SEXUAL ASSAULT PREVENTION AND RESPONSE AWARENESS

FACILITATION GUIDE
GOALS OF SEXUAL ASSAULT PREVENTION AND RESPONSE (SAPR) AWARENESS TRAINING

The goals of the Navy’s SAPR Program are a Navy in which every Sailor knows what sexual assault is, how it hurts our Navy, how to play a role in prevention, and how to report it, and a Navy in which every Sailor knows that if prevention fails, victims will be supported and offenders will be held appropriately accountable.

Major Takeaways:

Everyone can contribute to the prevention of sexual assault through behaving responsibly, promoting a climate of dignity and respect, and intervening when necessary and safe to do so.

Anyone who believes he or she is a victim of sexual assault is encouraged to contact their Sexual Assault Prevention and Response Victim Advocate (SAPR VA) to gain access to support and recovery services.

Commands have an obligation to execute the SAPR policy consistently and fairly to promote prevention, reporting, and resolution.

This lesson explores ways to prevent sexual assault incidents and how Sailors should respond if an assault occurs.

We owe it to our shipmates to work to prevent, recognize, and report any type of retaliation against victims and or interveners of sexual assault.

Anyone who believes he or she is a victim of retaliation is encouraged to contact their chain of command, the Inspector General, Naval Criminal Investigative Services (NCIS), SAPR VA, Command Managed Equal Opportunity (CMEO) Representative, or their Victims’ Legal Counsel (VLC), if they are already assigned one.

Specifically, the goals of this SAPR Awareness training are to:

- Define what constitutes sexual assault.
- Explain why sexual assaults are crimes.
- Define the meaning of “consent.”
- Explain offender accountability and Uniform Code of Military Justice (UCMJ) violations.
- Explain the distinction between sexual harassment and sexual assault.
- Explain restricted and unrestricted reporting options:
  - The differences of each option.
  - The effect of independent investigations on restricted reports.
  - Military Rules of Evidence 514 - Victim Advocate and victim confidant privilege.
• Provide an awareness of the SAPR program (DoD and Service) and command personnel roles and responsibilities, including all available resources on and off base.

• Identify prevention strategies and behaviors that may reduce sexual assault, including active intervention, risk reduction, and obtaining affirmative consent.

• Identify strategies to safely intervene and to guard against retaliation, reprisal, ostracism, or maltreatment because of that intervention.

• Describe different types of retaliation.

• Describe expedited transfers and Military Protective Order (MPO) procedures.

• Provide information to victims on how to go outside the chain of command to report the offense to NCIS, other law enforcement, other Commanding Officers (COs), or an Inspector General when the alleged offender is the victim’s Commander or in the victim’s chain of command.

• Describe document retention for sexual assault documents (DD Form 2910 and DD Form 2911), to include retention in investigative records.

• Explain eligibility for VLC for individuals who make Restricted or Unrestricted Reports of sexual assault.

• Inform of updates to military justice\(^1\) that impact victims, including:
  • Codification and enhancement of victims’ rights in the military.
  • Changes in Article 32 and Article 60 of the UCMJ.
  • Elimination of the five-year statute of limitations on sexual assault.
  • Minimum mandatory sentences of dismissal or dishonorable discharge for persons found guilty in a general court-martial of: rape under Article 120(a); sexual assault under Article 120(b); forcible sodomy under Article 125; or an attempt to commit these offenses under Article 80 of the UCMJ (sections 920b, 920c, 925, or 880 of US Code Title 10.)
  • The requirement that a Defense counsel must request to interview the victim through the VLC or other counsel for the victim, if the victim is eligible for a VLC. Additionally, the victim has the right to be accompanied to the interview by Sexual Assault Response Coordinators (SARCs), SAPR VA, VLC, or counsel for the government.
  • The right of a victim to submit matters for consideration by the convening authority during the clemency phase of the court-martial process. The convening authority will not consider the victim’s character as a factor in making his or her determination unless such matters were presented at trial.
  • Navy regulations requiring inclusion of sex-related offenses in personnel records and mandating commanders to review personnel records of incoming Service members for notations.

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\(^1\) This presentation is designed to be delivered by facilitators, not attorneys. To prevent the passing of bad information, the facilitator should clearly state before discussing legal changes that he or she is not an attorney and should direct questions to the nearest legal office.
• The right of a victim of an alleged sex-related offense that occurs in the United States to voice his or her preference regarding whether the offense should be prosecuted by court-martial or in a civilian court with jurisdiction over the offense.

• When completing a Standard Form (SF) 86 (the form required to be filled out for a security clearance) in connection with an application, investigation, or reinvestigation for a security clearance, individuals may respond “no” to question 21 of SF 86 with respect to consultation with a health care professional if:
  - The individual is a victim of a sexual assault; or
  - The consultation occurred with respect to an emotional or mental health condition strictly in relation to a sexual assault.

FACILITATING SEXUAL ASSAULT PREVENTION AND RESPONSE AWARENESS TRAINING

Prepare for Your Class

This facilitation guide is designed to prepare facilitators to conduct Standardized Core Training: SAPR Awareness. This lesson is designed to be command-delivered training for all Navy personnel. Commanders are charged with ensuring this training is delivered with the utmost quality and professionalism. Success of this training rests entirely on the command’s commitment to delivering quality, professional training that engages Sailors in a frank and productive discussion about sexual assault prevention and response.

