

Members

Sen. Allen Paul, Chairperson  
Sen. Michael Delph  
Sen. Frank Mrvan  
Sen. Richard Young  
Rep. Richard McClain  
Rep. James Baird  
Rep. Scott Reske  
Rep. David Niezgodski  
Carol L. Riley  
Klayton South  
Lt. Gen. Carol Mutter  
Jerry Hogan



# COMMISSION ON MILITARY AND VETERANS AFFAIRS

*Legislative Services Agency*  
200 West Washington Street, Suite 301  
Indianapolis, Indiana 46204-2789  
Tel: (317) 233-0696 Fax: (317) 232-2554

LSA Staff:

Bill Brumbach, Fiscal Analyst for the Commission  
Allen Morford, Attorney for the Commission

Authority: IC 2-5-20

## MEETING MINUTES<sup>1</sup>

**Meeting Date:** October 26, 2011  
**Meeting Time:** 1:30 P.M.  
**Meeting Place:** State House, 200 W. Washington St., 130  
**Meeting City:** Indianapolis, Indiana  
**Meeting Number:** 3

**Members Present:** Sen. Allen Paul, Chairperson; Sen. Michael Delph; Sen. Frank Mrvan; Sen. Richard Young; Rep. Richard McClain; Rep. James Baird; Rep. David Niezgodski; Carol L. Riley; Jerry Hogan.

**Members Absent:** Rep. Scott Reske; Klayton South; Lt. Gen. Carol Mutter.

### 1. Call to Order

Chairman Allen Paul called the last meeting of the Commission on Military and Veterans' Affairs to order at 1:30 PM. Members of the Commission introduced themselves to the audience.

### 2. Presentation on State Contracting with Veterans from the Indiana Department of Administration.

Ms. Nicole Kenney, Deputy Commissioner for Procurement from the Indiana Department of Administration (IDOA), presented the Commission with the findings of the IDOA's study of veteran preferences offered in other states as well as the city of Indianapolis (Exhibit 1). Ms. Kenney discussed the differences between veteran set-aside programs and veteran point preference programs as well as current contracting preference programs operated by the IDOA. Ms. Kenney recommended further study of ways to implement a veteran procurement preference for state contracting through the IDOA and the Department of Public Works, creating a veteran procurement preference that works in tangent with current contracting preference programs utilized by the IDOA (rather than as a substitute), and identifying Indiana veteran-owned businesses who would stand to benefit from such a procurement preference program.

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<sup>1</sup> These minutes, exhibits, and other materials referenced in the minutes can be viewed electronically at <http://www.in.gov/legislative>. Hard copies can be obtained in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for hard copies may be mailed to the Legislative Information Center, Legislative Services Agency, West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for hard copies.

In response to a question posed by Mr. Jerry Hogan regarding other price preference programs available for contracts offered by the IDOA, Ms. Kenney informed the Commission that currently a contract submission can only claim one price preference. Ms. Kenney also informed the Commission that current Indiana statute only allows for price preferences in procurement offered through the IDOA and not the Department of Public Works.

Senator Richard Young asked Ms. Kenney who should perform the suggested research regarding a veteran procurement preference to which Ms. Kenney responded the most effective approach would be to have the Indiana Department of Veterans' Affairs work in collaboration with the IDOA to study veteran procurement preferences.

Mr. James Schaefer, Mr. Henry Maye, and Mr. Eric Dailey provided the Commission with testimony regarding the federal government's program that provides a procurement preference for veteran-owned and service-disabled veteran-owned businesses. Their testimony included information on safeguards provided in the federal program to prevent companies from fraudulently claiming to be owned by a veteran or service-disabled veteran. Additionally, all three individuals informed the Commission that the federal price preference significantly contributes to the success of their respective companies.

### **3. Presentation on Women's Issues in the Armed Services**

Representative Peggy Welch provided the Commission with information regarding female soldiers in the armed services (Exhibit 2). Representative Welch wanted to assure the Commission that she was not implying there was a problem with sexual harassment of female soldiers in the Indiana National Guard or the Department of Veterans' Affairs, but wanted to bring the issue to the Commission's attention. Representative Welch informed the Commission that one of the best ways to decrease the incidence of sexual harassment in the armed services is through training and strong leadership.

Senator Mike Delph, in response to Representative Welch's presentation regarding women's issues in the armed services, recounted his personal experience with the Army Reserve. He informed the Commission that it was standard practice for soldiers to complete sexual harassment training and that in the event of a communication breakdown as a result of military sexual trauma, there were other means of communication available for victims to report these instances.

In response to Representative Welch's presentation and Senator Delph's questions, Lt. Col. Marcus Thomas and Col. Deedra Thombleson of the Indiana National Guard provided a list of incidents that would immediately be reported directly to Maj. General Umbarger for action (Exhibit 3). The first item on this list includes any report or complaint of sexual harassment, assault, discrimination, racial bias, and/or misconduct. The documents presented to the Commission also include directives written by Maj. General Umbarger detailing the conduct of all members of the Indiana National Guard. Lt. Col. Thomas informed the Commission it is still the position of the Indiana National Guard to swiftly act on all instances of sexual harassment, assault, and misconduct in the National Guard. Additionally, the National Guard places great priority on addressing military sexual trauma through training and reporting. Since 2007, there have been 36 cases of sexual harassment reported in the Indiana National Guard, 32 of which involved females.

Chairman Paul asked if the Indiana National Guard would make the document they provided the Commission available to the members of the General Assembly sometime during the 2012 meeting of the General Assembly to raise awareness of women's issues in the Armed Forces. Col. Thombleson and Lt. Col. Thomas both agreed to Chairman Paul's request.

**4. Presentation by Mr. Allen Morford, Staff Attorney for the Legislative Services Agency, Regarding Changes Made by SB 577-2011**

Mr. Morford presented the Commission with statute and an email from Tom Applegate, Director of the Department of Veterans' Affairs, detailing changes made in SB 577-2011 (Exhibit 4 and 5). Mr. Morford explained that the changes made to the tuition and fee remission program for children of veterans would only impact students of veterans who enlist after July 1, 2011. It was reported that the change was made during the 2011 meeting of the General Assembly as a cost-cutting measure for future tuition and benefits provided to children of veterans.

**5. Consideration of PD 3095**

PD 3095 was presented to the Commission for consideration. The preliminary draft would allow members of the Indiana National Guard and their family members to petition the Indiana Veterans' Affairs Commission for assistance payments from the Military Family Relief Fund (MFRF) during times of state active duty.

Senator Frank Mrvan questioned how a period of national conflict is determined seeing as the United States Congress has yet to declare war but that United States forces are currently involved in several foreign conflicts. Mr. Stephen Wise of the Indiana Veterans' Affairs Commission informed the Commission that currently the United States was in a period of conflict as proclaimed by the President of the United States. He also informed the Commission that the current period of conflict would continue until the President proclaimed its cessation.

Senator Jim Baird expressed his concern to the Commission that with the recent news of American forces being removed from Iraq and returning home that there would be a greater need for assistance payments from the MFRF. Senator Baird expressed his interest in ensuring that there are enough funds for members of the military returning from conflict abroad before using those resources for members of the Indiana National Guard.

Upon a roll call vote, the Commission adopted PD 3095 by a final vote of 8-0.

**6. Consideration of PD 3099**

PD 3099 was presented to the Commission for consideration. The preliminary draft would extend the time under which a qualified service member or a dependant of a qualified service member can request assistance payments from the MFRF from one year to three years. Upon a roll call vote, the Commission adopted PD 3099 by a final vote of 8-0.

**7. Adoption of Final Report**

The Commission voted 8-0 to adopt the final report with a summary of the October 26, 2011, meeting minutes as well as the following recommendation:

The Commission recommends that legislation be introduced in the 2012 General Assembly that requires the Indiana Department of Veterans' Affairs, in consultation with the Indiana Department of Administration, to study veteran-owned business set aside programs and procurement preferences, identify the types of veteran-owned businesses, and to recommend how a veteran-owned business set-aside program or procurement preference may be best utilized.

The Commission adjourned at 3:40 PM.

