



DEPARTMENT OF THE NAVY

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

COMDTMIDNINST 1752.1G
SARC
7 Oct 13

COMMANDANT OF MIDSHIPMEN INSTRUCTION 1752.1G

Subj: SEXUAL ASSAULT PREVENTION AND RESPONSE (SAPR) PROGRAM

Ref: (a) OPNAVINST 1752.1B
(b) SECNAVINST 1752.4B
(c) USNAINST 1752.2E
(d) USNAINST 5354.5C
(e) Uniform Code of Military Justice
(f) COMDTMIDNINST 1610.2F
(g) Manual for Courts-Martial (MCM), United States 2008
(h) 10 U.S.C. § 6962
(i) OPNAVINST 5800.7A
(j) SECNAVINST 5211.5E
(k) SECNAVINST 5720.42F
(l) Victims' Rights and Restitution Act of 1990 (P.L. 101-647)
(m) USNAINST 1734.1C
(n) SECNAVINST 1730.9

Encl: (1) Definitions
(2) Sexual Harassment and Assault Prevention Education (SHAPE) Program
(3) Levels of Confidentiality
(4) Midshipmen GUIDE Program

1. Purpose. To issue policy, provide guidance, and designate responsibility for implementation of the Sexual Assault Prevention and Response (SAPR) Program for the Brigade of Midshipmen.

2. Cancellation. COMDTMIDNINST 1752.1F.

3. Scope. This instruction establishes internal guidance for the operation of a SAPR 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.

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 (n) as they apply to the Brigade of Midshipmen.

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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 Brigade 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 needs 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. 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 references (e) and (f), it is important to take into consideration the circumstances surrounding the assault and the impact on the victim before taking administrative or disciplinary action against the victim. Absent overriding consideration, action to address

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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 (e) and (g) including trial, and, if found guilty, punishment by Courts-Martial. Additionally, such Midshipmen are subject to separation from the Naval Academy in accordance with references (f) and (h).

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 SAPR program. Therefore, the Alcohol and Drug Education Officer (ADEO), the Training Specialist and the Senior Victim Advocate (SVA) 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 USNA SAPR Program by ensuring:

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

b. The SAPR Victim Advocate (VA) is notified of all sexual assaults involving Midshipmen. If the SVA 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) (enclosure (2)) and emphasizing personal risk reduction and by-stander 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 SAPR 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 consists of four contact hours for 4/C, three for 3/C and two for 2/C and 1/C Midshipmen to attend, supplemented by a guest speaker or presentation each year.

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(2) General overview training of SAPR program to include reporting options, SAPRO program elements and prevention awareness for the Brigade of Midshipmen, occurring at least annually.

(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 Victim Advocate or a SARC at any time for immediate support.

c. Initial Responders and Points of Contact. Multiple paths are available for victims to seek guidance and receive emotional support. Available support options are listed below; their specific duties, levels of confidentiality, and reporting responsibilities are outlined in paragraph 15 and enclosure (3):

- (1) SARC/DSARC
- (2) Senior Victim Advocate (SVA)
- (3) Victim Advocates (VA)
- (4) Midshipmen Development Center
- (5) Chaplains
- (6) Chain of Command
- (7) Faculty/Staff

d. Create an environment that encourages reporting. The SAPR 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 (i). 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 in accordance with references (j) and (k). 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. Final decisions concerning the processing of violations committed by Midshipmen victims will be

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made on a case-by-case basis in accordance with reference (f), 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 VA 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 SAPR program, directly supported by the Midshipmen Development Center, provides recovering victims with information regarding continuing care through MDC or the various resources available in the local community or at a gaining command (for graduating upperclassmen) for expert follow-on counseling.

11. Sexual Assault Case Management Group (SACMG). The Sexual Assault Case Management Group as outlined in reference (c). Chaired by the Superintendent, the SACMG will meet monthly to discuss coordination of victim services, active case disposition and provide a forum for ideas, concerns and/or recommendation concerning the overall SAPR program.

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 VA. At a minimum, the following core elements shall be present in the program:

(1) A minimum of 10 trained SAPR 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) In cooperation with the Deputy SARC, the lead SARC shall serve as Victim Advocate Coordinator and shall recruit, screen and supervise SAPR

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Victim Advocates. The VA 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.

