

**RECRUIT SUSTAINMENT PROGRAM
SOLDIER TRAINING READINESS MODULES
SEXUAL HARASSMENT/ASSAULT RESPONSE & PREVENTION (SHARP)
25 September 2018**

SECTION I. ADMINISTRATIVE DATA

STRM was developed to provide the States/Territories a comprehensive approach to train Soldiers on the basic fundamentals of becoming a Soldier. While all Lesson Plans listed in each Phase are mandatory, every effort should be made to develop these basic Lesson Plans to be as dynamic, interactive, and productive as possible. Think out of the box. Lesson Plans and PowerPoints are not designed to be taught verbatim from the podium. Instructors are only limited by their imagination. Instructor creativity is encouraged and additions to the presentations are acceptable.

Lesson Plan Series

Task(s) Taught

Task Number INDIVIDUAL

Academic Hours

The academic hours required to teach this lesson are as follows:

**Resident
Hours/Methods**

	1 hrs 30 mins / Conference / Discussion
	0 hrs 00 mins / Practical Exercise (Performance)
Test	0 hrs
Test Review	0 hrs
Total Hours:	1 hrs 30 mins

References

<u>Number</u>	<u>Title</u>	<u>Date</u>
AR 600-20	Army Command Policy	06 Nov 2014
DODD 6495.01 Incorporating Change 3	Sexual Assault Prevention and Response (SAPR) Program	11 Apr 2017
DODI 6495.02 Incorporating Change 3	Sexual Assault Prevention and Response Program Procedures	24 May 2017

Student Study Assignments

None

Instructor Requirements

Instructors will be instructor qualified and have a thorough understanding and experience of the SHARP Program and its policies, have a very good working knowledge of the TRADOC Pamphlet 525-8-2, Army Learning Concept 2015, be very familiar with the ADDIE model and have a good working knowledge of TRADOC Regulation 350-70 and associated pamphlets.

Equipment Required	<u>Id Name</u>	<u>Stu Ratio</u>	<u>Inst Ratio</u>	<u>Spt</u>	<u>Qty</u>	<u>Exp</u>
	5836013927680/96454N LCD DATA PROJECTOR		1:1	No	0	No
	6730-00-577-4813 Screen, Projection, BM-10A, Stand		1:1	No	0	No
	702102982124/70209N Computer, Personal System		1:1	No	0	No
Materials Required	Instructor Materials: <ul style="list-style-type: none"> a. Power Point Presentation b. Standard SHARP Handout Student Materials: <ul style="list-style-type: none"> a. Student Handout b. Other materials as directed by RSP Unit SOP 					
Classroom, Training Area, and Range Requirements	Organizational Classroom					
Instructional Guidance	<p>NOTE: Before presenting this lesson, instructors must thoroughly prepare by studying this lesson and identified reference material.</p> <p>Facilitator must insert local installation SARC contact information and helpline phone number information on the last slides before presenting the lesson.</p> <p>Familiarize yourself with locations of latrines/restrooms, smoking areas, places to eat, and emergency exits. Ensure your point of contact briefs you on facility maintenance contracts (i.e., trash, entering and exiting classroom, security requirements, etc.)</p> <p>General information, required actions, suggested scripts, and informational notes for instructors' use in delivering this presentation will be denoted as follows:</p> <ul style="list-style-type: none"> --General information will be denoted by standard text. --Actions will be denoted by bold. --Script suggestions will be italicized and enclosed in quotation marks. --Instructor notes will be denoted by the word "NOTE" in bold. --National Guard specific information and notes will be denoted by "NG NOTE" in bold. <p>Before presenting this lesson (includes this lesson plan and all appendixes), thoroughly prepare by studying this lesson and all identified reference material.</p> <p>Note: Instructors are required to incorporate Operational Environment (OE) issues and reinforce VALUES in this lesson to include scenarios and practical exercises. There are key variables that can be expected in virtually every conflict that serve as building blocks for the OE. They are interrelated and sometimes overlap and serve collectively as the foundation for understanding OE. Information can come from CALL (Center for Army Lessons Learned) http://call.army.mil or any media source including newspaper/magazine articles, television/radio information, law</p>					

enforcement/field training circulars, etc. and should be current and relevant to the training. Do not violate and copyright or reproduction laws.

Army doctrine uses eight interrelated operational variables to analyze the operational environment. Known as PMESII-PT, the eight operational variables are:

1. Political
2. Military
3. Economic
4. Social
5. Information
6. Infrastructure
7. Physical Environment
8. Time

SECTION II. INTRODUCTION

STRM was developed to provide the States/Territories a comprehensive approach to train Soldiers on the basic fundamentals of becoming a Soldier. While all Lesson Plans listed in each Phase are mandatory, every effort should be made to develop these basic Lesson Plans to be as dynamic, interactive, and productive as possible. Think out of the box. Lesson Plans and PowerPoints are not designed to be taught verbatim from the podium. Instructors are only limited by their imagination. Instructor creativity is encouraged and additions to the presentations are acceptable.

NOTE: SHOW Slide 1 (STRM)

Method of Instruction: <u>Conference / Discussion</u>
Instructor to Student Ratio is: <u>1:35</u>
Time of Instruction: <u>10 mins</u>
Media: <u>Slide Presentation</u>

Motivator

Ask: Is sexual harassment and sexual assault a women's issue?

Possible answer: No, it is everyone's issue. In 2015 *2046 unrestricted reports of sexual assault were reported in the Army, of those unrestricted reports 24 percent were male service members.

Note: *Based on DOD Annual Report on Sexual Assault in the Military FY 2015.

State: In 2015 over *2500 reports of sexual assault were reported in the Army.

Note: *Based on DOD Annual Report on Sexual Assault in the Military FY 2015 Enclosure 1: Dept. of the Army pg. 70. 2,516 total **unrestricted and restricted** reports.

