



CHIEF OF THE NATIONAL GUARD BUREAU INSTRUCTION

NGB-J1-S
DISTRIBUTION: A

CNGBI 1300.02
18 December 2024

NATIONAL GUARD SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM ANCILLARY SUPPORT AND SERVICES FOR SEXUAL ASSAULT AND SEXUAL HARASSMENT VICTIMS

1. Purpose. This instruction establishes policy and assigns responsibilities for the National Guard Sexual Assault Prevention and Response (SAPR) Program's ancillary support and services to sexual assault and military sexual harassment victims, including the "Safe-to-Report Policy" and NGB Form 912, "Section 540K Declination Letter" for sexual assault victims, the "No Wrong Door" (NWD) and "Warm Handoff Approach" for sexual assault and military sexual harassment victims, and appropriate SAPR services for military sexual harassment victims, as applicable, in accordance with (IAW) reference a through reference g.

2. Cancellation. None.

3. Applicability. This instruction applies to all elements of the National Guard. All National Guard Service members in a non-Federalized or non-duty status are eligible to receive the services and support described in this instruction. Adult military dependents, National Guard Civilians, contractors, and State employees are only eligible to receive a "Warm Handoff" under the NWD policy.

4. Policy. It is National Guard policy to create a supportive climate that encourages all individuals to come forward to report a sexual assault, file a complaint of sexual harassment, or ask for assistance pertaining to a sex-related offense without fear of retaliation or reprisal. The National Guard does not condone, tolerate, or unlawfully discriminate, intimidate, or threaten another person based on race, color, national origin, religion, or gender identity, sexual orientation, or pregnancy. National Guard leadership and SAPR Professionals (see Glossary) will do everything possible to assist sexual assault victims and military sexual harassment victims IAW reference b through reference g.

a. Services and Support for Sexual Assault Victims.

(1) "Safe-to-Report Policy". Commanders will apply the Safe-to-Report policy to determine whether alleged collateral misconduct (see Glossary) by victims of sexual assault are "minor" or "non-minor." Commanders will assess the alleged collateral

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misconduct against aggravating and mitigating circumstances (see Glossary). If the alleged collateral misconduct is deemed minor, the “Safe-to-Report Policy” applies. Commanders will not discipline the victim IAW reference d and reference h.

(a) This action is required regardless of the individual who received the report of sexual assault from the victim, or which authorities, military or civilian, are conducting the investigation, prosecution, or other disciplinary action.

(b) This does not preclude a Military Criminal Investigative Organization or a civilian law enforcement agency from continuing their investigation and documenting incidents of alleged collateral misconduct revealed during associated investigative processes in their final reports. The outcome of the investigation has no bearing on this instruction.

(2) Section 540K Declination Letter. National Guard members may decline to participate in a law enforcement agency sexual assault investigation initiated by a third-party report (see Glossary) or by their command IAW with reference f and reference i by submitting a National Guard Bureau (NGB) Form 912, “Section 540K Declination Letter,” located at reference j.

b. “No Wrong Door” and “Warm Handoff Approach.” Individuals with a National Guard link who seek information about SAPR services related to sexual assault or sexual harassment from any National Guard organization or entity will never be denied or inappropriately delayed in receiving care and support. These individuals seeking help will receive a Warm Handoff (see Glossary) to the proper individual or a referral to a SAPR Professional for assistance. Adhering to this policy will guarantee that individuals are connected to the appropriate service IAW reference d and reference e.

c. Appropriate SAPR Services for Sexual Harassment Victims. SAPR Professionals will offer all appropriate SAPR services to National Guard members who file a formal or informal sexual harassment complaint with a military equal opportunity professional or believe they were subjected to sexual harassment IAW reference d and reference g.

(1) 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 referral to Special Victims’ Counsel (SVC) consultation as appropriate.

(2) SAPR Professionals will offer a referral to all military sexual harassment victims to the State Equal Employment Manager (SEEM) or Equal Opportunity (EO) personnel to discuss complaint reporting options. Any complaint will be processed IAW reference k and reference l.

