



CHIEF OF THE NATIONAL GUARD BUREAU MANUAL

NGB-JA
DISTRIBUTION: A

CNGBM 0401.01
23 March 2020


NATIONAL GUARD SPECIAL VICTIMS' COUNSEL PROGRAM PROCEDURAL GUIDANCE

References: See Enclosure G.

1. Purpose. This manual provides procedural guidance for the management, operation, and support of the National Guard (NG) Special Victims' Counsel (SVC) Program in accordance with (IAW) references a through e.
2. Cancellation. None.
3. Applicability. This manual applies to all elements of the NG.
4. Procedures. The NG SVC Program offers legal representation to NG Service members (SMs), eligible dependents of NG SMs, and eligible Department of Defense (DoD) civilians who are victims of sexual assault, IAW with reference a. See Enclosures A through F for additional procedures.
5. Summary of Changes. This is the initial publication of CNGBM 0401.01.
6. Releasability. This manual is approved for public release; distribution is unlimited. Obtain copies through <<https://www.ngbpdc.ngb.army.mil>>.

UNCLASSIFIED

7. Effective Date. This manual is effective upon signature and must be reissued, cancelled, or certified as current every five years.


CHRISTIAN ROFRANO
Brigadier General, USA
Chief Counsel, National Guard Bureau

Enclosures:

- A -- Organization and Management
- B -- Special Victims' Counsel Rules of Professional Conduct and Practice
- C -- Special Victims' Counsel Scope of Representation
- D -- Eligibility for National Guard Special Victims' Counsel Services
- E -- Notification of Services/Intake Process
- F -- Special Victims' Counsel Staff Functions
- G -- References
- GL -- Glossary

ENCLOSURE A

ORGANIZATION AND MANAGEMENT

1. Organization. The NG SVC Program is composed of a Program Management Office and eight geographical regions (Figure 1). Each region provides SVC services to its assigned States and Territories; however, mission and client needs may result in geographic representation outside of an SVC's assigned region.

2. Program Management Office. The Program Management Office provides leadership, policy oversight, training, and support to regional SVCs in the field.

