

Annual Refresher Training





Trigger Warning

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



Terminal Learning Objective

Action	Demonstrate behavior consistent with the Army National Guard's Sexual Harassment/Sexual Assault Prevention and Response (SAPR) Program
Conditions	Given a classroom environment with facilitated group discussions, student handouts, and optional scenarios involving sexual harassment and sexual assault IAW the Army National Guard's SAPR Policy and in compliance with the Sexual Assault Prevention and Response (SAPR) Core Competencies
Standards	<p>The student will complete SAPR 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 National Guard• 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 National Guard's policy on retaliation



Maine National Guard Full-Time SAPR Team



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Framework for Prevention

Social Ecological Model (SEM)



Comprehensive Approach Requires:

- Action across multiple levels of the SEM model at the same time
- Repeatedly discussed, reinforced, and enforced – not a one time training
- Team approach that starts with **YOU**

Effective prevention efforts can reduce all harmful behaviors.



Differentiating Prevention & Response

Prevention (*Before*)

Incident

Response (*After*)

Time →

Stopping Before It Occurs

Approaches that take place before sexual harassment or sexual assault has occurred to prevent initial perpetration or victimization.

- Requires comprehensive approach tailored to the unit and environment
- Numbers matter
- Calling upon and inspiring everyone to play active role

Immediate Response

Immediate responses after SH/SA has occurred to address the early identification of victims and the short-term impacts.
[emergency services, medical care]

- Addressing and providing for individual needs and care
- Specified steps/process to ensure consistent application

Long Term Response

Long-term responses after SH/SA has occurred to address the lasting impacts.

Underpinned by Professional Climate, Cohesion, & Trust

Your words and actions (or reactions) are powerful in developing a positive prevention and response environment for the section/platoon/unit.



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





Bystander Intervention Process

1. Notice the event



2. Interpret the event as a problem



3. Accept personal responsibility to do something



4. Decide to intervene





Bystander Intervention 3Ds

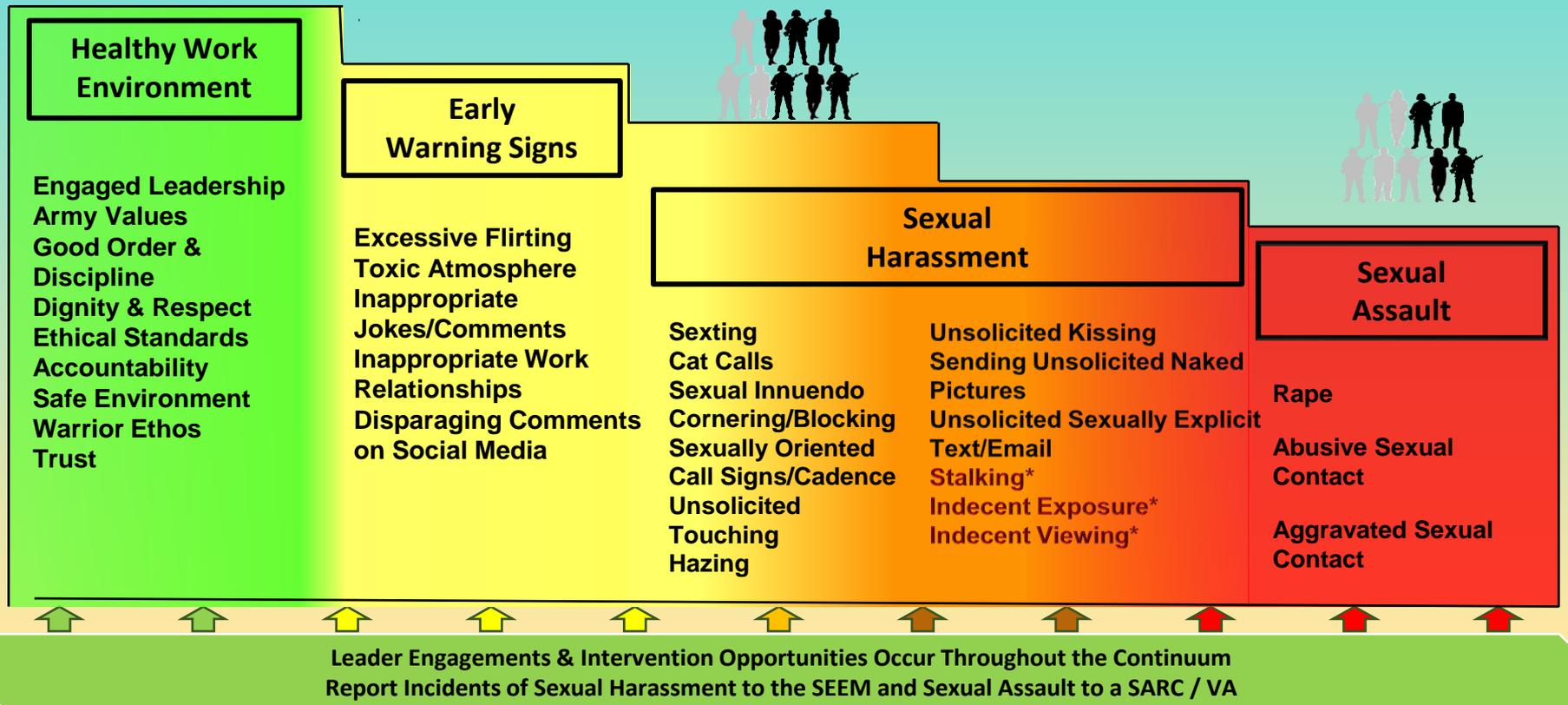
- **Direct:**
 - Address the perpetrator
 - Remove either party from the situation/hostile environment (potential victim or perpetrator)
 - Have personal courage to intervene
- **Distract:**
 - Anything that distracts perpetrator
 - Change the subject
 - Ask either person to go do something
 - Or say: “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.)