5. Definitions. See Glossary.

6. Responsibilities. See Enclosure A.
7. Summary of Changes. This is the initial publication of CNGBI 1300.02.
8. Releasability. This instruction is approved for public release; distribution is unlimited. It is available at <<https://www.ngbpmc.ng.mil/>>.
9. Effective Date. This instruction is effective upon publication and must be reviewed annually by the Proponent/Office of Primary Responsibility for continued validity, and must be revised, reissued, canceled, or certified as current every ten years.



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Enclosures:

- A -- Responsibilities
- B -- References
- GL -- Glossary

ENCLOSURE A
RESPONSIBILITIES

1. Director of the Army National Guard and Director of the Air National Guard. The Director of the Army National Guard and the Director of the Air National Guard will:

a. Support the National Guard SAPR Program “Safe-to-Report Policy” for non-Federalized Army National Guard and Air National Guard personnel IAW reference d.

b. Support the use of NGB Form 912, “Section 540K Declination Letter,” located at reference j, by an eligible sexual assault victim to decline participation in a law enforcement agency investigation based on a third-party report of a sexual assault or by their command IAW reference i.

c. Implement the National Guard SAPR Program NWD and Warm Handoff policy for non-Federalized Army National Guard and Air National Guard personnel IAW reference d and reference e.

d. Support the National Guard SAPR Program to offer all appropriate SAPR services to non-Federalized National Guard members who are sexual harassment victims IAW reference d and reference g.

e. Administer and maintain oversight of their respective Office of the Chief Surgeon or Air Surgeon, and ensure the Office:

(1) Coordinates with the State Surgeons and Wing Medical Group Commanders to identify one NWD committee medical representative who will attend the required NWD meetings.

(2) Provides oversight of the NWD medical representatives, who will:

(a) Ensure all subordinate healthcare providers and healthcare personnel complete their initial and annual NWD training.

(b) Attend NWD meetings held by the servicing SAPR Lead Sexual Assault Response Coordinator (SARC), report and track any identified NWD concerns and solutions.

2. NGB Director of Staff (NGB-DS). The NGB-DS will advise the CNGB and Vice CNGB (VCNGB) on all matters affecting the overall execution of the National Guard SAPR Program.

3. Director of Manpower and Personnel. The Director of Manpower and Personnel will:

a. Serve as principal advisor to the CNGB, the VCNGB, the NGB-DS, and other National Guard leaders on all SAPR matters.

b. Provide guidance to State leaders on the National Guard SAPR Program management functions IAW with Department of Defense (DoD) and CNGB goals and objectives.

c. Administer and maintain oversight of the NGB SAPR Division (NGB-J1-S) and ensure the Division:

(1) Monitors compliance with the Safe-to-Report Policy and establish reporting procedures to track incidents of minor collateral misconduct involving Service member sexual assault victims.

(2) Monitors access of all appropriate SAPR services provided to eligible military sexual harassment victims and tracks the number of eligible military sexual harassment victims who receive appropriate SAPR services and which services were used. This data will not contain any personally identifiable information.

(3) Verifies that NGB-J1-S Regional Program Managers provide the monthly sexual harassment report template in electronic form to the State SAPR Officers and State Lead Sexual Assault Response Coordinators.

(4) Monitors compliance with the NWD policy and procedures.

(5) Develops and updates annual NWD training resources and distribute to the relevant National Guard Service Providers (see Glossary) and National Guard Leadership.

(6) Monitors the conduct of the required NWD quarterly meetings and attendance by State SAPR Leads, EO personnel, mental healthcare and medical care personnel, Judge Advocates, and Chaplains trained as NWD representatives to discuss concerns and solutions.

(7) Monitors SARC attendance at the required Quarterly Case Management Group (CMG) meeting to discuss concerns and solutions raised by the designated NWD representatives.

d. Administer and maintain oversight of the Service Member and Family Support Programs Division and ensures the Division monitors the State Family Programs and Airmen and Family Readiness Staff compliance to:

(1) Complete the initial NWD training and attend the annual NWD training thereafter.

