

VERMONT NATIONAL GUARD
JOINT FORCES HEADQUARTERS

2024-10

ARMY POLICY MEMORANDUM

SEXUAL ASSAULT PREVENTION AND RESPONSE
MOBILIZATION SUPPORT PLAN

20 September 2024



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

NGVT-TAG (100)

20 September 2024

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Army Policy Memorandum 2024-10, Sexual Assault Prevention and Response Mobilization Support Plan

1. Gaps in current sexual offense reporting and response systems were identified during and after the Vermont Army National Guard (VTARNG)'s deployments in 2021. These gaps resulted in insufficient and uncoordinated responses to reports of sexual offenses.
2. It is the policy of the VTARNG to combat sexual offenses at all times and in all places, to enhance effectiveness of sexual offense responses, and to ensure the VTARNG is a well-trained and able fighting force, ready to deploy and execute its mission anywhere around the world.
3. In support of this policy, the VTARNG implements the following Sexual Assault Prevention and Response (SAPR) plan to support VTARNG mobilizing units, which:
 - a. Assigns responsibilities and prescribes procedures for the VTARNG SAPR Program to provide maximum support for units in any stage of mobilization.
 - b. Establishes coordinated support systems between rear and forward SAPR/Sexual Harassment Assault Response and Prevention (SHARP) personnel.
 - c. Requires cross-training of mobilizing SAPR personnel on response processes under Title 10 and Title 32 systems.
 - d. Ensures mobilizing units are prepared to prevent and respond to sexual offenses using trauma and evidence-informed practices that address issues causing, contributing to, or resulting from sexual offenses.

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4. This policy and plan applies to all VTARNG personnel operating in support of mobilizing units or mobilizing under Title 10 authority, including Title 5 employees, Title 32 military technicians, Active Guard Reserve / Full-Time National Guard personnel, and traditional drilling members.
5. This policy is approved for public release, distribution is unlimited.
6. This policy is effective upon publication, and applicable until superseded.
7. The proponent office for this policy is the Prevention and Wellness Directorate (J-9) and the point of contact is the VTNG State SARC, Ms. Nikki Sorrell, at (802) 338-3149 or nicole.e.sorrell.civ@army.mil.

GREGORY C. KNIGHT
Major General, VTNG
The Adjutant General

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1. Key Terms

1.1. SAPR, as used in this policy, refers to both:

a) The Sexual Assault Prevention and Response (SAPR) program as prescribed in Department of Defense Instruction (DoDI) 6495.02, Volumes 1 – 3, Sexual Assault Prevention and Response and used by the National Guard.

b) The Sexual Harassment and Assault Response and Prevention (SHARP) program as prescribed in AR 600-20, Army Command Policy and used by the Army.

1.2. Sexual offense includes Sexual Assault [as defined by 10 U.S.C. § 920 (Article 120, Uniform Code of Military Justice (UCMJ))] and Sexual Harassment [as defined by 10 U.S.C. § 934 (Article 134, UCMJ and incorporated by NGR 600-21 and other service regulations)].

2. Prohibited Negative Leader Behaviors

Research identifies a direct correlation between the prevalence of negative leadership behaviors and the risk of sexual offense occurring within those units. Harassment, discriminatory harassment, hazing, bullying, sexual harassment and retaliation or reprisal are types of negative leadership behaviors that are not tolerated within the VTARNG. The damaging effects of these behaviors are compounded when leaders are offenders. Other forms of negative leadership behaviors, as discussed below, also contribute to an increased risk for sexual offenses. Negative leadership behaviors are prohibited from any leader associated with the VTARNG.

2.1. Misuse of Power.

Misuse of power is aggressive, menacing, malicious, or insulting behavior that makes a reasonable person feel vulnerable, upset, humiliated, undermined, or threatened. "Power" does not always necessitate holding a position of authority but can include both personal strength and the power to coerce through fear or intimidation, and can take the form of physical, verbal and non-verbal conduct. Misuse of power is a form of harassment that can adversely affect the work environment and is prohibited (VTNG J2021-03, Joint Policy Harassment Reporting and Response Plan).

2.2. Counterproductive leadership (see ADP 6-22, replacing the term "toxic leadership") includes, but is not limited to:

- a) Not as concerned with ethical behavior as with task / mission accomplishment.
- b) Embarrassing Service members (SMs) in front of other SMs.

