

Vermont National Guard  
**Legislative Report**

Fiscal Year 2020



**"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 2021


**MEMORANDUM FOR: THE VERMONT LEGISLATURE**

**SUBJECT: Vermont National Guard Fiscal Year 2020 "Sexual Assault and Sexual Harassment; Report"**

1. As required by law, attached is the ninth 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 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.

  
GREGORY C. KNIGHT  
Major 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 Discrimination Based on Sexual Orientation. 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 the annual report, in the addendum, we have included the Fiscal Year (FY) 2020 Gender Report.

At the end of FY20 (1 October 2019 to 30 September 2020), the Vermont National Guard (VTNG) had approximately 3,300 members. About 1,100 individuals were full-time employees.

In FY20, the VTNG Sexual Assault Response Coordinator (SARC) tracked three reports of sexual assault in which the incident occurred within FY20 and three reports pertaining to incidents which occurred in previous fiscal years. Five of the reports noted the accused was a member of the VTNG; one case involved civilian a survivor, the remaining five cases involved military members as survivors. In addition, the Equal Opportunity and Diversity (EO&D) Office processed four informal resolution requests. 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 14 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 effect 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 21 for further detail; 21 V.S.A. § 495d uses same verbiage).

**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

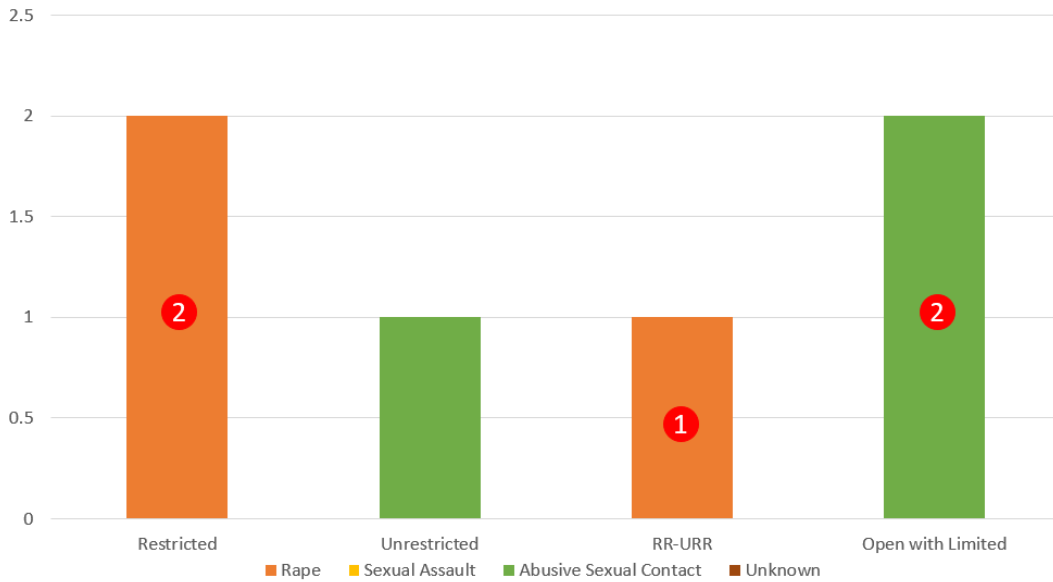
## A. Sexual Assault

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 FY20.

### 1. Current Statistical Data

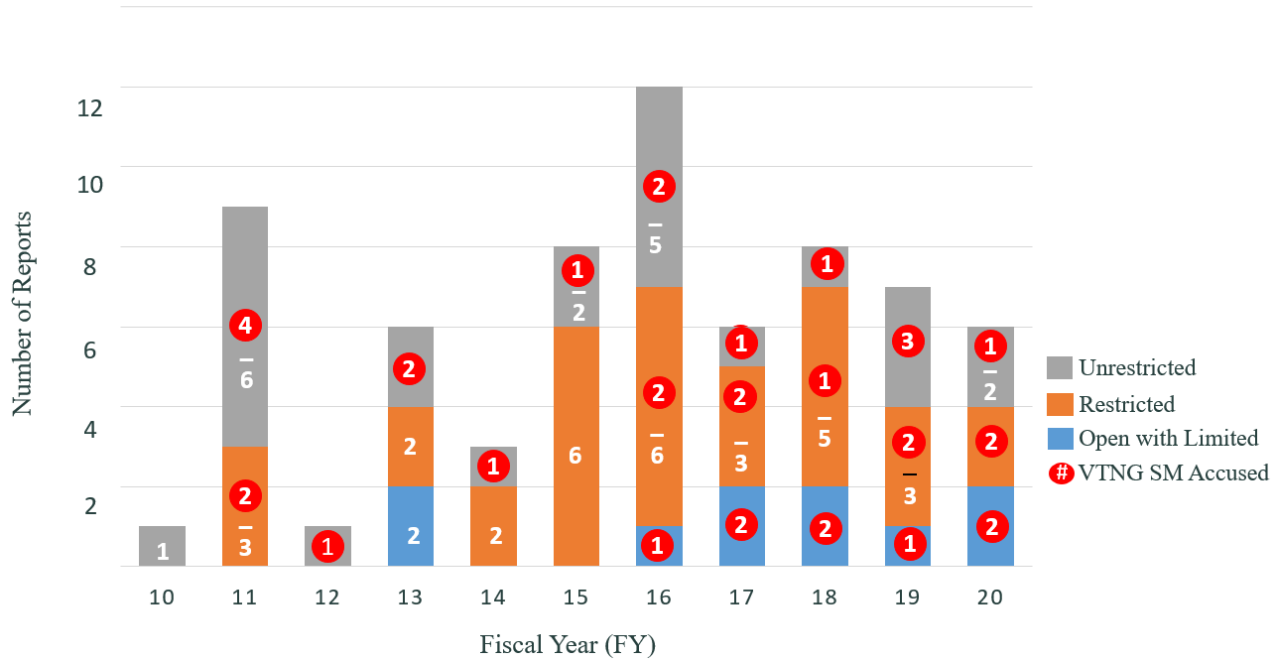
The figures below display the types of sexual assault reports the VTNG received in FY20, broken down by the case type.

