



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

NGVT-HRO

15 September 2019

**MEMORANDUM FOR RECORD**

**SUBJECT: Joint Policy Memorandum (NGVT-JP-10), VTNG Reporting of Sexually Offensive Incidents**

**1. References.**

- a. Public Law 112-239, 126 STAT. 1764, Section 579(b).
- b. Vermont Status H.536 Sec. 5. 20 V.S.A. § 427
- c. AFI 36-2706 Air Force Equal Opportunity Program Military and Civilian (5 Oct 2010)
- d. U.C.M.J.

**2. Purpose.** To provide guidance regarding the reporting of sexually offensive incidents. Ample evidence demonstrates that leaders who tolerate sexual unprofessionalism to any degree create units at much higher risk of sexual assault. Therefore, the most effective means of preventing sexual assault is to identify and address early warning behaviors, such as sexism and sexually offensive incidents that do not rise to the legal standard for sexual harassment.

**3. Effective Date.** This policy is effective immediately when signed. This policy replaces NGVT-HRO-JP 10, VTNG Reporting of Sexual Harassment, 1 February 2018.

**4. Applicability.** This policy applies to all units, personnel and activities within the Vermont Air and Army National Guard.

**5. Definitions.**

a. **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. The term includes a broad category of 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.

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b. Sexual Harassment. Involves unwelcome sexual advances, requests 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 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.

c. Sexually Offensive Incident. Involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, however, such conduct does not meet the legal threshold for harassment. Direct or indirect statements of a sexual nature may constitute a violation of this policy.

6. Policy. The Adjutant General expects all Service members to hold each other accountable for conduct detrimental to the good order and discipline of the VTNG. Sexually offensive incidents degrade unit lethality through the erosion of trust and the de-valuing of teammates. When misconduct occurs, use Unit Equal Opportunity Leaders or Unit Victim Advocates to clarify definitions and the utilization of the appropriate reporting procedures. Commanders and Service members follow the steps below when sexually offensive incidents occur.

a. Air National Guard. Unit leadership notifies the Air Guard Equal Opportunity Officer (VTANG-MEO) immediately upon notification of a sexually offensive incident. Unit leadership records the incident and response on AGO VT-FORM 333-1 either when no aggrieved party files an Informal or Formal Resolution Request or the incident clearly does not meet the legal threshold for sexual harassment. The 333-1 identifies all parties involved and summarizes the lowest-level Commanders response to the incident. The AGO-VT 333-1 is only an incident report and does not serve as a source document for additional administrative procedures. However, commanders may employ corrective actions and document on the 333-1. Both the lowest-level commander and the VTANG-MEO sign the form. The VTANG-MEO submits the completed form to the State Equal Employment Manager for filing and trend analysis. Only in an extenuating circumstance does the AGO-VT 333-1 enter the official personnel file for any personnel involved.

b. Army National Guard. Unit leadership will notify their command's Equal Opportunity Advisor (EOA) immediately upon notification of a sexually offensive incident. Unit leadership record the incident and response on AGO VT-FORM 333-1 either when no aggrieved party files an Informal or Formal Resolution Request or the incident clearly does not meet the legal threshold for sexual harassment. The 333-1 identifies all parties involved and summarizes the lowest-level Commanders response to the incident. The AGO-VT 333-1 is only an incident report and does not serve as a source document for additional administrative procedures. However, commanders may employ corrective actions and document on the 333-1. Both the lowest-level commander and the EOA sign the form. The EOA submits the completed form to the State Equal Employment Manager

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for filing and trend analysis. Only in an extenuating circumstance does the AGO-VT 333-1 enter the official personnel file for any personnel involved.

c. The HREO provides a copy of the Annual National Guard Bureau Sexual Harassment and Sexually Offensive Incidents Data Collection Report to TAG on 15 December, annually. Additionally the Vermont National Guard Legislative Report identifies the reported sexual offensive incidents for the previous fiscal year. These reports include no personal identifiable information. SEEM files all AGO VT Form 333-1's in a locked cabinet within the JFHQ SEEM office. The SEEM and Sexual Assault Response Coordinator identify trends, adjust training efforts and recognize potential multiple offenders/reporters. The SEEM destroys AGO VT Form 333-1's five years from the fiscal year reported in.

7. Commanders and Service members report sexual assaults IAW Joint Policy Memorandum (JP2019-06), Sexual Assault Prevention and Response Program. Resolution Requests for allegations of gender discrimination or sexual harassment will be made IAW Joint Policy (2017-10), Equal Employment Opportunity or Joint Policy (2017-08), Equal Opportunity based on the affected person's employment status (T32 or T5). Commanders and Service members report sexually offensive incidents not reported as an Informal or Formal Resolution Request through Equal Opportunity channels based on the guidance provided in this policy.

8. This policy remains in effect until superseded or rescinded. POC is the undersigned by desk phone (802)-338-3148, cell (802) 324-5584 or email john.s.detweiler.mil@mail.mil.

  
GREGORY C. KNIGHT  
Brigadier General  
The Adjutant General

AGO VT Form 333-1

PRIVACY ACT STATEMENT

Authority: NGVT-HRO-JP 10 Reporting of Sexually Offensive Incidents.

PRINCIPAL PURPOSE(S): Information will be used to document elements of sexually offensive incidents and comply with the procedures set up to effectively manage the equal opportunity program. At the local level, the State Equal Employment Manager use information to ensure that commanders take appropriate action following sexually offensive incidents and all incident trends are tracked at the state level. Only de-identified data is used to respond to mandated legislative reporting requirements.

ROUTINE USE(S): The DoD blanket routine uses found at http://dpclo.defense.gov/Privacy/SORNsIndex/BlanketRoutineUses.aspx may apply to this record. Note: Any release made as a blanket routine use will be consistent with the principal purpose of its original collection.

DISCLOSURE: Voluntary. This form will be retained for 5 years.

Incident Identification Number (SEEM only):

Date of Incident:

Appx. Time:

Date of Report:

Principal Party Name (Who said the joke, comment, ect.):

Rank:

Grade:

Gender:

Unit:

Duty Status:

Affected Party Name (Person affected by joke, comment, ect.):

Rank:

Grade:

Gender:

Unit:

Duty Status:

Relationship between parties:

Nature of incident:

Sexual Coercion

Crude / Offensive Behavior

Unwanted Sexual Attention

Other

Summary of incident:

Summary of Command Response:

Additional Comments:

Commander

Equal Opportunity Advisor

State Equal Employment Manager