



FAQS

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1. What is sexual assault?

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

Sexual assault includes rape, forcible sodomy (oral or anal sex), and other unwanted sexual contact that is aggravated, abusive, or wrongful (including unwanted and inappropriate sexual contact) or attempts to commits these acts.

For the specific articles of sexual assault offenses under the UCMJ, see the Manual for Courts-Martial (MCM).

(*Reference- the DoD definition for sexual assault and other sex-related offenses for all training and education purposes).

2. What is the difference between sexual assault and sexual harassment?

Sexual assault and sexual harassment are not the same, although they are related to each other.

Sexual harassment is a form of gender discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. For more information on sexual harassment, see [Army Regulation 600-20](#).

There are two types of sexual harassment:

Quid Pro Quo sexual harassment refers to conditions placed on a person's career or terms of employment in return for sexual favors. It involves threats of adverse actions if the victim does not submit or promises of favorable actions if the person does submit.

Hostile Environment sexual harassment occurs when a person is subjected to offensive, unwanted, and unsolicited comments and behavior of a sexual nature that interferes with that person's work performance or creates an intimidating, hostile or offensive working environment.

Sexual assault refers specifically to rape, forcible sodomy (oral or anal sex), and other unwanted sexual contact that is aggravated, abusive, or wrongful (including unwanted and inappropriate sexual contact) or attempts to commits these acts.

Sexual assault must involve physical contact. While sexual harassment can involve physical contact, it can also refer to verbal or other forms of gender discrimination of a sexual nature. Sexual assault is a crime punishable by the Uniform Code of Military Justice.

Download the entire [Army Regulation 600-20](#).

3. If I am sexually assaulted, what should I do?

First, get to a safe place. If you are in need of urgent medical attention, call 911. If you are not injured, you still need medical assistance to protect your health. The medical treatment facility (MTF) offers you a safe and caring environment. To protect evidence, it is important that you do not shower, brush your teeth, put on make-up, eat, drink, or change your clothes until advised to do so. You or the MTF may report the crime to law enforcement, criminal investigation agencies, or to your chain of command. If you feel uncomfortable reporting the crime, consider calling a confidential counseling resource available to you. Here you may discuss your concerns and questions regarding the assault and the reporting process. (See the list of resources in Item #8 of this page).

Reporting Options: [Restricted](#) / [Unrestricted](#).

4. Where are victims of sexual assault referred?

Victims of sexual assault should be referred to a Sexual Assault Response Coordinator, a Victim Advocate, or the military treatment facility (MTF) as soon as possible and encouraged to contact Army law enforcement (MPs or CID).

A list of resources may be found in item # 8 of this page.

5. What should I do if I know someone who has been sexually assaulted?

As an Army Soldier, you should report immediately any activity that indicates a sexual assault may take place or has taken place.

You should also remember the following:

- Get assistance for the victim, but never leave the victim alone.
- Support the victim and show respect, but don't be overly protective.
- Demonstrate empathy by concentrating on helping your friend, fellow Soldier, or colleague.
- Listen to the victim and take the allegations seriously, without asking the victim for details.
- Do not make judgments about the victim or the alleged offender.
- Encourage the victim to report the crime; however you should report the sexual assault to the proper authorities.
- Protect the victim's confidentiality by not discussing the assault with anyone, except the authorities.
- Repeat this message to the victim: You are not to blame. It's not your fault!

Remember: The safety of your fellow Soldiers, your unit, and your community may depend on your reporting of these incidents. You should report any suspicious behavior immediately.

6. Does this program apply to just military; or all DOD personnel, to include DOD contractors?

The charter was to develop a prevention and response program for Soldiers. Currently the program is designed only for Soldiers and adult Family members 18 years of age and older who are eligible for treatment in the military healthcare system. The program also provides limited services to DoD Civilians and their adult Family members 18 years of age or older who are eligible for treatment in a military healthcare system. OCONUS, limited SHARP services are provided to US citizen DoD contractor personnel when authorized to accompany the Armed Forces in a contingency operation.

7. Can a person who has been sexually assaulted a year ago still report it?

Sexual assault can be reported at any time. Once CID or medical is notified of a sexual assault, the procedures are the same regardless of the amount of time since the assault. Soldiers should be encouraged to come forward as soon as possible, so that all possible evidence is collected and preserved before it is lost, destroyed or altered. Early reporting also provides the best opportunity to gather testimony from possible witnesses before their memories fade or they move to other locations. Delayed reporting makes it more difficult to investigate the incident and reduces the ability to prosecute the case. However, victims are strongly encouraged to report crimes, no matter how long after an assault occurred, and CID agents will do their best to investigate the incident and provide a factual and actionable report to the appropriate judicial authority. Even late reporting can impact other investigations and may assist in identifying and prosecuting a criminal.