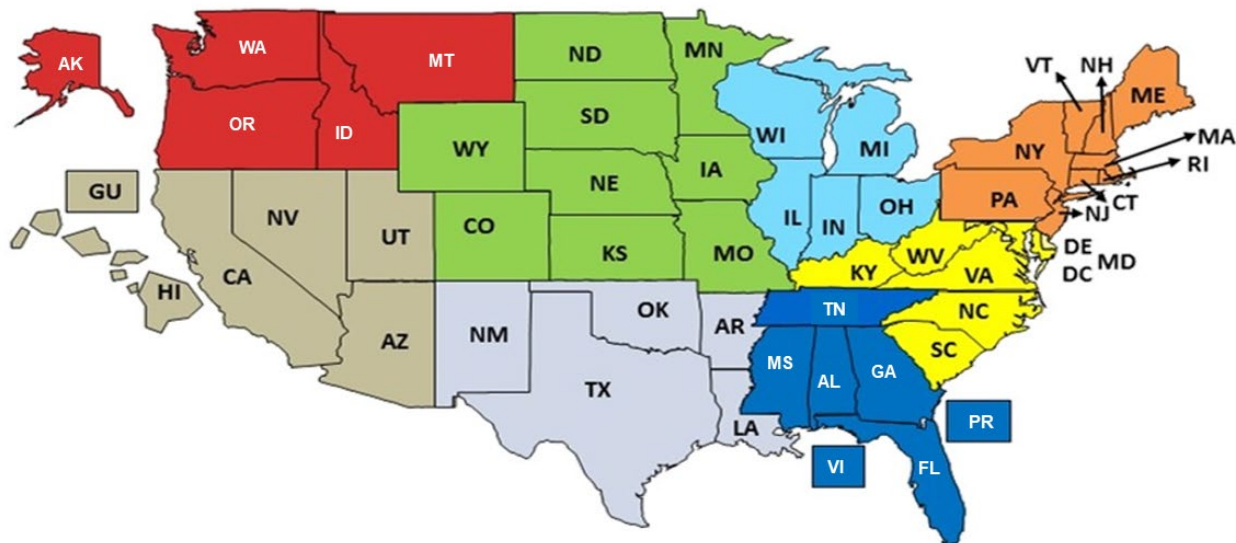


Figure 1. NG SVC Regional Map

ENCLOSURE B

SPECIAL VICTIMS' COUNSEL RULES OF PROFESSIONAL CONDUCT AND
PRACTICE

1. Professional Licensing and Certification Requirements. All NG SVCs must:
 - a. Maintain good standing with their licensing jurisdiction.
 - b. Receive a nomination from their Staff Judge Advocate (SJA).
 - c. Complete the Army or Air Force SVC certification course and receive certification from their respective Service Judge Advocate General.
 - d. Receive an endorsement from their State Adjutant General or the Commanding General of the District of Columbia.
 - e. Receive an appointment to the National Guard Bureau (NGB) program from the NGB Chief Counsel.
 - f. Attend the annual SVC Continuing Legal Education (CLE) course, as directed by the NG SVC Program Manager (PM).
2. Professional Responsibility Requirements. All NG SVCs must:
 - a. Adhere to the professional conduct and ethics, rules, regulations, and requirements governing the practice of law in the jurisdictions in which the NG SVC is licensed.
 - b. Meet all professional responsibility requirements set forth by the Service of which the SVC is a member, including complying with the annual professional responsibility certification, military CLE, and ethics requirements.
3. Communication. NG SVCs must:
 - a. Maintain reasonable communication with their clients and inform them of all proceedings and events in their case.
 - b. Communicate with their Senior Regional SVCs each duty day to ensure safety and accountability.
 - c. Communicate with NG SVC leadership regarding high-visibility cases or cases that are likely to garner national or media attention.
4. Noncompliance with Professional Responsibility or Ethical Requirements. The initial appointment of an NG SVC is contingent upon the self-certification that the NG SVC is in compliance with the requirements under paragraphs 1 and 2 of this enclosure. If an NG SVC is not in compliance with the foregoing

requirements, the NG SVC must immediately notify the NG SVC PM in writing, explaining the situation and any corrective action needed to resolve the matter at issue. If the NG SVC receives notification of any allegations or potential violations of professional responsibility or ethical requirements, the SVC will notify the NG SVC PM within 48 hours.

5. Victim Election of SVC Services. If an eligible client elects to consult with an NG SVC, the detailed SVC will adhere to the client intake procedures in Enclosure E.

6. Solicitation of Clients. NG SVCs will not solicit clients. NG SVCs may discuss the program and services offered pursuant to the NG SVC outreach and training policy.

7. Primary Duty. NG SVCs will not undertake any other duties while assigned as an NG SVC without the express permission of the NG SVC PM.

8. Travel. NG SVCs will travel in a temporary duty status when working on cases or official business and adhere to all rules and requirements of the most current Joint Travel Regulations.

ENCLOSURE C

SPECIAL VICTIMS' COUNSEL SCOPE OF REPRESENTATION

1. Representation throughout the Military Administrative Process. NG SVCs may:

- a. Advise clients on administrative issues arising from a reported sexual assault in either restricted or unrestricted reports.
- b. Advise and provide counsel to clients on the Inspector General, Equal Opportunity, and Military Equal Opportunity complaint process.
- c. Represent client interests in administrative board proceedings related to the basis of representation.
- d. Attend client interviews with the NGB Office of Complex Investigations (NGB-JA/OCI) (if the NG SVC is unable to attend in person, reasonable attempts will be made to attend via video teleconference [VTC] or telephone).
- e. Advise clients on the administrative disposition and disciplinary actions against the alleged perpetrator.
- f. Assist clients in preparing a victim impact statement when appropriate and in adherence to the rules for courts-martial or applicable administrative regulations.
- g. Assist and advocate for clients on issues related to care and safety concerns. These include line-of-duty determinations, requests for expedited transfer, no-contact orders, military protective orders, and referrals to Soldier's Medical Evaluation Board Counsel or Airman's Counsel.
- h. Provide clients with the name and contact information of an Area Defense Counsel (ADC)/Trial Defense Services (TDS) attorney who can represent the client in administrative and military justice processes should allegations of collateral misconduct or adverse administrative action arise.
- i. Maintain open lines of communication with the client throughout representation.
- j. Provide prompt notification of representation to all other interested parties, including defense counsel, trial counsel, unit commanders, Sexual Assault Response Coordinators (SARCs), Victim Advocates (VAs), and NGB-JA/OCI (when applicable). The notification will advise that, once the client is represented, all communications relating to the basis of representation must be directed to the detailed SVC.

k. Attend Case Management Group meetings when a client's case is reviewed (if the NG SVC is unable to attend in person, reasonable attempts will be made to attend via VTC or telephone).

