

## **Annual Refresher Training**

July 2018

150S-1P-0301

Version 11.1

**Distribution Restriction:** Approved for public release; distribution is unlimited.

**Destruction Notice: None** 

**Foreign Disclosure: FD1 -** This training product has been reviewed by the training developers in coordination with the SHARP Academy - Ft. Leavenworth, KS foreign disclosure officer. This training

product can be used to instruct international military students from all approved countries without restrictions.

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Administrative Academic Hours		<u>Methods</u>			
		Small Group Discussions – Estimated time to complete training is 2 hr 15 min.			
Classification		Security Level: This course/lesson will present information that has a Security Classification of: U - Unclassified.			
Foreign Disclosure (FD) Restrictions		FD1. This training product has been reviewed by the training developers in coordination with the Ft Leavenworth foreign disclosure officer. This training product can be used to instruct international military students from all approved countries without restrictions.			
Reference	Numbe	Title	Date Published	Additional Information	
	AR 27-1	0 Military Justice	11 May 16	http://www.apd.army.mil/epubs/DR_pul DR_a/pdf/web/r27_10_FINAL.pdf	
	AR 195-	Criminal Investigation Activities	9 Jun 14	http://www.apd.army.mil/epubs/DR_pubs/DR_a/pdf/web/r195_2.pdf	
	AR 600-	Army Command Policy	6 Nov 14	http://www.apd.army.mil/epubs/DR_pubs/DR_a/pdf/web/r600_20.pdf	
DoDD 6495.01		Sexual Assault Prevention and Response (SAPR) Program, Change 3	11 Apr 17	http://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodd/649501p.pdf	
	DoDI 6495.02	Sexual Assault Prevention and Response (SAPR) Program Procedures, Change 3	24 May 17	http://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/649502p.pdf	
	DoDI 6495.03	Defense Sexual Assault Advocate Certification Program	10 September 15	http://www.sapr.mil/public/docs/d-saacp/D-SAACP_DoDI_6495-03.pdf	
	Court Martial 2012	Manual for Courts-Martial (MCM), United States (2016 Edition)	2016	http://www.uscg.mil/legal/mj/MJ_Doc/mcm2012.pdf	
		DoD Safe Helpline	2015	https://safehelpline.org	
	AR 690- 700, Chapter 751	Table of Penalties for Various Offenses (Sexual Harassment)		http://www.apd.army.mil/cpol/ar690-700/ar690-700-751/penalty.html#b	

Instructor Requirements	This training is designed for delivery and facilitation by a SHARP professional to ensure accuracy and consistency. Training should be done in small group discussions. Leaders are encouraged to play an active role in this training. It is strongly recommended to have another certified SHARP professional present to assist attendees who may need to excuse themselves during training. If a SHARP professional is not available, facilitators must ensure that contact information for their local SHARP office is provided.  If you feel, based on your audience, that you are going to be discussing a topic with complicated legal issues in depth, like consent or incapacitation, or victims' rights, invite the Brigade Trial Counsel and IG to assist with your training. If your organization has a large number of DA Civilians, consider having a representative				
	Trainer must conduct "Clin order to meet the train! Learning" handout by rai answer. If their answer i recite the correct answer	heck on Le ing standar ndomly sel s not corre	earning" at rd. Review ecting men ct, review t	all questions or others of the aud	n the "Check on ience to provide their
Instructor-to- Student Ratio	Commanders will determine the Instructor-to-Student Ratio (ISR) based on mission requirements and available personnel (capability); however, the preferred ISR is to conduct this training in small groups.  Commanders should use discretion in determining the (ISR). IAW TRADOC PAM 350-70-14 pg. 81-82: ISR needs to be determined by the limitations of the instructor and facilities available. Class size should allow the instructor span of control that allows for adequate management of the class size and permits the instructor opportunity to provide ample feedback to the students in attendance.				
Mode of Delivery:	Resident Instruction				
Equipment Required	ID Name	Support	Instructo to-Studen Ratio		Expense
	Screen, Projection Wall/Ceiling Mount or Portable	No	1:40	1	No
	Computer, Personal	No	1:40	1	No
	Speakers	No	1:40	1	No
Materials Required	Instructor Materials 1. PowerPoint Presentation	on		Student Mater  1. Pen or Pen	

- 2. Vignette Package
- 3. Lesson Plan
- 4. Videos: <a href="https://atn.army.mil/dsp\_template.aspx?dpID=51">https://atn.army.mil/dsp\_template.aspx?dpID=51</a>
  - CSA Segment (Readiness and SHARP)
  - Cheeseburger Consent Video
  - SMA Social Media Video

- 2. Notepad to record phone numbers and web addresses for SHARP resources.
- 3. Check on Learning Trifold

## Instructional Guidance

**Note:** Before presenting this lesson, instructors must thoroughly prepare by studying this lesson and identified reference material.

The following instructor notes and related slides meet DoD minimum requirements to educate Soldiers and Army Civilians regarding sexual harassment, sexual assault, and the relevant topics related to both. The products are an enabler for commanders that seek to maintain a productive, healthy environment free of SHARP-related issues. The training informs and reinforces appropriate behavior while addressing potential punishment for offenders and victims' rights to care and justice. The training materials provide the foundational instruction along with links to additional resources for instructors to customize training to meet specific unit needs.

ATTENTION: Instructors must review all "Check on Learning" questions with the audience in order to meet the assessment portion of the training requirement. If unable to conduct the check on learning, the audience must conduct the online Standing Strong training and complete the post training assessment.

Videos and vignettes to accompany this lesson may be found at: <a href="https://atn.army.mil/dsp\_template.aspx?dpID=51">https://atn.army.mil/dsp\_template.aspx?dpID=51</a>

The use of vignette and video resources in specific locations throughout the lesson is recommended. Vignette and video locations are identified with the graphics demonstrated below: NOTE: if you intend to use the videos on ATN, download the videos to your desktop in order to prevent buffering issues.



**Note:** While many instructors have historically used the "Tea Consent" video available on YouTube, the OTJAG reviewed the video and determined that the definition of consent used in the video does not conform to the DoD definition within DoDI 6495.01. Therefore, the "Tea Consent" video is **not approved** for use in conjunction with this lesson.

The facilitator must insert local installation helpline phone number information on the last slide before presenting the lesson.

Individuals wanting to be exempted from the mandatory group face-to-face SHARP training may work with their Commander or Supervisor and their local SHARP office to coordinate one-on-one training.

We encourage Supervisors or Managers to offer assistance to employees or Soldiers by offering Employee Assistance Program (EAP) services (for DA Civilian) or SARC services (for Soldiers) if they indicate the desire for additional resources.

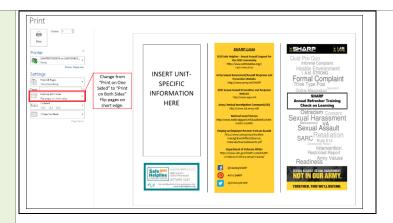
At a minimum, commanders/senior leaders should provide opening remarks for the training session.

#### **PowerPoint and Video Notes:**

Based on the audience, unit commanders may authorize instructors to hide slides or skip portions of the videos deemed unnecessary for instruction (e.g., slides that are directed toward DA Civilians or insertion of a different mode of media to accomplish the Learning Step Activity). For each of the videos, you may choose to show all or portions of the video. It is up to your commander based on your knowledge of the audience. The intent is that your attendees can accomplish the Terminal Learning Objective (TLO) and LSAs by the end of the instruction. Remember that slides and videos are enablers to accomplish the learning objectives.

#### **Check on Learning Trifold:**

One Check on Learning trifold should be printed for each Soldier and Civilian attending training. To edit the Check on Learning Trifold, open the document in Microsoft Word. Select Enable Editing. Insert your Installation and Unit logo and SHARP Contact information in the designated box. Ensure you delete the placeholder text. To print the Check on Learning Trifold, select print, change the "Print on One Side" to Print on Both Sides – Flip pages on short edge" (see below photo). Input the number of copies you desire and select the print button.



#### **Soldiers in Theater:**

When delivered to Soldiers in theater, this training should be supplemented with information detailing sexual harassment and sexual assault issues specific to the deployed environment to include specific risk reduction strategies. Commanders will identify the type of trained sexual assault responders available during the deployment (e.g., law enforcement personnel, legal personnel, SARC, SAPR VAs, healthcare personnel, chaplains). Commanders will establish a memorandum of agreement with local commands that can provide SHARP resources if they do not have organic resources in the AOR.

#### **Mandatory Training for Military and DOD Civilians Requirements:**

National Defense Authorization Act (NDAA) FY12 Sec 585, Training and Education Programs for Sexual Assault Prevention and Response Program, states "the Secretary of each military department shall develop a curriculum to provide sexual assault prevention and response training and education for members of the Armed Forces under the jurisdiction of the Secretary and civilian employees of military department to strengthen individual knowledge, skill, and capacity to prevent and respond to sexual assault."

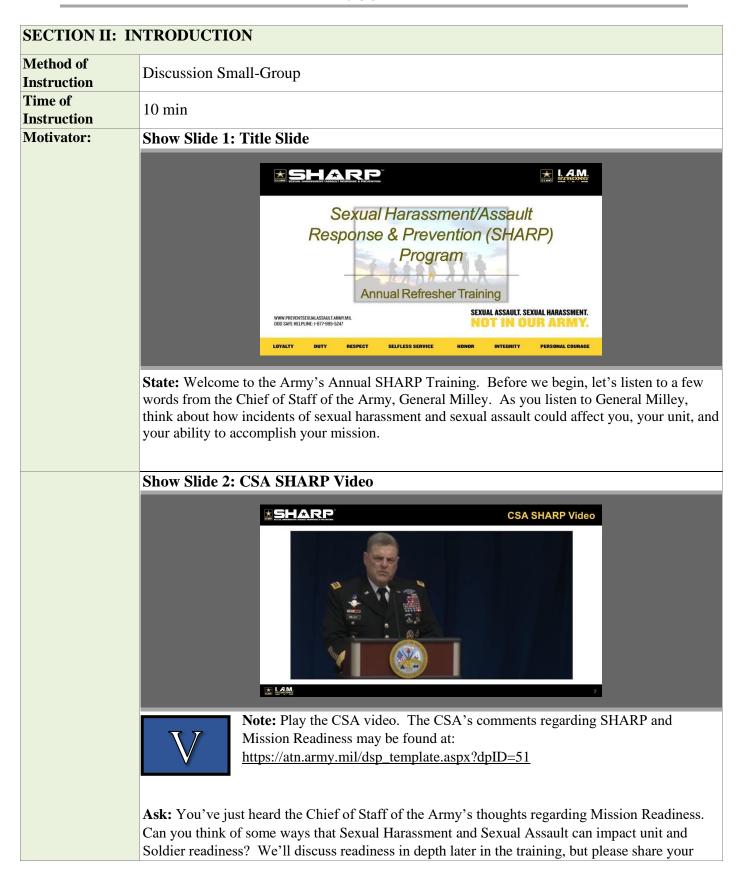
#### **Safety Requirements**

**Note:** Go over local Fire, Active Shooter, Earthquake and other response procedures.

**State:** No food or drink is allowed near or around electrical equipment (CPU, file servers, printers, projectors, etc.) due to possible electrical shock or damage to equipment. All Soldiers and DA Civilians should exercise care in personal movement in and through such areas. Avoid all electrical cords and associated wiring. In the event of an electrical storm, Soldiers, DA Civilians and instructors will be instructed to power down equipment.

In the event of an active shooter incident: Remind students of the standard Active Shooter guidelines: Run - Hide - Fight. In the event of an active shooter students will do the following: Remain in the classroom; immediately close & lock the classroom door; move away from in front of any door or window; remain quiet; and turn off ringers on cell phones. Instructor will call 911. Ensure all students

	comply with instructions given by Military Police. As a last resort, students can fight in order to repel or subdue the shooter.
Risk Assessment Level	<b>State:</b> A Low Risk Assessment is to be produced locally in accordance with (IAW) ATP 5-19, April 2014.
Environmental Considerations	Environmental protection is not just the law but the right thing to do. It is a continual process and starts with deliberate planning. Always be alert to ways to protect our environment during training and missions. In doing so, you will contribute to the sustainment of our training resources while protecting people and the environment from harmful effects.



initial thoughts. What can you do to prevent SH/SA and help ensure your unit's readiness? How does preventing and intervening in these situations demonstrate Army values?

#### Terminal Learning Objectives

#### **Show Slide 3: Terminal Learning Objective**

HARASSMENT/ASSAULT RESPONSE	Terminal Learning Object
Action	Demonstrate Behavior Consistent with the Army's Sexual Harassment/Assault Response and Prevention (SHARP) Program.
Conditions	In a classroom environment with facilitated group discussions, student handouts, and optional scenarios involving sexual harassment and sexual assault IAW the Army's SHARP Policy and in compliance with the Sexual Assault Prevention and Response (SAPR) Core Competencies.
Standards	The student will complete SHARP Annual Refresher Training ensuring compliance with Army policy. Students will have met the standard when they demonstrate behavior consistent with the Army's SHARP program by participating in the following activities:  Describe the impact of sexual harassment and sexual assault on the Army Discuss sexual harassment and possible punishment Discuss sexual assault, consent, possible punishment, and risk reduction strategies Describe sexual assault reporting options Discuss sexual assault victims' rights (confidentiality, expedited transfer, protective orders, Special Victims Counsel) Define the Army's policy on retaliation Describe online misconduct and social media guidance Describe the bystander intervention process

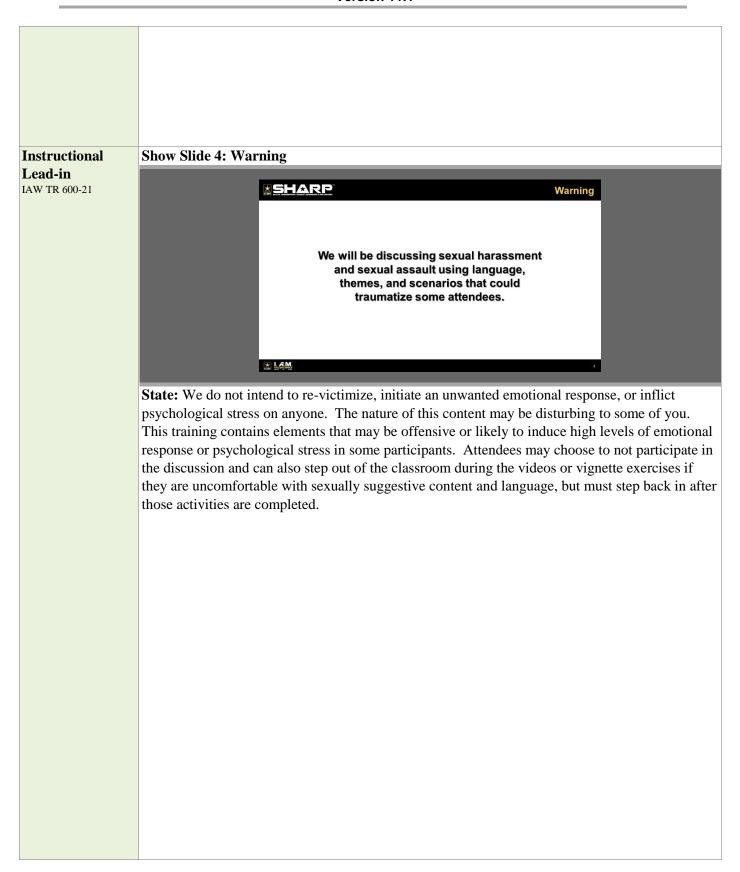
**Note:** Inform the students of the following Terminal Learning Objective requirements. Read from the slide, or have one of the students read aloud to the class.

