



DEPARTMENT OF THE NAVY

COMMANDANT OF MIDSHIPMEN
U.S. NAVAL ACADEMY
101 BUCHANAN ROAD
ANNAPOLIS, MARYLAND 21402-5100

COMDTMIDNINST 1752.1D
21 Apr 09

COMMANDANT OF MIDSHIPMEN INSTRUCTION 1752.1D

Subj: SEXUAL ASSAULT VICTIM INTERVENTION (SAVI) PROGRAM

Ref: (a) OPNAVINST 1752.1B
(b) SECNAVINST 1752.4A
(c) USNAINST 1752.2A
(d) USNAINST 5354.5B
(e) OPNAVINST 5800.7
(f) Uniform Code of Military Justice
(g) Manual for Courts-Martial (MCM), United States 2008
(h) 10 U.S.C. § 6962
(i) COMDTMIDNINST 1610.2C
(j) Victims' Rights and Restitution Act of 1990 (P.L. 101-647)
(k) SECNAVINST 5211.5E
(l) SECNAVINST 5720.42F

Encl: (1) Definitions
(2) Brigade Sexual Assault Awareness Education and Prevention
(3) Midshipmen SAVI GUIDE Program
(4) Leadership Responsibility Counseling Guidance
(5) Midshipman SAVI GUIDE Volunteer Service Agreement
(6) Levels of Confidentiality

1. Purpose. To issue policy, provide guidance, and designate responsibility for implementation of the Sexual Assault Victim Intervention (SAVI) Program for the Brigade of Midshipmen.

2. Scope. This instruction establishes internal guidance for the operation of a SAVI Program for the benefit of the Brigade of Midshipmen and is not intended to, nor does it, create any rights, substantive or procedural, enforceable by law or equity by any victim, witness, suspect, accused, or other person in any matter, civil or criminal, and places no limits on the lawful prerogatives of the Commandant of Midshipmen or subordinates.

3. Cancellation. COMDTMIDNINST 1752.1C.

4. Definitions. Terms used in this instruction are defined in enclosure (1).

5. Applicability. This instruction applies to all midshipmen within the Brigade of Midshipmen. All midshipmen who are victims of sexual assault are eligible for victim advocacy services as outlined in this instruction and references (a) through (c).

6. Background. This instruction is promulgated to ensure compliance with references (a) through (d) as they apply to the Brigade of Midshipmen.

7. Discussion

a. An important aspect in the implementation of the Naval Academy's mission is to develop *selfless leaders who value diversity and create an ethical command climate through their example of personal integrity and moral courage*. If this attribute remains a common goal for each midshipman, male and female midshipmen will be treated with dignity and respect. Additionally, the Bridge climate will not tolerate violence against others, reducing the potential risk of sexual assault.

b. Sexual assault destroys the fabric of our Academy and undermines good order and discipline. The policy is clear: *zero tolerance*. Should a sexual assault occur, comprehensive assistance to the victim(s), prompt and thorough investigation and assessment, and mandatory action against the alleged offender(s) are required.

c. Incidents of sexual assault, including rape, sodomy, indecent assault and attempts to commit these acts are crimes causing psychological and often physical trauma. Following an incident of sexual assault, a victim may feel powerless to exert control over his or her situation and may experience shock, anxiety, lack of trust in others and may even deny that the sexual assault occurred.

d. Sexual assault and victimization take many forms. Though women are the most common victims of sexual assault, men can also be victims. Perhaps the most common sexual assault among young adults is acquaintance or non-stranger rape. Social familiarity between a victim and an assailant does not lessen physical or emotional injury suffered by the victim.

e. Victims require immediate attention to ensure that they feel and are physically safe. Once a victim's immediate safety has been established, priorities include treatment of life threatening physical injuries, treatment for other physical injuries and psychological trauma, and protection of important evidence. Sexual assault may represent both medical and psychological emergencies. However, sexual assault is also a criminal act that may need to be addressed legally. In caring for the victim, effort should be made to ensure protection of evidence and maintenance of the chain of custody of such evidence.

8. Policy

a. Midshipmen who are victims of sexual assault shall be treated with fairness, respect and privacy. Members of the Commandant's Staff shall ensure the sensitive, coordinated and effective management of sexual assault cases involving midshipmen under their supervision, including referral to a victim advocate, counseling and medical services.

b. Victims of sexual assault often feel further victimized by the criminal justice system when questioned about their conduct or inaction during an assault. This fear is often cited as a barrier to reporting sexual assault. To address this barrier, in cases where the victim's behavior may be considered an offense under the Uniform Code of Military Justice (UCMJ), reference (f), or COMDTMIDNINST 1610.2C, Administrative Conduct System (e.g., fraternization, underage drinking, drunk and disorderly conduct), reference (i), it is important to take into consideration the circumstances surrounding the assault and their impact on the victim before taking administrative or disciplinary action against the victim. Absent overriding consideration, action to address collateral misconduct shall be deferred until final disposition of the sexual assault case.

c. Midshipmen alleged to have committed a sexual assault offense may be subject to discipline per references (f) and (g) including trial and, if found guilty, punishment by court-martial. Additionally, such midshipmen are subject to separation from the Naval Academy in accordance with references (h) and (i).

d. Since alcohol abuse is a contributing factor in many sexual assault cases, the Naval Academy's Alcohol and Drug Education program is an important companion program to the SAVI program. Therefore, the Alcohol and Drug Education Officer (ADEO) and the Brigade SAVI Liaison (BSL) will harmonize training efforts to ensure sexual assault and alcohol/substance abuse training discusses the role that alcohol plays in sexual assault cases.

9. Procedures. All members of the Commandant's Staff will implement and support the Brigade of Midshipmen SAVI Program by ensuring:

a. Immediate action is taken to protect victims from further injury by an alleged offender.

b. The Brigade SAVI Liaison (BSL) is notified of all sexual assaults involving midshipmen. If the BSL cannot be reached, immediately contact the SARC or Duty Victim Advocate.

c. Victims receive sensitive care and support and are not re-victimized as a result of reporting the incident.

d. Victims shall have access to appropriate assistance, including medical care, counseling, victim advocacy and legal assistance.

e. Incidents of sexual assault are reduced by fully supporting Sexual Harassment and Assault Prevention Education (SHAPE) and emphasizing personal risk reduction and bystander intervention efforts.

f. Both professional and personal living environments are populated by men and women of character who treat one another with dignity and respect.

10. Program Elements.

a. Comprehensive awareness education: Prevention of sexual assault will be pursued through awareness and prevention education and by maintaining physical facilities in a manner which reduces potentially hazardous situations. The following requirements will implement the prevention component of the Brigade of Midshipmen SAVI program:

(1) Sexual Harassment and Assault Prevention Education (SHAPE) employs Midshipmen Peer Educators trained to facilitate sexual assault prevention and intervention discussions. The annual SHAPE curriculum consist of four contact hours for both 4/C and 3/C midshipmen to attend supplemented by a guest speaker or presentation each year. SHAPE will also be delivered to 2/C and 1/C midshipmen in academic year 2010 and 2011, respectively. In 2012, all classes will received four contact and/or academic curriculum course hours of SHAPE and a class specific guest speaker or presentation.

