



NATIONAL GUARD BUREAU
1636 DEFENSE PENTAGON
WASHINGTON DC 20301-1636

NGB DTM 1300.01
NGB-J1-SAPR
29 November 2022

MEMORANDUM FOR THE ADJUTANTS GENERAL AND THE COMMANDING
GENERAL OF THE DISTRICT OF COLUMBIA

Subject: Limited Sexual Assault Prevention and Response Services for Sexual
Harassment Complainants

References: See Attachment D.

1. Purpose. This Directive-Type Memorandum (DTM) establishes interim guidance for National Guard (NG) Sexual Assault Prevention and Response (SAPR) professionals providing limited SAPR services to non-Federalized NG Service members who file a formal or informal sexual harassment complaint or who believe they were subjected to sexual harassment in accordance with (IAW) references a through j.
2. Cancellation. None.
3. Applicability. This instruction applies to all non-Federalized NG Service members.
4. Policy. It is National Guard Bureau (NGB) policy that:
 - a. The NG will not condone, tolerate, or unlawfully discriminate against, harass, intimidate, or threaten another person on the basis of race, color, national origin, religion, sex-gender, or sexual orientation; sexually harass someone; or seek reprisal against someone who engages in a protected discrimination complaint activity.
 - b. Non-Federalized NG Service members who file a formal or informal sexual harassment complaint or believe they were subjected to sexual harassment are eligible to receive limited services through the SAPR program. These services will include crisis intervention, safety assessments, referrals to resources, filing retaliation complaints, support in obtaining Military Protective Orders and Civilian Protective Orders, and Special Victims' Counsel consultation and representation.
 - c. Non-Federalized NG Service members subjected to sexual harassment, but not sexual assault, are not eligible to complete a Department of Defense Form 2910 "Victim Reporting Preference Statement" designated for sexual assault reporting IAW reference g and will be processed IAW reference d and reference e.
 - d. NG SAPR professionals will not intake, initiate, or process sexual harassment complaints, but will offer a referral of all sexual harassment complainants to the State

Equal Employment Manager (SEEM) or Equal Opportunity (EO) personnel for reporting options and processing of the complaint. Referrals to the SEEM or EO personnel will only be made with the complainant's permission.

5. Responsibilities. See Attachment A.
6. Procedures. See Attachment B.
7. Information Collection Requirements. See Attachment C.
8. Definitions. See Attachment E.
9. Releasability. This DTM is approved for public release; distribution is unlimited. It is available at <<https://www.ngbpmc.ng.mil/>>.
10. Records Management. This DTM and all records created as a result, regardless of media and format, must be managed IAW the NGB Records Management Program.
11. Compliance. Per the Chief of the National Guard Bureau (CNGB) 5000.01 Issuance Series, the proponent will review this DTM annually on the anniversary of its effective date to either confirm the action has been completed, incorporate the directive into a CNGB Issuance, or to update and extend the DTM's continued applicability, currency, and consistency with Federal, Department of Defense, and NGB policy, and provide validation to the Strategy, Policy, Plans, and International Affairs Directorate and to the Directorate of Management and Administration Issuances Branch.



