



# Annual Refresher Training NDU



**Facilitated by: Felicia Brice, SARC**

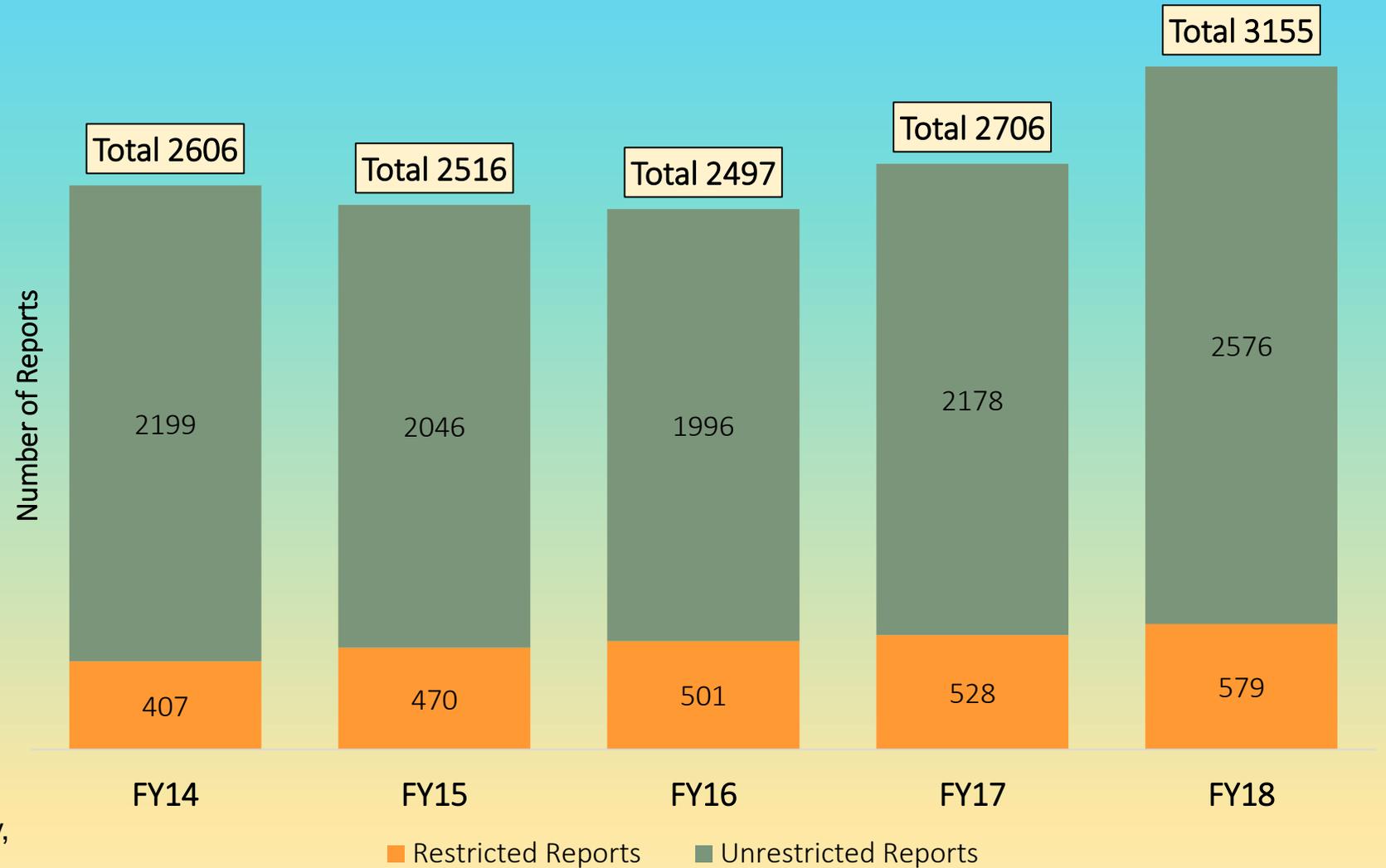
**We will discuss sexual harassment and sexual assault using language, themes, and scenarios that could invoke strong emotions among some attendees.**

