

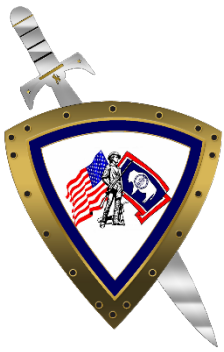
Annual Sexual Harassment and Sexual Assault Report



Fiscal Year 2021



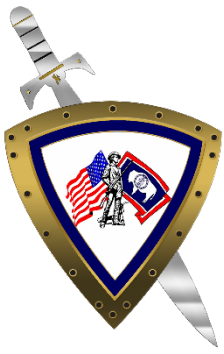
Overview



- WYMD Demographics
- Sexual Harassment
- Sexual Assault
- Required Annual Training
- Reporting Options for WYMD Employees
- 2021 Unit Climate Survey Results
- 2021 Unit Sensing Session Results
- Commander Assessments
- Possible Legislative Actions



WYMD Demographics



- **WYMD Structure**

- **State Agency and state employees:** 240 State of Wyoming employees (159 male / 81 female)
 - **Federal agency and federal employees**
 - 90 Title 5 Civilian federal employees (57 male / 33 female)
 - 304 Title 32 (dual-status) federal employees (251 male / 53 female)
(NOTE: their continued federal employment requires membership in the National Guard)
 - **Air National Guard**
 - 268 Full Time Active Guardsmen (AGRs) (196 male / 72 female)
 - 889 Part Time Drill Status Guardsmen (DSGs) (639 male / 250 female)
 - **Army National Guard**
 - 262 Full Time AGRs & Active Duty Operational Support (221 male / 41 female)
 - 1,130 Part Time M-Day Soldiers (949 male / 181 female)
- WYMD = 3,183 personnel (77.7% male / 22.3% female)
 - National Guard comparison – 19.7% female



Sexual Harassment Definitions

SOURCE: Equal Employment Opportunity Commission (EEOC)



Can be addressed by the EEOC through an informal complaint and formal appeal process, if a local solution cannot be reached

- Quid pro quo: “this for that”
 - Involves expressed or implied demands for sexual favors in exchange for some benefit (ie. promotion, pay raise) or to avoid some detriment (ie. termination, disciplinary action)
 - Perpetuated by someone who is in a position of power or authority over another
- Hostile Work Environment: when speech or conduct is so severe and pervasive that it creates an intimidating or demeaning environment that negatively affects a person’s job performance
 - Can be perpetuated by anyone in the work environment against anyone else
 - More difficult to identify

Goal is to address at the lowest level by peers or supervisors

- Inappropriate comments and actions: examples include sexist jokes/comments, inappropriate stories, blonde jokes, hanging a swimsuit calendar in the workplace



Sexual Harassment Reports in the WYMD

Fiscal Year 2021 Data

- Formal complaints appealed to EEOC: **1 (hostile work environment)**
- Informal complaints filed with the EO staff (State Equal Employment Manager) in the WYMD: **3 (hostile work environment)**
- Concerns addressed, and reported, at the unit level: **at least 5; complete number unknown because individuals and units are not required to report issues that are resolved before the complaint process**
- Trends:
 - Supervisor against subordinate
 - 2 of 5 incidents were committed by personnel not in the WYNG



Sexual Harassment Reports in the WYMD, cont.



Service	Date of Incident(s)	Incident Details	Actions Taken
Army	February – March 2021	Sexual harassment of enlisted female Soldier on DC Inauguration Support mission	Victim Advocate made contact, no services requested NOTE: perpetrator was not from the WYNG
Air	27 May 2021	Inappropriate comments made to enlisted Airman by supervisor	Investigation complete; final legal review complete; offender resigned from AGR program & will retire
Army	9 June 2021	Male NCO was disrespectful to a female lower enlisted Soldier from another state	Command directed no contact; offender complied. No further issues.
Army	15 June 2021	Soldier propositioned by coworker over social media app	Command moved victim to a different work center. NOTE: perpetrator was not from the WYNG
Army	June 2021	Allegation of a hostile work environment	Investigation Report complete; pending review