**Action:** Demonstrate Behavior Consistent with the Army's Sexual Harassment/Assault Response and Prevention (SHARP) Program.

**Condition:** In a classroom environment with facilitated group discussions, student handouts, and optional scenarios involving sexual harassment and sexual assault IAW the Army's SHARP Policy and in compliance with the Sexual Assault Prevention and Response (SAPR) Core Competencies.

**Standard:** The student will complete SHARP Annual Refresher Training ensuring compliance with Army policy. Students will have met the standard when they demonstrate behavior consistent with the Army's SHARP program by participating in the following activities:

- Describe the impact of sexual harassment and sexual assault on the Army
- Discuss sexual harassment and possible punishment
- Discuss sexual assault, consent, possible punishment, and risk reduction strategies
- Describe sexual assault reporting options
- Discuss sexual assault victims' rights (confidentiality, expedited transfer, protective orders, Special Victims Counsel)
- Define the Army's policy on retaliation
- Describe online misconduct and social media guidance
- Describe the bystander intervention process

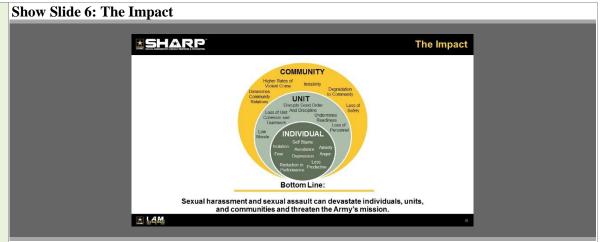


#### Show Slide 5: Agenda SHARP Agenda In this lesson, we will: · Describe the impact of sexual · Discuss sexual assault victims' harassment and sexual assault on rights (confidentiality, expedited transfer, protective orders) the Army Discuss sexual harassment and Define the Army's policy on possible punishment retaliation · Discuss sexual assault, consent, · Describe online misconduct and possible punishment, and risk reduction strategies social media guidance · Describe the bystander intervention · Describe sexual assault reporting \* LAM State: (Explain to the students what will happen and how it will happen during the lesson.)

State: (Explain to the students what will happen and how it will happen during the lesson.) During this lesson, I will explain the Army's policy on sexual harassment and sexual assault. I will depict some situations with vignettes and videos and we will discuss the content to see how you will apply the information into your workplace and other areas of your life. We will end the lesson with check on learning questions to ensure the content was clear.

**Ask:** Tell us what you already know about the Army's Sexual Harassment Assault Response and Prevention (SHARP) program? Who do you go to if you, or one of your Soldiers, wants to file a sexual harassment complaint? What about sexual assault? Must the command be informed if you make a complaint?

SECTION III.	PRESENTATION
Learning Step Activity 1	Describe the impact of sexual harassment and sexual assault on the Army
Method of Instruction	Discussion (Small or Large Group)
Time of Instruction	10 min



**ASK:** How can sexual harassment and sexual assault affect the victim? Their unit? The entire community? Consider how just one incident can change the climate and morale of our environment.

Note: Click for slide animation build

Impact of Sexual Harassment and Sexual Assault on an Individual

Produces Physiological and Physical Effects including but not limited to:

Self-Blame

Isolation

Anxiety

Anger

Avoidance

Depression

Fear

Reduction in Performance

**State:** As you can see the physical, emotional and psychological effects are vast. Research suggests that victims of intimate partner and sexual violence make more visits to health providers over their lifetime, have more hospital stays, have longer duration of hospital stays, and are at risk of a wide range of physical, mental, reproductive, and other health consequences over their lifetime than non-victims. CDC Statistic courtesy of Basile & Smith, 2011; Black, 2011.

Note: Click for slide animation

Impact of Sexual Harassment and Sexual Assault on a Unit

Reverberates throughout a unit and beyond, degrading readiness by devastating the Army's ability to work effectively as a team which:

Disrupts Good Order and Discipline

Promotes a Loss of Unit Cohesion and Teamwork

Promotes Low Morale

**Undermines Readiness** 

Leads to a Loss of Personnel

**Note:** Click for slide animation

Impact of Sexual Harassment and Sexual Assault on the Community

Reverberates throughout the surrounding community by:

**Diminishing Community Relations** 

Increasing Rates of Violent Crime

**Increasing Instability** 

Degrading the Overall Community

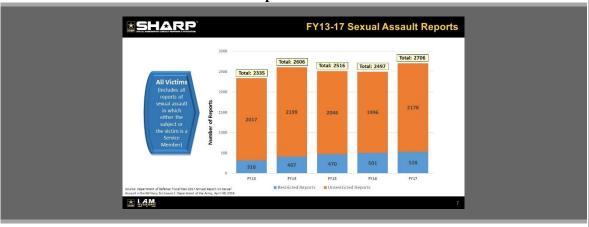
Degrading Community Safety

**State:** The damage of sexual harassment and sexual assault extends far beyond the victim. It weakens the very health and morale of our Soldiers and Department of the Army (DA) Civilians by breaking the bond of trust within our Army team. Ultimately, these behaviors are damaging to the individual, the unit, and the community.

Note: Click for slide animation

**State:** The Bottom Line is that sexual harassment and sexual assault can devastate individuals, units, and communities and threatens the Army's mission. These behaviors and incidents do not align with Army Values such as Duty, Honor, Integrity, and Respect.

Show Slide 7: FY 13-17 Sexual Assault Reports

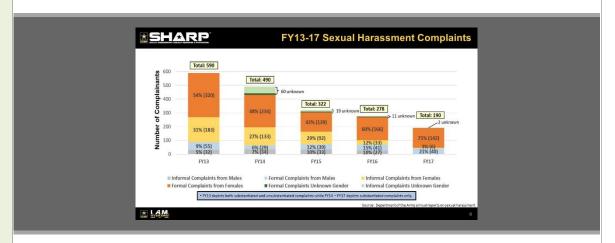


**State: Total Reports:** In Fiscal Year 2017, there were 2,706 sexual assault reports involving a service member, whether as a victim or offender. This is an 8.3% increase from 2,497 in FY 2016. This includes 2,178 unrestricted reports and 528 restricted reports.

**Offender Reports:** In FY17, 1,378 of the 2,706 reports were service members who sexually assaulted other service members. Four hundred and seventy (470) reports were of service

members who sexually assaulted non-service members; and One hundred and sixty-three (163) were reports of non-service members who sexually assaulted service members.

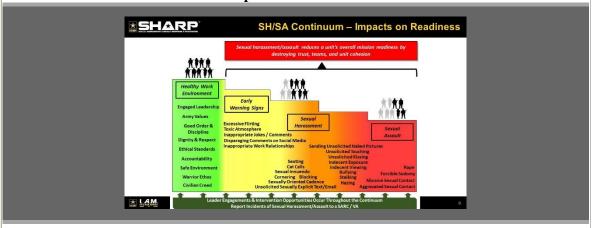
**Show Slide 8: FY 13-17 Sexual Harassment Complaints** 



**State:** The number of informal complaints that required investigation dropped sharply in FY16, indicating that commanders and SHARP professionals have been doing their due diligence to comply with DoD Policy in the absence of updated Army policy.

The update to AR 600-20 will provide clarifying guidance that will enable consistent response and reporting.

Show Slide 9: SH/SA Continuum – Impacts on Readiness



**State:** We opened this lesson with a video clip and heard CSA Milley state that his number one priority is READINESS. Let's explore how sexual harassment and sexual assault directly affects the "Readiness" of the Army.

**State:** This slide demonstrates how incidents of sexual harassment and sexual assault (SH/SA) degrade a unit's readiness. As GEN Milley stated, Mission Readiness is the Army's top priority.

The slide also lists some early warning signs to recognize so leaders may intervene early and prevent cases of sexual harassment and sexual assault.

The silhouette Soldiers/Civilians depict the available personnel in a unit. The dark silhouettes represent personnel that are ready and capable to execute the mission. The grayed silhouettes depict Soldiers or Civilians that are victims of sexual assault or harassment who may still be present in the unit. However, their readiness and the readiness of the unit is compromised due to a number of reasons including, medical appointments, investigations, support meetings, and the emotional effects of lack of trust, Esprit de Corps, respect, etc. The transition of the silhouettes from black to gray show how these events degrade the unit's ability to complete its wartime mission.

The stair-stepped, colored boxes show the decline of a unit's readiness from green to red (common in all USR briefings):

**State:** The green box represents a healthy work environment. The Department of Defense (DoD), in the 2014 – 2016 Sexual Assault Prevention Strategy, outlines the elements of a healthy environment as a unit climate that is based on mutual trust and respect where leaders serve as the center of gravity for prevention and both leaders and service members actively discourage sexist comments, sexual harassment, and sexual assaults. These are the "what right looks like" aspects of a unit. Let's discuss "how" these tenants make a unit healthy and how they create a positive environment in which an organization can operate to accomplish their mission.

Engaged Leadership
Army Values
Good Order & Discipline
Dignity & Respect
Ethical Standards
Accountability
Safe Environment
Warrior Ethos

Before we get into the early warning signs, we need to discuss "recognition." In "Bringing in the Bystander" by the Prevention Innovations Research Center, the authors note that less egregious behaviors are rarely recognized as sexual harassment or sexual assault, but occur frequently. In order to prevent sexual harassment and sexual assault, we need to examine social norms and recognize early warning signs. Once we recognize those behaviors as inappropriate, we need to be willing to intervene to correct behavior.

**State:** Next we'll discuss the early warning signs listed in the yellow box, indicated from top to bottom, and how they can impact mission readiness. How can seemingly minor issues lead to an environment where sexual harassment can occur and degrade mission readiness?

Note: Allow a few students to answer before proceeding.

**State:** These signs can show a lack of discipline and professionalism in the unit. Leaders must maintain standards for conduct and ensure Soldiers understand appropriate behavior. At any time, leaders observing early warning signs can intervene and move the unit back in the direction of healthy work environment. These are some possible early warning signs:

Excessive Flirting
Toxic Atmosphere
Inappropriate Jokes/Comments
Disparaging Comments on Social Media
Inappropriate Work Relationships

**State:** Left unmitigated, inappropriate behaviors can escalate and become more egregious. Moving towards the right, we can see how the behaviors in the yellow portion of the slide went unchecked or without correction and created an environment where sexual harassment thrives. If these behaviors continue to occur, they can to lead to more of the behaviors listed under sexual harassment and sexual assault. As previously stated, leaders can intervene when they recognize sexual harassment issues and move the unit back in the direction of healthy work environment. Let's discuss the behaviors listed below and how they can be a natural progression from the early warning signs previously mentioned.

Sexting
Cat Calls
Sexual Innuendo
Cornering / Blocking
Sexually Oriented Cadence
Unsolicited Sexually Explicit Text/Email

**Note:** The orange box contains behaviors that border on sexual harassment and the criminal offenses of sexual assault. Formal investigations will determine if it is sexual harassment/assault.

Unsolicited Touching
Unsolicited Kissing
Bullying
Hazing

**State:** The red area on the right side of the graphic is an unhealthy environment that is likely to see sexual assault. The behaviors in this area are criminal offenses that CID (or the appropriate MCIO on joint bases) will investigate. Let's talk about the behaviors listed from top to bottom and how early warning signs and sexual harassment went unchecked or without correction and created an environment where sexual assault could occur. Mission readiness will be degraded due to loss of manpower, productivity, cohesion, and confidence in leadership. Once this point has been reached leadership engagement must occur. Leadership engagements can re-establish standards and trust to

	enforce the commander's intent to refocus the organization. As we progress through the training, pay attention to the definitions for the following illegal acts.		
	Rape		
	Abusive Sexual Contact		
	Aggravated Sexual Contact		
	<b>State:</b> The dark green box at the bottom represents the notion that leader engagements and intervention opportunities are present throughout the continuum. IT IS IMPORTANT TO NOTE that units are consistently moving throughout the continuum. If a unit finds itself in the yellow to red zone of the continuum, they can reverse the downward movement by taking swift and appropriate action. If leaders and Soldiers engage and intervene when they recognize a negative behavior, the cycle may be interrupted or broken and a unit can start moving towards the green box (mission ready unit). It is also important to remember that SARCs/VAs are the SMEs that are available to take all reports of sexual harassment/assault.		
Check on	Q: How can sexual harassment and sexual assault impact unit cohesion?		
Learning	<b>Answer:</b> Sexual harassment and sexual assault reverberates throughout a unit and beyond, degrading readiness by devastating the Army's ability to work effectively as a team which disrupts good order and discipline, promotes a loss of unit cohesion and teamwork, promotes low morale, undermines readiness, and leads to a loss of personnel.		
Learning Step Activity 2	Discuss sexual harassment and possible punishment		
Method of Instruction	Discussion (Small or Large Group)		
Time of Instruction	20 min		
Time of	20 min Show Slide 10: Definition of Sexual Harassment		

**State:** To ensure that we're all able to uphold the Army's policy on sexual harassment and enforce a shared understanding of sexual harassment, we must all be able to define the term correctly and consistently. Let's review the Army's definition of sexual harassment.

**Ask:** What is the definition of sexual harassment?

**Note:** Click to show definition

**State:** The Army's definition of sexual harassment is

Conduct that: involves unwelcome sexual advances, requests for sexual favors, and deliberate or repeated offensive comments or gestures of a sexual nature when:

Submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career; Submission to, or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person; or Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive environment; and is so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the environment as hostile or offensive.

Any use or condonation, by any person in a supervisory or command position, of any form of sexual behavior to control, influence, or affect the career, pay, or job of a member of the armed forces or a civilian employee of the Department of Defense.

Any deliberate or repeated unwelcome verbal comment or gesture of a sexual nature by any member of the armed forces or civilian employee of the Department of Defense.

**Note:** For each bullet below (as time permits), ask students if they can provide examples. Possible answers are listed.

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

**Possible Answer:** A person states that the only way to continue in a job or get a promotion or pay raise is to engage in sexual behavior with the person in authority (e.g., commander, supervisor, manager, etc.).

Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive environment.

Any person in a supervisory or command position who uses or condones implicit or explicit sexual behavior to control, influence, or affect the career, pay or job of a Soldier or DA Civilian is engaging in sexual harassment. Similarly, any Soldier or DA Civilian who makes deliberate or repeated unwelcomed verbal comments, gestures, or physical contact of a sexual nature is engaging in sexual harassment.