<b>Action</b>	Demonstrate behavior consistent with the Army's Sexual Harassment/Assault Response & Prevention (SHARP) Program
<b>Conditions</b>	Given 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
<b>Standards</b>	<p>The student will complete SHARP Annual Refresher Training contributing to building unit readiness. Students will have met the standard when they demonstrate behavior consistent with the Army's SHARP program by participating in the following activities without error:</p> <ul style="list-style-type: none"> <li>• Describe the impact of sexual harassment and sexual assault on the Army</li> <li>• Discuss prevention practices and the bystander intervention process</li> <li>• Discuss sexual harassment</li> <li>• Discuss sexual assault</li> <li>• Discuss sexual assault victims' rights (confidentiality, expedited transfer, protective orders, and Special Victims' Counsel)</li> <li>• Define the Army's policy on retaliation</li> </ul>



# FY14-18 Sexual Assault Reports

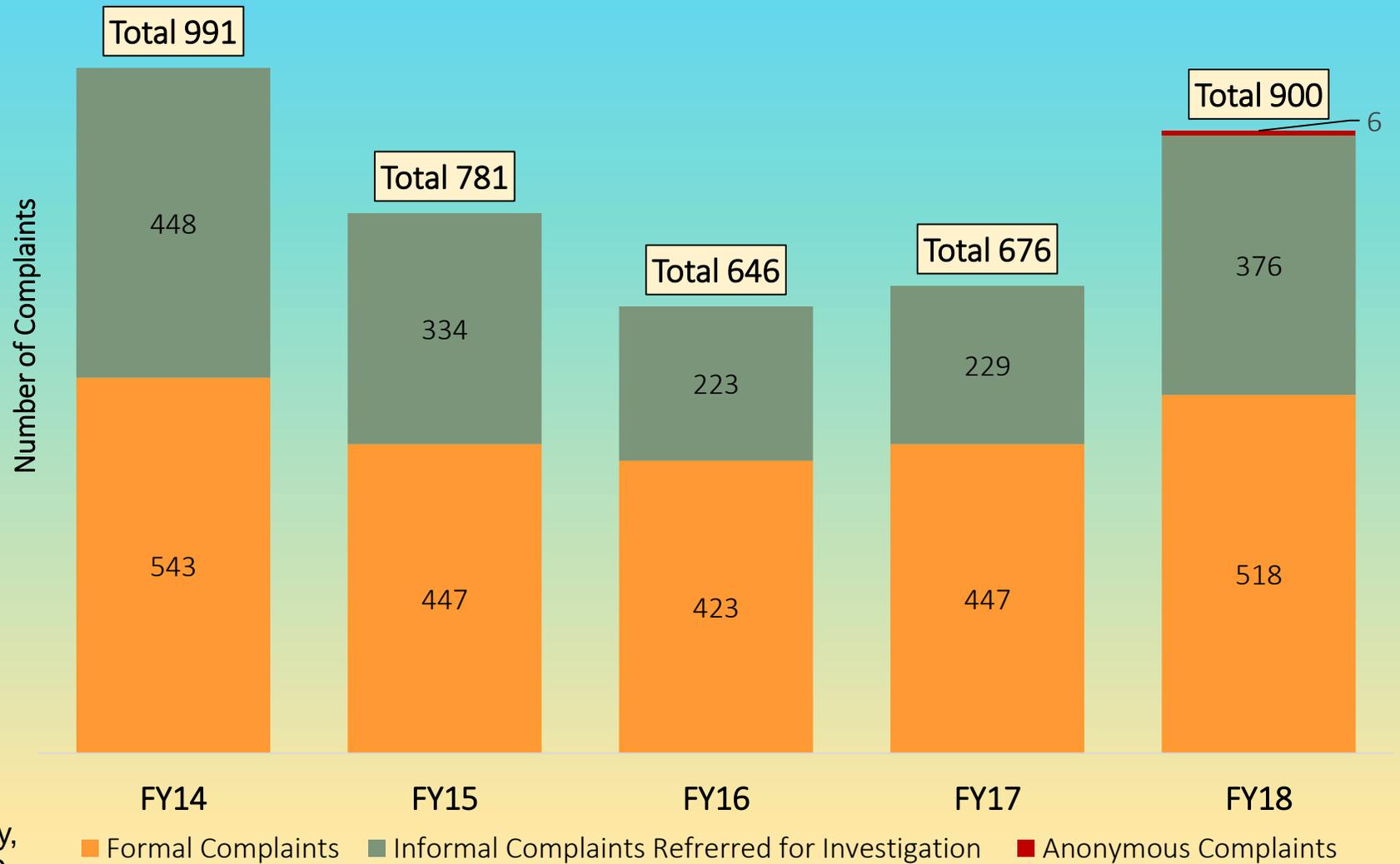
**All Victims**  
(Includes all reports of sexual assault in which either the subject or the victim is a Service Member)



