



**INDIANA NATIONAL GUARD
JOINT FORCE HEADQUARTERS
2002 South Holt Road
Indianapolis, Indiana 46241-4839**



NGIN-AG

1 June 2013

MEMORANDUM FOR ALL MEMBERS OF THE INDIANA NATIONAL GUARD

SUBJECT: Policy Number 32-13, Sexual Assault Prevention and Response (SAPR)

1. **Sexual violence is a crime.** It will not be tolerated in the Indiana National Guard (INNG) and it is contrary to our values. We must develop an organizational culture where those who bring forward allegations of sexual assault or harassment are protected; treated with extreme sensitivity and discretion; are not stigmatized for reporting; and suffer no harm regarding personal or professional advancement. Sexual assault and harassment have a life-long debilitating impact on victims. Both undermine unit cohesion and combat readiness. Failure of the chain of command to deliberately, immediately, aggressively, and thoroughly investigate any allegation permanently erodes trust in leadership and adds further professional injury to the victim. Once investigated, commanders must hold accountable those found guilty or exonerate those found innocent.

2. **Sexism must be treated like racism.** Every member and employee of the Indiana National Guard - Army, Air, state employee, or contractor must immediately and openly condemn any sexist remark or behavior as if it were a remark about race, ethnicity, national origin, religious belief, or sexual orientation. There can be no tolerance in our agency for a "permissive environment" which implicitly condones sexism as a form of de facto sexual harassment. This is not about "political correctness"; it is about professional conduct in a professional institution generating trust, cohesion, readiness, mission accomplishment, and fostering personal and professional growth.

3. **Sexual Assault** is defined as intentional sexual contact characterized by the use of force, physical threat or abuse of authority, or when a victim does not or cannot consent. Sexual assault includes rape, non-consensual sodomy, indecent assault (unwanted, inappropriate sexual contact or fondling), or *attempts* to commit these acts. Sexual assault can occur without regard to gender, spousal relationship, or age of victim. A current or previous dating or social or sexual relationship by itself or the manner of dress of the person involved with the accused in the sexual conduct at issue shall not constitute consent. *Consent is a given agreement to the conduct at issue by a competent person and shall not be deemed or construed to mean the failure by the victim to offer physical resistance. Consent is not given when a person uses force, threat of force, coercion, or when the victim is asleep, incapacitated, or unconscious.*

4. **Sexual Harassment** is defined as a form of gender discrimination which involves unwelcomed sexual advances and attention; requests for sexual favors; and other verbal, physical, or written conduct of a sexual nature that creates a hostile work environment or makes someone's job or career advancement a condition of their participation in the request for sexual favors (i.e. "quid pro quo").

5. Investigations of allegations of sexual assault or harassment will only be conducted by investigators specially trained for this purpose and appointed in writing by The Adjutant General. The National Guard Bureau Office of Complex Investigations can provide trained sexual assault investigators, when requested, to ensure there is no appearance of a conflict of interest or undue command authority in the investigation.

6. The Deciding Authority for the disposition of allegations of sexual assault and harassment, following completion of the investigation, will be an O-5 or O-6 commander. The first General Officer in the chain of command will review all sexual assault/harassment investigations and provide, in writing to The Adjutant General, notice of all findings, conclusions, dispositions, "lessons learned", and, if appropriate, recommendations on revisions or refinements to this policy.

SUBJECT: Policy Number 32-13, Sexual Assault Prevention and Response (SAPR)

7. The "No One Alone" policy (AG-IN Policy Number 27-05) implemented in 2005 for Indiana Army and Air National Guard recruiters remains in effect. This 2005 policy directs that no recruiter (full-time, part-time, or temporary full-time) will be alone with or travel together with an applicant or new recruit of the opposite gender without another person present.

8. Actions speak louder than words. What we do is so much more important than what we say. Restoring the fragile culture of trust between every service member and their chain of command is the desired end state. Our people must be confident that complaints will be handled quickly and decisively, and that our system will deliver justice and protection throughout the reporting, investigation and adjudication process.

