



Annual Refresher Training



Sexual Assault. Sexual Harassment. **NOT IN OUR ARMY.**

Enabling Readiness-Fostering Change



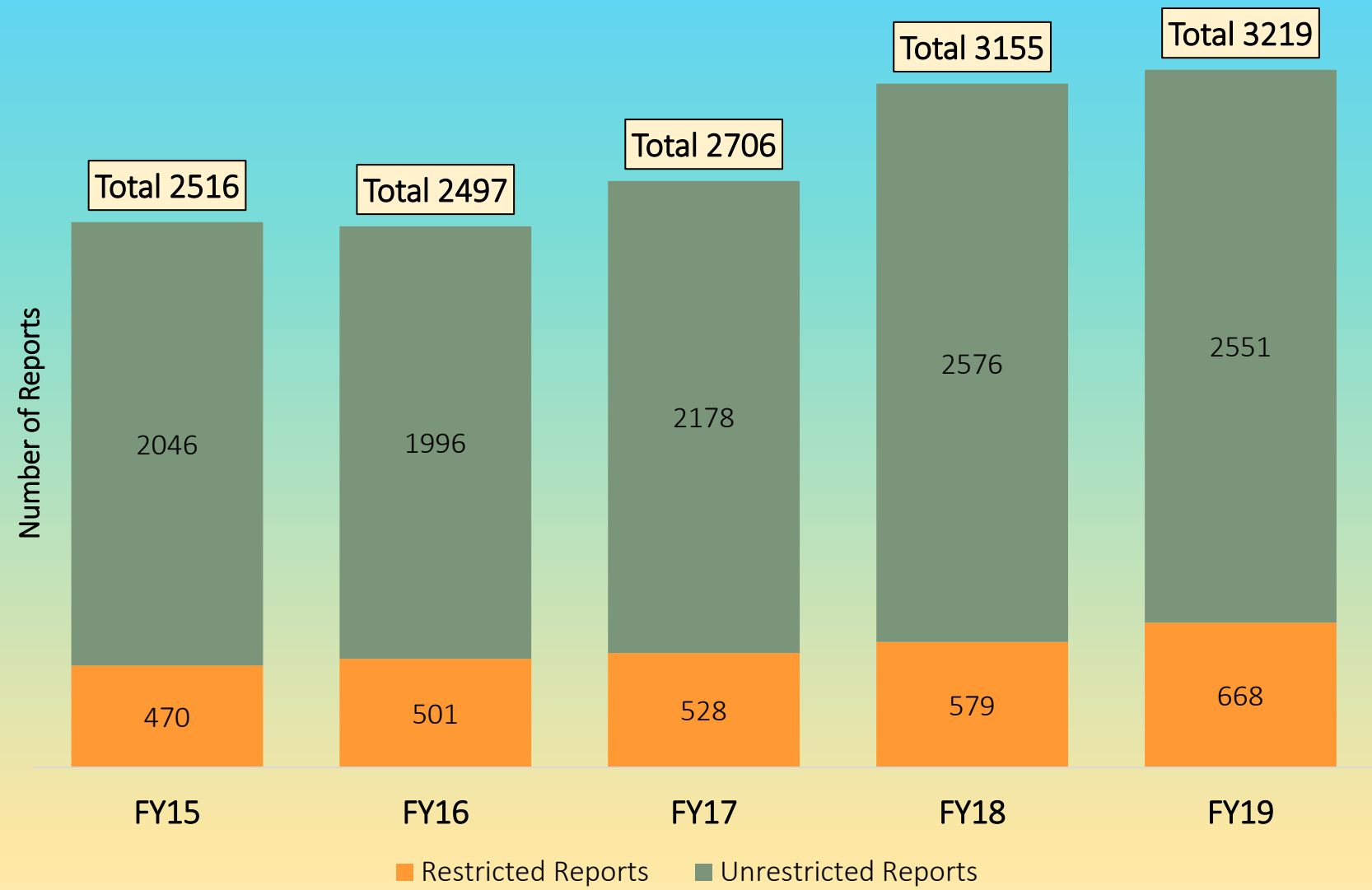
https://www.youtube.com/watch?v=n1wwJv_ndGM

