



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

NGVT-PWD-SAP (100)

May 17, 2022

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Joint Policy Memorandum (Policy # 2022-07) Sexual Assault Prevention and Response Program Policy

1. References:

a. AFI 90-6001, Sexual Assault Prevention and Response Program, 15 July 2020 (Incorporating Change 1, 26 March 2021).

b. AR 600-20, Army Command Policy, 24 July 2020.

c. CNGBI 1300.01, National Guard Sexual Assault Prevention and Response Program, 26 June 2020.

d. DoDI 6495.02, Volume 1, Sexual Assault Prevention and Response: Program Procedures, 28 March 2013 (Incorporating Change 6, 10 November 2021).

2. Effective Date. This policy is effective immediately when signed. All previous versions are obsolete.

3. Applicability. This policy applies to all employees assigned to the Vermont Air National Guard and Vermont Army National Guard, herein referred to as the Vermont National Guard (VTNG). The term employees covers all Service members regardless of duty status including Title 5 National Guard employees and Title 32 Federal Technicians.

4. Purpose. The purpose of the VTNG Sexual Assault Prevention and Response (SAPR) program is to foster a workplace environment that rejects all forms of sexual assault as well as attitudes which promote or condone such behaviors. The goal is to

create a culture free of sexual assault, through an environment of prevention, education and training, response capability, survivor support, reporting procedures, and appropriate accountability that enhances the safety and well-being of all military members and DoD civilians. Prevention is the most critical factor and will ultimately define our success. The VTNG remains committed to a holistic approach to prevention with targeted strategies for each echelon of the organization. This includes the promotion of treating everyone as a valued member of the team within the organization by means of improving training, raising awareness, mandating intervention, holding offenders accountable, and providing trauma-informed survivor advocacy services.

5. Description. The DoD defines sexual assault as intentional sexual contact, characterized by the use of force, physical threat or abuse of authority or when the survivor does not or cannot consent. Consent is defined as a freely given agreement to the conduct at issue by a competent person. An expression of lack of consent through words or conduct means there is no consent. The term sexual assault includes a broad category of sexual offenses: rape, sexual assault, aggravated sexual contact, abusive sexual contact, or attempts to commit these offenses. Sexual assault can occur without regard to gender, spousal relationship, or age of survivor.

6. Reporting Options. All eligible VTNG members, dependents of VTNG members who are at least 18 years old, and DoD civilians will have access to Restricted Reporting and Unrestricted Reporting options to file an official report of sexual assault.

a. Restricted. Restricted Reporting allows sexual assault survivors to confidentially disclose the assault to a Sexual Assault Response Coordinator (SARC), Sexual Assault Prevention and Response (SAPR) Victim Advocate (VA), or healthcare personnel and receive healthcare treatment and the assignment of a SARC and SAPR VA. This reporting option does NOT trigger an investigation. However, a survivor may convert a Restricted Report to an Unrestricted Report at any time. Victims are eligible to file a Restricted Report, providing they did not personally report the sexual assault incident to law enforcement, to include MCIOs, and they did not previously elect to make an Unrestricted Report by signing DD Form 2910, with a SARC or SAPR VA on the same sexual assault incident. Victims covered by DoDI 6495.02, Volume 1 (Reference *d*) are eligible to file Restricted Reports **even if**:

(1) they disclosed the sexual assault incident to their commander or to personnel in the chain of command, or

(2) there is an ongoing law enforcement investigation into the sexual assault incident initiated by a third party and not due to the victim's disclosure to law enforcement, or

(3) the law enforcement investigation into the sexual assault incident has been closed.

b. Unrestricted. Unrestricted Reporting triggers an investigation, command notification, and allows a person who has been sexually assaulted to access healthcare treatment and the assignment of a SARC and a SAPR VA. If the individual elects the Unrestricted Reporting option, they may **NOT** change to a Restricted Report.

7. Responsibilities. Commanders, supervisors, and managers at all levels shall be responsible for the effective implementation of the VTNG SAPR program.

a. The Adjutant General. The Adjutant General shall:

(1) Prohibit commanders from conducting internal command-directed investigations on sexual assault allegations, including referrals to appointed command investigators and inquiry officers, or delaying the immediate contact of the appropriate law enforcement agency while attempting to assess the credibility of the report.

(2) Verify the 158th Fighter Wing (FW) maintains a full-time, certified SARC to serve as the Wing's primary point of contact on all matters pertaining to the Wing SAPR program.

(3) Verify each brigade commander maintains one certified collateral duty brigade SARC to serve as the brigade's primary point of contact for matters concerning the VTARNG Sexual Assault Prevention and Response (SAPR) Program, and one certified brigade collateral-duty VA and two certified collateral-duty VAs at each battalion.