(2) Identify a representative to attend NWD meetings as part of State Quarterly CMG, and report and track any identified NWD concerns and solutions.

(3) Maintain and distribute current brochures and materials from community resources and service providers, as applicable.

4. Office of NGB General Counsel. The Office of NGB General Counsel will act as a liaison with the Office of the State Judge Advocate (OSJA) to provide guidance or assistance as necessary to implement this instruction.

5. Office of NGB SVC. Administer and maintain oversight of the NGB SVC Program supporting the National Guard SAPR Program and:

a. Inform victims seeking SVC representation of available services, provide advice and representation IAW reference m, or provide a referral for additional services, as appropriate.

b. Refer victims of sexual assault to Trial Defense Services or Area Defense Counsel when sexual assault victims may have engaged in collateral misconduct.

c. Inform military sexual harassment victims receiving SVC services of the support available. With the victim's permission, offer a referral to the SEEM or EO personnel for a discussion on reporting options and processing the complaint.

d. Verify that Regional SVCs complete the required initial and annual NWD training.

e. Ensure Regional SVCs attend NWD meetings whenever appropriate or possible and at a minimum provide the responsible State SAPR Officer or State Lead SARC with information regarding any NWD concerns and solutions.

6. Office of NGB Joint Chaplain. The Office of NGB Joint Chaplain will ensure all Joint Force Headquarters National Guard Chaplains will:

a. Obtain training on the NWD process from the responsible SARC and provide training for all National Guard Chaplains in their respective State, Territory, or the District of Columbia on the NWD process.

b. Attend, or designate the State Support Chaplain to attend on their behalf, the NWD meetings as part of State Quarterly CMG and report any identified NWD concerns and solutions.

7. Office of NGB Equal Opportunity and Compliance. The Office of NGB Equal Opportunity and Compliance will ensure State EO personnel and SEEMs:

a. Ensure all subordinate EO personnel receive initial and annual training on the NWD process, and appropriate SAPR services for military sexual harassment victims from the servicing SARC.

b. Attend NWD meetings as part of State Quarterly CMG and report and track any identified NWD concerns and solutions.

c. Attend NWD meetings held by their servicing SARC.

d. Maintain and distribute current brochures and materials from community resources and service providers, as applicable.

8. Office of NGB Joint Surgeon. The Office of NGB Joint Surgeon will:

a. Serve as principal advisor to the CNGB, the VCNGB, the NGB-DS, and other National Guard leaders on medical aspects of SAPR Programs.

b. Provide guidance to State leaders on medical aspects of the National Guard SAPR Program.

9. The Adjutants General of the States and Territories and the Commanding General of the District of Columbia. The Adjutants General of the States and Territories and the Commanding General of the District of Columbia, under the authority, direction, and control of their Governors or chain of command, will:

a. Establish policy and responsibilities consistent with this instruction IAW the references.

b. Inform all Commanders and the State OSJA of the purpose and requirements in this policy.

c. Discuss the assessment of all cases of alleged collateral misconduct against aggravating and mitigating circumstances in unrestricted sexual assault cases IAW reference e during the monthly CMG meeting.

d. Verify the completed Safe-to-Report Determination and Disposition Memorandums are provided to the State Lead SARC for recordkeeping and routing to the servicing SARC, OSJA, and NGB-J1-S.

e. Verify access to all appropriate SAPR services is provided to eligible military sexual harassment victims.

f. Verify the 24/7 SAPR contact information is accurate and published on both applicable National Guard public webpages and the DoD Safe Helpline at <<https://safehelpline.org/>>.

g. Direct the OSJA to:

(1) Provide assistance as necessary to Commanders when assessing collateral misconduct against aggravating and mitigating circumstances in unrestricted sexual assault cases.

