



# VERMONT NATIONAL GUARD LEGISLATIVE REPORT

Fiscal Year 2023

Sexual Assault and Sexual Harassment; Report

In Accordance with V.S.A. 20 §427



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

12 January 2022

MEMORANDUM FOR: THE VERMONT LEGISLATURE

SUBJECT: Vermont National Guard Fiscal Year 2023 "Sexual Assault and Sexual Harassment; Report"

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

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GREGORY C. KNIGHT  
Major General  
The Adjutant General

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## Executive Summary

In May 2013, the Governor signed into law a requirement for The Adjutant General of the Vermont National Guard 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*”). Please see page 21 for all definitions and page 22 for the commonly used acronyms throughout this report. The information covered in these pages addresses case data from the Sexual Assault Prevention and Response (SAPR) office regarding reported sexual assaults and case data from the Military Equal Opportunity (MEO) program regarding sexual harassment and discrimination based on sexual orientation. The following material covers the period of 1 October 2022 through 30 September 2023.

This report begins by reflecting on highlights seen throughout fiscal year (FY) 2023 for the Vermont National Guard (VTNG) followed by four topic sections; Sexual Assault, Discrimination Complaints based on Sexual Harassment, Five Year Case Review, and the Addendum. The Addendum includes sexual harassment and sexual assault reporting and investigation flow charts, policy information, definitions, and a commonly used acronym list. In fiscal year 2023 the SAPR office tracked a total of six reports of sexual assault. Two of these incidents occurred within FY23, two occurred in 2022, one in 2018, and one occurred in 2005. Four assaults were reported by VTNG members/survivors and two were reported via leadership channels. Three of the accused perpetrators were VTNG members. In addition, the MEO program processed one sexual harassment complaint, otherwise known as informal resolution requests and zero discrimination complaints based on sexual orientation.

## Highlights in Fiscal Year 23

Beginning in 2022, the Department of Defense launched the Integrated Primary Prevention Program (IP3) to apply a scientific methodology to the prevention of suicide, sexual assault, domestic violence, and other prohibited interpersonal violence. In October 2022, the Vermont National Guard hired Scott Detweiler as their Integrated Primary Prevention Manager, and they filled their team in January 2023 by hiring Dr. Jennifer Stevenson; Matthew Bouchard, LCSW; and Devan Bevins (an eight-year Public Health Specialist for Vermont Department of Health). The team will apply a public health approach that begins with a comprehensive needs assessment of the Vermont National Guard. The assessment will analyze data from across the organization to measure the prevalence of those common factors that can lead to prohibited interpersonal violence and/or self-harm. Once they understand the prevalence of those risk and protective factors, the team will work with leadership teams to design and implement evidence informed strategies to influence those factors over time, which will ultimately lead to reduced incidents of harm. The intent of this program is not to replace any of the enduring response programs that already exist within the Vermont National Guard (VTNG), but instead to augment their capabilities and work alongside them to implement necessary changes. Each year the VTNG IP3 will publish a Comprehensive Integrated Prevention Plan (CIPP), that includes updated Needs Assessments, to the Office of the Secretary of Defense, and will make this report available to state and community stakeholders. The first CIPP is due by the end of March, 2024.

Listed below are some other highlights our organization has noted over the last fiscal year.

- The Department of Defense released two new Sexual Assault Prevention and Response (SAPR) policies that aim to safeguard and improve support for our members who report sexual assault and sexual harassment.

*Safe to Report:* Protects sexual assault survivors from punitive actions for minor misconduct associated with an unrestricted report. Misconduct such as underage drinking, violation of orders, and unprofessional relationships are examples of barriers that may cause a survivor to not report their assault, thereby forgoing support and care.

*SAPR Services for Sexual Harassment Complaints:* Allows members who report a sexual harassment the option to seek the same services that our assault survivors have access to. These services include free legal assistance and representation in a military setting, victim advocacy, access to military protective orders, mental health referrals and referrals to other support resources.

- The SAPR office began working with the VTNG Judge Advocate and the Legislative Council to write a bill that would allow VTNG members seeking a Relief from Abuse Order an easier path when a military protective Order is in place.

- The SAPR office welcomed back dynamic speaker Obbie West, who provided thought provoking training. Obbie is a presenter who utilizes spoken word poetry to provide information about sexual assault and harassment.
- In April the office hosted MAJ Bridget Flannery to educate our members on Buddy Aid, a training that teaches first aid response to sexual assault. Just as members go to the range to qualify on their weapons. Buddy Aid teaches how to respond when someone reports sexual assault and how to handle it well.
- Serena Furnari, 158<sup>th</sup> Fighter SARC, researched, designed and has been facilitating a Trauma Informed Leadership training throughout our organization. The training is related to concepts associated with Adverse Childhood Experiences (ACE's). It connects ACE's to mental and physical health outcomes with the lens of how to lead/support our Members even though we may not always know of their trauma.
- The SAPR office has been developing a SAPR Mobilization plan that seeks to improve support for mobilizing/deploying units. The plan is comprehensive and focuses on three primary lines of effort to ensure support for members before, during, and after deployment.
- The 158<sup>th</sup> Fighter Wing held its 6<sup>th</sup> Annual SAPR/Suicide Prevention 5k, with a turnout of over 130 people, and included members from both the Air and Army Guard.
- The Wing SAPR office partners with the Wellness Team to provide members with wrap around care. This past year the Wellness Team provided the first ever Wellness Week. The week was filled with offerings for service members which addressed their mental, physical, spiritual, and financial health.
- The Wing also held the 4<sup>th</sup> Resiliency Tactical Pause (RTP). The RTP is an opportunity for members to come together to discuss challenges related to mental health. It focuses on fostering conversation around strengthening the community at the wing, and promotes help seeking behavior, as well as inclusion.
- Major General Knight continues to serve as the Vice Chair of the National Guard Joint Diversity Executive Council (JDEC), working with the 10 National Guard regional JDECs to improve diversity, equity, and inclusion across our force.
- MG Knight received the Excellence in Diversity Award from the National Guard Bureau. This award is presented to the Army National Guard member who stands out from among their peers by significantly contributing to diversity and inclusion initiatives and ideas institutionalizing best practices, building measurable milestones, and attaining individual or group diversity and inclusion goals.

- The VT National Guard has begun reaching out more intentionally to the New American populations in Vermont, working closely with the Vermont Refugee Resettlement Program, and the Vermont New American Advisory Council. Doing so has the potential to increase both our diversity and recruiting while assisting these bright young people with a potential expedited path to citizenship.
- The Equal Employment Office hosted the National Equal Employment Management Advisory Council (EEMAC) and the National Guard Bureau's Diversity Equity and Inclusion (DEI) Directorate for a workshop 26-28 September 2023. The EEMAC consists of 15 Lead State Equal Employment Managers from various states throughout the country who advise the National Guard Bureau DEI on MEO Policy and ensures compliance with state and federal statutes, laws, and readiness objectives for the National Guard.
- The Equal Employment Office developed a new Joint Diversity Policy 2023-04. The policy aims to attract the rich mixture of diverse people from all backgrounds within the State of Vermont. It is our intent to ensure that this great diversity is reflected across our formations.

