



CHIEF NATIONAL GUARD BUREAU NOTICE

NG-J1-SAPR
DISTRIBUTION: A

CNGBN 0401
24 April 2014

NATIONAL GUARD IMPLEMENTATION OF DEFENSE SEXUAL ASSAULT ADVOCATE CERTIFICATION PROGRAM

References:

- a. DTM 14-001, 14 January 2014, "Defense Sexual Assault Advocate Certification Program (D-SAACP)"
- b. DoD Instruction 6495.02, 28 March 2013, Change 1, 12 February 2014, "Sexual Assault Prevention and Response (SAPR) Program Procedures"
- c. DD Form 2950, October 2012,
<<http://www.dtic.mil/whs/directives/infomgt/forms/eforms/dd2950.pdf>>
- d. NG Technician Personnel Regulation 752, 27 August 2010, "Discipline and Adverse Action"

1. Purpose. This notice provides interim guidance to implement reference a.
2. Cancellation. None.
3. Applicability. This notice applies to all elements of the National Guard (NG).
4. Background. Victims of sexual assault are offered the assistance of a Sexual Assault Response Coordinator (SARC), Joint Force Headquarters-State (JFHQ-State) Victim Advocate Coordinator (VAC), and Sexual Assault Prevention and Response (SAPR) Victim Advocate (VA). NG SARCs, JFHQ-State VACs, and SAPR VAs must be certified by the Defense Sexual Assault Advocate Certification Program (D-SAACP), have undergone a National Agency Check (NAC) background check in accordance with reference b, and must not have a qualifying conviction for a crime of sexual assault or be required to be registered as a sex offender, to serve in these roles.

UNCLASSIFIED

5. Procedures.

a. Meeting D-SAACP Certification Requirements.

(1) Requirements for All Applicants. All NG applicants must complete applicable sections of reference c. The application includes:

(a) Signed D-SAACP SARC or SAPR VA Code of Professional Ethics, as applicable.

(b) Two signed letters of recommendations.

1. SARCs and JFHQ-State VACs.

a. Letter of recommendation signed by the commanding officer in the SARC or JFHQ-State VAC's chain of command at a minimum rank or grade of O-6 or GS-15. This letter includes the date the applicant's NAC background check was completed. Army National Guard (ARNG) and Air National Guard (ANG) commanders must comply with all additional suitability requirements of their respective Service.

b. Letter of recommendation signed by the supervisor in the SARC or JFHQ-State VAC's chain of command at a minimum rank or grade of O-3, E-7, CW2, or GS-11.

2. SAPR VAs.

a. Letter of recommendation signed by the supervisory SARC.

b. Letter of recommendation signed by the supervisor in the SAPR VA's chain of command at a minimum rank or grade of O-3, E-7, CW2, or GS-11. This letter includes the date the applicant's NAC background check was completed and Service-specific suitability requirements were met.

(2) Requirements for New Applicants. In addition to the requirements in 5.a.(1), the application includes:

(a) Documentation of 40 hours of National Guard Bureau SARC and SAPR VA Course, National Advocate Credentialing Program pre-approved training. ARNG applicants also require documentation of the 80-hour Sexual Harassment/Assault Response and Prevention course.

(b) Memorandum verifying required hours of sexual assault victim advocacy experience for applicants to Levels II, III, and IV.

(3) Requirements for Renewing Applicants. In addition to the requirements in 5.a.(1), the application includes:

(a) Documentation of 32 hours of D-SAACP related continuing education, completed every two years.

1. Prevention and Advocacy Training. NG applicants complete 30 hours of training in topics relevant to their role as a SARC, JFHQ-State VAC, or SAPR VA.

a. SARCs and JFHQ-State VACs receive refresher training from Sexual Assault Prevention and Response in the Directorate of Manpower and Personnel, National Guard Joint Staff (NG-J1-SAPR); the Department of Defense (DoD) Sexual Assault Prevention and Response Office (SAPRO); the Services; or qualified civilian agencies and organizations.

b. SAPR VAs receive refresher training from SARCs or SARC-identified approved alternative instruction.

2. Ethics Training. NG applicants receive two hours of victim advocacy ethics training provided or approved by NG-J1-SAPR.

(b) Memorandum verifying required hours of sexual assault victim advocacy experience for applicants seeking a higher level of certification.

b. Revoking D-SAACP Certification. Before revoking certification, a commander (defined as the first O6-level officer in the SARC, JFHQ-State VAC, or SAPR VA chain of command; or supervisor at the grade of GS-15, for SARCs, JFHQ-State VACs, or SAPR VAs in technician status) must meet these NG standards:

(1) On receipt of a complaint, the appropriate commander will:

(a) Ensure a timely and appropriate inquiry is conducted.