Contained within this guide are instructions for conducting the training session, how to set up and presenting the SAPR Awareness lesson, and encouraging discussions about sexual assault. The lesson focuses on identifying behaviors that are considered sexual assault, the definition of consent, the difference between sexual assault and sexual harassment, intervention strategies, Navy and local resources, and command contacts.

Note: Due to the sensitive nature of this topic, an alternative form of SAPR Awareness training should be made available PRIOR to the training taking place for those who may be uncomfortable discussing this subject in a group setting. An appropriate statement to this effect should be published in the command’s Plan of the Day, Plan of the Week, Plan of the Month, or training plan.

This lesson is composed of the following eight topics and a set of resources: Introduction; Continuum of Harm; Sexual Assault; Intervention; Retaliation; SAPR Process; Military Justice; Negative Impact (video); Resources.

Topic 8, Negative Impact, is based on a video titled “Broken Trust,” featuring survivors of sexual assault telling their stories and the negative impact on their lives.
Note: Prior to conducting the lesson:

1. Download the video to the computer desktop from the NKO Personal Development GMT page or the Secretary of the Navy Sexual Assault Prevention and Response Office site (https://portal.secnav.navy.mil/orgs/SAPRO/SAPRO%20Videos/Forms/Video/videoplayerpage.aspx)

2. Open the video, pause, and minimize the screen for later viewing.

3. When prompted on Screen 12 of this facilitator guide, maximize the video screen and click on the “Play” button.

The estimated length of this training is 75 minutes. However, do not feel obligated to end the training at 75 minutes. Encourage productive discussion for as long as time is allowed. If time becomes an issue, devote less time to discussions on intervention segments, since Chart the Course training is already circulating through the Fleet.

- Lesson Videos: 12 minutes
- Scripted Instruction: 25 minutes
- Facilitated Discussion: 35 minutes

FACILITATORS

COs should choose facilitators for these training sessions who are dynamic, mature, possess good judgment, and have the ability to engage their Sailors. The success of this training depends on prepared and respected facilitators who have the skill and talent to get Sailors to speak openly and frankly about the topic. As a facilitator, you have a script and guidance for facilitating the lesson.

If possible, coordinate with SARC s, SAPR VAs, and/or a unit SAPR VA (SAPR UVA), Deployed Resiliency Counselor (DRC), VLC, and/or healthcare personnel to provide the training or at least be present during the training sessions. It is strongly recommended that you have support personnel, i.e., SARC s, SAPR VAs, a SAPR UVA, DRC, VLC, and/or healthcare personnel, available during the training in the event that people could be negatively affected by discussing sexual assault. In the event that a Sailor desires to report or discuss a sexual assault, they should consult a SARC, SAPR VA, SAPR UVA, DRC, VLC, and/or healthcare personnel.

FORMAT OF THE FACILITATION GUIDE

This guide equips facilitators with thought-provoking questions about SAPR Awareness designed to engage Sailors in meaningful discussion. The lesson presentation is composed of twelve screens that you navigate by using the “Next” button.

Facilitating Discussions and Activities

The following table presents key design elements of the facilitation guide.
<table>
<thead>
<tr>
<th>PROMPT</th>
<th>SAMPLE</th>
<th>EXPLANATION</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Script</strong></td>
<td><strong>Script:</strong> A freely given agreement to the conduct at issue by a competent person.</td>
<td>Read the script <strong>verbatim.</strong> The script will allow you to emphasize learning points and transition the class into discussion and videos.</td>
</tr>
<tr>
<td><strong>FACILITATOR NOTE</strong></td>
<td><strong>FACILITATOR NOTE:</strong> Inappropriate behavior is typically described as low empathy, demeaning, or discriminatory comments or behavior, stereotyping, unequal treatment, and rules inconsistently enforced.</td>
<td>The notes are provided to facilitator as guidance and background information. These notes are <strong>NOT</strong> meant to be read to the class.</td>
</tr>
<tr>
<td><strong>FACILITATOR ACTION</strong></td>
<td><strong>FACILITATOR ACTION:</strong> Begin the facilitated discussion (suggested discussion period 30-45 minutes).</td>
<td>Indicates an action or activity to be performed.</td>
</tr>
<tr>
<td>Play Video</td>
<td><strong>Play Video:</strong> Click the “Play” button to launch: These indicate when the video should be played.</td>
<td>These prompts indicate when to click the “Play” button to start the video.</td>
</tr>
<tr>
<td>Discussion Question</td>
<td><strong>Discussion Question:</strong> When we talk about very serious situations that need intervention, those things on the far right side of the continuum, what types of situations come to mind?</td>
<td>The discussion questions in each section are designed to elicit thoughtful discussion from the group. Facilitators should use these questions to explore Sailors’ awareness and levels of understanding about sexual assault, identify topics or beliefs that may need to be addressed, and determine areas in which further education may be beneficial.</td>
</tr>
<tr>
<td>Polling Question</td>
<td><strong>Polling Question:</strong> By show of hands, has anyone here heard that term before?</td>
<td>The polling questions are designed to help the facilitator get a sense of attitudes or general understanding of the subject matter. These questions are <strong>NOT</strong> intended to be the basis of the discussion, but rather to give the facilitator some insight during the guided discussion.</td>
</tr>
</tbody>
</table>
Suggested Answers

May include, but are not limited to:

- Groping
- Predatory Behavior
- Rape

Listen for and encourage responses from the group. The “suggested answers” are not comprehensive; there are many “correct” answers to questions. These bullets can be used to stimulate additional discussion and validate Sailors’ answers, or they can be presented if they do not occur organically in the discussion.