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- c) Showing favoritism to certain members of the unit.
- d) Refusal to follow Standard Operating Procedures regarding sexual offenses. To include but not limited to proper response to the reporting parties, required courses of actions, and timely notification.
- e) Not demonstrating zero tolerance for sexual harassment within the unit.
- f) Not supporting SMs seeking mental healthcare.
- g) Not curtailing inappropriate sexual activities taking place in living quarters that they were aware of.
- h) Creating the perception that one could exchange sex privileges for promotion.
- i) Making or allowing others to make sexually demeaning, offensive, or inappropriate comments.

2.3. All VTARNG personnel will contribute to a culture of professionalism and inclusion within their units that supports those who report sexual offense and is free from negative leadership behaviors, retaliation, or reprisal. Those who believe they have witnessed harassment or retaliatory conduct are required to report such behavior to their chain of command, Inspector General, or any SAPR personnel. Any personnel experiencing harassment or retaliatory conduct are encouraged to report the behavior to those same resources.

3. Assignment and Training of Mobilizing SAPR Personnel

3.1. The Deputy Chief of Staff – Operations (G-3) and the Mobilization Readiness Officer shall establish processes to engage the VTNG Lead SARC in mobilization planning. The intent is to identify eligible deployable SAPR personnel based on the Deployment Manning Document, establish OCONUS SAPR points of contact, schedule trainings in accordance with this policy, and other items required with this policy.

3.2. AR 600-20 requires Brigade level units appoint, screen and train one deployable SARC at the rank of at least E-7, CW3, or O-4 and one deployable Unit Victim Advocates at the rank of at least E-6, CW2, or O-2 at the O-6 level, and two deployable Unit Victim Advocates at the O-5 level.

3.3. Commanders shall identify deploying personnel for SAPR nomination 15 months prior to mobilization, or as soon as otherwise attainable for short-notice deployments.

3.4. Commanders shall submit nominees to the JFHQ-VT SAPR Office for review

prior to appointment of SAPR personnel. The SAPR Office and Commanders will work collaboratively to identify and select best candidates for Victim Advocates and deployment SARC.

3.5. Once identified, SAPR personnel will immediately work with JFHQ-VT SAPR Office to initiate requisite background checks, schedule and attend training, and submit the DoD Sexual Assault Advocate Certification Program application for National Organization of Victim Advocacy credentialing.

3.6. Prior to mobilization from the state, the unit will make every effort to have the deploying SARC and / or Unit Victim Advocates placed on orders and assigned to JFHQ-VT SAPR Office to prepare for deployment responsibilities.

4. Unit Mobilization Preparation

4.1. The VTNG Lead SARC will ensure mobilizing units receive enhanced training in addition to centrally mandated annual training.

a) All unit personnel will receive a 90 minute Specialized Response training to be coordinated with the SAPR office 60-90 days prior to mobilization from state. Units will provide a completed training roster to the VTNG Lead SARC for tracking. All training data will be reported up to the Brigade Commander and JFHQ leadership.

b) All personnel in a supervisory position at the grade of E-7 and above shall receive a 90-minute enhanced leader specific SAPR training 60-90 days prior to mobilization from state. Units should provide a completed training roster to the VTNG Lead SARC for tracking. All training data will be reported up to the Brigade Commander and JFHQ leadership.

c) Special emphasis will be placed on cross-training Commanders, unit leadership, and mobilizing SAPR personnel on Title 10 sexual offense reporting processes.

4.2. The VTNG Lead SARC will establish systems to support and connect all SAPR personnel involved in the deployment, to include connecting mobilizing VTARNG SAPR personnel with Title 10 SAPR personnel under which the unit(s) mobilize.

5. Reporting of Sexual Offenses

5.1. Reporting of sexual offenses differs depending on the status of the members involved and the type of offense committed. For detailed policies regarding prevention or reporting processes, reference applicable authorities described below.

5.2. If the person considering reporting has any questions, they should speak with

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SAPR personnel or Chaplains first, as these are the only two resources with guaranteed confidentiality and privilege.

5.3. While in federal civilian employee status, either Title 5 or Title 32 dual status technician, sexual harassment complaints are made through the State Equal Employment Manager (SEEM), pursuant to 29 C.F.R. Part 1614 and VTNG J2021-20, Equal Employment Opportunity.

5.4. While in Title 32 military status, sexual harassment complaints are made to Equal Opportunity Advisors or the SEEM, pursuant to CNGBI 9601.01, National Guard Discrimination Complaint Program and Joint Policy J2022-02, Equal Opportunity Policy.

5.5. While in Title 10 status, sexual harassment complaints are made to SAPR personnel pursuant to AR 600-20, paragraph. 7-8.