## **Section One: Sexual Assault**

The Vermont National Guard SAPR office receives reports of sexual assault according to the Department of Defense definition: Intentional sexual contact characterized by use of force, threats, intimidation, or abuse of authority or when the survivor does not or cannot consent. The definition includes rape, sexual assault, aggravated sexual contact, abusive sexual contact, forcible sodomy, or attempts to commit these acts.<sup>1</sup> Currently the SAPR office is staffed by the Lead Sexual Assault Response Coordinator (SARC), Nikki Sorrell, and the 158<sup>th</sup> Fighter Wing SARC, Serena Furnari. As of this printing we are in the process of hiring a Sexual Assault Prevention and Response Specialist.

National Defense Authorization Act section 1631 (Public Law 111-383) requires the Secretary of Defense to submit an annual report of sexual assaults involving military members to the Committees on Armed Services to the Senate and House of Representatives. The report includes 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 FY23.

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<sup>1</sup> Because the SAPR program is based on the DoD definition, its coverage area is broader than Sexual Assault as defined under Vermont law. Therefore, SAPR covers allegations of state-based equivalents, such as Lewd and Lascivious conduct as defined in Vermont.

## **Offense Reporting Options**

The SAPR office offers three options for service members to report offenses, providing 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/need to know basis) or the Restricted (confidential) option by completing the DD Form 2910: Victim Reporting Preference Statement. The third report type is Open with Limited and is used in circumstances where the survivor does not or chooses not to sign a DD Form 2910: Victim Reporting Preference Statement. This would occur if the survivor were a civilian, or if the case is reported via a third-party source such as a member of leadership learning of an incident prior to formal reporting.

Please note that the Vermont National Guard (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 jurisdiction over “purely military offenses.” Civilian courts will prosecute all other offenses. Sexual assault (under either the Vermont or UCMJ definition) is not a purely military offense. Also, according to National Guard Bureau regulation all Unrestricted reports of sexual assault are initially reported to local law enforcement for investigation. If local law enforcement does not investigate, then the National Guard Bureau’s Office of Complex Investigations will conduct an investigation for the VTNG. Reports of sexual assault are never investigated internally by the VTNG.



## Statistical Data

Figure 1.1, below, depicts the total number of reports of sexual assaults the SAPR office has received since its inception in FY10. The bars indicate total number of reports, the color on those bars indicates report type (please see definition on page 21 for report type definitions), and the red circle informs the reader of the number of perpetrators in those reports identified as Vermont National Guard members. Looking at FY23 we can see that the office received six reports of sexual assault. Three Restricted, one Unrestricted, and two Open with Limited reports. Three of those total reports listed a VTNG member as the perpetrator, this further indicates that three of the perpetrators were either a civilian or non-VTNG member.

Figure 1.1

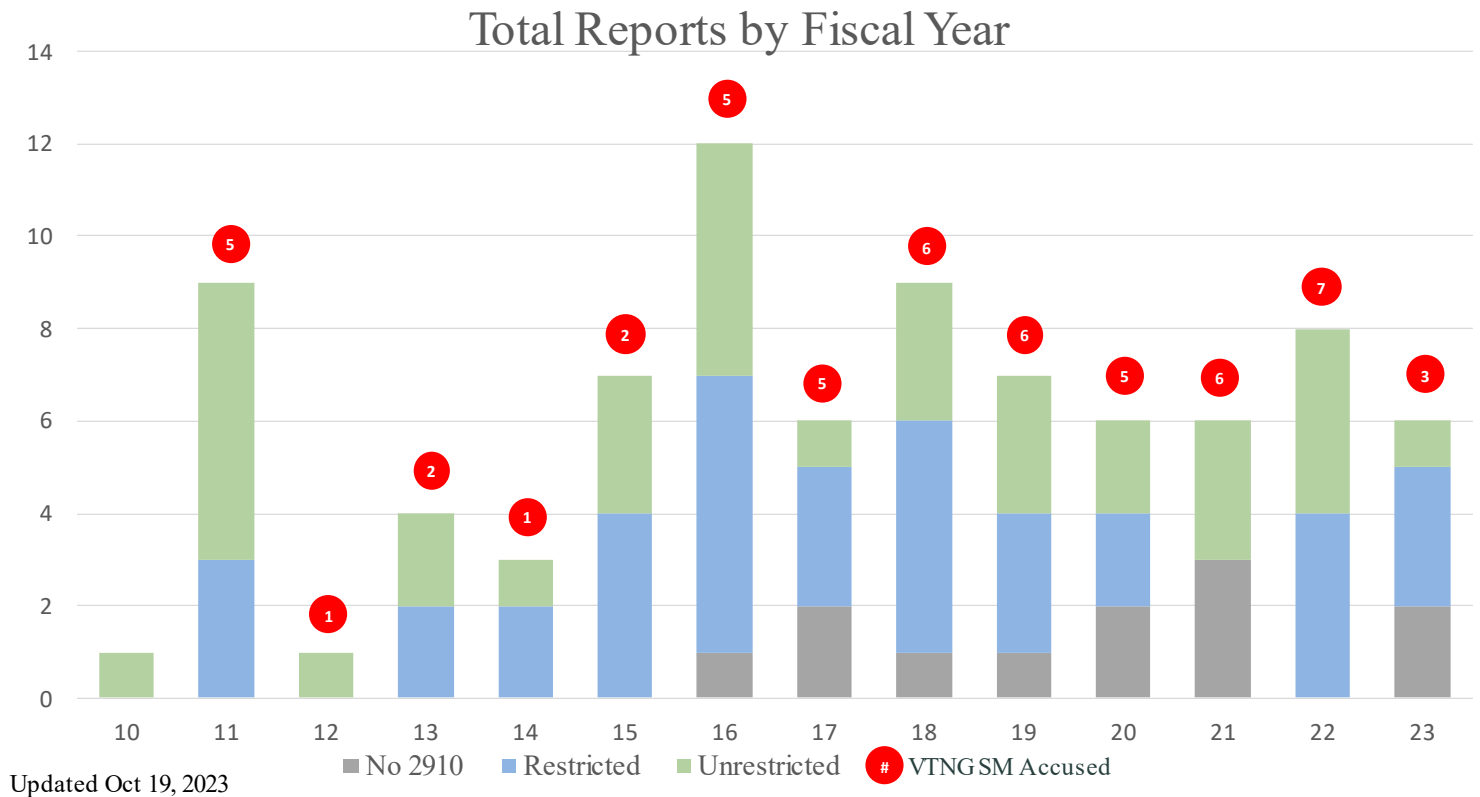
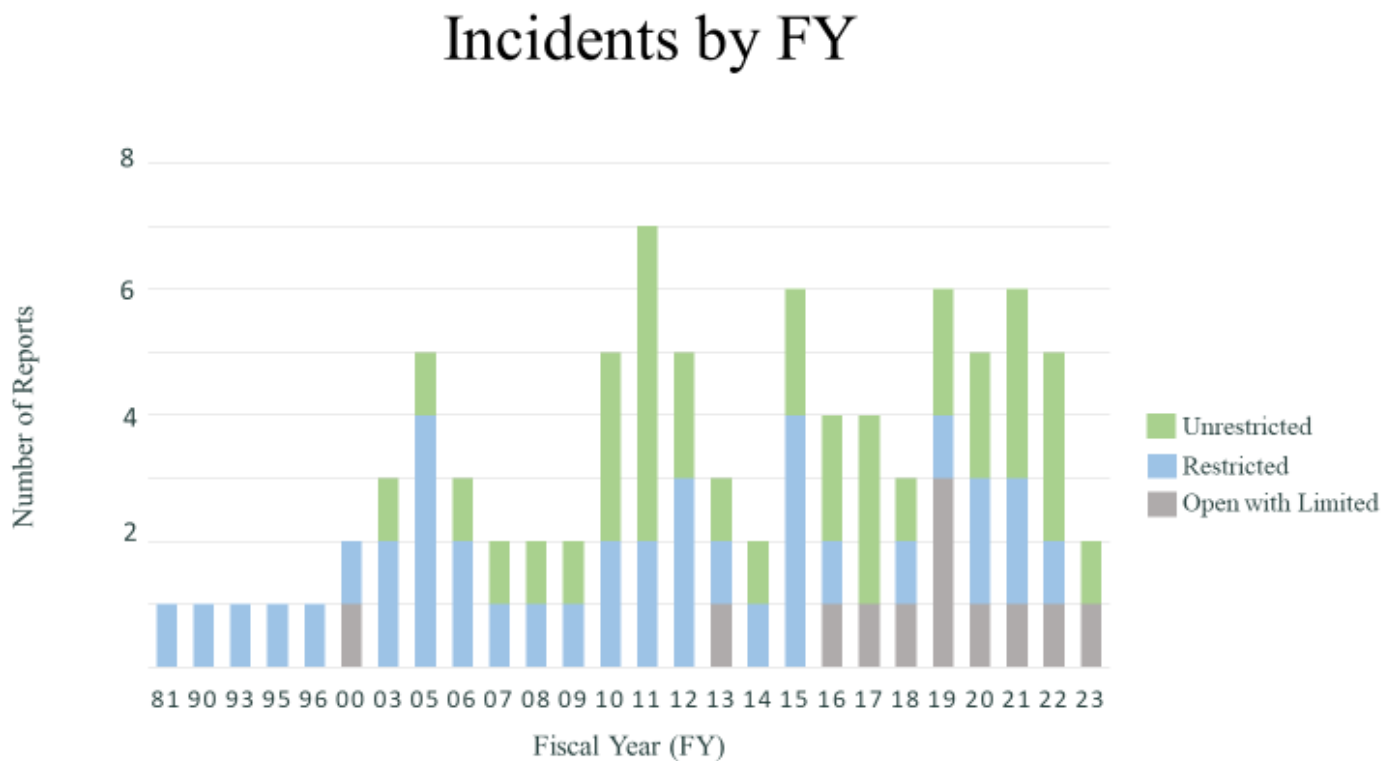