“DO’S AND DON’TS” OF FACILITATION

✓ Do read the Facilitation Guide thoroughly at least a day before class to become familiar with the content and function of the presentation.

✓ Do identify and find contact information for all local personnel resources that have expertise in this content area.

✓ Do walk through the lesson with co-facilitators to prepare for the presentation.

✓ Do launch the lesson on the presentation computer at least 15 to 20 minutes prior to presenting the material to allow the videos to load. During this preparation, check your sound, the lighting, and the focus of your projector.

✓ Do ensure that everyone in the room can hear the discussion; repeat questions and comments that may have been spoken too quietly for others to hear.

✓ Do be alert to statements that reveal misperceptions about the topic. Correct these statements.

✓ Do refer to the video to emphasize speaking points; the video is a useful tool for providing examples from a shared point of reference.

✗ Do not allow only a few participants to dominate the conversation.

✗ Do not let the class stray off topic. Keep the conversation focused.

✗ Do not attempt to guess if you do not know how to answer a question about statistics, resources, definitions, law, or policy. Offer to research the question and provide an answer later, and explain your plan for doing so.

✗ Do not discuss your personal opinions about sexual assault, its causes, or the Navy’s system for prevention.
TRAINING SETUP
Schedule the training to be delivered at the department/division/work center levels where attendance should not exceed 30 Sailors. If the training group exceeds this size, the group should be divided into smaller groups, each with its own prepared facilitator for the discussion portion of the lesson. To promote the most participation by all personnel, the training should be broken out by level of responsibility (i.e., E1-E5, E6-O3, O4 and above) to encourage discussion among peers.

EQUIPMENT REQUIREMENTS
All training locations must have audiovisual equipment to play the video including:

• Laptop or desktop computer
• Projector (that can be connected to the computer)
• Projection screen or surface
• Speakers/audio system
• Classroom in which lights can be dimmed or turned off for maximum visibility

Note: The course presentation has been designed to play on computers, whether from disk or hard drive. To ensure that the presentation plays correctly, please use the following instructions:

1. Locate the lesson folder on either the inserted disk or computer hard drive.
2. Open the lesson folder.
3. Double click the “LAUNCH FILE.htm” file.
4. Click the “Presentation” button to launch the presentation. (You may click the “Facilitation Guide” button to open the guide.)
5. Allow the lesson to load and test it for functionality.

Plan to remain in the room for a minimum of 15 minutes at the end of the training in case training participants wish to ask questions or seek information about resources.
Welcome to the Standardized Core Training (SCT) Sexual Assault Prevention and Response Awareness lesson.

I am (NAME of FACILITATOR). I am joined today by (NAMES OF SUPPORT PERSONNEL and CO-FACILITATORS). (SUPPORT PERSONNEL) is going to sit in on this class with us today, because he/she is one our unit’s best resources when it comes to this topic: Sexual Assault Prevention and Response Awareness.

Before we begin, please turn off all your mobile devices. If you need to step out at any point, please do so quietly, but we expect you to return promptly.

Chief of Naval Operations (CNO) stated that “Eliminating sexual assault requires more than words, zero-tolerance requires an all-hands effort.” It is our responsibility to do the right thing; to step up and step in, help our shipmates, and focus on the mission.

As you participate in discussion and view the slides, think about language and behaviors associated with sexual assault and prevention opportunities. Try to think of ways you might respond to situations to help reduce the risk of sexual assault and retaliation in our Navy.

It’s important that we talk frankly about sexual assault and retaliation so we can prevent these incidents.

We want everyone to participate in these conversations, but if you are a victim of sexual assault or know a shipmate who has been sexually assaulted or retaliated against, be aware that this may not be the best or most appropriate place to tell that story.

Additionally, each of us has received legal training on the Uniform Code of Military Justice upon entry into active duty and at various stages throughout our career. This training contains updates and changes to the UCMJ that we are required to address. However, if you have questions about these legal topics, please contact your local Judge Advocate General (JAG) for more information.

Caution: The following training contains explicit material that may make people uncomfortable. Please leave the training session now if you believe you could be negatively affected by discussing sexual assault or material that may be included in this training.
FACILITATOR ACTION:
Click the “Next” button to proceed to Screen 2.

SCREEN 2: CONTINUUM OF HARM

Script:
> When we talk about negative behaviors that require intervention, we’re talking about behaviors that fall on a continuum of harm.

Polling Question:
By show of hands, has anyone already participated in training that discussed the continuum of harm?

FACILITATOR ACTION:
Acknowledge those Sailors who have been exposed to this concept in other training and review the construct of the continuum for clarity:
• A continuum is simply a range or a scale.
• On the left side of the continuum are inappropriate behaviors.
• As you move to the right, the behaviors become more egregious and eventually crimes.
**Discussion Question:**
What are some examples of the inappropriate behaviors that may fall on the far left side of the continuum of harm as related to sexual assault?

**Suggested Answers:**

- Locker-room-style joking
- Spreading rumors
- Looking at questionable websites while on duty
- Displaying, forwarding, or posting inappropriate photos or graphics
- Making inappropriate/degrading remarks about appearance or sexual activity
- Degrading/inappropriate rituals (hazing)

**Discussion Question:**
How can these behaviors lead to sexual assault?

**Suggested Answer:**

- Tolerating, encouraging, or taking part in inappropriate behaviors may foster a climate in which harmful behavior can escalate and flourish.
**Discussion Question:**
How can inappropriate behavior affect the division or workcenter as a whole?