External Assessment



- In FY20, after assuming role as TAG, MG Porter requested an outside review of the WYANG's culture and environment as it related to the treatment of women.
- Review conducted by the South Dakota ARNG's Equal Opportunity Advisor and SD's State Equal Employment Manager with support from the Equal Opportunity Manager from F.E. Warren AFB.
- **Methodology:**
 - Results from the 2018 and 2019 Defense Organizational Climate Surveys were analyzed to look for differences in results by gender in the 5 Groups that make up the 153d Airlift Wing.
 - Short, direct telephone surveys were conducted with a randomly selected cross-section of current female members of the WYANG.
- **Findings:**
 - A review of surveys found that in the vast majority of areas and units in the WYANG, males and females responded similarly and found a positive culture and climate in the WYANG.
 - Two specific areas (Organizational Processes and Senior Leader) were highlighted as "improvement needed" in one squadron.
 - In the phone surveys, 83-88% of women reported positively on their experience, culture, and leadership in the WYANG.



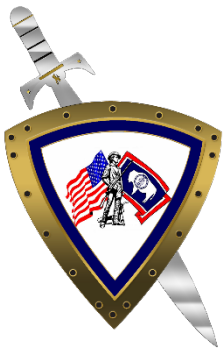
External Assessment, cont.

- Recommendations:
 - Action plans for the squadron with two areas of improvement identified in the climate survey
- Progress since 2019 assessment:

	2019 Climate Survey	2021 Climate Survey
Participation rate	14%	60%
Trust in senior leader	Among women – 46% Among men – 56%	Among women – 76% Among men – 79%
Satisfaction with organizational processes	Among women – 61% Among men – 45%	Total response – 63% <i>Question format changed in version 5, breakdown by gender unavailable</i>



Sexual Assault



- Sexual Assault Definition (from Department of Defense)
 - Intentional sexual contact characterized by use of force, threats, intimidation, or abuse or when the victim does not or cannot consent
 - Includes a broad category of sexual offenses consisting of the following specific UCMJ offenses:
 - Rape
 - Sexual assault
 - Aggravated sexual contact
 - Abusive sexual contact
 - Forcible sodomy
 - Attempts to commit any these acts
 - **NOTE: Reported sexual assaults are NEVER investigated internally, but are always turned over to law enforcement agencies for investigation.**



Sexual Assault, cont.



- Reports in the WYMD from Fiscal Year 2021: **6**
(3 restricted & 3 unrestricted)
 - **NOTE: We encourage reports so our victims can get help. Our goal is honest and accurate reporting. We strive to create an environment and culture free from sexual assault where employees will report assaults and have access to competent resources for assistance.**
 - We encourage reporting of assault even if the perpetrator is not associated with the U.S. military.
 - 3 of 6 cases happened in FY21; remaining 3 occurred in previous years
- Trends:
 - **Associated with travel (83%)** / Out-of-state (67%) / Assault happened on DoD property (50%)
 - Military on military (67%; in all 6 cases the victim was in a military status)
 - Perpetrator was **NOT** a WY Guardsman (83% - only 1 perpetrator had affiliation with the WY National Guard)
 - **Use of alcohol by victim (83%)**
 - NOTE: We do not have a mechanism to accurately report drug and alcohol use by the perpetrators; however, the use of drugs and/or alcohol by the perpetrator is suspected at the same rate
 - **Female victims and male perpetrators (83%; 1 case that involves 2 females)**
 - Perpetrator was known to victim (67%)



Sexual Assault, cont.

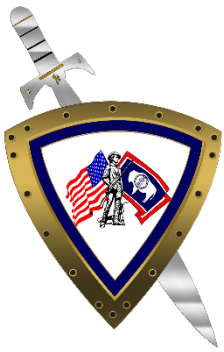


FY21 Unrestricted Reports, Case Details

	Case A	Case B	Case C
Victim Gender	Female	Female	Female
Perpetrator Gender	Male	Male	Female
Year of Assault	Previous FY	FY21	FY21
Victim's Duty Status	Title 32, Annual Training	Title 10, Advanced Training Orders	Title 10, Basic Training Orders
Perpetrator's Duty Status	Title 32, Annual Training	Title 10	Title 10
Perpetrator in WYNG?	Yes	No	No
Victim and Perpetrator Ranks	Same rank	Same rank	Same rank
Law Enforcement Status	Laramie County Circuit Court	Open with Office of Special Investigations	Open with Office of Special Investigations
Perpetrator Known to victim?	Yes	No	No
Assault happened in WY?	Yes	No	No



