

Sexual Assault Vs. Sexual Harassment

Preventing
Sexual Assault
is Everyone's Duty...



SAPR

Similarities

Both...

Illegal

**A violation of military regulations
and the UCMJ**

**Considered unwanted, uninvited
sexual behaviors**

**Personal violations which can
result in harm to the victim**

Similarities

Both...

Can occur in a single episode or over time with repeated incidents



Often will involve someone the victim knows, such as a coworker or supervisor



Offenses are gender neutral

Differences

- Sexual harassment
 - Covered under Equal Opportunity Laws
 - Proscribed by military regulations
 - Occurs in work or school setting
- Sexual assault
 - Involves physical contact
 - Can occur between any persons in any location

DoD Definition of Sexual Harassment

Sexual harassment is a form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature when:



DoD Definition of Sexual Harassment

- 1) Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career, or
- 2) Submission to or rejection of such conduct by a person is used as a basis for career employment decisions affecting that person, or
- 3) Such conduct interferes with an individual's performance or creates an intimidating, hostile, or offensive environment.

DoD Definition of Sexual Harassment

- 4) Any person in a supervisory or command position who uses or condones implicit or explicit sexual behavior to control, influence, or affect the career, pay, or job of a military member or civilian employee is engaging in sexual harassment.
- 5) Similarly, any military member or civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature is also engaging in sexual harassment."

What is Sexual Harassment?

- Unwelcome sexual advances
- Requests for sexual favors
- Other verbal, behavioral or physical conduct of a sexual nature



Examples of Sexual Harassment

- Verbal comments
- Obscene or sexually explicit media contact
- Non-verbal actions
- Physical touching
- Unwanted requests to perform sexual acts or sexual favors

Key Points about Sexual Harassment

- NEVER the victim's fault
- Harasser's conduct is **unwelcome** and **uninvited**
- Victim should try to inform the harasser to stop
- A distinction between welcome and unwelcome behavior is imperative
- Victim should consider support systems for assistance

Sexual Assault Background



- Definition
 - Resolves confusion over what constitutes sexual assault
 - Is for training and educational purposes

SAPR Definition of Sexual Assault

Sexual assault is defined *as intentional sexual contact*, characterized by:

Use of force

Threats

Intimidation

Abuse of authority

A victim that does not or cannot consent

SAPR Definition of Sexual Assault

Sexual assault includes:

- rape
- forcible sodomy (oral or anal sex)
- other unwanted sexual contact that is:
aggravated, abusive, or wrongful (to include
unwanted and inappropriate sexual contact)
- or attempts to commit these acts

SAPR Definition of Sexual Assault

“Consent” means:

Words or overt acts indicating a freely given agreement to the sexual conduct at issue by a competent person.

An expression of lack of consent through words or conduct means there is no consent.

SAPR Definition of Sexual Assault

Lack of verbal or physical resistance or submission resulting from the accused's use of force, threat of force, or placing another person in fear does not constitute consent.

SAPR Definition of Sexual Assault

A current or previous dating relationship by itself or the manner of dress of the person involved with the accused in the sexual conduct at issue shall not constitute consent.

Examples of Sexual Assault

- Grabbing without permission
- Making someone give (or receive) oral sex
- Touching a person while incapacitated
- Threatening or coercing someone to have sex
- Touching with an object without consent
- Having sex with someone without consent

Key Points about Sexual Assault



- The UCMJ and MCM are the legal references to all sexual offenses
- All types of sexual assault are crimes
- Both male and female victims can be significantly affected
- It is NEVER the victim's fault

Victims' Initial Responses

**Disbelief,
denial**

**Surprised,
confused**

**Minimizing,
doubting**

**Magical
thinking**

Avoidance

Hurt

Angry

Betrayed

Empowered

Reporting Sexual Harassment

- Reports for active duty service members should be made through the chain of command
 - Including the processing and resolving of complaints of unlawful discrimination and sexual harassment



Reporting Sexual Assault



- Active duty Service members (not victim)
- **Sexual assault victims** have the option to make a **restricted** or **unrestricted** report

Reporting Sexual Assault

- Chaplains under “privileged communication” rule
 - Chaplains are not restricted reporters.
- Mandated reporting by medical personnel in a few states
 - Healthcare provider may be required to report