**Suggested Answers:**

- Inappropriate behavior can foster an environment that is unprofessional and possibly unsafe.
- Productivity and the unit’s ability to meet mission requirements can be negatively affected.
- Such behaviors directly impact the establishment of good order and discipline.
- When a Sailor is removed from the unit to face disciplinary action, others have to pick up the extra workload.

**Script:**

Some inappropriate behaviors can be considered grooming techniques. We may build a connection with someone and have innocent intentions; however, predators may take advantage of this situation. Grooming can include using status or position of authority to manipulate others. It can occur between any two people, and gender identification does not make a difference.

**Discussion Question:**
How can inappropriate behavior escalate into sexual harassment?

**Suggested Answers:**

- If potential offenders think they can get away with making sexual innuendos, then they may go farther.
- If potential offenders are subjecting coworkers to inappropriate behavior on a regular basis, they might move on to more egregious acts.

**Discussion Question:**
Why is stopping inappropriate, sexist behavior in the workplace important?
Suggested Answers:

- Sexist behavior is disrespectful and unprofessional.
- A sexist environment can be a precursor to sexual assaults along the continuum of harm.
- A lax environment may embolden a person who may be considering perpetrating sexual assault.
- Intervening to stop inappropriate behavior such as hazing and/or sexual harassment can help prevent sexual assault or more egregious crimes.

Script:

Sexual Harassment can typically be described as unwanted behavior of a sexual nature that creates a hostile work environment, including stalking, inappropriate texts, and emails. Escalating sexual harassment behaviors can lead to sexual assault.

FACILITATOR NOTE
OPNAVINST 5354.1G Any unwanted physical contact, however slight, could elevate the offense from sexual harassment to Abusive or Aggravated Sexual Contact in violation of Article 120, UCMJ (Rape and Sexual Assault Generally), or Article 128 (Assault), depending on the circumstances. If the behavior meets the criteria of Sexual Assault, the victim shall be referred to a VA or SARC.

1. Abusive Sexual Contact in violation of Article 120, UCMJ includes: Touching, however slight, without consent, either directly or through the clothing, any body part of another person, if done with an intent to arouse or gratify the sexual desire of any person; or

2. Touching, however slight, without consent, either directly or through the clothing, the genitalia, anus, groin, breast, inner thigh, or buttocks of another person, with an intent to abuse, humiliate, or degrade that person.

3. If force is used in the above scenarios, that could elevate the offense to Aggravated Sexual Contact in violation of Article 120, UCMJ.

Discussion Question:
Regardless of gender, what are some behaviors that are examples of sexual assault?
Suggested Answers:

• Rape
• Groping
• Intentional sexual contact by force, threats, intimidation
• Any sexual contact when the victim does not or cannot consent
• Forced oral or anal sex
• Any attempts of forced sexual contact to commit a sexual act

Script:

Sexual assault is intentional sexual contact characterized by use of force, threats, intimidation, abuse of authority, or when the victim does not or cannot consent. 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 acts.

Discussion Question:
If you were a Sailor who was sexually assaulted while at sea, what would you do?

Suggested Answers:

• Report it to a SAPR VA.
• Tell someone in my chain of command.
• Talk to a Deployed Resiliency Counselor (DRC).
• Get medical attention.
• Talk to a Chaplain.

Discussion Question:
What additional resources might be available if you were not at sea?
Suggested Answers:

• Talk to a SARC, VLC, or Fleet and Family Support Center (FFSC) Representative.
• Report it to law enforcement, NCIS, or other Military Criminal Investigation Organization (MCIO).
• Talk to a Chaplain.
• Talk to the Rape Crisis Center.

Discussion Question:
What are some common situations in which sexual assault may be committed, but may not be recognized as such at the time?

Suggested Answers:

• Locker room/berthing horseplay
• Inappropriate initiation activities
• Hazing (which is NEVER tolerated)

Script:

Sexual assault affects both men and women. Recent survey data show that males make up roughly half of all Navy sexual assault victims, though many do not report. Male victims may not perceive the action as sexual assault due to circumstances or context, e.g., when committed during hazing or other inappropriate activities.

Discussion Question:
Is there a different pathway for males to report sexual assault?

Suggested Answer:

• No, SAPR services are gender-responsive, culturally competent, and recovery-oriented.

FACILITATOR NOTE

Based on the 2014 RAND Military Workplace Study estimated sexual assault prevalence data, 32% of Navy female sexual assault victims reported (1 in 3), and just 8% of male sexual assault victims made reports (1 in 13).

FACILITATOR NOTE

Recent surveys indicate Navy males victims report sexual assault at a much lower rate than female victims or do not think of certain activities as sexual assault when they are done as part of hazing or inappropriate initiation activities. Any activity that meets or exceeds the definitions of hazing, sexual harassment, or sexual assault is not tolerated. Hazing, sexual harassment, or other inappropriate initiation activities violate Article 92, UCMJ.
Script:

- Sexual harassment violates a punitive order and may be charged under Article 92, UCMJ.

- Sexual assault violations are crimes under Article 80 - Attempts, and under Article 120 - Rape and sexual assault generally.

- While we all have a responsibility to help improve command climate, Commanders have responsibility to ensure the command climate is healthy and productive. Let’s look at their specific responsibilities and actions for each area of the continuum of harm.

Discussion Question:
What are some examples of how your command addresses inappropriate behavior?

Suggested Answers:

• Corrects behavior immediately.
• Curtails inappropriate talk.
• Makes sure everyone is included, valued, and respected.
• Promotes Navy Core Values and Navy Ethos.
• Conducts training on Sexual Assault Prevention and Reporting and Retaliation.
• Provides disciplinary or administrative action, if appropriate.