State: Let's put that in perspective.

Note: Before asking these questions research how many trainees are in the Platoon, Company, Battalion and Brigade.

Ask: How many people are in your Platoon?

Note: Pause, let the students come up with a number. Number should be 40-50.

Ask: How many in your Company?

Note: Pause, let the students come up with a number. Number should be 100-250.

Ask: What about the Battalion?

Note: Pause, let the students come up with a number. Number should be 400-1000.

State: A Brigade size element is roughly 1500-3500 personnel. The number of reports over a one-year period represents an entire brigade. This number only represents the people that reported. Through trusted research, it has come to light that many incidents of sexual harassment and sexual assault are not reported. There are various reasons someone may choose to not report these incidents. The actual number of Solders that are sexually assaulted is potentially much

higher. So, when you start to think of 2500 as not just a number, but as all your fellow Soldiers that are around you every day, you start to process the data differently.

Ask: So, do you believe me when I say that sexual assault in the Army is a readiness issue?

Note: Student should answer with "yes."

State: It is a readiness issue. A Soldier that is harassed or assaulted is not focused on the mission and is not "ready" to fulfill their duties.

Ask: Would you know how to intervene or help prevent someone from being a perpetrator or becoming a victim of sexual harassment or sexual assault?

Ask: Can you recall any instances when you thought someone was being sexually harassed? Perhaps a time when a sexually explicit "off color" story was told or a sexually explicit joke wasn't so funny? Do you think you would recognize what was happening if you saw or heard an instance of sexual harassment?

State: The impact of 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.

Terminal Learning Objective

NOTE: SHOW Slide 2 (Terminal Learning Objective)

NOTE: Inform the students of the following Terminal Learning Objective requirements.

At the completion of this lesson, you [the student] will:

Action:	Identify the fundamentals of the Sexual Harassment/Assault Response & Prevention (SHARP) program.
Conditions:	In a classroom environment, with facilitated discussions and student handouts.
Standards:	The identification of the fundamentals of the Army's Sexual Harassment/Assault Response & Prevention (SHARP) program will include: 1. Defining sexual harassment, including punishment and accountability under the UCMJ; 2. Defining sexual assault, including punishment and accountability under the UCMJ; and 3. Defining consent, intervention, reprisal, retaliation, and whistleblower protection.

Safety Requirements

Conduct a safety brief prior to training as needed and IAW unit and installation policies.

Risk Assessment Level

Low - Risk Assessment to be produced locally IAW FM 5-19, August 2006.

Evaluation

None

**Instructional
Lead-In**

Show Slide 3: The Impact

Note: Click to advance slide.

Think of what happens:

--Victims may not be able to fulfill their duties or may otherwise have their ability to perform the mission compromised.

--Soldiers are distracted from their mission by a potential threat to their own safety and wellbeing.

--Alleged perpetrators are often placed on administrative hold and, therefore, cannot deploy with their units.

--Divisiveness may exist not only within a unit but also between units if an alleged perpetrator is in one unit and the victim is in another.

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 a 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. Potential Psychological and Physical Effects to the individual including but not limited to:

--Self-Blame

--Isolation

--Avoidance

--Anxiety

--Fear

--Depression

--Anger

--Reduction in Performance

--Less Productive

Ask: Can you name other potential psychological effects of sexual harassment or sexual assault on an individual?

Possible answers: Confusion, guilt, mistrust, embarrassment, shame, fear, including fear of: retaliation, not being believed, trusting new people, stress, including sleeplessness, disordered eating, nervousness and irritability, depression, anxiety, and emotional distancing in personal and professional relationships, negative feelings about work and people at work, as well as lack of work productivity, shock, terror, confusion, anxiety, fear, helplessness, increased risk of alcohol or other drug abuse, feelings of numbness, anger or rage, isolation, grief or intense sorrow, depression, suicidal thoughts, Post-Traumatic Stress Disorder (PTSD).

Ask: Can you name other potential physical effects of sexual harassment or sexual assault on an individual?

Possible answers: Fatigue, loss of appetite, muscle pain, decreased coordination, insomnia, headaches, stomach problems, weight loss or gain, increased blood pressure, sexual disinterest or dysfunction, physiological anxiety, physical injuries, increased risk of cardiac distress, irritable bowel syndrome, and chronic pain. Substantial lifestyle changes, including restriction of activities once

enjoyed, permanent disability, disfigurement, inability to work, possible exposure to sexually transmitted diseases, exposure to the human immunodeficiency virus (HIV), physical injuries that lead to other health conditions, sleep disorders, immune disorders that increase the potential for infectious diseases, loss of appetite, excessive appetite, or eating disorders.

Note: Click to advance slide.

State: The impact of sexual harassment and sexual assault on a unit can reverberate and resonate 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

Ask: Can you name other potential effects of sexual harassment or sexual assault on a unit?

Possible answers: Victims may not be able to fulfill their duties or may otherwise have their ability to perform the mission compromised.

- Soldiers are distracted from their mission by a potential threat to their own safety and wellbeing.
- Alleged perpetrators are often placed on administrative hold and, therefore, cannot deploy with their units. Divisiveness may exist not only within a unit but also between units if an alleged perpetrator is in one unit and the victim is in another.
- Unit leadership attention shifts from the normal duties involved in maintaining readiness to addressing issues pertaining to the incident of sexual harassment and sexual assault (handling of the accused, addressing a victim's needs and restoring the unit's cohesion and trust).

Note: Click to advance slide.

State: 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.

Ask: How does sexual harassment and sexual assault impact unit readiness?

Possible answers: It weakens the very health and morale of our Soldiers, civilian employees and family members by breaking the bond of trust within our Army team. Our profession is built on the bedrock of trust; sexual assault and sexual

harassment betray that trust. They have a corrosive effect on our unit readiness, team cohesion, good order and discipline.