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

Action	Demonstrate behavior consistent with the Army's Sexual Harassment/Assault Response & Prevention (SHARP) Program
Conditions	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
Standards	<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"> • Describe the impact of sexual harassment and sexual assault on the Army • Discuss prevention practices and the bystander intervention process • Discuss sexual harassment • Discuss sexual assault • Discuss sexual assault victims' rights (confidentiality, expedited transfer, protective orders, and Special Victims' Counsel) • Define the Army's policy on retaliation

FY15-19 Sexual Assault Reports

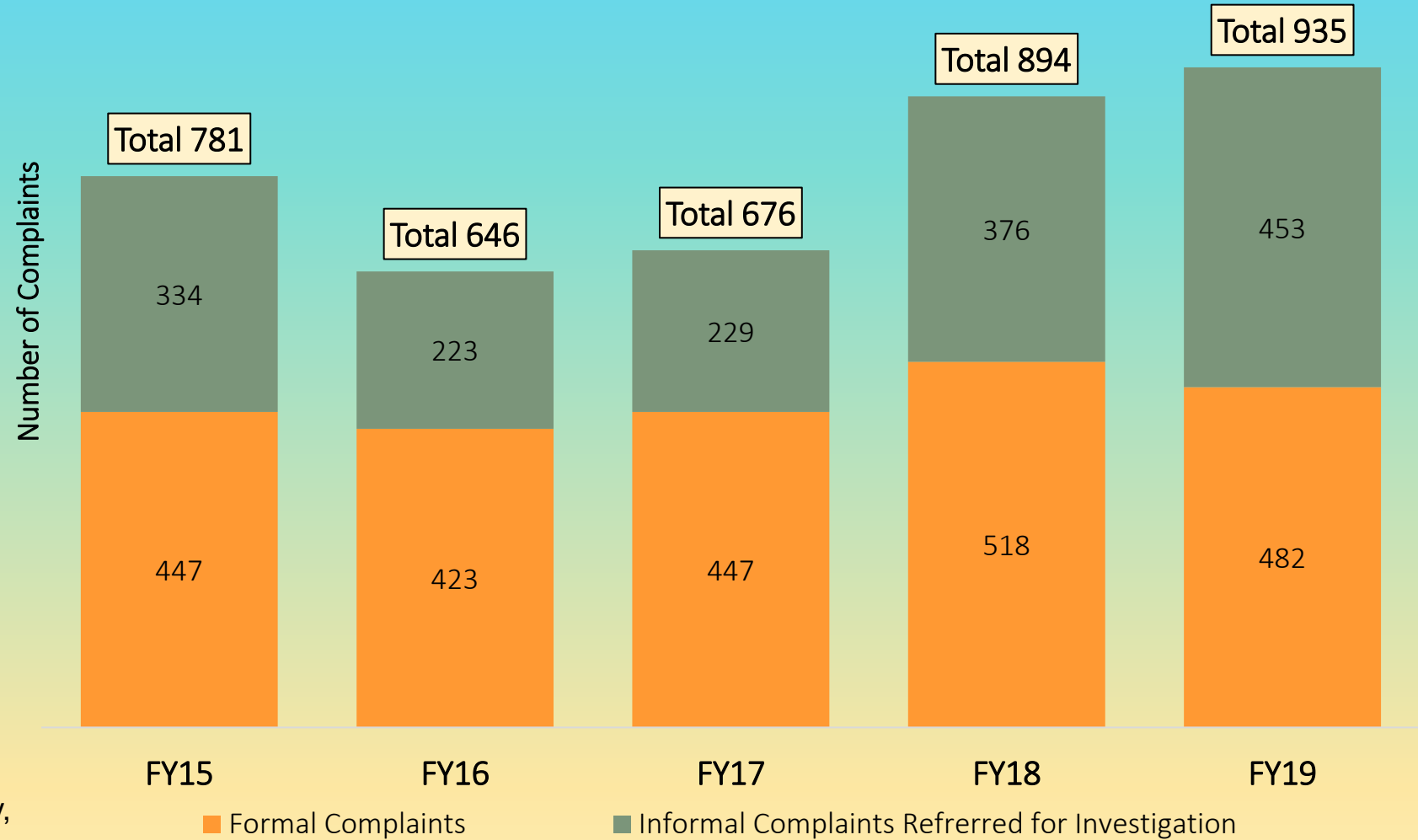
All Victims
(Includes all reports of sexual assault in which either the subject or the victim is a Service Member)