Source: NDAA 2017

#### **Show Slide 11: Army Policy on Sexual Harassment**

# Unacceptable and will not be tolerated Destroys teamwork and negatively affects combat readiness Army leadership: Must create an environment conducive for productivity and respect Set the standard to Soldiers and DA Civilians to follow A successful mission is achieved in an environment free of sexual harassment Prevention is the responsibility of every Soldier, DA Civilian, and family member

**State:** Let's discuss the Army's policy on sexual harassment. You should become familiar with this policy and be able to explain it. In accordance with AR 600-20, a Unit Sexual Harassment Policy letter will be posted on the unit bulletin board. It will state:

- Sexual harassment is unacceptable and will not be tolerated
- Sexual harassment destroys teamwork and negatively affects combat readiness
- Army leadership at all levels will be committed to creating an environment conducive to maximum productivity and respect for human dignity; leaders set the standard for Soldiers and DA Civilians to follow.
- The success of the mission can be achieved only in an environment free of sexual harassment for all personnel
- The prevention of sexual harassment is the responsibility of every Soldier and DA Civilian

**Ask:** What does this mean for all of us?

**Note:** Allow one or two responses and then provide a brief restatement with some of the information below.

**State:** The policy of the Army is that sexual harassment is unacceptable conduct and will not be tolerated.

**State**: For military personnel, the Army's policy on sexual harassment applies to your behavior and actions 24 hours a day throughout your military career and applies to working, living, and recreational environments on and off duty.

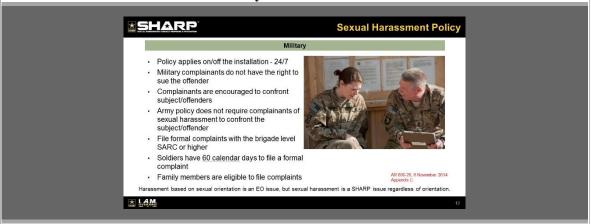
**State:** For DA Civilians, the Army's policy on sexual harassment applies to your behavior and actions in the work environment and work-related environments.

**State:** Soldiers and DA Civilians alike should be able to describe what kinds of behaviors are inappropriate and unprofessional.

**State:** The dynamics of sexual harassment do not change from Soldier to DA Civilian. The behaviors are unwelcomed sexual advances, requests for sexual favors, and other sexual verbal, nonverbal or physical conduct. (Nonverbal is listed in paragraph 7-5b, AR 600-20.)

**State:** The Army strongly condemns sexual harassment.

**Show Slide 12: Sexual Harassment Policy** 



**State:** Army's policy on sexual harassment is built upon existing civil rights but has some important distinctions; let's discuss these briefly now.

Policy applies on and off the installation, 24 hours a day

Military complainants do not have the right to sue the subject/offender

Complainants are encouraged to confront subject/offenders; however, supervisors/managers are responsible for promoting an environment free of sexual harassment. When necessary, leadership should confront subjects/offenders once they know of a sexual harassment incident.

Although a best practice is to advise the subject/offender that the comments or conduct is unwelcome, Army policy does not require complainants of sexual harassment to confront the subject/offender.

Formal sexual harassment complaints are filed with the brigade level SARC or higher.

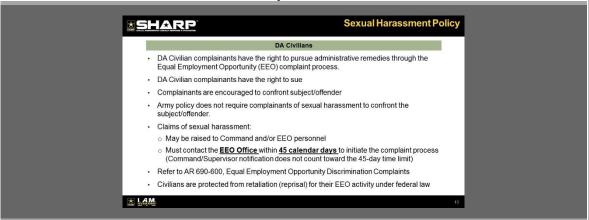
Soldiers have 60 calendar days from the date of the latest incident in which to file a formal complaint. **Note:** A commander can request a Commander's Inquiry (15-6) to be conducted beyond the 60 calendar day window.

Family members (dependents of Soldiers) are eligible to file sexual harassment complaints through the SHARP office. **Note:** A family member (Soldier's dependent) has to be 18 or

older to file a sexual assault through the SHARP Office. When dealing with family members younger than 18 years old, refer them to the Family Advocacy Program office.

**State:** Harassment based on sexual orientation is an EO issue, but sexual harassment is a SHARP issue regardless of orientation.

**Show Slide 13: Sexual Harassment Policy** 



**State:** The SHARP Program has not replaced the EO and EEO Programs; DA Civilian sexual harassment response is still the responsibility of the EEO Program.

#### **DA Civilians**

- **DA Civilian complainants** have the right to pursue administrative remedies though the Equal Employment Opportunity process. DA Civilians are also encouraged to notify their Commander or Supervisor of sexual harassment concerns. **IMPORTANT**: Notification of supervisors or commanders is not considered notification to the EEO office for purposes of the 45 calendar day time limit.
- **DA Civilians complainants** have the right to sue through the administrative process provided in 29 Code of Federal Regulations (CFR) Part 1614.
- <u>Complainants</u> are encouraged to confront the <u>subject/offender</u> also; however, supervisors/ managers are responsible for confronting <u>subject/offenders</u> once they know of the harassment.

**Ask:** With what office should DA Civilians file complaints of sexual harassment?

- Civilian sexual harassment complaints are processed by Equal Employment Opportunity (EEO) personnel. (**Note:** Instructors should be prepared to inform students how to contact the installation/command EEO office.)
- DA Civilians must contact the EEO Office within 45 calendar days of becoming aware of the sexual harassment.

**Note:** The following notes are given for informational purposes only. Remind the audience that Civilians can get more information on sexual harassment from someone who works in EEO. Refer to AR 690-600, Equal Employment Opportunity Discrimination Complaints for additional

information. DoD contractors should contact the EEO Office or their Human Resource Departments for assistance with sexual harassment complaints.

Funds that are awarded to the complainant are taken from the organization in which the discrimination was found to have occurred making that organization liable.

**State:** When a DA Civilian files a complaint of sexual harassment, it is filed against the Secretary of the Army. The individual must contact the EEO Office within 45 days of the incident of sexual harassment to initiate the complaint process. If the sexual harassment is ongoing, the most recent incident must have occurred within 45 days of contact with the EEO Office.

The first phase of the EEO complaint process is referred to as the "pre-complaint" process, which is set in motion when an individual contacts an EEO official and clearly exhibits an intent to proceed with an EEO complaint.

**State:** Any DA Civilian employee under the direct supervision of a commanding officer or officer in charge of a military unit, vessel, facility, or area of the Army may use an alternate procedure for addressing allegations of sexual harassment:

- Title 10 United States (U.S.) Code Section 1561 is a Civilian option for addressing sexual harassment concerns involving military commands.
- It is separate from the Army's EEO complaint procedure.
- Generally, both (EEO and U.S. Code Section 1561) procedures can be conducted simultaneously.

**Note:** DA Civilians can refer complaints of sexual harassment and discrimination based on sexual orientation to their local EEO office.

**State:** Every Soldier and DA Civilian has a responsibility to comply with the Army's policy on sexual harassment. When you violate these policies, you are subject to penalties enforceable under the appropriate governing agency.

#### **Show Slide 14: Categories of Sexual Harassment**

*SHARP	<del>-</del> attegories or	Sexual Harassme
Verbal	Nonverbal	Physical Contact
Telling sexual jokes Using sexually explicit profanity or threats, sexually oriented cadences, or sexual comments Whistling in a sexually suggestive manner Describing certain attributes of one's physical appearance in a sexual manner Using terms of endearment	Staring at someone, "undressing someone with one's eyes," blowing kisses, winking, or licking one's lips in a suggestive manner      Displaying inappropriate printed material (e.g., sexually oriented pictures or cartoons)      Using sexually oriented screen savers on one's computer      Sending sexually oriented text,	Touching, patting, pinching, bumping, or grabbing Cornering or blocking a passageway Providing unsolicited back or neck rubs Kissing
such as "honey," "sweetheart," "stud," or "hunk"	notes, letters, faxes, or e-mails  Posting sexually oriented comments or images to social media	

State: The Sexual Harassment Checklist helps us to identify potential sexual harassment behaviors. These behaviors are separated into three categories in AR 600-20—verbal, nonverbal, and physical contact. Let's take a moment to define each of these categories.

**State:** Comments or sounds made aloud by individuals can create a hostile environment when overheard by others. These comments are of a sexually implicit or explicit behavior.

**Ask:** What are some examples of **verbal** sexual harassment?

**Note:** Allow a few Soldiers and DA Civilians to answer.

**Answer:** Examples of verbal sexual harassment may include:

Telling sexual jokes

Using sexually explicit profanity or threats, sexually oriented cadences, or sexual comments

Whistling in a sexually suggestive manner

Describing certain attributes of one's physical appearance in a sexual manner Using terms of endearment such as "honey," "sweetheart," "stud," or "hunk" in referring to Soldiers, DA Civilian co-workers, or Family Members

State: Sexually suggestive actions or body movements made by individuals can create a hostile environment when observed by others.

**Ask:** What are some examples of **nonverbal** sexual harassment?

Note: Allow a few Soldiers and DA Civilians to answer.

**Answer:** Examples of nonverbal sexual harassment may include:

Staring at someone, "undressing someone with one's eyes," blowing kisses, winking,

or licking one's lips in a suggestive manner

Displaying inappropriate printed material (e.g., sexually oriented pictures or cartoons)

Using sexually oriented screen savers on one's computer Sending sexually oriented text, notes, letters, faxes, or e-mails Posting sexually oriented comments or images to social media

**Ask:** What are some examples of sexual harassment through physical contact?

**Note:** Allow Soldiers and DA Civilians to answer then click for slide animation.

**State:** Examples of physical contact sexual harassment may include:

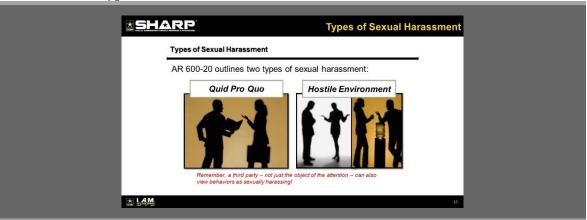
Touching, patting, pinching, bumping, or grabbing Cornering or blocking a passageway Providing unsolicited back or neck rubs Kissing

**State:** Remember, intentionally touching another person's genitalia, anus, groin, breast, inner thigh, or buttocks is generally considered "sexual contact" and is classified as sexual assault. Accidental touching of some of these body parts would not be sexual assault. Touching someone in an attempt to gratify or cause another person sexual gratification is considered sexual assault, not sexual harassment. The mere "touch any body part" rule no longer exists. Although intentionally touching some of the listed parts would normally qualify as illegal sexual contact.

**Note:** Improper touching that is not sexual contact may be an assault consummated by a battery in violation of Article 128, UCMJ.

**Note:** Consent is a defense to a charge of sexual assault, not an element of the offense.

**Show Slide 15: Types of Sexual Harassment** 



**State:** In addition to the categories of sexual harassment, AR 600-20 outlines two types of sexual harassment—quid pro quo and hostile environment. Let's take a moment to define these terms.

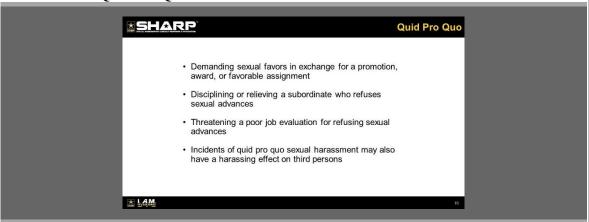
**State:** Quid pro quo is a Latin term meaning "this for that." It refers to conditions placed on a person's career or terms of employment in return for favors, including implicit or explicit threats

of adverse action if that person does not submit to such conditions and/or promises of favorable actions if that person does submit to such conditions.

**Ask:** What are examples of quid pro quo sexual harassment?

**Note:** Allow a few Soldiers and DA Civilians to answer, and then click for example.

#### Show Slide 16: Quid Pro Quo



**Answer:** Examples of quid pro quo sexual harassment include:

Demanding sexual favors in exchange for a promotion, award, or favorable assignment Disciplining or relieving a subordinate who refuses sexual advances

Threatening a poor job evaluation for refusing sexual advances

Incidents of quid pro quo sexual harassment may also have a harassing effect on third persons. They may result in allegations of sexual favoritism or general discrimination when a person feels unfairly deprived of recognition, advancement, or career opportunities because of favoritism shown to another Soldier or DA Civilian on the basis of a sexual relationship.

**State:** An example would be a Soldier who is not recommended for promotion and who believes that his or her squad leader recommended another Soldier in his or her squad for promotion on the basis of provided or promised sexual favors rather than merit or ability.

**Ask:** What are examples of hostile environment sexual harassment?

**Note:** Allow Soldiers and DA Civilians to answer, and then click to advance the slide.

#### **Show Slide 17: Hostile Environment**



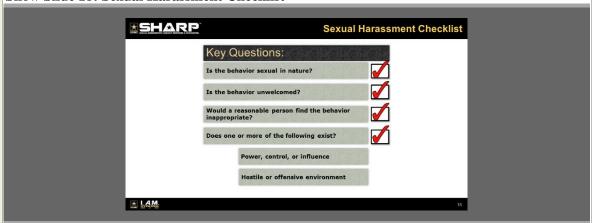
**Answer:** Examples of hostile environment include:

Using derogatory, gender-biased terms Making comments about body parts Displaying sexually suggestive pictures Telling sexually explicit jokes Unwanted touching

**State:** Hostile environment occurs when Soldiers, family members, or DA Civilians are subjected to offensive, unwanted, and unsolicited comments, or behaviors of a sexual nature. If these behaviors unreasonably interfere with an individual's performance, regardless of whether the subject/offender and the complainant are in the same workplace, then the environment is classified as "hostile."

**State:** Remember, a third party—not just the object of the attention—can also view behaviors as sexually harassing.

#### Show Slide 18: Sexual Harassment Checklist



**State:** When you believe you are experiencing or witnessing sexual harassment, it may be helpful to run through this checklist. If you believe it is sexual harassment or have any doubt, you may contact your chain of command or the SARC/VA at any time.

**State:** Is the behavior sexual in nature?

**State:** Is the behavior unwelcomed?

**State:** Do the elements of power, control, or influence exist? Answer: Yes, in cases where someone is of greater rank or in a supervisory role.

**State:** Does the behavior create a hostile or offensive environment? Answer: Yes, if the complainant is offended by the behavior.

**State:** Would a reasonable person find the behavior to be inappropriate? Answer: Yes, because having sexually explicit conversations at work is not the norm for appropriate behavior, especially from someone in a leadership role.

**State:** If all the answers to the Sexual Harassment Checklist are "yes", then this could be an example of sexual harassment.

#### Show Slide 19: Responses to Sexual Harassment Responses to Sexual Harassment SHARP · Anonymous complaint - Encourages the reporting of incidents while maintaining anonymity Direct approach - Confront the harasser and inform the person that the behavior is not appreciated or - Focus on behavior and its impact-offer behavior-centered feedbac Third-party - Ask someone else to talk to the harasser, to accompany the complainant, or to intervene on behalf of the complainant to resolve the conflict Chain of command - Report the behavior to your immediate supervisor, or others in the chain of command and ask for assistance in resolving the situation · File a formal complaint - Filed in writing using DA Form 7279, CDR is notified, and requires a reprisal plan - Civilians may file an EEO compliant IAW AR 690-600

**State:** Now that we have learned to define and recognize sexual harassment, let's examine techniques to appropriately respond when you encounter these behaviors.

**State:** Once sexual harassment behavior has been identified, the behavior must stop. We will discuss some ways to make this happen:

Anonymous Report
Direct Approach
Indirect Approach
Third-Party
Chain of Command
File a Formal Complaint

#### **Anonymous Report**

**State:** This approach encourages reporting of sexual harassment allegations or incidents yet allows the individual reporting the incident to remain anonymous.

An anonymous report is described as information received by the commanding officer or other person in charge of the organization, regardless of the means of transmission, from an unknown/unidentified source, that includes allegations of sexual harassment. The individual reporting the information is not required to divulge any personally identifiable information.