Figure 1.2, below, depicts the total number of reports received by the SAPR office represented in Figure 1.1, but broken out by the fiscal year in which the incidents occurred. This chart demonstrates that sexual violence affects all victims differently and many choose to wait years before they report if they report at all. The military has no time limits on reporting sexual assaults. This offers members time to heal, find safety, and/or report when it feels right for them. The SAPR office began taking reports in 2010 and, to date, survivors have come to report incidents that took place dating back to 1981. Looking at FY 23 we can see that of the six reports the SAPR office received, two incidents occurred in FY23. The other four incidents were historical, with two occurring in 2022, one in 2018, and one in 2005.

Figure 1.2



Updated Oct 17, 2023

### Fiscal Year 2023 Sexual Assault Case Details

Figure 1.3 depicts assault type, incident year and type of report for FY2023.

Case ID	Incident Year	Status of Survivor	Status of Accused	Assault Type	LOD	Report Type
00035	2022	M/ E-4	F/Civilian	Sexual Assault	No	Restricted
00304	2022	F/Civilian	M/ E-6	Sexual Assault	No	Open w. Limited
00520	2023	F/ E-5	M/ O-2	Abusive Sexual Contact	No	Restricted to Unrestricted
00601	2023	F /Civilian	M/ E-5	Abusive Sexual Contact	N/A	Open w. Limited
00785	2005	F/ O-3	M / E6 (non-VTNG member)	Sexual Assault	Yes	Restricted
00786	2018	F/ O5	Male – Civilian	Sexual Assault	No	Restricted

**Disposition Data on FY23 Reports Involving Accused Vermont National Guard Service Members**

The Chart below, figure 1.4, depicts disposition status for the one Unrestricted case and 2 Open with Limited cases that were reported in FY 23. Please note that only three out of the six reported cases include a disposition status. This is because the other three cases were filed as Restricted, therefore the allegation remains confidential and not subject to investigation or action. The reporting parties involved in Restricted cases may choose to switch their reports to Unrestricted at any time to open an investigation.

Figure 1.4

Case Number	Incident FY	Allegation	Disposition
00304	2022	Sexual Assault	Open with Limited case involving a VTNG member as the perpetrator and civilian survivor. This case was investigated by law enforcement. Charges were dismissed by civilian authorities. No military disciplinary action taken due to lack of substantiated allegations.
00520	2023	Abusive Sexual Contact	Unrestricted case that occurred while both parties were deployed and in an Active Duty status. The investigation was handled by Active Duty investigators. The findings have not been released at this time.  The perpetrating member has been placed on an administrative hold.
00601	2023	Abusive Sexual Contact	Open with Limited cases involving a VTNG member as the perpetrator and civilian survivor. Case is pending in the criminal court system.  The member has been placed on an administrative hold

**Federalized Reports**

From the six total reports of Sexual Assault the Vermont National Guard had in FY23 one is a federalized case. This means it was filed by a VTNG member while deployed outside of the continental U.S. The case is listed in Figure 1.4 above with the disposition pending Active-Duty investigation findings.

## **Section Two: Discrimination Complaints based on Sexual Harassment.**

In the Vermont National Guard, any report of unlawful discrimination is filed with State Equal Employment Manager (SEEM), Todd Connolly. The SEEM reports statistical data of discrimination cases 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. The definition of sexual harassment applicable to this report, as a form of sex discrimination is described in Department of Defense Instruction 1020.03 Harassment Prevention and Response in the Armed Forces states: Sexual Harassment involves unwelcome sexual advances, request for sexual favors and deliberate or repeated offensive comments or gestures of a sexual nature when: Submission to such conduct is, either explicitly or implicitly, made a term or condition of a person's job, pay, or career; Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions 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; is so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the environment as hostile or offensive.

### **Reporting Options**

The National Guard Military Equal Opportunity (MEO) Program has two reporting phases: Informal Resolution Request (IRR) and Formal Resolution Request (FRR). All reports of sexual harassment begin at the informal phase to allow the agency (VTNG) an attempt to investigate and process the complaint to reach resolution. If a complainant is not satisfied with the resolution proposed by the agency, the complainant may elect to move the complaint to the formal phase. The formal phase moves the complaint to the National Guard Bureau to investigate the allegation of discrimination, and if substantiated, proposes a resolution for the agency to implement. NG members must initiate the complaint process within 180 calendar days from the date of the alleged discrimination, or the date the member was made aware of the alleged discriminatory event or action. VTNG leadership will appoint an Inquiry Officer (IQO) to conduct an expedited inquiry into the allegation. The IQO must complete a Leadership Inquiry Report (LIR) and forward to the appropriate commander through the State MEO representative within 60 calendar days of the IQO's appointment. The commander at the lowest level will review the LIR to determine an appropriate resolution. The commander at the next higher level will review decisions by the lower-level commander. The lower-level commander, or the State MEO representative, will meet with the member and explain the proposed resolution. The review process must be completed within 30 calendar days from the issuance of the LIR.