DANIEL R. HOKANSON
General, USA
Chief, National Guard Bureau

Attachments:
As stated

ATTACHMENT A
RESPONSIBILITIES

1. CNGB. The CNGB retains the authority to coordinate with the White House, Congress, Secretary of Defense, Chairman of the Joint Chiefs of Staff, Secretaries of the Army and the Air Force, and other offices within the Department of Defense (DoD) on matters related to the extension of limited SAPR services to eligible Sexual Harassment complainants IAW reference a and reference b, on behalf of the NGB, The Adjutants General (TAGs) of the States and Territories, the Commanding General of the District of Columbia (CG), and non-Federalized NG Service members IAW reference i.
2. Vice Chief of the National Guard Bureau (VCNGB). The VCNGB will serve as the NGB representative to the White House, Office of the Secretary of Defense, and other DoD agencies to address sexual assault matters under the authority and at the discretion of the CNGB.
3. Director of the Army National Guard, Director of the Air National Guard, and Director of Space Operations. The Director of the Army National Guard, the Director of the Air National Guard, and the Director of Space Operations will support the NG SAPR Program Eligibility for Limited SAPR Services for Sexual Harassment Complainants for non-Federalized NG personnel.
4. NGB Director of Staff (NGB-DS). The NGB-DS will advise the CNGB and VCNGB on all matters affecting the overall execution of the NG SAPR Program.
5. Director of Manpower and Personnel (NGB-J1). The Director of NGB-J1 will:
 - a. Serve as the NG principal authority on accountability, policy, and oversight for the NG SAPR Program on behalf of the CNGB, including Title 32 United States Code training development, strategic planning, and data management.
 - b. Disseminate Secretary of Defense mandates, DoD SAPR Office policies, and CNGB Instructions, procedures, and plans for the NG SAPR Program to the Director of the Army National Guard, the Director of the Air National Guard, the Director of NGB Space Operations, TAGs, and the CG.
 - c. Provide oversight for the implementation of and monitor compliance with NG sexual assault policies and procedures.
6. NGB-J1 SAPR Division Chief (NGB-J1-SAPR). The NGB-J1-SAPR Division Chief will:
 - a. Serve as principal advisor to the CNGB, VCNGB, NGB-DS, and other NG leaders on all SAPR matters.
 - b. Provide guidance to State leaders on NG SAPR Program management functions IAW with DoD goals and objectives.

c. Monitor access to limited SAPR services for eligible sexual harassment complainants.

d. Track the number of eligible sexual harassment complainants who receive limited SAPR services and which services were used. This data will not contain any personally identifiable information.

7. Office of the NGB General Counsel. The Office of the NGB General Counsel will provide legal support to the SAPR program and administer and maintain oversight of the Special Victims' Counsel Program in support of the NG SAPR Program.

8. TAGs and the CG. Consistent with DoD and Service guidance, TAGs and the CG will:

a. Establish policy and procedures consistent with this DTM and IAW references through g.

b. Inform all commanders and the State Office of the Staff Judge Advocate of the purpose and requirements of this DTM.

c. Provide oversight of access to limited SAPR services by eligible sexual harassment complainants.

9. State Office of the State Judge Advocate. State Office of the State Judge Advocate will inform attorneys in the State of the purpose and requirements of this DTM.

10. Commanders. Commanders will confirm that eligible non-Federalized NG Service members who report sexually harassing behavior or who file a formal or informal sexual harassment complaint under the military Equal Opportunity program are advised of their eligibility for limited SAPR services.

11. NG State Lead Sexual Assault Response Coordinators (SARCs). NG State Lead SARCs, as designated by TAG or the CG, will:

a. Inform all NG SAPR professionals of the purpose and requirements of this DTM and subsequent State policy.

b. Coordinate with the Army National Guard Human Resources EO Director, Air National Guard EO Director, and SEEM to train NG SAPR professionals and Equal Employment Opportunity and EO personnel on eligibility for limited SAPR services for NG Service members.

c. Use the Data Collection Template (see Attachment C) to provide monthly sexual harassment complainants reports to NGB-J1-SAPR. The NGB-J1-SAPR Regional Leads will provide the template in electronic form. In the event no complainants seek services, the form will continue to be submitted as outlined above. Regional Leads will

provide the template in electronic form. In the event no complainants seek services, the form will continue to be submitted as outlined above.

12. NG SAPR Professionals. NG SAPR Professionals will:

- a. Offer crisis intervention, advocacy, and ongoing non-clinical safety assessments, conduct warm hand-offs to appropriate services, assist with obtaining a Military Protective Order or Civilian Protective Order, filing a retaliation complaint with an Inspector General or filing a retaliation complaint with the Military EO office if due to protected EO communication, to non-Federalized NG Service members who have experienced sexual harassment.
- b. Offer confidential communication to eligible sexual harassment complainants IAW the code of ethics in reference j.
- c. At the request of the complainant, facilitate a warm hand-off to the EO office responsible for sexual harassment complaint reporting options.
- d. Not participate in the EO complaint investigations or provide written or verbal statements to Investigative Officers about statements made by the complainant to NG SAPR professionals.