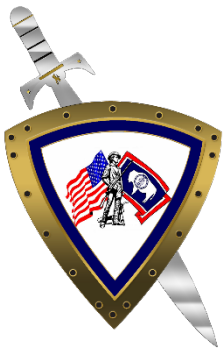
Required Training



- **Across the WYMD:** a part of new employee orientation (all full time employees), Student Flight (Air), and Recruit Sustainment Program (Army)
- **Army National Guard:** included in initial training AND all members receive annual face-to-face Sexual Harassment and Assault Response and Prevention (SHARP) training; “buddy aid” training to Recruit Sustainment Program, pre-command course, and senior leaders
- **Air National Guard:** included in Basic Military Training and Officer Training School curriculum AND all members receive annual Sexual Assault Prevention and Response (SAPR) training
- **Federal Civilians:** service-specific based on Army or Air assignment
- **State of Wyoming employees:** receive refresher if assigned to a supervisory role



Advanced Training



- **Army National Guard:** additional duty victim advocates receive 80 hours of training upon selection and 32 hours every two years after
- **Air National Guard:** additional duty victim advocates receive 40 hours of training upon selection and 32 hours every two years after
- 21 Army Victim Advocates
- 6 Air Victim Advocates

NOTE: The difference between the number of trained Victim Advocates relates to case load. In a typical year, the Army National Guard has more cases than the Air National Guard. Additionally, the Air National Guard is centralized in Cheyenne while the Army National Guard operates from multiple locations across the state.



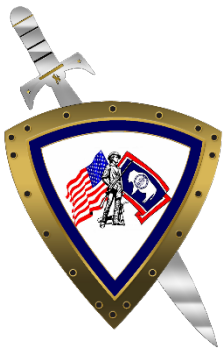
Sexual Harassment Reporting Options for WYMD Employees

	Formal Reporting Options	Informal Reporting Options
Army National Guard	Military EO staff at major units; Inspector General*; SHARP Offices	Chain-of-Command; unit leadership; TAG Hotline
Air National Guard	Military EO staff at Airlift Wing; Inspector General*; SAPR Office	Chain-of-Command; unit leadership; TAG Hotline
Federal Civilians (Title 5 & Title 32)	EO Office within WYMD; Inspector General*	Chain-of-Command; unit leadership; TAG Hotline
State Employees	State HR Manager; State Administration & Information	Supervisory chain; unit leadership; TAG Hotline

***The WYMD has a Title 10 Inspector General who provides an independent look at the agency and is a place where whistle blower and reprisal complaints can be made; the officer reports to NGB**



Sexual Assault Reporting Options for WYMD Employees



	Unrestricted Reporting Options	Restricted Reporting Options
	<i>Unrestricted = chain-of-command is informed and assault is reported to law enforcement</i>	<i>Restricted = victim is supported without chain-of-command or law enforcement notification</i>
Uniformed Members	Medical Provider Director of Psychological Health Chaplain SHARP/SARC Offices Victim Advocates Chain of Command Law Enforcement National Hotline	Medical Provider Director of Psychological Health Chaplain SHARP/SARC Offices Victim Advocates
Federal Civilians (Title 5 & Title 32)	Same as National Guard options	Same as National Guard options
State Employees	State A&I Law Enforcement Supervisory Chain	<i>Restricted reporting is not applicable, but employees can seek confidential support and care from a Medical Provider</i>



2021 Unit Climate Survey Results



- **Background**

- Required by the Department of Defense in response to the Fort Hood Report released in 2020
- Conducted in the WYMD from 20 February to 26 April
- Included 10 questions open ended allowing for respondents to elaborate
- 823 / 1600 Soldiers participated = 51.4% participation rate
- 612 / 1280 Airmen participated = 47.8% participation rate

- **Survey Issues / Gaps**

- State of Wyoming and Federal Civilian employees not included
- Difficult to track trends over multiple surveys/years, because the question formats change; 2021 survey is version 5

- **Areas of Concern from 2021 Data**

- Organizational communication
- High stress work environment / Leadership support / Morale issues
- Career development / Work-life balance challenges
- **Inappropriate jokes, comments, and stories in the workplace (including gender and race)**