# Indiana Department of Administration Procurement Division



## VETERAN'S PROCUREMENT PREFERENCES RESEARCH AND RECOMMENDATIONS

# AGENDA

- Veteran's Procurement Preferences
  - Other States, City of Indianapolis
- Indiana Preferences Today
- IDOA Preference Structure Recommendations
- Open Discussion and Questions



# VETERAN PROCUREMENT PREFERENCES

- Researched other states and identified the following twelve states with active veteran procurement programs in place today
  - Set Aside Program: Arkansas, California, Florida, Louisiana, Michigan, Missouri, Nevada, Oregon, Washington
  - **Procurement Preference:** Alaska, Maryland, Wisconsin



# VETERAN PROCUREMENT PREFERENCES

- Analyzed veteran program components
  - Distinction in application of veteran or disabled veteran status
  - Business structure requirements
  - Proof of veteran status
  - Small business limitations
  - Program structure either dollar or percentage based



# VETERAN PROCUREMENT PREFERENCES

- Veteran Type Distinction
  - 7 states' programs only apply to disabled veterans
  - **Procurement Preference states qualify any veteran**
- 100% have a 51% or more ownership model
- 100% require Federal VA DD214 certification as proof of veteran status



# VETERAN PROCUREMENT PREFERENCES

- Small Business Limitation
  - Veteran program only applies if the veteran-owned business is also a small business
  - Set Aside Program: Arkansas, Florida, Louisiana
  - **Procurement Preference: Maryland, Wisconsin**
- Program Structure
  - Set Aside Program: 3% or 5% most common, but some states' programs simply state discretionary



# VETERAN PROCUREMENT PREFERENCES

- Program Structure: *Procurement Preference States*
  - Alaska
    - Veteran: **5%** (up to \$5,000)
  - Maryland
    - Veteran Owned Small Business(VOSB): **2%**
    - Service Disabled (SDVOSB): **3%**
    - 100 employees and \$10m revenue thresholds: 5%
  - Wisconsin
    - Veteran: **5%**
    - Has business revenue threshold of \$1.5m



# VETERAN PROCUREMENT PREFERENCES

- City of Indianapolis Preference Program
  - Program inception in 2009
  - Set Aside Program: 5% goal
  - No distinction of veteran and service-disabled veteran status
  - 51% ownership model, must be a small business
  - DD214 certification required



# VETERAN PROCUREMENT PREFERENCES

- City of Indianapolis Preference Program
  - 106 registered VBE's
  - \$5,000,000 awarded to VBE's in 2010
    - 85% construction
    - 10% professional services
    - 5% commodities



# INDIANA PREFERENCES TODAY

## Indiana Code 5-22-15

### – Indiana Business

- Less than \$500,000 = 5%
- \$500,000 - \$1,000,000 = 3%
- Over \$1,000,000 = 1%

### – Indiana Manufactured: *In Addition to Indiana Business*

- Less than \$500,000 = 3%
- \$500,000 - \$1,000,000 = 2%
- Over \$1,000,000 = 1%



# INDIANA PREFERENCES TODAY

## Indiana Code 5-22-15

- **Indiana Small Business: 15%**
- Recycled Products: 15%
- Soy Bean Oil Based Ink: 10%
- Soy Diesel / Bio Diesel: 10%
- Indiana Farm Product: 10%
- Food and Beverages that Contain High Levels of Calcium: 10%



# IDOA RECOMMENDATION

## Indiana Code 5-22-15

- Addition to Indiana Small Business established preference similar to recent Indiana Manufactured preference
  - If two or more bids were submitted by qualified Indiana Small Businesses, an additional 1% price preference is available to the Veteran-Owned Small business in addition to the Indiana Small Business price preference available



# IDOA RECOMMENDATION

## Program Application Requirements

- Accept veteran and service-disabled veteran status
- 51% or more veteran-owned business
- Federal VA DD214 certification as proof of veteran status
- Also meet Indiana small business definition



# IDO A RECOMMENDATION

- Set Aside Program versus Procurement Preference
- Conduct a research study to identify Indiana Veteran Owned Business potential
  - Do they also qualify as Indiana small businesses?
  - What products / services do they offer?
  - Are they currently doing business or registered with the City of Indianapolis program?



# QUESTIONS

Thank You!

Open Discussion & Any Questions

Nicole Kenney

Deputy Commissioner

Indiana Department of Administration

Procurement Division

[nkenney@idoa.in.gov](mailto:nkenney@idoa.in.gov)

317.234.5584





Texas has the third largest population of women Veterans in the United States, numbering 155,625 women. Today's women Veterans:

- ❖ Most live in San Antonio, Dallas, Fort Worth, & El Paso
- ❖ 1 in 5 military recruits is a woman
- ❖ 15% active duty are women
- ❖ 40% are mothers
- ❖ 60% have served in Iraq and Afghanistan
- ❖ 60 % are under 30 years old
- ❖ 65% Army; 12% Air Force; 12% Navy; 12% Marines
- ❖ 34% were deployed multiple times
- ❖ 69% of those who filed disability claims received service-connected disability compensation award

**Grace After Fire's Program is made possible through funding from these MHMR Centers**

- ACCESS MHMR Center: [www.accessmhm.org](http://www.accessmhm.org)
- Austin Travis County Integral Care: [www.integralcare.org](http://www.integralcare.org)
- Central Plains Center: [www.clplains.org](http://www.clplains.org)
- Denton County MHMR Center: [www.dentonmhm.org](http://www.dentonmhm.org)
- Hill Country MHDD Centers: [www.hillcountry.org](http://www.hillcountry.org)
- The MHMR Authority of Brazos Valley: [www.mhmrbv.org](http://www.mhmrbv.org)
- North Texas Behavioral Health Authority: [www.ntbha.org](http://www.ntbha.org)
- MHMR of Tarrant County: [mhmrtc.org](http://mhmrtc.org)
- Texana Center: [www.texanacenter.com](http://www.texanacenter.com)
- Texas Panhandle Centers: [www.tpmhm.org](http://www.tpmhm.org)

**Contact an Outreach Coordinator:**

**Central Texas**

Erica Richardson  
erica@graceafterfire.org

Heather Huhnke  
heather@graceafterfire.org

Seon Yun-Stokes  
seon@graceafterfire.org

**Metroplex and East Texas**

Sophia Stanton  
sophia@graceafterfire.org

**Gulf Coast**

Jocelyn Pijpaert  
jocelyn@graceafterfire.org

**Hill Country**

Tammi Jean Franklin  
tammijean@graceafterfire.org

Tish McCullough  
tish@graceafterfire.org

**North Texas**

Stacy Keyte  
stacy@graceafterfire.org

**Panhandle**

Tousha Barnes  
tousha@graceafterfire.org

**Tarrant**

Michelle Rosales-Kneubuhl  
michelle@graceafterfire.org

**Grace After Fire**

[www.graceafterfire.org](http://www.graceafterfire.org)  
<http://facebook.com/graceafterfire.org>  
 Phone: (800) 362-6477  
 PO Box 185804  
 Fort Worth, TX 76181-0804  
 501(c) 3 Non-profit organization



**Exhibit 2  
Commission on Military and  
Veterans' Affairs  
Meeting #2 October 26, 2011**

**To ensure women  
Veterans have equitable  
access to care.**

Phone: 800.362.6477  
[www.graceafterfire.org](http://www.graceafterfire.org)

Founded in 2004, Grace After Fire currently serves in 75 counties across Texas. We provide outreach to women Veterans by providing confidential peer support and direct access to appropriate trauma, mental health, addiction and other support services.

There is 24/7 online support to women Veterans, their families and friends. This service offers the protection of anonymity, the privacy of a homepage, and the knowledge you are no longer alone. You can become a Friend and Family Member of Grace After Fire by registering on our website at [www.graceafterfire.org](http://www.graceafterfire.org).

Grace is proud to offer the FIRST TEXAS call-in service center for women Veterans and their families.

- ❖ All calls answered by women Veterans.
- ❖ Not a crisis line, but a way that Veterans can help each other.
- ❖ Find a friend or service provider that understands Veterans.
- ❖ Find a peer group meeting of Vets talking to Vets!

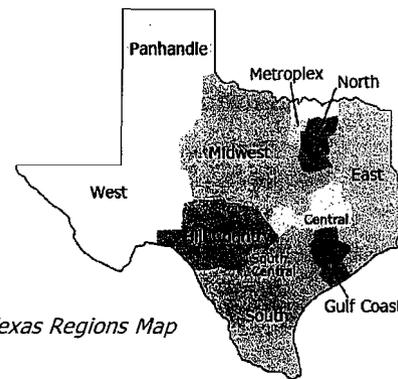
Our organization is unique in that we are comprised of Veterans and family members. We understand and share the bond of having served- whether on the battle field or on the home front. We **are** Texans helping Texans.

## What is Texans Helping Texans?

This is a service developed by Grace After Fire to provide supportive services for Veterans and their families. The website is made possible through the Texas Department of State Health Services' Mental Health Initiatives for Veterans and their families.

Visit [www.texanshelpingtexans.org](http://www.texanshelpingtexans.org).

Search your local area resource directory and calendar to identify events or peer-to-peer group meetings.



## Importance of Peer Groups

Our comrades may be facing a host of stressors: family situations, financial problems, substance abuse and multiple deployments.

As Veterans, we may be the one "battle buddy" who changes someone's life because we listened.

*A Veteran - whether active duty, discharged, retired, national guard, or reserve - is someone who, at one point in their life, wrote a blank check made payable to 'The United States of America' for an amount of "up to and including my life." She served, she deserves.*  
-Author Unknown.

