Vermont National Guard

Legislative Report

Fiscal Year 15

"Sexual Assault and Sexual Harassment; Report"
Vermont Statutes Annotated, Title 20, §427

STATE OF VERMONT
OFFICE OF THE ADJUTANT GENERAL
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3 December 2015

MEMORANDUM FOR: THE VERMONT LEGISTLATURE

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

1. As required by law, attached is the third annual Vermont National Guard "Sexual Assault and Sexual Harassment; Report" (See Vermont Statues 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 attach their dignitary and their honor. The Vermont National Guard is unequivocal in its commitment to ensure that survivors of sexual assault, gender discrimination based upon sexual orientation are protected, treated with dignity and respect, and provided proper care, while perpetrators are held accountable f.....28

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A. Sexual Assault

Sexual assault has no place in the Vermont National Guard (VTNG); it is an attack on the values we defend and the cohesion our units demand. In 2010, the VTNG formalized its approach by establishing the Sexual Assault Prevention and Response Program (SAPR-P) to promote the prevention of sexual assault, encourage increased reporting, and improve response capabilities for survivors. Since that time, the VTNG continues to assess its programs resulting in improvements in processes and procedures which directly impacts the confidence the members of the VTNG have in the program and the VTNG leadership.

The Department of Defense (DoD) has also undergone extensive changes to the SAPR-P over the past few years, redesigning the comprehensive SAPR Strategic Plan (with five Lines of Effort (LOE), which are detailed in the *DoD SAPR Strategic Plan, dated July 2014)*, as well as altering many strategic publications which include *The Strategic Direction to the Joint Force on the SAPR Program, The DoD-Wide SAPR Strategic Plan* and *The 2014-2016 SAPR Prevention Strategy.* Nested within these plans, the VTNG has established three priorities for the SAPR-P. This report will explore FY15 accomplishments and FY16 plans for each of said priorities:

1. Establish a climate of dignity and respect which actively prevents violence within the organization;
2. Focus on the response to victims from initial report through recovery; promote confidence to strengthen resilience through advocacy; increase reporting;
3. Improve system accountability to provide a fair and trauma-informed system which promotes justice, efficiency and effectiveness;

The report section will also elaborate on the eight reported cases of sexual assault received during this reporting period, of which two are Unrestricted, five are Restricted and one is Limited.

B. Sexual Harassment

The VTNG continues to maintain a strong Equal Opportunity and Diversity Program. The emphasis of these programs focus on inclusion through embracing all members of our organization and community regardless of our differences. Commanders understand recruiting and retaining talented people is a top priority and fully comprehend how treating people with dignity and respect directly leads to the accomplishment of these goals. .

There continues to be a positive shift for the VTNG with regard to issues related to sexual harassment. As compared to FY14 reporting year, the trend continues to decrease in the number of formal sexual harassment cases. Further, in most cases, the commanders are finding resolution for the survivor at the lowest level. As the cases are resolved at this lower level, the more formal procedures and investigations are not necessary and actions are timely resolved without the delays which are necessitated by the more formal processes.

Specifically, all seven new cases reported in FY15, were resolved by the lowest level commander after a command inquiry into the complaint. Each case was then case was resolved at informal level to the satisfaction of the individual bringing the complaint. None of the individuals bringing the complaints sought the formal process. Our education process is proving to be beneficial in this regards, not only because the commanders are better educated to identify discrimination and harassment issues, but they are seeking the assistance of subject matter experts such as the Staff Judge Advocate (SJA) and State Equal Employment Manager (SEEM) in order to insure that actions are handled appropriately. This is especially true in cases where allegations also result in disciplinary actions against offender.

Evaluations of processes are on-going and we are continuing to re-evaluate our programs and implementing improvements to deter future incidents. But in sum, the VTNG saw improvement in both reporting, early resolution, holding offenders accountable, and implementation of actions to improve the command climate.

C. Discrimination Based on Sexual Orientation

Previously, the VTNG established a process to address these complaints through normal legal and Inspector General processes as the DoD had not released any specific process or procedure to address these complaints. However, this year, the DoD provided a process to address discrimination based upon sexual orientation. On June 8, 2015, the DoD added sexual orientation to the Diversity and Inclusion Management, Military Equal Opportunity (MEO), Civilian Equal Opportunity, and the DoD Civil Rights Programs (*Department of Defense Directive 1020.02E, Diversity Management and Equal Opportunity in the DoD*). The policy added sexual orientation to protected class status and inasmuch, results in treating these issues as with other claims of protected class discrimination.

Recognizing the importance of this new procedure, the VTNG provided a wide dissemination of the new procedure as well as updating policy memorandums implementing this new process.

Under either process, there were no reported cases during this fiscal year.