Review Summary:

Now that we have discussed how sexual harassment and sexual assault impacts the person's physical, emotional, and psychological behavior we'll begin to understand how it also can impact your unit's readiness.

SECTION III. PRESENTATION

STRM was developed to provide the States/Territories a comprehensive approach to train Soldiers on the basic fundamentals of becoming a Soldier. While all Lesson Plans listed in each Phase are mandatory, every effort should be made to develop these basic Lesson Plans to be as dynamic, interactive, and productive as possible. Think out of the box. Lesson Plans and PowerPoints are not designed to be taught verbatim from the podium. Instructors are only limited by their imagination. Instructor creativity is encouraged and additions to the presentations are acceptable.

1. Learning Step / Activity 1. Define Sexual Harassment
Method of Instruction: Conference / Discussion
Instructor to Student Ratio: 1:50
Time of Instruction: 15 mins
Media: Slide Presentation

NOTE: Show Slide 4: Definition of Sexual Harassment

NOTE: Slide is animated. The question appears automatically on the slide. Additional bullets enter with animation prompt below. Click for bullet.

State: Now let's take a look at sexual harassment which is a form of discrimination prohibited by law.

Ask: What is the definition of sexual harassment?

NOTE: Allow a few Soldiers to respond and then click for bullet twice.

State: The Army's definition of sexual harassment is provided in AR 600-20, which states that sexual harassment is a form of gender discrimination that involves unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature between the same or opposite genders when:

NOTE: Click for bullet.

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

Ask: What would be some examples of this?

Possible Answer: A person hints or states that the only way to continue in a job, get a promotion or pay raise, keep a job, or in any other way affect one's job is to engage in sexual behavior with the person in charge.

NOTE: Click for bullet.

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

Ask: What would be some examples of this?

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.).

NOTE: Click for bullet.

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

Ask: What would be some examples of this?

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 working environment.

Ask: What would be some examples of this?

Possible Answer: A person continually sexually harasses another person to the point that it creates a hostile or offensive environment. This behavior is not limited to supervisors or people in positions of power. A co-worker can also commit sexual harassment by creating such an 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 civilian employee, is engaging in sexual harassment. Similarly, any Soldier or civilian employee who makes deliberate or repeated unwelcomed verbal comments, gestures, or physical contact of a sexual nature is engaging in sexual harassment.

NOTE: Show Slide 5: Categories of Sexual Harassment

There are three categories of sexual harassment outlined in AR 600-20—verbal, nonverbal, and physical contact. We will take a moment to define each of these categories.

Verbal

- 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," "babe," "sweetheart," "dear," "stud," or "hunk" while referring to Soldiers, Civilian co-workers, or family members

Non-Verbal

- 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 notes, letters, faxes, e-mail, texts, or Facebook messages.

Physical Contact

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

NOTE: Show Slide 6: Types of Sexual Harassment

There are two types of sexual harassment outlined in AR 600-20—quid pro quo and hostile environment. We will take a moment to define both types. 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 is an example of quid pro quo sexual harassment?”

Answer:

- Demanding sexual favors in exchange for a promotion, award, or favorable action
- 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 Civilian employee on the basis of a sexual relationship.

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.

Hostile environment sexual harassment occurs when Soldiers, or 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 harasser and the complainant are in the same workplace, then the environment is classified as “hostile.”

Ask: “What is an example of hostile environment sexual harassment?”

Answer:

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

NOTE: **Show Slide 7: Sexual Harassment Checklist**

NOTE: As you review this material, inform students that a complete investigation is required to legally identify behaviors as sexual harassment. For the purpose of our discussion, we can only form an opinion, which may or may not be accurate, on the behaviors displayed. An investigation would be required to confirm that sexual harassment occurred.

State: To help recognize sexual harassment behaviors, investigators utilize a checklist that compiles many of the concepts we have already discussed during this lesson. It is the Staff Judge Advocate’s (SJA) role to determine whether a behavior constitutes sexual harassment. Sexual harassment does not have to be of a particular intensity; sexual innuendo is as inappropriate as an invitation for sex. To recognize sexual harassment, you need to recognize that there are fundamental differences in relationships with leaders, supervisors, etc. Additionally, sexual harassment is a form of gender discrimination, is illegal, is damaging to the Army community, refers to a broad range of behaviors, and may occur as a single or repeated incident. When analyzing a situation, consider the following questions:

NOTE: Click to advance.

Is the behavior sexual in nature?

We know from AR 600-20 that sexual harassment involves advances, requests for favors, or other verbal, nonverbal, or physical contact of a sexual nature.

NOTE: Click to advance.

Is the behavior unwelcomed?

We know that harassment is determined by the one being harassed, rather than by the harasser—unwelcomed is unwanted. Our discussion on AR 600-20 also confirms that quid pro quo sexual harassment may have a harassing effect on third persons (including bystanders). So, it is important to note that determining whether behavior is unwelcomed involves considering the perspective of all those who are present for a given situation, whether or not they were directly involved in the behavior.

The next two questions on the checklist are linked, and they relate back to our discussion on the types of sexual harassment outlined in AR 600-20.

NOTE: Click to advance.

Is the behavior inappropriate?

AR 600-20 outlines the categories of sexual harassment (verbal, nonverbal, and physical contact) and provides examples of behaviors under each that would be inappropriate for the workplace.

NOTE: Click to advance.

Do the elements of power, control, or influence exist?

We know from AR 600-20 that two of the potential conditions in the definition of sexual harassment involve submission to, or rejection of, conduct related to a term or condition of a person's job, pay, career, or employment decisions. AR 600-20 further defines that requests for favors or threats for refusal constitute quid pro quo sexual harassment.

NOTE: Click to advance.

Does the behavior create a hostile or offensive environment?