8. What resources are available to care for victims of sexual assault?

The Department of Defense (DoD) Safe Helpline provides confidential crisis intervention, support and information to Service members of the DoD community who have been sexually assaulted. [DoD Safe Helpline](#) is available anytime, anywhere - 24-hours-a-day, 7-days-a-week, worldwide at 877-995-5247.

Other resources are the local Medical Treatment Facility; Military Police/Criminal Investigation Division; your commander, supervisor, or First Sergeant; the chaplain, social services, family advocacy, and legal services. Army psychiatric counselors, and chaplains are confidential counseling channels.

9. When recovering from a sexual assault, what may a victim expect?

Every person reacts differently to sexual assault. There are five stages of recovery, which most victims will experience to some degree. It is not unusual for different people to experience the stages in different orders or even to repeat stages several times. These stages are:

Stage 1: Initial Shock - Shock following an assault can take on many forms. Victims may experience emotional as well as physical shock, which in turn could be expressed as very controlled, and/or withdrawn, or, highly expressive, including crying, screaming or shaking. Victims may or may not feel comfortable communicating these feelings to others.

Stage 2: Denial - This stage may find victims attempting to go on with a normal routine and wanting to forget about the assault. This denial or rationalization of what happened is an attempt to deal with inner turmoil.

Stage 3: Reactivation - This stage involves a re-experiencing of the feelings from Stage 1, usually brought on by the triggering of memories of the assault. Feelings of depression, anxiety and shame increase. Other symptoms can include nightmares, flashbacks, and a sense of vulnerability, mistrust and physical complaints.

Stage 4: Anger - Victims may experience feelings of anger - often toward themselves, friends, significant others, society, the legal system, all men/women, etc. Sometimes through counseling, this anger can be dispelled.

Stage 5: Integration (Closure) - As victims integrate the thoughts and feelings stemming from the assault into their life experience victims will begin to feel "back on track." As a result of support, education and the passage of time, victims may feel strengthened.

10. Are there resources available on sexual assault?

Yes, visit our [Resources](#) page for more information.

11. Can men be sexually assaulted?

Yes. Men are also victims of sexual assault. Therefore, all resources for sexual assault are available, regardless of gender.

12. How should I respond if a man tells me he has been assaulted?

The response is the same for any victim, regardless of gender. Reference the information in item 3 and follow the guidance listed.

13. What legal representation and/or assistance does a Soldier have when he or she is sexually assaulted?

The National Defense Authorization Act (NDAA) for Fiscal Year 2014 codified into law the right to an attorney known as a Special Victim's Counsel (SVC) for a Soldier or their dependent, to include minors, who has been a victim of a sexual assault. The purpose of the SVC is to provide zealous advocacy for the victims of sexual assaults throughout the Military Justice and Administrative process.

SVCs are legal assistance attorneys who have received special training and are designated by their Staff Judge Advocate's (SJA) as an SVC. SVCs will provide zealous representation to their clients. Constrained only by ethical limits, SVCs shall represent the best interests of their clients as appropriate even when their client's interests do not align with those of the government of the United States. An SVC's primary duty is to his/her client and no other person, organization or entity.

SVCs are bound by applicable Army Regulations, the Army Rules of Professional Conduct for Lawyers, and the Rules of Practice Before Army Courts-Martial. Depending on the circumstances, they may also be bound by other laws, regulations, and instructions, as well as the ethics rules of their state bars.

SVCs will empower victims, foster victims' understanding of the military justice and administrative process and aid each victim with the legal assistance needed to allow full participation in applicable programs and services and the military justice and administrative process. This will be accomplished by providing effective and timely advice, being available to assist throughout the full spectrum of the military justice practice from initial investigation to convening authority action, and providing appropriate advocacy to assure rights afforded to victims are fully realized.

14. What happens when sexual assault occurs across the Services?

When sexual assault occurs across Services, CID works together with their counterparts in the U.S. Air Force Office of Special Investigations and/or the Naval Criminal Investigative Service. There is often a joint investigation with each Service's criminal investigation agency conducting complimentary investigative tasks to prepare a complete final

report that can be provided to the appropriate Service's action commander and corresponding Staff Judge Advocate (lawyer).

15. What happens when a Soldier is sexually assaulted by someone outside the military (civilians) or by someone from another country (military or civilian)?