Script:

- The Commander’s responsibilities and actions are to establish an inclusive command environment, embrace diversity, model Navy ethos, promote intervention and mentoring, and provide verbal/written counseling and disciplinary action as appropriate.

- When there is a sexual harassment complaint, it is very important that your command follows the guidelines outlined in OPNAVINST 5354.1 (series).

FACILITATOR ACTION:
Click the “Next” button to proceed to Screen 3.
SCREEN 3: SEXUAL ASSAULT

Script:

We have discussed the Navy’s definition of sexual assault and its position on the continuum of harm. Now, we need to review our personal understanding of sexual assault.

Discussion Question:
Who can be a victim? Who can be an offender?

Suggested Answer:

- Victims and offenders are made up of both genders across all ranks. Victims and offenders may also be civilians, contractors, and foreign nationals.

FACILITATOR NOTE
You may get many responses, but ultimately victims or alleged offenders cannot be narrowly defined by demographics. The alleged offender determines who is going to be a victim, and a victim cannot be identified by how he or she looks, acts, dresses, etc.

Script:

Based on your understanding of the continuum of harm, your active intervention training, your Navy core values, and the Navy ethos, you probably can spot situations that just don’t seem right. When we talk about sexual assault, we have a key factor to help us spot it—consent.

Discussion Question:
Let’s talk about what consent is. How do you understand the definition of consent in terms of the law?

Suggested Answers:

- Consent is freely given agreement to engage in an act.
- A person’s silence does not necessarily imply consent.
- How the person is dressed does not imply consent.
- It is an unsafe practice to just assume you have consent.
- A current or former relationship does not give a person automatic permission for sexual intimacy.

FACILITATOR ACTION:
Click the “Next” button to proceed to Screen 4.
SCREEN 4: CONSENT

**FACILITATOR ACTION:**

If you did not hear all the points, make sure you either fill in the gaps or direct the trainees to read the definition from the screen. Encourage them to ask questions if they do not understand the definition.

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**Script:**

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

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**Discussion Question:**

What options are available for victims of sexual assault who want to receive support and advocacy?

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**Suggested Answers:**

- File a report.
- Get medical help, if needed.
- Talk to a SARC, SAPR VA, SAPR UVA, or DRC.
- Talk to your Chaplain.
- Talk to the VLC.

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**Discussion Question:**

What are the two reporting options a sexual assault victim may choose from?

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**Suggested Answers:**

- Restricted
- Unrestricted
Script:

**Restricted Reporting**: Reporting option that allows sexual assault victims to confidentially disclose the assault to specified individuals (i.e., SARC, SAPR VA, or healthcare personnel), and receive medical treatment, including emergency care, counseling, and assignment of a SARC and SAPR VA, without triggering an official investigation. The victim’s report provided to healthcare personnel (including the information acquired from a Sexual Assault Forensic Examination [SAFE] Kit), SARCs, or SAPR VAs will NOT be reported to law enforcement or to the command to initiate an official investigative process unless the victim consents or the case falls under an established EXCEPTION.

**FACILITATOR NOTE**

This part of the presentation is designed to be delivered by facilitators, not attorneys. To prevent the passing of incorrect information, the facilitator should clearly state before discussing legal changes that he or she is not an attorney and should direct questions to the nearest legal office.

**EXCEPTIONS TO RESTRICTED REPORTING**

There are exceptions to Restricted Reporting. This means that sometimes circumstances require that your Restricted Report of sexual assault must be disclosed. The following persons or organizations may be told about your sexual assault report for the following reasons:

1. Command officials or law enforcement when you provide written authorization.
2. Command officials or law enforcement to prevent or lessen a serious and imminent threat. This may be a threat to the health or safety of you or another person. Multiple reports involving the same alleged suspect may also meet this criterion.
3. Disability Evaluation Boards, Medical Evaluation Boards, and the officials participating in the boards. The report may be disclosed to these parties when it is required for fitness for duty or disability retirement determinations. Disclosure is limited to only that information necessary to make a determination for disability processing.
4. SARC, SAPR VA, or healthcare personnel when required for the direct supervision of victim services.
5. Military or civilian courts when ordered, or if disclosure is required by Federal or state statute. Before disclosing any information, SARCs, SAPR VAs, and healthcare personnel will first consult with the servicing legal office. The legal office will determine if any of the above exceptions apply, if there is a duty to disclose the information, and who will make the disclosure when required.

**Unrestricted Reporting**: A process that an individual covered by this policy uses to disclose, without requesting confidentiality or Restricted Reporting, that he or she is the victim of a sexual assault. Under these circumstances, the victim’s report provided to healthcare personnel, the SARC, a SAPR VA, command authorities, or other persons is reported to law enforcement and may be used to initiate the official investigative process.
If a Sailor is sexually assaulted, he or she is highly encouraged to file a report so he or she can obtain medical assistance, advocacy, and support.

Let’s take a look at what the victim can expect from each of the reporting options.