AR 600-20 also provides a third possible condition in the definition of sexual harassment, clarifying that conduct considered sexual harassment may have the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive environment. These rules apply to Soldiers 24/7, so the "hostile environment" extends to their living environment (e.g., the gym, barracks, post exchange, etc.). AR 600-20 further defines that this type of conduct constitutes hostile environment sexual harassment.

How would a reasonable person react to the behavior?

We discussed using the reasonable person standard to predict the expected reaction to, or impact of, perceived offensive behaviors on the recipient.

NOTE: Click to advance.

NOTE: **Show Slide 8: Online Misconduct**

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 coworker. 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.

Ask: Who can give us some examples of online misconduct?

NOTE: Take two to three responses, reinforce elements that were correct and address incorrect responses; discuss how the conduct might violate the UCMJ.

NOTE: **Show Slide 9: Admin & UCMJ Sexual Harassment Penalties**

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
- 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

Admin & UCMJ Sexual Harassment Penalties:

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:

- Violation of a lawful General Regulation. ARTICLE 92, Maximum Penalty: Dishonorable Discharge (DD), 2 years confinement, and forfeiture of all pay and allowances.
- Cruelty and Maltreatment of Subordinate. ARTICLE 93, Maximum Penalty: Dishonorable Discharge, 1-year confinement, and forfeiture of all pay and allowances.
- Provoking Speeches or Gestures. ARTICLE 117, Maximum Penalty: 6 months confinement and forfeiture of 2/3 of pay for 6 months.
- Indecent Language. ARTICLE 134, Maximum Penalty: Bad Conduct Discharge, 6 months confinement, and forfeiture of all pay and allowances.

NOTE: Show Slide 10: Check on Learning

Check on Learning:

Determine if the students have learned the material presented by soliciting student questions and explanations.

Ask the students questions and correct misunderstandings.

What are the 3 categories of Sexual Harassment?

1. Verbal

- 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," "babe," "sweetheart," "dear," "stud," or "hunk" while referring to Soldiers, Civilian co-workers, or family members

2. Nonverbal

- 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 notes, letters, faxes, e-mail, texts, or Facebook messages

3. Physical contact

- Touching, patting, pinching, bumping, or grabbing

- Cornering or blocking a passageway
- Kissing
- Providing unsolicited back or neck rubs

What are two types of Sexual Harassment?

1. Quid pro quo
2. Hostile environment

Review Summary: In this learning step we discussed sexual harassment. Sexual harassment is inconsistent with the Army Values and is punishable under administrative actions and the UCMJ.

2. Learning Step / Activity 2. Define Sexual Harassment
 Method of Instruction: Conference / Discussion
 Instructor to Student Ratio: 1:50
 Time of Instruction: 20 mins
 Media: Slide Presentation

NOTE: Show Slide 11: Definition of Sexual Assault

Ask: What is your definition of sexual assault?

Engage: Generate discussion for answers. Allow for discussion but do not reveal the answers until after discussion is complete.

State: The definition of sexual assault in DoDI 6495.02 states as follows:

NOTE: Click to advance bullets: Sexual assault is a crime

NOTE: Click to advance bullets: and is defined as intentional sexual contact characterized by the use of force, threats, intimidation, or abuse of authority or when the victim does not or cannot consent.

NOTE: Click to advance bullets: As used in this Instruction, the term includes a broad category of sexual offenses consisting of the following specific UCMJ offenses: rape, sexual assault, aggravated sexual contact, abusive sexual contact, forcible sodomy (forced oral or anal sex), or attempts to commit these offenses.

NOTE: Show Slide 12: Reporting Options

State: Department of Defense Directive (DoDD) 6495.01 mandates that Soldiers and military Family members 18 years of age or older who are eligible for treatment in the military healthcare system, and who were victims of sexual assault, perpetrated by someone other than a spouse or intimate partner will have two reporting options: Restricted and Unrestricted Reporting. (Spouse is defined as someone the victim is married to, was once married to. “Intimate partner” is someone they live with or have lived with in an intimate partner relationship, or someone they have a child in common with. Those cases where the “spouse” or “intimate partner” is the perpetrator will be referred to the Family Advocacy Program.) The Family Advocacy Program 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.

Let’s look at some of the characteristics of each type of report.

Restricted Report: Recommended for victims of sexual assault who wish to confidentially disclose the crime to specifically identified individuals and receive medical treatment and

counseling without triggering the official investigative process. Soldiers who are sexually assaulted and desire restricted reporting under this policy must report the assault to a:

- Sexual Assault Response Coordinator (SARC)
- Victim Advocate (VA)
- Healthcare personnel.

State: Chaplains and military attorneys cannot take official reports. A Chaplain or military attorney should advise the victim to consult with a SARC to understand the full scope of services available or facilitate, with the victim's consent, contact with a SARC.

State: If you report an incident of sexual assault to anyone in your Officer or NCO chain of command, **your report will not be restricted.**

State: 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.

(1) A 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.

(2) 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: When a sexual assault is reported, the SARC or VA will review the required details of each type of report with the victim. In the course of otherwise privileged communications with a chaplain or legal assistance attorney/Special Victims Counsel, a victim may indicate that he or she wishes to file a Restricted Report.

If this occurs, the chaplain and legal assistance attorney facilitates contact with a SARC or VA to ensure that a victim is offered SHARP services and so that a DD Form 2910 can be completed.

A legal assistance attorney/Special Victims Counsel cannot accept a restricted report. A victim has a right to refuse to disclose confidential information. A victim also has the right to prevent any other person from disclosing confidential communication that may have occurred between them and a victim advocate in a case arising under the UCMJ.

State: The second type of report is an Unrestricted Report. This reporting option triggers an investigation, command notification, and allows a person who has been sexually assaulted to access healthcare treatment and the assignment of a SARC and a SAPR VA. If the victim reports the sexual assault to their chain of command (commander), CID, JAG, or IG, it will be unrestricted. The victim may also choose the unrestricted report when reporting to the SARC, VA, or healthcare personnel.