Reference: Department of Defense FY 2018 Annual Report on Sexual Assault in the Military, Encl. 1: Department of the Army; May 2, 2019

# FY14-18 Sexual Harassment Complaints

**All Complaints**  
(Includes all formal and informal complaints referred for investigation)



Reference: Department of Defense FY 2018 Annual Report on Sexual Assault in the Military, Encl. 1: Department of the Army; May 2, 2019



# Definition of Sexual Harassment

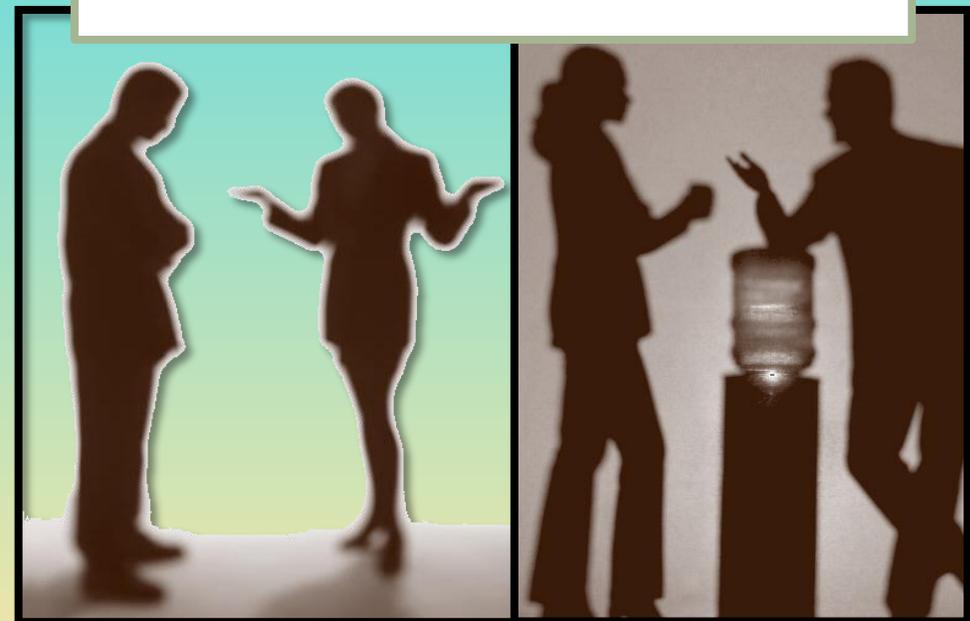
- 1) Conduct that:
  - A. involves unwelcome sexual advances, requests for sexual favors, and deliberate or repeated offensive comments or gestures of a sexual nature when:
    - i. Submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career;
    - ii. Submission to, or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person; or
    - iii. 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**
  - B. is so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the environment as hostile or offensive.
- 2) 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.
- 3) 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.