**FACILITATOR ACTION:**
Click the “Next” button to proceed to Screen 5.

**SCREEN 5: SEXUAL ASSAULT REPORTING OPTIONS SERVICES**

<table>
<thead>
<tr>
<th>Restricted</th>
<th>Services</th>
<th>Unrestricted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Available</td>
<td>Counseling Services</td>
<td>Available</td>
</tr>
<tr>
<td>Available</td>
<td>SAPR Victim Advocate Services</td>
<td>Available</td>
</tr>
<tr>
<td>Available</td>
<td>Victims’ Legal Counsel Services</td>
<td>Available</td>
</tr>
<tr>
<td>Available</td>
<td>Sexual Assault Forensic Examination</td>
<td>Available</td>
</tr>
<tr>
<td>Available</td>
<td>Medical Services</td>
<td>Available</td>
</tr>
</tbody>
</table>

**Privacy and Confidentiality**
- Yes

**Mandatory Investigation**
- Yes

**Command Involvement**
- Yes

**Military Protective Order**
- Available

**Expedited Transfer**
- Available

If a victim files an Unrestricted Report, he or she must be informed of the option to request transfer from the command per MILPERSMAN 1300-1200. Additionally, a victim can be considered for a Military Protection Order (MPO). Separately, a Sexual Assault Case Management Group (SACMG) will hold a meeting to address concerns that the victim raises, including safety concerns.
Regardless of which option victims choose, the Navy wants them to report, knowing that privacy and confidentiality are of the utmost concern. The Navy is taking steps to ensure only individuals who have a need to know are aware that an assault took place. If you hear scuttlebutt about a sexual assault/sexual assault investigation in any setting, keep it to yourself and ask whoever is publicizing the possible incident to stop. Put yourself in the victim’s or alleged offender’s place; would you want this information spread throughout the command?

**Discussion Question:**
If confidentiality is a prime concern, does the victim have to report the assault through his or her chain of command at any time?

**Suggested Answers:**

- No. A victim can bypass the COC and report directly to any of the following:
  - NCIS
  - SARC or UVA
  - SAPR VA
  - Inspector General
  - Commanding Officer of another unit
  - DoD Safe Helpline

**Script:**

- If an alleged offender is the CO or in the victim’s chain of command, it is especially important for victims to know they can go outside the chain of command to report the offense.

**FACILITATOR NOTE**

Victims can report directly to NCIS, other COs, or an IG. Victims shall be informed that they can also seek assistance from the DoD Safe Helpline.

The DoD Safe Helpline is a crisis support service for victims of sexual assault in the DoD. It is available 24/7 worldwide with “click, call, or text” user options for anonymous and confidential support. It can be accessed by logging on to www.safehelpline.org or by calling 1-877-995-5247. This service does NOT replace local base and installation SARC or SAPR VA contact information.

**FACILITATOR ACTION:**

Click the “Next” button to proceed to Screen 6.
SCREEN 6: INTERVENTION STRATEGIES

Script:

- You can be assured we have a fully-tested response program in place, but it is our responsibility to do whatever we can to prevent sexual assaults from occurring in the first place. One of the most effective ways we know to prevent sexual assault is for our shipmates to employ intervention strategies.

Discussion Question:
Who can give examples of the four intervention strategies listed on the screen to intervene in a possible sexual harassment/assault situation?

Suggested Answer:

- Sailors should give examples of how they would use intervention strategies to help prevent sexual assault.
  - Direct - Step in and separate individuals. Explain your concerns and reasons for intervening and let them know you’re acting in their best interest.
  - Indirect – When one member steps away (i.e., buying more drinks, putting on a song, going to the bathroom, etc.), talk to other person and try to remove one of them from the situation.
  - Distraction – Step in and create a diversion or distraction to remove someone from an escalating situation.
  - Protocol – Get an authority figure (manager, bouncer, police, etc.) involved to step in and break up the situation.

FACILITATOR ACTION:
Click each button for the four intervention strategies as trainees provide examples.

FACILITATOR NOTE
Direct - you’re straightforward with the participants about their behavior.
Indirect - you find a way to defuse the situation, perhaps by involving the participants’ peers or friends.
Distraction - you create a diversion, another activity, or attention getter to remove the possible victim from the situation.
Protocol - get assistance from an authority figure to step in and defuse the situation.
SCREEN 7: RETALIATION

Script:

➢ The DoD identifies three “types” of retaliation: reprisal, ostracism, and maltreatment.

➢ Retaliation against a service member is one of the following actions when taken because that member reported, either formally or informally, a criminal offense.

FACILITATOR NOTE

Reprisal - taking or threatening to take an unfavorable or adverse personnel action, or withholding or threatening to withhold a favorable personnel action;

Ostracism - exclusion from social acceptance, privilege, or friendship with intent to discourage reporting of a criminal offense or otherwise discourage the due administration of justice;

Maltreatment - treatment by peers or by other persons, that, when viewed objectively under all the circumstances, is abusive or otherwise unwarranted, unjustified, and unnecessary for any lawful purpose, that is done with intent to discourage reporting of a criminal offense or otherwise discourage the due administration of justice, and that results in physical or mental harm or suffering, or reasonably could have caused, physical or mental harm or suffering. Maltreatment under this instruction does not require a senior-subordinate relationship as is required for maltreatment under Article 93, UCMJ.

Script:

➢ You need to be aware of each type of retaliation so that you can recognize it and stop it or not participate, if and when you see it.

➢ Victims and interveners must be informed that they are protected from reprisal, ostracism, and maltreatment. These types of destructive behaviors in many cases impede the ability of victims to seek adequate support and services and legal assistance. Contact a SARC, SAPR VA, or VLC for assistance on how to report these allegations.

Discussion Question:

What are some examples of “reprisal” as that term applies to actions against a person who reports a crime?
Suggested Answers:

- Denying a promotion
- Denying or downgrading an award
- Revocation, suspension, or denial of a special rating
- Denial of TAD/TDY
- Denial of training
- Disciplinary action
- Unfavorable fitness report or performance evaluation
- Transfer or denial of transfer

Discussion Question:
What are some examples of ostracism against individuals who report a crime?