State: An unrestricted report provides the sexual assault victim options to:

- Access medical treatment.
- Obtain legal assistance and counseling.
- Receive SARC services.
- An official investigation of the sexual assault allegation will be conducted. However, details of the report and investigation are limited to those with a legitimate need to know and to healthcare personnel.

- Expedited Transfers.
- Protective order (Military Protective Order or Civilian Protective Order)

State: To restate what we just discussed: It is important to recognize that an unrestricted sexual assault will initiate an official investigation and more people will need to be involved for a proper investigation. This aspect may hinder a victim's willingness to file reports, but victims should be made aware that the details of the incident are limited to personnel with a legitimate need to know and healthcare personnel.

In spite of this, it may no longer be practical or comfortable for the victim to remain in their assigned command or installation.

NOTE: Show Slide 13: Reporting Options

State: Let us compare more differences between a restricted report and an unrestricted report. As we just have stated there are two reporting options for victims of sexual assault.

Restricted Reporting

State: Restricted Reporting allows a Soldier or his/her Family member (dependents) 18 years of age or older, 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 allows a Soldier or his/her Family member (dependents) 18 years of age or older, medical treatment, advocacy, legal, and counseling services.
- Victims may receive the Sexual Assault Forensic Examination (SAFE).
- Restricted Reporting controls the release of personal information.
- Restricted Reports may be changed to Unrestricted Reports at the victim's request.

As stated before, Restricted Reports can only be reported to the Sexual Assault Response Coordinator (SARC), Victim Advocate, or healthcare personnel.

Under restricted reporting, the alleged offender will not be held accountable, victims are ineligible for expedited transfer or reassignment and will receive no command support, and cannot receive a protective order.

Unrestricted Reporting

State: As with the restricted report, the Unrestricted Report allows a victim medical treatment, advocacy, legal and counseling services.

- Victims may receive the sexual Assault Forensic Examination (SAFE).
- Filing an Unrestricted Report will initiate an official investigation of the allegation that the alleged offender may be held accountable.
- You will receive command support and can receive expedited transfer and protective orders.

Soldiers who file an unrestricted report of sexual assault will be informed by the SARC at the time of making the report, or as soon as practicable, that they have the option to request a temporary or permanent expedited transfer from their assigned command or installation or to a different location within their assigned command or installation.

The limitations are that more people will be involved in the case, however details of the incident are limited to personnel with a legitimate need to know.

The investigation may be intrusive and difficult and cannot be changed to a restricted report.

NOTE: Show Slide 14: Sex Rules

State: As part of the I. A.M. Strong Campaign, the Army has developed ten Sex Rules to create awareness and as a reminder tool to keep you and your fellow Soldiers out of harm's way. These ten rules correspond to Army Values.

State: Sexual harassment and sexual assault behaviors are not consistent with Army Values and the cultural change we are seeking.

We have described sexual harassment and sexual assault. We've seen how an unhealthy environment and negative sexual behaviors harm individual Soldiers and the unit.

These behaviors and attitudes are necessary, not only to create a unit that has a culture of dignity and respect, but also so that Soldiers will understand how to work together to prevent sexual harassment and sexual assault.

The ten sex rules are:

Rule No. 1: Sexual assault is a crime.

Rule No. 2: No always means no.

Rule No. 3: Without consent, it's sexual assault.

Rule No. 4: Unwanted physical contact is wrong.

Rule No. 5: Sexually offensive remarks are Sexual harassment.

Rule No. 6: Silence doesn't mean consent.

Rule No. 7: Assess, discern and mitigate risk.

Rule No. 8: Set the standard of conduct.

Rule No. 9: Stop sexual hazing, bullying and assault.

Rule No. 10: Be a leader; not a passive bystander. Let's now look at each sex rule and apply it to our situation and also see how it corresponds to the Army Values.

State: Rule No. 1: Sexual assault is a crime.

Integrity--Do what's right, legally and morally. Those in the Army found guilty of sexual assault could face a dishonorable discharge and up to life in prison without the possibility of parole.

This is a no brainer. Beyond being legally wrong, sexual assault is morally wrong as well. It's a violation of your fellow Soldier and a complete breakdown of the trust we have among each other on and off the duty.

State: Rule No. 2: No always means no.

Loyalty--Remain true to your fellow Soldiers.

Just because an individual doesn't offer physical resistance to any sexual advances doesn't mean they have consented to sexual activity.

As a Soldier, the meaning of the word "No," and Rule No. 2, is very clear: No means no and yes means yes. You must stand up for your fellow Soldiers at all times in all conditions.

In our next section, we will discuss when there is consent to sexual activity and how we recognize that someone has said, "Yes."

NOTE: Click to advance bullets.

State: Rule No. 3: Without consent, it's sexual assault.

Honor--Live up to the Army Values with every choice you make.

If permission for sex was given before, that doesn't mean you automatically have permission another time. Consent must be given every time. It is an individual's right at any point in time to say no, even if he/she has already said yes prior to the event.

Never assume you have consent. If you aren't certain, you have to ask.

You need to ask for consent. If the answer is no, that means NO!

It's all a matter of Honor. Honoring the wishes of someone else is honoring Army Values in everything you do.

State: Rule No. 4: Unwanted physical contact is wrong.

Respect--Treat others with dignity.

Unwanted or inappropriate touching, patting, tickling, pinching, bumping, hugging, grabbing, or rubbing can be considered sexual assault.

Physical contact of an intimate or inappropriate nature that qualify as sexual assault and allow a victim to file criminal charges are:

- Rape
- Sexual Assault
- Aggravated Sexual Contact
- Abusive Sexual Contact
- Nonconsensual sodomy (oral or anal sex)
- Attempts to commit these acts
- Other contact, such as providing unsolicited back or neck rubs, is considered Sexual harassment but could be considered assault consummated by a battery under the UCMJ.