(3) All victims shall be handled in a sensitive, professional manner. The Brigade Medical Officer, Commandant's Legal Advisor, Senior Victim Advocate, USNA Chaplains assigned 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 reference (c) and this directive relating to their respective positions.

13. Victim Counseling. The SARC and VA shall ensure victims are offered psychological and supportive counseling. Victims shall be initially referred to the Director of Education and Clinical Services (DECS) or, if unavailable, another counselor at the Midshipman Development Center. Victims may also be referred to counseling not affiliated with the military if they so desire.

14. Data Collection and Reporting

a. Incidents of sexual assault will be immediately reported to Superintendent, U.S. Naval Academy, by the SARC, Chief Of Staff, or Commandant of Midshipmen. Incidents of sexual assault also will be reported to the Chief of Naval Operations (N1) via the Superintendent, using OPREP-3 NAVY BLUE or UNIT SITREP format.

b. An initial report shall be forwarded to Superintendent, U.S. Naval Academy, within 24 hours of the commencement of an investigation on allegations of sexual assault involving a midshipman as either offender or victim.

c. The collection of data will be used for statistical purposes to include: program planning, development of appropriate procedures, precautions to reduce the risk of further incidents of sexual assault and to ensure a standardized victim-sensitive system to prevent and respond to sexual assault. Data is intentionally devoid of individual identifiers to maintain victim and alleged offender confidentiality and privacy.

15. Responsibilities

a. Sexual Assault Prevention and Response Program Manager (SAPR PM). Serves as the key advisor to the Superintendent on the USNA SAPR program. Duties include but are not limited to:

(1) Administrative oversight of the USNA SAPR program contained within and governed by this instruction.

(2) Instruction management and oversight of overall strategic training and education plan.

(3) Establish response protocols for all first responders to include, but not limited to watchstanders, SAPR VAs, medical personnel, Chaplains, legal personnel, Base Security, and Midshipmen Development Center personnel, and Fleet and Family Services staff.

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(4) Collaboration with Lead SARC in matters directly involving Midshipmen.

(5) Enhance communication and sharing of information regarding the SAPR program within the Naval Academy organization.

(6) Outreach and collaborate with local community to augment or enhance the Naval Academy SAPR program.

(7) Work with designated GUIDES for Brigade and Company outreach and training.

b. SAPR Operations Officer (OPS). The SAPRO OPS serves as the primary assistant to the SAPR PM. Specific duties include but are not limited to:

(1) Assists the SAPR PM in assigned administrative duties associated with program management.

(2) Manages all logistics, travel requirements and annual budget for the SAPRO staff.

(3) Serves as SAPR PM in his/her absence.

(4) Assists with the development and execution of SAPR training of Midshipmen, faculty and staff.

c. Sexual Assault Response Coordinator (SARC). USNA has two SARCs dedicated for response to incidents of sexual assault involving Midshipmen. In accordance with reference (a), one of the positions shall be designated as the Lead SARC, although both SARCs shall serve as equal points of contact for the coordination of sexual assault services. Specific duties include, but are not limited to the following:

(1) Collaborates with the SAPR PM in the management and execution of the USNA SAPR program.

(2) Ensures the Superintendent, Chief of Staff, Commandant of Midshipmen and Deputy Commandant are notified of all incidents of sexual assault involving Midshipmen and provides regular case updates.

(3) Provides the same notification and updates to the Superintendent, Chief of Staff, and appropriate COS Section Head for those incidents of sexual assault involving faculty or staff.

(4) Provides oversight of the SA Response.

(5) Oversees incident response, case management, and coordination of victim care through the SAPR VAs.

(6) Completes data entry and management of the Defense Sexual Assault Incident Database (DSAID) for cases of sexual assault. The Lead SARC will ensure continuity of local case number assignments.

(7) Participates as a member of the Sexual Assault Case Management Group (SACMG) with the Lead SARC serving as co-chair.