USC Title 10, Section 1561

## *Quid Pro Quo*



## *Hostile Environment*



Reference: AR 600-20



## Vignette 2: Sexual Harassment

Ms. Leslie Robinson, an Army Civilian, works in the “cube farm” environment (which is a workplace containing several cubicles) at the in-processing center. One day, SSG Bill Evans, the section leader, stopped by SPC Mark Fields’ cubicle, and the conversation turned to a discussion of Ms. Robinson’s breasts and buttocks. SSG Evans remarks to SPC Fields that he would like to take Ms. Robinson back to the barracks and “let her teach him a few things.” Ms. Robinson did not hear any of it, but two other co-workers, SGT John Weaver, and SPC Tina Michaels, sitting unseen in the adjacent cubicles, heard the comments. SGT Weaver observed that SPC Michaels was uncomfortable with the conversation.

Later in the day, SSG Evans and SPC Fields passed SPC Michaels and SGT Weaver in the break room, after which SPC Michaels confides in SGT Weaver that she does not want to work with SSG Evans nor SPC Fields. She says that was not the first sexual innuendo she has heard from SSG Evans, and she doesn’t want to work with him if that’s how he is going to talk about women. SPC Michaels also mentioned that she was going to tell Ms. Robinson about the remarks when she returned to the office in the morning.



The next morning, SPC Michaels tells Ms. Robinson about SSG Evans’ comments. Ms. Robinson becomes very angry and decides to inform her non-commissioned officer in charge. In addition, if she wants to pursue administrative remedies through the Equal Employment Opportunity process, she will have to contact the EEO office to initiate a complaint within 45 calendar days.

The 45 day time limit to contact EEO is not stopped when the chain of command is notified or extended while they are investigating and/or pursuing corrective action.





# Vignette 2: Sexual Harassment Key Questions

**Is the behavior sexual in nature?**

**Is the behavior unwelcomed?**

**Would a reasonable person find the behavior inappropriate?**

**Does one or more of the following exist?**

**Power, control, or influence**

**Hostile or offensive environment**





- 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 Army Civilians to follow
- A successful mission is achieved in an environment free of sexual harassment
- Prevention is the responsibility of every Soldier and Army Civilian

Reference: AR 600-20



## Army Soldiers

- Policy applies on/off the installation - 24/7
- Complainants are encouraged to confront subject/offenders
- Army policy does not require complainants of sexual harassment to confront the subject/offender
- File formal complaints with the brigade level SARC or higher
- Family members 18 and over, are eligible to file complaints with a SARC. Family members under 18 file with Family Advocacy Program (FAP)



Reference: AR 600-20

1. **Anonymous:** Encourages the reporting of incidents while maintaining anonymity
2. **Informal:**
  - **Direct approach** - Confront the harasser (in person, email, or text)
  - **Third-party** - Ask someone else to talk to the harasser
  - **Chain of Command** - Report the behavior to your immediate supervisor
3. **Formal:**
  - Filed in writing using DA Form 7279, CDR is notified
  - Soldiers have 60 calendar days to file a formal complaint

References: AR 600-20/ DoDI 1020.03



## Army Civilians

- Army Civilian complainants have the right to pursue administrative remedies through the Equal Employment Opportunity (EEO) complaint process
- Army Civilian complainants have the right to sue
- Although Army policy does not require complainants of sexual harassment to confront the subject/offender, complainants are highly encouraged to do so
- Civilians are protected from retaliation (reprisal) for their EEO activity under federal law