Also keep in mind that even though a couple is engaged in solicited physical contact such as back or shoulder rubs or teddy bear hugs, holding hands etc... in the work area is inappropriate behavior and can offend bystanders. You can be offended by other people's behaviors.

State: Even though we live and work in close quarters, sometimes under the harshest possible conditions, we must respect other Soldiers' physical and personal space at all times. We must treat people with the respect we would want them to treat us with, and we do not touch another person's body without their consent.

State: Rule No. 5: Sexually offensive remarks are Sexual harassment.

Duty--Act in the best interest of your unit.

State: Verbal Sexual harassment includes:

- 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

State: It is your duty to use appropriate language at all times. These are your fellow Soldiers. Treat them with respect at all times.

State: Rule No. 6: Silence doesn't mean consent.

Respect--Clarify; ask before acting.

State: The majority of sexual assault victims know their assailants.

Sometimes, assaults happen when an individual refuses to accept no and intimidates the victim. Or, if the victim is too afraid to speak up.

If an individual is asleep or unconscious, no. That individual is incapable of saying yes to any sexual activity.

There are situations when a person feels threatened or overpowered. In those cases, a person can panic and cannot or will not object or protest, even though they don't want anything further to happen to them or do not want to do something.

These excuses have been used as defenses by rapists, and they have sometimes gotten away with it, and were left free to re-offend.

State: Rule No. 7: Assess, discern and mitigate risk.

Selfless Service--Ensure your Battle Buddy is safe.

Recognizing the warning signs of a potential sexual assault can help ensure that it never happens.

State: Be on the lookout if you're ever in a situation with any of these warning signs: Sexual jokes, sexually explicit profanity, threats, sexually oriented cadences, or sexual comments, whistling in a sexually suggestive manner, and describing certain attributes of one's physical appearance in a sexual manner.

- Terms of endearment such as "honey," "babe," "sweetheart," "dear," "stud," or "hunk" in referring to Soldiers, civilian co-workers, or family members.
- Staring at someone, blowing kisses, winking, or licking one's lips in a suggestive manner.
- Displays of printed material (for example, displaying sexually oriented pictures or cartoons), use of sexually oriented screen savers on one's computer, or sending sexually oriented notes, letters, faxes, or e-mail.
- Touching, patting pinching, bumping, grabbing, cornering, blocking a passageway, kissing, or providing unsolicited back or neck rubs.
- Pressuring someone to drink.
- Inappropriate touching or intimacy.
- Attempting to isolate someone.

State: As a Soldier, Selfless Service to others means you're always on the alert, watching out for situations that could potentially put any of your fellow Soldiers at risk.

Know what to look for, and don't hesitate to act should the need arise.

State: Rule No. 8: Set the standard of conduct. Click to advance bullets.

Duty—Be and hold others accountable.

State: As a Soldier, you are held to a higher standard of conduct. It is your Duty, at all times, to respect the rights of others, to treat them with integrity, and to intervene when necessary.

Sexual harassment and sexual assault can be prevented. It is the duty of each and every Soldier to help make that a reality.

State: Rule No. 9: Stop sexual hazing, bullying and assault.

Integrity--You are a Soldier; lead by example.

State: All acts of sexual harassment or sexual assault break the bond of trust between Battle Buddies and weaken your unit.

-There is never, under any circumstance, a time when hazing or bullying is acceptable.

Therefore:

-Use your integrity to stand up for what is right.

-Be alert for early warning signs that indicate you may be at risk for hazing, bullying, or sexual assault.

-Always know your options for filing a complaint or reporting the incident.

State: Standing up against hazing, bullying, and sexual assault will make you stronger as a Soldier—and it fosters unit cohesion.

State: Rule No. 10: Be a leader; not a passive bystander.

NOTE: Click to advance bullets.

Personal Courage--Intervene, Act, and Motivate.

NOTE: Show Slide 15: Check on Learning

Check on Learning:

What are the two types of sexual assault reporting?

Restricted report and unrestricted report.

Who can receive a restricted report?

Sexual Assault Response Coordinator (SARC), Victim Advocate (VA), Healthcare Personnel (HCP)

What are the benefits of filing an unrestricted report of sexual assault?

1. Access to medical, advocacy, legal and counseling services.
2. Receive the SAFE.
3. Alleged offender may be held accountable.
4. Command support.
5. Expedited Transfers.
6. Can receive protective order (Military Protective Order [MPO] or Civilian Protective Order [CPO]).

Review Summary: Sexual assault is a crime. Sexual assault is defined as intentional sexual contact characterized by the use of force, threats, intimidation or abuse of authority or when the victim does not or cannot consent. The term includes a broad category of sexual offense 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.

3. Learning Step / Activity 3. Define Consent, Intervention, Reprisal, Retaliation, and Whistleblower Protection
Method of Instruction: Conference / Discussion
Instructor to Student Ratio: 1:50
Time of Instruction: 25 mins
Media: Slide Presentation

NOTE: Show Slide 16: Definition of Consent

Ask: In your own words what is consent?

NOTE: Generate discussion.

State: Individuals should be aware and understand that consent is a mutual agreement between two competent people.

NOTE: Click for each bullet.

State: Article 120(g)(8), UCMJ defines consent:

(A) 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.

NOTE: Show Slide 17: Definition of Consent

(B) A sleeping, unconscious, or incompetent person cannot consent. A person cannot consent to force causing or likely to cause death or grievous bodily harm or to being rendered unconscious. A person cannot consent while under threat or fear or under the circumstances described in subparagraph (C) or (D) of subsection (b)(1).

(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: Show Slide 18: Definition of Consent

Article 120(b)(2) and (3), UCMJ defines, in part the crime of Sexual Assault 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.

NOTE: Show Slide 19: Intervention Process

Intervention is a deliberate process by which change is introduced into peoples' thoughts, feelings, and behaviors. Bystander Intervention is the willingness to safely take action and help someone in time of need.