**Current Statistical Data**

During FY23, the VTNG SEEM received one informal resolution request based on sex discrimination – sexual harassment. In addition to the informal process resolution, the command initiated adverse administrative action against the subject of the complaint. The allegation was substantiated through a hearing process. Final administrative action is pending legal review of the proceedings.

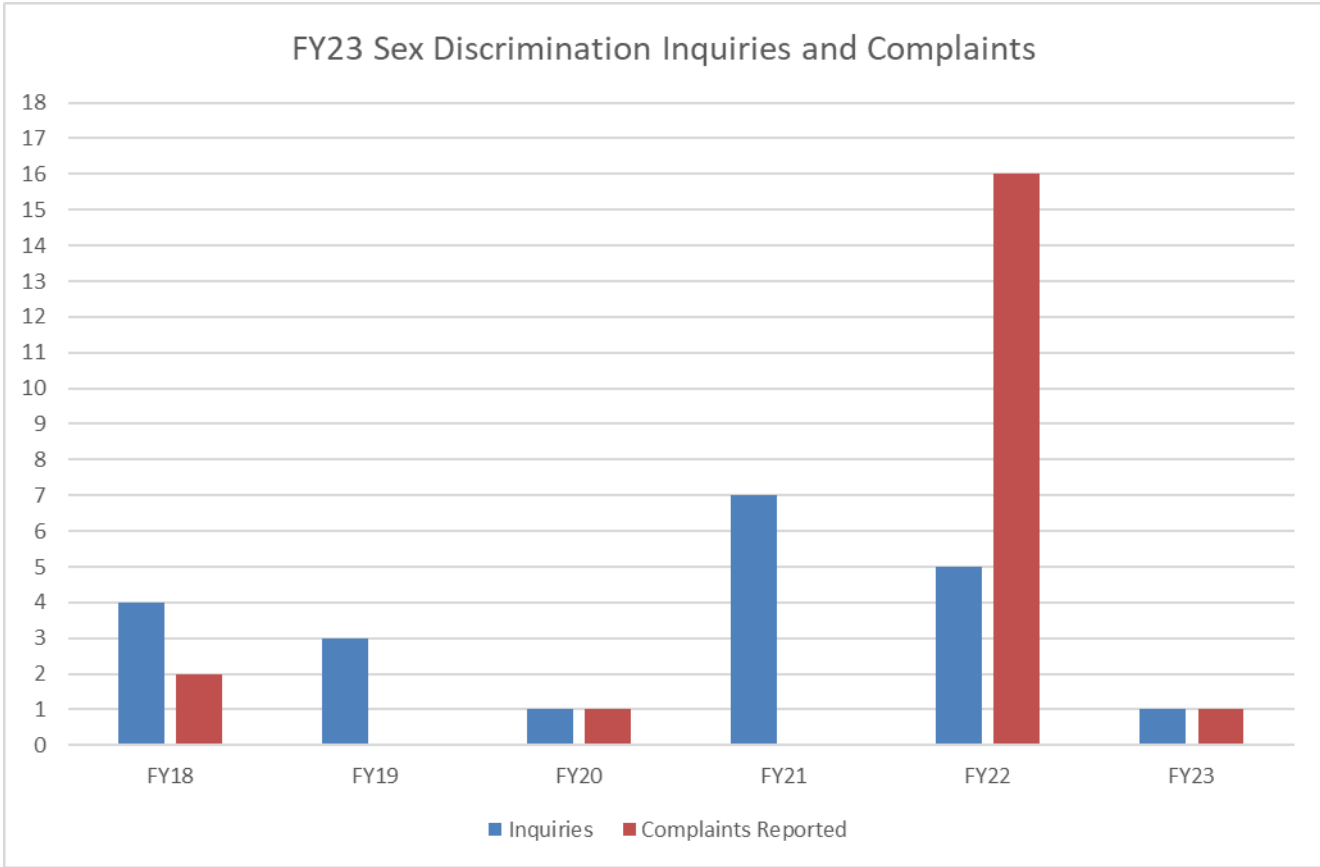
Figure 2.1 depicts sexual harassment reports for FY23:

<b>VTNG Case Number</b>	<b>Complainant Status at time of incident</b>	<b>Alleged</b>	<b>Alleged Discrimination</b>	<b>Incident Description</b>	<b>Disposition</b>
VTNG-2023-01	F/E-4	M/ E-5	Sexual Harassment	Inappropriate behavior, sexual in nature	Command initiated separation, pending legal review

Figure 2.2 below, depicts sexual harassment complaints reported since FY2018. There was a substantial increase in FY22 and drop in FY23. The Vermont National Guard attributes this to policy changes in FY21, an increased equal opportunity training in FY22 and FY23, and being in a post-mobilization phase. The new joint policies allow members to report sexual harassment to any level of leadership and directly to the State Equal Employment Manager. Historically, policy directed that reports go through a member’s direct chain of command and always handled at the “lowest level” first. The updated policies came with products that made the reporting process easier to understand. The SEEM has worked diligently with VTNG leadership and VTNG Equal Employment Advisors to advertise the changes and offer a clear path to reporting for all Vermont Guard members.

Figure 2.2 MEO inquiries and complaints:

An inquiry is when a Soldier or Airman visits the Equal Opportunity Office with a concern or question regarding the Military Equal Opportunity Program. For FY23, a Soldier visited the Equal Opportunity Office with a concern, that turned into a complaint of discrimination.

