religion, national origin, color, race, sex, gender identity or expression or sexual orientation, except that accommodations may be assigned consistent with any federal military regulation or service policy."

Under the authority of State law, The Adjutant General is charged in all pertaining to the administration, discipline and command of the militia and is authorized to issue and promulgate enforceable regulations pertaining thereto. Members of the militia are strictly prohibited to engage in discrimination, including sexual harassment and other forms of discriminatory harassment, based on the following legally protected classes: religion, national origin, color, race, sex, gender identity or expression or sexual orientation. Members of the militia are generally prohibited to engage in discrimination, including sexual harassment and other forms of discriminatory harassment, based on the following legally protected classes, subject to the bona fide occupational qualifications applied to militia membership, including physical fitness requirements and the ability to lawfully possess firearms: race; color; religious creed; age; sex; pregnancy; sexual orientation; gender identity or expression; marital status; national origin; ancestry; intellectual disability; genetic information; learning disability; physical disability (including, but not limited to, blindness); mental disability (past/present history thereof); military or veteran status; or criminal record.

“Harassment” means any verbal, physical, graphic or written conduct when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of militia membership;
- Submission to or rejection of such conduct by an individual is used as a basis for an membership decision affecting that individual; or
- Such conduct interferes with another’s militia service or creates an intimidating, offensive or hostile operating environment.

CTMD shall not tolerate discrimination or harassment on the basis of a protected class by anyone, including any militia member, state employee, vendor, client or customer, whether in the area of operations, at assignments outside of a militia activity, at CTMD-sponsored social events or elsewhere.

REPORTING DISCRIMINATION AND HARASSMENT

1. Militia Members – If you believe that you are being harassed or otherwise discriminated against because of your protected class, you should immediately report the harassment/discrimination to commander/higher-level commander or to the CTMD Equal Opportunity Officer (EOO), Ms. Maria Morales-Diaz, Hartford Armory, 360 Broad Street, Hartford, CT 06105, (860) 524-4995, maria.morales-diaz@ct.gov.

2. Witnesses – Any militia member who witnesses harassment or other forms of discrimination prohibited under this policy or becomes aware that another militia member has been subjected to such harassment or discrimination is also urged to immediately report the conduct to your commander or the CTMD EOO.

3. Commanders – Any commander who receives a complaint about prohibited harassment or other forms of discrimination or who believes that someone is engaging in such conduct, are mandated to report it to Ms. Maria Morales-Diaz. Ignoring such conduct is not optional and may subject the commander to disciplinary action.

RETALIATION PROHIBITION

CTMD strictly forbids retaliation against militia members who report discrimination, including harassment, or who participate in internal or external investigations involving such conduct. Militia members shall not retaliate against, coerce, intimidate, threaten, harass, or interfere with any individual exercising or enjoying his or her rights under Federal or State law or because an individual aided or encouraged any other individual in the exercise of rights granted or protected by State or Federal law. All militia members are strongly urged to report all instances of retaliation to a commander or to the CTMD EOO listed above.

INVESTIGATING COMPLAINTS

CTMD takes all complaints and reports of harassment and discrimination seriously. All complaints and reports concerning militia members will be investigated promptly. All militia members are expected to cooperate fully with all administrative complaint investigations and any actions taken by CTMD as a result of such investigations.

CORRECTIVE ACTION

If an investigation confirms that discrimination or harassment prohibited under this policy has occurred, CTMD will take corrective action promptly. Militia members found to have committed harassment or discrimination as defined herein are subject to militia discipline, up to and including separation by discharging enlisted members and vacating the commission of officers for neglecting their duty to treat all persons with dignity and respect. Depending on the specific circumstances, militia members may also be subject to criminal prosecution for harassment-type offenses.

FOR THE GOVERNOR, STATE OF CONNECTICUT, IAW C.G.S., 27-20.

Francis J. Evon, Jr.
Major General
The Adjutant General

Date