All anonymous complaints will be referred to the commander immediately for evaluation.

Once received, the commander will:

(1) Determine whether the complaint contains enough information to be formally investigated. If the anonymous complaint contains sufficient information (for example, who, what, when, where, desired outcome, unit(s) of assignment for the complainant and the subject) to permit the initiation of an inquiry or investigation, the commander will initiate an inquiry or investigation in accordance with 10 USC 1561.

(2) If the anonymous complaint does not contain sufficient information to permit the initiation of an inquiry or investigation, the individual making the anonymous complaint should be notified if possible, and the information should be documented in an MFR and maintained by the brigade SARC in a secure location.

#### Direct Approach

**State:** This approach involves confronting the offender and informing the person that the behavior is not appreciated or is not welcomed and that it must stop. The following tips may make the direct approach more effective:

Use common courtesy. Confront the individual privately.

Focus on the behavior and its impact.

Write down thoughts and specific examples before approaching the offender.

**State:** In confronting a behavior using the direct approach, you might say something like, "When you call me sexy, I feel uncomfortable because it suggests an attraction and makes reference to my body. Your comment impacts my ability to do my job and to view you as a trusted team member."

**State:** When confronting a behavior as an observer using the direct approach, you may say, "When you call Jim sexy, it makes me uncomfortable because it is unprofessional and inappropriate. It is disrespectful and impacts our ability to operate as a high-performing team."

**Ask:** When might this approach be used?

**Note:** Allow a few Soldiers and DA Civilians to respond.

**Answer:** Potential answers may include: When the offender may not realize his/her behavior is offensive and if it is brought to his/her attention, chances are he/she will stop.

#### **Indirect Approach**

**State:** The indirect approach involves addressing the offender without a face-to-face conversation. Either the complainant or an observer can send a letter to the offender stating the facts, feelings, impact of the inappropriate behavior (using behavior-centered feedback), and a requested resolution.

**Ask:** When might this approach be used?

**Note:** Allow a few Soldiers and DA Civilians to respond.

**Answer:** Potential answers may include: The indirect approach is helpful if the complainant doesn't feel comfortable talking to the offender face-to-face but does not want to involve others. It is also a good idea to have a documented account of the incident if the offensive behavior continues.

#### Third-Party

**State:** This approach involves requesting assistance from another person. Ask someone else to talk to the offender, to accompany the complainant, or to intervene on behalf of the complainant to resolve the conflict.

**State:** Considerations for using the third-party approach include:

Observers of the behavior should consider having a partner when addressing the offender. As a team, the two can inform the offender of the behavior and its impact.

The offender may feel outnumbered. You can help reduce defensiveness by using behavior-centered feedback—focusing on the facts, behavior, impact, and possible resolution rather than on the person.

**Ask:** When might this approach be used?

**Note:** Allow a few Soldiers and DA Civilians to respond.

**Answer:** Potential answers may include: This approach may be used if the complainant does not feel comfortable confronting their offender one-on-one, if they feel the offender may escalate to violence, or if they would just like the support of someone else.

#### **Chain of Command**

**State:** Report the behavior to your immediate supervisor, or others in the chain of command, and ask for assistance in resolving the situation. Your chain of command should discuss the two types of military complaints: formal and informal. So far we've discussed informal responses. Reporting to the chain of command can result in either formal or informal complaints.

Informal military complaints include: Direct, indirect, third party and chain of command (previous mentioned techniques); not subject to a timeline; not done in writing on an official document (DA Form 7279).

**Ask:** When might the chain of command approach be used?

**Note:** Allow a few Soldiers and DA Civilians to respond.

**Answer:** Potential answers may include: This approach may be best if the harassment persists after trying the other approaches. It may also be used if the harassment is a serious infraction.

#### **Formal Complaint**

**State:** Formal complaints are subject to a timeline, filed using a DA Form 7279 (Equal Opportunity Complaint Form); sworn to the accuracy of the information and filed through the

brigade level SARC or higher (for a listing of alternative agencies see AR 600-20, Appendices C-1&2), and requires specific actions such as reprisal plans and notifications.

Military members will file sexual harassment complaints with SHARP personnel or units. DA Civilians are also encouraged to notify their chains of command/supervision. To initiate a formal complaint, DA Civilians must file through the EEO office. The next slide will show a checklist for military formal and informal complaints and the difference between the two.

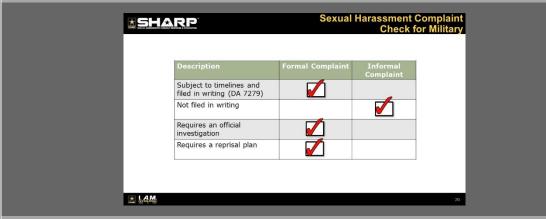
**NG NOTE:** In the ARNG, for Title 32 status, the form used is National Guard Bureau (NGB) Form 333, Discrimination Complaint in the Army and Air National Guard. The complainant should file his or her complaint with the commander at the lowest echelon of command at which the complainant may be assured of receiving a thorough, expeditious, and unbiased investigation of the allegations. Depending on the various aspects of the complaint and individuals involved, that lowest-level commander may not be the immediate company- or even battalion-level commander of the complainant.

**Ask:** When might this approach be used?

**Note:** Allow a few Soldiers and DA Civilians to respond.

**Answer:** Potential answers may include: This is used in serious cases when the victim feels that no other course of action will remedy the situation.

Show Slide 20: Sexual Harassment Complaint Check for Military



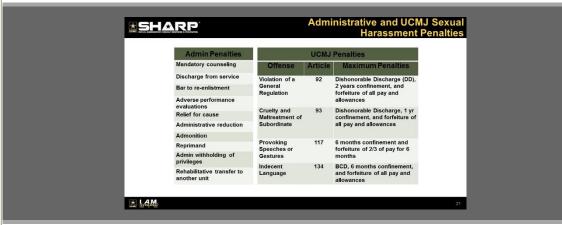
**State:** A formal complaint is subject to timelines and filed in writing using a DA Form 7279.

An informal complaint – no timelines, not filed in writing.

A formal complaint requires an official investigation.

A formal complaint requires a reprisal plan.

#### Show Slide 21: Administrative and UCMJ Sexual Harassment Penalties



#### **Military Distinctions**

**State:** Army's policy on sexual harassment is built upon existing civil rights and EEO laws but has some important distinctions; let's discuss these briefly now.

Policy applies on and off the installation, 24 hours a day

Military complainants do not have the right to sue the subject/offender

Complainants are encouraged to confront subject/offenders; however, supervisors/managers are responsible for promoting an environment free of sexual harassment. When necessary, leadership should confront subject/offenders once they know of a sexual harassment incident.

Although a best practice is to advise the subject/offender that the comments or conduct is unwelcome, Army policy does not require complainants of sexual harassment to confront the subject/offender.

Formal Sexual Harassment complaints are filed with the brigade level SARC or higher

Soldiers have 60 calendar days from the date of the alleged incident in which to file a formal complaint.

**State:** Commanders have the full range of administrative actions available to them to deal with offenders of the Army's sexual harassment policy—these ramifications hold true for Soldiers sexually harassing other Soldiers, DA Civilians or Family Members. Let's take a moment to review these actions as well as applicable UCMJ articles and punishments.

Administrative punishments available to commanders to deal with sexual harassment offenders include:

Mandatory counseling by a member of the chain of command, presumably their company commander

Discharge from service

Bar to re-enlistment

Adverse performance evaluations and/or specific comments concerning nonsupport of Equal Opportunity (EO)/EEO Programs on evaluation reports

Relief for cause

Administrative reduction

Admonition

Reprimand

Administrative withholding of privileges

Rehabilitative transfer to another unit

**Note:** Please refer to these resources for additional information on these topics:

http://www.gpo.gov/fdsys/pkg/USCODE-2011-title5/html/USCODE-2011-title5-partIII-subpartF-chap75.htm

http://cpol.army.mil/library/permiss/5a.html

http://www.apd.army.mil/cpol/ar690-700/ar690-700-751/penalty.html

**State:** In the event that administrative actions fail to correct the behavior, or the behavior is serious and constitutes a violation of the UCMJ, the commander may consider further action under the appropriate article(s) of the UCMJ.

#### Applicable UCMJ articles and punishments for sexual harassment include:

Offense - Violation of a lawful General Regulation

Article - 92

**Maximum Penalty -** Dishonorable Discharge (DD), 2 years confinement, and forfeiture of all pay and allowances

Offense - Cruelty and Maltreatment of Subordinate

Article - 93

**Maximum Penalty -** Dishonorable Discharge, 1 year confinement, and forfeiture of all pay and allowances

**Offense -** Provoking Speeches or Gestures

Article - 117

Maximum Penalty - 6 months confinement and forfeiture of 2/3 of pay for 6 months

Offense - Indecent Language

Article - 134

**Maximum Penalty -** Bad Conduct Discharge, 6 months confinement, and forfeiture of all pay and allowances

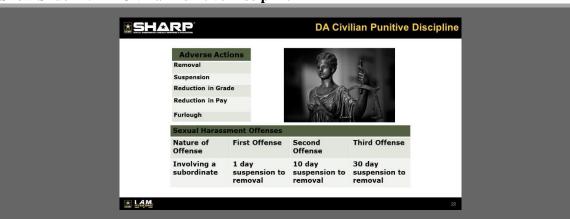
**Ask:** How long after a sexual harassment incident does a Soldier have to file a formal complaint of sexual harassment?

The complainant has up to 60 calendar days

**Ask:** What are some administrative actions Commanders can impose for sexual harassment offenders?

Mandatory counseling by a member of the chain of command, presumably their company commander. Discharge from service. Bar to re-enlistment. Adverse performance evaluations and/or specific comments concerning nonsupport of Equal Opportunity (EO)/EEO Programs on evaluation reports. Relief for cause. Administrative reduction. Admonition. Reprimand. Administrative withholding of privileges. Rehabilitative transfer to another unit.

#### Show Slide 22: DA Civilian Punitive Discipline



#### DA Civilian Punitive Discipline could result in Adverse Actions such as:

Removal

Suspension

Reduction in Grade

Reduction in Pay

Furlough

#### **Sexual Harassment Offenses for DA Civilian:**

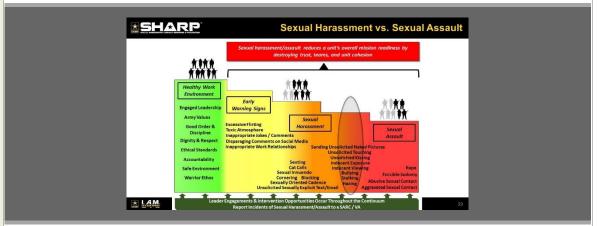
First Offense, 1 day suspension to removal

Second Offense, 10 day suspension to removal Third Offense, 30 day suspension to removal



**Note:** If time permits, present Vignette 1 from the optional vignette packet. Promote discussion with the training audience and recall the information presented in this LSA.

Show Slide 23: Sexual Harassment vs. Sexual Assault



**Note:** Explain the distinction between sexual harassment and sexual assault and that both are unacceptable forms of behavior even though they may have different penalties. Emphasize the distinction between civil and criminal actions

**Note:** Ask students, "When does sexual harassment cross the line into sexual assault?" Physical sexual harassment may include touching, patting, pinching, bumping, grabbing, cornering or blocking, or kissing. The transition is not as clear as we'd like.

**Note:** Remember, in the definition of sexual harassment, one of the categories is physical and the definition of sexual assault involves sexual contact. Sexual contact is defined in the Manual for Court Martial as the "intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of another person, or intentionally causing another person to touch, either directly or through the clothing, the genitalia, anus, groin, breast, inner thigh, or buttocks of any person, with an intent to abuse, humiliate, or degrade any person or to arouse or gratify the sexual desire of any person".

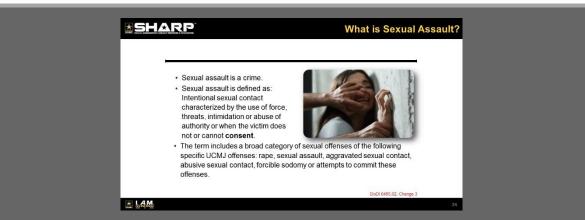
The shaded oval demonstrates the transition area between sexual harassment and sexual assault. If incidents occur, and there's a question of whether it's sexual harassment or assault, the Commander should contact their SJA, Military Criminal Investigative Organization (MCIO) (CID, NCIS, AFOSI, etc.), and the SARC.

## Check on Learning

**Q:** Why is it important to address and prevent even the slightest act of sexual harassment? **Answer:** It has been shown that most sexual assaults started as harmless gender-focused jokes and sexual comments. Addressing the issues at the lowest level could possibly prevent these sorts of actions from occurring minimizes the likelihood that these higher-level behaviors will occur. So it is important to address sexual harassment with the same importance as sexual assault. Along the

	continuum are opportunities to intervene before the behaviors progress to inappropriate, harassing, abusive, or violent.
	Q: When does the Army's policies on sexual harassment apply to Soldiers?  Answer: 24/7 on and off post
	Q: How long after a sexual harassment incident does a Soldier have to file a formal complaint of sexual harassment?  Answer: 60 calendar days
	Q: What are the three Categories of Sexual Harassment? Answer: Verbal, Non-Verbal, and Physical Contact
	Q: What are the two types of sexual harassment? Answer: Quid Pro Quo and hostile environment.
	<b>Q:</b> If a Soldier is uncomfortable with confronting inappropriate behavior, what other avenues are available to them to address the behavior?
	Answer: Third Party, Indirect approach, Chain-of-Command, Formal complaint.
	<b>Q:</b> What are some administrative actions Commanders can impose for sexual harassment offenders?
	<b>Answer:</b> Mandatory counseling by a member of the chain of command, discharge from service, bar to re-enlistment, adverse performance evaluations and/or specific comments concerning
	nonsupport of Equal Opportunity (EO)/EEO programs on evaluation reports, relief for cause, administrative reduction, admonition, reprimand, administrative withholding of privileges, rehabilitative transfer to another unit.
Learning Step Activity 3	Discuss sexual assault, consent, possible punishment, and risk reduction strategies
Method of Instruction	Discussion (Small or Large Group)
Time of Instruction	20 min

#### **Show Slide 24: What is Sexual Assault?**



**Note:** Slide is animated. First bullet appears automatically on the screen. Subsequent bullets appear with animation prompts below

**Ask:** What is the definition of sexual assault?

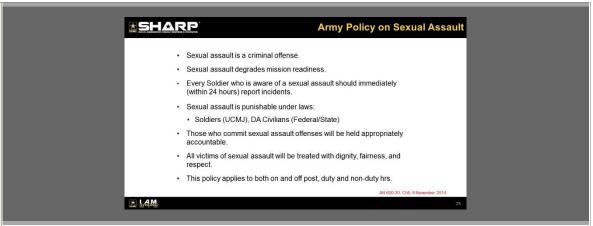
Note: Allow a few Soldiers and DA Civilians to respond and then click for animation.

**State:** Sexual assault is a crime. The definition of sexual assault is defined in DoDI 6495.02 as follows: Intentional sexual contact characterized by the use of force, threats, intimidation, or abuse of authority or when the victim does not or cannot consent.

