



**SEXUAL  
HARASSMENT  
INVESTIGATIONS  
COURSE**

**GUIDEBOOK**

02 MAY 2024

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# IG WELCOME

Welcome to the Army's Sexual Harassment Investigation Course (SHIC), sponsored by The Inspector General School.

Everyone serving in the Army, whether as a Soldier or Civilian, plays a role in preventing sexual violence by creating norms of respect, safety, and equality. Responding appropriately to sexual harassment when it occurs is an important first step.

The President of the United States established sexual harassment as an offense under Article 134 of the Uniform Code of Military Justice via Executive Order 14062.

In FY 2023, [Congress and the Independent Review Commission on Sexual Assault in the Military](#) directed the Department of Defense to strengthen sexual harassment investigation processes and procedures.

Your challenge as an Army sexual harassment Investigation Officer (IO) is practical application in investigating and resolving allegations of sexual harassment.

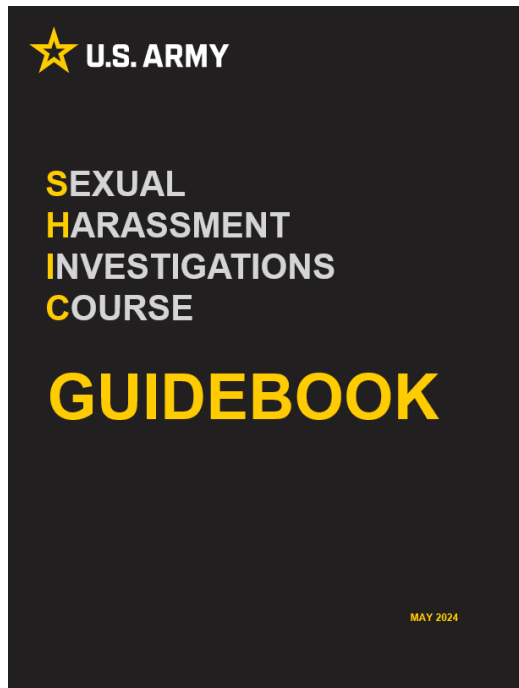
The Army has every trust and confidence in your ability to BE ALL YOU CAN BE to lead and execute your duties and responsibilities diligently.

*Droit et Avant!* Be right, then go forward!



LTG Donna W. Martin  
The 67th Inspector General of the United States Army  
DAIG, Army.

# SHIC MISSION



Army DAT source.

The SHIC mission is to prepare Army Soldiers and Civilians to apply a broad range of knowledge, skills, and abilities to investigate allegations of sexual harassment.

The SHIC mission supports Army readiness in providing the tools necessary for an Investigating Officer (IO) to evaluate whether an individual sexual harassment claim is substantiated or unsubstantiated.

As a sexual harassment IO, the Army wants to ensure you are well prepared to execute this mission — even if you have never had any prior investigative experience.

SHIC training will help you meet this mission along with guidance and support from your assigned Legal Advisor, Inspector General, and SHARP representatives.

The SHIC GUIDEBOOK is intended to serve you in the field and support you in service to your duties and in compliance with investigation requirements.

You are strongly encouraged to download a copy of the SHIC GUIDEBOOK to use during the conduct of this course and for future reference.

## **SHIC GUIDEBOOK POC:**

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# ARMY READINESS

Your graduation from SHIC demonstrates your commitment to Army readiness.

You understand the leadership attributes necessary for this most sensitive and complex work, and you are also armed with the SHIC competencies to operationalize the elements of the course into execution.

This bold action of service was made possible through the collaborative efforts of multiple agencies across the Army.

Thank you for supporting the Army's Sexual Harassment Investigation Course initiative.