(2) Inform Staff Judge Advocates (SJAs) of the purpose and requirements of this instruction. SJAs include those assigned to support O6 and O5 level Commanders and are also referred to as servicing SJAs.

(3) Review decisions made by Commanders after consulting with their unit level SJA regarding collateral misconduct and advise The Adjutants General of the States and Territories, and the Commanding General of the District of Columbia on any recommended revisions.

(4) Maintain a copy of the final signed "Safe-to-Report Determination and Disposition Memorandum."

(5) Ensure servicing SJAs:

(a) Advise the State OSJA within three days of any decisions made by Commanders who consulted with the servicing SJA on alleged collateral misconduct.

(b) Provide a copy of each final "Safe-to Report Determination and Disposition Memorandum" to the National Guard State SAPR Officer and State Lead SARC using encrypted email or DoD Secure Access File Exchange at <<https://safe.apps.mil/security.php>>.

(c) Meet with a victim who wishes to decline participation in a law enforcement agency's investigation based on a third-party or command report and:

1. Explain the purpose of the NGB Form 912, "Section 540K Declination Letter" located at reference j.

2. Assist the victim in completing the form to decline participation in the investigation and maintain a copy of the form until the case is submitted for closure.

(d) Document the victim's decision not to participate in the investigation and complete all required law enforcement notifications.

(e) Maintain a copy of the signed NGB Form 912, "Section 540K Declination Letter" until the DD Form 3114, "Department of Defense Uniform Command Disposition Report," located at reference n, is submitted to the NGB-J1-S for Defense Sexual Assault Incident Database case closure.

h. Verify all designated NWD representatives, to include the State SAPR Officer and State Lead SARC, SEEM, the State Family Program Director, the Director of Psychological Health and Behavioral Health providers, the State Chaplain, the State Surgeon General, Brigade and Wing equivalents, and any relevant service providers within the State:

(1) Complete the required NGB developed training on the NWD policy and Warm Handoff procedures within 60 days of appointment or assignment, and annually thereafter.

(2) Coordinate in-person or virtual Warm Handoffs or transfers for individuals requesting assistance for access to another service provider to receive the most appropriate care and services.

(3) Attend the quarterly NWD meetings to discuss concerns and solutions.

(4) Maintain and distribute current brochures and materials from community resources and service providers, as applicable.

i. Direct Commanders to:

(1) Consult with their servicing SJA and higher-level SJA, if appropriate or preferred, within 90 days from the identification of alleged collateral misconduct. Use prudent judgement and discretion to assess the alleged collateral misconduct against aggravating and mitigating circumstances associated with the sexual assault case prior to making a final determination.

(2) Document their decision on a memorandum using their State or unit letterhead with the subject line "Safe-to-Report Determination and Disposition Notification" IAW reference o.

(3) Confirm that eligible National Guard members who report sexually harassing behavior or who file a formal or informal sexual harassment complaint under the military EO program are advised of their eligibility for appropriate SAPR services.

j. Direct the National Guard State SAPR Officer and State SARC to:

(1) Inform all National Guard Sexual Assault Response Coordinators and SAPR Victim Advocates, collectively referred to as SAPR Professionals, of the purpose and requirements of this instruction and State policy.

(2) Store all final and signed "Safe-to-Report Determination and Disposition Memorandums" under double lock and key.

(3) Provide a copy of all final and signed "Safe-to-Report Determination and Disposition Memorandum" to the servicing SARC and the NGB-J1-S Victim Assistance

and Advocacy Branch Program Manager using encrypted email or DoD Secure Access File Exchange at <<https://safe.apps.mil/security.php>>.

(4) Provide a monthly spreadsheet to report the number of military sexual harassment victims receiving SAPR services to NGB-J1-S Regional Program Managers.

(5) Coordinate, validate, and track that all full-time and collateral duty appointed SAPR Professionals, and identified service providers, receive their initial and annual NWD training.

(6) Coordinate with Brigade and Wing Sexual Assault Response Coordinators to provide initial NWD policy training to newly assigned and designated NWD representatives within 60 days of assignment and annually thereafter.