CID will be involved in sexual assault cases that involve an Army victim or that affect the Army. Typically, CID conducts joint investigations with civilian police authorities (U.S. or foreign) or with foreign military law enforcement agencies in these types of cases. Each investigative agency conducts complimentary investigative tasks to prepare a complete final report that can be provided to the appropriate judicial authority (military or civilian). CID routinely conducts many joint investigations with civilian and other military law enforcement agencies on a variety of felony crimes. Joint investigations are a normal business practice within the criminal investigative field.

16. As a Soldier, what are my obligations to report a sexual assault if I am aware of it as a third party?

Anytime there is knowledge of a crime, or a crime to be committed in the future, the individual should report it to the MP, CID, or the chain of command.

17. Will military sex offenders be registered in state and federal authorities?

Yes. All military sex offenders must register with the state sex offender register and the installation provost marshal as required by federal and state statutes.

18. Define collateral misconduct?

Collateral misconduct refers to misconduct by the victim of a sexual assault. It is defined by example in the DoD DTM quoted below.

19. The policy recommends delaying action on collateral misconduct: Does this mean that UCMJ or administrative action against a Soldier (alleged) is delayed until the investigation is completed?

Commanders should consult with their servicing Office of the Staff Judge Advocate or other servicing Judge Advocate in making these determinations.

The delayed action policy means that a Commander may delay action, but does not require delaying action. The DoD Directive Type Memorandum (DTM) directly addresses this issue. It states:

One of the most significant barriers to the reporting of a sexual assault is the victim's fear of punishment for some of the victim's own actions leading up to or associated with the sexual assault incident. Many reported sexual assaults involve circumstances where the victim may have engaged in some form of misconduct (i.e., underage drinking or other related alcohol offenses, adultery, fraternization or other violations of certain regulations or orders). Such behavior may be considered collateral misconduct, and may be viewed as a contributing factor to the sexual assault. Unit commanders have authority to determine, in a timely manner, how to best dispose of alleged misconduct, to include making the decision to defer disciplinary actions regarding a victim's collateral misconduct until after the final disposition of the sexual assault case. Unit commanders should exercise that authority in appropriate cases.... When considering what corrective actions may be appropriate for the victim's collateral misconduct, commanders and supervisors should keep in mind the critical importance of responding appropriately in order to encourage sexual assault reporting and continued cooperation, while avoiding those actions that may further traumatize the victim.

20. What happens if this is "Restricted" Reporting?

If a Commander learns of victim misconduct outside of the confidential relationship, then a Commander can act upon that information by notifying CID immediately. Commanders are not authorized to conduct 15-6 investigations into reports of sexual assault. Depending upon the facts, there may or may not be enough evidence to act under the UCMJ. Commanders should consult with their servicing Office of the Staff Judge Advocate or other servicing Judge Advocate in making these determinations.

21. When and what process is used to determine if the victim should be transferred?

When determining the best course of action for separating victims from the subject(s) during the investigation of sexual assault cases, Commanders should ensure that re-victimization does not occur. Commanders should consider the victim's preferences and all relevant facts and circumstances of the case to determine the appropriate course of action to avoid re-victimization. Commanders may consider transferring the victim to another unit but should be aware of and consider the fact that there may be a perception that the victim's transfer from the unit is a result of reporting the incident. Commanders may consider using a Military Protection Order (MPO) (DD Form 2873), referred to as "no contact orders." MPOs are an effective tool for commanders to maintain the safety of the victims and witnesses. If the victim lives off post, he or she may obtain a restraining order from the civilian courts.

22. At what point and what separation policy/regulation governs (will govern) this administrative separation?

Regardless of the reason for initiating the separation action, the victim is entitled to a full and fair consideration of his or her military service and particular situation. It is vital that all such separation actions and all determinations be consistent and appropriate, and be viewed as such. Separation actions are in accordance with AR 600-8-24 (Officer Transfers and Discharges) for officers, AR 635-200 (Active Duty Enlisted Administrative Separations) for enlisted, and appropriate Reserve Component regulations.

23. Do we follow current proceedings under medical separation, unfit, for the good of the service...which Chapter ?

As appropriate and as listed in the regulations above.

24. Confidentiality -- Covered Communication between Sexual Assault Response Coordinator, Victim Advocates, Chaplain, Medical Sexual Assault Care Coordinator: Are any of these persons protected and excluded by Congress/DoD from being subpoenaed to court as a witness to testify?

None of them have been excluded, and it is possible that they could be asked to testify at a court-martial. Normally, Soldier witnesses are ordered to appear by their Commanders. If someone with a confidential relationship with a victim is either the subject of an attempted interview by anyone or ordered to appear at a court-martial as a witness relating to the confidential matters, that person should report that fact to the servicing Trial Counsel. DoD has created an administrative privilege. We believe that it may be sustained in court, but that issue remains to be litigated.