



Military and Naval Affairs

ANDREW M. CUOMO
Governor
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Major General
The Adjutant General

MNAG-TAG

29 MAR 2019

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: New York National Guard Sexual Assault Prevention and Response Policy

1. The purpose of the New York National Guard (NYNG) Sexual Assault Prevention and Response program is to cultivate a safe and respectful environment free from all sexual violence, including sexual harassment and sexual assault. These acts have a devastating and lasting impact on victims. They undermine unit cohesion and mission readiness and they have no place in the NYNG.
2. Sexual harassment is defined as a form of gender discrimination involving unwelcome sexual advances and attention; requests for sexual favors; and other verbal, physical, or written conduct of a sexual nature that creates a hostile work environment or makes someone's job or career advancement a condition of their participation in the request for sexual favors. Sexual harassment is often a precursor for sexual assault.
3. Sexual assault is a form of sexual violence defined as 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 covers a broad category of sexual offenses including rape, aggravated sexual contact, abusive sexual contact, forcible sodomy, or attempts to commit these acts. Sexual assault occurs without regard to gender, relationship, or age of victim. A current or previous dating relationship does not constitute consent.
4. "Consent" is defined as a freely given, positive agreement between the participants to engage in any specific sexual act. Consent may be communicated in many different ways and it must be clear and unambiguous for each participant. The absence of "no" should not be understood to mean there is 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 a person does not constitute consent. A sleeping, unconscious, or incompetent person cannot consent.
5. Prevention of sexual assault is key. The NYNG is committed to eliminating sexual violence within its ranks. Leaders at every level will foster and promote a positive command climate that rejects sexual harassment, sexual assault, and attitudes that condone such behavior. Every member should recognize sexual assaults may be prevented by your personal intervention. If you believe a sexual assault may take place you have the responsibility to intervene. Promotion of positive command climate will ensure victims have confidence in their chain of command to report these incidents immediately and that every victim is treated with dignity and respect by leadership.

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6. All NYNG Commanders will post local Sexual Assault Prevention and Response policy letters. All leaders will post sexual harassment and assault resources and victim services on unit bulletin boards. Commanders will also appoint and publish contact information for Sexual Assault Response Coordinators and Unit Victim Advocates.

7. This command has a zero tolerance policy toward any act of sexual violence; make certain this is understood by every member so we continue to have a cohesive NYNG.

8. SARCs of the NYNG Joint Force Headquarters, LTC Monique L. Foster and Chassidy Ryals, along with the qualified team of trained Wing SARCs, Brigade SARCs and VAs, are available to respond and assist with military members of sexual assault. If you or a member of your unit is a victim of sexual assault or have questions or concerns regarding the Sexual Assault Prevention and Response program, please contact either LTC Monique L. Foster 518-786-4733 (office), Chassidy Ryals at 518-786-4734 (office) or 518-339-7586 (mobile). If you need immediate assistance please contact the 24/7 DoD Safe Helpline at 877-995-5247. For additional resources visit <https://safehelpline.org/> or <http://dmna.ny.gov/sapr/>.

9. This policy supersedes memorandum, MNAG-TAG, 1 Jun 16, subject: New York National Guard Sexual Assault Prevention and Response.



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