Continuum of Harm Impacts on Readiness

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





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.



Army Policy on Sexual Harassment

- Unacceptable and will not be tolerated
- Destroys teamwork and negatively affects combat readiness
- Army leadership:
 - Must create an environment conducive for productivity and respect
 - Set the standard to Soldiers and 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



Army Policy on Sexual Harassment (Continued)

Service Members

- 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 SEEM or EOA
- Family members 18 and over, are eligible to file complaints with a SEEM.





Army Policy on Sexual Harassment

(Continued)

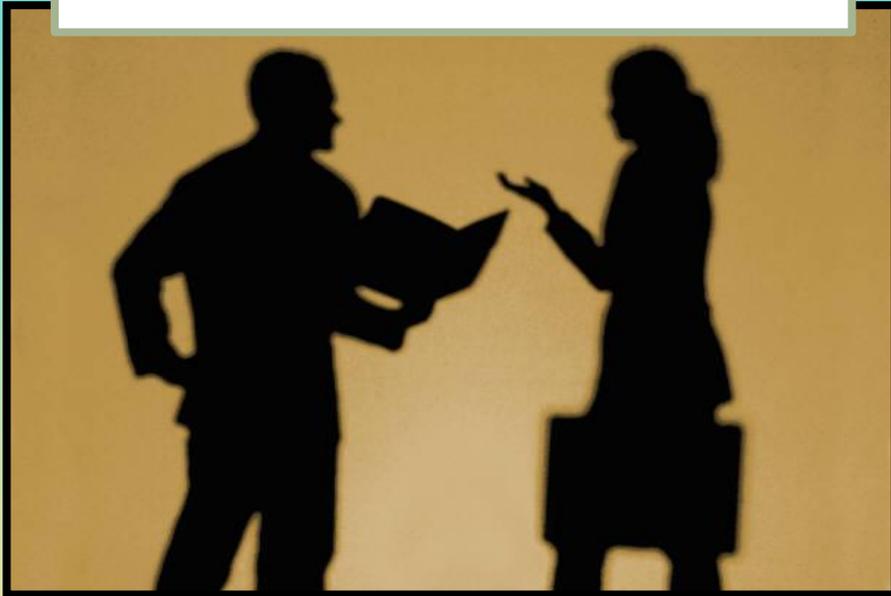
Civilians

- 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



Types of Sexual Harassment

Quid Pro Quo



Hostile Environment





Quid Pro Quo

- Demanding sexual favors in exchange for a promotion, award, or favorable assignment
