

Vermont National Guard
Legislative Report

Fiscal Year 2019



"Sexual Assault and Sexual Harassment; Report"
Vermont Statutes Annotated, Title 20 §427

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STATE OF VERMONT
OFFICE OF THE ADJUTANT GENERAL
789 Vermont National Guard Road
Colchester, Vermont 05446-3099

15 January 2020

MEMORANDUM FOR: THE VERMONT LEGISLATURE

SUBJECT: Vermont National Guard Fiscal Year 2019 “Sexual Assault and Sexual Harassment; Report”

1. As required by law, attached is the eighth annual Vermont National Guard “Sexual Assault and Sexual Harassment; Report” (see Vermont Statutes Annotated, Title 20 §427). This report contains positive indicators regarding the Vermont National Guard programs. Commanders and leaders have created a climate where survivors of sexual assault are coming forward with confidence that their reports will be taken seriously, and knowledge that they will receive the support and care necessary.
2. The Vermont National Guard has a moral obligation to keep our men and women safe from those with intentions to attack their dignity and honor. The Vermont National Guard is unequivocal in its commitment to ensure that survivors of sexual assault, sexual harassment and gender discrimination based on sexual orientation are protected, treated with dignity and respect and provided proper care, while perpetrators are held accountable for their actions.
3. As each year passes, we will continue our commitment to improve our processes, programs and response capabilities to ensure the members of the Vermont National Guard feel empowered to address and intervene without fear of retaliation.

A handwritten signature in black ink, appearing to read "Gregory C. Knight".

GREGORY C. KNIGHT
Brigadier General
The Adjutant General

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Chapter I: Executive Summary

In May 2013, the Governor signed into law a requirement for The Adjutant General (TAG) of Vermont to provide a report on January 15th, 2014 and annually thereafter regarding sexual assault, sexual harassment and discrimination based upon sexual orientation (see Vermont Statutes Annotated Title 20, §427, “*Sexual Assault and Sexual Harassment; Report*”).

This report is divided into four primary chapters: Executive Summary, Reports, Organizational Assessment, and Addendum. The Report section is divided into three subjects: Sexual Assault, Sexual Harassment, and Sexual Orientation Based Discrimination. Each subject covers case statistics with resolution summary. The Organizational Assessment section is divided into three subjects: Awareness, Prevention and Assessment. The Assessment section is divided into four sub sections: Inspection Programs, Defense Equal Opportunity Climate Survey, Unit Risk Inventory and Quarterly Updates.

At the end of Fiscal Year (FY) 2019 (1 October 2018 to 30 September 2019), the Vermont National Guard (VTNG) had approximately 3,300 members. Of those members, about 920 were full-time employees with the remaining as traditional members.

In FY19, the VTNG Sexual Assault Response Coordinator (SARC) tracked three reports of sexual assault in which the incident occurred within FY19 and the accused was a member of the VTNG; one case involved civilian a survivor, the remaining six cases involved military members as survivors. The SARC responded to four additional reports pertaining to incidents which occurred in previous years. In addition, the Equal Opportunity and Diversity (EO&D) Office processed two sexually offensive incidents. No service members filed reports related to discrimination based on sexual orientation.

Definitions.

DoD Definition of Sexual Assault. Intentional sexual contact characterized by use of force, threats, intimidation, or abuse of authority or when the survivor does not or cannot consent. Includes: rape, sexual assault, aggravated sexual contact, abusive sexual contact, forcible sodomy, or attempts to commit these acts (see page 15 for further detail).

VT Statute. Title 13, Chapter 72 includes the felony crimes of sexual assault and aggravated sexual assault, among other crimes related to minors. 13 V.S.A. § 2601a establishes a misdemeanor similar in affect to the military’s definition of “abusive sexual contact.”

Restricted Report. Confidential reporting option that does not include chain of command or an investigation; provides access to counseling, medical, legal and advocacy services.

Unrestricted Report. Need-to-know reporting option that includes chain of command and an investigation conducted by an external agency selected based on jurisdiction and survivor preference; provides access to counseling, medical, legal and advocacy services. *Open with Limited* is a sub-category of unrestricted reports used when the SARC does not have a formal report for an open investigation; most often when there is a military subject and a civilian victim.

Sexual Harassment. Sexual Harassment is a form of sex discrimination that involves unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature (see page 22 for further detail; 21 V.S.A. § 495d uses same verbiage).

Sexually Offensive Incidents. Verbal or physical incidents which are perceived to be of a sexual nature, but do not rise to the definition of harassment or assault. Examples include; comments or jokes, unwanted physical contact or gestures, etc. (see NGVT-HRO-JP-10 VTNG Reporting of Sexually Offensive Incidents, cited on page 25 for further detail).

Informal Resolution Request. Allegation of unlawful discrimination or sexual harassment, made either orally or in writing to the EO/EEO office by an aggrieved person that is not submitted as a formal resolution request. Final case file reviewed by National Guard Bureau (NGB).

Formal Resolution Request. Allegation of unlawful discrimination or sexual harassment that is submitted in writing by an aggrieved person to the EO/EEO Office. Final case file reviewed by NGB.