## Peer-to-Peer Groups

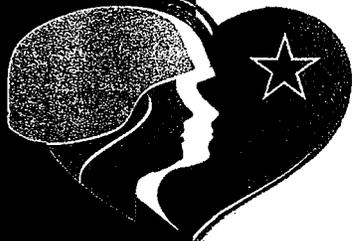
- ❖ Meetings are free and informal.
- ❖ Our focus is on you.
- ❖ Groups consist of your Veteran comrades.

\*We are not affiliated with any government agency.

## Peer Group Leaders

- ❖ If you have served and want to help other military members, they **need you**.
- ❖ We are looking for volunteer Peer Group Leaders in your area.
- ❖ Peer Group Leadership training is provided.
- ❖ Let's join forces to support our fellow Veterans!





Grace after Fire

## GRACE AFTER FIRE A NONPROFIT ORGANIZATION

Grace After Fire is a 501 (c) (3) nonprofit organization. We rely on the philanthropic support of individuals, corporations, foundations, and state funding to help provide services vital to women veterans' lives. Grace After Fire honors the sacrifices of women warriors who served this nation, the commitment and dedication of all who care for wounded service members, and the United States' duty to stand by military troops, Veterans, and the families.

### WOMEN VETERANS ARE...

- ♥ 8% of total U.S. Veteran population. <sup>1</sup>
- ♥ 1,840,380—they served in WWII, Korea, Vietnam, Iraq and Afghanistan eras.
- ♥ 155,625 live in Texas, second largest population of women Veterans in U.S. <sup>2</sup>
- ♥ 48 years old compared to male veterans who are 61 years old.
- ♥ PTSD, hypertension, and depression—top three diagnostic categories for women Veterans treated by VA. <sup>3</sup>
- ♥ 1 in 5 say "Yes" when screened for Military Sexual Trauma. <sup>4</sup>

### WOMEN VETERANS OF OPERATIONS ENDURING AND IRAQI FREEDOM (OEF/OIF)

- ♥ 230,000 women served Iraq and Afghanistan
- ♥ 47% of women OEF/OIF Veterans were under age 30. <sup>5</sup>
- ♥ 16% are unemployed even though 45% have AA degrees and some college. <sup>6</sup>
- ♥ Cost to help women veterans for 2 years after deployment, \$7,000/veteran.
- ♥ Cost to society if we don't help, \$10,000,000 in lost work, homelessness, suicide, illness. <sup>7</sup>

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<sup>1</sup> VetPOP, Office of Policy and Planning  
<sup>2</sup> US Dept. of Veterans Affairs – Center for Women Veterans: Statistics  
<sup>3</sup> VSSC Women Veterans Health Workload Report, October 2010.  
<sup>4</sup> National Center for PTSD Fact Sheet: Military Sexual Trauma (197 KB, PDF)  
<sup>5</sup> VA Healthcare Utilization among OEF/OIF Veterans 1st Quarter FY10, VIa, Table 4.  
<sup>6</sup> U.S. Census Bureau Housing and Household Economics Division Presented at the Department of Veterans Affairs Advisory  
<sup>7</sup> Invisible Wounds of War, Summary and Recommendations for Addressing Psychological and Cognitive Injuries – A Joint Endeavor of Rand Health and The Rand National Security Research Division, 2008.



PROTECT. CONNECT. RENEW.



**DEPARTMENT OF DEFENSE  
SEXUAL ASSAULT PREVENTION  
AND RESPONSE**

**Department of Defense Annual Report on**

***“THE DEPARTMENT HAS A NO-TOLERANCE  
POLICY TOWARD SEXUAL ASSAULT. THIS TYPE  
OF ACT NOT ONLY DOES UNCONSCIONABLE  
HARM TO THE VICTIM; IT DESTABILIZES THE  
WORKPLACE AND THREATENS NATIONAL  
SECURITY.”***

*SECRETARY OF DEFENSE ROBERT M. GATES*

## EXECUTIVE SUMMARY

Sexual assault is a crime that is incompatible with service in the U.S. Armed Forces. It undermines core values, degrades military readiness, subverts goodwill, and forever changes the lives of victims and their families. Unfortunately, sexual assault is also a crime that is significantly underreported, both within and outside of the Military Services.

In 2005, the Department of Defense (DoD) established the Sexual Assault Prevention and Response (SAPR) Program to promote prevention, encourage increased reporting of the crime, and improve response capabilities for victims. The Department's vision is to enable military readiness by establishing a culture free of sexual assault. The Sexual Assault Prevention and Response Office (SAPRO) within the Office of the Secretary of Defense (OSD) is responsible for the policy that supports the SAPR Program and oversight activities that ensure its effectiveness. The DoD SAPR Policy requires each Military Service to maintain its own SAPR program, document both Restricted and Unrestricted Reports of sexual assault, investigate Unrestricted Reports of sexual assault, and hold subjects appropriately accountable.

Section 577(f) of Public Law (PL) Number (No.) 108-375 requires the Secretary of Defense to submit an annual report to the Committees on Armed Services on sexual assaults involving members of the Armed Forces. Section 596(c) of PL No. 109-163, Section 583 of PL No. 109-364, and Sections 561 and 562 of PL No. 111-84 specify additional reporting requirements. This report fulfills those requirements and describes sexual assaults reported during fiscal year (FY) 2010, which is from October 1, 2009, through September 30, 2010. The appendices of this report include supplementary reports from the Secretaries of the Military Departments. This year, the report also assesses the Department's progress in the areas of prevention, reporting, response, and improved knowledge of SAPR issues in the context of the Defense Manpower Data Center (DMDC) *2010 Workplace and Gender Relations Survey of Active Duty Members (WGRA)*.

In FY08, Secretary of Defense Robert Gates identified the following four key areas in the SAPR Program:

- Reducing stigma associated with sexual assault reporting;
- Ensuring sufficient commander training;
- Ensuring investigator training and resourcing; and
- Ensuring trial counsel training and resourcing.

Since then, the Department has focused on the execution of these areas. To assist in accomplishing these priorities—and for the first time in the Department's history—the issue of sexual assault was included in the *Office of the Under Secretary of Defense for Personnel and Readiness Strategic Plan for Fiscal Years 2010–12*.<sup>1</sup> Under the goal

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<sup>1</sup> Department of Defense (DoD). (2010). *Office of the Under Secretary of Defense for Personnel and Readiness Strategic Plan for Fiscal Years 2010–12*. Washington, DC: DoD. Goal 2. Sub-goal 2.4. Performance objective 2.4.1.

“shape and maintain a mission-ready all volunteer force,” the Under Secretary of Defense (USD) for Personnel and Readiness (P&R) articulated the sub-goal of “establish a culture free of sexual assault.”

In keeping with the mission of establishing a culture free of sexual assault, this year’s report presents the Department’s programmatic activities and provides statistical analysis of reports of sexual assault during FY10.

To discuss FY10 programmatic efforts, OSD SAPRO utilizes the *DoD-Wide SAPR Strategic Plan* as the report’s oversight framework. This framework works as an oversight tool to assess progress against the *Strategic Plan*’s five priorities, which are:

- Institutionalize prevention strategies in the military community;
- Increase the climate of victim confidence associated with reporting;
- Improve sexual assault response;
- Improve system accountability; and
- Improve stakeholder knowledge and understanding of SAPR.

In addition to these targeted areas, in future years, the Military Services will be evaluated against the priorities outlined in the *DoD-Wide SAPR Strategic Plan*.

To address the first priority, the Department seeks to prevent sexual assaults through institutionalized efforts that influence the knowledge, skills, and behaviors of military members to reduce sexual assaults in the DoD community. In FY10, the Department built on the successful social marketing campaign that was disseminated worldwide in FY09. The FY09 campaign, entitled “My Strength Is For Defending,” was transformed to the “Hurts One. Affects All.” social marketing campaign for FY10. This next phase of prevention outreach was designed to reach Service members using the communications platforms they use most with the key message that the prevention of sexual assault is everyone’s duty. In FY10, the Department also undertook prevention-related research and engaged in outreach efforts through a variety of new media channels. In addition, each of the Military Services deployed prevention-focused informational and educational activities devised to motivate their personnel to intervene safely before sexual assaults occur. Although measuring success in prevention is difficult, it appears the Department’s SAPR programs may be contributing to a decrease in the incidence of sexual assault against Service members, as measured by DMDC’s *2010 WGRA*.<sup>2</sup> In 2006, 6.8 percent of Active Duty women and 1.8 percent of Active Duty men indicated they experienced unwanted sexual contact in the 12 months before the survey.<sup>3,4</sup> In 2010, 4.4 percent of Active Duty women and 0.9 percent of Active Duty men indicated they experienced unwanted sexual contact in the prior 12 months.<sup>5</sup>

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<sup>2</sup> DoD. (2011). *2010 Workplace and Gender Relations Survey of Active Duty Members (WGRA)*. Washington, DC: Defense Manpower Data Center (DMDC). [Online]. Available: <http://www.sapr.mil/index.php/research>.