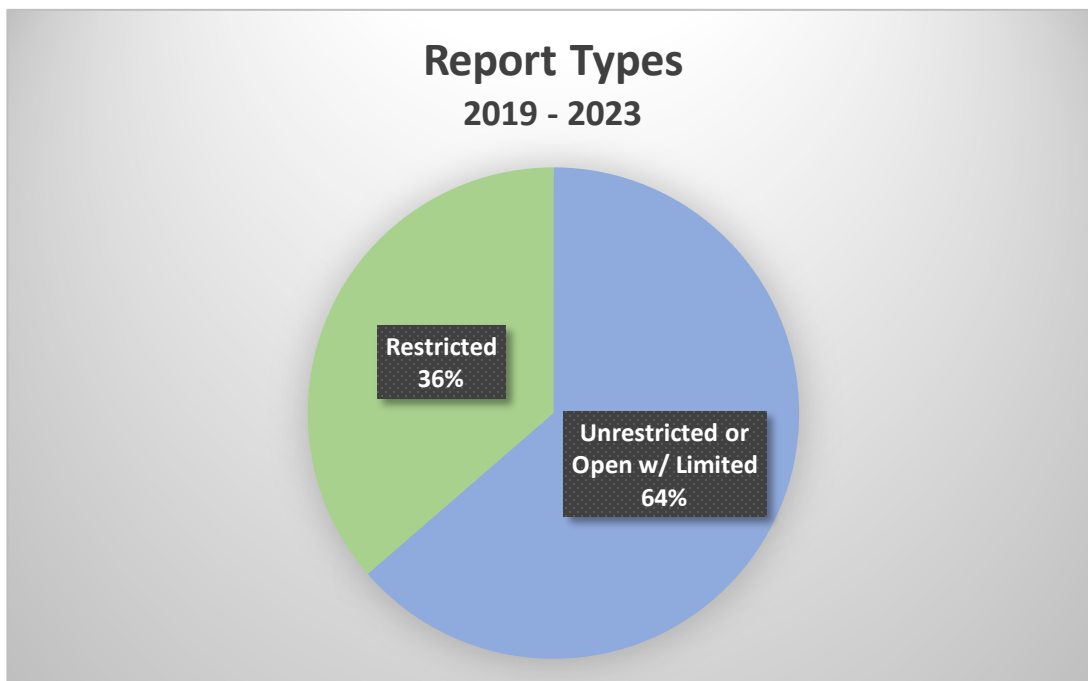


### Section Three: Five Year Case Review

Below is data on report types, Unrestricted case outcomes, and dispositions over the last five years. The choice to share this information in an annual report serves two purposes. To show an accurate picture of what sexual assault reporting and outcomes look like in the Vermont National Guard in hopes of taking away disillusion and/or false information. And to offer insight in the direction we're going regarding our internal training and education. Working with our prevention team, Leadership, and SAPR Stakeholders we want to use this data, and more that we continue to collect, to tailor education plans and offer transparency to our members while keeping our survivor's information safely confidential.

Figure 3.1 depicts our Report Types from 2019 – 2023. For definitions on Report types please see page 21. In this five year span the SAPR office received 33 total reports. Of those 33, 21 or 64% were Unrestricted or Open with Limited. These report types initiate an investigation. Of the 33 reports, 12 or 36% were Restricted, which do not initiate an investigation. Like us, the National Guard Bureau (NGB) submits an Annual Report to the Department of Defense that is released to Congress in the spring/summer of every year. This is a compilation of reporting data from all 54 States and Territories. When we compare Figure 3.1 data to the NGB Annual Report for FY22 (FY23 has not come out at the time of this edit) we are able to see that our report type averages almost mirror National averages. The NGB report shows that 66% or 1836 were Unrestricted reports and 34% or 965 cases were reported as Restricted reports, between 2019 – 2022 (National Guard Bureau Fiscal Report 2022).

Figure 3.1





Next, we looked at rank of Survivors and Perpetrators. National civilian statistics looking at sexual violence typically indicate that young adults (ages 18-25) tend to be more at risk (Center for Disease Control and Prevention). While we can't tie an age to a rank it is generally assumed that lower Enlisted Soldiers and Airmen are younger and more likely to fall into the 18-25 age range. We wanted to assess for where our reports are indicating risk of harm. Figure 3.2 looks at average rank of reporting Survivor and figure 3.3 looks at average rank of reported Perpetrator. This information will begin to be disseminated throughout the current fiscal year annual unit SAPR trainings.

Figure 3.2

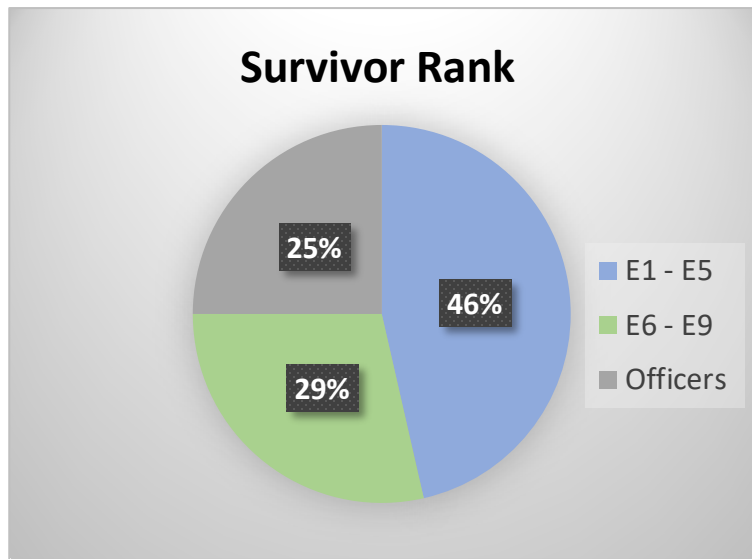
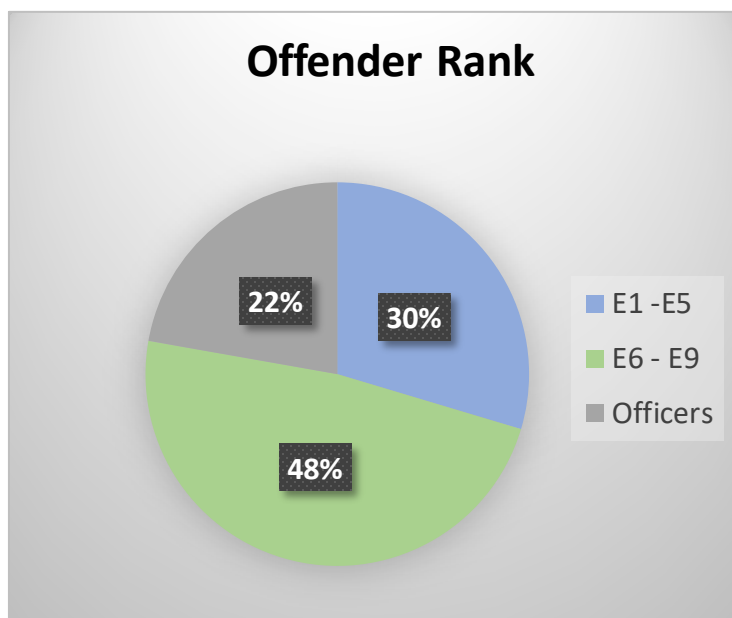
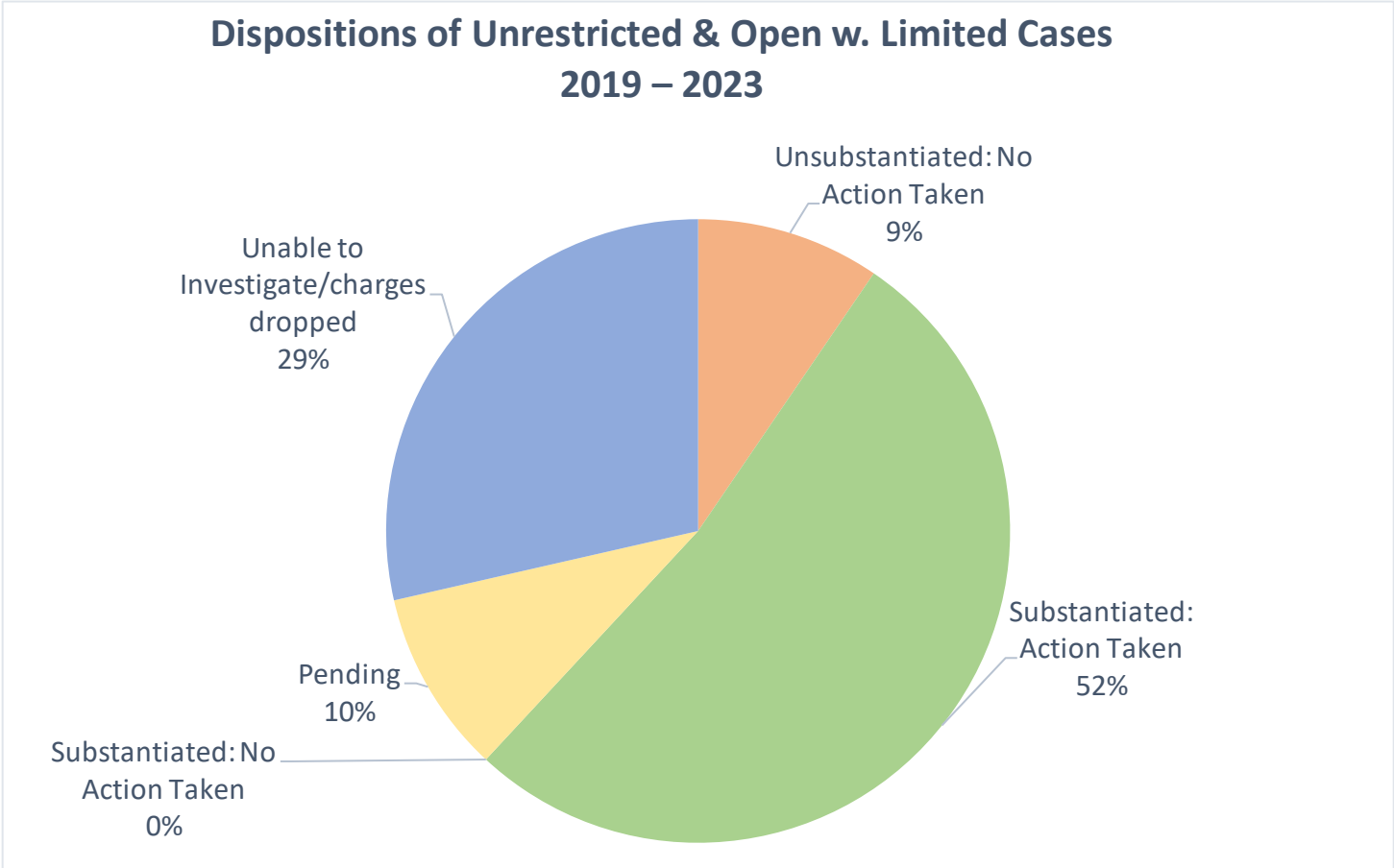