5.6. Regardless of status, all reports of sexual assault are made to SAPR personnel, Chaplains, or medical professionals pursuant to AR 600-20, paragraph. 7-9; DoDI 6495.02, Volumes 1 – 3; and VTNG SAPR Joint Policy Memorandum 2022-07.

5.7. Mobilized elements of the VTARNG shall communicate all reported incidents of sexual offense involving VTARNG members to the JFHQ-VT SAPR Office within 72 hours of learning of the incident, subject to reporting controls established by applicable regulations. Commanders are responsible for communicating the following information:

- a) Summary of the facts of incident.
- b) Name and unit of any known alleged offender.
- c) Name and unit of any victim, including contact information.
- d) Name and unit and contact information of responding SARC personnel involved in receipt of the complaint and services to the victim.

5.8. Attachment A is a standardized form for the above information. However, the standardized form is not required. Commanders can communicate the information as necessary on a secured platform.

5.9. Commanders shall update the JFHQ-VT SAPR Office with a status report on all cases involving reported sexual offenses within 72 hours of the following:

- a) Completion of any investigation into the alleged offense (informal, formal, or criminal). This applies regardless of whether or not the allegation is substantiated.
- b) Initiation of any administrative or punitive action taken in response to a report

of sexual offense. This includes actions based on substantiated allegations or any collateral misconduct in connection to a sexual offense report. Updates shall include the nature of the action(s) initiated.

c) Finalization of any administrative or punitive action taken in response to a report of sexual offense. This includes actions based on substantiated allegations or any collateral misconduct in connection to a sexual offense report. Updates shall include the result of the action(s).

d) All completed investigations under the authority of VTARNG Commanders into allegations of sexual offenses that involve a VTARNG member shall be forwarded within 72 hours of completion to the VTARNG Office of the Staff Judge Advocate. This includes substantiated or unsubstantiated allegations. Commanders and mobilized VTARNG Judge Advocates are responsible for compliance. Commanders and mobilized VTARNG Judge Advocates shall make diligent efforts to gain approval to forward completed investigations under control of an authority outside a VTARNG element.

6. Communication Strategy

6.1. The Lead SARC is the primary stakeholder responsible for the dissemination and education of this policy.

6.2. Upon initial publication of this policy, the Deputy Chief of Staff – Operations (G-3) will disseminate to all MACOMs through standard FRAGORD procedures.

6.3. The Lead SARC will educate commanders, managers, and supervisors of the requirements of this policy during the following training opportunities:

- a) Army Commanders and First Sergeants Course.
- b) Army SHARP New Commanders Training required within 30 days of assumption of command IAW AR 600-20.
- c) Summarized during annual mandatory trainings.
- d) Full-Time Technician / Title 5 trainings, to include supervisor specific trainings.
- e) Additional opportunities as identified by the Lead SARC.

6.4. The Lead SARC will provide status updates pursuant to the timelines defined herein during regularly scheduled Case Management Group Meetings and ad hoc as necessary to senior leadership.

7. Accountability for Implementation

7.1. Trainings and briefings to deploying Command teams at all levels, SAPR personnel, Victim Advocates, Military Equal Opportunity personnel, and Judge Advocates shall be a deployment checklist item. The VTNG Lead SARC shall provide status updates on training compliance to the Assistant Adjutant General – Army at 180 days, 90 days, and 30 days from unit mobilization, or as needed to implement this policy.

7.2. The Assistant Adjutant General – Army is the approval authority for exceptions to this policy and shall enforce compliance with this policy.

7.3. Any VTARNG personnel who believe they have witnessed a failure to comply with this policy may contact the VTNG Office of the Inspector General at (802) 338-3453 or (802) 338-3240.

**VERMONT ARMY NATIONAL GUARD
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MOBILIZATION INCIDENT REPORT**

Reference Case Number: _____

INITIAL NOTIFICATION OF INCIDENT

Date Reported to Command: _____

Accused Name and Unit: _____

Victim Name, Unit and Contact Information: _____

SARC Name, Unit and Contact Information (Recipient of Initial Complaint / Report):

SARC Name, Unit and Contact Information (Victim Services Provider):

Summary of Facts: _____

UPDATE STATUS REPORT

Investigation Completion Date: _____

Investigation Outcome: **Substantiated** **Unsubstantiated**

Notes: _____

Administrative / Punitive Action Initiation Date: _____

Nature of Action: _____

Notes: _____

Administrative / Punitive Action Completion Date: _____

Result of Action: _____

Notes: _____

Has Victim Requested Immediate Transfer / REFRAD? **YES** **NO**

Is Accused REFRAD? **YES** **NO** Date REFRAD: _____

Is MPO in place? **YES** **NO** MPO Date: _____