<sup>3</sup> Unwanted sexual contact is the survey term for all of the contact sexual crimes against adults proscribed by the Uniform Code of Military Justice (UCMJ). These crimes constitute the sexual assaults covered by DoD Sexual Assault Prevention and Response (SAPR) Policy and this report.

The Department is working toward the second priority by increasing victims' confidence in reporting sexual assault by publicizing the two reporting options, identifying and addressing the challenges associated with reporting, and reducing the stigma and other barriers that deter reporting. The Department's intent is to increase the number and percentage of sexual assaults reported to authorities while decreasing the incidents of sexual assault through prevention. The sexual assaults reported to the Department include a broad spectrum of offenses ranging from rape to wrongful sexual contact, which are addressed by Articles 120, 125, and 80 of the Uniform Code of Military Justice (UCMJ). In FY10, the Military Services received a total of 3,158 reports of sexual assault involving Service members, which reflects a 2-percent decrease in overall reporting from FY09. Despite the small decrease in total reports this year, the trend over the previous 3 years shows that more victims are coming forward to report sexual assault than when the SAPR Program was launched in 2005. Of the 3,158 reports of sexual assault in FY10, 2,410 were Unrestricted Reports, which is a 4-percent decrease from FY09. In FY10, the Military Services initially received 882 Restricted Reports, which is a 5-percent increase over FY09. At the request of the victim, 134 reports were converted from Restricted to Unrestricted Reports, leaving 748 reports remaining Restricted in FY10. It should be noted that, on average, the Department has received more than 750 initial Restricted Reports annually since the enactment of the Restricted Reporting policy in 2005; about 15 percent of these reports convert to an Unrestricted Report each year at the victim's request.<sup>6</sup> To further build the climate of victim confidence and encourage reporting, the Department also continued to publicize its reporting options through a variety of innovative media channels, engaged leadership to reduce the stigma associated with reporting, and developed initiatives to encourage help-seeking behaviors. As required by the Department's SAPR Policy, the Military Services provided initial and annual refresher SAPR Program training to the U.S. Armed Forces during FY10. According to the DMDC 2010 WGRA, 93 percent of Active Duty men and women indicated they received training on topics related to sexual assault during the 12 months preceding the survey.<sup>7</sup> This reflects a 4-percent increase over the number of Active Duty members who acknowledged receiving training in 2006 (89 percent for both women and men).<sup>8</sup>

For the third priority, the Department is improving its response to victims of sexual assault through policy and program enhancements that expand the Department's capability for victim care and increase Service member confidence in the military criminal justice process. Sexual Assault Response Coordinators (SARC) and SAPR Victim Advocates (VA) are responsible for ensuring victims are referred to medical, counseling, and legal support services. This year, SARCs and SAPR VAs made an

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<sup>4</sup> DoD. (2008). *2006 WGRA*. Washington, DC: DMDC. [Online]. Available: [http://www.sapr.mil/media/pdf/research/WGRA\\_OverviewReport.pdf](http://www.sapr.mil/media/pdf/research/WGRA_OverviewReport.pdf).

<sup>5</sup> DoD. (2011). *2010 WGRA*. Washington, DC: DMDC. [Online]. Available: <http://www.sapr.mil/index.php/research>.

<sup>6</sup> This number is based on Military Service reporting statistics from FY05 to FY10.

<sup>7</sup> DoD. (2011). *2010 WGRA*. Washington, DC: DMDC. [Online]. Available: <http://www.sapr.mil/index.php/research>.

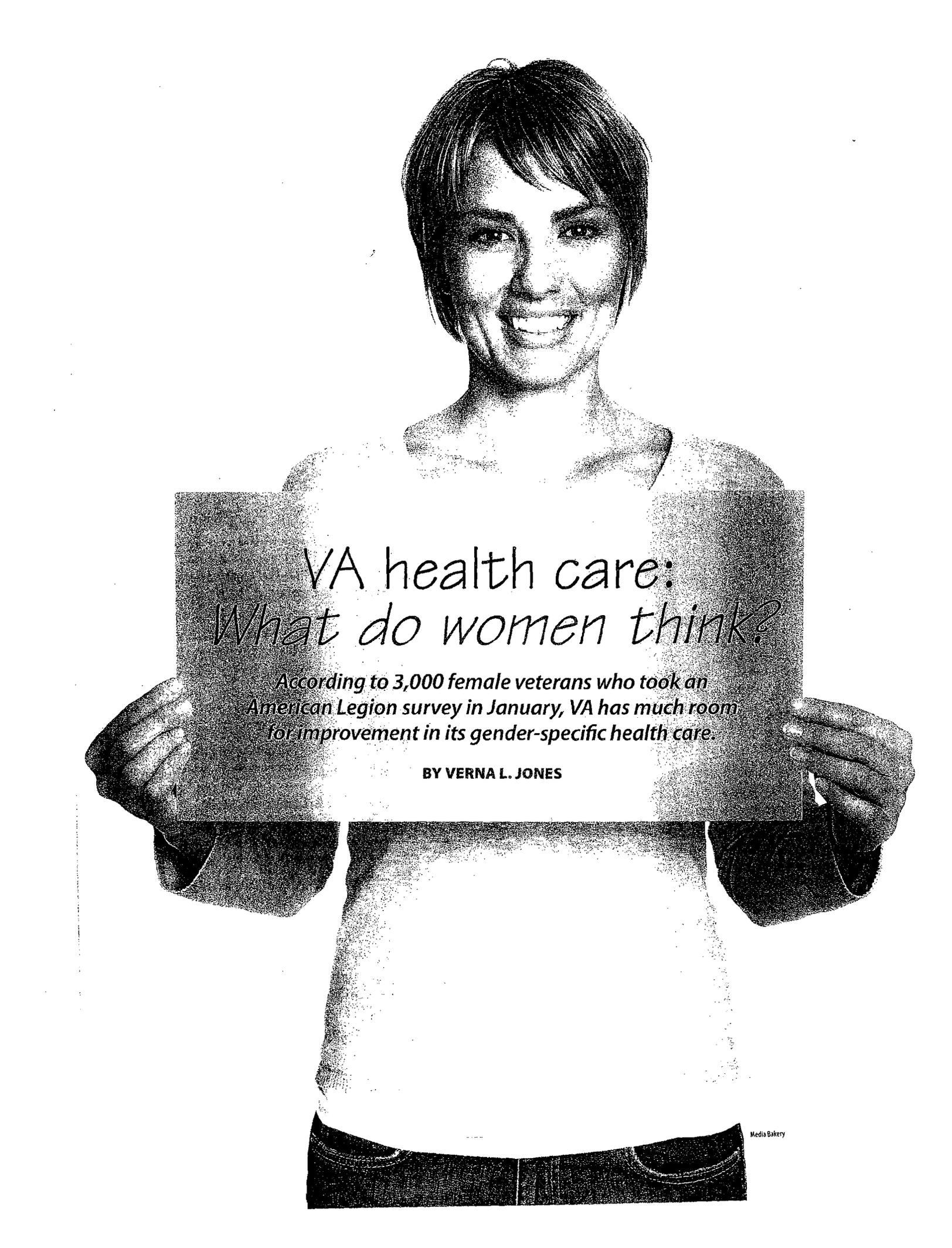
<sup>8</sup> DoD. (2008). *2006 WGRA*. Washington, DC: DMDC. [Online]. Available: [http://www.sapr.mil/media/pdf/research/WGRA\\_OverviewReport.pdf](http://www.sapr.mil/media/pdf/research/WGRA_OverviewReport.pdf).

average of 1.4 support service referrals per victim making an Unrestricted Report and 1 support service referral per victim making a Restricted Report. In FY10, OSD SAPRO worked with the Military Services and other stakeholders to propose revisions to the SAPR Policy that are designed to further increase reporting by victims and improve response resources. OSD SAPRO also contracted with the Rape, Abuse and Incest National Network (RAINN) to develop a confidential 24/7 hotline resource for sexual assault victims and continued to work with the Pennsylvania Coalition Against Rape (PCAR) to implement the next phase of an educational curriculum to improve civilian rape crisis center support of military victims. In addition, the Department continued to revise and expand SAPR Program training requirements for military first responders and draft revisions to the SAPR Policy that would expand reporting options and services to new categories of persons, clarify that the SAPR policy is victim focused, and require that sexual assault victims be considered a priority for emergency care. The Department also began making revisions to the forensic exam form and associated healthcare provider instructions to ensure sexual assault victims receive care that reflects national standards. The Military Services also trained hundreds of SARCs, SAPR VAs, and commanders to provide direct support to victims.