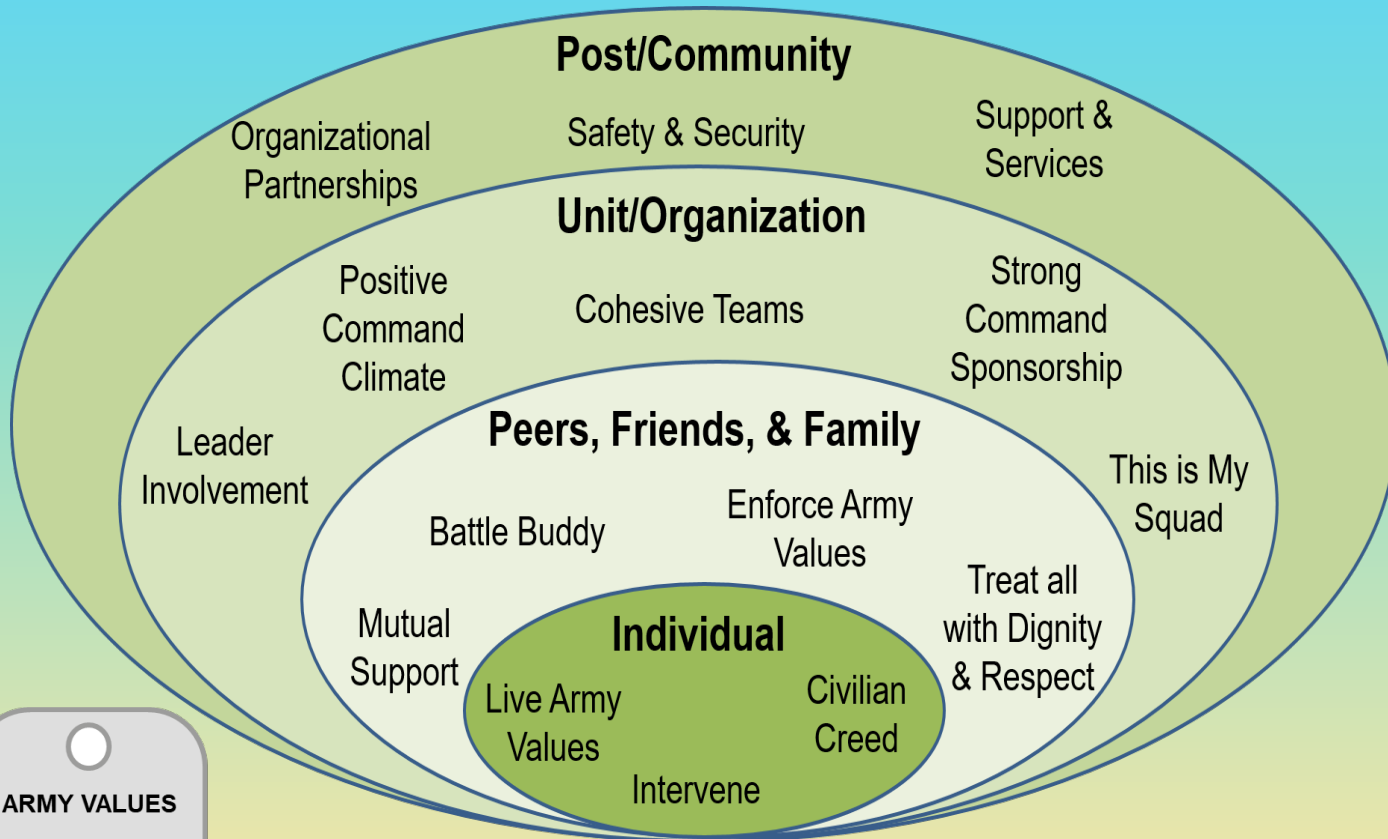
Reference: Department of Defense FY 2019 Annual Report on Sexual Assault in the Military, Encl. 1: Department of the Army

FY15-19 Sexual Harassment Complaints

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



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



- Prevention is a team effort that starts with **YOU**
- Everyone plays an important role at every level within our units, organizations, and communities

ARMY VALUES

- Loyalty
- Duty
- Respect
- Selfless Service
- Honor
- Integrity
- Personal Courage

“Our Army’s people are our greatest strength and our most important weapon system. We must take care of our people and treat each other with dignity and respect.”