2021 Unit Climate Survey Results, cont.

QUESTION	Service Member Responses	
	ARNG	ANG
Has someone from your unit mistreated, ignored, excluded, or insulted you because of your gender?	Never – 766, 93.5% Yes – 53, 6.5%	Never – 576, 94.3% Yes – 35, 5.7%
Has someone from your unit told sexual jokes that made you uncomfortable, angry, or upset?	Never – 640, 78.5% Yes – 176, 21.5%	Never – 525, 86.3% Yes – 83, 13.7%
Has someone from your unit displayed, showed, or sent sexually explicit materials (such as pictures or videos) that made you uncomfortable, angry, or upset?	Never – 734, 90.0% Yes – 82, 10.0%	Never – 592, 97.0% Yes – 19, 3.0%
Has someone from your unit asked you questions about your sex life or sexual interests that made you uncomfortable, angry, or upset?	Never – 745, 91.1% Yes – 73, 8.9%	Never – 596, 97.6% Yes – 15, 2.6%



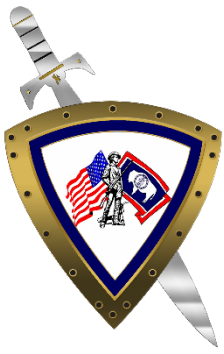
2021 Unit Climate Survey Results, cont.



QUESTION	ARNG	ANG
Has someone from your unit made sexual comments about your appearance or body that made you uncomfortable, angry, or upset?	Never – 744, 90.8% Yes – 87, 9.2%	Never – 588, 96.4% Yes – 22, 3.6%
Has someone from your unit made attempts to establish unwanted romantic or sexual relationships with you?	Never – 784, 95.8% Yes – 34, 4.2%	Never – 600, 98.2% Yes – 11, 1.8%
Has someone from your unit intentionally touched you in unwanted ways?	Never – 795, 97.2% Yes – 23, 2.8%	Never – 604, 99.0% Yes – 6, 1.0%



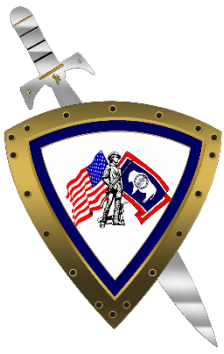
2021 Inspector General's Unit Sensing Session Results



- Background:
 - WY has a Title 10 officer from the Active Duty Air Force and an NCO leading the State's Inspector General office.
 - They report directly to NGB and provide critical reports to The Adjutant General.
 - They are responsible for addressing complaints made in the force.
 - They can receive whistle blower and reprisal complaints.
 - Conducted unit visits each month to talk with Soldiers and Airmen and “sense” the environment.
 - After each visit, they provide a summary, elaborate on anything of concern, and collect trend data for presentation to The Adjutant General.
- Training Year 2021 Sessions:
 - 6 sites visited
 - 300 service members contacted



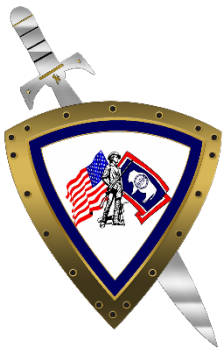
2021 Unit Sensing Session Results, cont.



- Identified trends:
 - Concern over preference for schools and deployments based on status and career field
 - Prevalence of offensive jokes, comments, and stories based on gender, ethnicity, religion, and sexual orientation (unit specific)
 - Not enough focus on retention
 - Reports of issues accessing medical care
 - Concerns among the force on the mandatory COVID vaccine