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- (8) Provides subject matter expertise (SME) in all matters involving response.
- (9) Serves as a primary POC for USNA personnel in reporting SA cases.
- (10) Provides long-term support for victims of SA, to include continuing dialogue with an assigned VA to ensure continuity of care.
- (11) Attends Sexual Assault Response Team (SART) and SACMG meetings.
- (12) Assists the DECS in developing and supporting Brigade Sexual Harassment/SA prevention efforts to include leadership guidance, Sexual Assault Awareness Month, in-company training, and Brigade-wide awareness efforts.
- (13) Provides refresher training for VAs and Midshipmen GUIDES.
- (14) Establishes and maintains the SAPR VA Watchbill.

d. Sexual Assault Prevention and Response Victim Advocates (SAPR VA). Two SAPR VAs shall assist the SARCs in managing response and care of sexual assault victims at the U.S. Naval Academy. The SAPR VA shall:

- (1) Comply with DoD Sexual Assault Advocate Certification requirements and adhere to the roles and responsibilities of a certified VA as prescribed in references (a) and (b).
- (2) Be trained in and understand the confidentiality requirements of Restricted Reporting and Military Rule of Evidence (MRE) 514.
- (3) Facilitate care and provide referrals and non-clinical support to the adult victim of a sexual assault.
- (4) Provide information on available options and resources so the victim can make informed decisions about his or her case.
- (5) Be directly accountable to the SARC and provide victim advocacy for adult victims of sexual assault.
- (6) Acknowledge their understanding of their advocacy roles and responsibilities using DD Form 2909.
- (7) Train and supervise volunteer SAPR VAs, who are officers, senior enlisted and/or civilian faculty and staff who volunteer for the position, receive 40 hours of SAPR program training prior to appointment, are certified via the D-SAACP, and who must comply with all roles and responsibilities as set forth in references (a) and (b).
- (8) SAPR VAs shall complete at least 16 hours of annual refresher training.

e. Training Specialist. Responsible for the management of all SAPR prevention training programs and of the SHAPE Program. Specific duties include, but are not limited to:

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(1) Schedules and ensures execution of mandatory training sessions.

(2) Provides SME in SHAPE curriculum development.

(3) Collaborates in the development and execution of program-wide SAPR training and education of Midshipmen, faculty and staff.

(4) Recruits, trains, and supervises Midshipmen SHAPE Peer Educators and Midshipmen GUIDEs.

f. Leadership Ethics and Law (LEL)/SAPR Faculty Member. A faculty member from the LEL department is assigned to provide approximately twenty percent of his/her time to the SAPR program. Specific duties include, but are not limited to:

(1) Advises SAPR staff regarding leading scientific efforts to help evaluate the SHAPE program.

(2) Provides subject matter expertise in SHAPE curriculum development and assists in training SHAPE Peer Educators.

(3) Provides research expertise to ensure SAPRO programming follows the most recent research data in the field of SA prevention and intervention.

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

(1) As appropriate, prepare and serve Military Protective Orders.

(2) Prepare and serve Confidentiality Agreements to the appropriate personnel.

(3) In cases where alleged offender and victim reside in the same company, initiate a company transfer of the alleged offender, if warranted, or victim, if desired.

(4) Ensure the victim is aware of his/her rights under references (h) and (i).

(5) Serve as the victim's legal POC for unrestricted case processing.

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

(7) Advise the Brigade SARCs and VAs on legal matters and provides a continuous review of the program from a legal perspective as it pertains to the Brigade of Midshipmen.

h. Guidance, Understanding, Information, Direction, Education (GUIDE). SAPR GUIDEs are Midshipman volunteers who provide a peer resource to other Midshipmen within the Brigade. Participation as a GUIDE is limited to upperclass Midshipmen and Fourth Class Midshipmen after completion of their first semester. Each company will have at least one GUIDE assigned. GUIDEs

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are required to complete 20 hours of formal victim advocate training that is tailored to the GUIDE role. Additionally, they shall complete 10 hours of refresher training annually. Specific duties include in enclosure (4), but are not limited to:

(1) Providing information about the SAPR system.

(2) Providing training in Company, Squad, Team or Extracurricular Activity as coordinated with the SAPR Operations Officer.