## FY20 Report and Offense Types



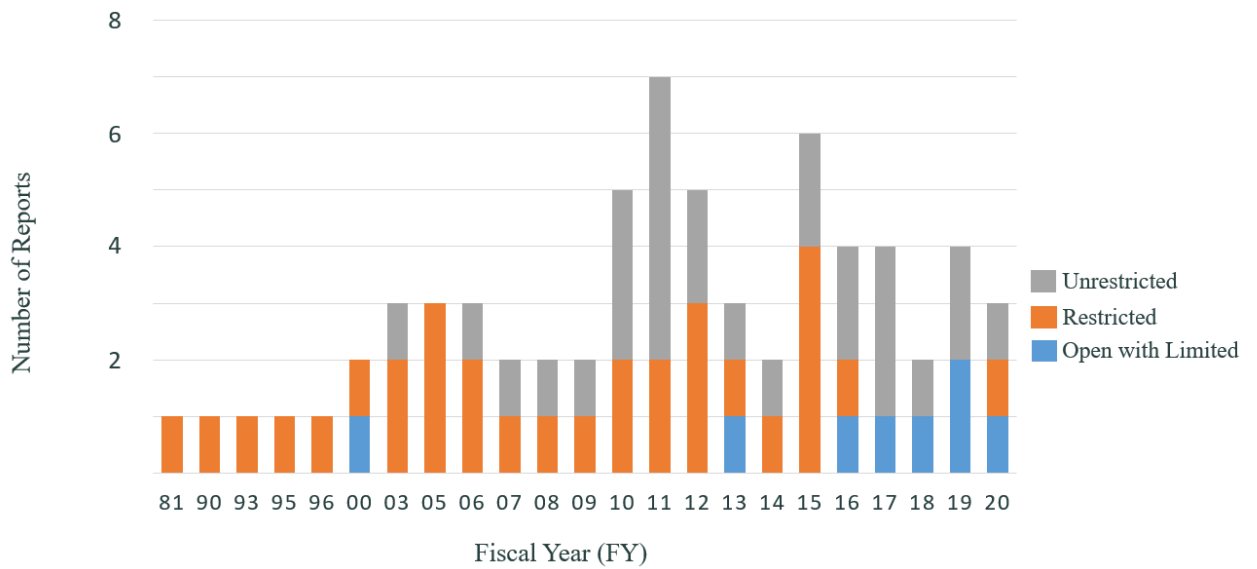
Since the inception of the SAPR program in FY10, the VTNG has received the following reports in each FY. Of the six total reports in FY20, three occurred between FY10 and FY19, and three within FY20.

## Total Reports by FY



Those same reports are represented by incident year here:

## Incidents by FY





**VTNG FY20 Restricted Reporting Data:**

Case #	Incident Year	Survivor status time of incident	Accused status at time of incident	Type of Assault	LOD	Referrals
00155	2020	VTNG / F / O-1	VTNG / M / O-3	Rape	No	Yes
00522	2012	VTNG / F / E-7	VTNG / M / E-4	Rape	No	Yes

**VTNG FY20 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
00504	2010	VTNG / F / E-6	CTNG / M / E-7	Ab. Sexual Contact	No	Yes
00523	2020	VTNG / F / E-7	VTNG / M / E-9	Rape	No	Yes
00698	2019	VTNG / M / E-7	VTNG / F / E-5	Ab. Sexual Contact	No	Yes
00672	2020	Civilian / F	VTNG / M / E-5	Ab. Sexual Contact	N/A	Yes

**VTNG FY20 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- Pending First Army
2017	00062	2016	Open / Limited	Rape	Found guilty of felony in civ court, pending discharge – Awaiting Civ court appeals process
2019	00672	2018	Open / Limited	Sexual Assault	Found guilty, discharged with an OTH characterization of service
2019	00409	2019	Unrestricted	Abusive Sexual Contact	Pending administrative separation board
2019	00053	2019	Unrestricted	Rape	Separated under entry level separation- failure to train

2020	00517	2020	Open / Limited	Abusive Sexual Contact	Non-participating victim, so civ LE declined. VTNG obtained sworn statements from those involved to keep on file.
2020	00523	2020	Restricted-Unrestricted	Rape	OCI Unsubstantiated
2020	00698	2020	Open / Limited	Abusive Sexual Contact	Non-participating victim, so civ LE and OCI declined. VTNG required alleged to conduct a training on proper supervisor behavior.

**Federalized Reports:**

No sexual assault reports were filed involving federalized members in FY20, hence the DoD did not provide any information regarding incidents involving VTNG service members.

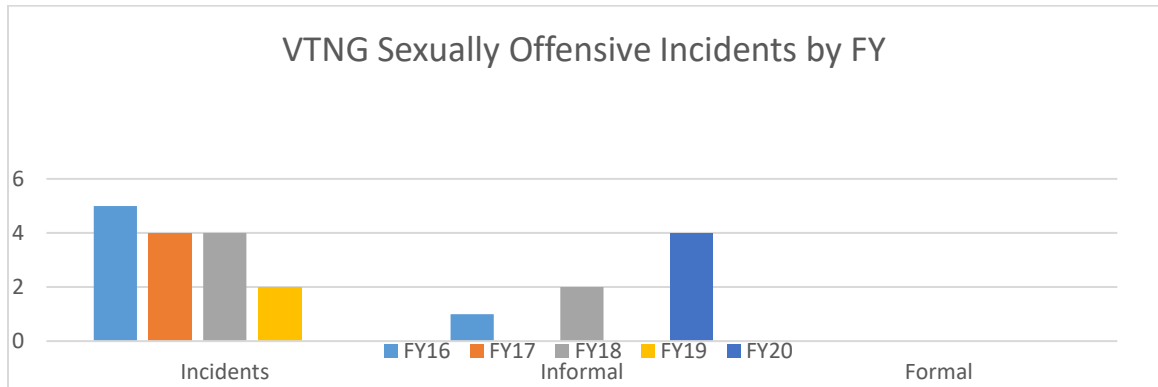
**B. Sexual Harassment**

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 which consolidates data from each State. During FY20, the VTNG received four sexual harassment complaints. None of these cases included formal discrimination resolution requests for processing.

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.

## 1. Current Statistical Data



### VTNG FY20 Informal Resolution Request Data

Case Number	Incident Year	Survivor status time of incident	Accused status at time of incident	Incident Description	Disposition
20-01	2020	F / O-1	M / O-1	Dismissive and disrespectful behavior	Developmental counseling
20-05	2020	Anonymous	Unknown	Physical and Verbal Harassment	Unsubstantiated
20-07	2020	M / E-4	M / E-8	Verbal Harassment	Unsubstantiated
20-09	2020	F / E-6	M / E-8	Disparate Treatment	Pending Investigation

### Formal Resolution Request Data

The VTNG received no Formal Resolution Requests in FY20.

## **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 FY20, 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 (-) Lack of 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
Sandwich Boards @ Units	All Service Members	Awareness Event
Posters throughout Facilities	All Service Members	Awareness Event
SAAPM 5k	All Air Members	Awareness Event
Organizational Inspection Program	Unit Staff	(-) Lack of Institutional support
Special Emphasis Programs	Specific Demographics	(-) Lack of Institutional support
Unconscious Bias Training	All Service Members	(-)Traditional Gender norms (-)Hostility towards woman (-)Sexually violent norms

Equal Opportunity Leader Course	30 Army Members	(-)Traditional Gender norms (-)Hostility towards woman (-) Lack of Institutional support
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**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 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.
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 those who are still in the process.
CATCH Program	The CATCH program is an anonymous DoD wide 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.

