



DEPARTMENT OF THE NAVY
UNITED STATES NAVAL ACADEMY
121 BLAKE ROAD
ANNAPOLIS MARYLAND 21402-1300

USNAINST 1050.2
1/COMDT
27 APR 2015

USNA INSTRUCTION 1050.2

From: Superintendent

Subj: PROCEDURES AND INSTRUCTIONS FOR VICTIMS OF SEXUAL ASSAULT TO
REQUEST LEAVES OF ABSENCE

Ref: (a) DODINST 6495.02
(b) USNAINST 1752.2F
(c) COMDTMIDNINST 1752.1G
(d) USNAINST 5354.5C
(e) COMDTMIDNINST 5400.6R
(f) COMDTMIDNINST 1600.2F

Encl: (1) Sample Notification of Leave Of Absence Option
(2) Sample Request for Leave of Absence
(3) Sample Request for Reinstatement

1. Purpose. To provide midshipmen who file unrestricted reports of sexual assault the option to request a leave of absence from the Naval Academy.

2. Background. Sexual assault victims often experience significant physical and psychological effects. Often, these effects are long-lasting, can detract from an individual's ability to meet the demands of the Naval Academy's training program, and can severely interfere with a midshipman's ability to focus on his or her academic, professional, physical, and military duties. Furthermore, unlike Sailors and Marines in the fleet who file unrestricted reports of sexual assault, midshipmen have no mechanism for expedited transfer to a new command - beyond change of companies. As an alternative, this leave of absence policy allows midshipmen a period of time away from the rigors of the Naval Academy to recover and focus on their own well-being.

3. Policy

a. In order to assist midshipmen who are victims of sexual assault in succeeding at the Naval Academy, a midshipman who files an unrestricted report of sexual assault has the option to request a leave of absence not to exceed one year. The purpose of the leave of absence is to enable victims to concentrate on their physical and psychological well-being and to focus on any ongoing investigation and potential judicial process. The midshipman may be reinstated at the end of the leave of absence by notifying USNA of his or her desire for reinstatement and asserting that he or she is prepared to handle all academic, professional, physical, and military duties.

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b. The Naval Academy will ensure that every midshipman who is the victim of a sexual assault is adequately counseled and cared for medically, psychologically, and legally, as appropriate. The overriding concern of the Naval Academy is to provide for the health and safety of the midshipman.

c. To the maximum extent possible, the midshipman's privacy will be protected, to include limiting communications to personnel with an official need to know. Any records created pursuant to this policy that contain personal information will be maintained and protected in accordance with the Privacy Act.

4. Procedures

a. Reporting. In accordance with reference (a), midshipmen who are the victims of sexual assault have the options of filing a restricted or an unrestricted report. Consistent with fleet policy for an expedited transfer, the policy outlined in this instruction applies to those midshipmen who have filed unrestricted reports of sexual assault.

b. Request Procedures

(1) The decision to request a leave of absence will be a personal choice. It will not be assumed that every midshipman who reports a sexual assault will choose this course. Every effort will be made to care for and assist a midshipman in both recovering from a sexual assault and progressing towards graduation and commissioning.

(2) Those in a care, advocacy, or supervisory role (to include the Sexual Assault Response Coordinator (SARC), Victim Advocate (VA), Victim's Legal Counsel (VLC), Chaplain, and Company Officer) must ensure that the midshipman is made aware of the leave of absence option.

(3) The midshipman will then be provided written notification by the Commandant's Legal Advisor of the options available to him or her in accordance with enclosure (1). The Company Officer and VA will normally be present at the presentation of this written notification. If a midshipman decides to pursue a leave of absence by request per enclosure (2), the Company Officer will notify the Commandant's Legal Advisor.

c. Midshipman Support Procedures

(1) The Naval Academy recognizes the considerable stress and psychological impact that often result from a sexual assault. Victims of sexual assault are encouraged to seek advice and counseling in accordance with references (b), (c), and (d), the USNA and Commandant Instructions on the Sexual Assault Prevention and Response Program and the USNA Instruction on Prevention and Deterrence of Sexual Harassment, Misconduct and Assault.