Figure 3.3



Next, we looked at the findings in our Unrestricted and Open w. Limited cases, the report types that initiate an investigation. At the close of FY23 we had 21 total Unrestricted and Open w. Limited cases from 2019-2023. Figure 3.4 shows the rate of substantiated cases and other outcomes for these 21 cases.

Figure 3.4

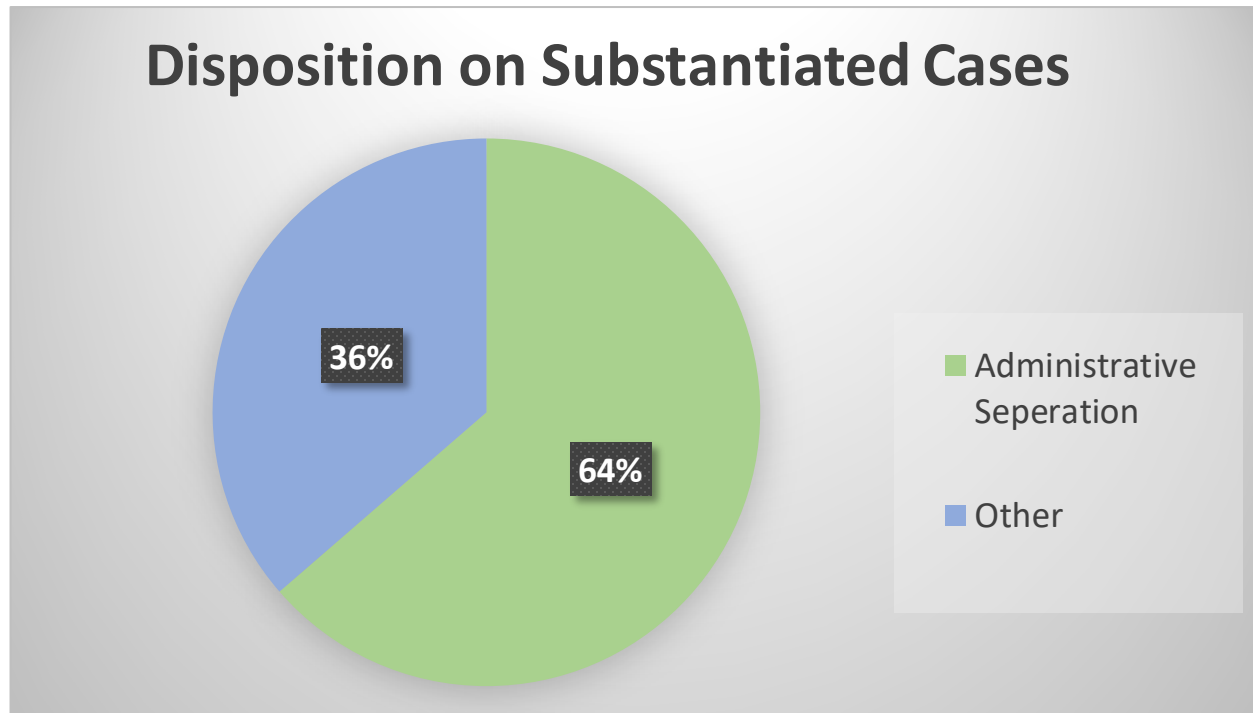


As shown, 52% or 11 cases were substantiated for sexual assault and (administrative) action was taken in all 11 cases. Conversely, 9% (2 cases) were unsubstantiated and therefore no punitive administrative action was taken. There were 6 incidents (29% of cases) where something occurred that caused an investigation to not proceed and therefore no outcome was found. Factors that cause an investigation to stop include dropped civilian criminal charges and/or a victim choosing to not participate in an investigation. These things can happen together or separately. When a case is unsubstantiated or is unable to be investigated the VTNG does not seek punitive action equal to that of a substantiated case. But if there was other conduct at issue found during an investigation period the VTNG can take administrative action based on that conduct/behavior. This no longer

becomes attached to sexual assault and therefore is not captured in Figure 3.4 or 3.5. For administrative actions taken for substantiated sexual assault cases please see Figure 3.5.

The last data point we will depict is administrative actions (referred to as Dispositions) taken in the eleven substantiated sexual assault cases between 2019 and 2023.

Figure 3.5



As shown, 64% of our cases (or 7 perpetrating members) were administratively separated from the VTNG based on the substantiated finding. In 4 cases or 36% there was Other administrative action take. Those actions are listed in the chart below.