(7) Verify that NWD discussions are incorporated into Commanders' monthly Ready and Resilient Council or Community Action Team meetings, or conducted separately.

(8) Consolidate identified NWD concerns and solutions from the State, Brigade, and Wing to brief The Adjutants General of the States and Territories, the Commanding General of the District of Columbia, and other designated leaders on concerns and solutions raised during the designated NWD representatives scheduled meetings. This meeting will occur during the State Quarterly CMG meeting and will be documented in the meeting minutes.

(9) Ensure newly identified community resources and service provider information is reviewed during NWD discussions and validated for accuracy before being disseminated at the State Quarterly CMG and to all National Guard service providers.

(10) Instruct SAPR Professionals to:

(a) Not disclose information received from any individual eligible for SAPR services IAW the DoD Sexual Assault Advocate Certification Program professional code of ethics IAW reference p and located in reference q and reference r, unless authorized or required by law.

(b) Provide each sexual assault victim with information on the right to consult with an SVC, a Trial Defense Services Counsel, or Area Defense Counsel representative if the victim engaged in collateral misconduct immediately before, during, or immediately after the sexual assault.

(c) Offer all appropriate SAPR services to National Guard members eligible to file Military Equal Opportunity complaints, who file a formal or informal sexual harassment complaint, or who believe they were subjected to sexual harassment IAW

reference k and reference l. These services will include crisis intervention, safety assessments, referrals to resources, filing retaliation complaints, obtaining Military Protective Orders and Civilian Protective Orders, or SVC referral for consultation and representation.

(d) Attend the initial NWD training and annual training thereafter.

(e) Provide NWD initial and annual training to the following individuals as coordinated with the State SAPR Officer or Lead SARC and track the participant's status:

1. Full-time and collateral duty appointed SAPR Professionals within the State and identified service providers.

2. Newly assigned and designated NWD representatives within 60 days of assignment and annually thereafter.

(f) Receive initial reports of sexual assault or sexual harassment from the victim, or receive the case following a Warm Handoff, and provide services and support to the victim and track the progress of the complaint.

(g) Ensure newly identified community resource and service provider information is accurate and provided to the State SAPR Officer or State Lead SARC to share at the State Quarterly CMG and to all National Guard service providers, and that the resource is reviewed during NWD discussions.

(h) Maintain a supply of and distribute current brochures and materials from community resources and designated NWD representatives as applicable.

(i) Inform a victim associated with a law enforcement agency investigation based on a third-party or command reported sexual assault of their option to:

1. Decline participation in the investigation by signing the NGB Form 912, "Section 540K Declination Letter" at reference j.

2. Request a referral to an SVC.

(j) Open a case in the Defense Sexual Assault Incident Database as an "Open with Limited Information" case when there is a third-party report or a disclosure to command requiring law enforcement notification, and without a signed DD Form 2910, "Victim Reporting Preference Statement" located at reference s.

(k) Refer a victim who signs or refuses to sign a Declination Letter to their servicing Legal Officer to document their decision not to participate in the investigation.