– GEN James C. McConville
Chief of Staff of the Army



What YOU and others can do

- Treat everyone with respect
- Achieve consent
- Communicate your boundaries
- You have the right to say “No”
- Drink responsibly – have a plan
- Travel with friends or in a group
- Safeguard each other
- Intervene – if you see something, step up and take action





Barriers to Intervention

- Rank
- Don't want to be embarrassed
- No one else is doing anything
- Fear of retaliation
- Legal consequences
- Personality/communication differences
- Impact on a career
- Perceptions/responses of peers/co-workers



YOU are the change agent that can advance the program by intervening using the 3Ds:

➤ **Direct:**

- Address the perpetrator
- Remove either party from the situation/hostile environment (potential victim or perpetrator)
- Have personal courage to intervene

➤ **Distract:**

- Anything that distracts perpetrator
- Change the subject
- Ask either person to go do something
- Or say: “I think someone is coming”

➤ **Delegate:**

- Delegate the intervention to others
- Have friends, squad/section members, or co-workers take either person out of the situation
- Send someone for help to intervene (Chain of Command, MPs, etc.)





Bystander Intervention Process



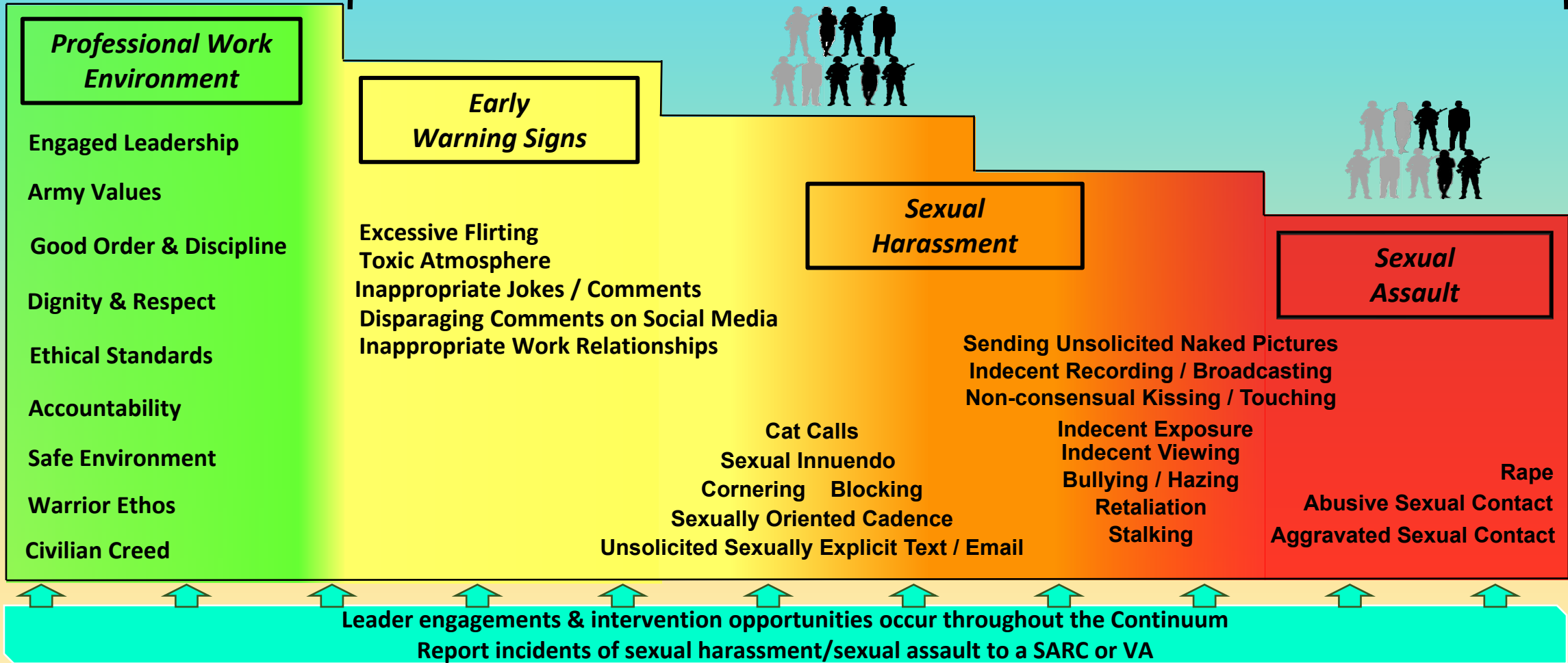
1. Notice the event
2. Interpret the event as a problem
3. Accept personal responsibility for doing something
4. Decide how to intervene (3Ds)
 - Direct
 - Distract
 - Delegate