**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.

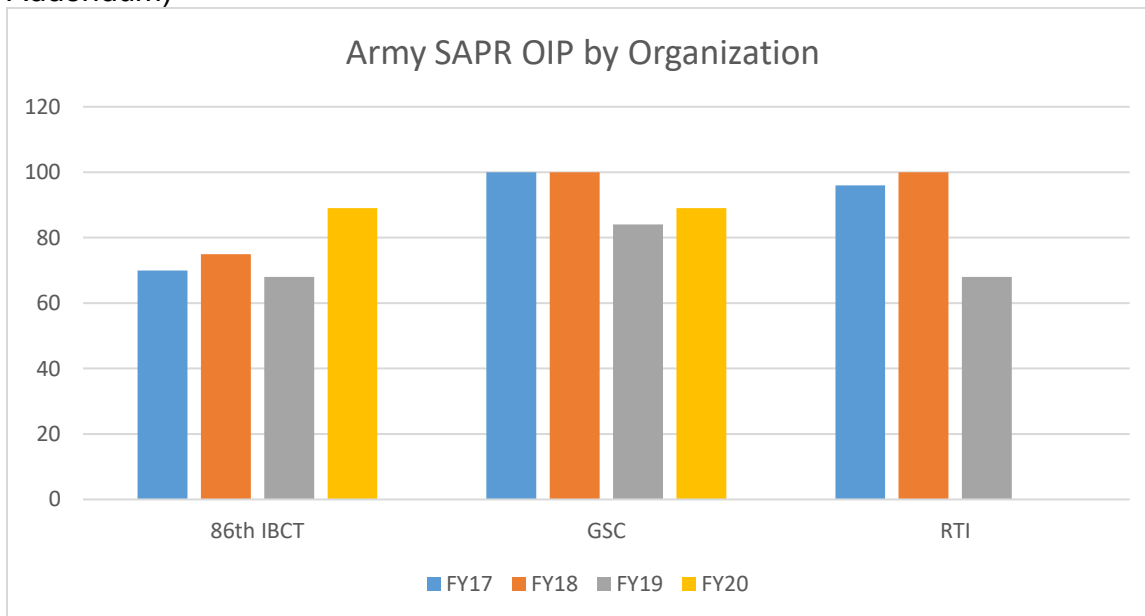
County Task Force Liaison Meeting	Under the state Domestic Violence Council there are sub-committees that meet on a regular basis in each county throughout the state. The JFHQ SARC and Victim Advocate Coordinator (VAC) attend these meetings as frequently as possible.
Special Victims Counsel	One of the 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 monthly Wing and JFHQ Case Management Groups. The JFHQ Case Management Group is Co-Chaired by the Director of Joint Staff and the JFHQ SARC. In the meetings, 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** Due to the upcoming deployments, the OIP this year was condensed, so the SEEM did not conduct their OIP this FY.

## 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	FY20
Alcohol Disorders	8%	5%	5%	4%	4%
Rode with a driver who was under the influence	10%	7%	4%	6%	4%
Experienced sexual harassment	1%	1%	0%	1%	1%
Theft/vandalism	1%	1%	1%	1%	0%
Doesn’t practice safe sex	23%	21%	20%	21%	18%
Have multiple partners	27%	25%	22%	22%	17%



Suicidal ideation	5%	4%	3%	4%	5%
Attempted suicide	0%	0%	0%	0%	0.7%

### 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 158<sup>th</sup> 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 prosecution<sup>1</sup> 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

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

reporting. Under this option, either the command or the survivor will notify law enforcement, allowing them to initiate the official investigative process.

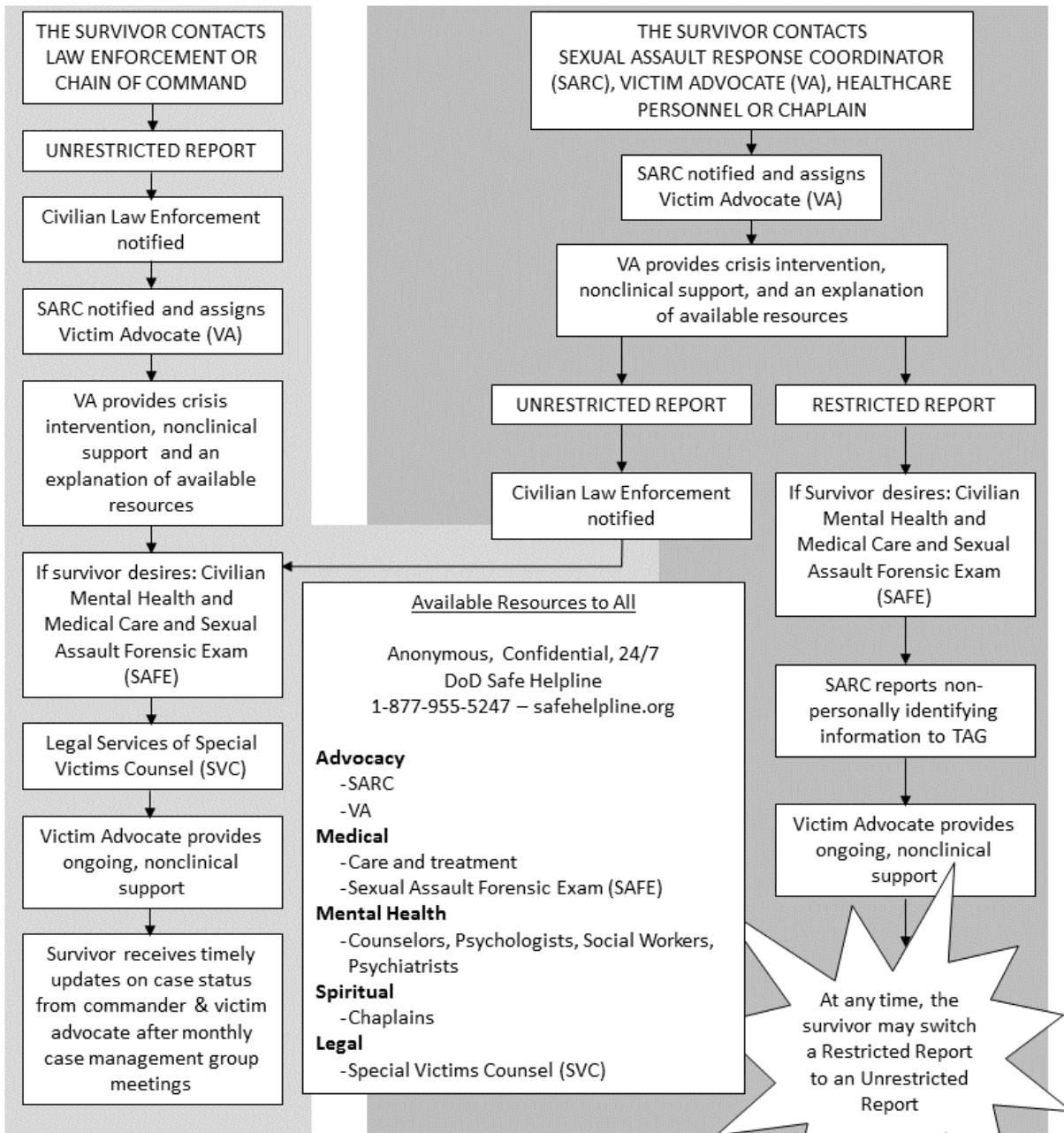
Restricted Reporting: Allows sexual assault survivors the option to confidentially disclose the assault to specified individuals (SARC, SAPR VA, healthcare personnel or Chaplain) to receive medical treatment, counseling and the assignment of a SARC and SAPR VA without triggering an official investigation.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

### Sexual Assault Response Flow Chart

Note: A survivor who first contacts law enforcement or chain of command will have only the Unrestricted Report option.



