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Office of the Commanding General

VDF-HCG

30 March 2014

Command Policy Letter CG 14-01

SUBJECT: VDF Command Policy on Sexual Assault and Sexual Harassment

1. All VDF personnel shall adhere to the following guidelines in reporting and preventing sexual harassment or sexual assault.
2. That pursuant to Code of Virginia, Title 44-54.7; this policy letter will serve as the VDF's formal adoption of the following Army and Army National Guard regulations, publications and website publications regarding sexual harassment, sexual assault and any reporting requirements contained therein, and to the extent practicable, are to be read in conjunction with any Virginia Department of Human Resource Management (DHRM), DMA, VDF regulation or policy, Virginia statute or relevant policy regarding these issues. The following is not an exclusive list and any related subsequent regulations, publications, revisions or amendments may be included herein.

The following shall apply: NGVA-AG Command Policy letter 13-05 dated 1 June 2013 Sexual Harassment Prevention Policy; Army Regulations 600-20, Army Directive 2013-17, AR 600-37, Commander's Legal Handbook 2013 (Army), AR 27-10; US Army SHARP Program http://www.preventsexualassault.army.mil/policy_reg.cfm; National Guard Pam 600-4 "Prevention of Sexual Harassment, Guidelines for Commanders, Managers & Supervisors"; National Guard Pam 600-22 "Investigating Military Discrimination Complaints"; AR Pam 600-20 "Relationships Between Soldiers of Different Rank"; provided these are not inconsistent with standing DHRM, DMA or VDF regulation or policy, including any personnel guidelines, Virginia statutes or administrative law regulating employees of the Commonwealth of Virginia, including but not limited to the Department of Human Resource Management Work Place Harassment Policy 2.30. In the event of any conflict, DMA, DHRM, VDF regulation, policy or Virginia law will control.

3. In order for the VDF to execute its diverse and challenging missions in support of the VaNG and the Commonwealth of Virginia, we must share a bond of trust and mutual respect. Without both, discipline erodes, mission readiness is degraded and the performance of our people is diminished. Sexual assault is a crime and sexual harassment is illegal. Commission of either of these acts is a breach of trust, a violation of our core values and will not be tolerated. There are no bystanders; a violation or suspected violation must be immediately reported up the chain of command to the TAG. Any criminal violations shall be referred to the appropriate law enforcement agency with jurisdiction.

4. In order to prevent sexual assault including unwelcomed sexual contact or comments, it is our duty to recognize, prevent, stop and report occurrences of sexual assault and harassment. Anyone who reports any such allegation must do so with confidence and trust that they will not be subject to reprisal or retaliation. Victims will be referred to established programs for victim advocacy and aftercare that are available in the Commonwealth of Virginia.

5. All Commanders will report any incident of sexual harassment or assault, via the VDF chain of command, to the DMA within twenty-four (24) hours. The victim must be advised of their right to counsel and any available victim services. It will be the policy of the VDF to have commanders immediately appoint an investigating officer (IO) to investigate any reports of sexual harassment or assault. The IO will follow customary military protocol and shall file a written report with his immediate commanding officer and forward a copy to the Chief of Staff and the VDF SJA who will then determine if any disciplinary action is required. Any disciplinary action taken and IO report will be filed permanently in the offender's military personnel service jacket (MPRJ/201 file). We will hold anyone who commits these acts accountable. In the event any of these acts occur during State Active Duty or training exercises, as defined by Virginia Code Title 44-54.4, the Uniform Code of Military Justice (UCMJ) will apply.

7. The VDF Staff Judge Advocate and the VDF G-1 will serve as my executive agents for implementation of this policy. In conjunction with applicable DIV staff sections, they will ensure appropriate training and briefings so that all personnel recognize indicators of this behavior and are prepared to intervene. Leaders at all levels will gain full knowledge of the scope of this policy and are responsible for demonstrated commitment. I expect all troops to display the same level of dedication and courage executing this intent that they would on any mission.

/s/John D. Taylor
JOHN D. TAYLOR
MG, VDF
Commanding

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