

# Sexual Harassment and Sexual Assault Prevention and Response

Virginia Defense Force

Virginia Department of Military Affairs

# Sexual Harassment and Sexual Assault Prevention

- Sex/Gender issues are the most common EO-related complaint areas
- Research shows men and women are socialized differently, and often communicate and work together differently
- Establish the relationship between equal opportunity, sexual harassment, sexual assault prevention and readiness.

# Sexual Harassment and Assault

- It's wrong!
- It's illegal!
- It won't be tolerated!
- It's as simple as that!!!!
- The TAG's policy is crystal clear:

ZERO TOLERANCE

# What is Sexual Harassment?

- A form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when it:
  - either explicitly or implicitly is a condition of a persons job, pay, or career, or;
  - Is used as a basis for career or employment decisions affecting that person, or;
  - Has the purpose or effect of unreasonably interfering with and individual's work performance or creates an intimidating, hostile, or offensive working environment
- Reasonable person standard
- Perception of the Victim

# Examples of Sexual Harassment

- Quid Pro Quo: Latin for “this for that”
  - Examples: Demanding sexual favors in return for less training, higher military rating, etc.  
Disciplining a junior who refuses to “cooperate” with the sexual advances. Changing military performance rating or expectations after repeated requests for a date are refused.
  - Hostile Environment: Offensive, unwanted and unsolicited comments or behaviors of a sexual nature that unreasonably interfere with job performance make the environment hostile
    - Examples: Comments about body parts, suggestive pictures, explicit jokes.

# Verbal, Non Verbal, and Physical Examples

- Unwelcome pressure for sexual favors or dates
- Sexually orientated teasing, jokes, questions, discussions, suggestive looks and gestures, or wolf whistles.
- Sexually suggestive visuals (centerfolds, calendars, cartoons etc.)
- Hanging around, standing near, brushing against a person, deliberate touching, leaning over, cornering, pinching, or caressing

# What do I do if I ...

- ...am being harassed? Report the conduct up the chain of command to your immediate supervisor or to the person above your immediate supervisor if the behavior is from your supervisor, who will then report it to the CO. An investigating officer will be appointed to investigate your report and you will then have the option to file a informal verbal complaint or an informal or formal complaint to stop this behavior with National Guard system or the State Employee Grievance Procedure, which is administered by the Department of Employment Dispute Resolution, to address harassment or the federal EEOC. You may seek legal counsel.
- If possible tell the harasser that the behavior is unwelcome – FIRMLY but in a productive manner
- When you ...
- I feel ...
- Because ...
- It would help me if ...

# What do I do if I am a supervisor?

- Report Conduct to XO or CO of Regiment immediately. CO will appoint IO to investigate who then needs to contact the JAG.
- Victim can file formal complaint through state or federal system or they can file an informal or formal complaint through the NG system.
- If the NG system is used then the CO will attempt to resolve complaint at the lowest level between drills. If this does not satisfy the Victim they can appeal up the chain of command or file through the state or federal system.



# Prevention

- All personnel shall review the following Command policies from the TAG and VDF CG that govern all members: See also AR 600-20, VA Dept. HRM Policy 2.05 (EE); 1.60 (Standards of Conduct); 1.80 (work place violence) and appendix at the end:
- TAG: 15-016 10 AUG 2015 (Sexual Harassment Prevention Policy);
- TAG: VaNG Command Policy 3-06 1 OCT 2014 (Prohibiting Sexually Explicit or Suggestive Material in the Work Place)
- VDF: CG 14-01 30 MAR 2014 as amended 22 NOV 2016 (Sexual Assault and Sexual Harassment).
- Examine your own personal behavior
- Show respect for all individuals
- Remove unnecessary hostility and stress
- Avoid social interactions that interfere with productivity
- Take action when inappropriate sexual behavior is displayed

# Who is Responsible?

- **EVERYONE** is responsible for preventing sexual harassment.
- Personnel must conduct themselves in an appropriate, consistent with rules, regulations, policies and procedures
- If you become aware that your behavior is offensive, you have the responsibility to stop the behavior even if it was not malicious or intended to create problems.

# What is Sexual Assault?

- A crime punishable under the UCMJ when on SAD otherwise federal and Virginia state laws apply depending on where incident occurs.
- DoD definition- intentional sexual contact, characterized by use of force, physical threat or abuse of authority, or when the victim does not or cannot consent.
- Consent is not given when a person uses force, threat of force, coercion, or when the victim is asleep, incapacitated, or unconscious

# Types of Sexual Assault

- Rape- sexual intercourse by force and without consent
- Non consensual sodomy – oral or anal sex by force and without consent
- Indecent assault & battery – unwanted, inappropriate sexual contact or fondling or touching
- Attempts to commit these acts

# Preventing Sexual Assault

- All personal shall review the following Command policies from the TAG and VDF CG that govern all members: See also AR 600-20; VA Dept HRM Policy 2.05 (EE); 1.60 (Standards of Conduct); 1.80 (work place violence) and appendix at the end and appendix at the end:
- TAG: 15-022 21 OCT 2015 (Sexual Assault Prevention & Response Strategic Plan);
- TAG: 15-021 21 OCT 2015 (Sexual Assault Prevention & Response (SAPR) Policy)
- NG Sexual Assault (SAPR) 29 SEPT 2008
- DOD 649.01 and 6495.02 SAPR program procedures
- VDF: CG 14-01 30 MAR 2014 as amended 22 NOV 2016 (Sexual Assault and Sexual Harassment).
- Be prepared and safe
- Be Assertive, Aware, and Alert
- Communicate Your Limits
- Avoid alcohol and other drugs
- Examine YOUR behavior and views
- You have a RIGHT to say “NO”

# If You are Raped or Sexually Assaulted

- Immediately report the crime to local authorities or the federal authorities if this incident occurs on a military base and seek legal counsel.
- Do not shower, clean up, change clothes, or otherwise destroy evidence.
- Seek counseling for victims' advocate agencies (See attached appendix)
- Nationally 800-656-HOPE
- Within 24 hours report any incident to the Regiment CO, Chief of Staff, JAG, Chaplains, or the IG. An investigating officer will be appointed to investigate your report and provide recommendations to the CG for discipline and/or discharge.
- Remember – No one deserves to be raped or assaulted.
- VA State Employee Grievance Procedure, which is administered by the Department of Employment Dispute Resolution, to address complaints.

# Readiness – Teamwork - Mission

- Fear and loss of trust in others
- Loss of skills from victim and accused
- Threatens recruitment, retention and productivity
- Unhealthy stress, feelings of embarrassment, shame and lowered self-esteem

# SEXUAL HARASSMENT AND SEXUAL ASSAULT ARE...

- Illegal and can be criminal
- Immoral
- Disrespectful and a failure to adhere to Army Core Values
- Can end a career
- There is ZERO tolerance level in the Virginia Defense Force



# APPENDIX

SAFE HELPLINE 877-995-5247

SEXUAL HARASSMENT CONCERNS TO  
EQUAL EMPLOYMENT OPPORTUNITY OFFICE  
804-236-7739

VA NAT'L GUARD SEXUAL ASSAULT  
RESPONSE COORDINATOR 804-236-7858

VaNG SAPR @ JFHQ SARC CELL 434-294-4669

VA DEPT HUMAN RESOURCE MANAGEMENT  
804-225-2131

VDF Special Branch: (JAG: MAJ Langone 703-  
307-221) (Medical: LTC Silver 804-304-7895)  
(Chaplain: LTC Lagerveld 540-289-6700)

# QUIZ