Suggested Answers:

- Improper exclusion from social acceptance, activities, or interactions
- Denying privilege of friendship due to reporting or planning to report a crime
- Subjecting to insults or bullying

Discussion Question:
What are some examples of maltreatment of someone who reports a crime?

Suggested Answers:

- Any act that occurs without a valid military purpose
- Acts that may include physical or psychological force
- Unjustified treatment that results in physical or mental harm

Script:

➢ Retaliation is defined by regulation, and includes both a bad act, such as some of those we discussed earlier, and a bad intent.
There are also situations that don’t rise to the level of retaliation, yet have undesired effects. For example, after an assault is reported, peers are sometimes uncomfortable interacting with the victim or alleged offender.

**Discussion Question:**
How is retaliation harmful to an individual or the command?

**Suggested Answers:**
- Potentially punishes individuals for reporting a crime.
- Makes individuals reluctant to report crimes in the future.
- Damages ability to recover from the incident due to lack of support.
- May discourage others from reporting.

**Discussion Question:**
What is our role as Sailors in controlling and stopping these types of behavior?

**Suggested Answers:**
- Don’t encourage, condone, or ignore inappropriate behavior.
- Don’t “gossip” about an incident; try to shut down chatter.
- Evaluate your own actions to be sure they are not contributing to the situation.

**Script:**
- As Sailors, we need to recognize when any type of retaliation has occurred.
- Some forms of retaliation are obvious, but retaliation can also be subtle.
- Some actions intended to be well-meaning can be perceived as retaliation.
- Some actions “masked” as well-meaning may in fact be acts of retaliation.
- There is nothing professional about any type of retaliation.
- All leaders, even junior Sailors, bear responsibility for setting the tone and must lead by positive example.
The Military Whistle Blower Act, explained in SECNAVINST 5370.7D, defines types of retaliation and informs personnel regarding laws against and remedies to address retaliation.

Retaliation:

- Is not in line with our Navy core values or the Navy Ethos.
- Is not professional.

If you or someone you know is assigned extra watches or denied chances to qualify for a warfare pin because of reporting a crime or other violation, you are encouraged to:

- Inform your chain of command.
- File an Inspector General report, if the chain of command is the source of the problem.
- Speak with a Command Climate Specialist (CCS) or CMEO program manager.
- Consult with a SARC, SAPR VA, or VLC.

Social media posts should be treated as if the message was publicly announced.

Any and all retaliatory acts are destructive behaviors, and you can play a role in preventing and reporting them.

**FACILITATOR ACTION:**

Click the “Next” button to proceed to Screen 8.

**SCREEN 8: SAPR PROCESS**

**Script:**

- The SAPR Process focuses on the victim and helping to support the victim’s recovery to become fully mission-capable and engaged. The program requires that care and support provided by medical, SARCs, SAPR VAs, and other SAPR services are gender-responsive and recovery-oriented.

- The graphic you see on the screen is the SAPR Process as it relates to victims. Starting with the “Victim” box, all of the items above the red line are associated with the Unrestricted Reporting process and all of the items below the line are associated with the Restricted Reporting process.
FACILITATOR ACTION:
Display on the screen and explain victim services associated with Unrestricted Reporting using the top part of the graphic.

**Unrestricted Report**

**Discussion Question:**
What are some of the major reasons that victims do not report a sexual assault?

**Suggested Answers:**
- Want to forget about it and move on.
- Do not want more people to know.
- Think it is not serious enough to report.

**Script:**

- It is very important to understand that most crimes we would consider sexual assault, including those committed prior to military service, can be reported at any time.

- The SARC retains a hard copy of the Restricted Report DD Form 2910 for 50 years. At the request of the victim who files a Restricted Report on an incident of sexual assault, the DD Form 2910 and DD Form 2911 filed in connection with the Restricted Report will be retained for 50 years.

- The SAFE Kit, which includes the DD Form 2911 or civilian forensic examination report, is retained for 5 years from signing the form.
**Script:**

Absent certain limited circumstances, according to Military Rules of Evidence (MRE) 514, victims can refuse to disclose communications made with their victim advocate unless they expressly allow the information to be shared.

**FACILITATOR ACTION:**

Click the “Next” button to proceed to Screen 9.
SCREEN 9: MILITARY JUSTICE – SEXUAL ASSAULT

Script:

➤ The Navy continues to improve processes and become more responsive to victims of sexual assault. For example, there is no longer a statute of limitations for prosecution. Let’s review some of the other major changes in policy and law

FACILITATOR NOTE

This part of the presentation is designed to be delivered by facilitators, not attorneys. To prevent the passing of incorrect information, the facilitator should clearly state before discussing legal changes that he or she is not an attorney and should direct questions to the nearest legal office.*

• Statute of Limitations: There is no longer a statute of limitations on trial by court-martial for sexual assault offenses under the UCMJ.

• Minimum Mandatory Sentence: There is a minimum mandatory sentence of dismissal or dishonorable discharge for persons found guilty in a general court-martial of rape under Article 120(a), sexual assault under Article 120(b), forcible sodomy under Article 125, or an attempt to commit these offenses under Article 80.

• Mandatory Record Notation & Review: A service member who is found guilty at court-martial convictions or receives non-judicial punishment for a sex-related offense must have their personnel records noted and commanders are required to review the personnel records of incoming service members for these notations.