- Disciplining or relieving a subordinate who refuses sexual advances
- Threatening a poor job evaluation for refusing sexual advances
- Incidents of quid pro quo sexual harassment may also have a harassing effect on third persons



Hostile Environment

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





Army National Guard (ARNG) Status Matters – SH

- If an ARNG Soldier is in a Title 10 status, sexual harassment complaints are received and processed by the Active Component SARC or VAs, as discussed in the previous slides
- If an ARNG Soldier is in a Title 32 status, sexual harassment complaints are received and processed by the Joint Forces Headquarters SEEM or Unit EO personnel
- If unclear on whether a case is considered sexual harassment or sexual assault, it is always best to go see a SHARP/SAPR Professional (JFHQ SARC or VAC, Unit SARC/VAC) for guidance

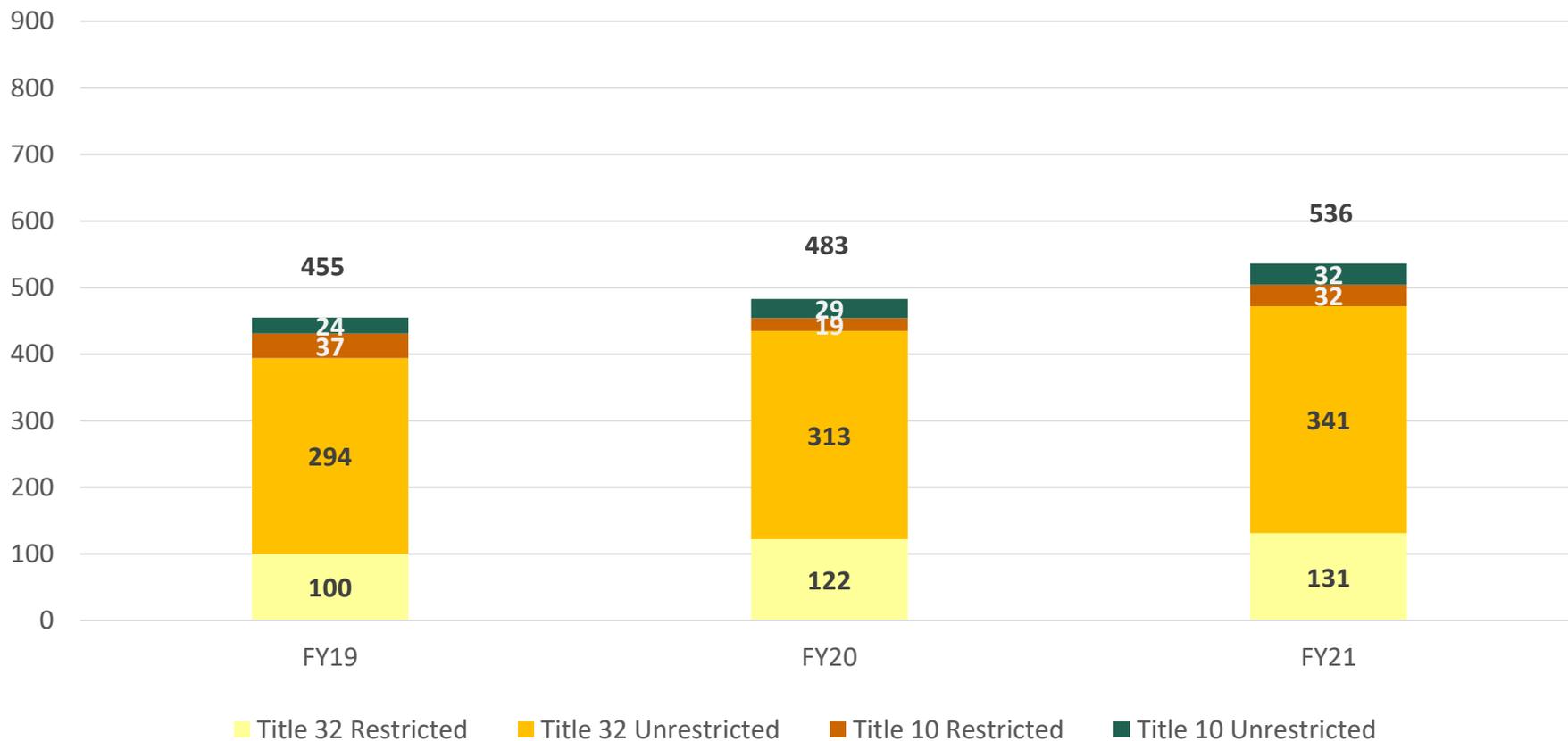
References:

- [CNGBI 9601.01, National Guard Discrimination Complaint Program](#)
- [CNGBI 1300.01, National Guard Sexual Assault Prevention and Response Program](#)



FY19-21 Sexual Assault Reports

ARNG Sexual Assault Report Types
By Fiscal Year



*Data derived from DSAD– may not match case totals



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



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





Army Policy on Sexual Assault

- 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 on T10 orders (UCMJ)
 - Soldiers on T32 orders (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



Restricted vs. Unrestricted Reporting

(Continued)

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 Program

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
- Expedited Transfer

Limitations

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



Restricted vs. Unrestricted Reporting

(Continued)

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 (Behavioral Health and Medical)• SVC	<p>Who can accept a report:</p> <ul style="list-style-type: none">• <u>Commander***</u> (see next slide for exception)• CID• JAG• IG• SARC• VA• Healthcare Personnel
<p>Limitations</p> <p>Healthcare, Chaplains and SVC – 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>



Expanded Eligibility to File Restricted Reports and Process for Victims to Decline to Participate in Investigations

Victims are now eligible to file a Restricted Report who:

- Did not personally report the sexual assault incident to law enforcement, to include MCIOs.
- Did not make an Unrestricted Report by signing a DD Form 2910, with a SARC or SAPR VA.
- Disclosed the sexual assault incident to their CDR or to personnel in the chain of command.
- Has an ongoing MCIO investigation into the sexual assault incident initiated by a third party and not due to the victim's disclosure to law enforcement. (Title 10)
- Has had the MCIO investigation into the sexual assault incident closed. (Title 10)

Victims may decline to participate in a sexual assault investigation



ARNG Civilian Sexual Assault Reporting/Resources

- Veterans are provided free confidential counseling and treatment at the Veterans Affairs Medical Center (VAMC)
- Crime Victims Compensation (SARC & VA can provide contact information)
- SARC & VA are always available to:
 - Discuss options
 - Provide POCs for local civilian resources
 - Provide referrals to Employee Assistance Program (EAP) and Equal Employment Opportunity (EEO) offices

	SARC / VA	DD Form 2910	Emergency Medical Care @ MTF	Chaplain	Special Victim Counsel
CONUS					
ARNG Title 32 non-dual status Civilian and Title 5 Civilian employees	X	X	X ²	X	X ¹
ARNG Civilian who is a SM's dependent 18 years old and older	X	X	X	X	X ¹
ARNG Civilian's dependents 18 years old and older			X ²	X	X ¹
Contractor			X	X	