Note: Click for next bullet

**State:** The term includes a broad category of sexual offenses of the following specific UCMJ offenses: rape, sexual assault, aggravated sexual contact, abusive sexual contact, forcible sodomy (forced oral or anal sex), or attempts to commit these offenses.

Show Slide 25: Army Policy on Sexual Assault



**State:** Now that we defined sexual assault let's take a look at the Army's policy on sexual assault. You should become familiar with this policy and be able to explain it. A sexual assault policy should be posted in your unit.

**Note:** Read the policy and then have the Soldiers and DA Civilians summarize/state what the policy means to them.

**State:** While AR 600-20 states that every Soldier should immediately report an incident of sexual assault, only members of the chain of command have mandatory reporting responsibilities under DoDI 6495.02 and AR 600-20. Every Soldier must use their best judgment in determining what and whether to report if a family member, peer, friend, or teammate reports a sexual assault to them after consulting with any local reporting policies (INCLUDE LOCAL REPORTING POLICY HERE). Regardless of the decision whether to report a sexual assault on behalf of a friend, in all cases, Soldiers should direct someone who reports a sexual assault to the SARC/VA so they can make a restricted or unrestricted report.

**Note:** In situations that a victim confides in a battle buddy or family member, those individuals are not required to report if the victim intends to file a restricted report. However, a victim's leadership (chain of command or NCO support channel) are always required to report regardless of the victim's wishes. The resulting report will be unrestricted. Change 3 of DoDI 6495.02, enclosure 4, paragraph 3e states:

- 1. In establishing the Restricted Reporting option, DoD recognizes that a victim may tell someone (e.g., roommate, friend, family member) that a sexual assault has occurred before considering whether to file a Restricted or Unrestricted Report.
- 2. Victim's communication with another person (e.g., roommate, friend, family member) does not, in and of itself, prevent the victim from later electing to make a Restricted Report. Restricted Reporting is confidential, not anonymous, reporting. However, if the person to whom the victim confided the information (e.g., roommate, friend, family member) is in the victim's officer or non-commissioned officer chain of command or DoD law enforcement, there can be no Restricted Report.

3. Communications between the victim and a person other than the SARC, SAPR VA, healthcare personnel, assigned SVC/VLC, legal assistance officer, or chaplain are NOT confidential and do not receive the protections of Restricted Reporting.

**State:** The Army will use training, education, and awareness to minimize sexual assault; to promote the sensitive handling of victims of sexual assault; to offer victim assistance and counseling; to hold those who commit sexual assault offenses accountable; to provide confidential avenues for reporting, and to reinforce a commitment to Army values.

The Army will treat all victims of sexual assault with dignity, fairness, and respect.

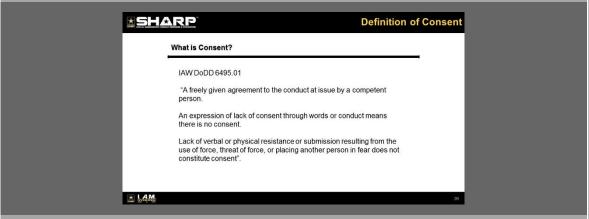
The Army will treat every reported sexual assault incident seriously by following proper guidelines. The information and circumstances of the allegations will be disclosed on a need-to-know basis only.

This policy applies—

- (1) Both on and off post and during duty and non-duty hours.
- (2) To working, living, and recreational environments (including both on- and off-post housing).

**State:** The Army's sexual assault policy applies without regard to a person's rank, age, or gender and is sexual-orientation neutral.

Show Slide 26: Definition of Consent



**Ask:** What is consent?



**Note:** Generate discussion. You may show the "Cheeseburger Consent Video" to get students thinking about consent. The cheeseburger is an analogy for a sex act. Once you've discussed the previous question and video, proceed to the DoD's definition of consent.

**State:** In almost every court-martial for sexual assault, whether the alleged victim actually consented will be something that will be addressed. Whether the sexual act or contact was done with force or without consent may be something the government has to prove beyond a reasonable doubt. The defense may also raise consent as a

defense.

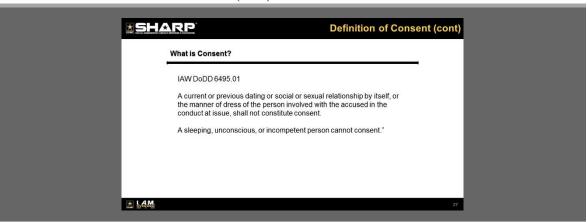
**State:** Below is the definition of consent All the surrounding circumstances will be considered in determining whether a person gave consent.

Consent is freely given agreement to the conduct at issue by a competent person. An expression of lack of consent through words or conduct means there is no consent.

Lack of verbal or physical resistance or submission resulting from the use of force, threat of force, or placing another person in fear does not constitute consent.

A current or previous dating, social, or sexual relationship by itself, or the manner of dress of the person involved with the accused in the conduct at issue, shall not constitute consent.

#### **Show Slide 27: Definition of Consent (cont)**



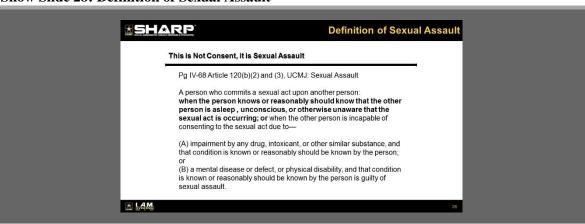
**State:** (B) A sleeping, unconscious, or incompetent person cannot consent. A person cannot consent under force causing or likely to cause, death or grievous bodily harm or to being rendered unconscious.

(C) Lack of consent may be inferred based on the circumstances of the offense. All the surrounding circumstances are to be considered in determining whether a person gave consent, or whether a person did not resist or ceased to resist only because of another person's actions.



**Note:** If time permits, present Vignette 2 and Vignette 3 from the optional vignette packet. Promote discussion with the training audience and recall the information presented in the last few slides regarding consent.

**Show Slide 28: Definition of Sexual Assault** 



**State:** Don't be confused. There are people sitting in prison because they thought that they had consent. This is not consent, often people assume consent exists in a situation where it clearly does not.

As per: Pg. IV-68 Article 120(b)(2) and (3), UCMJ: Sexual Assault is:

#### A person who commits a sexual act upon another person:

When the person knows or reasonably should know that the other person is asleep, unconscious, or otherwise unaware that the sexual act is occurring; or when the other person is incapable of consenting to the sexual act due to—

- (A) Impairment by any drug, intoxicant, or other similar substance, and that condition is known or reasonably should be known by the person; or
- (B) A mental disease or defect, or physical disability, and that condition is known or reasonably should be known by the person is guilty of sexual assault.

Show Slide 29: Risk Reduction Strategies



**State:** While crime is not always preventable, there are strategies that can be utilized to reduce the risk of sexual assault. Maintaining situational awareness and trusting your instincts may help

reduce the risk of being raped or sexually assaulted. Again, with any violent crime there is nothing a person can do to guarantee that he or she will not be a victim of rape, sexual assault, or any other sexual offense.

**Ask:** What are some things you think are good strategies to put in place?

**Note:** Allow the audience to answer before showing the slide. There is no need to read the strategies aloud. The audience may have come up with some great ideas, so allow for discussion before proceeding.

#### The following risk reduction strategies are from the slide and the DOD Safe Helpline:

Do not abuse alcohol—use it in moderation.

**Note:** It is NOT true that consuming one alcoholic drink makes a person unable to consent to sex or sexual activity. The idea that consuming one alcoholic drink makes a person unable to consent to sex or sexual activity is not based in reality or law and although a popular statement or "urban legend", to repeat it is wrong.

Never leave your drink unattended or accept a drink from an open container.

Do not accept a drink from a stranger.

Communicate Your Boundaries. When you are with someone, communicate clearly to ensure that he or she knows your limits from the beginning. Both verbal and nonverbal (e.g., body language) communication can be used to ensure the message is understood.

Travel with a Friend or Group. If you go on a date with someone you do not know very well, tell a close friend what your plans are. Go to a party with a group of friends. Arrive together, watch out for each other, and leave together.

**Note:** The instructor can also mention some of the following strategies if time permits and if necessary:

You have the right to say "No" even if you:

First say "Yes," and then change your mind

Previously had sex with the person

We're kissing or "making out"

Are wearing what is perceived to be "provocative" clothing

Always have extra money to get home. Have a plan for someone you can call if you need help.

If you feel uncomfortable, scared, or pressured, act quickly to end the situation. Say "Stop it" and leave or call for help.

Be aware of your surroundings at all times.

Do not allow yourself to be isolated with a person you do not know or trust.

Travel with a friend or in a group.

Walk only in lighted areas after dark.

Keep the doors to homes, barracks, and cars locked.

Know where the phone is located or if you carry a cell phone, make sure it is charged.

**State:** Remember, these tips will not prevent sexual assault but can be used to reduce your risk of sexual assault. In addition to the strategies previously suggested, there are different phone applications (apps) that are free, that can be used to share locations with family/friends or simply notify them in the event of an emergency.

**Note:** Make note not to go down a road of victim blaming. Everyone has a right to go out and enjoy themselves. Instructors may emphasize this point by using the following publicly available videos. These videos are both approved as of the 2017 SHARP PIF. The videos are: *James is Dead* - https://youtu.be/Op14XhETfBw

If A Robbery Report Was Treated Like A Rape Report - https://youtu.be/A0L4V5BWITM

#### Check on Learning

**Q:** What is the Command Team's role when responding to an unrestricted report of a Sexual Assault incident?

Answer: Call CID and initiate the SARC.

**Q:** In your own words, define 'consent'?

**Answer:** The term 'consent' means a freely given agreement to the conduct at issue by a competent person. An expression of lack of consent through words or conduct means there is no consent. Lack of verbal or physical resistance or submission resulting from the use of force, threat of force, or placing another person in fear does not constitute consent. A current or previous dating, social, or sexual relationship by itself, or the manner of dress of the person involved with the accused in the conduct at issue, shall not constitute consent. A sleeping, unconscious, or incompetent person cannot consent.

**Q:** Under the UCMJ, what is the maximum sentence for rape?

**Answer:** Life without parole, Dishonorable Discharge, forfeiture of all pay and allowances.

**Q:** If one places themselves in a vulnerable situation, who is responsible if a sexual assault occurs, the victim or the perpetrator?

**Answer:** Perpetrator

Learning Step Activity 4	Describe sexual assault reporting options
Method of Instruction	Discussion (Small or Large Group)
Fime of Instruction	15 min
	Show Slide 30: Restricted vs. Unrestricted Reporting
	Restricted vs.
	Unrestricted Reporting
	Senefits   Senefits
	State: Next, let's review ways to report sexual assault crimes.  State: As most of you know, there are two reporting options for victims of sexual assault. However, there are changes to these options based on law, policy, and guidance.  Restricted Reporting
	State: Restricted Reporting allows Soldier, or his/her family member (dependents) 18 years of age or older and who are eligible for treatment in the military healthcare system (DoDI 6492.02, paragraph 2a(3) has the additional limit), who is a sexual assault victim to confidentially disclose details of his/her sexual assault to specifically identified personnel without triggering an investigative process. Restricted Reporting also allows a victim medical treatment, counseling, and the right to consult with a Special Victim Counsel, and advocacy services. In addition, incidents can be reported to the Sexual Assault Response Coordinator (SARC), a Victim Advocate (VA), or to healthcare personnel.  Note: Victims of a sexual assault which was allegedly perpetrated by a Domestic Partner or
	someone with whom the victim shares a child, falls within the Family Advocacy Program (FAP) not SHARP.  Note: Victims that receive counseling associated with sexual assault are not required to report those counseling sessions on the SF 86, Questionnaire for National Security Positions. (DoDI 6495.02, Ch3, Enclosure 2, para6)  Unrestricted Reporting

**State:** Unrestricted Reporting allows a victim who desires medical treatment, counseling and advocacy services, and an official investigation of the allegation to use current reporting channels (for example, the chain of command or law enforcement) or to report the incident to a Sexual Assault Response Coordinator (SARC), Victim Advocate (VA), or to healthcare personnel

**State:** Filing an Unrestricted Report will initiate an official investigation. Details of the incident are limited to personnel with a legitimate need to know.

**Note:** DoD Civilians and their adult family members (dependents) when stationed outside the continental U.S. (OCONUS) and U.S. Citizen contractor personnel when authorized to accompany Armed Forces in a contingency operation OCONUS are eligible for treatment in the military healthcare systems and will be authorized limited SHARP or SAPR services.

**State:** Retention of documents from the sexual assault reporting process can be important for future benefits applications and these documents follow set retention schedules. Let's examine these schedules now.

Document Retention Schedules for Sexual Assault Reports

#### **Restricted Reports**

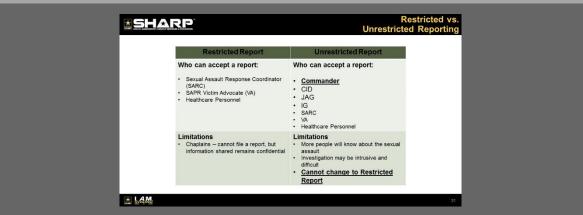
**State:** With regard to Restricted Reports, the SAFE kit will be retained for 5 years in a location designated by the Army.

Both Restricted and Unrestricted Reports

**State:** The SARC will retain the Victim Reporting Preference Statement (DD Form 2910) for 50 years. DD form 2911 shall be retained for 50 years IAW DoDI 5505.18. The 50-year time frame for the DD Form 2910 will start from the date the victim signs the DD Form 2910. Restricted reports are filed locally and unrestricted reports are entered into the Defense Sexual Assault Incident Database (DSAID) where it will be retained for the 50 year period.

The SARC or VA should also advise the victim to retain copies of the DD Forms 2910 and 2911 for future VA compensation claims.

#### **Show Slide 31: Restricted vs. Unrestricted Reporting**



**State:** It must be made clear that if a commander or someone in the chain of command knows of a sexual assault, the option for a restricted report in no longer available.

**State:** To make a Restricted Report, the victim MUST notify one of the following personnel and ONLY these personnel:

Sexual Assault Response Coordinator (SARC)

Victim Advocate (VA)

Healthcare Personnel (HCP) (HCP will contact SARC who will fill the DD form 2910).

**Note:** Once a Soldier signs a DD Form 2910 with the SARC/VA, and elects a Restricted Report, only that Victim may change it to an Unrestricted Report. For example: A Soldier reports a Sexual Assault to the VA on Monday morning, elects a Restricted Report and signs a DD Form 2910. The Commander is "informed" of a sexual assault from someone other than the SARC, and he/she notifies CID. If CID contacts the SARC or VA, the report is still restricted and the SARC cannot divulge any information that would violate the

Victim/Victim Advocate Privilege established by MRE 514. CID will, however, continue to investigate the report.

**Note:** While the Service Members are exempted from mandatory reporting IAW NDAA 2016, DA Civilians are not exempt from mandatory reporting. If the victim first reports to a civilian facility or civilian authority, it is possible that the jurisdiction may require mandatory reporting of the sexual assault to local law enforcement.

In some cases, civilian law enforcement may take investigative responsibility for the sexual assault case, or the civilian jurisdiction may inform the military law enforcement or investigative community of a sexual assault that was reported to it.

In such instances, it may not be possible for a victim to make a Restricted Report or it may not be possible to maintain the report as a Restricted Report.