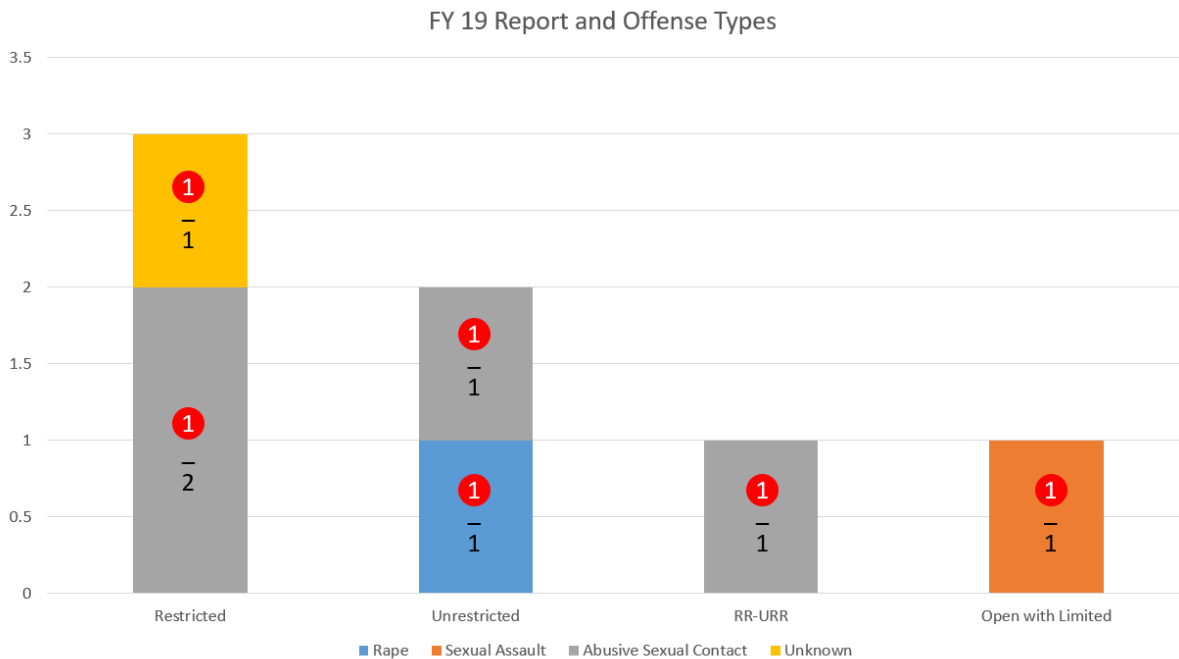
Chapter II: Reports

A. Sexual Assault

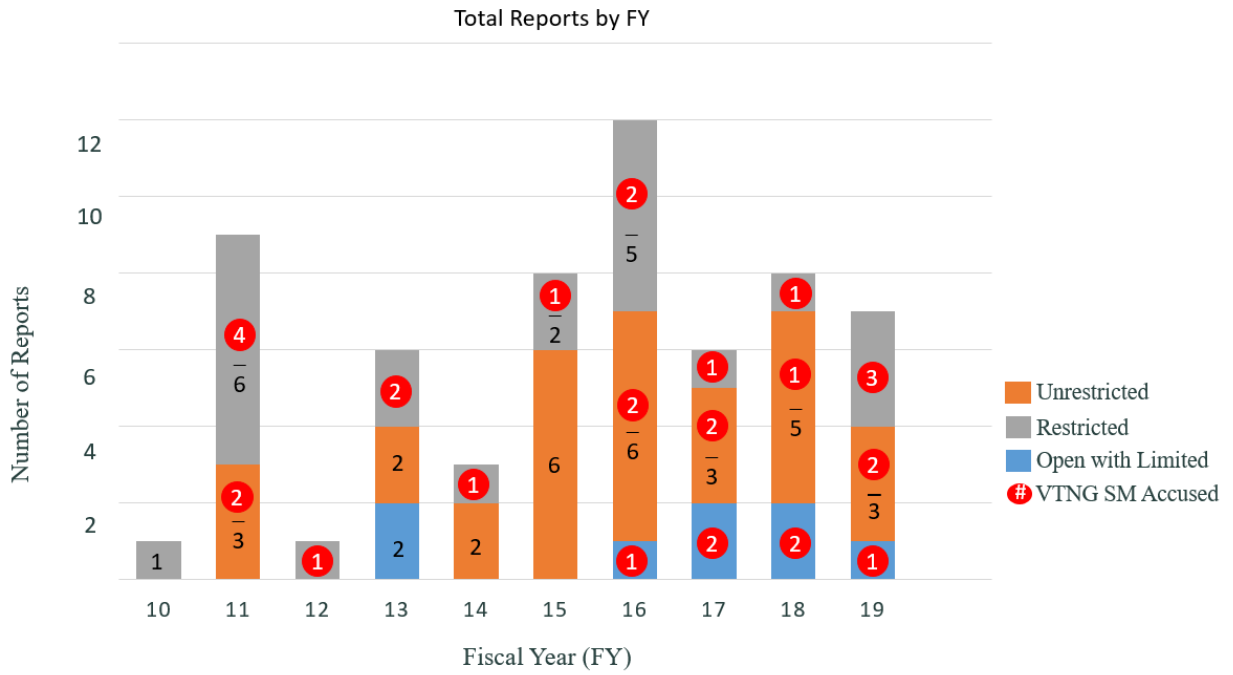
The VTNG accepts reports of sexual assault according to the Department of Defense (DoD) definition referenced above. Section 1631 of the Ike Skelton National Defense Authorization Act for FY2011 (Public Law 111-383) requires the Secretary of Defense to submit to the Committees on Armed Services of the Senate and House of Representatives an annual report on sexual assaults involving members of the Armed Forces during the preceding year, including reports from each of the Military Departments. The statistical data below reflects the reporting information submitted by the VTNG through the Defense Sexual Assault Incident Database (DSAID) and supplemental summary reports for FY19.

1. Current Statistical Data

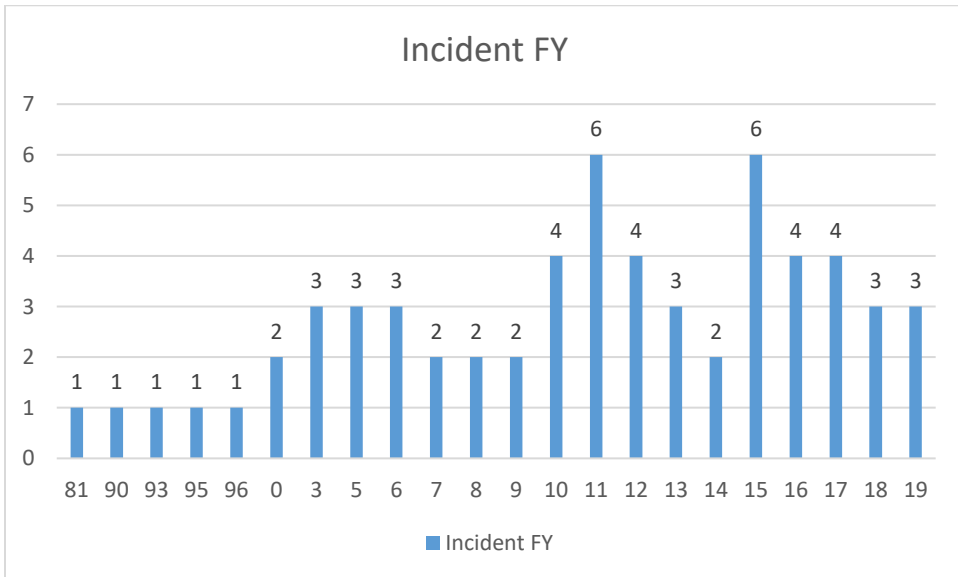
The figures below display the types of sexual assault reports the VTNG received in FY19, broken down by the case type.



Since the inception of the SAPR program in FY10, the VTNG has received the following reports in each FY. Of the seven total reports in FY19, one occurred prior to FY10, three between FY10 and FY18, and three within FY19.



Those same reports are represented by incident year here:



VTNG FY19 Restricted Reporting Data:

Case #	Incident Year	Survivor status time of incident	Accused status at time of incident	Type of Assault	LOD	Referrals
00012	2017	VTNG / F / E-4	VTNG / M / E-8	Ab. Sexual Contact	No	Yes
00001	2003	AD / F / E-4	AD / M / E-7	Ab. Sexual Contact	N/A	Yes
00178	2010	VTNG / F / O-2	VTNG / M / O-5	Ab. Sexual Contact	Not Requested	Yes

VTNG FY19 Unrestricted & Open with Limited Reporting Data:

Case #	Incident Year	Survivor status time of incident	Accused status at time of incident	Type of Assault	LOD	Referrals
00644	2013	VTNG / F / E-4	VTNG / M / E-5	Ab. Sexual Contact	No	Yes
00053	2019	VTNG / F / E-1	VTNG / M / E-1	Rape	N/A	Yes
00409	2019	VTNG / M / O-3	VTNG / F / E-7	Ab. Sexual Contact	N/A	Yes
00672	2019	Civilian / F	VTNG / M / E-4	Sexual Assault	N/A	Yes

VTNG FY19 Disposition Data: Reports Involving Accused VTNG Service Members

Report FY	Case Number	Incident FY	Type of Report	Allegation	Disposition
2017	00315	2017	Unrestricted	Abusive Sexual Contact	NGB OCI substantiated: GOMAR issued, WOFR resulted in OTH Discharge
2017	00062	2016	Open / Limited	Rape	Found guilty of felony in civ court, pending discharge
2018	00440	2016	Unrestricted	Abusive Sexual Contact	OCI Substantiated, two rank reduction, awaiting retirement
2018	00486	2018	Open / Limited	Abusive Sexual Contact	Found guilty in civ court, medically separated
2018	00458	2018	Open / Limited	Aggravated Sexual Contact	Found guilty in civ court, dropped from rolls

2019	00672	2018	Open / Limited	Sexual Assault	Pending civ action, mil action to follow
2019	00409	2019	Unrestricted	Abusive Sexual Contact	Pending command directed investigation
2019	00053	2019	Unrestricted	Rape	Pending Separation

Federalized Reports:

No sexual assault reports were filed involving federalized members in FY19, hence the DoD did not provide any information regarding incidents involving VTNG service members.