9. Leaders at all levels in the Indiana National Guard will ensure implementation of and compliance with the Sexual Assault and Prevention Response (SAPR) program in spirit, intent, and written policy. Commanders, supervisors, and enlisted leaders down to the lowest level will become informed of the policies which govern this program. Leaders will place special emphasis on ensuring every allegation of sexual assault is deliberately, immediately, aggressively, and thoroughly investigated and appropriate action is taken. Every leader must take an active role in educating our service members about the debilitating impact of sexual assault and harassment on our units and our service members. Equally important is ensuring all victims are treated with care and dignity and protected against reprisal for reporting.

10. To paraphrase a recent message to the field by the Army Chief of Staff, *"Our profession is built on the bedrock of trust; sexual assault and sexual harassment betray that trust. They have a corrosive effect on our unit readiness, team cohesion, good order and discipline. We are entrusted with ensuring the health and welfare of America's sons and daughters. There are no bystanders in this effort. It is up to every one of us, military and civilian, general officer to private, to contribute in solving to this problem. Our team-mates and co-workers, their families, and the American people are counting on us to lead the way in solving this problem within our ranks."*

11. This policy is punitive in nature and violations are subject to action under the Uniform Code of Military Justice.

12. This policy will be prominently displayed on unit bulletin boards and web sites, shared via official social media sites, and a copy provided to each service member and employee of the Indiana National Guard.

13. The Sexual Assault Response Coordinator (SARC) for the Indiana National Guard can be reached at 317-247-3300 x85475 (cell 317-690-6650). Questions regarding this policy should be addressed to the Director of Civil-Military Operations (J-9) at 317-247-3300 x85450 (cell 317-605-8596).



R. MARTIN UMBARGER
Major General, INARNG
The Adjutant General

2 Enclosures

1. Goals of the SAPR Program
2. VA/SHARP Specialists Selection/Training

SUBJECT: Policy Number 32-13, Sexual Assault Prevention and Response (SAPR)

ENCLOSURE 1 (Goals of the Sexual Assault and Prevention (SAPR) Program) to Adjutant General of Indiana Policy Memorandum #32-13 - Sexual Assault Prevention and Response (SAPR) Policy

Goals of the Indiana National Guard Sexual Assault and Prevention (SAPR) Program are to:

- a. Create a climate which seeks to eliminate sexual assault incidents in the Indiana National Guard and; if an incident occurs, to ensure victims and subjects are treated with extreme discretion and abundant sensitivity and accordance with current National Guard Bureau policy.
- b. Create a climate which encourages victims to report incidents of sexual assault without fear and with an expectation of a prompt, professional, and thorough response.
- c. Establish and implement a sexual assault prevention training and awareness program.
- d. Ensure sensitive and comprehensive treatment to restore victims' health and well being.
- e. Ensure leaders at all levels understand their roles and responsibilities regarding response to sexual assault victims, thoroughly investigate allegations of sexual assault through the use of Complex Investigators, and take appropriate administrative and disciplinary action.

SUBJECT: Policy Number 32-13, Sexual Assault Prevention and Response (SAPR)

ENCLOSURE 2 (Sexual Assault and Prevention Program (SAPR) Manning/Training Requirements for Military Units) to Adjutant General of Indiana Policy Memorandum #32-13 - Sexual Assault Prevention and Response

1. Requirements for the screening, selection, designation, and training of unit-level Sexual Assault and Prevention Program (SAPR) representatives are as follows:

- a. The **Sexual Assault Response Coordinator (SARC)** is assigned to the Joint Force Headquarters Indiana National Guard and administers the state-wide Indiana National Guard program and serves as the victim advocate for the JFHQ-IN and associated, affiliated, and attached units not otherwise served by an assigned Sexual Harassment Assault Response and Prevention (SHARP) Specialist [formerly known as the Victim Advocate (VA)]. The SARC provides oversight to the Victim Advocate (VA) / Sexual Harassment Assault Response and Prevention (SHARP) Specialists when responding to a sexual assault case. The SARC is a full-time position filled by a qualified individual serving in Title 32 Active Guard Reserve (AGR), dual-status military technician, or non-dual-status military technician status.
- b. **Victim Advocate (VA)/Sexual Harassment Assault Response and Prevention (SHARP) Specialist** [formerly known as the Unit Victim Advocate (UVA)] is an appointed, dedicated, detail duty assignment on a ratio of two (2) per General Officer level, O-6 level, and O-5 level commands. The Air National Guard has a requirement for three (3) Unit Victim Advocate (UVA) per Wing. As a best practice, each O-3/O-4 level commander is strongly encouraged to appoint and employ VA/SHARP Specialists to collaborate with each echelon of command. A SHARP Specialist may be a traditional or full-time service member but must, in either case, be readily available to respond when the need arises.
- c. SHARP Specialist rank requirement is as follows (per AR 600-20, Chapter 8):
 - 1) General Officer and O-6 level command is E-7 and above or O-4/CW3 and above.
 - 2) O-5 level command requirement is E-6 and above or O-1/CW2 and above.
 - 3) O-3/O-4 level command must be an E-6 or above or an officer (warrant or commissioned).

2. **Duties.** The SHARP specialist provides crisis intervention support to the victim throughout the medical, investigative, and judicial process and subsequent referral to civilian and military victim-service agencies for assistance. Duties also include communication and coordination with the state-level SARC and attending and completing appropriate training, meeting selection standards, and completing required reports on incidents of sexual assault.

3. **Screening and Selection.** SHARP specialists respond to each report of sexual assault by providing advocacy support and technical advice to the victim(s). Due to the sensitive and complex nature of working with sexual assault victims, the SHARP specialist must be carefully screened and selected and *must complete required SHARP specialist training and complete national level credentialing before they can be allowed to serve as a victim advocate*. SHARP specialists are likely to be involved in very sensitive and highly emotion situations when assisting victims of sexual assault, therefore, SHARP specialists will be screened and selected in accordance with the guidelines below and meet designated requirements:

- a. Complete a VA/SHARP volunteer application form.
- b. Recommended by the chain of command.
- c. Available to respond to a sexual assault incident at any time.
- d. Demonstrate outstanding duty performance.
- e. Demonstrate above-average communication skills and ability to gain rapport.
- f. Display empathy, resourcefulness, crisis management skills, and unquestionable discretion.

SUBJECT: Policy Number 32-13, Sexual Assault Prevention and Response (SAPR)

- g. Demonstrate cross/multi-cultural awareness.
 - h. Demonstrate stability in personal affairs.
 - i. Possess no history of domestic violence (as either victim or perpetrator), significant indebtedness, excessive use of alcohol, or any other addictive behavior history.
 - j. Appointed on orders to the collateral duty of VA/SHARP Specialist.
 - k. Complete background checks as follows:
 - 1) Check against the National Sex Offender Registry (NSOR)
 - 2) National Agency check with Law and Credit (NACLC)
 - 3) Completed DA Form 7424 (Sensitive Duty Assignment Eligibility Questionnaire)
 - 4) VA/SHARP Specialist 80-Hour training certificate
 - 5) Completed DD Form 2950 (for credentialing).
4. Training for advocates is centrally-managed by National Guard Bureau in concert with the state-level Sexual Assault Response Coordinator (SARC). The training curriculum includes policy definitions, types of sexual assault, prevention efforts, responding to victims, deployment issues, forensic protocols, victim safety, communication skills, judicial process, civilian agency relationships, data collections, and the duties of the SHARP Specialist.
5. SHARP specialists must complete training and credentialing within 18 months of selection and prior to performing their assigned duties.