In these cases, to the extent possible, the Restricted Report will be honored by the Army. However, sexual assault victims need to be aware that the confidentiality afforded their Restricted Report is not guaranteed due to circumstances surrounding the independent investigation and requirements of individual State laws for civilian healthcare facilities.

Section 536 of the NDAA for FY 2016 preempts the state and local mandatory reporting laws, provided the victim first reports to a MTF, in jurisdiction requiring mandatory reporting thereby preserving the Restricted

Reporting option.

If a victim elects this reporting option, a victim may convert a Restricted Report to an Unrestricted Report at any time.

**Note:** Communication with chaplains and with Special Victims' Counsel are privileged, but do not constitute a restricted report.

**State:** A Special Victim Counsel will also be provided to Soldiers and their family members (dependents). DoD Civilians stationed OCONUS are also generally eligible for Special Victim Counsel services.

**State:** The following individuals are eligible to file Restricted Reports:

Active duty military personnel of the Armed Forces.

Reserve and National Guard performing federal duty (active duty training or inactive duty training and members of the National Guard in Federal (Title 10) status).

Soldiers and family members (dependents) 18 years of age or older who are eligible for treatment in the military healthcare system and are victims of sexual assault (Department of Defense Directive (DoDD) 6495.01:

Cases where the alleged perpetrator is the spouse or intimate partner of the victim will be referred to the Family Advocacy Program (FAP). A 'spouse' is defined as someone the victim is married to, was once married to, someone they have lived with in an intimate partner relationship, or someone with whom they have a child in common. The victim will have both the Restricted and Unrestricted reporting options. The Family Advocacy Program office provides the full range of services to victims of domestic violence who are sexually assaulted by someone with whom they have an intimate partner relationship.

**Note:** If time permits, present **Vignette 4** from the optional vignette packet. Promote discussion with the training audience and recall the information presented in the last few slides regarding consent and reporting.



**Note:** If time permits, present Vignette 4 from the optional vignette packet. Promote discussion with the training audience and recall the information presented in the last few slides regarding consent and reporting.

Who do you report to if the Victim feels
uncomfortable because the Alleged Offender is
the Commander or in the Victim's Chain of
Command, to include the NCO Support Channel?

Answer: If the reported offender is in the victim's chain of command or NCO
Support Channel, the victim can report to law enforcement directly, go outside
of the chain of command to a SARC or VA from another unit, or report the
offense to a higher command. Victims can also seek assistance from the DoD
Safe Helpline.

Note: Slide is animated

**Ask:** We have reviewed options available for victims to report an incident, but what should a victim do if the alleged offender is in his/her chain of command?

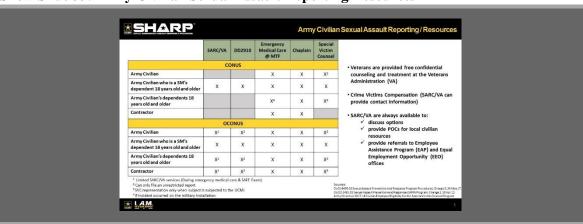
**Note:** Click for Answer

**Answer:** If the reported subject is in the victim's chain of command or NCO Support Channel, the victim can go outside of the chain of command to a SARC or VA or report the offense to a higher command. Victims can also seek assistance from the DoD Safe Helpline.



**Note:** If time permits, present Vignette 5 from the optional vignette packet. Promote discussion with the training audience and recall the information presented in the last few slides regarding consent and reporting.

Show Slide 33: Army Civilian Sexual Assault Reporting/Resources



Veterans are provided free, confidential (private) counseling and treatment for both mental and physical health problems linked to Military Sexual Trauma (MST)

IAW DODI 6495.01 Sexual Assault Prevention and Response (SAPR) Program, emergency care means:

Emergency: A situation that requires immediate intervention to prevent the loss of life, limb, sight, or body tissue to prevent undue suffering. Regardless of appearance, a sexual assault victim needs immediate medical intervention to prevent loss of life or undue suffering resulting from physical injuries internal or external, sexually transmitted infections, pregnancy, or psychological distress. Sexual assault victims shall be given priority as emergency cases regardless of evidence of physical injury.

Emergency Care: Emergency medical care includes physical and emergency psychological medical services and a SAFE consistent with the U.S. Department of Justice, Office on Violence Against Women, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents"

NOTE: An Army Civilian's Dependent 18 years old and older can receive emergency medical care at an MTF if the incident occurred on the installation. If the incident occurs off the installation, they should use the closest civilian hospital for emergency care. If emergency medical care is performed at the MTF, they may be charged for these services.

UCMJ Penalties

UCMJ Penalties

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Show Slide 34: UCMJ and Civilian Sex Offense Penalties

**Note:** Slide is animated. U.S. Code 18, Chapter 109A (Civilian) table appears automatically on the slide. Additional table enters with the animation prompt below.

**State:** Sexual assault includes a broad category of sexual offenses consisting of the following specific UCMJ offenses: rape, sexual assault, aggravated sexual contact, abusive sexual contact, or attempts to commit these offenses.

Applicable UCMJ articles and punishments for sexual assault include:

Offense - Rape

Article - 120

**Maximum Penalty** - Dishonorable Discharge (mandatory upon conviction), Life without parole forfeiture of all pay and allowances

Offense - Sexual Assault

Article - 120

**Maximum Penalty -** Dishonorable Discharge (mandatory upon conviction), forfeiture of all pay and allowances, 30 years confinement

Offense - Aggravated Sexual Contact

Article - 120

Maximum Penalty - 20 years + Dishonorable Discharge and forfeiture of all pay and allowances

Offense - Abusive Sexual Content

Article - 120

Maximum Penalty - Forfeiture of all pay and allowances, 7 years + Dishonorable Discharge

**Offense-** Wrongful broadcast or distribution of intimate visual images (Effective 12 December 2017)

Article - 117a

**Maximum Penalty Pending** 

As we discussed, sexual assault includes several offenses that are punishable under different federal statutes and articles of the UCMJ.

Civilians can be prosecuted under applicable federal laws or under state or host nation laws. The following table shows punishments under some federal statutes that address sexual crimes:

#### U.S. Code 18, Chapter 109 (Civilian) Penalties:

**Offense -** Aggravated Sexual Abuse

**Section -** 18 USC 2241

Maximum Penalty - Life in prison

Offense - Sexual Abuse

**Section -** 18 USC 2242

Maximum Penalty - Life in prison

Offense - Sexual Abuse of a Minor or Ward

**Section -** 18 USC 2243

Maximum Penalty - 15 years in prison

Offense - Abusive Sexual Contact

Section - 18 USC 2244

	Maximum Penalty - 2 years to life in prison
	Offense - Sexual Abuse Resulting in Death Section - 18 USC 2245 Maximum Penalty - Death; life in prison
	<b>State:</b> Remember, sexual assault is a violation of Army Values, contradicts the Warrior Ethos and is contrary to the Soldier's Creed.
	False reporting of any crime, including sexual offenses, is a violation under the UCMJ. False reporting may include a false official statement and/or a false sworn statement.
	These penalties are severe because sexual assault is a serious crime that causes considerable harm to individuals, the U.S. Army, and the larger community. When you consider the penalties for sex offenses, it becomes clear that these crimes can have a lasting impact on the lives of perpetrators, as well as victims. Next, we will discuss the roles and responsibilities of command personnel in the prevention of sexual harassment and sexual assault.
Check on Learning	Q: What type of reporting option will not trigger an investigation and therefore not hold the offender accountable?  Answer: Restricted
	Q: In a sexual assault incident, if it is an unrestricted report, how does the Command Team respond?  Answer: The Command Team will not handle the investigation; they will contact CID and will only discuss details to those who have a legitimate need to know.
Learning Step Activity 5	Discuss sexual assault victims' rights (confidentiality, expedited transfer, protective orders)
Method of Instruction	Discussion (Small or Large Group)
Time of Instruction	10 min
	Show Slide 35: Rule 514
	** "A victim has a privilege to refuse to disclose and to prevent any other person from disclosing a confidential communication made between the victim and a victim advocate, or between the victim and a victim advocate or assistance to the victim.  **Ornfidential communication was made for the purpose of facilitation advocate or dissistance to the victim.**  **Confidential communication" also applies to records the Sexual Assault Response Coordinator SarkO; and Victim Advocate (VA) maintain pertaining to communications with SARC and VA and their associated records are considered privileged and are not to be released to others, including to commanders or law enforcement personnel.  **Detense Task Force on Sexual Assault in the Military Services (DTF SAMS), 1 December 2899  ***Explain MRE 514*

**State:** Rule 514 was implemented as an effort to improve the military's overall effectiveness in addressing the crime of sexual assault, facilitating openness between victims and victim advocates, and mitigating the impact of the court-martial process on victims. The rule specifically emerged in response to concerns raised by members of Congress, community groups, and the Defense Task Force on Sexual Assault in the Military Services (DTFSAMS). In its 2009 report, DTFSAMS noted the following:

35 states had a privilege for communications between victim advocates and victims of sexual assault;

Victims did not believe they could communicate confidentially with medical and psychological support services provided by the DoD;

Victims perceived interference with the victim—victim advocate relationship and continuing victim advocate services when the victim advocate was identified as a potential witness in a court-martial; and, Service members reported being "re-victimized" when their prior statements to victim advocates were used to cross-examine them in court-martial proceedings.

DTFSAMS recommended that Congress "enact a comprehensive military justice privilege for communications between a victim advocate and a victim of sexual assault." As a result, the DoD Joint Committee on Military Justice modeled proposed Rule 514 after Rule 513 (Psychotherapist–patient privilege), including its exceptions, in an effort to balance the privacy of the victim's communications with a victim advocate against the accused's legal needs.

**Note:** Instruct a student to read the information on Rule 514 aloud from the slide.

#### Rule 514 as written in the MCM:

"A victim has a privilege to refuse to disclose and to prevent any other person from disclosing a confidential communication made between the victim and a victim advocate, or between the alleged victim and Department of Defense Safe Helpline staff in a case arising under the UCMJ, if such communication was made for the purpose of facilitating advice or assistance to the victim."

In accordance with Rule 514, a communication is "confidential" if made to an individual acting in the capacity of a victim advocate and is not intended to be disclosed to third persons, other than to obtain advice or assistance for the victim or for an assistant to a victim advocate.

MRE 514(b)(2) states: "Victim advocate" means a person who:

- (A) is designated in writing as a victim advocate in accordance with service regulation;
- (B) is authorized to perform victim advocate duties in accordance with service regulation and is acting in the performance of those duties; or,
- (C) is certified as a victim advocate pursuant to federal or state requirements.

There is no listed protection for an "assistant to a victim advocate" in the current MRE 514.

"Confidential communication" also applies to records the SARC and VA maintain pertaining to communications with the victim. These communications with SARC/VA and their associated records are considered privileged and are not to be released to others, including to commanders or law enforcement personnel.

**State:** While confidentiality is important to maintain throughout the filing process, there are some exceptions to Rule 514 in cases where confidential information must be shared. Let's discuss some of the exceptions to confidentiality in the case of Restricted Reporting.

#### Exceptions to Restricted Reports of Sexual Assault that May Warrant a Break in Privileged Communications

In cases where victims elect Restricted Reporting, the prohibition on disclosing covered communications to the following persons or entities, as indicated, will be suspended for the following reasons:

To command officials, law enforcement, or others when disclosure is authorized by the victim in writing.

When disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of the victim or another person.

To the disability retirement boards and officials when disclosure by a healthcare professional is required for fitness for duty or for disability determinations (limited to only the information necessary to process duty or disability determinations).

To the SARC, VA, or healthcare provider when disclosure is required for the supervision and/or coordination of direct victim treatment or services.

When disclosure is ordered by a military, federal, or state judge, or other officials or entities as required by a federal or state statute or applicable U.S. international agreement (See DoDI 6495.02, Encl 4, paragraph 5b.)

The SARC, assigned VA, and healthcare professional will consult with the installation commander's (DoDI 6495,02 Encl 4, paragraph 5b.(5) states "installation.") servicing legal office, in the same manner as other recipients of privileged information, to determine if the exception criteria apply and if they have a duty to disclose the otherwise protected information. Until those determinations are made, only non-personally identifying information should be disclosed.

**State:** Often, the chain of command will learn about an alleged rape or sexual assault from someone other than the SARC, Criminal Investigation Division (CID), or the victim. Let's discuss the impact on the victim's ability to file a Restricted Report in these circumstances."

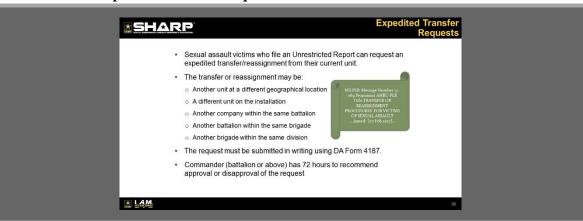
Effect of Independent Investigations on a Restricted Report of Sexual Assault

If a commander learns about a sexual assault from a source other than a victim and that victim has elected a RR or where the victim has not elected the RR option, that commander will report the sexual assault to CID and an official (independent) investigation may be initiated based on that independently acquired information.

If there is an ongoing independent investigation, the sexual assault victim will no longer have the option of Restricted reporting when:

DoD law enforcement informs the SARC (DoDI 6495.02 Encl 4, paragraph 1f. (1)(a) only refers to the SARC in this instance.) of the investigation prior to the victim electing the Restricted Reporting option."

**Show Slide 36: Expedited Transfer Requests** 



**State:** Sexual assault victims who file an Unrestricted Report can request an expedited transfer/reassignment from their current unit to:

Another unit at a different geographical location, a different unit on the installation, another company within the same battalion, another battalion within the same brigade, or to another brigade within the same division.

**State:** The request must be submitted in writing using DA Form 4187. The transfer or reassignment may be temporary or permanent. All requests for permanent change of station must be sent to the Commander, U.S. Army Human Resources (HRC) Command for approval or disapproval.

The Army has established procedures for requesting an expedited transfer/reassignment outlined in Army Directive 2011-19 http://www.apd.army.mil/pdffiles/ad2011\_19.pdf and MILPER Message Number 17-069 Proponent AHRC-PLR, Title TRANSFER OR REASSIGNMENT PROCEDURES FOR VICTIMS OF SEXUAL ASSAULT. Issued: [17 FEB 2017] https://www.hrc.army.mil/Milper/17-069

Army policy for expedited transfers requires a presumption in favor of transferring or reassigning a sexual assault victim, at his/her request, following victim's credible report of sexual assault. Commanders and civilian leaders shall consider requests for transfer or reassignment in an expedited manner. This policy applies to all Soldiers who report being the victim of a sexual assault. Requests for transfer must be in writing. If a commander cannot approve a request at his/her level of command, the victim's request will be forwarded through the chain of command to the appropriate approving authority. Each commander in the chain of command through which the request is submitted will provide his/her written recommendation to the approving authority. Requests for permanent change of station transfers must be forwarded to U.S. Army HRC at <a href="https://link.nih.gov/hrc.go

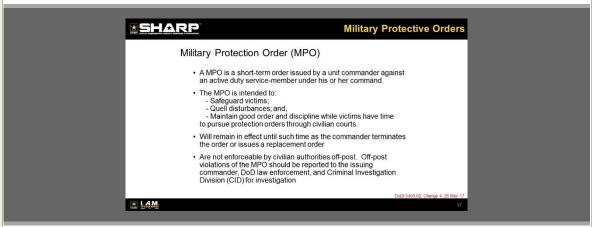
b. A commander recommending disapproval of a request shall provide the reason(s) for the recommendation in writing. A victim's transfer request may be disapproved ONLY by the first General Officer in the victim's chain of command, who may delegate disapproval authority to another General Officer within the command, or to a member of the Senior Executive Service. Commands have 72 hours to obtain the first General Officer's signature on the request, unless a subordinate commander had approval authority AND approved the request. When a victim requests reassignment to another installation, or reassignment to another Army Command on the same installation, the authority to approve or disapprove that request is reserved to the Commander, U.S. Army HRC

The commander (battalion or above) shall make a credible report determination at the time the request is made after considering the advice of the supporting judge advocate, or other legal advisor concerned, and the available evidence. Only reports that are determined credible will be forwarded to the approval/disapproval authorities for reassignment consideration

The commander (battalion or above) shall make a credible report determination at the time the request is made after considering the advice of the supporting judge advocate, or other legal advisor concerned, and the available evidence. Only reports that are determined credible will be forwarded to the approval/disapproval authorities for reassignment consideration.