ENCLOSURE B

REFERENCES

PART I. REQUIRED

- a. Department of Defense (DoD) Directive 5105.77, 30 October 2015, "National Guard Bureau (NGB)," Incorporating Change 1, 10 October 2017
- b. DoD Directive 6495.01, 23 January 2012, "Sexual Assault Prevention and Response (SAPR) Program," Incorporating Change 5, 10 November 2021
- c. DoD Instruction 6400.07, 25 November 2013, "Standards For Victim Assistance Services in the Military Community," Incorporating Change 2, 06 July 2018
- d. Secretary of Defense Memorandum, 22 September 2021, "Commencing DoD Actions and Implementation to Address Sexual Assault and Sexual Harassment in the Military"
- e. Under Secretary of Defense for Personnel and Readiness Memorandum, 13 October 2021, "Guidance for Implementing Tier 1 Recommendations of the Independent Review Commission on Sexual Assault in the Military"
- f. DoD Instruction 6495.02, Volume 1, 28 March 2013, "Sexual Assault Prevention and Response: Program Procedures," Incorporating Change 8, 26 July 2024
- g. Title 10 United States Code, Section 1561b, "Confidential Reporting of Sexual Harassment"
- h. Under Secretary of Defense for Personnel and Readiness, Memorandum, 25 October 2021, "Safe-to-Report Policy for Service Member Victims of Sexual Assault"
- i. Chief of the National Guard Bureau (CNGB) Memorandum, 24 February 2023, "Use of Section 540K Declination Letter for Sexual Assault Victims with Third-Party or Command-Initiated Investigations"
- j. NGB Form 912, "Section 540K Declination Letter,"
<<https://www.ngbpmc.ng.mil/Forms/NGB-Forms/>>, accessed 06 December 2024
- k. CNGB Instruction 9601.01, 27 September 2015, "National Guard Discrimination Complaint Program"
- l. CNGB Manual 9601.01, 25 April 2017, "National Guard Discrimination Complaint Process"

- m. Title 10 United States Code, Section 1044e, "Special Victims' Counsel for Victim of Sex-related Offenses"
- n. DoD Forms Management Program, DD Form 3114, "Department of Defense Uniform Command Disposition Report," <https://www.esd.whs.mil/Directives/forms/dd3000_3499/DD3114/>, accessed 06 December 2024
- o. Under Secretary of Defense for Personnel and Readiness, Memorandum, "Fiscal Year 2022 Data Call on the Safe-to-Report Policy," 18 November 2021
- p. DoD Instruction 6495.03, 28 February 2020, "Defense Sexual Assault Advocate Certification Program"
- q. 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/dd2950_2999/>, accessed 06 December 2024
- r. DoD Forms Management Program, DD Form 2950-1, "Department of Defense Sexual Assault Advocate Certification Program (D-SAACP) Renewal Application Packet," <https://www.esd.whs.mil/Directives/forms/dd2950_2999/>, accessed 06 December 2024
- s. DoD Forms Management Program, DD Form 2910, "Victim Reporting Preference Statement," <https://www.esd.whs.mil/Directives/forms/dd2950_2999/>, accessed 06 December 2024
- t. Department of Defense Instruction 6495.02, Volume 3, 24 June 2022, "Sexual Assault Prevention and Response: Retaliation Response for Adult Sexual Assault Cases," Incorporating Change 1, 26 July 2024

GLOSSARY

PART I. ACRONYMS

CMG	Case Management Group
CNGB	Chief of the National Guard Bureau
DoD	Department of Defense
EO	Equal Opportunity
IAW	In accordance with
NGB	National Guard Bureau
NGB-DS	National Guard Bureau Director of Staff
NGB-J1-S	Manpower and Personnel Sexual Assault Prevention and Response Division
OSJA	Office of the Staff Judge Advocate
SAPR	Sexual Assault Prevention and Response
SARC	Sexual Assault Response Coordinator
SEEM	State Equal Employment Manager
SJA	Staff Judge Advocate
SVC	Special Victims' Counsel
VCNGB	Vice Chief of the National Guard Bureau

PART II. DEFINITIONS

Aggravating Circumstances -- Conditions or factors that increase the severity or culpability of the misconduct that are considered in deciding upon the disciplinary actions or lack thereof. Actions that intentionally or unintentionally resulted, or imminently threatened to result in failure of a specified military mission or objective, threatened the health and safety of any person (not including self-harm or self-defense), caused significant damage to Government property or personal property of others, except when such damage was caused by the assault or a result of self-defense in accordance with reference h.

Collateral Misconduct -- Victim misconduct that might be in time, place, or circumstance associated with the victim's sexual assault incident in accordance with reference h.

Complainant -- A National Guard Service member or National Guard civilian employee who files an allegation of harassment in accordance with this Instruction in a non-Federalized status and in accordance with reference d.