2. Representation throughout the Military Justice Process. NG SVCs will:

a. Represent and advocate client interests in the military justice and administrative processes to commanders, convening authorities, SJAs, trial counsels, government counsels, the accused's defense counsel, military judges, and board presidents IAW reference e.

b. Attend client interviews with military criminal investigative organizations (MCIOs), military investigators, trial counsel, and defense counsel (if the NG SVC is unable to attend in person, reasonable attempts will be made to attend via VTC or telephone).

c. Assist clients in obtaining information relevant to the basis of representation, such as the status of any relevant investigations and any relevant information involving the accused perpetrator.

d. Consult with relevant command and government authorities regarding decisions related to representation, such as preferral of charges and plea negotiations.

e. Represent clients in Uniform Code of Military Justice (UCMJ) proceedings and actions under State codes of military justice related to the basis of representation, including Article 32 hearings, pretrial motions practice, courts-martial, and whenever a client is afforded an opportunity to attend and be heard by a court.

f. File motions on clients' behalf as they pertain to the basis of representation.

g. When an action is being prosecuted under a State or Territory code of military justice in a State in which the SVC is not licensed to practice law, the SVC will work with the State or Territory SJA or Attorney General's Office as soon as practicable to address specific practice requirements.

h. Provide prompt notification of representation to all other interested parties, including defense counsel, trial counsel, unit commanders, SARCs, VAs, and MCIOs (when applicable). The notification will advise that, once a client is represented, all communications relating to the basis of representation must be directed to the detailed SVC.

3. Legal Assistance. NG SVCs may:

a. Address and answer clients' concerns related to personal civil legal affairs within the context of providing traditional legal assistance related to the basis of representation. This includes assistance securing alternative safe housing and communication with civilian employers on work hours, locations, etc. NG SVCs do not represent clients on civilian employment issues, including issues related to clients' civilian employment with a State NG. NG SVCs may provide a referral to local legal assistance offices as necessary.

b. Provide clients with information related to medical and mental health resources, in coordination with the SARC, VAs, Director of Psychological Health, or other applicable service organizations.

c. Advocate the protection of a client's relevant military and civilian records.

d. Consult with clients on filing Inspector General complaints in relation to their case.

e. Consult and assist clients with Freedom of Information Act requests and other requests for documentation related to the clients' cases.

4. Collateral Misconduct. Collateral misconduct is alleged misconduct committed by clients that has a direct nexus to the basis of representation. If the client or the NG SVC believes that the client may have committed collateral misconduct or that the appropriate authority may accuse the client of collateral misconduct, the NG SVC may advise the client of his or her option to obtain representation and provide referrals to ADC/TDS as appropriate.

a. For misconduct that is charged under a criminal code or likely to result in an investigation or adverse action against the client, the NG SVC should refer the client to ADC/TDS for representation. The NG SVC cannot represent the client in defense of misconduct, whether collateral or otherwise, arising from unrelated allegations.

b. When ADC/TDS and an NG SVC represent the same client, the NG SVC should communicate with the defense counsel to ensure that no conflicts arise and that all ethical standards and rules are adhered to and followed.

c. An NG SVC cannot represent a client in any civilian employment matter. The NG SVC may refer the client to Legal Aid organizations or union representation (if applicable) for further assistance.

5. Advocacy to Civilian Prosecutors and Agencies.

a. NG SVC services are limited outside of military proceedings. NG SVCs will not represent victims before civilian investigative or prosecutorial agencies

without specific authorization from the NG SVC PM. NG SVCs may be permitted, after consultation with the NG SVC Program Office, to liaise on behalf of a client with civilian prosecutors and agencies on issues with a sufficient NG nexus. After receiving consent from the client, the NG SVC should communicate with the NG SVC PM and, when authorized, the civilian authorities regarding the limits and scope of representation in a civilian action.

b. A client may obtain civilian counsel, at his or her own expense, while retaining the NG SVC. SVCs should communicate with any outside retained counsel to ensure adherence to ethical standards and rules. NG SVCs will not provide counsel in concert with civilian counsel in matters not related to authorized representation.

