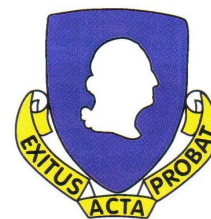




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Office of the Commanding General

VDF-HCG

20 September 2016

Command Policy Letter CG 14-01; as amended 16-02

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. The intent is to provide a climate of support for victims of a sexual assault or harassment, while reducing the incidents of sexual assault and harassment in the military.

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, command policy letters, website publications regarding sexual harassment, sexual assault and any reporting requirements contained therein. To the extent practicable, these 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.

2. The following NGVA-AG Policies shall apply: **(A) Command Policy letter 15-022**, dated 21 October 2015, "*Sexual Assault Prevention and Response Strategic Plan*"; **(B) Command Policy letter 15-021**, dated 21 October 2015, "*Sexual Assault Prevention and Response (SAPR) Program Policy*"; [This is a joint program maximizing the Virginia Department of Military Affairs that include Sexual Assault Response Coordinators (SARCS) and Victim Advocates (VAs)]; and **(C) Command Policy 15-016**, dated 10 August 2016, "*Sexual Harassment Prevention Policy*" and the previous Command Policy 13-05, dated 1 June 2013. These policies include the **DHRM Policies**, including but not limited to: **2.30 "Work Place harassment"**; **2.05 "Equal Employment Opportunity"**; **1.60 "Standards of Conduct"**; **1.80 "Work Place Violence"**; and any other DHRM policies or personnel guidelines, Virginia statutes or administrative law regulating employees of the Commonwealth of Virginia relating to these issues. In the event of any conflict, DMA, DHRM, VDF regulation, policy and/or Virginia law will control.

3. References: National Guard Sexual Assault Prevention and Response Program Policy Guidance (J1-09-004); NGR 600-21 "Equal Opportunity Program in the Army National Guard"; ANGPAM 30-02 "Prevention of Sexual Harassment"; Virginia National Guard Command Policy 14-04 "Sexual Prevention and Response (SAPR) dated 1 October 2014 & 14-06 "prohibiting Sexually Explicit or Suggestive

Material in the Work Place dated 1 October 2014; "Army Regulations 600-20 Chapter 8 dated 18 March 2008; Memorandum from Secretary of Defense, "sexual Assault Prevention and Response" dated 6 May 2013; Memorandum from Secretary of the Army, dated 28 May 2013; Army Directive 2013-17; Department of Defense Directives 6495.01 and 6495.02 "Sexual Assault Prevention and Response" dated 23 January 2013 and 28 March 2013 respectively; AR 600-37, Commander's Legal Handbook 2013 and 2015 (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"; Air Force Instruction 36-6-1, "Sexual Assault Prevention and Response (SAPR) program" dated 29 September 2008; Department of the Air Force Policies and Procedures for the "Prevention of and Response to Sexual Assault", dated 8 June 2005, provided these are not inconsistent with standing DHRM, DMA or VDF regulations or policy.

4. 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. Any military member who makes deliberate or repeated unwelcome verbal comments, gestures, physical contact of a sexual nature or creates a sexually harassing environment by displaying pictures, objects, or uses any other media of a sexual nature is committing sexual harassment. Sexual assault is defined as a form of gender discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. OICs and supervisors are directed to inspect their workplaces to ensure to ensure no sexually-oriented, sexually degrading or sexually offensive material exists in the work environment.

5. 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. Simply stated, our policy is "Zero Tolerance". Anyone who reports any such allegation must do so with confidence and trust that they will not be subject to reprisal or retaliation. Only those that have a "need to know" will be informed about a sexual assault thus ensuring the Victims privacy is maintained. Victims will be referred to established programs for victim advocacy and aftercare that are available in the Commonwealth of Virginia and/or the Virginia Department of Military Affairs will respond swiftly to care for victims. Failure to enforce these policies will be disciplined accordingly.

6. All members will report any incident of sexual assault immediately to the local or federal authority and within twenty-four (24) hours to the VDF chain of command through their Commanding Officer, who will then immediately report the incident to the Chief of Staff and the Staff Judge Advocate. All members will report any incident of sexual harassment to their immediate supervisor, who will then immediately report the incident to Commanding Officer who will then report the incident to the Chief of Staff and the Staff Judge Advocate as soon as possible. The victim must be advised of their right to counsel and

any available victim services including their right to file a formal or informal complaint through the National Guard System, Federal EEOC or State Employee Grievance Procedure, which is administered by the Department of Employment Dispute Resolution, to address harassment. 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 who will then 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/or the 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 and issues resulting from the enforcement of these policies will be handled at the O-6 Command level. 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 and points of contact. 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/Justin P. Carlitti, Sr.
Justin P. Carlitti, Sr.
BG, VDF
Commanding General

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