B. Sexual Harassment

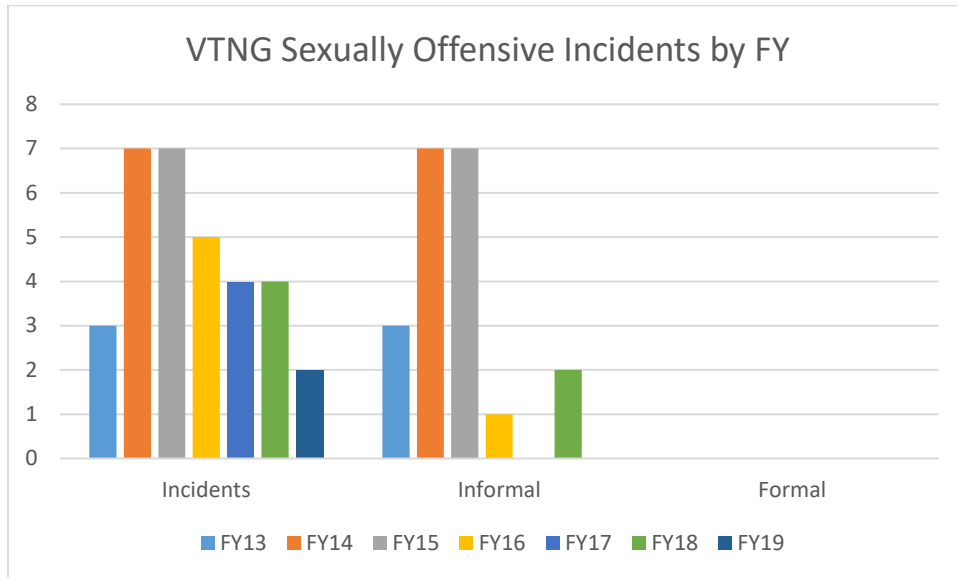
The VTNG reports statistical data for sexual harassment annually in accordance with Public Law 11 2-239, 126 STAT. 1764, Section 579(b) to the National Guard Bureau who consolidates data from each State. During FY19, the VTNG received no sexual harassment cases. The VTNG did receive two reports of sexual offensive incidents. None of these cases included formal discrimination resolution request processing. In accordance with the intent of the person effected, both of the incidents were resolved through leadership inquiry.

Sex based incidents which do not rise to the informal or formal resolution request process as defined in Military National Guard Manual 9601.01 are processed in accordance with VTNG Reporting of Sexual Offensive Incidents policy on form 333-1. Internal incidents are given VTNG Equal Opportunity Case Numbers, i.e. 18-03.

Informal and Formal cases of sexual harassment which initiated a resolution request are subject to National Guard Bureau Complaints Management Division and assigned a case number. The State Equal Employment Manager obtains the number and must send the final disposition to the Guard Bureau for closure, i.e. NGB EO Case I-2018-127-MI-A-S.

A formal punitive counseling results in an unfavorable written record. The counseling establishes a record which could form the basis for aggregated discipline, transfer or barring from certain positions, or an evaluation of “unsatisfactory” on performance measures for failing to supporting the Adjutant General’s Diversity and Inclusion Policy. The individual cases depicted below offer a summary of response and accountability to incidents of sexual harassment.

VTNG Overall Sexual Harassment and Sexually Offensive Incidents Trends



VTNG FY19 Incident Data

Case Number	Incident Year	Survivor status time of incident	Accused status at time of incident	Incident Description	Disposition
19-01	2019	F / CIV	M / E-5	Unintentionally left voicemail with directed sexually offensive comments	Commander successfully facilitated meeting with Accused and Affected, submitted VTNG 333-1
19-02	2019	F / E-4	M / E-5	Student (CTARNG) made sexually offensive comments to another student (NJARNG)	RTI Commandant discharged Accused student, notified home unit and sent him home.

VTNG FY19 Informal Resolution Request Data

The VTNG received no Informal Resolution Requests in FY19.

Formal Resolution Request Data

The VTNG received no Formal Resolution Requests in FY19.

C. Discrimination Based on Sexual Orientation

Department of Defense Directive 1020.02E, Diversity Management and Equal Opportunity in the DoD effective June 8, 2015 establishes policy and assigns responsibilities to provide an overarching framework for addressing unlawful discrimination and promoting equal opportunity, diversity and inclusion through a multitude of executive orders, directives and policies. The policy added sexual orientation to protected class status and results in treating these issues as with other claims of protected class discrimination.

1. Statistical Data

During FY19, the VTNG received no reported cases of discrimination, hazing or bullying based on sexual orientation.

Chapter III: Organizational Assessment

The VTNG has developed an assessment strategy organized around three Measures of Effectiveness (Lines of Effort) which are pursued through specific Measures of Performance (trainings / events). These are designed to deliberately target protective factors and risk factors of sexual violence as identified by the Center for Disease Control. The VTNG leverages a variety of methods for tracking the prevalence of these factors throughout the organization with the aim to promote protective factors and reduce risk factors (see page 22 for full table of factors).

VTNG SAPR and EO programs are establishing format and baselines. In doing so, this enables for an assessment of the effectiveness of these initiatives towards either reducing the risk or increasing protective factors related to sexual violence in concurrent years.

Measures of Effectiveness & Performance

MOE 1: Inform Vermont National Guard Service members on how to create a climate where all members feel valued in order to promote well-being, connectedness, readiness and lethality.

Event/Effort	Target Audience	Target R/P Factor or Awareness Event
Annual Mandatory Training	All Service Members	(+) Empathy & concern (-) Institutional support (-) General tolerance of SV (-) Weak community norms
Clothesline Display	All Service Members	(+) Empathy & concern
JDEC Newsletters	All Service Members	(-) Weak community norms
Lean In	All Service Members	(+) Empathy & concern
SA Awareness Month Email Blast	All Service Members	(+) Empathy & concern
80 Hour Course	Victim Advocates	(+) Empathy & concern (-) Institutional support
Sandwich Boards @ Units	All Service Members	Awareness Event
Tabling @ Norwich University	Norwich Students, Fulltime Staff, and Service Members	Awareness Event
Posters throughout Facilities	All Service Members	Awareness Event
SAAPM 5k	All Air Members	Awareness Event
Leadership Evolution	Leaders & Influencers	(-) Lack of Accountability (-) Laws: Lack of gender equity

		(-) Institutional support
Business Peer Exchange	SEEM + Recruiting & Retention Office	(-) Laws: Lack of gender equity (-) Institutional support
Organizational Inspection Program	Unit Staff	(-) Institutional support
Special Emphasis Programs	Specific Demographics	(-) Institutional support
Unconscious Bias Training	All Service Members	(-)Traditional Gender norms (-)Hostility towards woman (-)Sexually violent norms
MEND Podcast Through Crime Victim Services	Members of the community	Awareness Event

MOE 2: Protect survivors of sexual assault serving in the Vermont National Guard by providing a trauma-informed response from initial report through resolution in order to promote survivor confidence and resilience.

Event/Effort	Assessment
Lean Ins	Based on the book by Sheryl Sandberg we host these meetings to facilitate discussions on gender equality and organizational improvement.
Air: Community Action Team	This group is focused on improving processes by following the Getting to Outcomes framework
Army: Community Health Promotions Council	This group looks at different aspects of soldier wellness to track trends and bring potential points of improvement to the senior leaders. The group also brings different assets to the table to communicate across programs to provide the best solutions for agency improvement.
Updated Intake Packets	In the process of becoming more trauma informed, we have changed the documentation that is included in our intake packets when a survivor comes in to make reports of sexual assault. We still have the required documentation for a report, but we have taken out some of the documents that aren't necessary for all survivors. We also redesigned the layout to be easier for someone going through a traumatic situation to work out.
SAPR Council	This is a group of survivors who meet quarterly to provide input on program updates, policy changes, and other organizational improvements that could be helpful to survivors who haven't come forward yet, or who those are still in the process.
CATCH Program	The CATCH program is a new option the DoD has released for survivors who make a restricted report. The CATCH program is an anonymous platform that

	allows the survivor to name their offender if the name and rank are known, or they can provide identifying details if the name is not known. Analysts at NCIS look through the data that is collected from the website, and when a match is made it notifies the survivors.
Survivor Debrief with TAG	TAG has an open door policy, so when there is a survivor who has information about their case that would be helpful for TAG to know, or if it is beneficial for their healing to speak to TAG we set up a meeting for the survivor to speak directly to TAG.
NOVA Conference	NOVA is the civilian credentialing agency that our victim advocates go through. Annually they hold a four day conference to continue the education and provide more awareness to all aspects of victim advocacy.