State: You have all been assigned a “Battle Buddy.” We know when we are on the battlefield that “Battle Buddies” keep each other safe. The “Battle Buddy” principle works the same way to help prevent sexual harassment and sexual assault.

State: Let’s look at the ways being a “Battle Buddy” and bystander intervention skills can work together to prevent sexual assault.

The five-step intervention process serves as a tool to move individuals to intervene and to create and maintain a culture that does not tolerate sexual harassment. This process also assists and requires everyone to be “response-able.”

We will discuss each step in greater depth over the next few slides. As we do so, remember some of the tips to act, which include using body language, good judgment, and common sense, knowing your limits, encouraging dialogue, easing strong feelings, and calling for help when needed.

Now, the five steps are as follows...

Step 1: Notice the event/be aware/situational awareness.

Is it sexual harassment?

Is it possible for an individual to harass someone and not realize it?

Step 2: Interpret it as a problem. (Is the behavior in line with the Army values.)

How does sexual harassment “hurt” men? Women? Organizations?

How does it deter mission accomplishment?

Step 3: Feel responsible for solving it.

How does my inaction impact my fellow Soldiers? Work climate?

How does it impact mission accomplishment?

Step 4: Choose how to intervene (Seek input if needed).

Determine if you are the best person to act.

Communicate assertively. (Use “I” statements and specific behaviors.)

Take active steps to reduce risk factors for sexual harassment.

Learn to intervene as a concerned team member.

Talk to others about the behaviors in question.

Intervene indirectly.

Step 5: Build the culture to eliminate it.

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”). Now let’s begin with the first step.

Ask: Who can intervene?

State: Anyone who observes crime or witnesses conditions that perpetuate violence can choose to intervene, speak up, or do something about a problem. As a designated “Battle Buddy,” or simply as a fellow Soldier, you already have made the commitment to step in and prevent violence before it happens.

Ask: What is the definition of bystander intervention?

State: Bystander intervention is defined as being empowered and equipped with the knowledge and skills to safely and effectively assist in the prevention of sexual crime.

Ask: Where is bystander intervention most likely to be needed?

State: Bystander intervention may be needed wherever a temporary situation or the longstanding organizational culture is such that it could lead to individuals being at risk or the target of sexual assault.

Ask: When is bystander intervention the right thing to do?

State: Bystander intervention is the right thing to do when you are nearby and thus, potentially in a position to discourage, prevent, or interrupt an incident before it occurs.

Ask: Why should a bystander intervene?

State: Bystanders should intervene, because intervention has been shown to be an effective and important prevention strategy, build values, and increase morale.

Ask: How do bystanders safely and effectively intervene to stop sexual assaults?

State: By practicing bystander intervention skills and using proven intervention strategies, bystander intervention is a safe option for both the bystander and the potential victim of sexual crime. Let’s look at some of those skills and strategies.

State: As bystanders you can actively participate in minimizing instances of sexual harassment and sexual assault by intervening when you witness inappropriate behaviors. Consider instances where you can intervene on or off duty, in an office or a dining facility by changing subject matter or distracting an offender. You should focus on deterring sexual harassment and sexual assault.

Some examples of bystander intervention include:

- Do something
- Change subject matter
- Distract the offender
- Remove victim from hostile environment
- Cause an interruption
- Serve as an ally to the victim
- Call for help
- Be a part of the solution, not a part of the problem

State: Creating a culture and climate where Army Values, the Warrior Ethos, and the Soldier's Creed are upheld means that we need to routinely act and speak up if we hear or see sexual harassment in everyday comments that could lead up to a sexual assault.

State: Intervention is an essential part of combatting sexual harassment and sexual assault in the Army. Soldiers and DA Civilians are all capable of assisting in eliminating this problem. This training has already provided information on recognizing signs and potential situations indicating sexual harassment or sexual assault may be an issue.

Now let's discuss strategies of dealing with the issue.

- Confront the inappropriate behavior with or without the help of others.
- Remove the potential victim from the situation.
- Create a distraction to separate the potential victim from the potential offender.
- Inform a commander or manager of the potential incident and intervention actions taken.

NOTE: Show Slide 20: Reprisal

When addressing sexual harassment, there are a few policies you should familiarize yourself with.

The first is reprisal.

Reprisal is a retaliatory act. It occurs when an individual submits a complaint and someone—anyone—threatens a negative act if the person pursues the complaint. 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.

Reprisal: DOD Directive 7050.6 Military Whistleblower Protection

- States that no person may take or threaten to take an unfavorable personnel action, or withhold or threaten to withhold a favorable personnel action, in reprisal against any member of the Armed Forces for making or preparing to make a protected communication.

- Actions include:

Taking or threatening to take an adverse or unfavorable personnel action.

Withholding or threatening to withhold a favorable personnel action.

Ostracism--excluding from social acceptance, privilege, or friendship.

Acts of cruelty, oppression, or maltreatment.

NOTE: Click to advance.

- Prohibits interference with a military member's right to make protected communications to members of Congress, Inspectors General, members of DoD audit, inspection, investigation, or law enforcement organizations, and other persons or organizations (including the chain of command) designated by regulation or administrative procedures.

NOTE: Click to advance.

- All complainants will be protected from acts or threats of reprisal. Army policy forbids reprisal against Soldiers who report sexual harassment or who participate in internal or external investigations of harassment.

NOTE: Click to advance.

- Encourage complainants to report incidents and/or threats of reprisal.

NOTE: Show Slide 21: Policy on Retaliation

Ask: What is Retaliation?

One of the most prevalent reasons for not reporting sexual assault is that victims do not want to detract the unit from its focus on the mission. In fact, reporting the offense will ultimately improve mission focus because it can help to eliminate the problem of a repeat offender. In accordance with Army values, every Soldier should report these things—that includes others who have knowledge of it, not just the victim. Reporting and calling attention to these behaviors will prevent retaliation to victims. Often after reporting events, the alleged perpetrator will attempt various forms of retaliation that you should be looking out for. We need to ensure any victims of a sexual offense are safe and free from any attempts at retribution from the accused.

