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Tax-exempt donations can be made to the Foundation by sending them to
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Donations to the Foundation can also be designated for the Military Law Task Force.

An overview of sexual assault and sexual harassment policies in the US armed forces for servicemembers, MSV survivors and their advocates.
What is Sexual Assault?
Sexual assault is defined as intentional sexual conduct when the victim does not or cannot consent. Sexual assault can be characterized by use of force, threats, intimidation or abuse of authority. Sexual assault includes rape, forcible sodomy and other unwanted sexual conduct that is aggravated, abusive, or wrongful, or attempts to commit these acts.

What is Sexual Harassment?
Sexual harassment involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

Overview of Reporting Military Sexual Violence

Harassment occurs and who witnesses it; keep copies of any documents, e-mails or messages showing the harassment; and talk with an advocate or attorney in advance about ways to respond to reprisals.

You have the right to ask a Member of Congress to investigate and stop any harassment or retaliation — this right is protected by the Military Whistleblower Protection Act and has the potential to be very effective. You may choose to speak to the media, directly or through your advocate. This can place greater pressure on the command to resolve the problem, but may also result in retaliation.

Legal Help

After reading MLTF’s full-length self-help Guide to Challenging Military Sexual Violence, we encourage service members making complaints to seek legal help. Free and confidential counseling for most basic questions is available through these organizations:

Military Law Task Force
nlgmltf.org or MilitaryLawHelp.com
619-463-2369 | email@nlgmltf.org
MLTF is a committee of the National Lawyers Guild and is not affiliated with the military.

The GI Rights Network
girightshotline.org
877-447-4487 | girights@girightshotline.org

Protect our Defenders | protectourdefenders.com

These groups encourage victims of sexual assault or harassment to obtain help from a civilian attorney or legal advocate. It is extremely helpful to have independent legal help from the very beginning of the case in documenting the assault or harassment, deciding which complaint procedure(s) to use, preparing a complaint, monitoring the investigation and taking further action if necessary.
U.S. Military Sexual Assault Policy

The U.S. military’s sexual assault policy has been improved somewhat in the last few years, but it still has limits, and commands are not consistent in enforcing it. The DoD policy requires all commands to take action to prevent sexual assaults, to punish offenders and to treat victims with dignity and respect for their privacy. (See DoD Directive 6495.01 “Sexual Assault Prevention and Response (SAPR) Program”)

Reporting Sexual Assaults

The current policy is designed to encourage victims to report assaults, allowing them to make restricted (confidential) reports or unrestricted (non-confidential) reports.

Confidentiality

A restricted report provides the greatest privacy, and ensures you have medical care. However, confidentiality also means the assaulter will not be investigated or prosecuted unless evidence independent of your report exists.

You can make a restricted report by reporting the assault to a Sexual Assault Response Coordinator (SARC), Victims Advocate, health care person or chaplain. If you tell an officer or non-commissioned officer in your chain of command about the assault, and the information comes to the command’s attention, your restricted report will be considered unrestricted. Reporting it to military law enforcement or civilian law enforcement will likely mean a report to command and loss of confidentiality. However, telling your lawyer is not reporting and will be confidential.

Although an unrestricted report is less confidential, the policy still requires that your privacy be respected and the information only shared with those who need to know. Unnecessary and repetitious questioning is not allowed under the regs, and they say that gossip and rumors should be dealt with firmly.

What happens after making a report?

If you make an unrestricted report to law enforcement personnel or someone in a position of authority in your unit, they should notify the SARC as well as the command. The SARC or
Victims Advocate should respond immediately with the same assistance as in a restricted report. Information about the report will be provided to your CO and to military law enforcement. Sexual assault cases are now supposed to be investigated by your service’s investigative agency (NCIS, CID, or OSI). Information regarding unrestricted reports should only be released to persons with an authorized need to know or as authorized by law. See also the Preparing for Possible Retaliation section below.

With unrestricted reports, you are entitled to monthly updates from the SARC about the status of the case. If you feel the case is being ignored or handled improperly, you can complain to your command, the general court-martial convening authority, or higher authority.

**Investigations and Prosecution**

Military investigative services are now obligated to investigate sexual assaults. Local commanders and command-level law enforcement personnel may feel – wrongly – that they should also investigate assault reports. You are not required to cooperate in an investigation, although you should expect to get some pressure to cooperate.

Legal proceedings may be difficult and stressful, particularly in response to traumatic incidents. Having an advocate through the process is likely to help a great deal.

For more information, read our detailed guide to [Challenging Military Sexual Violence](nlgmltf.org) at nlgmltf.org or militarylawhelp.com.

**Table 1: Types of reporting for Military Sexual Assault – How it’s supposed to work**

<table>
<thead>
<tr>
<th>Report Type</th>
<th>Privacy for Victim</th>
<th>Medical Attention</th>
<th>Legal Followup</th>
<th>How to Report</th>
<th>Notifications to Command</th>
<th>Law Enforcement Involved</th>
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<tbody>
<tr>
<td>Restricted</td>
<td>Privacy for victim guaranteed</td>
<td>Medical attention ensured</td>
<td>Assault investigated/potentially prosecuted only with independent evidence</td>
<td>Report to SARC, victim’s advocate, health care provider or chaplain</td>
<td>Command notified</td>
<td>Law enforcement notified</td>
</tr>
<tr>
<td>Unrestricted</td>
<td>Privacy for victim limited</td>
<td>Medical attention ensured</td>
<td>Legal investigation and possible prosecution</td>
<td>Anyone (including law enforcement)</td>
<td>Command not notified</td>
<td>Law enforcement not notified</td>
</tr>
</tbody>
</table>

Sexual assault and sexual harassment continue to be major concerns for a significant number of members of the military, particularly female service members. This brochure and a companion guide, [Challenging Military Sexual Violence: A Guide to Sexual Assault and Sexual Harassment Policies in the US Armed Forces for Servicemembers, MSV Survivors and Their Advocates](nlgmltf.org or militarylawhelp.com), have been created by the Military Law Task Force to provide basic information about members’ rights when making complaints or encountering retaliation. [Find the guide and other resources/updates at militarylawhelp.com or nlgmltf.org.](nlgmltf.org or militarylawhelp.com)