MOE 3: Engage Vermont National Guard Sexual Assault and Legal systems to ensure program and offender accountability in order to promote justice, efficiency and effectiveness.

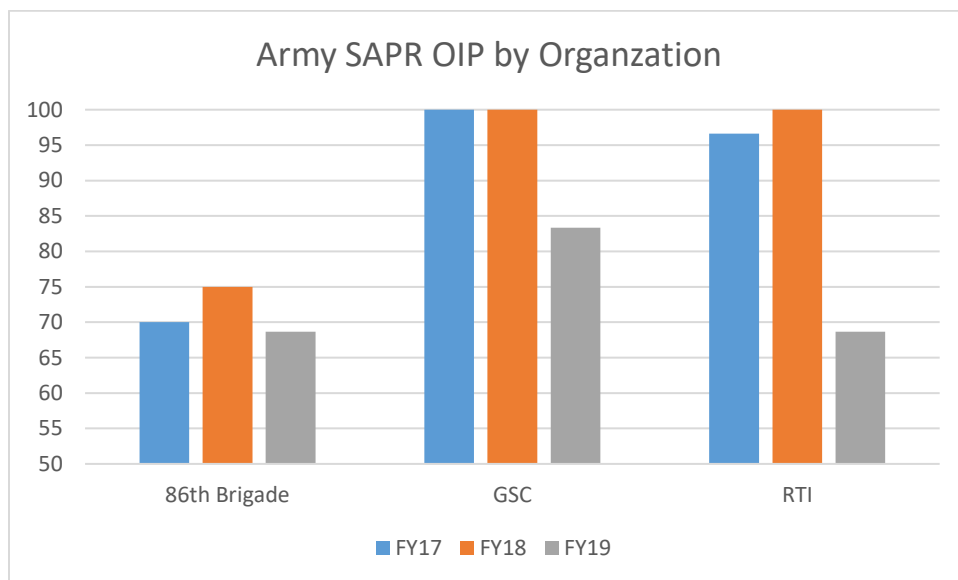
Event/Effort	Assessment
Vermont Domestic Violence Council	The JFHQ SARC and VAC attend the quarterly state Domestic Violence Council. This allows the office to have a better idea of the programs offered throughout the state and provide better care to survivors who also experience domestic violence.
County Task Force Liaison Meeting	Under the state Domestic Violence Council there are sub-committees that meet on a regular basis. The JFHQ SARC currently serves as the county task force liaison coordinator. In this role the SARC brings the liaisons from each county together to discuss what works, what doesn't, and what improvements can be made to task forces that aren't working as well as others.
SUNY/Navy Regional Discussion on Sexual Assault	In September of 2019 the JFHQ and Wing SARCs attended the first regional discussion on sexual assault that was hosted by the SUNY College system and the Department of the Navy.
Special Victims Counsel	One of the programs offered to members of the National Guard is to have a Special Victims' Counsel. This is essentially free legal counsel to survivors when there is a nexus to the National Guard.
Case Management Group	We host a monthly Wing and JFHQ Case Management Group. The JFHQ Case Management Group is Co-Chaired by the Director of Joint Staff and the JFHQ SARC. In the meeting we talk about all the open Unrestricted reports of sexual assault we currently have through completion of the case.

A. Assessment:

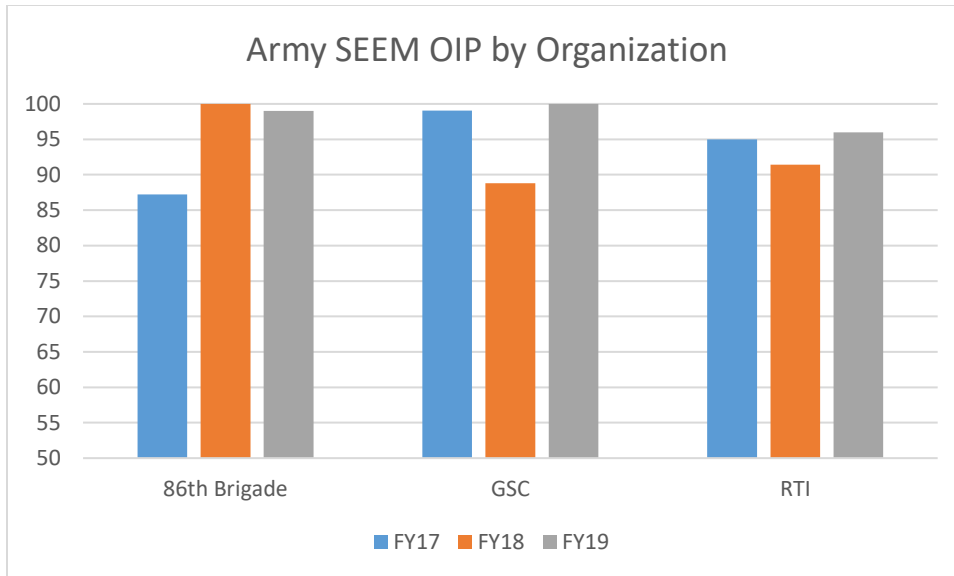
The military has several formal programs designed to assess program implementation and effectiveness. These include the Organization Inspection Program (OIP), and Military Inspection & Controls. Additionally, the VTNG formally surveys soldiers and airmen to determine the health and wellness of individuals and units; these surveys include the Defense Equal Opportunity Climate Survey and the Unit Risk Inventory. Finally, the VTNG SAPR-P provides quarterly updates to TAG and other stakeholders.

1. Inspection Programs

Army SAPR Organizational Inspection Program Roll-up (Highlights here, full table in Addendum)



Army SEEM Organizational Inspection Program Roll-up (Highlights here, full table in Addendum)



2. Defense Equal Opportunity Climate Survey (DEOCS)

The VTNG Organizational Assessment program is a mandatory requirement from the Under Secretary of Defense for Personnel and Readiness. The instrument used is developed by Department of Defense at the Defense Equal Opportunity Management Institute (DEOMI). The assessment tool is called the DEOMI Organizational Climate Survey (DEOCS), which is a commander's management tool that proactively assesses critical organizational climate dimensions that can impact the organization's mission. Commanders at Squadron and Company level and higher in the National Guard are required to conduct an initial assessment within six months of assuming command and every twenty-four months thereafter.

DEOCS changed significantly in 2018, preventing us from using data prior to 2018 in trend analysis. Instead of positive or negative, DEOCS lists an array of variables. Going forward we will continue to go over DEOCS data in conjunction with our MOEs to conduct trend analysis of risk and protective factors.

1. Unit Risk Inventory (URI)

URI is an Army mandated requirement completed by each soldier during their annual health screening. The URI assesses the individual's proclivity for risky behaviors such as alcohol and drug use, delinquency, sexual risk taking, and suicidal behavior.

The Center for Disease Control (CDC) identifies 12 risk factors associated with sexual violence. Of those 12, the URI happens to directly measure four. Because of a > 60% participation rate from the Vermont Army National Guard, the URI provides data with a

confidence rate of over 98%, meaning any trend variation of 2% or greater is considered statistically significant.