(2) SAVI awareness/sexual assault prevention training for the Brigade of Midshipmen, occurring at least annually, as promulgated per enclosure (2) of this instruction.

(3) An annual review of command procedures and physical spaces (including berthing areas) to ensure the provision of a safe and secure environment. The review may be completed as part of a more general physical security review.

b. 24/7 response: Victims shall be able to contact a SAVI Victim Advocate, midshipman SAVI GUIDE or a specialized counselor at any time for immediate support.

c. Multiple paths for reporting: Multiple paths are available for victims to seek guidance and receive emotional support. Personnel available to receive reports are listed below; their specific duties and reporting responsibilities are outlined in paragraph 15:

- (1) Brigade SAVI Liaison (BSL)
- (2) SAVI Victim Advocates (VAs)
- (3) Midshipmen SAVI GUIDEs
- (4) Midshipmen Development Center
- (5) Chaplains
- (6) Chain of Command
- (7) Faculty, Staff and Midshipmen

d. Create an environment that encourages reporting: The SAVI program and supporting processes are provided to encourage victims and/or witnesses to come forward. Two key elements of the program which encourage incident reporting are:

(1) Victim Privacy: Victim privacy is protected to the maximum extent possible. Privacy is a key issue in any sexual assault case. Victim records shall be maintained in accordance with references (d) and (e). Individuals directly involved with sexual assault victims, via the chain of command or otherwise,

must ensure case-related information is shared only for official purposes with those who have a need to know. Sensitivity to victim privacy is paramount.

(2) *Addressing conduct infractions committed by the victim:* In accordance with Department of the Navy policy, the circumstances surrounding the assault and the impact upon the victim shall be carefully weighed in determining whether it is appropriate to take administrative or disciplinary action against the victim for minor conduct infraction he/she may have committed. To encourage reporting and thereby ensure victims receive available medical and counseling services, victims of sexual assaults generally will not be disciplined for self-reported violations of references (g) and (h) such as alcohol offenses or prior consensual sexual misconduct. If the victim committed ancillary conduct infractions and the case is determined to be a sincere complaint, reasonably supported by the evidence, minor conduct or aptitude for commissioning issues will generally be addressed through Leadership Responsibility Counseling (LRC), rather than pursuing action via the administrative conduct system or any other disciplinary process. Enclosure (4) of this instruction provides further explanation of the program. Final decisions concerning the processing of violations committed by midshipmen victims will be made on a case-by-case basis, after a thorough review of all reasonably available information, and considering the severity of the offense(s) and the likelihood that the offense(s) would have otherwise been reported. Recognizing that victims may be reluctant to provide relevant information also implicating misconduct by non-assailant peers or friends, the above policy to encourage victim reporting shall be considered and carefully weighed before disciplining other midshipmen based on such information.

e. Prompt, thorough investigative procedures: The assistance of the Naval Criminal Investigative Service (NCIS), will be requested for all unrestricted reports of sexual assault to ensure they are promptly, impartially and thoroughly investigated. The commandant's Legal Advisor, Assistant Staff Judge Advocate or the SARC will liaison with NCIS.

f. Immediate and continuous victim support: At the onset of a sexual assault allegation, the victim shall be assigned a SAVI Victim Advocate to provide emotional support and assistance throughout the medical, administrative, and legal procedures of the case. Close coordination with additional support organizations, including the Midshipmen Development Center, Chaplain Office, and medical clinic enable the victim to receive professional counseling, as desired.

g. Follow-on counseling: Upon conclusion of the investigative and legal processes (as applicable), the SAVI program, directly supported by the Midshipmen Development Center, provides recovering victims with information regarding the various resources available both within the command and/or the local community for expert follow-on counseling.

11. Coordination Committee. The SAVI Coordination Committee Meeting (CCM) outline in reference (c) shall be co-chaired by the Deputy Commandant and attended by Brigade SAVI Liaison, Commandant's Legal Advisor, a representative from the Brigade of Midshipmen, a Company Officer and a Senior Enlisted Leader.

12. Victim Advocacy

a. The purpose of victim advocacy is to provide a victim of sexual assault with an advocate who can provide information, emotional support, and help guide the victim through the various medical, legal, and investigative processes with a goal of minimizing re-victimization.

b. The victim advocate program will be maintained and supervised by the BSL. At a minimum, the following core elements shall be present in the program:

(1) A minimum of 10 trained SAVI Victim Advocates will be available to provide emotional support and assistance to eligible victims during initial assessment, medical, administrative, investigative and legal procedures and to provide information and referral regarding further assistance and services. The victim shall decide to what extent the advocate's services are desired within the limits of the program.

(2) The Victim Advocate (VA) watchbill will provide both a male and female advocate, allowing the victim to choose a same gender advocate if desired. If the VA is not the same gender as the victim, the VA will ask the victim if he or she would prefer a same gender advocate.

(3) In cooperation with the Deputy SARC, the BSL shall serve as Victim Advocate Coordinator and shall recruit, screen and supervise SAVI Victim Advocates. The BSL shall ensure all Victim Advocates are trained in accordance with reference (a) and shall forward a list of proposed Victim Advocates to the SARC for formal appointment.

(4) The BSL in harmony with the Deputy SARC shall ensure annual SAVI program training is provided for Company Officers, Senior Enlisted Leaders, USNA chaplains, Midshipman Development Center personnel and other Commandant Staff personnel who are likely "first responders" to reports of sexual assault by midshipmen. The BSL shall ensure SAVI program information is promulgated to other Commandant's Staff and USNA personnel who routinely work directly with midshipmen as well.

(5) All victims shall be handled in a sensitive, professional manner. The Brigade Medical Officer, Commandant's Legal Advisor, Brigade SAVI Liaison, USNA Chaplains assigned to minister to the Brigade of Midshipmen, all Bancroft Hall Command Duty Officers, Company Officers and Senior Enlisted Leaders shall follow the model sexual assault intervention protocols contained in enclosure (4) of ref (c), relating to their respective positions.

c. In addition to an internal VA program, the BSL shall establish and supervise midshipmen SAVI GUIDEs. The SAVI GUIDEs will not be assigned as victim advocates but will be trained, identified and assigned to discuss the SAVI program with midshipmen who desire information prior to deciding whether or not to report an incident of sexual assault as restricted or unrestricted. The Midshipmen SAVI GUIDE program is governed by enclosure (3).

13. Victim Counseling. The Brigade Medical Officer and Victim Advocate (VA) shall ensure victims are offered psychological and supportive counseling. Victims shall be initially referred to the Sexual Assault Prevention and Intervention Specialist (SAPIS) or the Midshipman Development Center. Victims may also be referred to counseling not affiliated with the military if they so desire.