5. Take Action!





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



What Sexual Harassment is?



- 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



- 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



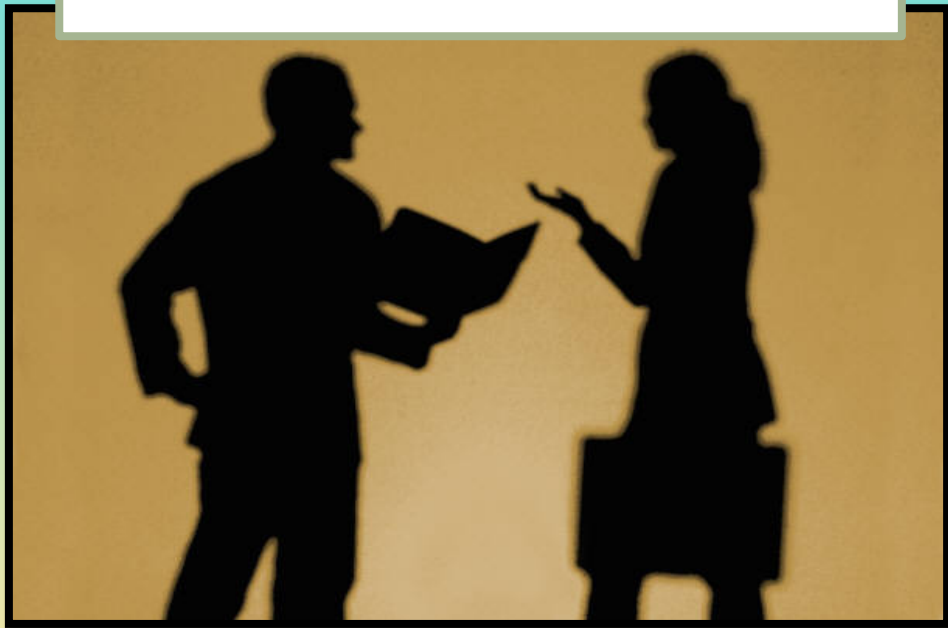
Army Civilians

- 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

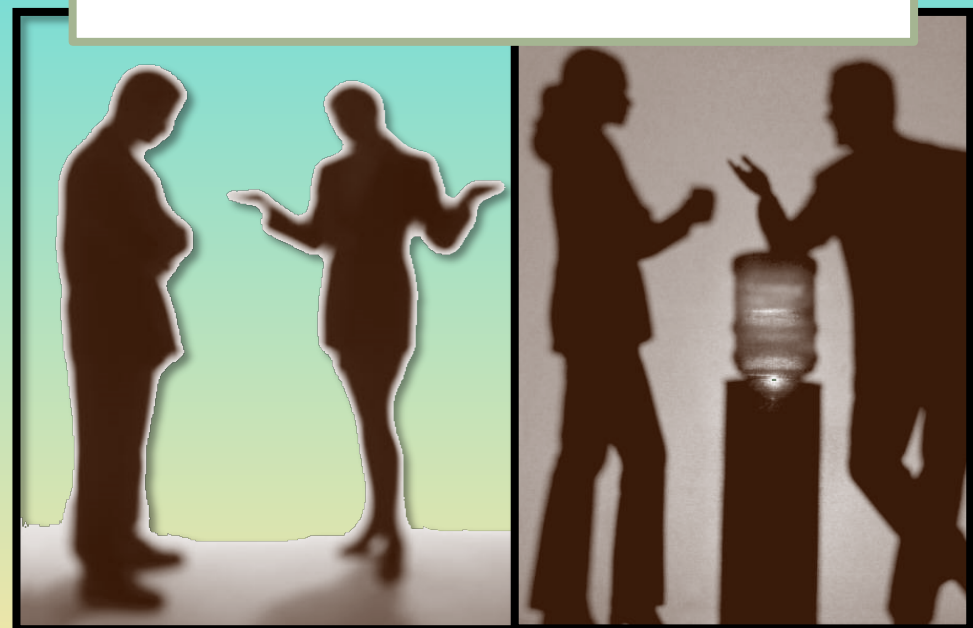
Reference: AR 690-600



Quid Pro Quo



Hostile Environment



Reference: AR 600-20

Categories of Sexual Harassment

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 *bae*, *boo*, *honey*, *hunk*, *snack*, *stud*, *sweetheart*, etc

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 unsolicited sexually-oriented texts, notes, letters, e-mails, etc
- Posting sexually-oriented comments or images to social media
- Playing inappropriate music

Physical Contact

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

- 1. Formally:** In writing on DA Form 7746
- 2. Informally:** To a SARC IAW AR 600-20
- 3. Anonymously:** By any means from an unidentified complaint IAW AR 600-20

All Formal Complaints will be investigated

References: AR 600-20/ DoDI 1020.03

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

Administrative
Administrative reduction
Administrative withholding of privileges
Admonition
Adverse performance evaluations
Bar to re-enlistment
Discharge from service
Mandatory counseling
Rehabilitative transfer to another unit
Relief for cause
Reprimand

Uniform Code of Military Justice (UCMJ) Details		
Offense	Article	Maximum Assessment
Violation of a General Regulation	92	Dishonorable Discharge, 2 years confinement, and forfeiture of all pay and allowances
Cruelty and Maltreatment of Subordinate	93	Dishonorable Discharge, 1 year confinement, and forfeiture of all pay and allowances
Provoking Speeches or Gestures	117	6 months confinement and forfeiture of 2/3 of pay for 6 months
Stalking	130	Dishonorable Discharge, 3 years confinement, and forfeiture of all pay and allowances
Indecent Language	134	Bad Conduct Discharge, 6 months confinement, and forfeiture of all pay and allowances