13. SEEM, Army National Guard Human Resources EO, and Air National Guard EO. SEEMs, Army National Guard Human Resources EO, and Air National Guard EO will:

- a. Receive initial training from the State Lead SARC on sexual harassment complainant eligibility for limited SAPR services no more than 45 days after issuance of this DTM.
- b. Ensure all subordinate Equal Employment Opportunity and EO personnel receive initial training on sexual harassment complainant eligibility for limited SAPR services within 60 days of issuance of this DTM.
- c. Coordinate with the servicing SARC if a complainant identifies safety concerns (see Attachment C) during the Military EO investigation process.

14. Servicing Equal Employment Opportunity and EO Personnel. Servicing Equal Employment Opportunity and EO personnel will:

- a. Facilitate a warm hand-off between an eligible NG Service member and the servicing SARC upon the request of a member after being informed of options related to confidential reporting or upon receiving a formal or informal report of sexual harassment.
- b. Coordinate with the servicing SARC if a complainant identifies safety concerns (see Attachment C) during the EO investigation process.

15. Director of Psychological Health and Behavioral Health Staff. The Director of Psychological Health and Behavioral Health Staff will:

- a. Support Line of Duty determinations as appropriate for eligible sexual harassment complainants.
- b. Provide clinical safety assessments for sexual harassment complainants when requested by State SAPR personnel.
- c. Engage and assist if significant safety concerns are identified.

ATTACHMENT B

PROCEDURES

1. Safety Referral Elements. EO personnel or Investigative Officers will notify the Lead SARC of a safety concern pertaining to an eligible NG member who filed a sexual harassment complaint and will complete a warm hand-off to the assigned NG SAPR personnel. Safety items that would merit a referral to the SARC include if the complainant is:

- a. Being stalked by the subject.
- b. Receiving threats of harm by the subject, coworkers, or friends and family of the subject.
- c. Being harassed on social media by the subject or anyone associated with the complaint.
- d. Feeling ostracized or excluded at work.
- e. Feeling hopeless.

2. Notification of Sexual Harassment Complainant. When a SAPR professional is notified of a sexual harassment complainant by EO or an eligible NG Service member as defined under paragraph 4.b. of this DTM, NG SAPR professionals will:

- a. Receive warm hand-offs of eligible sexual harassment complainants from the SEEM or EO personnel.
- b. Offer services outlined in 12.a., in Attachment A, of this DTM to eligible non-Federalized NG Service members who believe they have experienced sexual harassment.
- c. Complete initial and ongoing non-clinical safety assessments IAW reference k.
- d. Coordinate with the servicing Director of Psychological Health or Behavioral Health personnel if safety concerns are identified, either by SAPR personnel or the SEEM or EO personnel.
- e. Track sexual harassment complainant data monthly and submit to the State Lead SARC.

ATTACHMENT C

DATA COLLECTION TEMPLATE

State:	Submitted by:
Month:	
<u>Sexual Harassment Case Information</u>	Total
Sexual Harassment Cases Carried Over from a Previous Month	
New Sexual Harassment Complainants	
Closed Cases	
Total Sexual Harassment Complainants Receiving Services	
<u>Direct Service Activities</u>	Total
Office or Community Visits	
Telephone Contacts	
Safety Assessments	
Court or Legal Accompaniments	
Assistance in Obtaining a Military Protective Order	
Assistance in Obtaining a Civilian Protective Order	
After-hours Crisis Intervention	
Emergency Transports (Emergency Only)	
DoD Inspector General Referrals	