14. Responsibilities

a. Brigade SAVI Liaison (BSL). The BSL shall manage the Brigade of Midshipmen SAVI program to include Brigade Victim Advocates, SAVI GUIDEs and SHAPE program. The BSL shall have attended training on the SAVI program as required by reference (a). Specific duties of the BSL include, but are not limited to:

(1) recruiting, training and supervising the Victim Advocates assigned to the Brigade, SAVI GUIDEs, and SHAPE Peer Educators;

(2) serving as the POC for the Brigade in reporting sexual assault cases;

(3) providing long-term support for midshipmen victims of sexual assault (e.g. continuing dialogue with assigned Victim Advocate and SAVI GUIDEs);

(4) attending Sexual Assault Response Team (SART) and SAVI Coordination Committee meetings;

(5) developing and supporting Brigade prevention efforts to include Commandant's guidance, Sexual Assault Awareness Month, in company training, and Brigade-wide awareness efforts;

(6) providing and reviewing refresher training for Victim Advocates;

(7) establishing and maintaining the Brigade Victim Advocate SAVI Watchbill;

(8) continuing dialogue and daily interaction with the SARC to support overall Sexual Harassment, Misconduct and Assault program objectives.

b. SAVI Victim Advocates. Victim Advocates (VAs) shall be officers and senior enlisted who volunteer for the position and have received 30 hours of SAVI program training prior to appointment. Additionally, VAs shall complete at least 10 hours of annual refresher training. There will be a minimum of 10 Victim Advocates available to respond. Previous experience with the SAVI program in the Fleet is certainly encouraged but not a pre-requisite for interested volunteers. Specific duties of a Victim Advocate include, but are not limited to:

(1) Inform assigned victims of reporting requirements and of victims' options concerning involvement with investigative/legal personnel as discussed in paragraph 8 of reference (c).

(2) Be available to provide emotional support and assistance during initial assessment, medical, administrative, legal and investigative procedures as discussed in paragraph 10.b. of this instruction.

(3) Sign a volunteer service agreement and agree to uphold victim privacy at all times.

(4) Notify the BSL should they become aware that a sexual assault has occurred.

c. SAVI Guidance, Understanding, Information, Direction, Education (GUIDE). SAVI GUIDEs are midshipman volunteers who provide a peer resource to other midshipmen within the Brigade. Each company will have at least one SAVI GUIDE assigned. SAVI GUIDEs are required to complete 20 hours of formal victim advocate training in accordance with DON standards. Additionally, they shall complete 10 hours of refresher training annually. If a victim reports to a Midshipman SAVI GUIDE, the SAVI GUIDE will notify the BSL within 24 hours to report that an incident has occurred and provide all available information. Specific duties include, but are not limited to:

(1) Providing victims with information about reporting options and the system.

(2) Providing short-term support but not accompaniment to victims.

(3) Serving as a restricted reporting resource.

(4) Informing the BSL of sexual assault reports.

(5) Providing training in Company, Squad, Team, or Extracurricular Activity as required or requested.

d. Midshipman Development Center (MDC). MDC consists of both military and civilian PhD level licensed psychologists who are experienced in the treatment of sexual assault victims. The psychologists at MDC meet the definition of "psychotherapist" and, therefore, shall be granted confidentiality through the psychotherapist-patient privilege.

e. Chaplains. Various denominations of Chaplains are available to provide sexual assault intervention options to victims they may encounter. Military chaplains are granted confidentiality through the policy of privileged communication.

f. Chain of Command. Company Officers and Senior Enlisted Leaders provide mentoring and emotional support for midshipmen. They are required to receive annual training to prevent re-victimization and to ensure the sensitive, coordinated treatment of victims. They shall inform the BSL should they become aware that a sexual assault incident has occurred.

g. Faculty/Staff. Faculty and staff members provide an additional means of advice, information and mentoring. All faculty and staff will be trained in how to avoid re-victimization and shall notify the BSL when they are made aware that an incident has occurred within the Brigade.

h. Commandant's Legal Advisor. For cases where the victim is a Midshipman, specific duties include, but are not limited to:

(1) As appropriate, prepare and serve Military Protective Order to alleged assailant.

(2) Ensure victim is aware of his/her rights under references (e) and (j).

(3) Serve as victim's legal point of contact for the processing of the case until the investigation is concluded and (1) appropriate action is taken by the Commandant of Midshipmen, or (2) the case is referred to the Superintendent for appropriate action.

(4) Serve as the Commandant of Midshipmen's representative and point of contact for Naval Criminal Investigative Service agents; federal, state and local law enforcement agencies; and Staff Judge Advocate, U.S. Naval Academy, during sexual assault investigations.

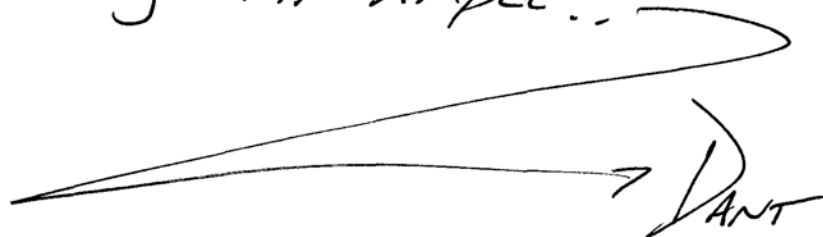
(5) Advise the BSL on legal matters and provide a continuous review of the program from a legal perspective.

15. Review Responsibility. This instruction shall be reviewed at least every two years.


MATTHEW L. KLUNDER

Distribution:
C-1 (Electronically)

** EVERY MEMBER OF THE BRIGADE & USNA
MUST BE TREATED WITH DIGNITY AND RESPECT.
IT IS REALLY THAT SIMPLE!!*



DEFINITIONS

1. Acquittal - Acquittal is a verdict of not guilty by judgment of a court or court-martial.
2. Admissible Evidence - Admissible evidence is evidence or testimony allowed by the court to be heard in a trial.
3. Article 32 - Article 32 is the U.S. Military's formal and impartial investigation to determine the accuracy of charges and to recommend a course of action regarding the case in the interest of justice and discipline.
4. Assailant - The assailant in a sexual assault case is the person identified as the attacker, or perpetrator, of the assault.
5. Assault - The use of force or violence either as an overt act with the intent of inflicting bodily harm, or as an unlawful demonstration of violence, through an intentional or culpably negligent act or omission, either of which creates in the mind of another a reasonable apprehension of receiving immediate bodily harm.
 - a. Assault with the intent to commit rape – an assault with the intent to commit rape. The accused must have intended to complete the offense of rape and to overcome any resistance by force.
 - b. Assault with the intent to commit sodomy – an assault against a human being committed with the specific intent of completing the offense of sodomy.
 - c. Indecent Assault – an assault with the intent to gratify the lust or sexual desires of the accused.
 - d. Rape – an act of penile-vaginal intercourse by force and without consent. Penetration, however slight, is sufficient to complete the offense.
 - e. Forcible sodomy – an act done by force and without consent whereby one person takes into his/her mouth or anus the sexual organ of another person (of the same or opposite sex) or of an animal; places his/her sexual organ in the mouth or anus of another person or of an animal; places his/her sexual organ in an opening of the body other than the sexual parts of another person; or has penile-vaginal intercourse with an animal. Penetration, however, slight, is sufficient to complete the offense.
6. Chain of Custody - The chain of custody is the chain followed to document proof from initial receipt through final disposition of the transfer and safekeeping of identified articles to prevent tampering with or contamination of evidence.
7. Collateral misconduct - Collateral misconduct relating to or associated with a sexual assault refers to "circumstances where the victim may have engaged in some form of misconduct (e.g., underage drinking or other related alcohol offenses, adultery, fraternization or other violations of certain regulations or orders)."
8. Commander's Checklist for Prevention and Response to Allegations of Sexual Assault - The Commander's Checklist provides Commanders with guidelines for preventing and responding to sexual assault within the Command, reference (a), enclosure (4).
9. Complaint - A complaint is a written statement presented to the court explaining the offense.
10. Confidentiality - Confidentiality provides victims time and increased control over the release and management of their personal information.