Designated No Wrong Door Representatives -- For the purposes of this Instruction, designated No Wrong Door Representatives include Sexual Assault Response Coordinators, Victim Advocates, Special Victims' Counsel, State Equal Employment Manager, Equal Opportunity personnel, Chaplains, Director of Psychological Health and Behavioral Health providers, Family Program Directors and Managers, and healthcare personnel within the State Surgeon's Office and Wings.

Minor Collateral Offenses -- Acts or omissions that are minor offenses using the criteria identified under Article 15 of the State Code of Military Justice, or equivalent to Article 15 of the Uniform Code of Military Justice in paragraph 1.e. of Part V of the Manual for Courts-Martial will generally apply. Whether an offense is minor depends on several factors: the nature of the offense and the circumstances surrounding its commission; the offender's age, rank, duty assignment, record, and experience; and the maximum sentence imposable for the offense if tried by general court-martial. Ordinarily, a minor offense is an offense, which the maximum sentence imposable would not include a dishonorable discharge or confinement for longer than one year if tried by general court-martial in accordance with reference h.

Mitigating Circumstances -- Conditions or factors which may decrease the gravity of alleged collateral misconduct, its impact on good order and discipline, and concern that it may be service discrediting. These factors do not justify or excuse the misconduct, but are considered in deciding upon disciplinary actions or lack thereof to support the health and well-being of the victim in accordance with reference h.

National Guard Employee -- Includes Title 32 United States Code Military Technicians and Title 5 United States Code National Guard civilian employees.

National Guard Service Providers -- Includes Sexual Assault Prevention and Response Professionals, Directors of Psychological Health and Behavioral Health, Judge Advocates, Chaplains, Equal Opportunity personnel, and Special Victims' Counsel.

Non-Minor Collateral Misconduct -- Action(s) that intentionally or unintentionally resulted or imminently threatened to result in failure of a specified military mission or objective; threatened the health and safety of any person (not including self-harm or self-defense); significant damage to Government property or personal property of others, except when such damage was caused by the assault or a result of self-defense in accordance with reference h.

Reprisal -- Taking or threatening to take an unfavorable personnel action, or withholding or threatening to withhold a favorable personnel action, against a member of the armed forces for making or preparing or being perceived as making or preparing a protected communication in accordance with reference t.

Retaliation -- An act that involves:

- Personnel Actions -- Wrongfully takes or threatens to take an adverse personnel action against any person; or wrongfully withholds or threatens to withhold a favorable personnel action with respect to any person for making or preparing to make a protected communication, such as a sexual assault in accordance with reference t.
- Certain Social Interactions, Such as Ostracism -- With a connection to Military Service, wrongfully excluding a Service member from social acceptance or

membership with the intent to inflict emotional distress, discourage reporting, and discourage the administration of justice in accordance with reference t.

- Involves Cruelty -- Occurs when a person subject to the Uniform Code of Military Justice or State Code of Military Justice is cruel toward, oppresses, or maltreats any person subject to their orders, but not necessarily in their chain of command. This may include physical or mental cruelty in accordance with reference t.

Sexual Assault Prevention and Response Professionals -- Located within the States, these professionals include State Sexual Assault Prevention and Response Program Managers, Sexual Assault Response Coordinators (National Guard Joint Force Headquarters--State, Wing, and Brigade), and Sexual Assault Prevention and Response Victim Advocates, which include unit Victim Advocates and Volunteer Victim Advocates. These professionals must maintain a Defense Sexual Assault Advocate Certification Program certification in accordance with reference p.

Third-Party Report -- The disclosure of a sexual assault to a law enforcement agency by a person other than the victim, such as a Commander, who initiates a sexual assault investigation in accordance with reference f.

Victim -- A person who declares direct physical, emotional, or pecuniary harm as a result of the act of a sexual assault in accordance with reference c.

Warm Handoff -- The process of directly connecting an individual to appropriate resources and services in person, by telephone, or virtual introductions.