6. Contact with Media.

a. Prior to any communication with the media on behalf of a client, NG SVCs must consult with the NG SVC PM or Deputy PM and adhere to the rules of professional conduct of the Services and State(s) in which the SVCs are licensed.

b. The NG SVC may make a statement to protect a client from the prejudicial effect of unwarranted publicity. This statement will be limited to mitigating or correcting any inaccurate information.

c. NG SVC personnel will not make extrajudicial statements to be disseminated publicly if they know, or reasonably should know, the statement would likely be prejudicial to a proceeding or case.

7. Contact with Government and Elected Officials. NG SVCs may advise their clients on interactions with government officials, including assistance with correspondence and other communications with government agencies, Congress, and other elected officials related to their client's case. Whenever possible, NG SVCs should consult with the NG SVC PM or Deputy PM before any communication with government agencies or elected officials. NG SVCs will always adhere to professional responsibility rules and regulations in the State or jurisdiction where they are licensed.

8. Duration of Representation. NG SVCs will remain counsel for military administrative and criminal matters related to the basis of representation IAW the paragraphs below, unless released by the client, the case is complete, or in the instances where paragraph 9 below applies.

a. If required to withdraw from representation, the NG SVC will immediately contact the NG SVC PM and take necessary steps to protect client interests, such as giving reasonable notice, allowing time to obtain other counsel, and surrendering papers and property to which the client is entitled.

b. Outside of suspension or termination, representation will continue until case disposition is complete.

c. A client may terminate representation at any time by notifying the client's SVC or the NG SVC Program office of the client's desire to terminate all SVC services or their desire to terminate services with the client's assigned SVC. The client may request a new SVC, and assignment of a new SVC will be approved case by case.

9. Termination of Client Services. In general, unless expressly prohibited otherwise by any applicable professional responsibility guidance, all SVCs will terminate representation of their clients upon the SVC's release from active duty, or assignment to an incompatible position. The following circumstances will also result in termination or suspension of SVC representation:

a. When the NG SVC is unable, despite diligent efforts, to make initial contact with a client via telephone, mail, text message, or email, after a reasonable amount of time has passed.

b. When, despite diligent efforts, a client is unresponsive to the NG SVC, after a reasonable amount of time has passed.

c. When circumstances arise which place the NG SVC in a position to potentially violate the rules of professional conduct or the licensing requirements of the State in which the NG SVC is licensed.

d. When circumstances arise where the NG SVC is unable to represent the client objectively and impartially.

e. When the client expresses, either orally or in writing, a desire to end the attorney-client relationship with the NG SVC.

f. When all criminal or administrative matters are complete and there is no further support required as described in the scope of representation provided to the client.

g. In unique circumstances when, after consultation with the NG SVC PM, the NG SVC can no longer adequately represent a client.

h. If any of the above occur, the NG SVC will immediately notify the NG SVC PM.

ENCLOSURE D

ELIGIBILITY FOR NATIONAL GUARD SPECIAL VICTIMS' COUNSEL SERVICES

1. Eligibility for NG SMs. An NG SM who is a victim of sexual assault, as defined in the Glossary, will have access to NG SVC services IAW Table 1 below.
2. Eligibility for Dependents of NG SMs. All dependents of NG SMs will have access to SVC services if they are a victim of sexual assault as defined in the Glossary and a nexus exists between the assault and the NG.
3. Eligibility for Department of Defense (DoD) Civilians. DoD civilians are eligible for SVC services if they are a victim of sexual assault as defined in the Glossary and a nexus exists between the assault and the NG.
4. Eligibility for Active Duty SMs. Active duty SMs generally have access to SVC services through their Service component; therefore NG SVC services will be granted case by case after parent Service coordination.
5. Determination of Eligibility. Factors for determining whether an NG nexus exists include military readiness, unit mission, unit cohesiveness, or the prevention of any injustice that may be caused by denying SVC services.
 - a. If the SM or a qualified dependent is not eligible for SVC services, the NG SVC will facilitate referrals to other available resources, such as the SARC, VA, or other civilian legal resources. Any referrals will be documented in writing with a copy furnished to the NG SVC PM.
 - b. If a victim is otherwise ineligible for representation in accordance with this manual, the NG SVC PM, in consultation with the NGB Chief Counsel, may grant an exception to policy for SVC services case by case. The scope of representation will be consistent with NG and Service-specific SVC eligibility policies.
6. Other Eligibility. Eligibility may be extended as defined by Congress or DoD guidance.