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

NOTE: Click for bullet.

Taking or threatening to take an adverse or unfavorable personnel action, or withholding or threatening to withhold a favorable personnel action.

NOTE: Click for bullet.

Ostracism.

NOTE: Click for bullet.

Acts of cruelty, Oppression or Maltreatment.

Policy on Retaliation

State: "Retaliation" is defined as:

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).

NOTE: Show Slide 22: Your SARC/VA

State: 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

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.

State: According to the DoD Retaliation Prevention and Response Strategy (24 August 2015), about two-thirds of women who experienced a sexual assault and filed a criminal report to a military authority indicated that they experienced some form of retaliation.

Retaliation, like the rejection and blaming a victim can experience following the reporting of a sexual assault, has the potential to re-traumatize. That is, such experiences can compound and add to the negative psychological, interpersonal, and physical outcomes previously triggered by the sexual assault.

Check on Learning:

What is consent?

Consent means a freely given agreement to the conduct at issue by a competent person.

Can you assume consent if you have a current or previous sexual relationship?

No.

Can you assume consent based on the manner of dress of the person?

No.

Can someone give consent if they are sleeping, unconscious, incompetent, or under threat or fear?

No.

What steps can you take to intervene early?

1. Notice the event – Be conscious of the climate in your unit. Look for inappropriate behavior. Do not minimize or ignore it.
2. Interpret it as a problem – See the problem. The negative impact of sexual harassment and sexual affects the individual, unit, Army, and community.

3. Feel responsible for solving it – In the Army you are the person who should seek to minimize the problem. Your inaction could affect the Soldier, work climate, and mission.
4. Choose how to intervene – Determine what you or others can do. What is the risk for not taking action? Do you have the resources and confidence you need to intervene?
5. Build a culture to eliminate - Monitor the unit climate to ensure that it condemns sexual harassment and sexual assault and is supportive of sexual harassment complainants and victims of sexual assault.

Who should intervene?

Anyone can intervene. As a battle buddy, you should intervene. Intervention is consistent with the Army Values.

What are some possible ways to intervene?

- Confront the inappropriate behavior with or without the help of others.
- Remove the potential victim from the situation.
- Create a distraction to separate the potential victim from the potential offender.
- Inform a commander or manager of the potential incident and intervention actions taken.

What is reprisal?

Reprisal is a retaliatory act. It occurs when an individual submits a complaint and someone—anyone—threatens a negative act if the person pursues the complaint. 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.

What defines retaliation?

1. Taking or threatening to take an unfavorable personnel action or withholding or threatening to withhold a favorable personnel action, for making, preparing to make, or being perceived as making or preparing to make a protected communication.
2. 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; or
 - c. The ostracism was motivated by the intent to discourage reporting of a criminal offense or otherwise to discourage the due administration of justice.
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.

Who investigates allegations of retaliation?

The inspector general (IG).

Review Summary:

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.

As bystanders you can actively participate in minimizing instances of sexual harassment and sexual assault by intervening when you witness inappropriate behaviors. Consider instances where you can intervene on or off duty, in an office or a dining facility by changing subject matter or distracting an offender. You should focus on deterring sexual harassment and sexual assault.

Reprisal is a retaliatory act. It occurs when an individual submits a complaint and someone—anyone—threatens a negative act if the person pursues the complaint. 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 is defined as 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.

SECTION IV. ASK FOR QUESTIONS AND SUMMARY

Method of Instruction: Discussion

Instructor to Student Ratio: 1:50

Time of Instruction: 10 mins

Media: None

- a. Ask students if they have any questions.
- b. Answer all questions or agree to get back to students with a complete or appropriate answer.

NOTE: SUMMARY

Using your own examples or experiences, recap the Equal Opportunity emphasizing the importance as well as the effectiveness of the program, or quote from or paraphrase the following:

We communicated the individual Soldier's obligations in support of the Army's Equal Opportunity (EO) Program. We defined the Army's Equal Opportunity Program as it relates to the Army Values, Warrior Ethos, and Soldier's Creed; identified the behaviors and actions that violate and support the Army's Equal Opportunity Program and identified the Army's Equal Opportunity (EO) Complaint Process.

Unlawful discrimination has no place in the Army and will not be tolerated. You should now know how to avoid discriminating against others and how to respond if you believe you are the victim of discrimination.

SECTION V. STUDENT EVALUATION (OPTIONAL)

**Testing
Requirements** None

**Feedback
Requirements** None

Appendix A - Viewgraph Masters

VIEWGRAPHS

STRM	Slide #1
Terminal Learning Objective	Slide #2
The Impact	Slide #3
Definition of Sexual Harassment	Slide #4
Categories of Sexual Harassment	Slide #5
Types of Sexual Harassment	Slide #6
Sexual Harassment Checklist	Slide #7
Online Misconduct	Slide #8
Admin & UCMJ Sexual Harassment Penalties	Slide #9
Check on Learning	Slide #10
Definition of Sexual Assault	Slide #11
Reporting Options	Slide #12
Reporting Options	Slide #13
Sex Rules	Slide #14
Check on Learning	Slide #15
Definition of Consent	Slide #16
Definition of Consent	Slide #17
Definition of Consent	Slide #18
Intervention Process	Slide #19
Reprisal	Slide #20
Policy on Retaliation	Slide #21
Your SARC/VA	Slide #22
Summary	Slide #23

Appendix B - Test(s) and Test Solution(s) (N/A)

Appendix C - Practical Exercises and Solutions

Built into Lesson Plan

Appendix D - Student Handouts

Student Handout (SH) 1 – Key References and Definitions