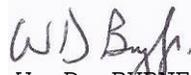
i. Midshipman Development Center (MDC). The Director of Education and Clinical Services (DECS), a licensed clinical social worker who is a specialist in sexual assault and trauma treatment, conducts psychological counseling through MDC. In addition, MDC is staffed by military and civilian licensed psychologists. All the providers at MDC meet the definition of "psychotherapist" and, therefore, have been granted confidentiality through the psychotherapist-patient privilege.

j. Chaplains. Chaplains are available to provide confidential counseling and care to victims of sexual assault. Confidential communication to chaplains is governed by reference (n). All Navy chaplains have the professional obligation to keep private all confidential communication disclosed to them. Chaplains will work within the parameters of reference (n) to encourage the victims of sexual assault to access resources necessary for their care, and will ensure a face-to-face hand-off of victims to other appropriate caregivers upon the victim's consent.

k. 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 SVA should they become aware that a sexual assault incident has occurred.

l. 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 SVA when they are made aware that an incident has occurred within the Brigade.

16. Review Responsibility. The SARC is responsible for the annual review of this instruction.



W. D. BYRNE, JR.

Distribution:
Non-Mids (Electronically)

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. Rape. An act of penile-vaginal intercourse by force and without consent. Penetration, however slight, is sufficient to complete the offense. Additionally, the penetration, however slight, of the genital opening of another, by a hand or finger or by any object, with an intent to abuse, humiliate, harass, or degrade any person or to arouse or gratify the sexual desire of any person.
 - d. 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, enclosure (4) of reference (a), provides Commanders with guidelines for preventing and responding to sexual assault within the Command.
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 MOU 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). NCIS 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. Additionally, the penetration, however slight, of the genital opening of another, by a hand or finger or by any object, with an intent to abuse, humiliate, harass, or degrade any person or to arouse or gratify the sexual desire of any person.

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. Sexual Assault Response Coordinator (SARC). The SARC 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 Prevention and Response Office (SAPRO). SAPRO program, established in 1994 as the Sexual Assault Victim Intervention (SAVI) Program, provides victim support, sexual assault prevention education, and standardized data collection.

45. Victim Advocate (VA). The SAR Victim Advocate is a trained volunteer who provides effective and appropriate support and guidance for victims of sexual assault.

46. Sexual Assault. Intentional sexual contact, characterized by use of force, physical threat or abuse of authority, or when the victim does not or cannot consent.

a. Sexual assault includes rape, nonconsensual sodomy (oral or anal sex), indecent assault (unwanted, inappropriate sexual contact or fondling), or attempts to commit these acts.

b. Sexual assault can occur without regard to gender, spousal relationship, or age of victim.

c. 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, SVA, 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.

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SEXUAL HARASSMENT AND ASSAULT PREVENTION EDUCATION (SHAPE) PROGRAM

1. Purpose. The purpose of the Brigade SHAPE program is to provide prevention 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 a mandatory program provided to all Midshipmen. The annual SHAPE curriculum consists of four contact hours for 4/C, three for 3/C and two for 2/C and 1/C Midshipmen to attend, supplemented by a guest speaker or presentation each year (see diagram below).
3. Discussion. The SHAPE program provides comprehensive prevention education to the Brigade of Midshipmen. The program's goal is to change the culture of the Brigade to one in which sexual harassment and sexual assault is unlikely to occur. This program uses various empirically-based prevention methods to examine individual attitudes and behavior as well as the wider culture, including but not limited to an examination of gender socialization, conformity, and societal attitudes toward consent. The program focuses on bystander intervention, which is a widely-accepted means of prevention education.
4. Policy. The following general policies exist, but are not limited to:
 - a. Attendance. Due to the importance of SHAPE's mission, attendance by all Midshipmen is mandatory and attendance is enforced through the Commandant's conduct system.
 - b. Quality assurance. The program falls under the overall USNA SAPRO training and education plan. A team of Subject Matter Experts (SME), which comprises the DECS, Training Specialist and LEL/SAPRO faculty member, is responsible for curriculum development and continuous revision. Peer educators represent the SAPRO program and its education plan, must adhere to the curriculum provided, and must provide quality education to their peers. Efforts are made to ensure the quality and relevance of guest presenters within the SHAPE program.
5. Procedures. The following non-inclusive list of procedures exist in support of the above policies:
 - a. The Training Specialist, Midshipmen SHAPE Commander, 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.
 - b. The SMEs provide Peer Educators with updates to the curriculum during train-the-trainer sessions, giving Peer Educators the opportunity to practice and give feedback on the modules.
 - c. In addition to regular participation in curriculum development and Peer Educator training, the LEL/SAPRO faculty member advises SAPRO on the latest research developments to ensure that SHAPE is providing the highest quality prevention education possible. That faculty member also contributes