11. Convening Authority - The Convening Authority is the Commanding Officer authorized by the UCMJ to convene (establish) courts-martial, to refer cases to courts he/she has convened, and to take final action on the case.
12. Covered Communications - Covered communications are oral, written, or electronic communications of personally identifiable information related to a sexual assault. Covered communication is not the same thing as privileged communication.
13. Crisis Intervention - The provision of immediate, short-term assistance in response to a crisis situation, designed to initiate actions necessary for restoration of functioning to the pre-crisis level.
14. DCC - Data Collection Coordinator, responsible for coordinating the effort to collect data on sexual assault incidents at an installation.
15. Defendant - A defendant is a person who is charged with a crime.
16. Defense Counsel/Attorney - The defense counsel or defense attorney is the lawyer for the defendant.
17. Dismissal - To dismiss a case is to throw it out of court without hearing any additional information.
18. Disposition - The disposition is the outcome of a case.
19. Evidence - Evidence is the physical items or testimony that bears on or establishes a point in question.
20. Felony - A felony is a serious crime, punishable with a heavy sentence.
21. Forcible Sodomy - An act done by force and without consent whereby one person takes into his or her mouth or anus the sexual organ of another person (of the same or opposite sex) or of an animal; places his or her sexual organ in the mouth or anus of another person or of an animal; places his or her sexual organ in any opening or the body other than the sexual parts of another person; or has penile-vaginal intercourse with an animal. Penetration, however slight, is sufficient to complete the offense.
22. Grand Jury - A Grand Jury is a group of 23 citizens chosen to hear the information regarding the alleged crime and to determine if there is enough evidence to bring the case to trial. Grand Juries are part of the civilian judicial process.
23. Guilty - A guilty decision is the condition of having been found by a judge or jury to have committed the crime charged.
24. Indictment - An indictment is a written statement presented to the grand jury that legally accuses a person of committing a crime.
25. Lineup - A lineup is a group of five or six people who are viewed (in person or by pictures) by a victim or witness in an attempt to identify the person who committed a crime.
26. Memorandum of Understanding (MOU) - A Memorandum of Understanding is an agreement between two organizations, generally between a civilian agency and the military. The MOU focuses on services and collaboration between both organizations.
27. Military Judges - Military judges are Navy Judge Advocates that are independent from any local Command and are assigned to the Trial Judiciary. Any Commander or higher can be a judge for courts-martial.

28. Naval Criminal Investigative Services (NCIS) - Naval Criminal Investigative Services is the primary law enforcement arm of the Navy, working closely with local, state, federal, and foreign agencies to counter and investigate serious crimes.
29. Perjury - Perjury is the criminal offense of deliberately testifying falsely while under oath.
30. Plea Agreement - A plea agreement is an agreement made between a prosecutor and a defense attorney in which the defendant agrees to plead guilty to a crime (usually a lesser crime than the original charge), in exchange for a reduction in sentence or charges against him or her.
31. Post Traumatic Stress Disorder (PTSD) - Post Traumatic Stress Disorder, generally referred to as PTSD, is a potentially debilitating condition that may follow a terrifying event.
32. Preferral - Preferral is the official accusation in which the accuser (not the victim) swears to charges based on investigation or personal knowledge.
33. Preliminary Hearing - A preliminary hearing is a legal process at which the judge decides if there is enough evidence to send the defendant's charges to a grand jury or trial.
34. Pretrial Restraint - Pretrial restraint is limiting the accused's freedom when there is reasonable belief that the person restrained has committed an offense that can be tried by Courts-Martial.
35. Privilege - Privilege, authorized by law or rules of evidence, allows the holder of privilege to refuse to disclose and to prevent another from disclosing private confidential communications. Victim Advocates do not have privilege; they can be subpoenaed.
36. Prosecutor - Normally referred to as Trial Counsel within the Navy, the prosecutor is the lawyer for the state who represents the interests of the government in court.
37. Rape - An act of penile-vaginal intercourse by force and without consent. Penetration, however slight, is sufficient to complete the offense.
38. Referral - Within the military, a referral is the order of a Convening Authority that the charges against an accused be tried by a specified court-martial.
39. Restricted Reporting - Restricted reporting is the reporting option that enables victims to confidentially disclose the crime to specifically identified individuals and receive medical treatment, advocacy, and counseling without an investigation.
40. Re-victimization - Re-victimization refers to victimization that occurs, not as a direct result of an assault, but through the responses of institutions and individuals to victims.
Note: Some sources equate re-victimization and secondary victimization. Other sources use secondary victimization to refer to the effects a sexual assault can have on the family and friends of victims because these people are frequently called secondary victims. Because the latter makes more sense, it is best to use re-victimization when referring to negative subsequent effects on victims.
41. SARC - The Sexual Assault Response Coordinator is responsible for coordinating response efforts for victims of sexual assault. The SARC is the single installation POC for sexual assault victim response case management from initial report to final disposition or until victim no longer needs services.
42. Secondary Victimization - Secondary victimization normally refers to the effects a sexual assault can have on family and friends of victims. These people are frequently referred to as secondary victims.
43. Sentence - A sentence is the punishment ordered by the judge (or the court-martial in the military) after the defendant has been convicted of a crime.

44. Sexual Assault Victim Intervention (SAVI) - Sexual Assault Victim Intervention program, established in 1994, provides victim support, sexual assault prevention education, and standardized data collection.
45. SAVI Victim Advocate (VA) - The SAVI Victim Advocate is a trained volunteer who provides effective and appropriate support and guidance for victims of sexual assault.
46. Sexual Assault - For training and education purposes, the Department of Defense defines sexual assault as a crime of intentional sexual contact, characterized by use of force, physical threat or abuse of authority or when the victim does not or cannot consent.
- Sexual assault includes rape, nonconsensual sodomy (oral or anal sex), indecent assault (unwanted, inappropriate contact or fondling), or attempts to commit these acts.
- Sexual assault can occur without regard to gender, spousal relationship, or age of victim.
- “Consent” shall not be deemed or construed to mean the failure by the victim to offer physical resistance. Consent is not given when a person uses force, threat of force, coercion or when the victim is asleep, incapacitated, or unconscious.
47. Sexual Assault Evidence Kit (SAE Kit) - A Sexual Assault Evidence Kit, or SAE kit, is a kit for medical personnel that includes the items and instructions necessary to collect and to preserve the physical evidence of the attack.
48. Sexual Assault Forensic Examination (SAFE) - A Sexual Assault Forensic Examination, commonly called a SAFE, is a sexual assault forensic exam conducted to obtain evidence of sexual contact, use of force, and the identity of the perpetrator. Although a SAFE collects evidence that is valuable to investigators and prosecutors, it cannot prove sexual assault.
49. Sexual Assault Nurse Examiner (SANE) - A SANE is a medical professional who has received specialized training in the treatment and forensic examination of victims of sexual assault and those accused of sexual assault related offenses.
50. Subpoena - A subpoena is a legally binding document which demands the appearance of a person in court on a certain day.
51. Suspect - A suspect is a person who is believed to have committed a crime.
52. Unrestricted Reporting - Unrestricted reporting is the reporting option for victims of sexual assault who want medical treatment, advocacy, counseling, and an official investigation of the crime. Unrestricted reporting follows existing reporting channels (Command, NCIS, security, Medical, SARC, Brigade SAVI Liaison, Victim Advocate).
53. Victim - For purposes of this instruction a victim is any member of the Brigade of Midshipmen who either reports the commission of a sexual assault upon himself or herself or is identified, based upon the report of another person or other information, as a person who has been subjected to a sexual assault.
54. Verdict - The verdict is the opinion of a jury or judge on the guilt or innocence of the defendant.