Sexual Harassment Offenses

Nature of Offense	First Offense	Second Offense	Third Offense
Involving a subordinate	1 day suspension to removal	10 day suspension to removal	30 day suspension to removal
Not involving a subordinate	Written reprimand to 30 day suspension	5 day suspension to removal	10 day suspension to removal

*The “Table of Penalties”, contains a suggested range of penalties. It is a guide to discipline, not a rigid standard. It is recommended that coordination with the local Management Employee Relations office be done prior to taking any disciplinary actions.

Reference: AR 690-700, table 1-1



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)



What is Sexual Assault?

- 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



- Sexual assault is a criminal offense
- Sexual assault degrades mission readiness
- **Every Soldier who is aware of a sexual assault should immediately 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

Benefits

- Access to medical, advocacy, legal, and counseling services
- Receive the Sexual Assault Forensic Examination (SAFE)
- Control the release of personal information
- Can change to Unrestricted Report at any time
- Special Victims' Counsel
- CATCH A Serial Offender

Limitations

- The alleged offender will not be held accountable
- Ineligible for expedited transfer or reassignment
- No command support
- Cannot receive a protective order

Unrestricted Report

Benefits

- Access to medical, advocacy, legal, and counseling services
- Receive the SAFE
- Alleged offender *may* be held accountable
- Command support
- Can receive protective order (Military Protective Order [MPO] or Civilian Protective Order [CPO])
- Special Victims' Counsel

Limitations

- More people will know about the sexual assault
- Investigation may require discussion of personal matters
- Cannot change to Restricted Report

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

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

Potential Consequences for Sexual Assault (Military)

