



OREGON MILITARY DEPARTMENT
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NGOR-HR

1 January 2016

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Command Policy Memorandum (CPM) #152 (Joint) - Sexual Harassment and Assault Prevention

1. References:

- a. DoD Directive 6495.01 (Sexual Assault Prevention and Response Program), 20 Jan 15.
- b. DoD Instruction 6495.02 (Sexual Assault Prevention and Response Program Procedures), 7 Jul 15.
- c. AR 600-20 (Army Command Policy), 6 Nov 14.
- d. AFI 90-6001 (Sexual Assault Prevention and Response Program), 21 May 15.

2. This policy supersedes CPM # 152 (Joint), dated 1 October 2014.

3. Sexual Violence is a crime and will not be tolerated in the Oregon National Guard (ORNG). Sexual assault, sexual harassment, and retaliation against a Servicemember (SM) reporting these crimes have a devastating and lasting impact on us all. They undermine unit cohesion and combat readiness, and have no place in our organization.

4. Sexual Assault is defined as intentional sexual contact characterized by the use of force, physical threats, or abuse of authority, or when the victim does not or cannot consent. Sexual assault includes rape, non-consensual sodomy, unwanted sexual contact, or attempts to commit these acts. Sexual assault can occur without regard to gender, spousal relationship, or age of victim. "Consent" means words or overt acts indicating a freely given agreement to the sexual conduct at issue by a competent person. There is no consent without this expression of agreement through words or conduct, or when the person is sleeping or lacks capacity due to age, alcohol or drug use, or mental incapacity.

5. Sexual Harassment is defined as a form of gender discrimination that involves unwelcomed verbal, physical, or written conduct of a sexual nature that creates a hostile work environment or makes the participation of sexual acts a condition of someone's career advancement. Any person who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature is engaging in sexual harassment. Any person in a supervisory, leadership, or command position who uses or condones sexual behavior to control, influence, or affect the career, pay, or job of a SM or civilian employee is also engaging in sexual harassment.

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6. Retaliation towards victims of sexual assault or harassment by command, peers, or offenders will not be tolerated. Commanders shall protect SMs who file unrestricted or restricted reports of sexual assault from retaliation, reprisal, ostracism, maltreatment, intimidation, and threats. If any administrative or punitive actions appear to be in retaliation for a SM filing an unrestricted report of sexual assault, consult with the Inspector General or the Office of the Staff Judge Advocate.

7. Leaders at every level must maintain a workplace environment that rejects sexual assault and harassment, and the underlying behaviors and attitudes that implicitly or explicitly condone them. Commanders shall post written sexual assault and harassment policy statements and victim services resource charts on unit bulletin boards after conferring with the Sexual Assault Response Coordinator (SARC). Leaders shall create and promote a positive command climate in which victims have confidence in their chain of command to report these crimes immediately. Leaders shall ensure SMs and other members of the Guard community treat anyone sexual assaulted or harassed with dignity and respect, while respecting their privacy. Moreover, all Soldiers and Airmen have an affirmative duty to report sexual assault, sexual harassment, or retaliation to their chain of command.

8. The directives in this policy are punitive and violations may be the basis for disciplinary action under the Oregon Code of Military Justice or Technician Personnel Regulation (TPR) 752. Additionally, violators may be subject to adverse administrative actions.

9. Victim Advocates are available to respond and assist victims of sexual assault throughout Oregon. The State SARC is responsible for certifying and maintaining a qualified team of trained Victim Advocates.

10. Point of contact for reporting a sexual assault and this policy is the State SARC at (503) 584-3844 (office), 355-3844 (DSN), or rey.a.agullana.mil@mail.mil. In addition, SMs can call (503) 756-5327 (24 Hour SAPR Hotline) or (877) 995-5247 (DoD Safe Helpline).

11. Post this policy and the enclosed ORNG sexual assault response battle drill on all command bulletin boards.

Encl



MICHAEL E. STENCEL
Major General
The Adjutant General

DISTRIBUTION:

A (Army)

B (Air)

Oregon National Guard

Sexual Assault Response Battle Drill

Notes: There are two methods for reporting a Sexual Assault (SA): Unrestricted and Restricted. A Servicemember (SM) who first contacts law enforcement or their chain of command only has the unrestricted report option.