Key Question (R/P Factor)	FY16	FY17	FY18	FY19
Alcohol Disorders	8%	5%	5%	4%
Rode with a driver who was under the influence	10%	7%	4%	6%
Experienced sexual harassment	1%	1%	0%	1%
Theft/vandalism	1%	1%	1%	1%
Doesn't practice safe sex	23%	21%	20%	21%
Have multiple partners	27%	25%	22%	22%
Suicidal ideation	5%	4%	3%	4%
Attempted suicide	0%	0%	0%	0%

1. Quarterly Updates

Each quarter the VTNG SAPR-P and EO&D-P provide separate updates to key stakeholders. During these briefings, the programs provide statistical trend data as well as identified best practices and anticipated initiatives. These briefings serve as an opportunity to ensure shared understanding throughout the leadership team as well as to hold the programs accountable for their efforts.

Chapter IV: Addendum

A. Sexual Assault

1. Definitions

Sexual assault has no place in the VTNG; it attacks the values we defend and the cohesion our units demand. In 2010, the VTNG formalized its approach by establishing the SAPR-P to promote the prevention of sexual assault, encourage increased reporting, and improve response capabilities for survivors. Since that time, the VTNG continues to assess its programs resulting in improvements in processes and procedures which directly impact the confidence members of the VTNG have in the program and VTNG leadership.

The definition of sexual assault varies between agencies and criminal statutes. This report utilizes the definition of sexual assault found in the DoD Directive 6495.01;

“Intentional sexual contact characterized by use of force, threats, intimidation, or abuse of authority or when the survivor does not or cannot consent. The term includes a broad category of sexual offenses consisting of the following specific UCMJ offenses: rape, sexual assault, aggravated sexual contact, abusive sexual contact, forcible sodomy (forced oral or anal sex), or attempts to commit these acts.”

The DoD uses this definition for the purposes of awareness, prevention and response for reports of sexual assault. The VTNG SAPR-P reflects upon this definition to evaluate complaints and initiate proper processes. The VTNG does not use this definition to establish legal processes, conduct criminal investigations or take any disciplinary action.

Unless stated otherwise, the annual report will refer to sexual assault according to the DoD definition. Note that the VTNG does not have jurisdiction over either a civilian or military crime of sexual assault. Under Vermont Statutes Annotated, Title 20, §941, the VTNG has criminal jurisdiction over “purely military offenses;” civil courts will prosecute all other offenses. As a result, all unrestricted reports of sexual assault are reported to local law enforcement for criminal investigation. If civilian authorities take no action or when any military action will not interfere with civilian actions, the VTNG contacts National Guard Bureau’s Office of Complex Investigations (OCI) who will send a team of specially trained personnel to investigate these allegations.

2. Program Overview

The VTNG hired its first full time SARC in early 2010. Under the direction of the full time SARC, the SAPR-P has created and implemented a survivor centered approach, separate from the chain of command, with statewide policies to ensure the rights and privacy of all service members who report acts of sexual violence. In 2013, the VTNG SAPR-P received an additional asset and hired a full time Victim Advocate Coordinator who works under the

direction of the VTNG SARC. Most recently in 2016, the 158th Fighter Wing hired a full time SARC to manage the prevention and response program for the Vermont Air National Guard.

In 2012, the National Guard Bureau established the OCI. Following a civilian law enforcement investigation that concludes without prosecution¹ or in the cases where military investigations will not interfere with civilian investigations, The Adjutant General will request an OCI team of investigators (from outside the state) to conduct an investigation into allegations of sexual assault. These investigators must meet stringent requirements, have a legal or law enforcement background and complete a two week course held by the US Army Military Police School. Vermont was one of the first states to utilize this program and continues to consult with the OCI on each case where sexual misconduct is alleged or suspected.

In November 2013, the DoD created the Special Victim's Counsel Program (SVC). The SVC is a judge advocate (military attorney) with specialized training to provide legal representation throughout the processes to qualifying Air and Army National Guard sexual assault victims. SVCs can attend interviews, hearings and proceedings with the survivor and communicate with investigators, prosecutors, commanders and other military personnel on behalf of the survivor. They can assist with expedited transfer requests, military protective orders or civilian protective orders. Although legal representation by a SVC in a civilian court is not authorized under this program, SVCs may assist the victim with these matters as permitted by state law.

3. Reporting Options

A survivor's decision to report is a crucial step following a sexual assault, but the survivor's desire for privacy often precludes reporting. Commanders must recognize the importance of establishing a system which promotes the privacy and confidentiality of survivors under their command in order to mitigate re-victimization and encourage reporting.

The VTNG SAPR-P offers three reporting options for service members which provide both confidential and non-confidential options to ensure survivors receive appropriate care and to hold offenders accountable. Service members who choose to report a sexual assault will elect either the unrestricted (non-confidential) or the Restricted (confidential) option by completing the DD Form 2910: Victim Reporting Preference Statement. Procedures for each reporting option are depicted in Figure 1: Sexual Assault Response Flow Chart on page 18.

Unrestricted Reporting: Allows an individual covered by this policy to disclose that they are a survivor of a sexual assault, without requesting confidentiality of restricted reporting. Under this option, either the command or the survivor will notify law enforcement, allowing them to initiate the official investigative process.

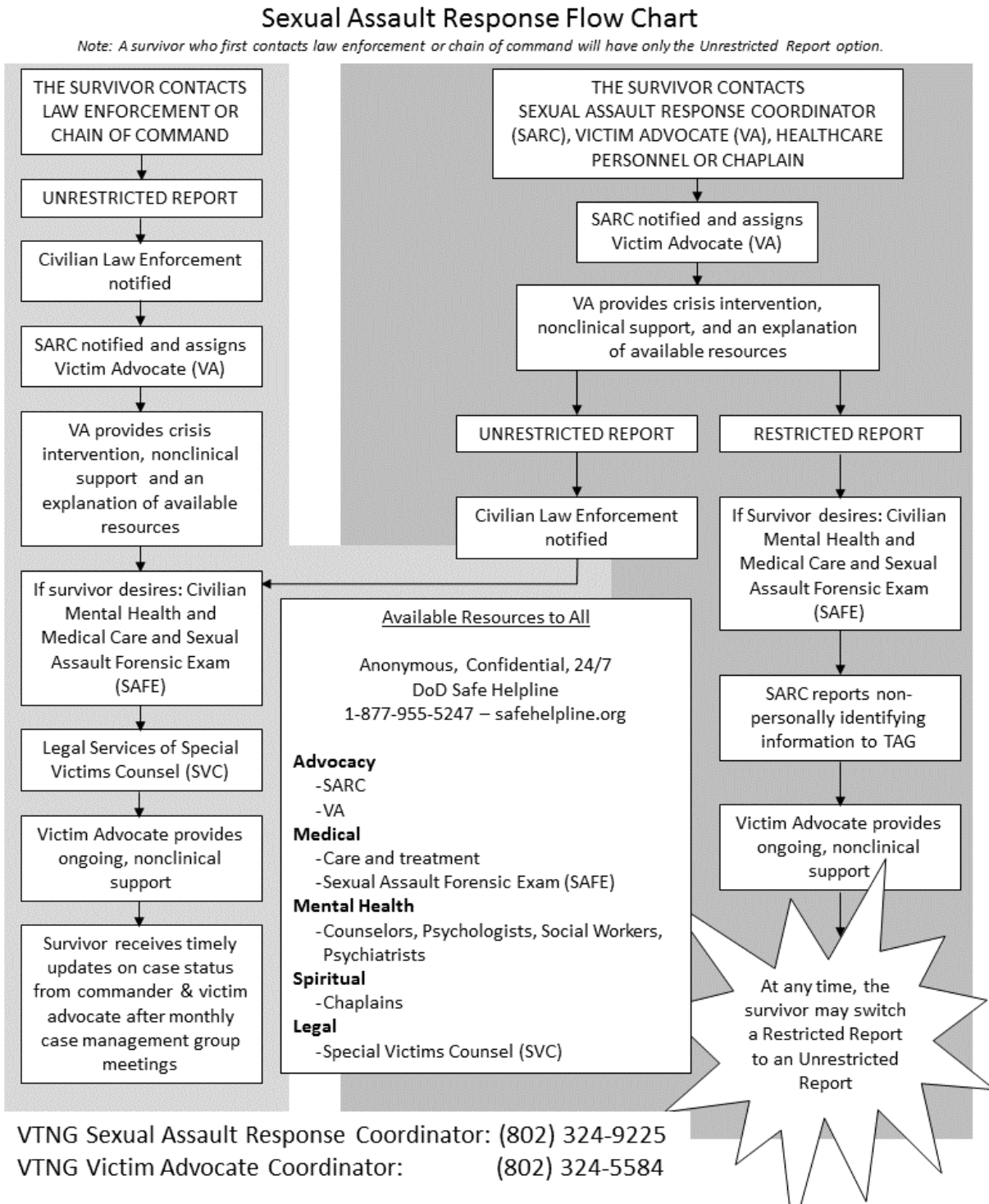
Restricted Reporting: Allows sexual assault survivors the option to confidentially disclose the assault to specified individuals (SARC, SAPR VA, healthcare personnel or Chaplain) to receive medical treatment, counseling and the assignment of a SARC and SAPR VA without triggering