to the scientific research efforts designed to evaluate the effectiveness of the SHAPE program.

d. Recruitment, training and regular evaluation of peer educators is an integral part of the SHAPE program.

c. Guest presentations are continuously evaluated by SAPRO staff and changes are made when necessary to ensure the presentations advance the goals of the SAPRO training and education plan.

6. Responsibilities

a. The Director of Education and Clinical Services (DECS) shall oversee the SHAPE program. SHAPE duties include, but are not limited to:

(1) Developing, monitoring and updating the overall USNA SAPRO training and education plan, which includes the SHAPE program education plan.

(2) Leading the team of Subject Matter Experts in curriculum development and co-facilitating the training of Peer Educators.

(3) Supervising the Training Specialist in the execution of that person's duties.

b. The Training Specialist shall manage the Brigade SHAPE program. SHAPE duties include, but are not limited to:

(1) Participating on the SME team for curriculum development and co-facilitating the training of Peer Educators.

(2) Ensuring an adequate supply of quality Peer Educators to achieve program goals through a comprehensive recruitment process and a process of retention that includes recognition for outstanding performers.

(3) Ensuring that each SHAPE Peer Educator has been adequately trained to deliver the SHAPE curriculum, which includes monitoring refresher training hours.

(4) Executing the quality assurance plan regarding the Peer Educators.

(5) Ensuring SHAPE scheduling is completed through Commandant's Operations Office.

(6) Ensuring Midshipmen accountability is recorded and records of attendance are accurately completed and maintained.

c. LEL/SAPRO faculty member shall advise SAPRO and provide specific duties that include, but are not limited to:

(1) Participating on the SME team for curriculum development and co-facilitating the training of Peer Educators.

(2) Providing research expertise to SAPRO to ensure SAPRO programming follows the most recent research data in the field of sexual assault prevention and intervention.

(3) Advising SAPRO and leading scientific efforts to evaluate the SHAPE program.

d. The Midshipman SHAPE Peer Educators provide peer education to the general Midshipman population. Duties include, but are not limited to:

(1) Attending SHAPE train-the-trainer preparation sessions and refresher trainings annually.

(2) Conducting required sessions as directed by the Training Specialist and the Midshipman SHAPE Commander during the fall and spring semesters.

(3) Immediately informing the Training Specialist or SHAPE Commander of any problems that arise when conducting SHAPE sessions.

(4) Undergoing regular evaluation of their performance.

e. 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) Notify the Training Specialist immediately should there be any issues regarding Midshipmen participation in SHAPE sessions or guest presentations.

SHAPE 4-Year Plan

Safety, Good Order and Discipline

4/C Year

- **Session 1**
 - Intro to Prevention Education Program
 - Language
- **Guest Presentation:**
“1 in 4” Men’s Program
- **Session 2**
(Men’s Program F/U)
 - How to Help a Survivor
 - Bystander Interv’n
- **Session 3**
 - Sex Offender profile
 - Risk Reduction
- **Session 4**
 - Introduction to Sexual Harassment

Instructed by MIDN
Peer Educators

Size: approx. 40

3/C Year

- **Session 1**
 - Social Conformity
 - Bystander Intervention
- **Guest Presentation:**
Sex Signals
- **Session 2**
(Sex Signals F/U)
 - Consent
 - Communication
- **Session 3**
 - Gender Socialization

Embedded in academic class
and Instructed by MIDN
Peer Educators

Size: approx. 40

2/C Year

- **Session 1**
 - Bystander Intervention
 - Leadership
- **Guest Presentation:**
Joe Ehrmann – Bystander Intervention & Leaders of Character
- **Session 2**
 - Sexual Harassment Case Study
 - Leadership Issues