VTNG Sexual Assault Response Coordinator: (802) 324-9225

VTNG Victim Advocate Coordinator: (802) 324-5584

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	
Does the Victim Advocate assist the commander in meeting annual Sexual Harassment and Assault Prevention and Response Training requirements, including same-gender sponsors?	
Do climate assessments indicate a healthy unit culture where Service members trust their Chain of Command to report?(Show documentation) Reference AR 600-20	
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	
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)	
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?	
When completing:  - Part V, Block B of DA Form 67-9 of the OER  - Part IV, Block D of DA Form 2166-8 of the NCOER  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)?	



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.

## **C. Discrimination Based On Sexual Orientation**

### **a) 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.

### **b) 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.

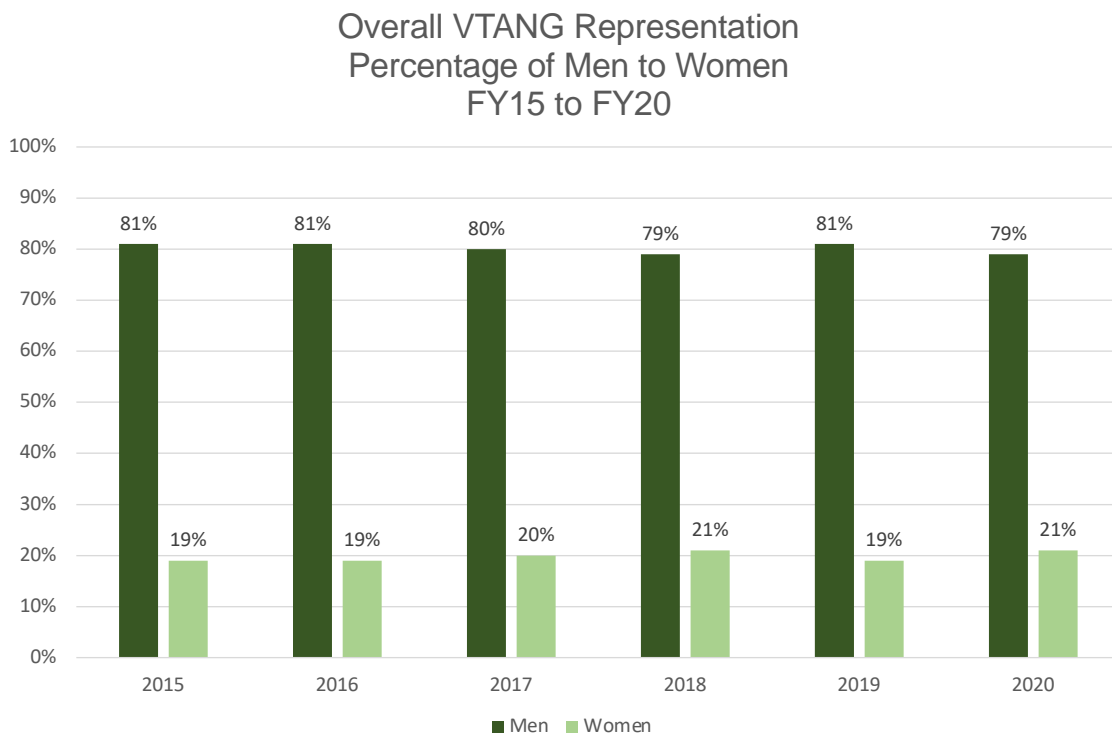
- 1) NGVT-HRO-JP 2018-23 Anti-Harassment Policy, October 2018 Establishes policy, prescribes procedures, and assigns responsibility to preserve a workplace free from harassment in compliance with Equal Employment Opportunity Commission Management Directive 715, which establishes that model EEO programs 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.

## D.FY20 Gender Report

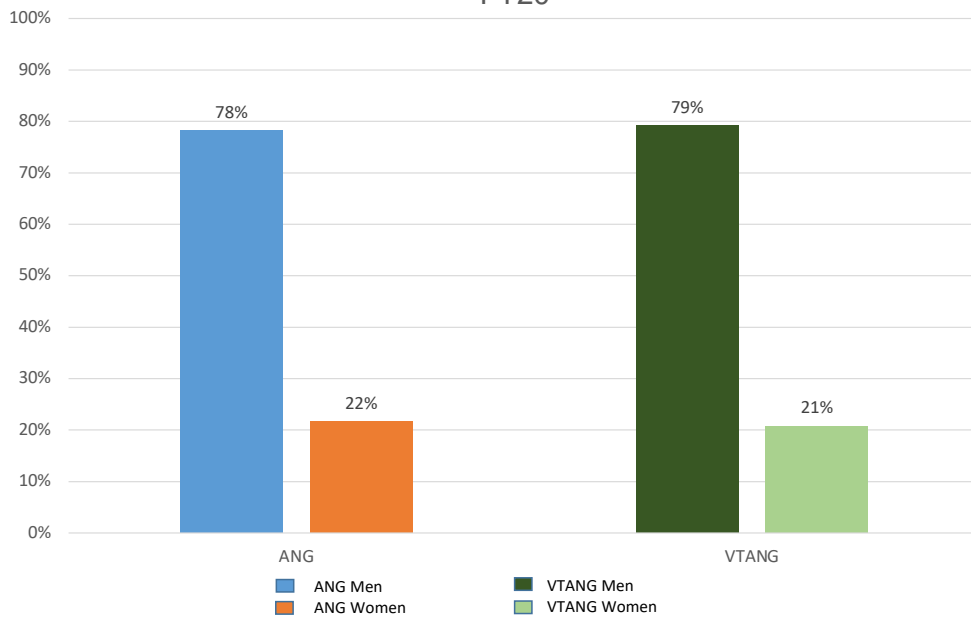
### 1. Vermont Air National Guard Representation by Gender

#### a. Overall Representation

The Vermont Air National Guard (VTANG) saw a 2% increase in the total number of women air personnel. Still, the number of women at the VTANG has remained fairly consistent over the last five years.