BRIGADE SEXUAL ASSAULT AWARENESS EDUCATION

1. Purpose. The purpose of the Brigade Sexual Harassment and Assault Prevention Education (SHAPE) program is to provide awareness education to the Brigade of Midshipmen. SHAPE is designed to provide sexual harassment and assault prevention education that is aligned with USNA leadership education.

2. Scope. SHAPE is provided to all midshipmen and is class specific. Four required sessions per academic year and a guest presenter or program are required (see diagram below).

3. Discussion. SHAPE is a measured approach, phased over a 4-year period and aligned to underpin USNA leadership principles. Effective training can raise the level of awareness and prepare midshipmen to serve as leaders of character that are both sensitive and knowledgeable of sexual harassment and assault prevention and response procedures for themselves and those they lead.

4. Policy. The Brigade SAVI Liaison (BSL) and the SHAPE staff organization in consultation with the SAVI Coordination Committee, will prepare and maintain class-specific lessons on sexual assault awareness and prevention for the Brigade of Midshipmen. SHAPE sessions are required, making attendance records mandatory for all classes.

5. Procedures. The BSL, SHAPE Coordinators, Company Officers, and Senior Enlisted Leaders will implement and support the Brigade SHAPE program by ensuring that every midshipman in the Brigade completes the required SHAPE training for their class year.

6. Responsibilities

a. The BSL shall manage the Brigade SHAPE program to include but not limited to:

- (1) ensuring that the training plan for each class is reviewed and updated annually;
- (2) ensuring that each SHAPE facilitator has been trained to deliver the appropriate sessions for the midshipmen rank;
- (3) ensuring SHAPE scheduling is completed through Commandant's Operations Office;
- (4) ensuring midshipmen accountability is recorded and records of attendance are accurately completed and maintained;
- (5) ensuring and adequate supply of peer educators to achieve program goals.

b. The Midshipman SHAPE facilitators shall:

- (1) attend SHAPE train-the-trainer preparation sessions annually;
- (2) conduct required sessions as directed by the BSL and the SHAPE Coordinator during the fall and spring semesters;
- (3) immediately inform the BSL or SHAPE Coordinator of any problems that arise when conducting SHAPE sessions.

c. The Company Officer and Senior Enlisted Leader for each Company shall:

- (1) ensure that Midshipmen in their company attend the required SHAPE Peer Educator and Guest Speaker sessions;
- (2) attend at least one SHAPE session each academic year to demonstrate strong support the program;

(3) notify the BSL immediately should there be any issues regarding Midshipmen participation in SHAPE sessions or guest presentations.

SHAPE 4-year Plan

Safety, Good Order and Discipline

Plebe Summer	4/C Year	3/C Year	2/C Year	1/C Year
<ul style="list-style-type: none"> •Resources •Reporting Process •Confidentiality •SAM Program •Prevention Safety •Slippery Slope •Alcohol •Language •Pornography 	<ul style="list-style-type: none"> •Session 1 <ul style="list-style-type: none"> - Intro to Prevention Education Program •Men's Program <ul style="list-style-type: none"> - "1 in 4" RV Tour •Session 2 <ul style="list-style-type: none"> (Men's Program F/U) - Rape - Survivor Recovery - Bystanders •Session 3 <ul style="list-style-type: none"> - Consent - Communications/Practices •Session 4 <ul style="list-style-type: none"> - Integration - Leadership dimension 	<ul style="list-style-type: none"> •Session 1 <ul style="list-style-type: none"> - Bystander/Gender Research •Sex Signals <ul style="list-style-type: none"> - Meeting and Dating •Session 2 <ul style="list-style-type: none"> (Sex Signals F/U) - Bystander Scenario - Values Exercise - Conformity •Session 3 <ul style="list-style-type: none"> - Masculinity - Toxic Environments - Shaping Character •Session 4 <ul style="list-style-type: none"> - Synthesize 2-years - "Moral Muscles" - Responsibility 	<ul style="list-style-type: none"> •Session 1 <ul style="list-style-type: none"> - Relationship & Sexuality - Leadership Issues of SA/SH •Mentors in Violence Prevention (MVP) <ul style="list-style-type: none"> (MVP F/U) - Rape Defined - Consent Reinforced - Clarification •Session 3 <ul style="list-style-type: none"> - Leadership Success & Failure - SH Defined •Session 4 <ul style="list-style-type: none"> - Academy/Military Ideals Prevention 	<ul style="list-style-type: none"> •Session 1 <ul style="list-style-type: none"> - Legal Issues - Skills Development •Attorney <ul style="list-style-type: none"> - Anne Munch •Session 2 <ul style="list-style-type: none"> (Attorney F/U) - Rape Trauma Syndrome - Reporting and Adjudication •Session 3 <ul style="list-style-type: none"> - Receive Complaint - Intervention - Role Play •Session 4 <ul style="list-style-type: none"> - Summary 4-years - Prevention thru Leadership
Instructed by SAVI Cadre Size: approx. 30	Instructed by MIDN Peer Educators Size: approx. 40	Instructed by MIDN Peer Educators Size: approx. 40	Instructed by MIDN Peer Educators Size: approx. 40	Instructed by MIDN Peer Educators Size: approx. 40

MIDSHIPMEN SAVI GUIDE PROGRAM

1. Purpose. The purpose of the Midshipmen SAVI GUIDE program is to foster an environment within the Brigade of Midshipmen that encourages midshipmen who are victims of sexual assault to come forward, report incidents, and be offered appropriate medical treatment, counseling and victim advocacy.

2. Scope. This enclosure establishes internal guidance for the operation of the Midshipmen SAVI GUIDE program for the benefit of the Brigade of Midshipmen. Midshipmen victims of sexual assault may approach and talk to trained Midshipmen SAVI GUIDEs to receive information before deciding whether to report an incident as Restricted or Unrestricted. Midshipmen SAVI GUIDEs receive valuable, Fleet-relevant training and experience regarding the SAVI program.

3. Discussion.

a. Studies indicate that crimes involving sexual assault are significantly underreported. Midshipmen who are victims of sexual assault may be reluctant to report incidents without first receiving information regarding relevant investigation, medical examination and disciplinary procedures, and the availability of counseling. Midshipmen victims who do not report, or hesitate in reporting, incidents of sexual assault are less likely to receive important medical and counseling services. Significant delay in reporting may also prejudice investigation and judicial or administrative processing. Midshipmen SAVI GUIDEs may be perceived as being more approachable by midshipmen victims of sexual assault who desire information before deciding whether or not to report an incident.

b. The goals of the Midshipman SAVI GUIDE program are as follows:

(1) foremost, to ensure midshipmen victims of sexual assault are provided immediate choices about obtaining initial and continuing medical, counseling, and other necessary support services;

(2) to encourage midshipmen to report incidents so that timely and effective investigations can be undertaken to collect and preserve evidence;

(3) to promote an open environment within the Brigade of Midshipmen in which midshipmen victims feel free to report incidents of sexual assault without fear of stigma or retaliation.