The Department's fourth priority is ensuring SAPR Program effectiveness. Improved system accountability is possible through data collection, analysis, and reporting of case outcomes, as well as review of ongoing SAPR efforts to ensure attainment of desired programmatic solutions. The Department made significant strides in the development of the Defense Sexual Assault Incident Database (DSAID) in FY10. Each Military Service also agreed to update its data systems to support DSAID. Also, throughout FY10, representatives from OSD SAPRO, other DoD components, and the Military Services worked to improve SAPR Program strategic planning and oversight and to conduct innovative research. In FY10, 2,594 sexual assault investigations were completed involving 3,223 subjects, 2,554 of whom were subject to the UCMJ. By the end of FY10, 1,935 of the subjects received final disposition of their cases. Commanders had sufficient evidence to take action against 1,025 subjects. Of these, 51 percent had courts-martial charges preferred (initiated), 25 percent received punishment under Article 15 of the UCMJ, and 23 percent received a discharge or another adverse administrative action. Of the remaining 910 subjects, the Department declined or was precluded from taking action for a variety of reasons, including, but not limited to, insufficient evidence that an offense occurred, the victim declined to participate in the military justice process, or there was probable cause for a nonsexual assault offense only. The remaining 619 subjects who had not yet received a final disposition on their case or cases by the end of FY10 will be reported on in forthcoming years' reports. This year, OSD SAPRO and the Military Services also participated in and responded to reviews of the SAPR Program by the Government Accountability Office (GAO), Inspector General DoD (IG DoD), and Defense Task Force on Sexual Assault in the Military Services (DTF-SAMS). Finally, OSD SAPRO completed work on the development of its Oversight Framework, which organizes and aligns efforts within the Department to ensure the SAPR Program functions as it was designed.

The Department's fifth priority is to educate its stakeholders about its progress in SAPR programs and policies. Greater stakeholder knowledge results when military and civilian

leadership communicate SAPR Program successes and challenges, disseminate SAPR-specific research drawn from the military environment, and deploy effective messaging through a variety of outreach channels. This year, OSD SAPRO worked to improve understanding of the SAPR Program both within and outside of the DoD community. The OSD SAPRO Director and representatives from the Military Services testified at congressional hearings about the progress being made in SAPR programming throughout the Department. In addition, the Military Services hosted summits to involve civilian and military leadership as champions of the SAPR Program. The Department also launched studies to measure effectiveness of the SAPR Program and better understand the level of SAPR awareness among military personnel and the general public.



VA health care:  
*What do women think?*

*According to 3,000 female veterans who took an American Legion survey in January, VA has much room for improvement in its gender-specific health care.*

**BY VERNA L. JONES**

If you ask a female veteran whether she's satisfied with VA's screening process for military sexual trauma, odds are better than even that she'll say no, according to an American Legion survey conducted this past winter. The survey also found that nearly 1 in 3 female veterans have had recent problems with program managers specializing in women's services at VA facilities, and about 1 in 4 believe that VA medical staff are less competent in women's care than those in private practice.

These are among the key findings from a survey of female veterans, commissioned by the Legion and conducted online Jan. 5 to 31 by ProSidian Consulting in Charlotte, N.C. A total of 3,012 women participated in the survey, which asked 67 questions in order to gather information about experiences and gauge opinions of female veterans regarding their health-care services.

"The demographics of this survey's sample are similar in many respects to other surveys of women veterans, in terms of age, era of service, marital status, and so forth," says Dr. Frankie Jones, ProSidian's strategic adviser. "On this basis, we feel comfortable that the views expressed by women veterans who answered the survey are comparable to women veterans in general."

The survey showed that 51 percent of respondents have medical conditions connected to their military service, and 72 percent have applied for VA benefits. Yet only 32 percent of these female veterans are receiving full-time health care from VA medical facilities.

While 55 percent of those surveyed were generally satisfied with the responsiveness of VA's medical staff, 43 percent expressed some degree of dissatisfaction with the overall reliability of VA health care.

"These are areas of progress and success that can be learned from and built upon," Jones says. "Other attributes of service quality did not fare as well, but this is why The American Legion decided to conduct this survey. It measures the gaps between desired and actual performances of

43%  
are dissatisfied to some extent with the reliability of VA health care

55%  
are generally satisfied with the responsiveness of VA medical staff

26%  
are "very dissatisfied" with VA's screening process for military sexual trauma

51%  
have medical conditions connected to their military service

72%  
have applied for VA benefits

32%  
are receiving full-time health care from VA medical facilities

VA health care for women."

Post-traumatic stress (PTS) is a major health concern among women who have served on active duty; 4 in every 10 women who participated in the Legion's survey suffer from it. While some attribute their PTS to combat or personal trauma, 19 percent of all respondents said that military sexual trauma (MST) is completely or partially responsible.

According to DoD, about 2,900 sexual assaults were reported in 2008 throughout the armed services; in 2009, that figure increased by nearly 11 percent. The GAO reported in 2008 that more than half of 103 military-sexual-assault victims surveyed said they never bothered to report the crime, because they felt nothing would come of it.

Wilma Vaught, a retired Air Force brigadier general and president of the Women In Military Service For America Memorial Foundation, Inc., says she believes the best way to defeat MST is "training and emphasis at all levels of leadership, to assure that all soldiers not only understand that such behavior will not be tolerated, but that they also see appropriate action taken to enforce compliance." Vaught wants the military community to take the lead on this message at a national level.

"This should become a part of our moral culture at an early age in schools, homes, and in civilian workplaces," Vaught says. She refers to a past Army-wide program called Consideration of Others, started by retired Army Lt. Gen. Robert Foley, a Medal of Honor recipient. "The program's primary emphasis was on promoting positive behavior among the troops. Why couldn't we take a page from the Army's playbook and do this nationwide?"

Many survey respondents have had problems with VA's screening process for MST; one out of every four said they were "very dissatisfied" with it. About a third of the female veterans expressed some degree of dissatisfaction over their most recent experience with women veterans program managers, whose job is to coordinate care and

advocate for the needs of women being treated at VA facilities. "There is room for significant improvement in the capabilities of VA to provide gender-specific services (e.g., Pap smears and mammograms)," the survey concluded.

Though VA is hailed as one of the best health-care systems available, respondents showed a significant level of dissatisfaction when comparing VA's services to similar services offered by private practitioners, with 1 in 4 indicating that VA health-care providers are less competent than their

private-sector counterparts. The survey suggests that VA should "improve its capabilities for managing the complexities of patient care, and for providing education to practitioners regarding specific health-care issues."

"This is a theme that occurs throughout the survey results," Jones says. "The perception of a fairly large percentage of women veterans is that more responsive health care is provided by the private sector."

In May, VA announced that it plans to conduct

## NOT YOUR MOTHER'S MILITARY

Acknowledging the rapidly evolving role of women in the U.S. military, The American Legion's 51st Washington Conference in March featured a panel discussion on the experiences of female veterans. Speakers included Wilma Vaught, a retired Air Force brigadier general and president of the Women in Military Service for America Memorial Foundation, Inc.; Frances Rivera, Army command sergeant major of the Northern Regional Medical Command at Walter Reed Army Medical Center; L. Tammy Duckworth, an Army helicopter pilot wounded in combat and today a VA assistant secretary; and Peter Hinz, brigadier general in the Maryland Army National Guard.

Vaught, who joined the Air Force in 1957, said that women made up less than 1 percent of the armed forces at that time. In October 1968, she was one of only four women assigned to her duty station in Saigon. While they did not receive weapons training, Vaught took it upon herself to learn how to fire a rifle and a handgun.

"There is almost nothing today that is like the way it was when I went in," Vaught told Legionnaires. In the 1960s, she added, women had only two career paths in the military: administration or medical. It was the shift to an all-volunteer

force that compelled DoD to open nontraditional duties to women.

As for women in combat, Hinz noted that they're part of the convoys that are frequently targeted in Iraq and Afghanistan, making just about any involvement by military personnel a combat activity.

"It's a very dynamic and fluid environment, and women are doing the same jobs and performing the same functions as men," Hinz said.

Women, however, cannot be officially assigned to combat units.

Rivera explained that women are useful in some combat roles, so the Army attaches women to combat units – instead of assigning them – as a way to get around the restrictions. Although women soldiers may end up in firefights, they remain limited to support roles.

Duckworth added that female Marines are playing a key role in Afghanistan by connecting with women and children, and by acting as a "third gender" that communicates effectively with male tribal elders.

On March 7, the Military Leadership Diversity Commission recommended to Congress that the armed forces "eliminate combat exclusion policies for women ... to create a level playing field for all servicemembers who meet the qualifications."

The American Legion passed a resolution in May that supports the removal of gender-based restrictions, as long as the requirements for combat duty – or any military occupational specialty (MOS) – are not

compromised simply to meet a diversity quota.

Vaught said she looks forward to a change in combat rules. "That [the restriction] will be removed, I hope, and women will be able to be assigned where the commanders need them to work, subject to being properly trained."