(4) Ensure that the Joint Policy Memorandum (Policy # 2022-09) Prevention and Response to Retaliation for Reports of Sexual Assault or Harassment is adhered to in order to protect SARCs, SAPR VAs, and other SAPR professionals from coercion, discrimination, or reprisal related to the execution of their SAPR duties and responsibilities. This policy also outlines the requirement to provide protection against coercion, retaliation, ostracism, maltreatment, restriction, and reprisal toward the survivor of sexual assault, the alleged subjects, responders, witnesses, and intervening bystanders.

b. Commander. Commanders shall:

(1) Utilize the "Commander's 30-Day Checklist for Unrestricted Reports" to facilitate the response to the survivor and an alleged offender, and an appropriate response for a sexual assault within a unit. This checklist can be found in the SAPR Policy Toolkit at www.sapr.mil/command-toolkit.

(2) Meet with the SARC within 30 days of taking command for one-on-one SAPR training on responsibilities, required reports, confidentiality, "official" need-to-know

requirements, expedited transfers, the sexual assault incident response oversight report, and a Commander's Critical Information Requirement.

(3) Attend monthly Case Management Group (CMG) meetings for Unrestricted Reports when they are the immediate commander of a survivor being discussed.

(4) Provide survivors of a sexual assault, who filed an Unrestricted Report, monthly updates regarding the current status of the ongoing investigation, medical or legal updates, Expedited Transfer request, or any other request made by the survivor or command regarding the sexual assault until the final disposition of the reported assault. This is a non-delegable commander duty and must occur within 72 hours of the last CMG.

(5) Immediately contact the SAPR Office, State Judge Advocate and the appropriate law enforcement agency upon receiving an Unrestricted Report of sexual assault. Commanders will not conduct internal command-directed investigations on sexual assault allegations, to include making referrals to appointed command investigators or inquiry officers.

(6) Grant survivor's direct contact and unimpeded access to SARCs to discuss matters of the command's SAPR program and incidents of sexual assault.

(7) Ensure that the assigned senior-level commander, who has a minimum rank of O-5, will prepare and submit a Sexual Assault Incident Response Oversight (SAIRO) report in writing within eight (8) calendar days after an Unrestricted Report of sexual assault is made.

(8) Complete a Commander's Critical Information Requirements report as required by DoD and submit it immediately to the chain of command, the SARC, and NGB-J1-SAPRO Distribution List. Limit to need to know only and do not send through distribution boxes.

(9) Make a timely determination, within five (5) calendar days of request, to approve or deny an Expedited Transfer request by the survivor of a sexual assault who filed an Unrestricted Report. The reassignment or removal must be taken not as a punitive measure, but solely for the purpose of maintaining good order and discipline within the members unit.

c. SARC. The SARC shall:

(1) Remain available to respond and assist members and DoD Civilians effected by sexual assault.

(2) Focus on the survivor and on doing what is necessary and appropriate to support survivor recovery, and also, if a Service member, to support that Service member to be fully mission capable and engaged.

(3) Inform the survivor that a Special Victims Counsel may represent the survivor's interest throughout the course of legal proceedings that might follow an Unrestricted Report of sexual assault.

(4) Advise survivors in regard to requesting an Expedited Transfer IAW Joint Policy Memorandum (Policy # 2022-08) Expedited Transfer of Vermont National Guard Members Who File an Unrestricted Report of Sexual Assault.

(5) Inform survivors who chose to file a Restricted Report on the CATCH a Serial Offender Program (CATCH) which offers an opportunity to anonymously disclose suspect information to help the DoD identify serial offenders. CATCH allows survivors to discover if the suspect in their Restricted Report may have also assaulted another person, and having that knowledge, decide whether to convert their Restricted Report to Unrestricted to initiate an investigation of the serial offender suspect.

(6) Respond to a survivor in need of transport to a medical facility for emergency healthcare and/or a Sexual Assault Forensic Exam with one of three options most suitable for the circumstances.

(a) Call 911 for the survivor if desired,

(b) The second option is for the SARC to obtain a GSA vehicle to transport the survivor to a medical facility, or

(c) The third option is for the survivor to drive themselves and, if desired, the SARC may follow in their personal vehicle to the medical facility.

8. Training. Units shall receive SAPR/SHARP training annually by a SAPR representative or appointed Training Implementer to educate and equip service members and DoD civilians to effectively prevent and appropriately respond to sexual violence. SARCs, SAPR VAs, healthcare personnel, DoD law enforcement, Judge Advocates, Chaplains, firefighters, emergency medical technicians, and Commanders will receive additional annual training IAW DoDI 6495.02, Volume 1 (Reference d). Unit leaders shall participate and engage in unit training to provide command emphasis and to demonstrate the commitment of senior leadership to this program.

9. All leaders will post this sexual assault policy on unit bulletin boards in accordance with Organization Inspection Program OIP, Annex T, SHARP Program checklists and 158th FW policy procedures.

NGVT-PWD-SAP (100)

SUBJECT: Joint Policy Memorandum (Policy # 2022-07) Sexual Assault Prevention and Response Program Policy

10. The proponent office for this policy memorandum is the Prevention and Wellness Directorate. The POC is Ms. Nicole Sorrell, VTNG SARC at (802) 338-3149, (802) 324-9225 or nicole.e.sorrell.civ@army.mil. Survivors may also contact the DoD Safe Helpline: (877) 995-5247.

GREGORY C. KNIGHT
Major General, VTNG
The Adjutant General

DISTRIBUTION:

A