4. Policy. Trained Midshipmen SAVI GUIDEs will be available in a duty status and at large within the Brigade to provide information to midshipmen regarding the Brigade SAVI program. Except with regard to providing SAVI program information and discussing options with midshipmen victims, Midshipmen SAVI GUIDEs shall not act as counselors, nor shall they act as Sexual Assault Victim Advocates. However, Midshipmen SAVI GUIDEs may assist a victim in obtaining victim advocacy services via the BSL or Duty VA.

5. Procedures. When a victim approaches a Midshipman SAVI GUIDE, the SAVI GUIDE will provide SAVI information and explain available options. Once the SAVI GUIDE has explained the SAVI process and discussed options as desired by the victim, the GUIDE shall inform the victim he or she must report the incident to the Brigade SAVI Liaison (BSL), and may receive SAVI victim services if desired. The SAVI GUIDE shall immediately notify the BSL (or the duty SAVI Advocate if the BSL can not be reached) regarding the incident and shall assist the victim in receiving initial services until the duty VA arrives and meets with the victim.

6. Responsibilities

a. Brigade SAVI Liaison (BSL): The BSL shall manage the Midshipmen SAVI GUIDE Program. The BSL shall screen all midshipmen before assigning them as Midshipmen SAVI GUIDEs. The BSL shall:

(1) Ensure SAVI GUIDEs:

- (a) are 1/C, 2/C, or 3/C midshipmen;
- (b) have completed at least 30 hours of SAVI training prior to appointment as a Midshipman SAVI GUIDE;
- (c) are in good conduct standing;
- (d) do not have unresolved counseling issues that could potentially interfere with their judgment;
- (e) receive 10 hours of annual refresher training.

(2) Ensure that at least one SAVI GUIDE is assigned to each company, one 1/C SAVI GUIDE is assigned to each Battalion, and one 1/C SAVI GUIDE is selected to be the SAVI GUIDE Coordinator for the Brigade. Also, ensure that a watchbill is properly developed and implemented in each duty section.

(3) Conduct a monitoring program to ensure the availability of SAVI GUIDEs and the quality of information provided.

(4) Provide recommendations for SAVI GUIDE program changes to the SAVI Coordination Committee.

b. Midshipmen SAVI GUIDEs: All Midshipmen SAVI GUIDEs shall have received 30 hours of SAVI Program training prior to their appointment as GUIDEs. Midshipmen SAVI GUIDEs shall also receive 10 hours of annual refresher training. Specific duties of a Midshipman SAVI GUIDEs include, but are not limited to:

- (1) being available by cell phone when assigned as SAVI GUIDE within the duty section;
- (2) when contacted, informing a victim of the SAVI program so that he or she is advised of reporting options and associated support;
- (3) informing the victim that the BSL must be notified of the incident and will be notifying the Commandant, but identifying information will not be disclosed;
- (4) immediately report to the duty SAVI Advocate if a victim is perceived to be a threat to his/herself or others and to escort the victim to the Midshipmen Development Center or medical clinic for appropriate evaluation and counseling;
- (5) immediately contact the BSL, or Duty VA if the BSL can not be reached, and provide assistance and support until the Duty VA is able to meet with the victim;
- (6) being available to provide emotional support and assistance during the initial assessment and throughout the SAVI process under the supervision of the assigned VA;
- (7) reporting all incidents to the BSL within 24 hours;
- (8) logging all calls and personal contacts (excluding names or other significant identifying data);
- (9) being sensitive regarding the issue of victim preference regarding the sex of the SAVI GUIDE;
- (10) protecting the privacy of victims by only discussing victim information with the BSL, Duty VA, assigned counselor or a Chaplain;
- (11) informing respective Company Officers and Senior Enlisted Leaders of his/her position as a Midshipman SAVI GUIDE and provide annual training to the company, as appropriate;

Fully support the SAVI program to include: recruiting SAVI GUIDEs and providing positive support of the program

LEADERSHIP RESPONSIBILITY COUNSELING

1. Purpose. The purpose of Leadership Responsibility Counseling (here after refer to as LRC) is to provide an alternate means of addressing minor conduct offenses in association with sexual assault that typically would be handled through a disciplinary process. In accordance with the Department of the Navy policy, in order to encourage reporting and to minimize the psychological damage of re-victimization, the Administrative Conduct System will generally not be used to discipline the victims of a sexual assault. As an alternative, LRC may be employed. LRC seeks to address any aptitude for commissioning issues identified, emphasizing leadership by example and professionalism.

2. Scope. This enclosure establishes internal guidance for administering LRC where conduct, factually related to the incident, may be considered an actionable offense under the Administrative Conduct System, Midshipman Regulations, or in some cases, the Uniform Code of Military Justice (UCMJ).

3. Discussion. Typically, sexual assault victims feel further victimized when questioned about either their own conduct or inaction during a sexual assault. This fear, often accompanied by a fear of reprisal and intense self-blame, frequently prevents victims from reporting cases of sexual assault. Not reporting a sexual assault incident may preclude the victim from receiving proper psychological and medical attention and may prevent the Naval Academy from taking action against an alleged perpetrator. To encourage sexual assault reporting and avoid re-victimization, victims are generally not disciplined for minor, self-reported conduct violations related to the incident. However, as prospective commissioned officers and future leaders of our Navy and Marine Corps, it is important that midshipmen be held accountable for their actions. LRC is useful in addressing their conduct infractions from both a leadership perspective and that of a future commissioned officer, just as the Administrative Conduct System would aim to reach these same goals in a conduct case. The benefit of LRC is that it allows more sensitivity to the victims' emotional needs and can serve to address alleged offender character and leadership concerns in cases that do not support judicial action. The goal at the conclusion of counseling is to increase the effectiveness of a future leader or leaders who are empowered to make the right choices in professional and social situations and who is equipped with the knowledge and confidence to provide valuable leadership in preventing sexual harassment/assault.