– Philip M. Callaghan



an independent survey of female veterans, its first in some time. Meanwhile, the Legion's own survey findings "provide a much-needed update on the perceptions of women veterans about their needs, and the services that may be required to ensure they get the care they deserve," Jones says.

Every year, Vaught visits VA medical centers across the country. She goes to the sections reserved for treating female patients, and speaks with many of them. While Vaught has seen dramatic improvements in VA's health care for women, she lists four areas that need further improvement:

- More availability of female-specific medical treatment, and more initiatives to improve access for those who live far from the nearest VA facility.
- Enhanced efforts to recognize – as soon as possible – women suffering from PTS or MST, and better follow-up with patients who continue to need treatment.
- More flexible hours, so women who work are able to use VA facilities on evenings and weekends without having to take time off from their jobs.
- Greater availability of child care facilities.

Convenient VA health care is difficult for many female veterans to obtain, according to nearly one-quarter of respondents, who rated the convenience of VA-facility locations for woman-specific issues as "poor."

Effective communication is sometimes lacking between female patients and VA medical staff. About 30 percent of respondents said they felt they were not given enough time to discuss their gender-specific health issues.

Between doctors and patients, courtesy is a key element in effective communication, and the Legion's survey found that nearly 25 percent of the respondents have a "less than positive" impression of courtesy levels among VA medical staff. The survey's executive summary suggests it may be necessary for VA "to offer additional training in courtesy-related issues to health-care providers."

Given current trends, more women will join the military, more will see combat, more will be wounded, and more will need VA health care.

"The challenges that non-nurse military women are facing in Iraq and Afghanistan are far, far greater than those the few of us who served in Vietnam faced," Vaught says. "We did not have weapons, nor were we given weapons training prior to deployment. Generally speaking, we wore skirts, not battle-dress uniforms or even fatigues. Very few were permitted to go anywhere other than their assigned base ... I was at MACV (Military

Assistance Command, Vietnam) and daily traveled by bus to the hotel where I was quartered. I freely walked on the streets of Saigon unarmed. The nurses were in far greater danger than we were."

Army Sgt. Maj. Frances Rivera, speaking at the Legion's Washington Conference in March, said more women are serving in "female engagement teams" operating in overseas combat zones. Because of restrictions, women can't be assigned to combat units, only attached. So while female troops may be medics or supply sergeants, they often end up in combat.

More recently, the Marine Corps has assigned female engagement teams in Afghanistan. Typically composed of two to four female Marines each, they spend weeks at a time in austere locations working with Afghan women, who live under strict cultural rules about interacting with men outside their families.

"Two of our female medics have earned Silver Stars during this war," said Rivera, who is command sergeant major for the Northern Regional Medical Command of the Walter Reed Army Medical Center. "So they're actually doing a lot of the same (combat) missions. Sometimes they don't get credit for them. But they are out there, kicking doors and taking names."

As of April 4, DoD reported that 110 female servicemembers have been killed, and 624 wounded, in the Iraq war; 27 have been killed, and 134 wounded, in Afghanistan.

Jones says VA should view the results of the Legion's survey as "an important addition to the available data, by which to judge the perceptions of the care received by women veterans. I would look at the results as an opportunity to ask hard questions about the services VA is providing, and look to the recommendations as opportunities for improvement in some cases, and indications that goals are being met in others."

The Legion commissioned the survey of female veterans to learn, in greater detail, their experiences with VA health care and their opinions about its quality. Using information from the findings, the Legion can become an even more effective advocate for changes that will improve VA's gender-specific health care, and make it more attractive to about 1.5 million female veterans who have yet to take advantage of the medical benefits they have already earned. 🌿

*Verna L. Jones is director of The American Legion's Veterans Affairs & Rehabilitation Division.*

# Joint Force Headquarters Commanders

## Critical Information Requirements

- Any report/complaint of sexual harassment/assault, discrimination, racial bias and/or misconduct
- Any suicide, suicide attempt, or suicidal statement, or significant emotional duress by any member of the INNG regardless of their duty status
- Event causing imminent or actual serious injury, loss of life or property damage, including training and/or State Active Duty events
- Loss, damage or theft of sensitive items, weapons, explosives or ball ammunition to include during training events or State Active Duty
- Receipt of initial alert, call up, deployment of troops, deployment of aircraft, and redeployment of troops or equipment for mobilization and/or State Active Duty
- Unauthorized entry (break in) or serious damage to any Indiana National Guard Facility
- Change of Force Protection Condition; Subversion and Espionage Against the Department of the Army, terrorist threat, or acts directed against Indiana National Guard personnel or facilities
- Serious injury and/or Death of a National Guard Member



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JFHQ-IN-SP

28 February 2008

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Policy Number 6-08: Workplace Harassment Prevention (State)

1. This policy applies to state employees of the Adjutant General's Department.
2. Workplace harassment is a form of discrimination that is illegal, unacceptable conduct, and is prohibited. It is the policy of The Adjutant General's Department to provide a workplace free from harassment due to race, color, creed, religion, sex, national origin, age, sexual orientation or gender identity, or physical or mental disability whether engaged in by fellow employees, supervisors or other non-employees. Workplace harassment whether verbal, physical or environmental is unacceptable and will not be tolerated.
  - a. Harassment based on a protected class is verbal or physical conduct that slanders or shows hostility or hatred toward an individual because of his/her protected status i.e. race, color, creed, religion, sex, national origin, age, sexual orientation or gender identity, and physical or mental disability.
  - b. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature.
3. The use of electronic media to post obscene or offensive material is prohibited.
4. If you believe you are being subjected to harassment that violates this policy you are encouraged, and have a responsibility, to immediately report these matters to the Human Resource Office (JFHQ-IN-SP) at 317-247-3260 or to the State Personnel Department at 317-232-3080. Such reports will be treated confidentially to the greatest extent possible and discussed only on a need-to-know basis. No action will be taken against an employee because she/he reports harassment.
5. *Management personnel and/or supervisors have no independent authority to investigate or resolve such complaints from state employees.* Should a manager or supervisor be advised of a violation of this policy, or have first- or second-hand knowledge of a potential violation concerning a state employee, they should immediately report the matter to the Human Resource Office (JFHQ-IN-SP).

JFHQ-IN-SP

SUBJECT: Policy Number 6-08: Workplace Harassment Prevention (State)

6. Failure to report violations of this policy, intentionally providing false information or failing to cooperate during an investigation may be grounds for discipline, up to and including dismissal. If an investigation confirms an allegation, discipline up to and including dismissal will be taken.

7. The Adjutant General's Department will not tolerate harassment. Please help us create a work environment free from discrimination of any kind.

10. This policy supersedes # 6-05, dated 14 June 2005.

Encl  
State of Indiana's Policy &  
Responsibilities & Procedures



R. MARTIN UMBARGER  
Major General, INARNG  
The Adjutant General

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NGIN-FHR-EEO

3 November 2009

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Policy Number 17-09 - Sexual Harassment Discrimination

1. As Adjutant General of the Joint Forces Headquarters - Indiana, it is my policy, without exception, that all National Guard personnel (military, technician, and civilian employees) are entitled to a work environment free from sexual harassment discrimination. This is clearly a leadership issue and a form of misconduct that requires personal awareness and immediate attention of every manager, supervisor and commander. The negative impact on the morale and productivity of our personnel cannot be overstated; positive leadership in the prevention of sexual harassment discrimination is vital. Therefore, recognizing the seriousness of this issue, commanders are required to report all instances of alleged sexual harassment to NGIN-FHR-EO.

2. Specifically, sexual harassment is a form of discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

a. Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of person's job, pay, or career, or,

b. submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, or,

c. such conduct interferes with an individual's performance or creates an intimidating, hostile, or offensive environment, or,

d. Any person in a supervisory or command position uses or condones implicit or explicit sexual behavior to control, influence or affect the career, pay, or job of a military member or civilian employee, or,

e. any military member or civilian employee makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature.

NGIN-FHR-EEO

SUBJECT: Policy Number Sexual Harassment Discrimination

3. Commanders, managers and supervisors will ensure those soldiers, airmen and civilian employees are informed that sexual harassment is prohibited by law and will not be tolerated. Immediate corrective or disciplinary action will be taken whenever improper sexual behavior or sexual harassment is displayed. Such action may include counseling, written reprimand, suspension, demotion, or termination.