*Army Enterprise Marketing Office, Chicago.*

# RESOURCES

## Department of Army Forms

- [DA Form 1574-1 Report of Investigating Officer](#) **TO BE COMPLETED BY IO**
- [DA Form 3881 Rights Warning Procedure/Waiver Certificate](#) **FOR USE IN INTERVIEWS**
- [DA Form 7746, Sexual Harassment Complaint](#) **TO BE COMPLETED BY SARC**

## United States Code and Department of Defense

- [10 USC 134: Inclusion of Sexual Harassment as General Punitive Article](#)
- [10 USC 831: Art. 31 Compulsory Self-Incrimination Prohibited](#)
- [10 USC 1561: Complaints of Sexual Harassment](#)
- [DoD Instruction 1020.03, Harassment Prevention and Response in the Armed Forces](#)
- [DoD Instruction 1020.04, Harassment Prevention and Response for DoD Civilian Employees](#)

## Manual for Courts-Martial United States and Core Criminal Law Subjects

- [Article 93 - Cruelty and Maltreatment](#)
- [Manual for Courts-Martial United States](#)

## Army Regulations and Publications

- [Army Regulation 15-6 Procedures for Administrative Investigations and Boards of Officers](#)
- [Army Regulation 600-20, Army Command Policy](#)
- [Army Regulation 690-600, Equal Employment Opportunity Discrimination Complaints](#)
- [ADP 6-22, Army Leadership and the Profession](#)
- [FM 7-22, Holistic Health and Fitness](#)

## Support Programs

- [988 Suicide and Crisis Lifeline](#)
- [Army Family Advocacy Program \(FAP\)](#)
- [Employee Assistance Program](#)
- [Health.mil Psychological Center of Excellence in Transition](#)
- [Military Protective Orders Fact Sheet](#)
- [RAINN Rape, Abuse, & Incest National Network](#)
- [SHARP Frequently Asked Questions](#)
- [The Trevor Project](#)
- [U.S. Department of Veterans Affairs: National Center for PTSD](#)
- [Veterans Crisis Hotline](#)



**SEXUAL HARASSMENT INVESTIGATIONS COURSE**  
**GUIDEBOOK**

**MODULE ONE**

**EXPLAIN THE ARMY'S RESPONSE TO SEXUAL HARASSMENT.**

- 1.1: Define Terminology Related to Sexual Harassment
- 1.2: Compare the Differences Between Sexual Harassment and Sexual Assault
- 1.3: Identify the Effects of Sexual Harassment on Victims
- 1.4: Define the Neurobiology of Trauma
- 1.5: Explain the Sexual Harassment Complaint Process
- 1.6: Examine Roles and Responsibilities of the Sexual Harassment Complaint Process
- 1.7: Determine the Results of a Sexual Harassment Complaint
- 1.8: Describe Trauma-Informed Interview Techniques
- 1.9: Identify the Effects of Sexual Harassment Investigations on Investigators

# MODULE ONE

*Explain the Army's response to sexual harassment.*

## **1.1 Define terminology related to sexual harassment.**

### ***Sexual Harassment Definitions***

#### **Sexual Harassment**

Conduct that involves unwelcome sexual advances, requests for sexual favors, and deliberate or repeated offensive comments or gestures of a sexual nature when:

- a) Submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career; or
- b) Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person; or
- c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment; and
- d) Is so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the environment as hostile or offensive.

Any use or condonation, by any person in a supervisory or command position, of any form of sexual behavior to control, influence, or affect the career, pay, or job of a member of the Armed Forces or a Civilian employee of the DoD.

Any deliberate or repeated unwelcome verbal comment or gesture of a sexual nature by any member of the Armed Forces or Civilian employee of the DoD.