Reference: AR 690-600



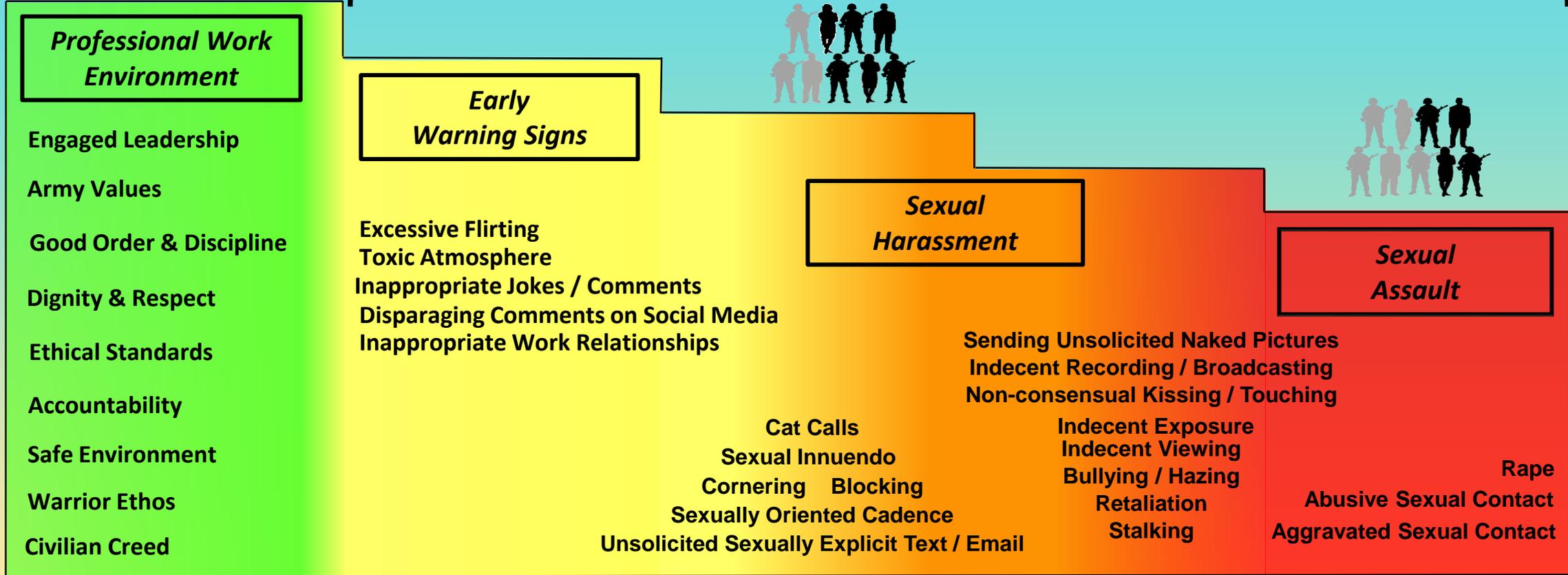
## Formal reports of sexual harassment:

- May be raised to Command and/or EEO personnel
- Must contact the **EEO Office** within **45 calendar days** of becoming aware of the sexual harassment, to initiate the complaint process (Command/Supervisor notification does not count toward the 45-day time limit)

Reference: AR 690-600



**Sexual harassment/sexual assault reduces a unit's overall mission readiness by destroying trust, teams, and unit cohesion**



Leader engagements & intervention opportunities occur throughout the Continuum  
 Report incidents of sexual harassment/sexual assault to a SARC or VA

# Bystander Intervention Process



1. Notice the event
2. Interpret the event as a problem
3. Accept personal responsibility for doing something
4. Decide how to intervene (3Ds)
  - Direct
  - Distract
  - Delegate

5. **Take Action!**





- 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 offenses of the following specific UCMJ offenses: rape, sexual assault, aggravated sexual contact, abusive sexual contact, or attempts to commit these offenses



Reference: DoDI 6495.02, Change 3



## Definition of Consent



**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, does not constitute consent
- A sleeping, unconscious, or incompetent person cannot consent
- All the surrounding circumstances are to be considered in determining whether a person gave consent



Reference: Manual for Courts-Martial, Article 120(g)(7)



SGT Robert Atkinson calls SGT Mary Brown to pick him up from a bar and take him home. Though heavily intoxicated, SGT Atkinson asks SGT Brown to walk him up to his apartment, where he tells her he wants to have sex with her. Once they enter his apartment, SGT Atkinson begins kissing SGT Brown. SGT Brown kisses him back and asks, “Where is your bedroom?” SGT Atkinson guides SGT Brown to his bedroom and she begins to undress. While she’s undressing, SGT Atkinson lays back and passes out. SGT Brown undresses SGT Atkinson and begins performing oral sex on him, attempting to arouse him even though he is passed out.