4. Policy

a. The SARC, BSL, MDC counselor, VA and the Commandant's Legal Advisor, will advise the Commandant with respect to the application. Leadership Responsibility Counselors (here after referred to as counselor(s)) must be trained to exercise a careful balance between providing direction or guidance and being sensitive to the victims' personal and psychological needs. If LRC is applied for the alleged offender, collateral action, character and leadership will be central themes of counseling, not the case itself (allegations).

b. Counselors will be selected by the Commandant. Each Counselor will be a senior commissioned officer (usually O-4 and above), assigned to the Naval Academy, and will have received the proper guidance required to perform his/her duties. The SARC and Sexual Assault Prevention Specialist (SAPIS) will provide this guidance.

c. Midshipmen victims of sexual assault must be professionally and emotionally prepared to internalize the required information prior to commencing counseling. It is not uncommon for the victim to be in a state of crisis for many months following the assault. As a result, the SARC, in collaboration with those listed in paragraph 4.a. above, will recommend to the Commandant as to when LRC should be initiated. If the alleged offender is to receive counseling, every attempt will be made to have counseling run concurrent with the victim's LRC.

d. The assigned counselor will always be of the same gender as the person being counseled, unless specifically directed otherwise. The same-gender relationship fosters a more comfortable and appropriate counseling environment.

e. LRC will be conducted in a sensitive, professional manner. Great care must be taken to ensure that the victim is not blamed for what happened by conveying that they were at fault or deserved to be sexually assaulted as a result of ancillary misconduct he or she may have been engaged in at the time. Additionally, an alleged offender will not be considered guilty unless found guilty in judiciary proceedings.

f. If a victim openly admits to committing a conduct violation during the course of the investigation or a victim's misconduct is disclosed through other evidence, at the completion of the case processing for the accused, the Commandant will assess the appropriate forum to address conduct infractions. The advocate assigned to the victim may advise him/her that LRC is one of the possible forums for addressing conduct infractions and if elected, it will be administered by a senior commissioned officer at a later date. Informing the victim beforehand of this possibility will prevent or mitigate surprises later on.

g. After the initiation of counseling, if a counselor determines that a midshipman is not emotionally ready to undergo counseling, LRC will cease immediately. The midshipman will be urged to seek further counseling from MDC or a comparable facility and the SARC will be notified by the counselor.

h. A Counselor may decline to participate in counseling if he/she has a conflict of interest that could negatively impact effective counseling or emotional support. Additionally, if at any time during the counseling process, a counselor feels he/she is unable or unwilling to complete the counseling, the SARC will be notified and another counselor assigned.

5. Procedures

a. Training - Phase I. Counselors will undergo an initial classroom orientation to:

(1) familiarize the Counselor with the special emotional considerations associated with counseling victims of sexual assault, such as guilt and self-blame;

(2) provide specific guidance on how to counsel and support a victim while directing the interaction from a leadership perspective;

(3) emphasize the importance of being sensitive to the victim's privacy and avoid being overly intrusive;

(4) provide examples of potential warning signs that suggest the victim is not emotionally ready to participate in counseling;

(5) outline counseling method to be used if alleged offender is being counseled.

b. Training - Phase II. After a counselor has been assigned to conduct counseling with a particular victim, the SARC and Legal Advisor will meet with the counselor again to discuss individual case issues and address any specific concerns the counselor may have.

c. Duration. A Midshipman assigned LRC will undergo a minimum of three sessions in order to demonstrate to the counselor that he or she has grasped the intended concepts and are ready to move on with their overall professional development. The counselor will determine when the required level of understanding and internalization has been achieved.

d. Documentation. The sample appointment letter in this enclosure will be used to initiate LRC. At the conclusion of LRC, the counselor will provide an LRC completion letter, sample included in this enclosure. This letter will be provided to the SARC for routing to the Commandant, via the Deputy Commandant.

6. Responsibilities

a. The Commandant shall approve and assign all counselors, decide when to initiate LRC and review the midshipman's commissionability evaluation once counseling has been conducted.

b. The SARC shall:

- (1) Assist the Commandant in deciding when to assign a Leadership Responsibility Counselor and begin the counseling process.
- (2) Draft counselor appointment letter for the Commandant's signature.
- (3) Provide orientation training to counselors.
- (4) Advise counselors on individual case concerns.
- (5) Review counselor completion letters and forward to the Commandant.

c. Leadership Responsibility Counselors shall:

- (1) Function as "coaches" in their counseling of midshipmen.
- (2) Guide midshipmen through an examination of conduct infractions from a leadership and future commissioned officer perspective.

d. The SAVI Advocates shall:

- (1) Educate the victim on the purpose and possibility of LRC.
- (2) Advise the assigned Leadership Responsibility Counselor on any case-specific issues and address sensitive concerns.
- (3) Provide emotional support to the victim throughout LRC when required.

e. The Midshipmen Development Center (MDC) shall:

- (1) Provide psychological expertise on the subject of sexual assault before, during, and after LRC.
- (2) Assist in the initial orientation training for the counselors.

f. The Commandant's Legal Advisor shall:

- (1) Advise counselors on individual case concerns.
- (2) Assist in the initial orientation training for counselors.

Sample Leadership Responsibility Counseling Appointment Letter

From: Commandant of Midshipmen, U.S. Naval Academy
To: **(Mentor - Rank, Full Name, U.S. Service)**

Subj: ASSIGNMENT AS A MENTOR FOR MIDSHIPMAN **(FULL NAME, USN, CLASS, ALPHA NUMBER)**

Ref: (a) COMDTMIDNINST 1752.1D

1. Midshipman **(LAST NAME)** has been assigned to receive Leadership Responsibility Counseling (LRC) in accordance with reference (a) until **(DATE)**.
2. You are assigned as the mentor for Midshipman **(LAST NAME)**.
3. The LRC program provides an excellent opportunity to enhance a midshipman's professional development. As a mentor, you are the personal point of contact who will assist Midshipman **(LAST NAME)** in **(HIS/HER)** development. The mentor-midshipman relationship must be one of a "reflective practicum." This practicum consists of a periodic discussion between teacher and student, one in which counseling is followed by periods of individual work and reflection. At a minimum, the program shall include:
 - a. An initial counseling session to determine issue(s)/ circumstance(s) appropriate for counseling. These factors should remain the focus throughout the entire counseling period.
 - b. A weekly counseling session to focus on lessons learned, application, and reflective thought.
4. You are required to submit an evaluation of Midshipman **(LAST NAME)**'s commissionability at the conclusion of the LRC period. This evaluation will include a complete overview of the practicum and the elements employed. Your evaluation must include one of the following:
 - a. LRC successfully completed and a recommendation to remove Midshipman **(LAST NAME)** from the program;
 - b. LRC not successfully completed and a recommendation to extend the probation period for **(X)** length of time.

Your recommendation should be focused on an analysis of Midshipman **(LAST NAME)**'s officer potential and based on your observations in the LRC process. You are not limited to personal observations in arriving at your recommendation.

5. The LRC Program is a unique opportunity to improve the development of midshipmen in many ways. You play a critical role in the cognitive growth Midshipman **(LAST NAME)** will experience during LRC. The intent of this guideline is to assist, yet not restrict you in your approach to this assignment. Please feel free to contact the SARC or Brigade SAVI Liaison with any questions or concerns.

(Commandant of Midshipmen)

Copy to:
SARC
Brigade SAVI Liaison

Sample Leadership Responsibility Completion Letter

From: **(Mentor – Rank, Full Name, U.S. Service)**
To: Commandant of Midshipmen, United States Naval Academy
Via: Deputy Commandant of Midshipmen
Sexual Assault Response Coordinator
Subj: COMPLETION **(or CONTINUATION)** OF LEADERSHIP RESPONSIBILITY (LRC) COUNSELING
FOR MIDSHIPMAN **(FULL NAME, USN, CLASS, ALPHA)**
Ref: (a) LRC Appointment Letter **(DATE)**
(b) COMDTMIDNINST 1752.1D

1. Midshipman **(LAST NAME)** successfully/unsuccessfully completed LRC per references (a) and (b).

a. Midshipman **(LAST NAME)** participated in **(#)** counseling sessions. The initial session revealed the following: **issues/circumstances appropriate for counseling.**

b. **(Brief Overview of Counseling: should be focused on an analysis of the Midshipman's officer potential and observations in the LRC program, to include evaluation of midshipman's commissionability).**

2. **(Two Options)**

Recommend that Midshipman **(LAST NAME)** be removed from the program. **(HE/SHE)** has met the requirements of LRC and is deemed suitable for commissioning.