¹ SVC representation only when subject is National Guard Member or NG Nexus

² If incident occurred on a military installation



ARNG Status Matters - SA

	Title 10 NG	Title 32 NG	State Active Duty (SAD)
Command & Control	President	Governor	Governor
Location of Duty	Worldwide	CONUS	IAW State Law
Funding	Federal	Federal	State
Mission Types	Overseas Training and other missions as assigned	Training and/or other federally authorized missions	IAW State Law (ex – riot control, natural disasters, emergencies)
Military Discipline	UCMJ; Courts Martial	Civilian LE; State Military Code	Civilian LE; State Military Code
Investigative Agency	MCIO (CID)	Local Law Enforcement; OCI	Local Law Enforcement

- **ARNG Soldiers (Victim or Subject) can be called back to a T10 status for investigation and/or Courts Martial**
- **If an incident occurred while in a T32 status and on a Federal Property, may be investigated by Federal Bureau of Investigations under Federal Code and in Federal Court**
- **Soldiers who are T10 when an incident occurred and report a sexual assault during that time fall under the responsibility of that T10 Chain of Command (i.e. the incident must be handled, not passed back to the state without action)**
- **When in doubt, contact your Installation/State SARC**



Military Protective Orders (MPO)

- A MPO is a short-term order issued by a unit commander for a Soldier under their command
- MPO is intended to:
 - Safeguard victims;
 - Quell disturbances; and
 - Maintain good order and discipline
- Commander will use DD Form 2873 to issue an MPO
- Commander determine when to terminate the order or issue a replacement order
- In addition to an MPO, a Civilian Protective Order (CPO) may be needed as well, particularly for those living off-post or who are Reserve Component; SARCs/VAs and/or commanders may assist with process, if necessary



Retaliatory Behaviors

Retaliation

1. Illegal, impermissible, or **hostile actions**
2. By **chain of command** or **peers/ coworkers**
3. **Towards an individual** suspected of making a **protected communication** like a Sexual Assault/ Harassment or other crime report; being a **victim, witness, or intervenor**; or being a **SARC/ VA**

Reprisal (CoC Action)

- Withholding of favorable actions
 - Imposing negative personnel actions
- Because of criminal report
 - Investigated by IG

Ostracism (Peers)

- Excluding from social acceptance, privilege, or friendship
- Because of criminal report *and* w/ intent to frustrate justice

Cruelty/ Maltreatment

- Cruel/oppressive acts (Physical or Psychological)
 - By superior (Article 93)
 - or peers (AR 600-20)
- Because of criminal report



Expedited Transfer Policy for Service Members / Adult Military Dependent Sexual

- Sexual assault victims who file an Unrestricted Report can request an expedited transfer/reassignment from their current unit
- The transfer or reassignment may be to:
 - Another Guard unit in a different state
 - A different unit within the state
 - Another company within the same battalion
 - Another battalion within the same brigade
 - Another brigade within the same division
 - The option to drill on alternate weekends or time, to limit contact with the alleged offender
- The request must be submitted in writing to the victim's CO
- Victim's immediate commander has **5 calendar days** to recommend approval

Expedited Transfers,
Reassignment, or
Removal of National
Guard Member Due To
An Unrestricted Report
of Sexual Assault:
CNGBI 1300.04



Resources



- 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)



Other Resources

DoD **Safe Helpline:** How it Works

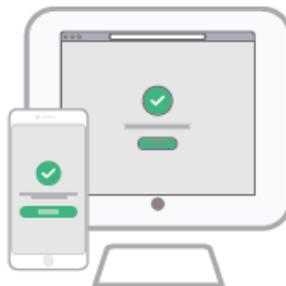
All **Safe Helpline services** are: anonymous, confidential, and tailored to support members of the DoD community and their loved ones affected by sexual assault.