Embedded in academic class
and instructed by MIDN
Peer Educators

Size: approx. 40

1/C Year

- **Session 1**
 - Survivor Impact
 - Resources
- **Guest Presentation:**
Anne Munch, Esq.- Prosecution of sexual assault cases & societal bias
- **Session 2**
(Attorney F/U)
 - Junior officer issues
 - Establishing climate
 - Dealing with SA/SH cases in command

Embedded in academic class
and instructed by MIDN
Peer Educators

Size: approx. 40

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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. SAPR Program

(1) The Brigade SAPR program is afforded limited confidentiality. This level of confidentiality is extended to Victim Advocates (VA) and the Senior Victim Advocate (SVA).

(2) Should a victim desire to remain anonymous, when contact regarding a sexual assault is made within the SAPR Program, the identity of the victim and any identifying information will only be disclosed to the VA 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 VA 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 VA 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).

(3) Once contact is made with the SAPR program, the VA will notify the SARC and the SARC will notify the Superintendent, via the Chief of Staff and 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 and social workers 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 counselor believes the victim's mental condition makes him or her a danger to self or others in addition to other infrequent conditions. 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. Reference (m) provides a detailed explanation of the

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limitations of confidentiality and the relationship between MDC and the Naval Medical Clinic Annapolis.

d. Chaplains. Per reference (n), all Navy chaplains have the professional obligation to keep private all confidential communication disclosed to them. Commanders and chaplains are required to honor the confidential relationship between service personnel and chaplains. This protection extends to all Midshipmen at USNA and this obligation extends to all Navy chaplains.

e. Company Officers and Senior Enlisted Leaders (SELs). Company Officers and SELs are required to inform the Senior Victim Advocate 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.

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

MIDSHIPMEN SAPR GUIDE PROGRAM

1. Purpose. The purpose of the Midshipmen SAPR GUIDE program is 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.
2. Scope. This enclosure establishes internal guidance for the operation of the Midshipmen SAPR GUIDE program for the benefit of the Brigade of Midshipmen. Any Midshipmen may approach and talk to trained Midshipmen SAPR GUIDES to receive information about the SAPR system. Midshipmen SAPR GUIDES receive valuable, Fleet-relevant training and experience regarding the SAPR program.
3. Policy. Trained Midshipmen SAPR GUIDES will be available throughout the Brigade to provide information to Midshipmen regarding USNA's SAPR program. Except with regard to providing SAPR program information, Midshipmen SAPR GUIDES shall not act as counselors, nor shall they act as Sexual Assault Victim Advocates.
4. Responsibilities
 - a. SAPR Deputy Program Manager (DPM): The DPM shall manage the Midshipmen SAPR GUIDE Program. The DPM shall screen all Midshipmen before assigning them as Midshipmen SAPR GUIDES. The DPM shall:
 - (1) Ensure SAPR GUIDES:
 - (a) are 1/C, 2/C, or 3/C Midshipmen; or second-semester 4/C Midshipmen, serving as GUIDE Interns under supervised, upper-class guidance.
 - (b) have completed at least 10 hours of SAPR training prior to appointment as a Midshipman SAPR 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 SAPR GUIDE is assigned to each company, and one 1/C SAPR GUIDE is selected to be the SAPR GUIDE Commander for the Brigade.
 - (3) Conduct a monitoring program to ensure the availability of SAPR GUIDES and the quality of information provided.
 - b. Midshipmen SAPR GUIDES. All Midshipmen SAPR GUIDES shall have received 10 hours of SAPR Program training prior to their appointment as GUIDES. Midshipmen SAPR GUIDES shall also receive 10 hours of annual refresher training. Specific duties of a Midshipman SAPR GUIDES include, but are not limited to:

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(1) To serve as educated SAPR resources and allies within the Brigade of Midshipmen.

(2) Informing respective Company Officers and Senior Enlisted Leaders of his/her position as a Midshipman SAPR GUIDE and providing annual training to the company, as appropriate.

(3) Fully supporting the SAPR Program, to include recruiting SAPR GUIDES and providing positive support for the program.