4. Federal technicians (dual status and non-dual status) should consult NGR(AR) 690-600/NGR(AF) 40-1614. The complaint process for technicians is:

a. First Step. Contact an EEO Counselor. The counselor will do an inquiry and try to resolve the complaint. If not resolved in 30 days you can go to step 2 or step 3.

b. Second Step. Participate in a Dispute Resolution Process. This involves top management who can direct the changes necessary to resolve your complaint. If not resolved in 60 days, you can go to step 3.

c. Third Step. File a Formal Complaint. Your EEO Counselor will assist you in preparing NGB Form 713-5 to file with your State Equal Employment Manager.

d. Fourth Step. Your complaint will be investigated. The National Guard Bureau will gather facts or send an investigator to conduct an investigation. You will receive a report of the investigation within 180 days of filing your complaint.

e. Fifth Step. Ask for a NGB Decision. After you read the report of investigation, you must decide whether to ask for an immediate National Guard Bureau decision or to ask for a hearing before the decision. A decision without a hearing will be issued within 180 days.

f. Sixth Step. Hearing and Decision. If an Administrative Judge hears your case, he or she will make a recommendation to the National Guard Bureau within 180 days. Then the National Guard Bureau will issue a decision. You may appeal the decision, whether or not a hearing was held.

g. Seventh Step. Appeal to EEOC. The Equal Employment Opportunity Commission reviews your case file and makes a decision on your appeal.

h. Eighth Step. File a Civil Action. You may file a civil action in the appropriate Federal District Court. The court will hear your case and render a decision.

5. AGR and traditional guardpersons alleging discrimination should consult NGR 600-22/ANGI 36-3. The complaint process for AGR guardpersons is the full-time supervisory chain of command and the traditional chain of command for traditional guardpersons.

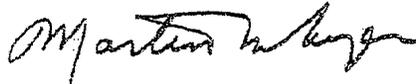
NGIN-FHR-EEO

SUBJECT: Policy Number Sexual Harassment/Discrimination

6. Any person who believes they have been the victim of sexual harassment, or who has observed inappropriate behavior, is urged to report such conduct immediately to management, or the State Equal Employment Manager, Ms. Sharon Yelder, Joint Forces Headquarters of Indiana, ATTN: NGIN-FHR-EO, 2002 South Holt Road, Indianapolis, IN 46241-4839, or call (317) 247-3237, 1-800-327-2850, ext. 3237. Also available 24 hours a day is the Indiana National Guard Complaint Hotline, (317) 247-3320 or 1-800-237-2850, ext. 3320.

7. Copies of this memorandum will be posted on bulletin boards of each organization and facility.

8. This memorandum supersedes policy number 17-07 dated 5 Sep 07.



R. MARTIN UMBARGER  
Major General, INARNG  
The Adjutant General

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NGIN-FHR-DS

14 January 2010

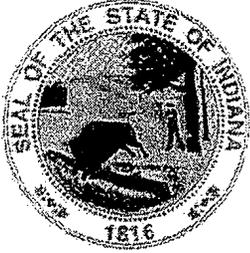
MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Policy Number 23-10: Diversity in the Indiana National Guard

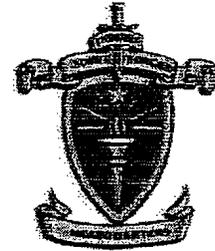
1. It is the policy of the Indiana National Guard to capitalize on our diverse organizational climate; a climate that recognizes the diverse qualities of each member and values their individuality in a manner that is free from prejudice or intimidation; an environment where equity and mutual respect are paramount.
2. Diversity is a reality created by individuals and groups from a broad spectrum of demographic and philosophical distinctions. It can be defined as a combination of all the characteristics that can be used to describe human beings. We are all diverse in many ways based on a variety of differences such as, ancestry, geographical location, socio-economic level, educational level and life experience.
3. The membership of the Indiana National Guard must be a mirror that accurately reflects the diverse society in which we live. Our strength as an organization comes from the variety of viewpoints and opinions of every individual. By drawing on the diversity of the Indiana National Guard we can increase productivity. This creates a success-oriented organization that draws on the diverse strengths of its individuals to achieve our common goal.
4. Point of contact is the State Diversity Coordinator, Joint Forces Headquarters-Indiana, ATTN: NGIN-FHR-DS, 2002 South Holt Road, Indianapolis, IN 46241-4839, (317) 247-3299.
5. A copy of this memorandum will be posted on the bulletin board of each organization and facility.
6. This memorandum supersedes policy letter 23-09 dated 5 November 2009.

R. MARTIN UMBARGER  
Major General, INARNG  
The Adjutant General

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JFHQ-IN-CDR

1 April 2005

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Policy Number 27-05, "No One Alone Policy"

1. Applicants and recruits are to be treated professionally at all times by Indiana National Guard personnel. To ensure that these young people are treated professionally, effective immediately, all leaders of the Indiana National Guard, Army or Air, will make sure that at least one other person is present whenever a recruiter (full time, ADSW, or part time) is in contact with an applicant or recruit of the opposite gender. I call this our "No One Alone Policy." A violation of this policy will be grounds for disciplinary action.
2. I have instituted this policy because I believe it is important to reassure parents and school officials that their sons, daughters and students will be in a safe and professional environment during the recruiting process. This policy will also protect recruiters by helping to prevent false accusations of sexual harassment. The protections afforded by this policy begin with the recruiter's first contact, and will continue throughout the enlistment process to include attendance in all phases of the Indiana Army National Guard Recruit Sustainment Program.
3. The following situations describe some examples of ways recruiters can conduct business in compliance with the "No One Alone" policy.
  - a. A male recruiter may drive to MEPS with two female recruits. This situation is not in violation of the policy because the male recruiter is not alone with a recruit of the opposite gender.
  - b. A female recruiter may be alone in her office with a female recruit or a male recruiter may be alone in his office with a male recruit. This situation is not in violation of the policy because the female recruiter is not alone with a recruit of the opposite gender. However, if the applicant or recruit requests that an additional person be present, that request must be honored.
  - c. A male recruiter may be in a GSA car with a female recruit and a male FTUS soldier. This situation is not in violation of the policy because the recruiter is not alone with a recruit of the opposite gender.

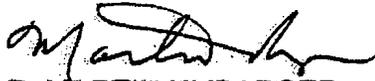
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JFHQ-IN-CDR

SUBJECT: Policy Number 27-05; "No One Alone Policy"

d. A male recruiter may meet with a female recruit at a public place, such as a school cafeteria. This situation is not in violation of the policy because the male recruiter is not alone with a recruit of the opposite gender.

4. Always remember that you represent the Indiana National Guard to those parents, school administrators, and the young men and women desiring to join our ranks to serve their state and country. We are a proud, value based organization. I am counting on the outstanding soldiers and airmen of the Indiana National Guard to always act in accordance with those core values. One of our core values is respect. It is my policy that Indiana National Guard personnel will treat applicants, recruits and soldiers with respect at all times.



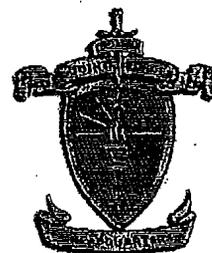
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JFHQ-IN-J1

1 March 2006

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Policy Number 32-06 - Sexual Assault/Sexual Assault Prevention and Response (SAPR) Program

1. The Indiana National Guard is dedicated to ensuring the safety and well-being of its members. This organization must be committed to maintaining a workplace that rejects sexual assault and the attitudes that promote such behavior. Sexual assault is a crime and will not be tolerated within this organization.
2. Sexual assault is defined as intentional sexual contact, characterized by use of force, physical threat or abuse of authority or when the victim does not or cannot consent.
  - a. Sexual assault includes rape, nonconsensual sodomy (oral or anal sex), indecent assault (unwanted, inappropriate sexual contact or fondling), or attempts to commit these acts.
  - b. Sexual assault can occur without regard to gender, spousal relationship or age of victim.
  - c. "Consent" shall not be deemed or construed to mean the failure by the victim to offer physical resistance. Consent is not given when a person uses force, threat of force, coercion or when the victim is asleep, incapacitated or unconscious.
3. To meet our objective, the Indiana National Guard Sexual Assault Prevention and Response (SAPR) Program is established to ensure military members who are sexually assaulted are protected, treated with dignity and respect, receive appropriate and responsive care, and that perpetrators of such assaults be held accountable. This program focuses on fulfilling two primary goals: Preventing sexual assaults through training requirements for all guardsmen and specific response personnel, and creating consistent standards and processes for responding to incidents of sexual assault.
4. There are two positions established by the SAPR Program that are critical to ensuring its integrity. The Sexual Assault Response Coordinator (SARC) is the single point of contact for coordinating sexual assault prevention and response, works with Commanders to improve services for victims of sexual assault, and reports directly to JFHQ-IN-J1. The role of a Victim's Advocate (VA) is to provide direct assistance to victims by securing the necessary information, services and follow-up care. The VA is assigned to cases by the SARC and reports directly to the SARC.