¹ Prosecution includes resolution through the VT Community Justice Center process, which works directly with a victim to reach a conclusion agreeable to the victim.

an official investigation. Command will remain unaware of the report and will not notify law enforcement unless an established exception applies. If a survivor reports to anyone other than those listed above the VTNG cannot guarantee a restricted report.

Open with Limited Information: Available to service members who refuse or decline services, or opt-out of participating in the investigative process. This classification may also be used for third-party reports of sexual assault, when the local law enforcement refuses to provide survivor information, when the incident includes a civilian survivor and a military subject, or in any other case where the survivor has not signed a DD Form 2910: Victim Reporting Preference Statement.

Figure 1: Sexual Assault Response Flow Chart



NOTE: These steps are based on DoD Directives, 6495.01, 1030.01, and Directive Type Memorandum 14-007, and DoD Instructions 6495.02 and 1030.2. The response procedures may vary by Service or installation but must still comply with the requirements in these policies.

4. Policies

Currently, the VTNG has five policies directly related to the SAPR program. Each policy plays a vital role in the improvement of the program and the climate around sexual violence within the organization.

- 1) Sexual Assault Prevention and Response Program Policy, January 2020: Recently updated to include parameters for communication to the force following reports of sexual assault or formal complaints of sexual harassment. Formally directs leaders to participate in new facilitation based training modules focused on data-directed and evidenced-based prevention strategies.
- 2) Expedited Transfer of VTNG Members who report an Unrestricted Report of Sexual Assault, January 2020: As a trauma-informed benefit designed to promote options and flexibility, members who file an unrestricted report of sexual assault shall be informed of the option to request a temporary or permanent transfer from their assigned command to a different location or training schedule. The commander will approve or disapprove the request within 72 hours.
- 3) Prohibition of Pornographic and Sexually Explicit Material, reissued on January 2018: Introduction, purchase, possession, transfer, sale, creation or display of any pornographic material or similar representation on or about property owned, leased, used or licensed by the VTNG is prohibited.
- 4) Withholding Authority to Dispose of Misconduct Involving All Members of the Vermont National Guard, October 2018: TAG has re-emphasized a prior standing policy that withheld authority to dispose of all alleged sexually based misconduct. This policy allows for TAG to have visibility on all sexually based offenses.
- 5) Prevention of and Response to Retaliation for Reports of Sexual Assault or Harassment, on January 2020: Unit readiness, and the trauma to the victim, is further impacted when retaliation or reprisal occurs against those who have demonstrated the courage to come forward with reports of sexual misconduct. The VTNG will not tolerate retaliation of any kind against those involved in a report of sexual misconduct.

5. Full Organizational Inspection Program Checklist

Requirement	Go/No-Go
Can the unit produce OIP Checklists for all units' one echelon below?	
Is the Adjutant General Policy letter on sexual assault posted on unit bulletin boards IAW AR 600-20, Chapter 8-5 ? (Must be current)	

Is the organic Unit Victim Advocate/SARC contact information posted and visible to members of the unit IAW AR 600-20? (Must be current)	
Are the sexual assault awareness and take away materials (posters, business cards, Brochures, Stress/Trauma Management Pamphlet, etc.) strategically located throughout the command to promote SHARP services?	
Are 2 UVAs per battalion level and equivalent sized unit appointed IAW AR 600-20, unless otherwise supported by MFR? (Must show MFR - at least one VA for a "Go")	
Is the JFHQ SARC and Victim Advocate Coordinator contact information posted and visible to members of the unit IAW AR 600-20? (Must be current)	
Do assigned UVAs meet the selection criteria according to pre-screening requirements IAW ALARACT 188/2014, HQDA EXORD 193-14?	
Are reporting procedures in accordance with SAPR/SHARP SOP and DODI 6495.02 posted at unit?	
Do units have SARC/SHARP information available on their unit SharePoint and/or website IAW Cultural Transformation Task Log item TF-15SARC, to at least include: - Updated Unit Victim Advocate information - Link to the vtguard.com/SHARP website - DoD Safe Helpline phone number/website	
Are commanders forwarding reports of sexual assault immediately to the SARC, to appropriate law enforcement agency and to JAG within 24 hours? Reference DODI 6495.02	
Is Annual SHARP training entered into DTMS? AR 600-20 or AR 350-1 Appendix G-2	
What is the DTMS percentage for DA ALARACT 123/2011 (LEA) "SHARP Leader Training"? _____% ("Yes" only if greater than 85%)	
What is the DTMS percentage for DA ALARACT 123/2011 (IND) "SHARP Training (Soldier/Civilian)"? _____% ("Yes" only if greater than 85%)	
What is the DTMS percentage for DA ALARACT 123/2011 (IND) "SHARP Training (Soldier/Civilian)"? _____% ("Yes" only if greater than 85%)	
Are company and higher commanders taking New Commander training within 45 days of assuming their respective leadership roles? AR 600-20	

<p>Does the Victim Advocate assist the commander in meeting annual Sexual Harassment and Assault Prevention and Response Training requirements, including same-gender sponsors?</p>	
<p>Do climate assessments indicate a healthy unit culture where Service members trust their Chain of Command to report?(Show documentation) Reference AR 600-20</p>	
<p>Are commanders conducting periodic assessments of the SAPR program at their unit by meeting at minimum twice / year with Unit Victim Advocates/SARCs? (Provide documentation, i.e. e-mails/minutes/roster) IAW Cultural Transformation Task Log item TF-33SARC</p>	
<p>Are commanders flagging any Soldier under charges, restraint or investigation for sexual assault IAW AR 600-8-2 by submitting Form 268 to SIDPERS and suspending security clearance in accordance with AR 380-67? (Verify by searching for SM under Flags in ARCS)</p>	
<p>Are Units including SARC/SHARP information, to at least include updated Unit Victim Advocate information, on monthly drill Newsletter's or other communication mediums IAW Cultural Transformation Task Log Item TF-15SARC?</p>	
<p>When completing:</p> <ul style="list-style-type: none"> - Part V, Block B of DA Form 67-9 of the OER - Part IV, Block D of DA Form 2166-8 of the NCOER <p>Are raters assessing how well the Rated Officer/NCO fostered a climate of dignity and respect and adhered to the Sexual Harassment/Assault Response and Prevention (SHARP) Program in accordance with MILPER 13-306 (Guidance in response to Army Directive 2013-20)?</p>	