CALL



877-995-5247

CHAT



Online.SafeHelpline.org

DISCUSS



SafeHelpRoom.org

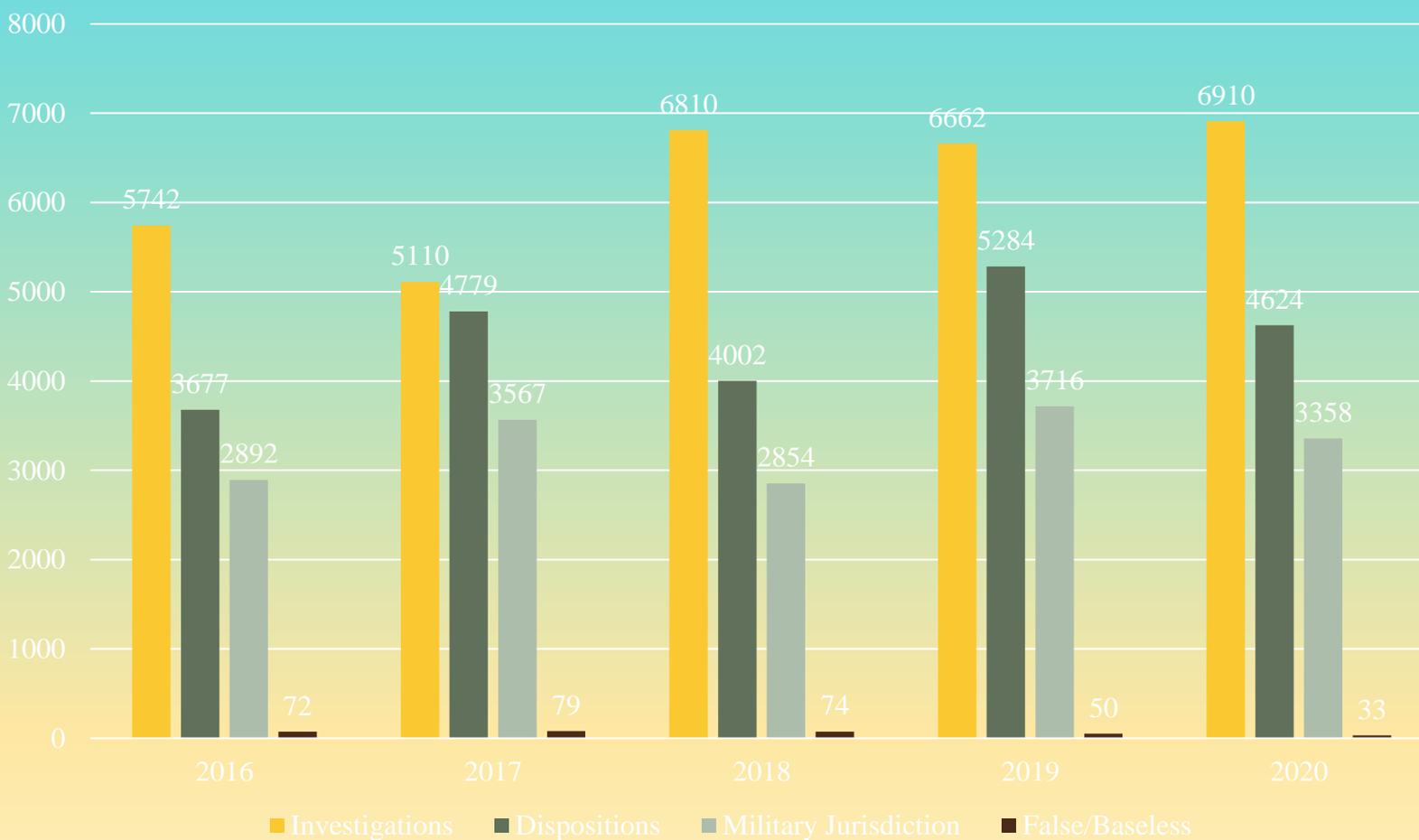
mecasa
MAINE COALITION AGAINST
SEXUAL ASSAULT