“Other” Disposition Outcomes for Substantiated cases in 2019-2023
1. Substantiated Case: Non-Judicial Punishment – Reduction in Rank
2. Substantiated Case: Suspended Separation for treatment
3. Substantiated Case: No action taken – Perpetrator was a member of another State’s Guard. Administrative action can only be taken by that State’s Guard.
4. Substantiated Case: No action taken – Perpetrator was a member of another State’s Guard. Administrative action can only be taken by that State’s Guard.

## Section Four: Addendum

### Figures

Figure 4.1 Reporting Options and Contact Graphic



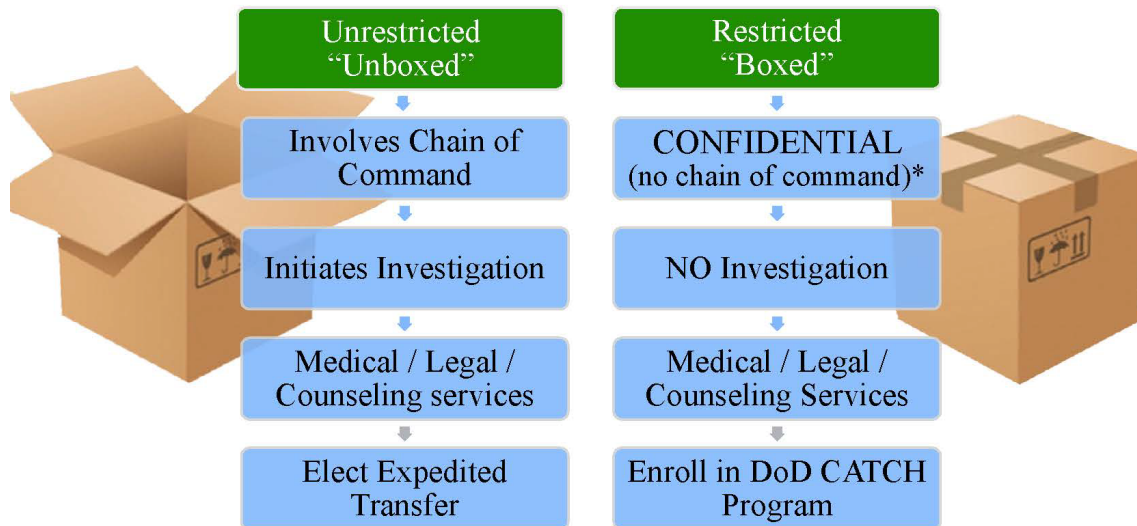
# VTNG Reporting Options

## Step 1: Contact VTNG SARC, Unit SARC or Victim Advocate

State SARC: 802-324-9225 (24/7)

Wing SARC: 802-735-4579 (24/7)

## Step 2: Choose:



**Expedited Transfer:** Survivors may request a lateral move to a new command following the unrestricted report of a sexual assault.

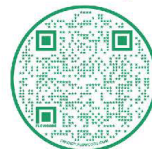
**DoD CATCH:** Survivors who elect a Restricted Report may enroll in CATCH program: registers identifying information of the assailant in a national database for possible matches.

**\*Restricted Confidentiality:** New regulations allow survivors to notify their chain of command and maintain a restricted report if they choose.

## Step 3: Move forward with the SAPR services you want

Survivors who initially elect Restricted Reporting may change to an Unrestricted Report at any time

Learn more:

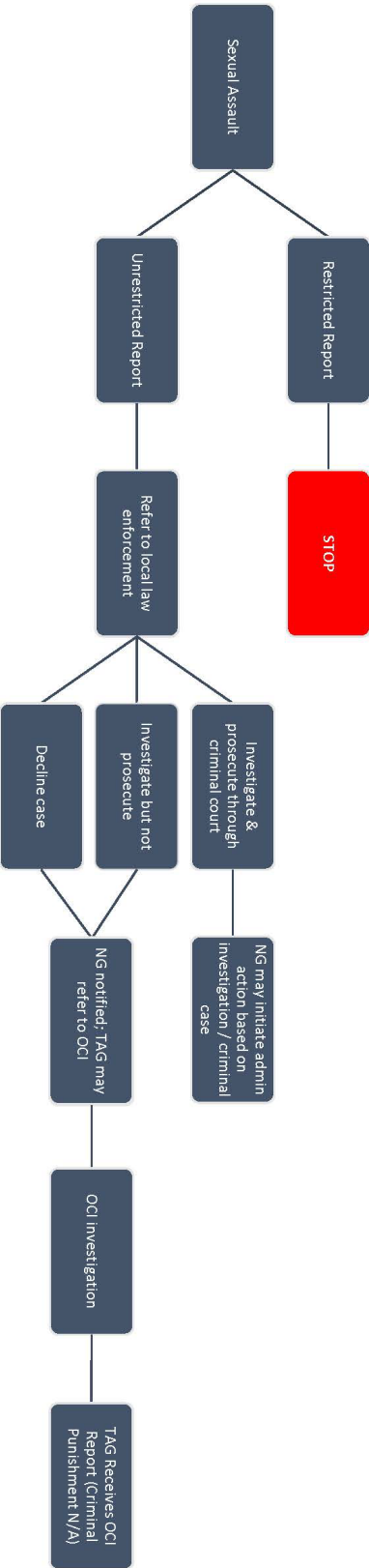


[vtguard.com/sapr](http://vtguard.com/sapr)

Figure 4.2

VTNG Sexual Assault Reporting and Investigation Process

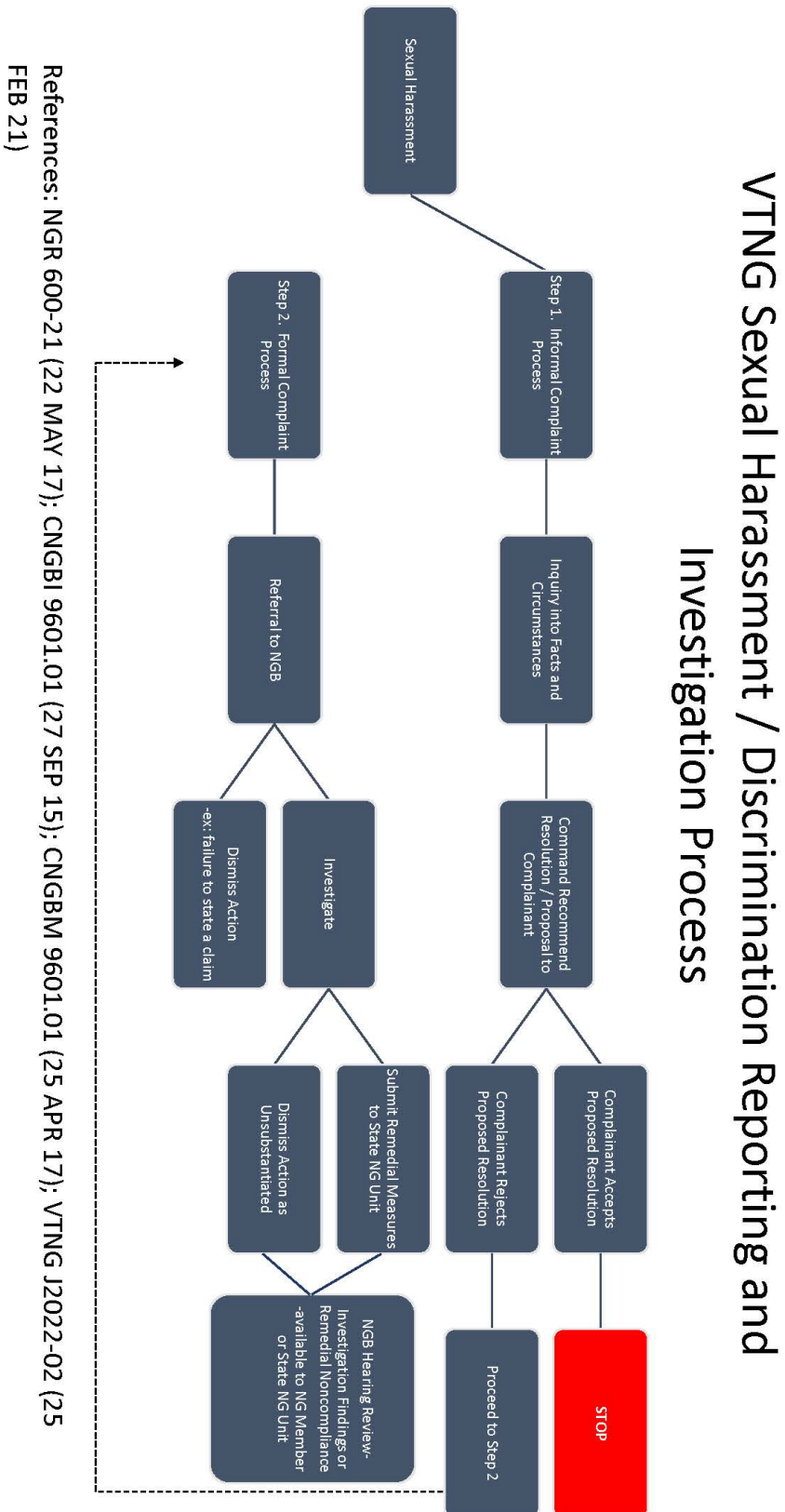
# VTNG Sexual Assault Reporting and Investigation Process