(2) To afford the midshipman the opportunity to consult with family, clergy, doctors, or others who may assist in making an informed and well-considered decision, special request chits for liberty or leave may be submitted by the midshipman to the Company Officer in accordance with reference (e), the Midshipman Regulations Manual.

(3) While the midshipman is considering his or her decision regarding a leave of absence, he or she will continue to carry out normal duties to the best of his or her ability.

d. Leave of Absence Procedures

(1) While on leave of absence from the Naval Academy, a midshipman must voluntarily waive all pay and allowances during the period of the absence. While in a leave of absence status, the midshipman will retain enrollment in DEERS and maintain a military identification card, which will allow him or her continued access to Department of Defense resources, including Fleet and Family Service Centers and other important resources. Follow-on medical care must be coordinated before the commencement of leave by the Tricare Benefits Administrator at the Naval Health Clinic, Annapolis (410-293-2276).

(2) The Commandant will be the approval authority for the leave of absence. The Company Officer will provide a recommendation for the date to commence the leave of absence. If possible, the leave of absence will commence at a point that best supports the midshipman's re-entry into training and academic classes without having to repeat training and classes.

(3) In light of the possibility that a midshipman on a leave of absence may later decide to resign and not return, the midshipman will complete all written portions of the resignation process in accordance with Midshipman Personnel guidance. For those midshipmen who request a leave of absence after commencing their second-class year classes, this process will include acknowledgement of potential recoupment for educational benefits, determined on a case-by-case basis. The completed resignation paperwork will be held on file by Midshipman Personnel in the event that the midshipman requests to terminate his or her leave of absence and resign from the Academy. Should the midshipman fail to request reinstatement or fail to request voluntary resignation within one year of the commencement of the leave of absence, the midshipman will be processed for separation pursuant to and in accordance with reference (f).

(4) Throughout the leave of absence, the Company Officer will contact the midshipman at least once every four weeks to provide support and remain apprised of the midshipman's status.

e. Reinstatement Procedures

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(1) To return to the Naval Academy after a leave of absence, a midshipman must submit in writing to Midshipmen Personnel his or her request for reinstatement, asserting that he or she is prepared to handle all academic, professional, physical, and military duties in accordance with enclosure (3).

(2) No later than two months prior to the end of the leave of absence, the Commandant's Legal Advisor will send the midshipman a letter regarding his or her leave of absence status. This letter reminds the midshipman of the stipulations of the leave of absence and advises the midshipman to contact his or her Company Officer regarding his or her intent to be reinstated or to complete the resignation process. The midshipman will also be advised that should he or she fail to request reinstatement, he or she will be processed for separation from the Naval Academy pursuant to reference (f).

(3) If while on leave of absence, the midshipman determines he or she wants to terminate the leave of absence and request voluntary resignation, he or she will notify Midshipman Personnel and his or her Company Officer to complete the resignation process. To the maximum extent possible, the resignation should be completed without requiring the midshipman to physically return to USNA.

5. Roles and Responsibilities

a. Company Officer

(1) Prior to the commencement of the leave of absence, the Company Officer will facilitate any follow-up care with Hospital Point, Chaplain, MDC, VLC, SARC, or local counseling centers as needed.

(2) The Company Officer will facilitate any special requests submitted in accordance with paragraph 4c(2) of this instruction.

(3) The Company Officer will be the primary point of contact for midshipmen on leave of absence and will ensure contact at least every four weeks.

(4) At the conclusion of the leave of absence, the Company Officer will facilitate reinstatement processes in coordination with the Commandant's Legal Advisor and Midshipman Personnel.

b. Commandant's Legal Advisor. The Commandant's Legal Advisor will provide all notification letters, follow-up letters, and otherwise ensure legal assistance is made available.

c. Individual Midshipman

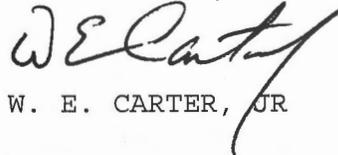
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(1) Midshipmen are expected to make every effort to conduct themselves in a manner as to successfully execute the requirements of their appointment to the Naval Academy and their military obligations.

(2) It is important for midshipmen to understand the variety of resources available which will assist them in making informed and thoughtful decisions regarding leaves of absence, which can be effective in assisting recovery.