Figure 1. Sample Data Collection Template

ATTACHMENT D

REFERENCES

- a. Under Secretary of Defense (Personnel and Readiness) Memorandum, 13 October 2021, "Guidance for Implementing Tier 1 Recommendations of the Independent Review Commission on Sexual Assault in the Military"
- b. Secretary of Defense Memorandum, 22 September 2021, "Commencing DoD Actions and Implementation to Address Sexual Assault and Sexual Harassment in the Military"
- c. Chief of the National Guard Bureau (CNGB) Instruction 1300.01, 26 June 2020, "National Guard Sexual Assault Prevention and Response Program"
- d. CNGB Instruction 9601.01, 27 September 2015, "National Guard Discrimination Complaint Program"
- e. CNGB Manual 9601.01, 25 April 2017, "National Guard Discrimination Complaint Process"
- f. Department of Defense (DoD) Instruction 1020.03, 08 February 2018, "Harassment Prevention and Response in the Armed Forces," Incorporating Change 1, 29 December 2020
- g. DoD Instruction 6495.02, Volume 1, 28 March 2013, "Sexual Assault Prevention and Response: Program Procedures," Incorporating Change 7, 06 September 2022
- h. DoD Directive 6495.01, 23 January 2012, "Sexual Assault Prevention and Response (SAPR) Program," Incorporating Change 5, 10 November 2021
- i. DoD Directive 5105.77, 30 October 2015, "National Guard Bureau (NGB)," Incorporating Change 1, 10 October 2017
- j. DoD Forms Management Program, DD Form 2950, "Department of Defense Sexual Assault Advocate Certification Program (D-SAACP) Application Packet for New Applicants," <https://www.esd.whs.mil/Directives/forms/dd2500_2999/>, accessed 28 September 2022
- k. United States Department of Defense Sexual Assault Prevention and Response, Policy, SAPR Policy Toolkit for SARCs, "Safety Assessment Tool," <<https://www.sapr.mil/sites/default/files/public/docs/policy/toolkit/SafetyAssessmentTool.pdf>>, accessed 28 September 2022
- l. DoD Instruction 6495.02, Volume 3, 24 June 2022, "Sexual Assault Prevention and Response: Retaliation Response for Adult Sexual Assault Cases"

ATTACHMENT E

DEFINITIONS

Complainant -- A National Guard Service member who submits an allegation or report of Military Equal Opportunity prohibited discrimination.

Crisis Intervention -- Emergency non-clinical care aimed at assisting victims in alleviating potential negative consequences by providing safety assessments and connecting individuals to needed resources. (See reference h.)

Formal Complaint -- An allegation submitted in writing to the staff designated to receive such complaints in Military Department operating instructions and regulations; or an informal complaint, which the commander or other person in charge of the organization, determines warrants an investigation. (See reference f.)

Informal Complaint -- An allegation, made either orally or in writing, that is not processed or resolved as a formal complaint through the office designated to receive harassment complaints. The allegation may be submitted to a person in a position of authority within the Service member's organization or outside of the Service member's organization. (See reference f.)

Non-clinical Safety Assessments -- A set of guidelines and considerations to determine if an individual is likely to be in imminent danger of physical or psychological harm because of reporting sexual harassment. Types of imminent danger may include non-lethal, lethal, or potentially lethal behaviors; the potential harm caused by the alleged perpetrator, family, friends or acquaintances of the alleged perpetrator, or the complainant themselves, for example, harboring self-harm or suicidal thoughts. (See reference h.)

Reprisal -- Taking or threatening to take or recommend an unfavorable personnel action, or withholding or threatening to withhold, or recommend against, a favorable personnel action, for making, preparing to make, or being perceived as making or preparing to make a protected communication. (See reference l.)

Retaliation -- Wrongfully taking or threatening to take or recommend an adverse personnel action against any person; or wrongfully withholding or threatening to withhold, or to recommend against, favorable personnel against any person for reporting or planning to report a criminal offense, or making or planning to make a protected communication, with the intent to discourage any person from reporting a criminal offense or making or planning to make a protected communication. (See reference l.)

Sexual Assault Prevention and Response Professionals – Defense Sexual Assault Advocate Program-certified State Sexual Assault Prevention and Response Program Managers, National Guard Joint Forces Headquarters-State, Brigade, and Wing Sexual Assault Response Coordinators, National Guard Joint Force Headquarters-State Sexual

Assault Prevention and Response Victim Advocates (formerly known as Victim Advocate Coordinators), and all full time, collateral duty, and volunteer Victim Advocates.

Warm Hand-Off -- Connecting an individual to services by physically escorting them or facilitating a telephonic meeting, and ensuring the individual is supported in obtaining the identified resources. (See reference a.)