JFHQ-IN-J1

SUBJECT: Policy 32-06 – Sexual Assault/Sexual Assault Prevention and Response (SAPR) Program

5. Anyone who is the victim of sexual assault or is aware of a sexual assault is urged to report this crime to their chain of command.
6. Commanders are required to report incidents of sexual assault IAW the Indiana Joint Force - Commander's Critical Information Requirements (CCIR) and then follow the protocol outlined in the SAPR Commanders Handbook.
7. Victims of sexual assault who choose not to report this crime or if the assault does not occur while the guardsman is in a military status (IDT, AT, ADSW or AGR), victims can still receive confidential information on local resources by contacting the Sexual Assault Response Coordinator (SARC).
8. The POC for this program is LTC Pamela Moody, Sexual Assault Response Coordinator (Primary), Office (317) 964-7017, Cell Phone (317) 538-8039, SMSgt Kellie Crayton, Sexual Assault Response Coordinator (Alternate), Office (317) 247-3237, Cell Phone (317) 538-8266 or the 24 hour Joint Operation Center (JOC) (317) 247-3320.
9. A copy of this memorandum will be posted on the bulletin board of each organization/facility.



R. MARTIN UMBARGER  
Major General, INARNG  
The Adjutant General

DISTRIBUTION:  
A, B, C, D.

# TUITION AND FEE EXEMPTION FOR CHILDREN OF VETERANS SUMMARY AND EXCERPT FROM SEA 577-2011

\* All Changes apply to children of veterans that enlist after June 30, 2011.

\* Limits use of payments to an amount equal to 124 undergraduate credits for use in undergraduate and professional degrees.

\* Requires the scholarship may not be used in more than eight years.

\* Requires student to maintains a certain grade point average to continue to receive benefits.

\* Changes eligibility requirements:

1. by requiring the parent to designate Indiana as home of record at the time of enlistment or the parent must reside in Indiana five years prior to the application of benefits by the student.

2. Student may not be over 32 years old when they first apply for benefits.

3. If the student was adopted by military parent, the student must be adopted before turning 18 years old.

\* Calculates benefits for children of disabled vets based on the rate of disability plus 20%. Capps benefit at 100% of disability.

SECTION 14. IC 21-12-13 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]:

**Chapter 13. Renewal of Scholarships**

**Sec. 1. (a) This section applies to the following scholarships and tuition and fee remission statutes:**

- (1) IC 10-12-2-6.
- (2) IC 10-12-2-11.
- (3) IC 10-17-7.
- (4) IC 21-14-4.
- (5) IC 21-14-6-3.
- (6) IC 21-14-7.
- (7) IC 21-14-10.

(b) Except as provided in sections 3 and 4 of this chapter, a grant or reduction in tuition or fees, including all renewals and extensions, under any of the laws listed in subsection (a) may not exceed one hundred twenty-four (124) undergraduate credit hours or its equivalent, as determined by the commission and must be used within eight (8) years after the date the individual first applies and becomes eligible for benefits under the applicable law.

**Sec. 2. (a) This section applies to the following scholarship and fee remission statutes:**

- (1) IC 21-12-3.
- (2) IC 21-12-4.
- (3) IC 21-12-6.
- (4) IC 21-12-8.
- (5) IC 21-12-9.
- (6) IC 21-13-2.
- (7) IC 21-13-3.
- (8) IC 21-13-4.

**Exhibit 4  
Commission on Military and  
Veterans' Affairs  
Meeting #2 October 26, 2011**

(b) This subsection does not apply to an individual who:

- (1) is an eligible applicant under section 1(3) of this chapter; and
- (2) qualifies as an eligible applicant under section 1(1) or 1(2) of this chapter.

(c) Subject to subsection (d) and section 2(b) of this chapter, the eligible applicant is entitled to a reduction in the educational costs that would otherwise apply as follows:

(1) If the individual's father or mother suffered a disability as determined by the United States Department of Veterans Affairs with a rating of eighty percent (80%) or more, the individual is entitled to a one hundred percent (100%) reduction in education costs.

(2) If the individual's father or mother suffered a disability as determined by the United States Department of Veterans Affairs with a rating of less than eighty percent (80%), the individual is entitled to a reduction in education costs equal to the sum of:

(A) twenty percent (20%); plus

(B) the disability rating of the individual's father or mother.

(d) The latest disability rating determined by the United States Department of Veterans Affairs for an individual's father or mother shall be used to compute the percentage by which education costs are reduced under this section. If the disability rating of the individual's father or mother changes after the beginning of an academic semester, quarter, or other period for which educational costs have been reduced under this section, the change in disability rating shall be applied beginning with the immediately following academic semester, quarter, or other period.

SECTION 18. IC 21-14-4-5, AS ADDED BY P.L.2-2007, SECTION 255, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. (a) Determination of eligibility for higher education benefits authorized under this chapter is vested exclusively in the Indiana department of veterans' affairs. Any applicant for benefits under this chapter may make a written request for a determination of eligibility by the Indiana department of veterans' affairs. The director or deputy director of the Indiana department of veterans' affairs shall make a written determination of eligibility in response to each request. In determining the amount of an applicant's benefit, the commission shall consider other higher education financial assistance in conformity with this chapter.

**(b) The commission shall administer the benefits and ensure compliance with this chapter.**

SECTION 19. IC 21-14-4-6, AS ADDED BY P.L.2-2007, SECTION 255, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. An appeal from an adverse determination under section 5 5(a) of this chapter must be made in writing to the veterans' affairs commission not more than fifteen (15) working days following the applicant's receipt of the determination. A final order must be made by a simple majority of the veterans' affairs commission not more than fifteen (15) days following receipt of the written appeal.

SECTION 20. IC 21-14-4-8, AS ADDED BY P.L.2-2007, SECTION 255, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. The amount of the benefits under this chapter is equal to one (1) of the following amounts:

(1) If the applicant does not receive financial assistance specifically designated for educational costs, the amount determined under sections 2 through 6 of this chapter.

(2) If the applicant receives **any** financial assistance, **including federal assistance**, specifically designated for educational costs:

(A) the amount determined under sections 2 through 6 of this chapter; minus

(B) the financial assistance specifically designated for educational costs.

SECTION 23. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2011]: IC 21-12-3-19; IC 21-12-3-20; IC 21-12-3-21; IC 21-12-4-5; IC 21-12-4-6; IC 21-12-4-7; IC 21-12-4-8.

Allen Morford

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**From:** Applegate, Tom <tapplegate@dva.IN.gov>  
**Sent:** Monday, October 03, 2011 4:02 PM  
**To:** Paul, Allen  
**Cc:** Allen Morford  
**Subject:** FW: MVAC and Preliminary drafts for the Military Family Relief Fund  
**Attachments:** PD3095.pdf; PD3099.pdf

Senator Paul,

LSA Allen Morford suggested I e-mail you to let you know that I will be on vacation on October 26<sup>th</sup> and unable to attend the hearing. I wanted you to know also that I fully support the Military Family Relief Fund legislation as laid out in the drafts which were forwarded to me. They are consistent with the changes I requested at the last Commission hearing.

The only other matter which concerns me is the potential collateral damage caused by SB 577. As you know the bill affects only the children of disabled veterans who initially enter military service **after** the effective date of the bill, 1 July 2011. Unfortunately, when the bill was translated to law, there is no reference made to the children of disabled veterans who initially entered the military **before** the effective date. Consequently, the law reads as though it affects ALL children of disabled veterans. I believe the law should be rewritten to have an "a" and a "b" clause, i.e.,

#### IC 21-14-4-1

##### Applicability

Sec. 1. This chapter applies to the following persons:

(1) A person who:

(A) is a pupil at the Soldiers' and Sailors' Children's Home;

(B) was admitted to the Soldiers' and Sailors' Children's Home because the person was related to a member of the armed forces of the United States;

(C) is eligible to pay the resident tuition rate at the state educational institution the person will attend as determined by the institution; and

(D) possesses the requisite academic qualifications.

(2) A person:

(A) whose mother or father:

(i) served in the armed forces of the United States;

(ii) received the Purple Heart decoration or was wounded as a result of enemy action;

(iii) received a discharge or separation from the armed forces other than a dishonorable discharge; and

(iv) **(a) if the veteran parent initially entered the military after 30 June 2011**, either designated Indiana as home of record at the time of enlistment in the armed forces of the United States or resided in Indiana at least five (5) years before the person first applies for benefits under this chapter; or **(b) if the veteran parent initially entered the military before 30 June 2011, resided in the State of Indiana for 36 consecutive months at some time in their life;**

(B) who is eligible to pay the resident tuition rate at the state educational institution the person will attend as determined by the institution;

(C) who possesses the requisite academic qualifications;

(D) if the person:

(i) was adopted by the person's mother or father, **who initially entered the military after 30 June 2011**, was adopted before the person was eighteen (18) years of age; or

(ii) was adopted by the person's mother or father, **who initially entered the military before 30 June 2011, was adopted before the person was eighteen (24) years of age; and**

(E) **if the veteran parent initially entered the military after 30 June 2011**, is not more than thirty-two (32) years of age when the person first applies and becomes eligible for benefits under this chapter.