(3) To ensure they can be contacted for issues such as their reinstatement and continued medical care, midshipmen are required to report any change to their contact information to their Company Officer, Midshipmen Personnel, and the Tricare Benefits Administrator at the Naval Health Clinic, Annapolis.

(4) While on leaves of absence, midshipmen remain subject to the Uniform Code of Military Justice and are expected to uphold the highest standards of personal conduct.



W. E. CARTER, JR

Distribution:
Non-Mids (Electronically)
Brigade (Electronically)

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SAMPLE NOTIFICATION OF LEAVE OF ABSENCE OPTION

From: Commandant of Midshipmen, United States Naval Academy
To: Midshipman 2/C Sample, USN

Subj: NOTIFICATION OF LEAVE OF ABSENCE OPTION

Ref: (a) USNAINST 1050.2

1. You have notified the Naval Academy that you were the victim of a sexual assault. In order to assist you in dealing with what can be an extremely difficult situation, you have the option to request a leave of absence of up to one year from the Naval Academy. Reference (a) is the governing regulation, and I encourage you to read it when considering the leave of absence option.

2. If you elect to take a leave of absence from the Naval Academy, be advised that:

a. You must voluntarily waive any pay and allowances during the period of your absence.

b. Prior to beginning your leave of absence, medical care at government expense must be coordinated and approved by the Tricare Benefits Administrator at the Naval Health Clinic, Annapolis, (410) 293-2276.

3. Naval Academy leadership understands that this may be a stressful time in your life. We urge you not to face such a difficult decision alone and encourage you to seek advice and counseling from any or all of the following resources:

- Sexual Assault Response Coordinator/Victim Advocate (3-7738)
- Department of Defense Safe Helpline (877-995-5247)
- Victim's Legal Counsel (3-1561)
- Midshipmen Development Center (3-4897)
- Chaplain's Office (3-1100)
- Brigade Medical (3-1758)
- Chain of Command
- Fleet and Family Service Center (3-2641)
- Local Counseling Centers
- Family and Friends

4. While on a leave of absence, to ensure you can be contacted for issues such as your reinstatement and your continued medical care, you are required to report any changes to your contact information to your Company Officer, Midshipmen Personnel, and the Tricare Benefits Administrator at the Naval Health Clinic, Annapolis.

5. If you request a leave of absence after the start of classes your second-class year and you later elect to resign from the Naval Academy, you may be required to serve on active duty or to reimburse the U.S. Government for the cost of advanced education received. This determination will be made on a case-by-case basis.

6. You may contact the Commandant's Legal Advisor at (410) 293-7014 should you have any questions regarding this notification.

W. D. BYRNE, JR.

Enclosure (1)

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SAMPLE REQUEST FOR LEAVE OF ABSENCE

From: Midshipman 2/C Sample, USN
To: Commandant of Midshipmen, United States Naval Academy
Via: (1) Company Officer
(2) Battalion Officer
(3) Deputy Commandant of Midshipmen

Subj: LEAVE OF ABSENCE REQUEST

Ref: (a) USNAINST 1050.2

1. Pursuant to reference (a), I was notified and counseled regarding my options with respect to requesting a leave of absence from the Naval Academy.

2. I respectfully request a leave of absence. I additionally request to commence my leave of absence or resignation on (date) for a period of (up to one year).

3. I voluntarily waive all pay and allowances during the period of the leave of absence.

4. I will ensure all necessary follow-on medical care at government expense will be coordinated before the commencement of leave by the Tricare Benefits Administrator at the Naval Health Clinic, Annapolis.

I. M. SAMPLE

Copy to:
Legal Advisor
MIDPERS

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SAMPLE REQUEST FOR REINSTATEMENT

From: Midshipman 2/C Sample, USN
To: Commandant of Midshipmen, United States Naval Academy
Via: Midshipmen Personnel

Subj: REQUEST FOR REINSTATEMENT

Ref: (a) USNAINST 1050.2

1. Pursuant to reference (a), I respectfully request to be reinstated as a member of the Brigade of Midshipmen of the United States Naval Academy. Through this request I assert that I am prepared to handle all academic, professional, physical, and military duties. I request to return from my leave of absence to resume my course of instruction on (date).

I. M. SAMPLE

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