(b) Notify the SARC, JFHQ-State VAC, or SAPR VA in writing that a complaint has been received, an inquiry has been initiated, and their authority to perform SARC, JFHQ-State VAC, and SAPR VA duties is suspended until reinstated by the responsible commander.

1. Complaints Made Against Technicians. Consult the Human Resources Office (HRO) and State Judge Advocate (JA) before notifying the SARC, JFHQ-State VAC, or SAPR VA, to ensure any additional procedural requirements are appropriately addressed prior to and during the inquiry.

2. Complaints Made Against Non-technicians. Consult State JA before notifying the SARC, JFHQ-State VAC, or SAPR VA to ensure procedural requirements are appropriately addressed prior to and during the inquiry.

(c) Notify appropriate stakeholders.

1. Inquiries Involving SARCs. Notify the ARNG or ANG SAPR Program Manager (PM); the SAPR program office then notifies NG-J1-SAPR.

2. Inquiries Involving JFHQ-State VACs or SAPR VAs. Notify the supervisory SARC; the SARC then notifies the ARNG or ANG SAPR PM, and the SAPR program office then notifies NG-J1-SAPR.

(d) Report any and all allegations of unrestricted reports of sexual assault (to include attempts) to the appropriate military criminal investigative organization (MCIO) or civilian law enforcement agency.

1. Inform The Adjutant General (TAG) or the Commanding General of the District of Columbia (CG) of all unrestricted reports declined by the MCIO or local law enforcement for considered referral to the Office of Complex Administrative Investigations, Office of the National Guard Bureau Chief Counsel (NGB-JA/OCI).

2. Refrain from conducting internal command directed investigations on sexual assault (specifically, referrals to appointed command investigators or inquiry officers) or delaying immediate contact of the responsible law enforcement agency while attempting to assess the credibility of the report.

(2) The inquiry process will follow established adverse action, administrative inquiry, or investigative NG procedures (for example, NGB-JA/OCI or command-directed investigation for non-sexual misconduct allegations, or technician inquiries in accordance with reference d) to determine whether the D-SAACP certified SARC, JFHQ-State VAC, or SAPR VA has completed one or more of the actions outlined in Attachment 4, paragraph b, of reference a, or otherwise failed to maintain suitability requirements in accordance with NG-specific guidance.

(3) If the commander finds, in consultation with HRO and State JA, there is a preponderance of evidence to support the allegation, the commander will then determine whether to suspend or revoke the D-SAACP certification.

(4) The commander will immediately notify the SARC, JFHQ-State VAC, or SAPR VA in writing when suspending or revoking a D-SAACP certification and provide a copy of the notification to the ARNG or ANG SAPR PM. This letter must include the following:

- (a) Effective date of suspension or revocation of certification.
 - (b) Grounds for suspension or revocation, including the specific misconduct, ethical violation, substandard performance, professional or personal impairment, or the reason the commander lost faith and confidence in the SARC, JFHQ-State VAC, or SAPR VA to perform assigned duties.
 - (c) Direction for SARC, JFHQ-State VAC, or SAPR VA to surrender their D-SAACP certificate and wallet identification card to the first person in the chain of command or supervisor within 24 hours of receipt of the letter.
 - (d) Description of the SARC, JFHQ-State VAC, or SAPR VA's right to appeal the decision to suspend or revoke certification in accordance with NG appeals procedures in paragraph 5.e.
- (5) Upon receiving the commander's letter, the recipient SAPR PM immediately forwards a request to suspend or revoke the SARC, JFHQ-State VAC, or SAPR VA's D-SAACP certification, as well as a copy of the commander's letter, to NG-J1-SAPR.
- (6) Upon receiving the SAPR PM's request, NG-J1-SAPR immediately will:
- (a) Notify DoD SAPRO to take appropriate action to suspend or revoke D-SAACP certification.
 - (b) Take action to suspend or revoke access to the Defense Sexual Assault Incident Database (DSAID).
- (7) The commander provides a written report to the ARNG or ANG SAPR PM, as applicable, within three business days of concluding an inquiry. The report must document:
- (a) Complaint received.
 - (b) Facts surrounding the complaint.
 - (c) Findings made during the inquiry process.
 - (d) Commander's decision to sustain, suspend, or revoke the SARC, JFHQ-State VAC, or SAPR VA's D-SAACP certification.
- (8) Upon receiving the commander's written report, the SAPR PM will forward the report to NG-J1-SAPR.