Table of Risk/Protective Factors as identified by Center for Disease Control

Individual	Relationship	Community	Society
(+) Emotional connectedness	(+) Reasoning to solve conflict	(-) Poverty	(-) Sexually violent norms
(+) Academic achievement	(-) Familial violence	(-) Lack of employment	(-) Male superiority values
(+) Empathy & concern	(-) Adverse Childhood Exp.	(-) Lack of institutional support	(-) Female submissive values
(-) Early sexual initiation	(-) Unsupportive family	(-) Sexually violent norms	(-) Laws: Lack of gender equity
(-) Acceptance of violence	(-) Poor relationship w/ father	(-) Lack of accountability	(-) High crime & violence rates
(-) Substance abuse	(-) Sexually aggressive peers		
(-) Delinquency	(-) Violent intimate relationship		
(-) Coercive sexual fantasy			
(-) Impersonal sex/risk taking			
(-) Exposure to explicit media			
(-) Traditional gender norms			
(-) Hostility towards women			
(-) Hypermasculinity			
(-) Suicidal behavior			

B. Sexual Harassment

The objective of the Military Equal Opportunity Program is to formulate, direct and sustain a comprehensive effort that ensures fair treatment of all service members based solely on merit, fitness, and capability that supports readiness. It is the policy of the VTNG to provide Equal Opportunity for all personnel and ensure they will not be subjected to harassment, including sexual harassment and unlawful discrimination.

1. Introduction

The definition of sexual harassment applicable to this report is described in DoD Directive 1350.2, “Department of Defense Military Equal Opportunity (MEO) Program. “Sexual Harassment is a form of sex discrimination that involves unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of a person’s job, pay or career or
- Submission to or rejection of such conduct by a person is used as a basis for career or employment decision affecting that person, or
- 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.

Public Law 112-239, 126 STAT. 1764, Section 579(b) requires the Secretary of Defense to collect information and data on substantiated incidents of sexual harassment involving members of the Armed Forces for the preceding fiscal year. The detailed report is required from each State National Guard annually in December.

In accordance with DoD Directive (DoDD) 1350.2, an allegation of sexual harassment that is submitted in writing to the authority designated for receipt of such complaints is a formal complaint. For the VTNG, the Human Resource Equal Opportunity Office manages the complaint process using National Guard Form 333. An informal complaint is an allegation of sexual harassment, made either orally or in writing that is not submitted as a formal complaint on National Guard Form 333. The sole mechanism for appealing the disposition of an informal complaint shall be to file a formal complaint. A substantiated complaint is when an allegation of sexual harassment in an informal or formal complaint is confirmed for a finding of sexual harassment through an inquiry or investigative process.

Published 8 June 2015, DoDD 1020.02E Subject: Diversity and Equal Opportunity in the DoD established policy and assigned responsibilities to provide an overarching framework assisting in the prevention of unlawful discrimination by promoting equal opportunity, diversity and inclusion by utilizing the following:

- A. The DoD Diversity and Inclusion Management Program, in accordance with the authority in Executive order 13583.
- B. The DoD Military Equal Opportunity (MEO) Program in accordance with DoDD 1350.2.
- C. The DoD Civilian Equal Employment Opportunity (EEO) Program in accordance with DoDD 1440.1.
- D. The DoD Civil Rights Program in accordance with DoDD 5500.11 and DoDD 1020.1.

2. Program Overview

Any aggrieved individual, covered by the aforementioned directives, who believes he or she has been illegally discriminated against due to any of the following, has the ability to file an individual complaint of discrimination: race, color, religion, national origin, gender (including sexual harassment), and/or reprisal for engaging in a protected equal opportunity activity, in a matter subject to the control of the VTNG.

The active Army maintains one Sexual Harassment Assault & Response Prevention (SHARP) Program which handles the full spectrum of sexually based offenses from harassment to violent rapes. In the National Guard, the Equal Opportunity Management Office coordinates the response to all sexually based offenses determined to be harassment. The State Sexual Assault Response Coordinator (SARC) handles all crimes of sexual assault. The VTNG SARC and the State Equal Employment Manager (SEEM) work together on prevention efforts with regard to the spectrum of sexual harm.

The SEEM and the SARC jointly monitor Unit Climate Assessments which solicit information pertaining to sexually based offenses, trust in the organization and knowledge of reporting options. NGVT-HRO-JP-10 VTNG Reporting of Sexual Harassment, February 2018 policy provides guidance for reporting minor sexually based infractions such as using offensive language related to sex or in the event a complainant does not wish to file officially and command is aware and has determined not to open an investigation. The policy instructs leaders at the lowest level to record the incident and channel through the Equal Opportunity Leaders to the Joint Force Headquarters Equal Opportunity Office. Both the SEEM & SARC have the opportunity to review minor incidents and how leadership responded to the situation at the unit level. By reviewing these incident reports and the responses by the leadership, the SEEM & SARC may identify trends and make recommendations to improve conditions thwarting more serious violations from occurring.

The VTNG integrates messages of dignity and respect into every message for service members. These words permeate the mission, vision and values of the organization. The long history of the Military's diversity and ability to unify teams continues to be the foundation for new and innovative strategies preventing sexually based offenses. Our prevention training nests with Active Component training; the National Guard has unique opportunities to partner with other stakeholders to enhance strategies which promote respectful cultures.

The VTNG has a robust Joint Strategic Diversity Plan managed through the Joint Diversity Executive Council (JDEC). The JDEC reports quarterly to Regional JDEC Representatives who send consolidated reports to the Chief of the National Guard Bureau Office of Diversity and Inclusion. The VT-JDEC has sub-committees representing the Asian, Black, Hispanic, American Indian/Alaskan Native, Persons with Disabilities and the Federal Women's Program.

The VTNG developed a special sub-committee under the Federal Women's Program, entitled VTNG Military Women's Program. *The MWP mission is to enhance readiness by increasing the representation of competent women in all grades and occupations. Develop an exchange of ideas and information to promote cross-cultural harmony and team synergy.* The VTNG created the MWP to focus on the challenges military women face serving in majority male organizations.

Research demonstrates the nexus between gender equality and power based sexual misconduct. Therefore, the VTNG actively conducts several events to promote gender equality and to increase the representation of women in command positions. The MWP reports gender representation annually to the Senior Leaders of the VTNG in a thorough report that identifies the overall percentage of women: representation in each grade, occupation, command rates, retention rates, full time status as well as the representation of women in newly opened combat arm occupations and units. The programs will continue to coordinate and synchronize efforts in an effort to prevent sexual misconduct of any sort and to create inclusive environments free of harassment.

3. Policies

The VTNG policy to report Sexual Harassment Incidents was updated in February 2019. The policy is in support of Public Law 112-239, 126 STAT. 1764, and Section 579(b) which requires the Secretary of Defense to collect information and data on substantiated incidents of sexual harassment involving members of the Armed Forces for the preceding fiscal year. The definition of sexual harassment applicable to this report is described in DoD Directive 1350.2, Department of Defense Military Equal Opportunity (MEO) Program. The data in this report includes information on formal and informal sexual harassment complaints. VTNG leaders understand the requirement to solicit the Equal Opportunity and Sexual Harassment and Assault Response Program Managers for recommendations when responding to sex based incidents. When aggrieved persons do not wish to file in accordance with resolution request processing procedures, Commanders are still required to conduct an inquiry and initiate actions to hold offenders accountable and restore a respectful command climate.

The State Equal Employment Manager and the Sexual Assault Response Coordinator consider formal cases and incident reports when determining trends or problem areas. This generates a feedback loop for commanders to use this information to drive training focus and improve prevention strategies.