That the accused knowingly made sexual advances, demands or requests for sexual favors, or knowingly engaged in other conduct of a sexual nature;

That such conduct was unwelcome;

That, under the circumstances, such conduct:

- a) Would cause a reasonable person to believe, and a certain person did believe, that submission to such conduct would be made, either explicitly or implicitly, a term or condition of a person's job, pay, career, benefits, or entitlements;
- b) Would cause a reasonable person to believe, and a certain person did believe, that submission to, or rejection of, such conduct would be used as a basis for decisions affecting that person's job, pay, career, benefits, or entitlements; or



- c) Was so severe, repetitive, or pervasive that a reasonable person would perceive, and a certain person did perceive, an intimidating, hostile, or offensive working environment; and
- d) That, under the circumstances, the conduct of the accused was either: (i) to the prejudice of good order and discipline in the armed forces; (ii) of a nature to bring discredit upon the armed forces; or (iii) to the prejudice of good order and discipline in the armed forces and of a nature to bring discredit upon the armed forces.

### **Sexual Innuendo**

- An indirect remark suggesting something rude or sexual in nature.
- Not necessarily illegal or malicious.
- Can be construed as offensive.

## **1.2 Compare the differences between sexual harassment and sexual assault.**

### ***Categories of Sexual Harassment***

#### **Verbal Sexual Harassment**

- Telling sexual jokes.
- Using sexually explicit profanity or threats, sexually oriented cadences, or sexual comments.
- Whistling in a sexually suggestive manner.
- Describing certain attributes of one's physical appearance in a sexual manner.

#### **Non-Verbal Sexual Harassment**

- Staring at someone, "undressing someone with one's eyes," blowing kisses, winking, or licking one's lips in a suggestive manner
- Displaying inappropriate printed material (e.g., sexually oriented pictures or cartoons)
- Using sexually oriented screen savers on one's computer
- Sending sexually oriented notes, letters, faxes, or e-mails
- Taking inappropriate videos or photos
- Forwarding explicit photos
- Sexting

## **Physical Contact Sexual Harassment**

Behaviors include:

- Touching, patting, pinching, bumping, or grabbing
- Cornering or blocking a passageway
- Providing unsolicited back or neck rubs
- Kissing

## ***Sexual Act and Sexual Contact***

### **Sexual Act**

- Penetration, however slight, of the penis into the vulva or anus or mouth;
- Contact between the mouth and the penis, vulva, scrotum, or anus; or
- Penetration, however slight, of the vulva or penis or anus of another by any part of the body or any object, with an intent to abuse, humiliate, harass, or degrade any person or to arouse or gratify the sexual desire of any person.

### **Sexual Contact**

- Touching, or causing another person to touch, either directly or through the clothing, the vulva, penis, scrotum, anus, groin, breast, inner thigh, or buttocks of any person, with an intent to abuse, humiliate, harass, or degrade any person or to arouse or gratify the sexual desire of any person.
- Touching may be accomplished by any part of the body or an object.

## ***Types of Sexual Harassment***

### **Quid Pro Quo**

Behaviors include:

- Demanding sexual favors in exchange for a promotion, award, or favorable assignment.
- Disciplining or relieving a subordinate who refuses sexual advances.
- Threatening a poor job evaluation for refusing sexual advances.
- Incidents of quid pro quo sexual harassment may also have a harassing effect on third persons.

## **Hostile Environment**

- Using derogatory, gender-biased terms.
- Making comments about body parts.
- Displaying sexually suggestive pictures.
- Telling sexually explicit jokes.
- Unwanted touching.

## ***Sexual Harassment: Intent versus Impact***

Inappropriate behavior is determined by the person who perceives the behavior as such rather than by the alleged harasser.

Impact is reviewed and evaluated from the complainant's perspective using the reasonable person standard.

### **Reasonable Person Standard**

The reasonable person standard refers to how a reasonable person under similar circumstances would react to, or be affected by, such behavior.

## **1.3 Identify the effects of sexual harassment on victims.**

### ***Victimology***

The “scientific study” of victimization, including the relationships between victims and offenders, the interactions between victims and the criminal justice system, and the connections between victims and other social groups and institutions, such as the media, businesses, and social movements.

### ***Psychological Impact on an Individual***

Impact of sexual harassment on an individual produces psychological effects, including, but not limited to:

- Self-Blame
- