



NEBRASKA NATIONAL GUARD

JOINT FORCE HEADQUARTERS
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LINCOLN, NE 68524-1801

OCT 07 2015

MEMORANDUM FOR All Nebraska Military Department Members and Employees

FROM: NGNE-TAG

SUBJECT: Military Department Policy (SAPR-15-001) Sexual Assault Prevention and Response Program

1. Sexual assault is a crime and it will not be tolerated in the Nebraska National Guard. It is contrary to our values and it erodes the basic foundation of trust so vital to the success of our mission. We must develop an organizational culture and climate where those who bring forward allegations of sexual assault are taken seriously and treated with dignity and respect. We must use sensitivity and discretion to ensure they are not re-victimized and that there is no harm or repercussions for reporting. As a result, the Nebraska National Guard will do all that is possible to prevent sexual assault, effectively implement the National Guard Bureau's Sexual Assault Prevention and Response (SAPR) Program, and prosecute offenders to the fullest extent allowed under civilian and military law.

2. Sexual assault is defined as the intentional sexual contact, characterized by use of force, threats, intimidation, abuse of authority, or when the victim does not or cannot consent. This includes rape, forcible sodomy (oral or anal sex), and other unwanted sexual contact that is aggravated, abusive or wrongful (to include unwanted and inappropriate sexual contact), or attempts to commit these acts. Sexual assault can occur without regard to gender, spousal relationship, or age of the victim. Consent means a freely given agreement to the conduct at issue by a competent person. An expression of lack of consent through words or conduct means there is no consent. Lack of verbal or physical resistance or submission resulting from the use of force, threat of force, or placing another person in fear does not constitute consent. 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 conduct at issue shall not constitute consent. A sleeping, unconscious, or incompetent person cannot consent. (Change 2, DoD Directive 6495.01, January 20, 2015).

3. Nebraska Military Department leadership will ensure the speedy implementation of the SAPR Program at every level and as such, all commanders and supervisors will become informed about the policies that govern this program. I want commanders, managers, and supervisors to place special emphasis on ensuring that all accusations of sexual assault are taken seriously and referred to the proper authorities for investigation. Our leaders also will take an active role in educating our service members about prevention of sexual assault, treating all victims with care and dignity, and protecting victims against reprisal for reporting.

4. The goals of the SAPR Program are to:

a. Create a climate that strives to eliminate sexual assault incidents, which impact Nebraska National Guard personnel and, if an incident should occur, to ensure that victims and subjects are treated in accordance with the National Guard Bureau policy.

NGNE-TAG

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b. Create a climate that encourages victims to report incidents of sexual assault without fear.

c. Establish 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 investigating allegations of sexual assault, and taking appropriate administrative and disciplinary action.

5. The SAPR Program utilizes Sexual Assault Response Coordinators (SARC) to administer the program and for system advocacy. The SARC provides oversight to the Victim Advocates (VA) when responding to a sexual assault case. In coordination with the SARC, unit commanders will appoint and utilize VAs for advocacy services.

6. Victim Advocates are trained to respond to each report of sexual assault by providing advocacy support to victims. Because of the sensitive and complex nature of working with sexual assault victims, the VA must be carefully selected. Victim Advocates are likely to become involved in highly emotional and stressful situations while assisting victims of sexual assault. As a result, all candidates must be screened and complete the required VA training. Advocates will be selected in accordance with the following requirements:

a. Candidates will complete a Victim Advocate Volunteer application form.

b. Be recommended by the chain of command.

c. Meet the requirements associated with Army Regulation (AR) 600-20, Chapter 7 and Air Force Instruction (AFI) 90-6001, Chapter 2.

d. Be able attend both a 40 hour Victim Advocate course (Air and Army) and the 80 hr SHARP course (Army only).

e. Be able to complete 32 hrs of continuing education after being credentialed by NOVA to maintain certification in the program every 2 years.

f. Must have a favorable background check and cleared from the national sex offender registry check.

g. Must have great communication skills and have the ability to gain rapport with soldiers and leadership.

h. Must be empathetic, resourceful, handle crisis well, be a team player, and the ability to maintain discretion.

i. Must possess cross/multicultural awareness.

j. Demonstrate stability in personal affairs. The individual will not have a history of domestic violence, significant indebtedness, or excessive use of alcohol.

NGNE-TAG

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- k. Must be appointed on orders to the collateral duty of Unit Victim Advocate by an O6.
7. Training for advocates will be conducted through the National Guard Bureau or through a National Guard Bureau approved course to be conducted at the State level and will cover topics ranging from 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 collection and the duties of the VA.
8. Duties of a VA will primarily include providing crisis intervention, support to the victim throughout the medical, investigative, and judicial process, referral to civilian and military victim service agencies for assistance, communication and coordination with the SARC, attend and complete appropriate training, meet the standards for selection and complete required reports on incidents of sexual assault. They will also be responsible for working with commanders and leadership to facilitate annual training and additional education on sexual assault for all unit members.
9. The JFHQ Sexual Assault Response Coordinator can be reached at (402) 309-8179, the Victim Advocate Coordinator can be reached at (402) 309-8176, and the Wing Sexual Assault Response Coordinator is (402) 309-1113. The Sexual Assault Response 24-hour helpline contact information is (402) 525-0078. Any questions regarding this policy should be addressed to the SAPR Office.
10. This policy supersedes Military Department Policy (MIL 01-060-13), dated 22 March 2013. This policy will be promptly displayed on each unit's official bulletin board and is authorized for distribution to each service member and employee of the Nebraska National Guard.
11. This policy will be reviewed NLT 1 August 2016 for verification or proposed changes by the policy proponent. This policy will stay in effect unless superseded or rescinded. Interim changes to this policy will not become official until they are vetted through appropriate authority, reviewed and authorized the change.



DARYL L. BOHAC
Major General
The Adjutant General