Sexual Assault Helpline:
1-800-871-7741
free | private | 24/7



The Truth about False Reports

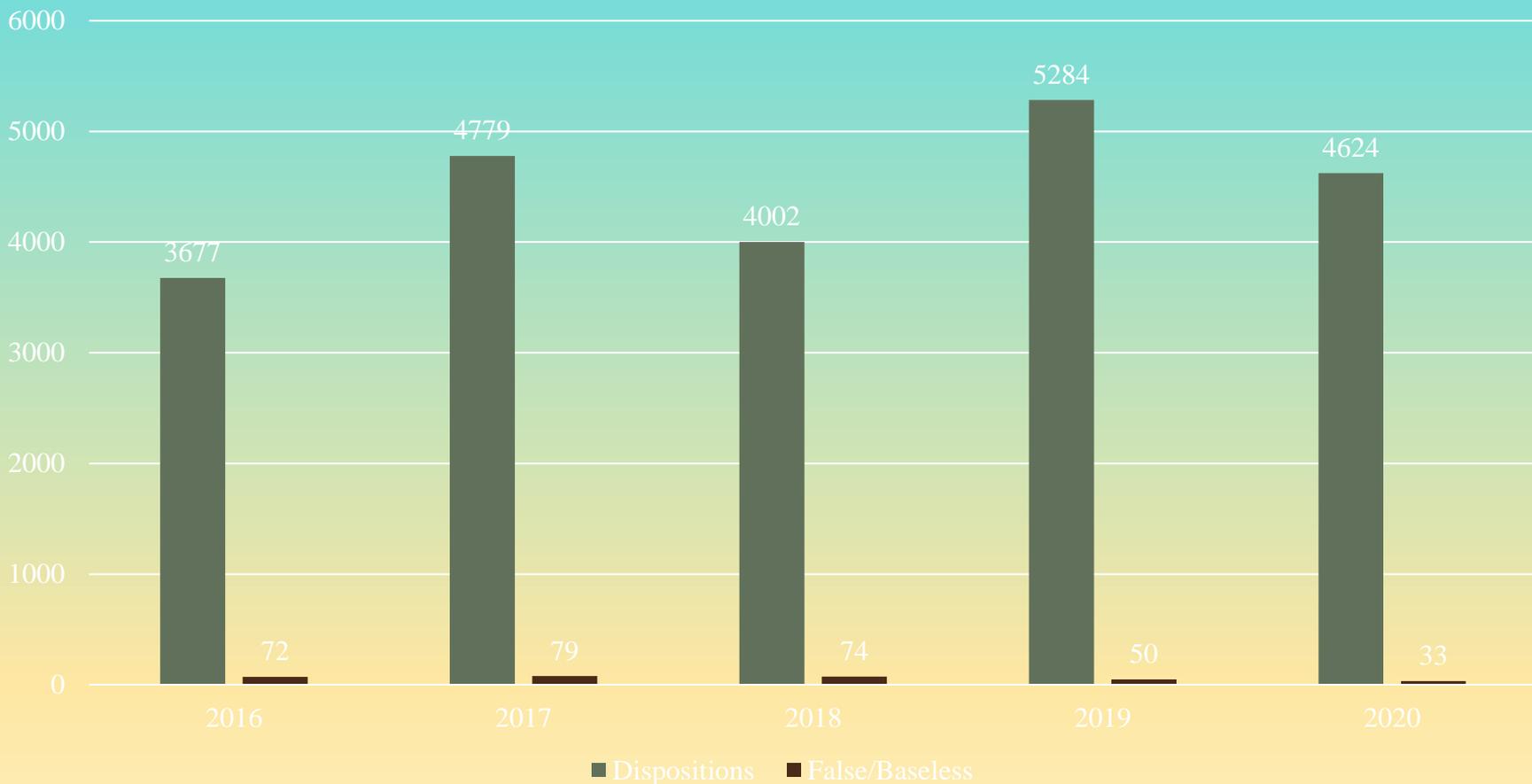
False Reports Account for 1% or Less of All Cases Investigated





The Truth about False Reports

False Reports Account for Less Than 2% of All Cases Dispositioned





Questions