Victim Status at the Time of the Sexual Assault	NG SVC Representation
NG member in Title 10 status *	Yes
NG member in Title 32 status	Yes
NG member on State Active Duty	Yes
Military Technician	Yes, with NG nexus
NG member not in a military duty status	Yes, with NG nexus
DoD civilian employee**	Yes, with NG nexus
Civilian (no DoD affiliation)	No
Contractor	No
Active Component SM	Yes, with NG nexus and parent Service coordination
Dependent of an NG member	Yes, with NG nexus

* With prior consultation and approval of NG SVC PM.

**IAW references e and f and all relevant DoD and Service guidance.

Table 1. Eligibility

ENCLOSURE E

NOTIFICATION OF SERVICES/INTAKE PROCESS

1. Requesting Services. A victim may request SVC services by:
 - a. Filling out an online SVC request at the NG SVC website (Common Access Card required).
 - b. Calling the NG SVC Program toll-free telephone number: 1-844-468-4917.
 - c. Sending an email to ngb.svc@mail.mil.
2. After Request. Once a victim has made a request for SVC representation, the NG SVC Program office will perform a conflict check and assign an NG SVC. Once the case is assigned, the NG SVC will reach out to the victim within 48 hours of case assignment. The victim will be provided the contact information for the assigned NG SVC and may reach out directly to the assigned counsel.
3. Coordination Requirements. The NG SVCs will coordinate with their Senior Regional SVC or the NG SVC Program office for case assignments and to discuss or report any potential representation conflicts.
4. Client Intake Form. NG SVCs must complete the NG SVC Client Intake Form upon the formation of a new attorney-client relationship. The intake form is for NG SVC case tracking only and must be completed for both restricted and unrestricted reports of sexual assault. The intake form must be submitted to the NG SVC Program office within seven business days of the formation of the attorney-client relationship.

ENCLOSURE F

SPECIAL VICTIMS' COUNSEL STAFF FUNCTIONS

1. NG SVC Program Manager. The NG SVC PM provides management, oversight, and direction for the NG SVC Program. The NG SVC PM is responsible for developing and implementing program training, policy, and content. The NG SVC PM represents the NG SVC Program to active component Services and DoD and regularly consults with NG TDS and OCI. The NG SVC PM oversees all staffing and budgetary issues involved in NG SVC and advises the NG Chief Counsel on policy and budget matters. The NG SVC PM advises NG leadership regarding the NG SVC Program and regularly interacts with State leadership regarding the goals and objectives of NG SVC. The NG SVC PM evaluates and is responsible for hiring applicants to serve as NG SVCs. Additionally, the NG SVC PM serves as the point of contact for program staff in providing professional and legal consultation to NG Regional SVCs.
2. NG SVC Deputy Program Manager. The NG SVC Deputy PM assists the PM in carrying out his or her responsibilities. The NG SVC Deputy PM advises the PM on program issues, assigns cases, and coordinates case transfers and client representation with active component Service SVC programs. Additionally, the Deputy NG SVC PM provides mentorship to NG SVCs and program staff.
3. Operations Officer. The Operations Officer works directly with the NG SVC PM and Deputy PM managing day-to-day tasks and issues from the field. The Operations Officer has regular contact with Senior Regional and Regional SVCs in the field to ensure they have everything they need to execute their mission. The Operations Officer is also primarily responsible for program recruiting and managing program outreach.
4. Policy Officer. The Policy Officer advises the NG SVC PM and Deputy PM on all policy initiatives and engagements in the NG SVC Program. The Policy Officer must stay current and informed on all laws, regulations, and rules relevant to the NG SVC Program and is responsible for creating and distributing policies and regulations for the NG SVC Program. The Policy Officer will assist the NG SVC PM and Deputy PM with other tasks as necessary.
5. Training Officer. The Training Officer maintains training and readiness for the NG SVC Program. He or she will track all requirements for attorneys and staff to ensure that all professional requirements are accomplished and current. The Training Officer will coordinate training with the Army and Air Force SVC programs to ensure that all members of the NG SVC Program are trained and properly certified. The Training Officer is also responsible for all NG SVC training initiatives, including the annual NG SVC CLE course.