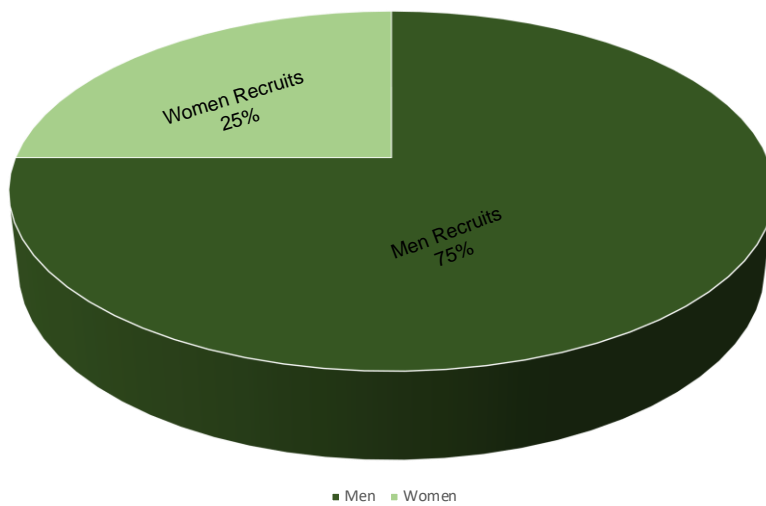


Comparison by Percentage – ANG vs. VTANG  
FY20



The National Guard Bureau releases limited demographic information for all fifty states and the four territories. This data shows that the VTANG has a similar percentage of women and men serving as Air Guard members.

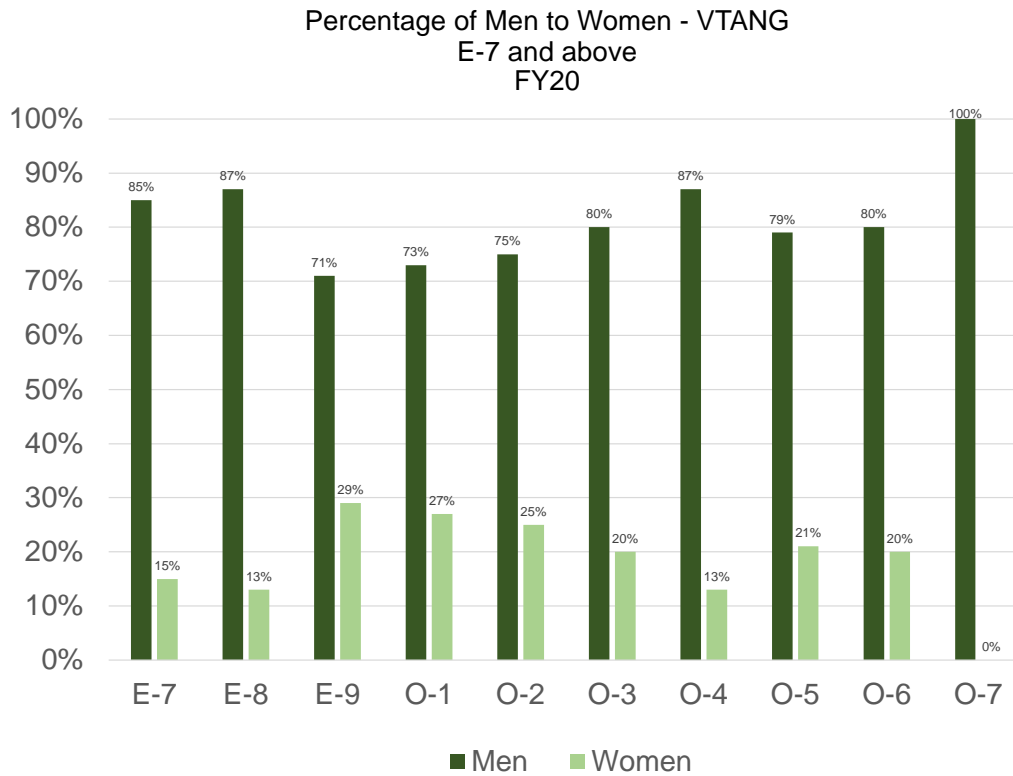
New Recruits – VTANG  
FY20



During FY20, 25% of the recruits were women and 75% were men. Most Air Guard members graduate basic military training with the rank of E-1 and are promoted to E-2 after six months in

grade. In FY20, 64% of the E-1 positions were occupied by men and 36% were occupied by women; 80% of the E-2 positions were occupied by men and 20% were occupied by women.

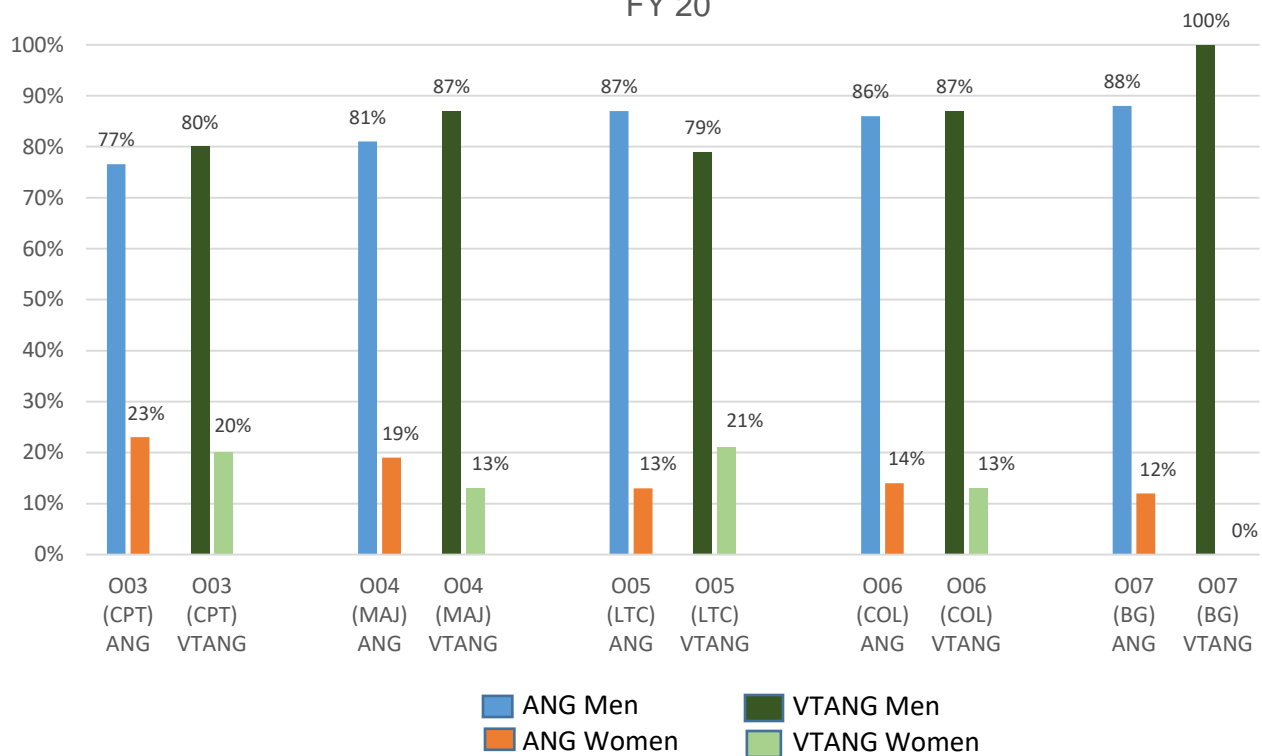
**b. Representation at Higher Ranks**



Several ranks within the VTANG (E-9, O-1, O-2, and O-5) surpassed the barrier commonly experienced by women within the military in which they represent fewer than 20% of any given rank. E-7, E-8, O-4, and O-7 remain underrepresented by women.