References: DoDD 6495.01 (23 JAN 12, Incorporating Change 5, 10 NOV 21); DoDI 6495.02 (28 MAR 13, Incorporating Change 7, 6 SEP 22); CNGBI 0400.01B (12 APR 18)

Figure 4.3

VTNG Sexual Harassment/Discrimination Reporting and Investigation Process



## **Policies: Related to SAPR and MEO Programs**

- Sexual Assault Prevention and Response Program Policy; 17 May 2022. This policy offers a complete overview of the SAPR program per guidance from the Department of Defense Instructions (DoDI0 6495.01 and DoDi 6495.02).
- Expedited Transfer of VTNG Members who report an Unrestricted Report of Sexual Assault; 17 May 2022. This policy states that commanders will notify members who file an Unrestricted report 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 five calendar days.
- Prevention of and Response to Retaliation for Reports of Sexual Assault or Harassment; 17 May 2022. This is a zero-tolerance policy for retaliation of any kind against those who reported or have assisted someone who reported sexual misconduct.
- Joint Policy Memorandum, Harassment Reporting and Response Plan; 01 February 2021. This policy defines harassment, assigns responsibilities to both leaders and members, and creates a procedure for reporting and preventing harassment in the workplace. It provides clarity to the National Guard Bureau complaint process. It mandates that all allegations of discrimination be reported to the State Equal Employment Manager and creates a detailed retaliation protection plan.
- Joint Policy Memorandum, Equal Employment Opportunity Policy & Standard Operating Procedure; September 2021. This policy protects all employees and applicants from discrimination based on race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, age (40 and older), disability, or genetic information. It also defines and establishes the procedure for processing and resolving employment discrimination complaints.
- Joint Policy Memorandum, Vermont National Guard Diversity Policy; 2 August 2023. The policy aims to attract the rich mixture of diverse people from all backgrounds within the State of Vermont. It is our intent to ensure that this great diversity is reflected across our formations.
- Joint Policy Memorandum, Breastmilk Expression Support Policy; 26 February 2021. This policy provides for accommodations for nursing mothers in duty requirements, time needed for expressing breastmilk, and nursing stations that comply with state and federal law.
- Prohibition of Pornographic and Sexually Explicit Material; reissued on January 2018. This policy state's 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.

## Definitions

*Sexual Assault, per the DoD definition:* 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. The DoD has a broader definition of sexual assault than Vermont. It contains categories of sexual contact that includes the equivalent to sexual assaults and lewd and lascivious conduct under Vermont law.

*Sexual Harassment:* The definition of sexual harassment applicable to this report is described in DoD Instruction 1020.03 “Harassment Prevention and Response In the Armed Forces”. It involves unwelcome sexual advances, request for sexual favors, and deliberate or repeated offensive comments or gestures 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.

*Restricted Report:* Confidential reporting option that does not trigger an investigation. Provides access to counseling, medical, legal and advocacy services. Per recent policy change this reporting option allows the survivor of the incident to disclose to their chain of command if they choose (previously this necessitated an Unrestricted Report, and consequently an investigation).

*Unrestricted Report:* This reporting option triggers 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 Report:* is a subcategory of unrestricted reports used when the SARC does not receive a formal report for an open investigation; most often when there is a military subject and a civilian victim.

*Informal Resolution Request:* Allegations of unlawful discrimination or sexual harassment, made either orally or in writing to the MMEO program. The request will be investigated by an official appointed by the commander. Findings of the investigation will be brought to the commander with recommendations included. The commander will determine appropriate actions to take, if any. The person reporting the allegations, the complainant, then can accept this outcome, withdrawal the allegation, or request a Formal Resolution Request.



*Formal Resolution Request:* After an Informal Resolution Request has been completed a complainant who is unsatisfied with the proposed resolution can submit the complaint to NGB. NGB will review the case, assign investigators, and substantiate or unsubstantiate the allegations. If the claim is substantiated, they will offer disposition recommendations for the command to implement.

*Non-Judicial Discipline (often called an “Article 15”):* A disciplinary process under the Vermont Code of Military Justice that commanders can use reduce rank or withhold pay for purely military offenses. It incorporates a variety of misconduct from the Uniform Code of Military Justice.

## **Commonly Used Acronyms**

*DoD:* Department of Defense

*EOA:* Equal Opportunity Advisor

*EOL:* Equal Opportunity Leader

*IQO:* Inquiry Officer

*JFHQ:* Joint Force Headquarters

*LIR:* Leadership Inquiry Report

*MEO:* Military Equal Opportunity Program. Managed by Todd Connolly

*NGB:* National Guard Bureau – the VTNG’s liaison with Federal military authorities

*SAPR:* Sexual Assault Prevention and Response

Program that offers reporting options, victim advocacy and overall support for survivors of sexual assault. Every branch of the military has a SAPR program, and we all report to the Department of Defense.

*SARC:* Sexual Assault Response Coordinator

Lead State SARC – Nikki Sorrell

158<sup>th</sup> Fighter Wing SARC – Serena Furnari

*SEEM:* State Equal Employment Manager – Todd Connolly

*TAG:* The Adjutant General – Leader of the VTNG – Major General Gregory Knight

*VTANG:* Vermont Air National Guard

*VTARNG:* Vermont Army National Guard *VTNG:* Vermont National Guard