• Elevated Review: A commander’s decision not to go to a court-martial in cases of rape, sexual assault, or forcible sodomy may be required to be reviewed by the commander’s immediate superior, Navy’s Chief Prosecutor, or Secretary of the Navy.

• Request to Interview Victim: Once the counsel for the government notifies the defense that a victim will be testifying at either an Article 32 Preliminary Hearing, or at court-martial, the defense counsel must make any request to interview the victim through the Victims’ Legal Counsel (VLC) or other counsel for the victim.

• Victim Accompaniment: The victim has the right to be accompanied to the interview by the Sexual Assault Response Coordinator (SARC), SAPR Advocate (VA), VLC, or counsel for the government.
• **Clemency Consideration**: Victim’s Rights: During clemency, the victim has the right to submit matters for consideration by the convening authority, and the convening authority is precluded from considering matters concerning the victim’s character unless such matters were presented and not excluded at trial.

• **Selection of Court Venue**: The victim of a sex-related offense that occurs in the United States must be consulted on their preference regarding whether the offense should be prosecuted by court-martial or in a civilian court with jurisdiction over the offense.

• **SF 86**: Whenever a service member is required to complete SF 86, the member shall be instructed to answer “no” to question 21 with respect to consultation with a healthcare professional, if the member is a victim of a sexual assault and the consultation occurred with respect to an emotional or mental health condition strictly in relation to the sexual assault.

• **Article 32 Proceeding**: Article 32 proceedings have been changed from investigations to preliminary hearings where the scope of the proceeding is limited to determinations of probable cause and the hearing is no longer a discovery tool for the defense. The Preliminary Hearing Officer (PHO), whenever practicable, is a Judge Advocate, equal or greater in rank to the other counsel involved in the case. Victims, both military and civilian, have the right to decline to participate in the new Article 32 proceeding.

• **Changes to Article 60**: Article 60 has changed to prevent a convening authority (CA) from modifying the findings of a court-martial in many cases. The changes also limit the CA’s ability to modify an adjudged sentence, except to effect certain pre-trial agreement provisions and in other limited circumstances.

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**FACILITATOR ACTION:**

Click the “Next” button to proceed to Screen 10.

**SCREEN 10: SAPR RESOURCE LINKS**

**Script:**

➢ If you want or need to find out more information on this topic, these links are appropriate places to look. If you have any legal questions, please talk to your legal officers.

**SAPR Resources Link**

* Article 32, Preliminary hearing
• Article 60, Action by the convening authority

• DD FORM 2910, VICTIM REPORTING PREFERENCE STATEMENT

• DD FORM 2911, DoD SEXUAL ASSAULT FORENSIC EXAMINATION (SAFE) REPORT
  • http://www.dtic.mil/whs/directives/forms/eforms/dd2911.pdf

• DoDI 6495.01, January 23, 2012, Sexual Assault Prevention and Response (SAPR) Program

• DoDI 6495.02, March 28, 2013, Sexual Assault Prevention and Response (SAPR) Program Procedures

• MILPERSMAN 1300-1200, SAFETY AND EXPEDITED TRANSFERS

• MRE 514, Victim advocate - victim privilege

• Navy Victims’ Legal Counsel (VLC)
  • http://www.jag.navy.mil/legal_services/vlc.htm

• OPNAVINST 5354.1F Ch-1, Navy Equal Opportunity Policy (EO Manual)

• SAPR Training Supplement

• SECNAVINST 5300 Series
• **Sexual Harassment Resources**

**PUBLIC LAW 105-85-NOV.18,1997** "(e) SEXUAL HARASSMENT DEFINED.—In this section, the term 'sexual harassment' means any of the following:

(1) Conduct (constituting a form of sex discrimination) 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 working environment; and

(B) is so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the work environment as hostile or offensive.

(2) Any use or condemnation, 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 in the workplace by any member of the armed forces or civilian employee of the Department of Defense.

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**FACILITATOR ACTION:**

Click the “Next” button to proceed to Screen 11.

**SCREEN 11: SAPR RESOURCES**

**Script:**

- If you want or need to find out more information on this topic, these POCs are here to support and educate.

**Local contacts:**

- Chain of Command
- Plan of the Week
Retaliation Reporting Resources:

- Chain of command or trusted mentor
- Command Climate Specialist (CCS)
- Command Managed Equal Opportunity (CMEO) Representative
- DoD Safe Helpline http://www.safehelpline.org or by calling 1-877-995-5247
- Inspector General Hotline at 1-800-522-3451 http://www.secnav.navy.mil/ig
- Sexual Assault Prevention and Response Victim Advocate (SAPR VA)
- Sexual Assault Response Coordinator (SARC)

FACILITATOR ACTION:

Click the “Next” button to proceed to Screen 12.

SCREEN 12: “BROKEN TRUST–THE IMPACT OF SEXUAL ASSAULT”

Script:

➢ We hope this lesson has helped you discern the continuum of destructive behaviors and what constitutes sexual assault, retaliation, and consent. We have identified the Navy personnel you can count on to help you learn more about reporting options and how to prevent sexual assault.

➢ Before we adjourn, we will watch the video “Broken Trust–The Impact of Sexual Assault”. This video depicts true stories of Sailors and Marines who are victims of sexual assault. As you watch the video, think of ways you could have intervened that could have possibly changed the outcome or prevented a sexual assault.

➢ Following the video you are free to go. The facilitators will remain behind and are available to answer questions one-on-one.

Play Video:

Maximize the video screen and click on the “Play” button.