



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 # 2022-08) Expedited Transfer of Vermont National Guard Members Who File an Unrestricted Report of Sexual Assault

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. CNGBM 1300.04, National Guard Expedited Transfer Program for Members with Unrestricted Reports of Sexual Assault, 2 September 2020.
- e. DoDD 6495.01, Sexual Assault Prevention and Response (SAPR) Program, 23 January 2012 (Incorporating Change 5, 10 November 2021).
- f. DoDI 6495.02, Volume 1, Sexual Assault Prevention and Response: Program Procedures, 28 March 2013 (Incorporating Change 6, 10 November 2021).

2. Purpose. To establish the policy and procedures for expedited transfers for the morale, health and safety of members of the Vermont National Guard (VTNG) who file an Unrestricted Report of sexual assault, IAW established service specific directives, instructions, and regulations of the member involved.

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

4. 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.

5. Policy.

a. Members who file an Unrestricted Report of sexual assault shall be informed at the time of making the report, or as soon as practical, of the option to request a temporary or permanent transfer from their assigned command, or to a different location within their unit of assignment or training location and this transfer will be approved within 5 calendar days.

b. A presumption shall be established in favor of transferring a member who initiates a transfer request following a credible unrestricted report of sexual assault. The commander or the appropriate approving authority, shall determine whether or not the report is credible immediately upon receipt. The commander will consider the advice of the supporting Judge Advocate, Provost Marshal, other concerned legal advisors, Sexual Assault Response Coordinator (SARC), and the available objective evidence.

c. Members who file Unrestricted or Restricted Reports of sexual assault will be protected from reprisal or threat of reprisal IAW Joint Policy Memorandum (Policy # 2022-09) Prevention and Response to Retaliation for Reports of Sexual Assault.

d. Any threat to the life or safety of a member of the VTNG shall be immediately reported to command and law enforcement authorities. A request by the Service member to transfer out of their unit under these circumstances will be handled IAW established service regulations and other governing regulations specific to the status of the member involved.

6. Expedited Transfer Procedure. Transfer must be completed within 5 calendar days of request.

a. Member submits request for a transfer or reassignment in the form of a written memorandum to the Wing SARC or for the Army a, DA Form 4187 to the Joint Force Headquarters (JFHQ) SARC. Members are encouraged to include any and all of their concerns in the written request to aid in understanding their needs and to allow for an

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informed decision on the selection of a new unit assignment. If DA Form 4187 is used, members should supplement it in writing with their concerns as described above.

b. The JFHQ/Wing SARC will forward the member's request to the G1/A1 within 24 hours of receipt.

c. The G1/A1, in coordination with the JFHQ/Wing SARC, 158th Force Support Flight (FSF) and HRO develops a listing of available positions outside of the current unit and sphere of influence within 24 hours. The following criteria must be met:

(1) The transfer cannot affect the Promotion Management System. Every reasonable effort must be made to minimize disruption to the normal career progression of the member. The appropriate Commander shall counsel the member to discuss reasonably foreseeable career impacts and create a plan to mitigate those impacts.

(2) Members must be able to perform the duties of the position and meet all classification requirements.

(3) All regulations and laws must be followed, e.g. Direct Ground Combat assignment Rule, Specialty MOS/Branch (Legal, Medical, and Chaplaincy) or AFSC as applicable.

d. The Chief of Staff or Director of Staff-Air, in coordination with the affected Unit Commanders, will make the final unit selection within 24 hours and direct the transfer.

e. The G1/A1/158th FSF executes required transfer documents and/or orders immediately and informs the SARC who will then inform the member.

f. The SARC will advise the Service member victim of the requirement to have an "intake meeting" with the gaining commander, if the Service member victim seeks continued advocacy, legal, or healthcare (mental health or other medical) services at the new location, or if the investigation or legal proceeding involving the Service member victim's report is ongoing at the time of the transfer. If the Service member does not continue services and there is no ongoing investigative or legal proceeding, then the "intake meeting" with commander is not necessary.

g. All ongoing Expedited Transfer Requests will be discussed at the monthly Case Management Group. The survivor's command will ensure updates are given to survivors within 72 hours of the monthly meeting.

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7. 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

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