Recommend that Midshipman **(LAST NAME)**'s probation be extended for **(LENGTH OF TIME)**. **(HE/SHE)** has failed to meet the requirements of LRC.

Signed
(Mentor – Rank, Full Name, Service)

SAVI GUIDE - VOLUNTEER SERVICE AGREEMENT

VICTIM ASSISTANCE PROGRAM VOLUNTEER SERVICE AGREEMENT BETWEEN THE UNITED STATES NAVAL ACADEMY'S SEXUAL ASSAULT VICTIM INTERVENTION (SAVI) PROGRAM AND (MIDSHIPMAN'S NAME).

Statement of Understanding. This is an agreement for the provision of volunteer services under Title 10 U.S.C. section 1588. In support the Department of the Navy's Sexual Assault Victim Intervention (SAVI) Program as it applies to the Brigade of Midshipmen, volunteer services as noted below will be provided.

The following conditions apply for SAVI GUIDES:

1. Voluntary service is for the purpose of making available a peer resource to provide effective and appropriate assistance to victims of sexual assault. Such voluntary service does NOT include the provision of counseling services to victims of sexual assault.
2. Volunteer service will be performed while assigned to the United States Naval Academy and may be terminated at any time at the discretion of the Commandant of Midshipmen, Sexual Assault Response Coordinator (SARC), Brigade SAVI Liaison (BSL), or your chain of command.
3. Your specific duties as a midshipman SAVI GUIDE include, but are not limited to, the following:
 - a. If a victim voluntarily contacts and informs you that he/she is not ready to file an official report, advise the victim that SAVI GUIDES are required to report the facts of the incident (i.e., the time and location of the assault, whether both parties involved are midshipmen, and if so, whether the midshipmen are in the same company) without disclosing any identifying information, to the BSL who must in turn notify the SARC.
 - b. Provide information on options of reporting and resources available to both primary and secondary victims.
 - c. Educate the Brigade of Midshipman on sexual assault and sexual harassment. Provide awareness and prevention training at the Brigade, Class, Battalion, and Company levels. GUIDES are responsible to the BSL for completion of all training.
 - d. Dispel rumors within the Brigade pertaining to particular sexual assault cases. Remind midshipmen that advertising one side of the story is unjust and disrespectful to the victim's privacy.
 - e. Monitor the SAVI GUIDE cell phone 24 hours a day when assigned duty in order to be available in case of emergency.
 - f. Provide emotional support and assistance to the victim as needed/requested. A SAVI GUIDE is not to function in the role of counselor, investigator, or Victim Advocate. Inform the victim of their options regarding professional counseling, such as the Midshipman Development Center (MDC), Chaplain Center, and the Brigade Mental Health Clinic. Offer to contact MDC, the Duty Chaplain, or the Mental Health Clinic to schedule appointments, if the victim so desires.
 - g. Provide the victim with information on victims' rights and the availability of legal and medical services
 - h. Provide the victim with options concerning his/her involvement with investigative/legal personnel.
 - i. Ensure the victim's privacy is always upheld. Information regarding the victim and/or the events surrounding the sexual assault shall only be disclosed on an official, need- to-know basis under the direct supervision of the BSL or SARC.

4. Volunteer service is expected to involve at least two hours per month and last the duration of duty while assigned to the Naval Academy or upon request for termination of volunteer service.
5. Volunteer service requires at least 30 hours of training prior to participation as a victim advocate, and 10 hours of "refresher" training per year.
6. Volunteer service requires certification by the BSL, which must be completed prior to participation as a SAVI GUIDE.

(Brigade SAVI Liaison) (SAVI GUIDE)

Dated: _____ Dated: _____

LEVELS OF CONFIDENTIALITY

1. Purpose. To provide information regarding resources available to a midshipman victim and to define the various levels of confidentiality each resource is afforded.

2. Policy. Confidentiality is a critical factor in encouraging reporting of sexual assault incidents. It is equally important for victims to understand who is granted confidentiality, and to what level, before making the decision to report an incident. Following is a description of the primary resources for sexual assault at the Naval Academy and what level of confidentiality for each position:

a. SAVI Program.

(1) The Brigade SAVI program is afforded limited confidentiality. This level of confidentiality is extended to both the midshipman SAVI GUIDES, Victim Advocates (VA) and the Brigade SAVI Liaison (BSL).

(2) Should a victim desire to remain anonymous, when contact regarding a sexual assault is made within the SAVI Program, the identity of the victim and any identifying information will only be disclosed to the GUIDE and/or VA, BSL and the SARC. In order to ensure every victim is given accurate and consistent information regarding support services, the legal process, and options for reporting, the BSL and GUIDE will meet with the victim to offer resources and options and address any questions and/or concerns on the part of the victim. During the meeting with the victim, the BSL and GUIDE shall specifically inform the victim that his or her identity will not be disclosed until he or she decides to report the incident. Confidentiality will only be broken as outlined in reference (a) and discussed in paragraph 2.a.(4) below.

(3) Once contact is made with the SAVI program, the BSL will notify the SARC and the SARC will notify the Commandant of Midshipmen, via the Deputy Commandant, that contact was made regarding a sexual assault. Any identifying information about the victim, however, will not be disclosed under Restricted Reporting.

b. Superintendent/Commandant Prerogative. If based on the circumstances of a case, the Superintendent or Commandant, with the advice of the SARC, determines an immediate danger to the victim or others within or outside of the Brigade of Midshipmen or a dire impact on the Naval Academy mission will result, it is the Commandant's prerogative to gain further information about the incident in order to ensure the safety and security of all involved.

c. Midshipman Development Center (MDC). Both the civilian and military psychologists at MDC have confidentiality under the Psychotherapist- Patient Privilege established by Executive Order 13140. This confidentiality means that disclosure of information will only be permitted if the psychologist believes the victim's mental condition makes them a danger to her/himself or to others. Additionally, if the accused in a sexual assault is determined to be a sexual predator and/or a potential threat to others, the testimony shall be disclosed to ensure good order and discipline is maintained within the Brigade of Midshipmen.

a. Chaplains. Chaplains also have full confidentiality, granted to them by the terms of privileged communication. Disclosure of information will again only be permitted if the Chaplain believes the victim's mental condition makes them a danger to her/himself or to others or if the accused in a sexual assault is determined to be a sexual predator and/or poses a potential threat to others within the Brigade of Midshipmen.

b. Company Officers and Senior Enlisted Leaders (SELs). Company Officers and SELs are required to inform the Brigade SAVI Liaison and/or SARC should they become aware of a sexual assault. Disclosure of information regarding the incident is strictly limited to only those individuals with the official need to know. The victim's privacy is of utmost importance and will be respected at all times.

c. Other faculty and staff. All other members of the Naval Academy faculty and staff, to include coaches, are required to inform the Brigade SAVI Liaison or SARC that an incident has occurred.