Only the first general officer in the victim's chain of command can disapprove a victim's request and he or she may delegate that authority to another general officer in the chain of command or member of the Senior Executive Service.

#### **Show Slide 37: Protective Orders**



**State:** In Unrestricted Reporting cases, commanders will execute the following procedures regarding MPOs:

A Military Protective Order (MPO) is a short-term order issued by a unit commander against an active duty service-member under his or her command.

Protective orders can be issued verbally or in writing. The orders are most commonly in writing on a DD Form 2873.

The MPO is intended to:

- -Safeguard victims;
- -Quell disturbances;
- -Maintain good order and discipline while victims have time to pursue protection orders through civilian courts.

Violations of MPOs can be charged as violations of orders under <u>Article 90, UCMJ</u>. Require the SARC or VA to inform sexual assault victims protected by an MPO, in a timely manner, of the option to request transfer from the assigned command.

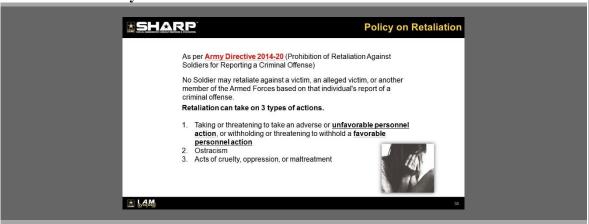
Notify the appropriate civilian authorities of the issuance of an MPO and of the individuals involved in the order, in the event an MPO has been issued against a service member and any individual involved in the MPO does not reside on a military installation at any time during the duration of the MPO.

**State:** Other information on MPOs includes:

An MPO issued by the commander will remain in effect until such time as the commander terminates the order or issues a replacement order.

	The issuing commander shall notify the appropriate civilian authorities of any change made in a protective order or its termination and the termination of the protective order.
	When an MPO has been issued against a Soldier and any individual involved in the MPO does not reside on a military installation at any time during the duration of the MPO, notify the appropriate civilian authorities of the issuance of an MPO and of the individuals involved in the order. The appropriate civilian authorities shall include, at a minimum, the local civilian law enforcement agency or agencies with jurisdiction to respond to an emergency call from the residence of any individual involved in the order.
	Advise the person seeking the MPO that the MPO is not enforceable by civilian authorities off post and that victims desiring protection off postshould seek a CPO. Off-base violations of the MPO should be reported to the issuing commander, DoD law enforcement, and CID for investigation.
	<b>Note:</b> Once MPO is finalized and been issued, under the advisement of the Brigade SJA, Commanders must submit a copy of the MPO to the Local Provost Marshalls Office (PMO). The PMO will upload the MPO into the National Crime Information Center (NCIC). In the event of an incident occurring off the installation, Civilian Law Enforcement will be aware of the MPO, but may not be able to take action, based solely on the MPO (ref: ALARACT 027-2015.)
Check on Learning	Q: What is the purpose of Rule 514?  Answer: In accordance with Rule 514, a communication is "confidential" if made to an individual acting in the capacity of a victim advocate or the Department of Defense Safe Helpline staff and is not intended to be disclosed to third persons, other than to obtain advice or assistance for the victim.
	<b>Q:</b> What options do Sexual assault victims have when requesting expedited transfer/reassignment? <b>Answer:</b> From their current unit to either another unit at a different geographical location, to a different unit on the installation, to another company within the same battalion, to another battalion within the same brigade, or to another brigade within the same division.
	Q: Once a commander has established the sexual assault report is credible and the victim has submitted an expedited transfer/reassignment request, how long does the Commander have to provide a recommendation for the expedited transfer/reassignment request?  Answer: 72 hours
Learning Step Activity 6	Define the Army's policy on retaliation
Method of Instruction	Discussion (Small or Large Group)
Time of Instruction	5 min

#### **Show Slide 38: Policy on Retaliation**



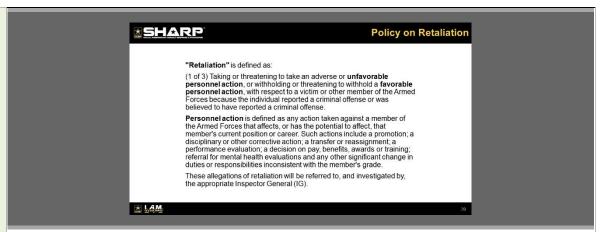
**State:** As per **Army Directive 2014-20** (Prohibition of Retaliation Against Soldiers for Reporting a Criminal Offense: http://www.apd.army.mil/pdffiles/ad2014\_20.pdf)

No Soldier may retaliate against a victim, an alleged victim, or another member of the Armed Forces based on that individual's report of a criminal offense.

Retaliation can take on 3 types of actions:

- 1. Taking or threatening to take an adverse or unfavorable personnel action, or withholding or threatening to withhold a favorable personnel action
- 2. Ostracism
- 3. Acts of cruelty, oppression, or maltreatment

**Show Slide 39: Policy on Retaliation** 



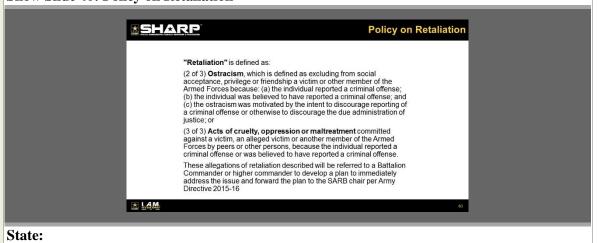
State: "Retaliation" is defined as:

(1 of 3) Taking or threatening to take an adverse or unfavorable personnel action, or withholding or threatening to withhold a favorable personnel action, with respect to a victim or other member of the Armed Forces because the individual reported a criminal offense or was believed to have reported a criminal offense.

Personnel action is defined as any action taken against a member of the Armed Forces that affects, or has the potential to affect, that member's current position or career. Such actions include a promotion; a disciplinary or other corrective action; a transfer or reassignment; a performance evaluation; a decision on pay, benefits, awards or training; referral for mental health evaluations and any other significant change in duties or responsibilities inconsistent with the member's grade.

These allegations of retaliation will be referred to, and investigated by, the appropriate Inspector General (IG).

#### **Show Slide 40: Policy on Retaliation**



Check on Learning	(2 of 3) Ostracism, which is defined as excluding from social acceptance, privilege or friendship a victim or other member of the Armed Forces because: (a) the individual reported a criminal offense; (b) the individual was believed to have reported a criminal offense; and (c) the ostracism was motivated by the intent to discourage reporting of a criminal offense or otherwise to discourage the due administration of justice; or  (3 of 3) Acts of cruelty, oppression, or maltreatment committed against a victim, an alleged victim or another member of the Armed Forces by peers or other persons, because the individual reported a criminal offense or was believed to have reported a criminal offense.  These allegations of retaliation described will be referred to a Battalion Commander or higher commander to develop a plan to immediately address the issue and forward the plan to the SARB chair per Army Directive 2015-16  Note: If time permits, present Vignettes 6-9 from the optional vignette packet. Promote discussion with the training audience and recall the information presented in the last few slides regarding consent.  Q: What 3 actions constitute retaliation?  Answer: 1. Taking or threatening to take an adverse or unfavorable personnel action, or withholding or threatening to withhold a favorable personnel action. 2. Ostracism. 3. Acts of cruelty, oppression, or maltreatment  Q: In your own words define 'ostracism'.  Answer: Ostracism is defined as excluding from social acceptance, privilege or friendship a victim or other member of the Armed Forces because: (a) the individual reported a criminal offense; (b) the individual was believed to have reported a criminal offense or otherwise to discourage the due administration of justice  Q: What is a Special Victim Counsel
	A; A lawyer who represents victims of sexual assault throughout the investigative and judicial process. Eligible victims can make an appointment with a Special Victim
Learning Step	Counsel before making a report of sexual assault.
Activity 7	Describe online misconduct and social media guidance
Method of Instruction:	Discussion (Small or Large Group)
Time of Instruction:	10 min
	Show Slide 41: Online Misconduct



#### ALARACT 014/2017:

The Army Values Require that everyone be treated with dignity and respect. This is a critical component of the Army profession. As members of the Army team, individuals' interactions offline and online reflect on the Army and its values. The Army values apply to all aspects of our life, including online conduct. Harassment, bullying, hazing, stalking, discrimination, retaliation, and any other type misconduct that undermines dignity and respect are not consistent with Army values and negatively impact command climate and readiness. Soldiers or civilian employees who participate in or condone misconduct, whether offline or online, may be subject to criminal, disciplinary, and/or administrative action. Contractor employee misconduct will be referred to the employing contractor through applicable contracting channels for appropriate action.

**State:** The U.S. Army defines Online Conduct as the use of electronic communications in an official or personal capacity that is consistent with Army Values and Standards of Conduct. The Army G1 developed a helpful site at: http://www.armyg1.army.mil/onlineconduct.asp.

**State:** Online misconduct is the use of electronic communication to inflict harm. Examples include, but are not limited to: harassment, bullying, hazing, stalking, discrimination, retaliation, or any other types of misconduct that undermine dignity and respect.

**State:** Army senior leaders know that awareness must be raised and that as members of the Army team, the individual interactions offline and online are reflections of the Army and the values it upholds. It is crucial that the Army Family act responsibly and understand that the Army standards of conduct apply to all aspects of our life, including online conduct. Harassment, bullying, hazing, stalking, discrimination, retaliation, and any other type of misconduct that undermines dignity and respect are not consistent with Army Values. Remember these three things when you want to send a message or post something online.

"THINK" about what message is being communicated and who could potentially view it.

"TYPE" messages that are consistent with the Army Values.

"POST" if the message demonstrates dignity and respect for self and others.

**State:** Soldiers or civilian employees who engage in or condone online misconduct may be subject to criminal, disciplinary, and/or administrative action. Cyber misconduct may violate Federal law under the United States Code or the Uniform Code of Military Justice (UCMJ). Crimes violating the UCMJ may result in adverse administrative action, an Article 15 or a court-martial. The following are examples of crimes under the UCMJ for discussion purposes, but this is not an exhaustive list.

- (1) Army Regulation 600-20, Paragraph 4-19, Treatment of persons, addresses hazing and bullying. Paragraphs 4-14, Relationships between Soldiers of different grade, addresses fraternization. These sections are punitive, which means that violations may be punishable under the UCMJ Article 92, the failure to obey a general order or regulation.
- (2) UCMJ Articles 89, Disrespect toward a superior commissioned officer, or 91, Insubordinate conduct toward a warrant officer, noncommissioned officer, or petty officer. For example, posting disparaging remarks on Facebook regarding a Superior Commissioned Officer or an NCO.
- (3) UCMJ Article 120c, Other sexual misconduct, involves indecent viewing, visual recording or broadcasting. For example, e-mailing a nude picture of yourself to a co-worker. Conviction under this Article may require sex offender registration.
- (4) UCMJ Article 134, General Article, includes child pornography, indecent language, communicating a threat, and solicitation to commit another offense.







**Note:** For a video message from SMA Dan Dailey regarding online misconduct, download it from ATN or navigate to https://www.dvidshub.net/video/514024. Sergeant Major of the Army Dailey reminds Soldiers that Army Values apply 24 hours per day in all facets of life and challenges each Soldier, Civilian, and

Family Member to do the right thing at all times. Online misconduct is inconsistent with the Army Values and will not be tolerated.

Once you've played the video for your students, take a few moments to discuss the video.

**Ask:** What did you take from SMA Daily's message? How does this relate to the SHARP program, specifically, how sexual harassment can occur through social media and online activity?

**Note:** Discuss the link between SMA Daily's comment regarding the "duty to report" any online misconduct you observe and what we discuss in this lesson regarding bystander intervention. In other words, no Soldier or civilian in the Army should condone harassment, bullying, hazing, or any other type of misconduct whether it is online or offline. We all have a duty to report or address misconduct and ensure we promote an environment rich with dignity and respect that is consistent with the Army values.

Show Slide 43: Social Media



State: You should also familiarize yourself with Army policy regarding social media.

**Social Media:** Army Values require that everyone be treated with dignity and respect. This is a critical component of the Army profession. As members of the Army team, individuals' interactions offline and online reflect on the Army and its values. Army Values apply to all aspects of our lives, including online conduct. Harassment, bullying, hazing, stalking, discrimination, retaliation, and any other type of misconduct that undermines dignity and respect are not consistent with Army Values and negatively impact command climate and readiness.