Comparitson by Percentage of Men to Women - ANG vs. VTANG  
O3 to O7  
FY 20



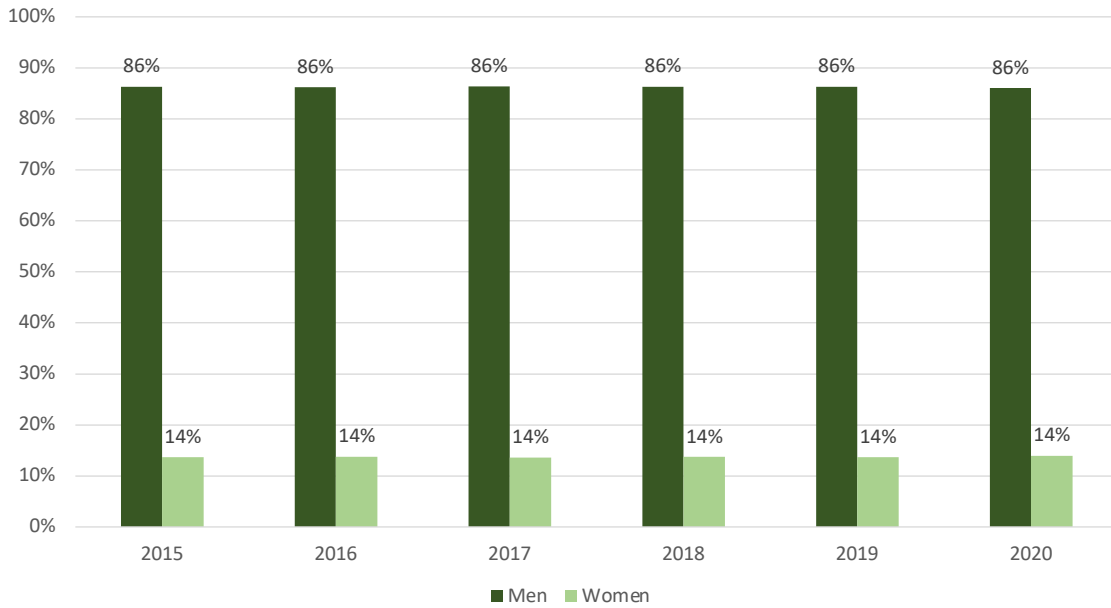
Compared to national averages, the VTANG has a higher percentage of women serving as Lieutenant Colonels. Other ranks in the VTANG (Captain and Colonel) had similar percentages of men and women compared to other National Guard organizations. VTANG had lower percentages of women serving as Majors and Generals. However, the higher percentage of women serving as Lieutenant Colonel should result in more women serving as Majors in the future. While the three Brigadier Generals at the VTNG are all men, Vermont does not have as many O7 positions available as other states.

**c. Vermont Army National Guard Representation by Gender**

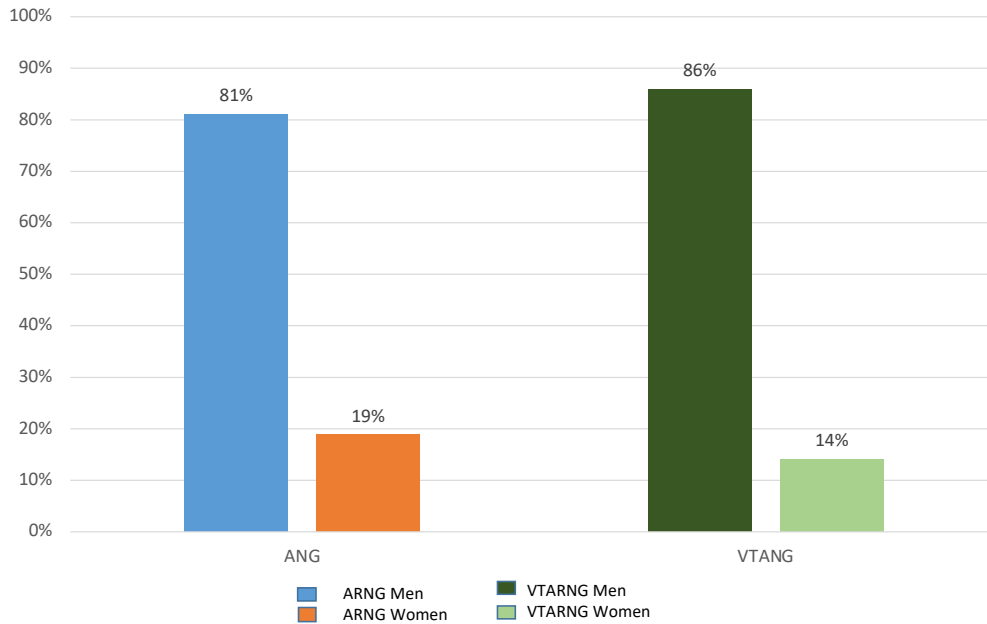
**a. Overall Representation**

The Vermont Army National Guard (VTARNG) saw no significant change in the total percentage of women members. In FY 2020, that number was down slightly from FY 2019. However, the decrease was not as great when compared to the loss experienced by men. Over the last five years, the overall ratio of men to women has remained constant.