6. Resource Manager. The Resource Manager assists the NG SVC PM in securing funding, managing the active duty for operational support application processes, and obtaining resources for program execution and support. The Resource Manager provides budgetary analysis and forecasting to assist with annual program resource management. He or she will coordinate with the NG Resource and Programs/Comptroller (NGB-J8), the Air National Guard (ANG) Comptroller, the Army National Guard (ARNG) Comptroller (G8), and other relevant organizations and entities to secure funding, equipment, and resources to support NG SVCs and the NG SVC Program. The Resource Manager is also responsible for managing all IT and equipment issued to NG SVC and the headquarters office and serves as the hand receipt holder for the NG SVC headquarters office.
7. Noncommissioned Officer in Charge (NCOIC). The NCOIC serves as the chief paralegal for the NG SVC Program. He or she provides administrative and logistical support to the NG SVC PM, Deputy PM, Resource Manager, NG SVC Program office, and NG SVCs. The NCOIC is the point of contact for all official travel for the NG SVC Program and for Defense Travel System issues and questions. The NCOIC is responsible for tracking performance evaluations for all of NG SVC. The NCOIC works in coordination with the Resource Manager on program application packets, travel orders, and other Defense Travel System issues.
8. SVC Staff Paralegal. The Staff Paralegal assists the NG SVC headquarters staff in developing NG SVC training, case assignment, travel issues, and other administrative tasks as assigned by the NCOIC or headquarters staff. The headquarters Staff Paralegal also collects manpower tracking data from NG Regional SVCs and compiles information regarding program effectiveness and utilization.
9. Title 10 Senior Regional SVC (Full-time). Senior Regional SVCs are responsible for representing eligible clients throughout the military administrative and criminal justice process pursuant to Enclosure C of this manual. Senior Regional SVCs are responsible for managing their assigned regions and providing mentorship, guidance, and support to the SVCs in those regions. Senior Regional SVCs will serve as the primary raters for the Regional SVCs within their regions. Senior Regional SVCs will also serve as the regional leads for all inquiries from the States and Territories in their regions.
10. Title 10 Regional SVC (Full-time). Title 10 Regional SVCs are responsible for representing eligible clients throughout the military administrative and criminal justice process pursuant to Enclosure C of this manual. Regional SVCs are also responsible for program outreach within their region.
11. Title 32 Regional SVC (Traditional). Title 32 Regional SVCs are responsible for providing training and program outreach in support of the NG SVC Program

to units and leadership across their assigned geographical region. Title 32 SVCs also provide support to the NG SVC program as assigned by their Senior Regional SVC or the NG SVC PM. Title 32 SVCs report to the NG SVC PM.

12. Title 32 Regional Special Victim Paralegal (SVP) (Traditional). Title 32 Regional SVPs are responsible for assisting Regional SVCs with training and program outreach. Additionally, Title 32 Regional SVPs support NG SVCs on cases in their assigned geographic region. Title 32 SVPs report to the NCOIC and the NG SVC PM.

ENCLOSURE G

REFERENCES

PART I. REQUIRED

- a. Uniform Code of Military Justice Article 120
- b. CNGB Instruction 0401.01, 06 January 2015, "National Guard Special Victims' Counsel Program"
- c. Air Force Instruction 51-110, 11 December 2018, "Professional Responsibility Program"
- d. Army Regulation 27-26, 28 June 2018, "Rules of Professional Conduct for Lawyers"
- e. Uniform Code of Military Justice Article 6(b)

PART II. RELATED

- f. 2016 National Defense Authorization Act, Sec. 532, reference (a)(2)(C)
- g. Army Regulation 27-10, 11 May 2016, "Military Justice"
- h. Title 10 United States Code (U.S.C.) 1044e, "Special Victims' Counsel for Victims of Sex-Related Offenses"
- i. CNGB Instruction 1303.01A, 06 August 2014, "Expedited Transfer, Reassignment, or Removal of National Guard Members Due to an Unrestricted Report of Sexual Assault"
- j. Air Force Special Victims' Counsel Rules of Practice and Procedure, 01 July 2013
- k. Army Special Victims' Counsel Handbook, Fourth Edition, June 2017
- l. DoD Instruction 1215.06, 11 March 2014, "Uniform Reserve, Training, and Retirement Categories for the Reserve Components," Incorporating Change 1, Effective 19 May 2015
- m. Joint Publication 1-02, January 2019, "Department of Defense Dictionary of Military and Associated Terms"
- n. DoD Instruction 6495.02, 28 March 2013, "Sexual Assault Prevention and Response (SAPR) Program Procedures," Incorporating Change 3, 24 May 2017