Commander's Assessment Assistant Adjutant General – Air Brig Gen Justin Walrath



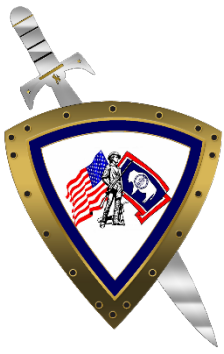
- Data tells us:
 - We DO NOT have a widespread problem with sexual harassment or sexual assault
 - Only 3 percent of Airmen responded negatively when asked if Command/Leaders responded to sexual harassment.
 - 2021 DOD Sexual Harassment/Assault survey, shows low occurrences of both.
 - We DO have occurrences of inappropriate comments being made.
- Identification of Air National Guard Gaps:
 - No full time EO resource at the Airlift Wing
 - Air Force eliminated the part time, drill status military EO commissioned officer position
 - 153 AW has detailed a fully qualified officer to EO position despite no manning from NGB
 - Need to incorporate a method to track trends between DEOCS surveys
- Plan moving forward:
 - Formation of a working group to produce a corrective action plan for elimination of workplace hostility
 - Moved EO officer to a space away from Airlift Wing leadership to encourage members with concerns to come forward
 - Full integration of a newly hired, fully trained SARC officer
 - Increased collaboration among the Airman Care Team (SARC, Director of Psychological Health, Chaplains, Fam Readiness, EO)
 - Sustain zero tolerance of inappropriate comments in the workplace. Trained yearly.
 - Sustain Sexual Assault Prevention Training to 100 percent of the work force yearly.



Commander's Assessment

Assistant Adjutant General – Army

BG Brian Nesvik



- Data tells us:
 - WYARNG requires additional effort at all levels to address ambient sexual harassment or inappropriate comments
 - Little mention of sexual assault and Soldiers report feeling safe
 - Must assume there are more incidents than reports
- Plan moving forward:
 - Continue implementing phased recommendations of 2021 SHARP Task Force
 - Focused training efforts at all levels to enhance trust and willingness to report sexual behaviors including ambient sexual harassment
 - Develop streamlined reporting processes
 - Implement specific actions to improve Soldier care
 - Create a separate office space, outside the chain of command, led by a civilian employee who reports directly to the WYARNG Commander
 - Develop additional accountability requirements for commanders in handling of reported sexual harassment incidents
 - Conduct anonymous surveys in conjunction with annual Soldier period health assessments



Commander's Assessment The Adjutant General

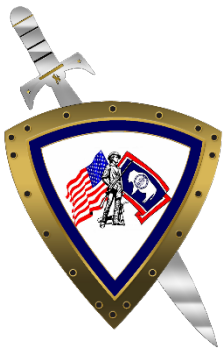


- Based on the South Dakota review of the WYANG in 2019, the climate survey from 2021, the IG sensing sessions, my own circulation through the force, and the two Commanders' assessments leads me to believe: **we do not have a culture that enables sexual harassment and sexual assault, nor do we have pervasive, systemic issue with either sexual harassment or sexual assault.**
 - **We take action every time an issue of sexual harassment or sexual assault is raised.**
 - **We may have individual “bad actors” who do not appropriately live our military and WY values.**
 - We DO have areas where further education and training of our employees could significantly improve our culture.
 - **Maintaining a professional work space and elimination of inappropriate comments, jokes, and stories**
 - Buddy aid or wingman mentality // See something, Say something
 - Safe consumption of alcohol
 - Emphasis on safety protocols when traveling outside the state
 - We have processes and resources to care for sexual assault victims. Focus must be on PREVENTION of sexual assault (alcohol, when our folks leave the state and their Wingman/Battle Buddy)



Commander's Assessment The Adjutant General, cont.

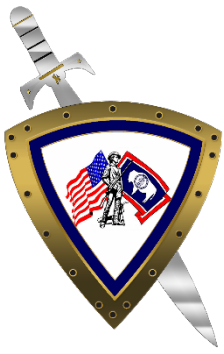
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- Identification of WYMD Gaps:
 - Stove-piped reporting of sexual harassment issues in the force, based on employee status, without a centralized method to track reports
 - Lack centralized data collection that would allow senior leaders to analyze trends around sexual harassment in the force
 - No federally funded resource to oversee the agency's policies, reporting, and trend analysis of sexual harassment
 - Lack of follow through on survey feedback



Possible Legislative Actions



Codify the requirement for the adjutant general to provide this report annually to the WY Legislature (*Texas adopted a law in 2021 that requires annual reporting to the legislature*)

1. Policies and procedures implemented by the adjutant general in response to incidents of sexual assault
2. Assessment of the implementation and effectiveness of the program and policies and procedures on the prevention and oversight of the state's response to reports of sexual assault
3. Analysis of the number of incidents of sexual assault involving members of the National Guard
4. Deficiencies in training

NOTE: the TX law allows aggregated statistical data reporting for all restricted cases to protect victims





Discussion / Questions / Guidance from the Committee