### Overall VTARNG Representation Percentage of Men to Women FY15 to FY20

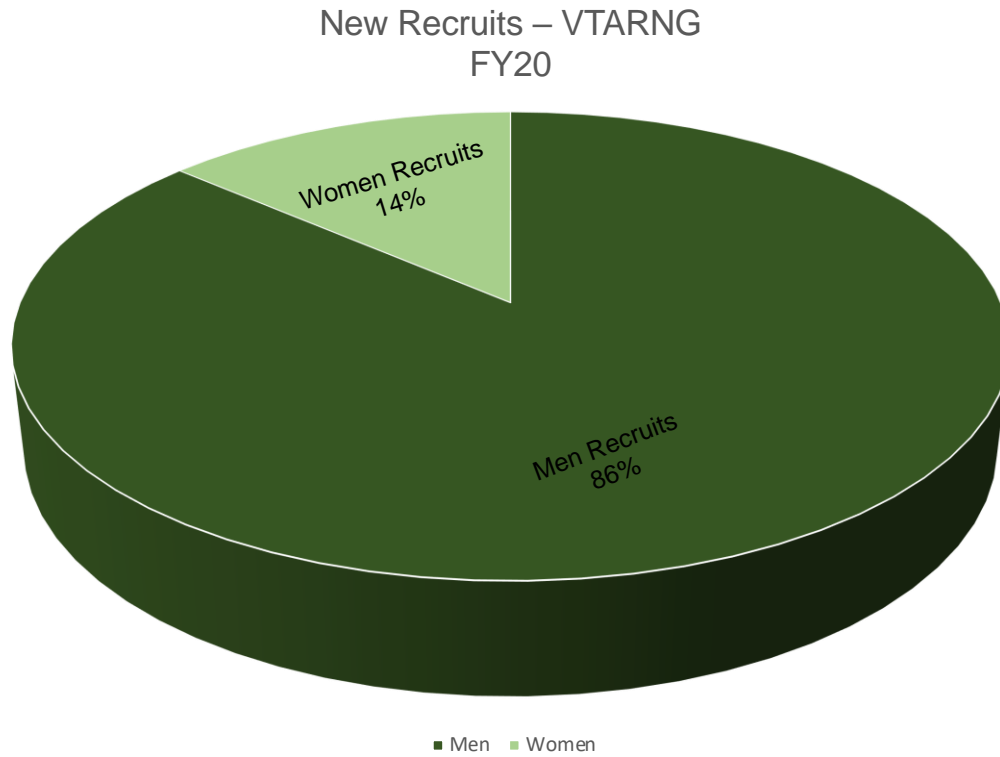


### Comparison by Percentage – ARNG vs. VTARNG FY20



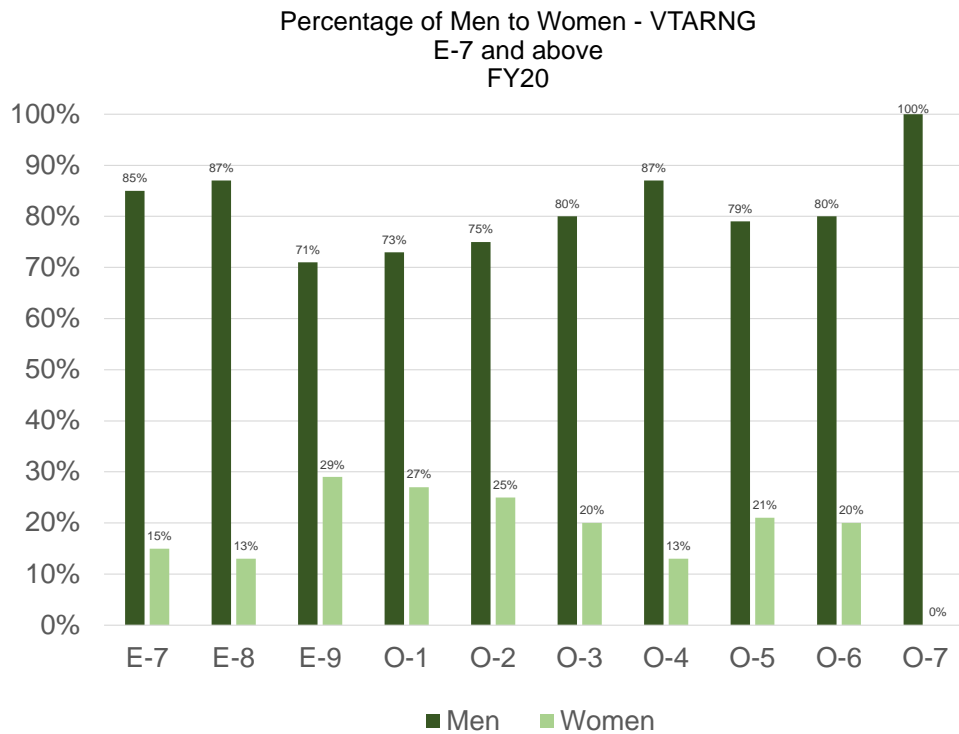
Compared to the National Guard Bureau demographic information, the VTARNG has 5% fewer women in its total representation.

The recruiting data for FY20 shows that the total percentage of women compared to men is unchanged – 14% of new recruits were women and 86% of new recruits were men.



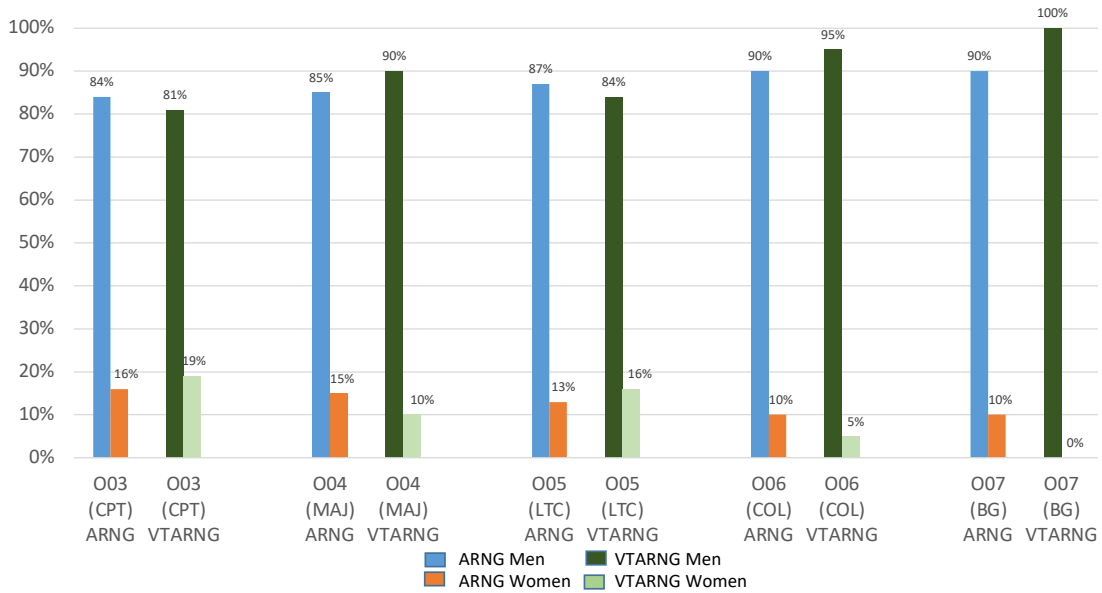
While 88% of the E-1 positions were occupied by men and 12% were occupied by women, 79% of the E-2 positions were occupied by men and 21% were occupied by women.