(9) NG-J1-SAPR may initiate or continue the revocation process when the commander fails to seek revocation once a violation is identified; NG-J1-SAPR must coordinate with TAG or the CG. If necessary, TAG or the CG may request an investigation by NGB-JA/OCI.

c. Non-Punitive Certification Closure. SARC, JFHQ-State VAC, or SAPR VA certification may be closed in a non-punitive manner by command when the SARC, JFHQ-State VAC, or SAPR VA:

- (1) Submits a written request for closure.
- (2) No longer serves in the role of SARC, JFHQ-State VAC, or SAPR VA.
- (3) No longer is supervised in the role of SARC, JFHQ-State VAC, or SAPR VA.

d. SARC, JFHQ-State VAC, and SAPR VA Self-Reporting. NG personnel performing the duties of a SARC, JFHQ-State VAC, or SAPR VA will immediately self-report if involved in an incident that would invalidate their current NAC check, Service suitability, or commander or supervisor recommendation.

- (1) SARCs. SARCs report to their respective:
 - (a) TAG, CG, or Wing Commander.
 - (b) SAPR PM.
- (2) JFHQ-State VACs and SAPR VAs. JFHQ-State VACs and SAPR VAs report to their respective:
 - (a) Appointing commander.
 - (b) SARC.

e. Appeal of D-SAACP Certification Revocation. SARCs, JFHQ-State VACs, and SAPR VAs have the right to appeal a decision to revoke D-SAACP certification.

(1) The appeal request is submitted in writing to the next level in the revocation authority's chain of command; the appeal authority must be at the minimum rank of colonel.

(2) The appeal authority will review all documentation, interview pertinent personnel, and render a decision within 30 days of appeal request submission.

(3) The appeal authority's decision is final and not subject to further review.

f. Unfounded Complaint. If a complaint proves unfounded, the following steps are completed:

(1) The commander reinstates the SARC, JFHQ-State VAC, or SAPR VA through re-issuing the appointment letter and submits a request to the SAPR PM for reinstatement of D-SAACP certification and reestablishment of DSAID access.

(2) Upon receiving the commander's request, the program office submits a request to NG-J1-SAPR to reinstate D-SAACP certification and reestablish DSIAD access.

(3) Upon receiving the program office's request, NG-J1-SAPR submits a request to DoD SAPRO to reinstate D-SAACP certification. Once reinstated, NG-J1-SAPR reestablishes DSAID access.

6. Releasability. This notice is approved for public release; distribution is unlimited. National Guard Bureau directorates, TAGs, the CG, and JFHQs-State may obtain copies of this notice through <<http://www.ngbpdc.ngb.army.mil>>.

7. Effective Date. This notice is effective on the date signed and will expire one year from the date of signature unless cancelled earlier.



FRANK J. GRASS
General, USA
Chief, National Guard Bureau

Enclosure:

GL -- Glossary

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

ANG	Air National Guard
ARNG	Army National Guard
CG	Commanding General of the District of Columbia
DoD	Department of Defense
D-SAACP	Defense Sexual Assault Advocate Certification Program
DSAID	Defense Sexual Assault Incident Database
HRO	Human Resources Office
JA	Judge Advocate
JFHQ-State	Joint Force Headquarters-State
MCIO	Military Criminal Investigative Organization
NAC	National Agency Check
NG	National Guard
NGB-JA/OCI	Office of Complex Administrative Investigations, Office of the National Guard Bureau Chief Counsel
NG-J1-SAPR	Sexual Assault Prevention and Response, Directorate of Manpower and Personnel, National Guard Joint Staff
PM	Program Manager
SAPR	Sexual Assault Prevention and Response
SAPRO	Sexual Assault Prevention and Response Office
SARC	Sexual Assault Response Coordinator
TAG	The Adjutant General
VA	Victim Advocate
VAC	Victim Advocate Coordinator

PART II. DEFINITIONS

Commander -- The first O6-level officer in the Sexual Assault Response Coordinator or Sexual Assault Prevention and Response Victim Advocate chain of command; the rank of colonel in the Army and Air National Guard. If the Sexual Assault Response Coordinator or Sexual Assault Prevention and Response Victim Advocate is in technician status, a commander is defined as the technician's supervisor.

Qualifying Conviction -- A State or Federal conviction, or a finding of guilty in a juvenile adjudication, for a felony or misdemeanor crime of sexual assault and any general or special court-martial conviction for a Uniform Code of Military Justice offense, which otherwise meets the elements of a crime of sexual assault, even though not classified as a felony or misdemeanor within the Uniform Code of Military Justice; or, any offense that requires registration as a sex offender.