UCMJ Details		
Offense	Article	Maximum Consequences
Prohibited activities with military recruit or trainee by person in position of special trust	93a	Dishonorable Discharge (mandatory upon conviction), 3 years confinement, forfeiture of all pay and allowances
Wrongful broadcast or distribution of intimate visual images	117a	Proposed: Dishonorable Discharge (mandatory upon conviction), 2 years confinement, forfeiture of all pay and allowances
Rape	120	Dishonorable Discharge (mandatory upon conviction), life in prison without parole, forfeiture of all pay and allowances
Sexual Assault	120	Dishonorable Discharge (mandatory upon conviction), 30 years confinement, forfeiture of all pay and allowances
Aggravated Sexual Contact	120	Dishonorable Discharge, 20 years confinement, forfeiture of all pay and allowances
Abusive Sexual Contact	120	Dishonorable Discharge, 7 years to life confinement, forfeiture of all pay and allowances
Other Sexual Misconduct (Indecent Viewing, Indecent Recording, Indecent Broadcasting, Indecent Exposure, and Forcible Pandering)	120c	Dishonorable Discharge, 1-20 years confinement, forfeiture of all pay and allowances
Domestic Violence	128b	Proposed: Dishonorable Discharge (mandatory upon conviction), additional 3 years confinement, forfeiture of all pay and allowances
Retaliation	132	Dishonorable Discharge, 3 years to life confinement, forfeiture of all pay and allowances



Potential Consequences for Sexual Assault (Army Civilian)

U.S. Code 18, Chapter 109 (Civilian) Details

Offense	Section	Maximum Consequences
Aggravated Sexual Abuse	18 USC 2241	Life in prison
Sexual Abuse	18 USC 2242	Life in prison
Sexual Abuse of a Minor or Ward	18 USC 2243	15 years in prison
Abusive Sexual Contact	18 USC 2244	2 years to life in prison
Sexual Abuse Resulting in Death	18 USC 2245	Death, life in prison





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.

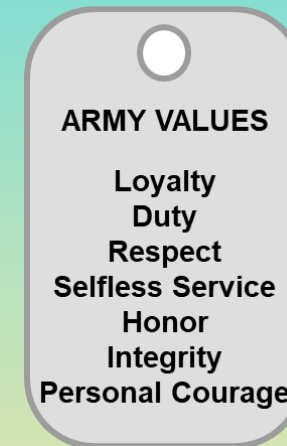
Reference: Army Directive 2014-20 , Prohibition of Retaliation
Against Soldiers for Reporting a Criminal Offense, dated 19 Jun 14



- 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.
- All reports of retaliatory behavior must be investigated, including actions against other individuals (for example, Family members) intended to harm or influence a Soldier
- Allegations of retaliation will be investigated by the Inspector General (IG)
- IAW Army Directive 2015-16, allegations of retaliation against a victim, witness, intervener, SARCs, VAs, or first responders should be referred to a battalion or higher commander to develop a plan to immediately address the issue and forward the plan to the SARB chair.
- IAW DODI 6495.02, Service members may request a review from a general or flag officer (G/FO) if they experience retaliation, reprisal, restriction, ostracism, or maltreatment involving an administrative separation within one year of the final disposition of their sexual assault case.
- IAW 6495.02, Sexual assault victims have the right to communicate with a G/FO if they believe there were impacts to their military career because they reported a sexual assault.

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, 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)



Joint Force Headquarters - National Capital Region

SHARP TEAM



DoD Safe Helpline

1-877-995-5247

Fort Belvoir 24/7 SHARP Hotline

703-740-7029

Fort Meade 24/7 SHARP Hotline

443-845-0876

JBM-HH 24/7 SHARP Hotline

202-498-4009



Mr. Marcellus E. Anderson
MDW SHARP
Program Manager



Ms. Tamika L. Wynn
MDW Assistant SHARP
Program Manager



SFC Michael Patrick
The Old Guard SARC



Ms. Shelia R. Peeler
The Old Guard
Victim Advocate (VA)



SFC Santiago C. Luna
The Army Aviation
Brigade SARC



Ms. Paulette M. Larson
The Army Aviation
Brigade VA



Ms. Hollie R. Koutsalas
DHA SARC



Ms. Felicia L. Brice
JBM-HH SARC



Mr. Warren G. Hunter
JBM-HH VA



MSG Alveria M. Minter
Pentagon SARC



MSG Marvin E. Hicks
Pentagon SARC



**Ms. Chinita N.
Reid-Latson**
Fort Belvoir SARC



**Ms. Marie-Jules A.
Byrd**
Fort Belvoir VA



**Ms. Samantha B.
Herring**
Fort Meade SARC