**b. Representation at Higher Ranks**



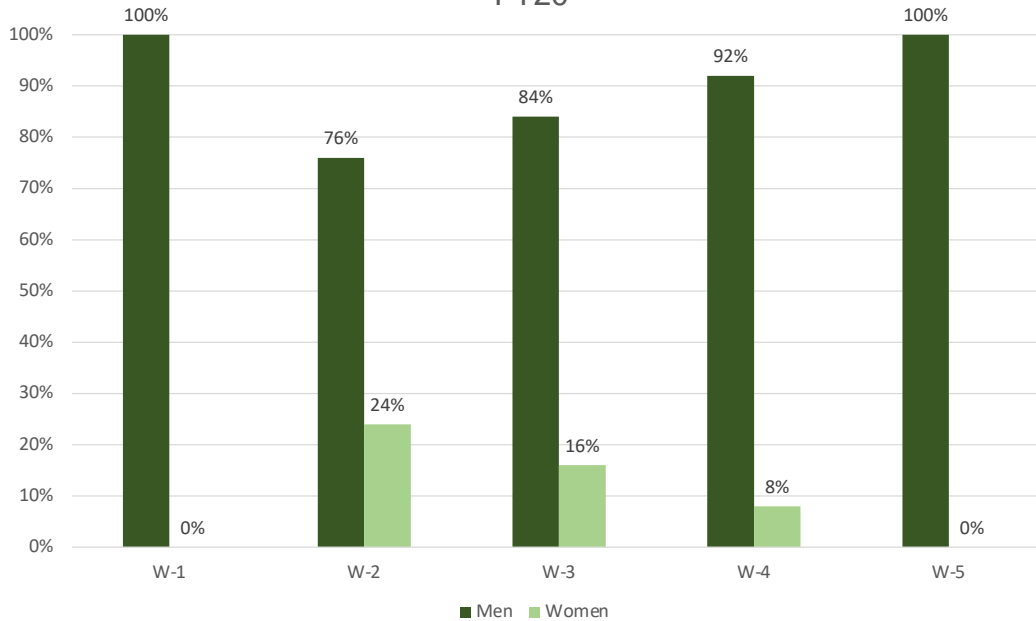
Women are underrepresented at all higher ranks of the VTARNG. Nevertheless, women and men occupy the higher ranks at roughly the same percentage (30%) when compared to the total number of women and men in the VTARNG. Stated differently, 30% of both men and women hold E-7 to O-7 positions compared to their overall representation in the force.

Comparison by Percentage of Men to Women – ARNG vs. VTARNG  
O3 to O7  
FY20

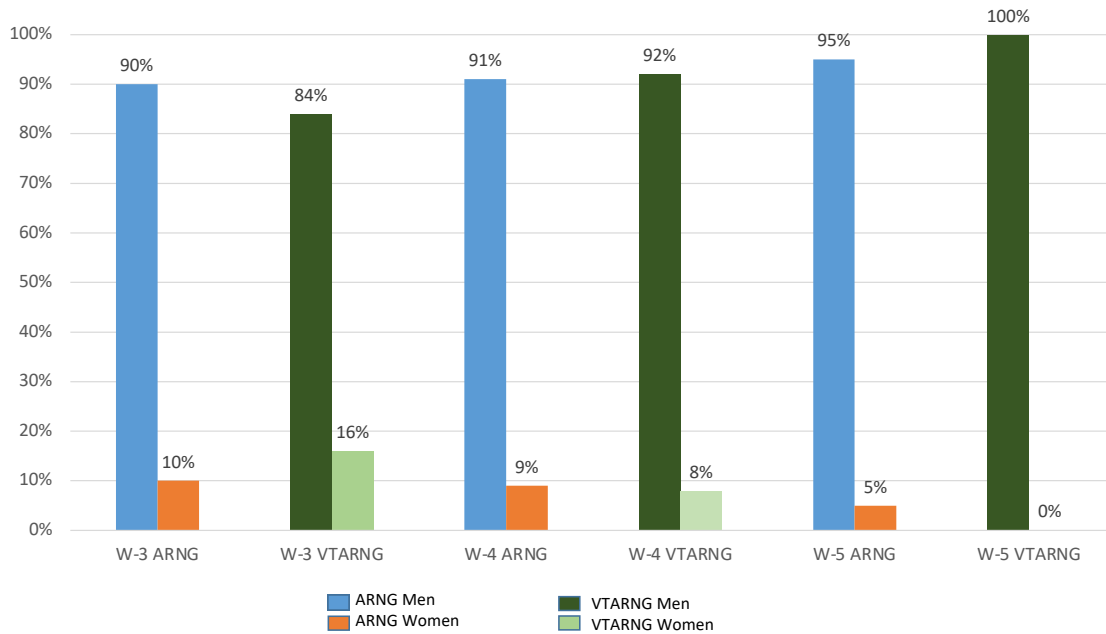


Compared to national averages, the VTARNG has a higher percentage of women Captains and Lieutenant Colonels. The VTARNG has approximately 5% fewer women Majors and Colonels compared to the entire ARNG. Again, the three Brigadier Generals at the VTARNG are men, but Vermont does not have as many O7 positions available as other states.

Percentage of Men to Women – VTARNG Warrant Officers  
FY20



Comparison by Percentage of Men to Women – ARNG vs. VTARNG  
Warrant Officers W-3 to W-5  
FY20



Warrant Officers are specialized experts in their career field. In FY20, only 58 VTARNG members were designated as Warrant Officers. Four women were W-2s and three women were W-3s. As a result, the VTARNG had a higher percentage of women W-3s and about the same percentage of women W-4s compared to the national averages. The VTARNG had no women who were W-1s or W-5s.

**c. Additional Information on the Military Women Program**

**a. Policies and Initiatives**

The VTNG is in the process of updating its Milk Expression Policy, its Equal Opportunity Policies, and its Harassment Policy. Each are designed to promote a more inclusive environment for all members. To that same end, the Joint Diversity Executive Council is revising its diversity and inclusion strategic plan.

In an effort to fully open recruiting opportunities in combat units to women, the VTARNG is working on an exception to the Army’s “leaders first policy.” This policy requires there be women officers or NCOs of the same military occupational specialty in the company. While the purpose of the policy is to provide mentors to assist with the integration, it created a barrier because women did not occupy those officer positions. The VTNG has been working with NGB and anticipates that the last requirement to be completed in the next few months, leading to additional opportunities for women.

This past summer, the VTNG participated in an online information challenge called, “Navigating Pregnancy & Promotion,” an initiative from the Washington Army National Guard in partnership with National Security Innovation Network (NSIN). Essentially, NSIN gathered data from our members about the challenges women face while being pregnant in the Guard. NSIN developed several recommendations, mostly aimed at policy changes which would need to be made the Department of Defense.

The Priority One Task Force (P1TF) is an initiative out of our 158th Fighter Wing designed to address recruiting, diversity, and inclusion issues in the organization. The task force consists of Vermont Air Guard members of all ranks, genders and ethnicities, as well as civic leaders who make recommendations for improving the VTANG. The P1TF received the 2020 Air Force Diversity and Inclusion Team Award and will now compete at the U. S. Air Force level.

We continue to work on the recommendations from the 2019 Women’s Workshop. One recommendation was to create better lines of communication. Recently, the Vermont Army National Guard released an App similar to the one developed by the Vermont Air National Guard. The app, along with TAG’s town halls on Facebook, are helping Guard Members stay connected. Childcare remains a challenge. However, we are studying the issue and have plans to partner with community groups to develop solutions.

#### **b. Trainings and Programs**

This past October, 29 Soldiers from Vermont and Connecticut participated in an intense six-day training course to become Equal Opportunity Leaders (EOLs). The course consisted of classroom instruction, coupled with hands-on exercises designed to give students the tools they need to assess human relations, provide advice, and act upon discriminatory practices. The course focused on racism, sexism, power, prejudice, and the bystander effect.

Two of our members took EEO training to be certified as counselors. The training qualifies them to handle informal employment discrimination issues, including issues related to sex discrimination.