- o. DoD Directive 6495.01, 23 January 2012, "Sexual Assault Prevention and Response (SAPR) Program," Incorporating Change 3, 11 April 2017
- p. Army Directive 2011-19, 03 October 2011, "Expedited Transfer or Reassignment Procedures for Victims of Sexual Assault"
- q. Army Regulation 15-6, 01 April 2016, "Procedures for Administrative Investigations and Boards of Officers"
- r. Air Force Instruction 36-3209, 14 April 2005, "Separation and Retirement Procedures for Air National Guard and Air Force Reserve Members," Incorporating Change 3, 20 September 2011
- s. 18 U.S.C. § 3771, Crime Victims' Rights Act
- t. 10 U.S.C. § 806b, "Rights of the Victim of an Offense under This Chapter" (UCMJ)
- u. Air Force Policy Directive 51-2, 31 August 2018, "Military Justice, Individual Military Counsel, and Other Criminal Proceedings"
- v. Air Force Instruction 51-304, 22 August 2018, "Legal Assistance, Notary, Preventative Law, and Tax Programs"

GLOSSARY

PART I. ACRONYMS

ADC	Area Defense Counsel
ANG	Air National Guard
ARNG	Army National Guard
CLE	Continuing Legal Education
CNGB	Chief of the National Guard Bureau
CNGBM	Chief of the National Guard Bureau Manual
DoD	Department of Defense
IAW	In accordance with
IT	Information technology
JA	Judge Advocate
MCIO	Military criminal investigative organization
NCOIC	Noncommissioned Officer in Charge
NG	National Guard
NGB	National Guard Bureau
NGB-JA/OCI	Office of Complex Investigations
PM	Program Manager
SARC	Sexual Assault Response Coordinator
SJA	Staff Judge Advocate
SM	Service member
SVC	Special Victims' Counsel
SVP	Special Victims' Paralegal
TDS	Trial Defense Services
T32	Title 32 U.S. Code
UCMJ	Uniform Code of Military Justice
VA	Victim Advocate
VTC	Video teleconference

PART II. DEFINITIONS

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

Expedited transfer -- An administrative transfer for National Guard members who file an unrestricted report of sexual assault and would like to be transferred (either temporarily or permanently) out of their current unit. This does not include inter-State transfers.

National Guard Nexus -- Connection or link for reports of sexual assault when the relationship between the reported perpetrator and victim is based upon one or both of their memberships in the National Guard.

Restricted reporting -- A reporting option that allows sexual assault victims to confidentially disclose the assault to specific individuals (that is, a Sexual Assault Response Coordinator, Victim Advocate, chaplain, Special Victims' Counsel, or healthcare provider) and receive medical treatment, including emergency care, counseling, and assignment of a Sexual Assault Response Coordinator and Victim Advocate without triggering an investigation.

Service member -- A member of the uniformed Services of the United States, including the Reserve components and National Guard.

Sexual assault -- Intentional sexual contact characterized by the use of force, threats, intimidation, or abuse of authority or when the victim does not or cannot consent. The term includes a broad category consisting of the following Uniform Code of Military Justice offenses: rape, sexual assault, aggravated sexual contact, abusive sexual contact, forcible sodomy (forced oral or anal sex), or attempts to commit these offenses.

Sexual Assault Prevention and Response Program -- A Department of Defense program for the military departments of the Department of Defense components that establishes sexual assault prevention and response policies to be implemented worldwide. The program objective is an environment and military community intolerant of sexual assault.

Sexual Assault Response Coordinator -- The point of contact at an installation or within a geographic area that oversees sexual assault awareness, prevention, and response training; coordinates medical treatment, including emergency care for victims of sexual assault; and tracks the services provided to a victim of sexual assault from the initial report through final disposition and resolution.

Unrestricted reporting -- The process that a victim of sexual assault uses to disclose, without requesting confidentiality or restricted reporting, that he or she is the victim of a sexual assault.

Victim -- A person who asserts direct physical, emotional, or pecuniary harm as a result of a sexual assault. The term encompasses all persons 18 and over eligible to receive treatment in military medical treatment facilities; however, the restricted reporting option applies only to Service members and their military dependents 18 years of age and older.

Victim Advocate -- A Service member or Department of Defense civilian who has received specialized training to provide nonclinical crisis intervention, referral, and ongoing nonclinical support to sexual assault victims. Support will include providing information on available options and resources to victims.