- Has SGT Atkinson given consent to SGT Brown in this scenario?





- Sexual assault is a criminal offense
- Sexual assault degrades mission readiness
- Every Soldier who is aware of a sexual assault should immediately (within 24 hours) report incidents
- Sexual assault is punishable under laws:
  - Soldiers (UCMJ)
  - Army Civilians (Federal/State)
- Those who commit sexual assault offenses will be held appropriately accountable
- All victims of sexual assault will be treated with dignity, fairness, and respect
- This policy applies to both on- and off-post, 24/7

Reference: AR 600-20

Restricted Report	Unrestricted Report
<p><b>Who can accept a report:</b></p> <ul style="list-style-type: none"> <li>• Sexual Assault Response Coordinator (SARC)</li> <li>• SHARP Victim Advocate (VA)</li> <li>• Healthcare Personnel</li> </ul>	<p><b>Who can accept a report:</b></p> <ul style="list-style-type: none"> <li>• <u>Commander</u></li> <li>• CID</li> <li>• JAG</li> <li>• IG</li> <li>• SARC</li> <li>• VA</li> <li>• Healthcare Personnel</li> </ul>
<p><b>Limitations</b></p> <p>Chaplains and Special Victim Counsel – cannot file a report, but information shared remains confidential</p>	<p><b>Limitations</b></p> <ul style="list-style-type: none"> <li>• More people will know about the sexual assault</li> <li>• Investigation may require discussion of personal matters</li> <li>• <u>Cannot change to Restricted Report</u></li> </ul>



***If someone in the victim's chain of command has knowledge of the sexual assault, the option for a restricted report is no longer available and they are required to take action***

- Live July 2019
- Participation optional & anonymous
- New DD Form 2910 reflecting option for CATCH Program participation
- Retention of RR SAFE Kit changed to 10 years

**RESTRICTED REPORTS ONLY**



## UCMJ Article 132 defines retaliation as:

Any person subject to UCMJ who, with the intent to retaliate against any person for reporting or planning to report a criminal offense, or making or planning to make a protected communication, or with the intent to discourage any person from reporting a criminal offense or making or planning to make a **protected communication**:

1. Wrongfully takes or threatens to take an adverse personnel action against any person; or
2. Wrongfully withholds or threatens to withhold a favorable personnel action with respect to any person; shall be punished as a court-martial may direct.





## Retaliation also includes:

- **Ostracism**, 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; and
  
- **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.

Reference: Army Directive 2014-20 , Prohibition of Retaliation  
Against Soldiers for Reporting a Criminal Offense, dated 19 Jun 14



We (Soldiers and Army Civilians) are professionals, guided in everything we do by the Army Ethic. We are certified and bonded with other Army professionals through a shared identity and service within a culture of trust.

- Treat everyone with dignity and respect
- Intervene! – Direct, Distract, or Delegate



# Do your part to keep each other and our Army safe

- Chaplain, minister, or spiritual leader
- Behavioral health counseling
- Special Victim Counsel
- ATN - <https://atn.army.mil/sexual-harassment-assault-response-and-prevention/sharp-training>
- **Office of Personnel Management (OPM)** website (for Army Civilians) - <http://www.opm.gov/policy-data-oversight/worklife/reference-materials/resource-list.pdf>
- **DoD Safe Helpline** — contact them at **877-995-5247** or [safehelpline.org](http://safehelpline.org), which offers support services to men and women
- **Military One Source:** <http://www.militaryonesource.mil/> or **800-342-9647** (Mandatory Reporting Responsibility)
- **Mobile Technology:** We Care App, Battle Buddy App, Circle of 6 App, 360 App
- **Outside Resources:** Rape Abuse and Incest National Network (RAINN)





## Reminder: If You Need Help

**Installation 24/7 Helpline:**

**202-498-4009**

**Pentagon SHARP Office:**

**703-571-3496**

**JBM-HH/Pentagon SARC:**

**703-696-6497**

**DoD Safe Helpline:**

**(877) 995-5247**