Soldiers or Civilian employees who participate in or condone misconduct, whether offline or online, may be subject to criminal, disciplinary, and/or administrative action. The slide depicts 7 tips taken from the Army's Social Media Handbook to help guide your activities on social media. The Social Media Handbook is helpful, but it does not have the same authority as regulation. However, AR 600-20 (6 November 2014) does provide strict guidelines and should be considered an authoritative source:

	<ol> <li>Be aware of the image you present. Do not discredit yourself, your family, your organization or your Army by using inappropriate language or content. Only post or discuss issues related to your professional expertise or personal experience. Remember, your behavior online is reflective of you Army's image.</li> <li>Ensure information you post or share is releasable. It is imperative that you are aware of potential security violations when posting online. It is never acceptable to post classified, FOUO or pre-decisional information on an official or personal account. It is your responsibility to be aware of the classification and releasability of the material you post.</li> <li>Live the U.S. Army values. Online misconduct is punishable under the Uniform Code of Military Justice (UCMJ). ALARACT 122/2015, Professionalization of Online Conduct, reinforces</li> </ol>
	AR 600-20 and defines cyber misconduct as "the use of electronic communication to inflict harm; examples include, but are not limited to: libel, slander, harassment, bullying, hazing, stalking, discrimination, retaliation, or any other types of misconduct that undermines dignity and respect."  4. Do not use trademarked or copyright protected material. Posting or sharing music, logos, songs, or other information that is protected by copyright, trademark, or any other restriction is
	illegal. Restricted materials can only be shared with express permission from the owner.  5. Do not misrepresent your identity. Misrepresentation of your identity by disguising yourself or impersonating others is prohibited and is punishable under the UCMJ.
	<b>6. Be cautious with the personal information you share.</b> Criminals and adversaries can easily piece together information you share, potentially harming you, your loved ones, fellow Soldiers, or our mission. Safeguard yourself and those close to you by not posting personal contact information or sharing plans and schedules. Turn off electronic functions such as GPS or geotagging and always optimize your security settings.
	7. Ask for help if you or a Family member have fallen victim to a scam, impersonation, or feel threatened. Contact the local civil authorities or the U.S. Army Criminal Investigation Command for assistance and to report a scam, impersonation or threat.
Check on Learning	Q: What are some types of online misconduct?  Answer: Harassment, bullying, hazing, stalking, discrimination, retaliation, or any other types of
Lear ming	Answer: Harassment, burlying, nazing, starking, discrimination, retanation, or any other types of misconduct that undermine dignity and respect.  Q: Members of the Army team should apply what 3 things when using electronic communication devices?  Answer: "Think" about the message being communicated and who could potentially view it; "Type" a Communication that is consistent with army values; and "Post" only those messages that demonstrate dignity and respect for self and others.
Learning Step Activity 8	Describe the bystander intervention process
Method of Instruction:	Discussion (Small or Large Group)

#### Time of 10 Minutes Instruction: Show Slide 44: I. A.M. Strong I. A.M. Strong All officers and enlisted Soldiers are dutybound to Intervene, Act and Motivate others to stop sexual harassment and sexual assault and help foster an environment free of these behaviors. State: Intervene, Act and Motivate (I. A.M.) STRONG is the Army's campaign to combat sexual harassment and sexual assault by engaging all Soldiers in preventing sexual assault before they occur. **State:** Grounded by our shared belief in the Army Values, we are a band of brothers and sisters, placing mission first, never accepting defeat, never quitting, and never leaving a fallen comrade behind. Our interdependence and shared respect among comrades frames who we are as a Team and an Army - a Team who finds sexual harassment and sexual assault reprehensible and beyond toleration. Those who commit these acts hurt other team members and wound our Army. These criminal acts are cowardly and damaging to the very moral fiber that gives our Army its innermost strength. They are a betrayal of the trust inherent in serving in the Profession of Arms. State: As Soldiers and proud members of our Team, we are duty bound to Intervene, Act and Motivate others to stop sexual harassment and sexual assault and help foster an environment free of these behaviors. **State:** Any officer or enlisted Soldier that fails to intervene or fervently support the Army's SHARP program will face potentially career ending repercussions. In accordance with AR 623-3, para 2-12: k, officer and enlisted evaluations will note any deviation from the principles described in the I. A.M. Strong Campaign and Army SHARP program. The following texts is quoted from the regulation: \* AR 623-3 2-12 k. Document any substantiated finding, in an Army or DOD investigation or inquiry, that the rated Soldier— (1) Committed an act of sexual harassment or sexual assault; (2) Failed to report a sexual harassment or sexual assault;

(3) Failed to respond to a complaint or report of sexual harassment or sexual assault; or

(4) Retaliated against a person making a complaint or report of sexual harassment or sexual assault.

**Note:** Raters will include this information in the following locations: for DA Form 67–10–1, part IV, block c1 (Character); for DA Form 67–10–2, part IV, block d1 (Character); for DA Form 67–10–3, part IV, block c1 (Character); for DA Form 2166–9 series (NCOER), part IV, block c.

**State:** The next couple slides will describe the intervention process and give you some strategies to consider when you observe sexual harassment or sexual assault.

#### **Show Slide 45: Bystander Intervention Process**



The five intervention steps are as follows...

#### Click to Advance:

**Step 1:** Notice the event

- Is the behavior appropriate?
- Is the behavior sexual harassment?
- Is it possible for an individual to harass someone and not realize it?

#### Click to Advance:

#### **Step 2:** Interpret it as a problem

- How does sexual harassment "affect" men? Women? Organizations?
- How does it impact mission accomplishment?

#### Click to Advance:

**Step 3:** Assume personal responsibility for doing something

- How could my inaction impact my fellow Soldiers? Work climate?
- How does it impact mission accomplishment?

#### Click to Advance:

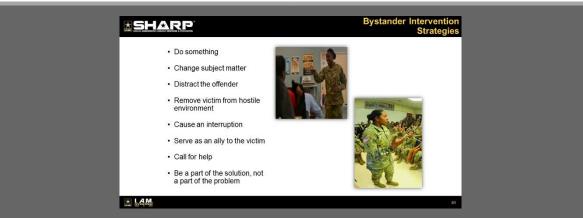
**Step 4:** Decide how to intervene

- Evaluate the situation and determine the best course of action and the ideal person to intervene. (ie, is the situation safe to intervene; would another Soldier intervening be more of an impact.)
- Communicate assertively. (Use "I" statements and specific behaviors.)
- Take active steps to reduce risk factors for sexual harassment.
- Talk to others about the behaviors in question.
- Intervene appropriately.

#### Click to Advance:

**Step 5:** ACT! Remember, bystander intervention does not just involve negative acts or negative behavior—while it can be effective in curtailing problematic behavior in its infancy ("discouraging the negative"), it can also be used for positive effect, for example, praising strong efforts, team work, initiative, or other such behaviors ("encouraging the positive").

**Show Slide 46: Bystander Intervention Strategies** 



**State:** Try to think of a time when you witnessed a situation of sexual assault and sexual harassment (before, during, or after) when you and/or others did intervene. If you do not have an example of when you intervened, identify a situation of when you witnessed or were told about someone else who intervened. Make a list of the ways in which you or others intervened. For each action, identify the thing that motivated you or others to intervene and choose the particular course of action.

<b>Note:</b> After allowing a couple moments for the students to think of ideas and make a list instructor will facilitate a discussion where students will share their bystander intervent strategies and motivations.	
·	
strategies and motivations	ion
strategies and motivations.	
<b>Indirect:</b> How can you cause a distraction? You don't always have to confront the situation cause conflict to effectively intervene. Sometimes distracting the potential perpetrator of enough to stop an assault from occurring.	
<b>Example:</b> Distract the potential perpetrator or victim by telling them there is free pizza and you want them to come with you.	downtown
<b>Direct:</b> What could you say to a potential perpetrator to let them know their behavior is problematic, against Army values/policy and potentially a criminal act? What could you potential perpetrator to let them know that they may be in danger and that you want to he	ı say to a
<b>Examples:</b> Tell the potential perpetrator to stop their behavior. Tell the potential victim may be in danger and assist them to get out of situation	that they
<b>State:</b> The list on the slide shows both indirect and direct actions to intervene.	
Note: If time permits, present Vignette 10 from the optional vignette pack Promote discussion with the training audience and recall the information p the last few slides regarding consent and reporting.	
<b>Check on Q:</b> What are the 5 bystander intervention process steps?	
<b>Learning</b> Answer: Step 1: Notice the event or behavior that can lead to sexual harassment or sex	
Step 2: Interpret the event or behavior(s) as a problem. Step 3: Feel responsible for sol	•
problem. Step 4: Choose how to intervene. Step 5: Build the culture to eliminate the problem.	roblem.
SECTION IV SUMMARY	
Time of Instruction: 5 Min	
Show Slide 47: Resources	

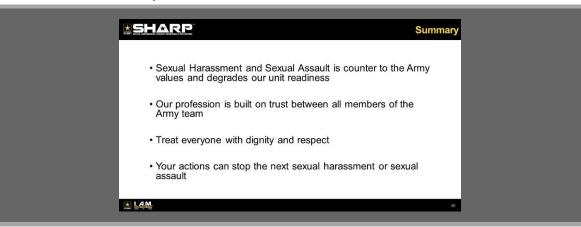


**State:** This is a list of some resources available to victims of sexual assault and sexual harassment. Although this is not an extensive list, it provides an excellent starting point. It is also helpful for general information purposes.

Add provision for local organization in instructor notes if the instructor knows the status of the MOU.

**Note:** Instructors giving this in a deployed environment or during pre-deployment training should add any additional resources specific to the deployment area.

#### **Show Slide 48: Summary**



**State:** In this lesson we:

- Described the impact of sexual harassment and sexual assault on the Army
- Discussed sexual harassment and possible punishment
- Discussed sexual assault, consent, possible punishment and risk reduction strategies
- Described sexual assault reporting options

- Described sexual assault victims' rights (confidentiality, expedited transfer, protective orders, Special Victims Counsel)
- Defined the Army's policy on retaliation
- Described online misconduct and social media guidance
- Described the bystander intervention process
- Identified SHARP resources

Think back to the beginning of the lesson to General Milley's comments. Now that we covered all the material, do you understand how important maintaining a professional environment, free of sexual harassment and sexual assault, is to conducting training and operations? Our units cannot be completely ready to train and achieve mission success, if we are adversely impacted by incidents of sexual harassment or sexual assault.

#### Show Slide 49: Helpline



**Note:** Instructors must insert installation or USAR command specific numbers in the slide prior to training.

**State:** The numbers you see on the slide give you direct and immediate access to assistance in the event of SHARP related issues.

Check on	Q1: How can sexual harassment and sexual assault impact unit cohesion?
Learning	Answer: Sexual harassment and sexual assault reverberates throughout a unit and beyond, degrading readiness by devastating the Army's ability to work effectively as a team which: Disrupts Good Order and Discipline, Promotes a Loss of Unit Cohesion and Teamwork, Promotes Low Morale, Undermines Readiness, Leads to a Loss of Personnel
	<b>Q2:</b> Why is it important to address and prevent even the slightest act of sexual harassment?
	Answer: It has been shown that most sexual assaults started as harmless gender focused jokes and sexual comments. Addressing the issues at the lowest level could possibly prevent these sorts of actions from occurring minimizes the likelihood that these behaviors will occur. So it is important to address sexual harassment with the same importance as sexual assault. Along the continuum are opportunities to intervene before the behaviors progress to inappropriate, harassing, abusive, or violent.
	Q3: When does the Army's policies on sexual harassment apply to Soldiers?  Answer: 24/7 on and off post
	Q4: How long after a sexual harassment incident does a Soldier have to file a formal complaint of sexual harassment?  Answer: 60 calendar days
	<b>Q5:</b> What are the 5 key questions asked to determining whether a specific incident or behavior constitutes sexual harassment?
	<b>Answer:</b> 1. Is the behavior sexual in nature? 2. Is the behavior unwelcomed? 3. Do the elements of power, control, or influence exist? 4. Does the behavior create a hostile or offensive environment? 5. Would a reasonable person find the behavior to be inappropriate?
	<b>Q6:</b> What are the three Categories of Sexual Harassment?
	Answer: Verbal, Non-Verbal, and Physical Contact
	Q7: What are the two types of sexual harassment?
	Answer: Quid Pro Quo and hostile environment.
	<b>Q8:</b> If a Soldier is uncomfortable with confronting inappropriate behavior, what other responses are available to them to address the behavior?

**Answer:** Third Party, Indirect approach, Chain-of-Command, Formal complaint.

**Q9:** What are some administrative actions Commanders can impose for sexual harassment offenders?

**Answer:** Mandatory counseling by a member of the chain of command, discharge from service, bar to re-enlistment, adverse performance evaluations and/or specific comments concerning nonsupport of Equal Opportunity (EO)/EEO programs on evaluation reports, relief for cause, administrative reduction, admonition, reprimand, administrative withholding of privileges, rehabilitative transfer to another unit.

**Q10:** How should a Command Team responded to an unrestricted report of a Sexual Assault incident?

**Answer:** Call CID and initiate the SARC.

**Q11:** In your own words Define Consent?

**Answer:** The term 'consent' means a freely given agreement to the conduct at issue by a competent person. An expression of lack of consent through words or conduct means there is no consent. Lack of verbal or physical resistance or submission resulting from the use of force, threat of force, or placing another person in fear does not constitute consent. A current or previous dating or social or sexual relationship by itself or the manner of dress of the person involved with the accused in the conduct at issue shall not constitute consent. A sleeping, unconscious, or incompetent person cannot consent.

Q12: What is the difference between a sexual act and sexual contact?

**Answer:** A sexual act involved penetration. The term 'sexual contact' means—

(A) touching or causing another person to touch, either directly or through the clothing, the genitalia, anus, groin, breast, inner thigh, or buttocks of any person, with an intent to abuse, humiliate, or degrade any person; or (B) any touching, or causing another person to touch, either directly or through the clothing, any body part of any person, if done with an intent to arouse or gratify the sexual desire of any person. Touching may be accomplished by any part of the body.

Q13: What is the maximum sentence for rape under the UCMJ?

**Answer:** Life without parole, Dishonorable Discharge, forfeiture of all pay and allowances.

**Q14:** If one places themselves in a vulnerable situation, who is responsible if a sexual assault occurs, the victim or the perpetrator?

Answer: perpetrator

**Q15:** What type of reporting option will not trigger an investigation and therefore not hold the offender accountable?

**Answer:** Restricted

**Q16:** What is the purpose of Rule 514?

**Answer:** In accordance with Rule 514, a communication is "confidential" if made to an individual acting in the capacity of a victim advocate or the Department of Defense Safe Helpline staff and is not intended to be disclosed to third persons, other than to obtain advice or assistance for the victim.

Q17: What transfer options do Sexual assault victims have when requesting expedited transfer/reassignment?

**Answer:** From their current unit to either another unit at a different geographical location, to a different unit on the installation, to another company within the same battalion, to another battalion within the same brigade, or to another brigade within the same division.

**Q18:** How long does the Commander have to approve or disapprove an expedited transfer/reassignment request?

**Answer:** 72 hours

**Q19:** What is a Military Protection Order and can they be enforced by civilian authorities off a military installation?

**Answer:** A Military Protective Order (MPO) is a short-term order issued by a unit commander against an active duty service-member under his or her command. The MPO is used to Safeguard victims; Quell disturbances; and maintain good order and discipline while victims have time to pursue protection orders through civilian courts. No – civilian authorities cannot inforce a MPO off the military installation. If a violation of the MPO occurs while off post, victim/subject should report the incident to their Chain of Command, Military Police or CID as soon as possible.

**Q20:** What 3 actions constitute retaliation?

**Answer:** 1. Taking or threatening to take an adverse or unfavorable personnel action, or withholding or threatening to withhold a favorable personnel action. 2. Ostracism. 3. Acts of cruelty, oppression or maltreatment

**Q21:** In your own words define Ostracism.

**Answer:** Ostracism is defined as excluding from social acceptance, privilege or friendship a victim or other member of the Armed Forces because: (a) the individual reported a criminal offense; (b) the individual was believed to have reported a criminal offense; and (c) the ostracism was motivated by the intent to discourage reporting of a criminal offense or otherwise to discourage the due administration of justice

**Q22:** What are some types of online misconduct?

**Answer:** Harassment, bullying, hazing, stalking, discrimination, retaliation, or any other types of misconduct that undermine dignity and respect.

**Q23:** Members of the Army team should apply what 3 things when using electronic communication devices?

**Answer: "Think"** about the message being communicated and who could potentially view it; **"Type"** a Communication that is consistent with army values; and **"Post"** only those messages that demonstrate dignity and respect for self and others.

**Q24:** What are the 5 bystander intervention process steps?

**Answer:** Step 1: Notice the event or behavior that can lead to sexual harassment or sexual assault. Step 2: Interpret the event or behavior(s) as a problem. Step 3: Feel responsible for solving the problem. Step 4: Choose how to intervene. Step 5: Build the culture to eliminate the problem.

**Q25:** Whom can you contact for additional resources?

**Answer: SARC**