- 1) NGVT-HRO-JP-18 Anti-Harassment Policy, September 2019 Establishes policy, prescribes procedures, and assigns responsibilities to preserve a workplace free from harassment in compliance with Equal Employment Opportunity Commission Management Directive 715, which establishes that model EEO Programs must issue policies and procedures for addressing all forms of harassment.
- 2) NGVT-HRO-JP-17 Equal Employment Opportunity Policy, September 2019 promotes equal employment opportunity as well as identifies and eliminates discriminatory practices and policies (to include sexual harassment) in the VTNG. This policy applies to all Federal civilian employees and applicants for employment.
- 3) NGVT-HRO-JP-16 Equal Opportunity Policy, September 2019 promotes equal opportunity as well as identifies and eliminates discriminatory practices and policies (to include sexual harassment) in the VTNG. This policy applies to all VTNG personnel serving in a Title 32 status, to include NG technicians when activities occur while the member serves in a military pay status or raises fitness for duty concerns in the reserve components.
- 4) NGVT-HRO-JP-10 VTNG Reporting of Sexually Offensive Incidents, September 2019 the policy provides guidance regarding the reporting of all incidents of sexual harassment through the Equal Opportunity channels. This is a reporting requirement only and does not supersede either of the policies listed above.
- 5) NGVT-HRO-JP-04 Workplace Violence Policy, September 2019 to maintain a work environment free from violence, threats of violence, harassment, intimidation and other disruptive behavior.

5. Full Organizational Inspection Program Checklist

I. Administrative	Go/No-Go
1. Does the unit have access to the required references IAW NGR 600-21?	
2. Does the MACOM EOA have access to an office that affords privacy IAW NGR 600-21, Para 1-4e?	
3. Is there a DEOMI trained EOA assigned IAW NGR 600-21, Para 1-4b?	
a. Number of EOL's Required vs. Appointed & Trained: ____/____ (>80% YES)	
4. Has the unit appointed an equal opportunity leader (EOL) (E-5 or above) for company and battalions IAW NGR 600-21, Para 1-3 g.?	
5. Are copies of applicable EOL appointment letters on file IAW NGR 600-21, Para 1-3 g.?	
a. Has the EOL introduced themselves at formation at least annually (other than when providing training) to ensure all personnel know the role of the EOL?	
6. Has the unit EOL received initial EO training and subsequent training offered by their respective EOA? (NGR 600-21, Para 1-3f.?)	
7. Does the unit have an EO bulletin board that includes, at a minimum:	
a. EOL Contact Information?	
b. ACOM EOA Contact Information?	
c. State Equal Employment Manager's Contact Information?	
d. Human Relations/Equal Opportunity Officer's Contact Information?	
e. TAG Policy Memorandums;	
(1) Joint Policy 10, Reporting of Sexual Harassment dated 1 Feb 2018	
(2) Joint Policy 08 Joint Equal Employment Opportunity dated 02 Aug 2017	
(3) Poster-EEO Flowchart & EEO Complaint Process Tech	
(4) DRILL STATUS GUARD MEMBER QUICK GUIDE Oct 2018	
(5) CNGBM 09601.01 Quick Reference Diagram	

(7) Joint Policy JP2015-16 Breastfeeding and Lactation Support dated 7 Oct 2015	
II. Complaint Procedures	
1. Does the unit properly follow the prescribed procedures for processing discrimination complaints IAW CNGBM 9601.01?	
2. Are Informal Resolution Request reported to the JFHQ HREO (thru EOA) to obtain a tracking number and a written acknowledgment of IRR provided to the offended SM within 7 days?	
3. Does the Unit Commander and EOL complete AGO VT Form 333-1 for all incidents regarding sexual harassment IAW JP 10 Policy?	
III. Training and Orientation	
1. Is EO & Diversity training being incorporated into the units overall training plan IAW NGR 600-21, Para 2-7 and 2017 VTNG State Strategic Diversity Plan or Organizational Orders to meet these requirements?	
2. Is the chain of command present and participating in EO training IAW NGR 600-21, Para 2-7(a)(3)?	
3. Does the unit maintain accurate records of EO & Diversity training conducted by units to include who attended the training, when it was done, and what was covered in the session IAW NGR 600-21, 2-7 and State Strategic Diversity Plan?	
4. Has the unit commander conducted and documented a climate assessment within 180 days of taking command, and every 24 months thereafter utilizing the Unit Climate Assessment (UCA), Defense Equal Opportunity Climate Survey (DEOCS) instrument IAW NGR 600-21, Para 2-6 & VTNG Army Policy 2018-24 ARNG Command Climate Assessment Policy dated 01 Oct 2018?	
IV. Diversity Observations	
1. Are Commanders aware of the JDEC mission and are familiar with the State Strategic Diversity Plan objectives?	
2. Does the ACOM have an appointed JDEC Rep?	
3. Does the JDEC Rep accomplish assigned task IAW PD addendum?	
4. Does the ACOM have a Diversity Board Program?	
a. How many?	
b. Are they managed appropriately by board managers?	

5. Does the JDEC Rep ensure the JDEC Newsletter is printed and distributed in unit area as well as announced at Staff meetings?	
6. Is Diversity Training conducted IAW State Strategic Diversity Plan 2017?	
7. Does the unit publicize ethnic observances/cultural events and encourage maximum participation IAW NGR 600-21, Para 4-1 and State Strategic Diversity Plan?	
8. Is the current VTNG Diversity Commitment Page from the State Strategic Diversity Plan posted on the diversity board?	
9. Are there any women and minorities in authorized Leadership Positions?	
10. Are there mentorship initiatives to ensure women and minorities are recruited and provided mentorship for career development?	
11. Does the newcomer packet include Diversity program information to include up to date demographics and SEPM contact information?	

C. Discrimination Based On Sexual Orientation

1. Introduction

On June 8, 2015, the DoD added sexual orientation to the Diversity and Inclusion Management, Military Equal Opportunity (MEO), Civilian Equal Opportunity, and the DoD Civil Rights Programs (*Department of Defense Directive 1020.02E, Diversity Management and Equal Opportunity in the DoD*). The policy adds sexual orientation to protected class status. Collectively, these programs promote equal opportunity, diversity and inclusion management, and they are designed to prevent unlawful discrimination and harassment throughout the military.

2. Program Overview

In July 2015 the Secretary of Defense announced no service member shall be involuntarily separated or denied reenlistment or continuation of active or reserve service on the basis of their gender identity, without the personal approval of the Under Secretary of Defense for Personnel and Readiness. The VTNG Equal Opportunity & Diversity Office is the central office for inquires.

3. Policies

In October 2018 the VTNG published an Anti-Harassment Policy. The policy augments discrimination policies whereby if a person does not identify the harassment on the basis of a protected class the command still has an obligation to inquire, hold violators accountable and preserve a workplace free from harassment of all forms. Army Directive 2016-025 (Civilian Employee Redress for Sexual Orientation and Gender Identity Discrimination) nest with DoD 1020.02E to provide equal employment opportunity to all employees and applicants for

employment. These employees or applicants for employment may seek redress through the Army Equal Employment Opportunity Program. All Army employees—including lesbian, gay, bisexual, and transgender employees—should be able to perform their jobs in an environment free from any unlawful discrimination. The Air Force Instruction 36-2706 dated 5 October 2010 provides institutional protections for harassment based on sexual orientation in accordance with Executive Order 11478 and 13160, the U.S. Office of Special Counsel (OSC), for civilian employees. Sexual Orientation harassment by military personnel may be punishable under UCMJ, Article 92, and should be addressed through command channels.

- 1) NGVT-HRO-JP 2018-23 Anti-Harassment Policy, October 2018 Establishes policy, prescribes procedures, and assigns responsibility to preserve a workplace free from harassment in compliance with Equal Employment Opportunity Commission Management Directive 715, which establishes that model EEO programs must issue policies and procedures for addressing all forms of harassment. This policy is separate from VTNG EEO Policy 2017-10 resolution request process, which provides remedial relief to an employee affected by unlawful harassment under the VTNG Joint Civilian Discrimination Complaints instruction Guide, 1 July 2017.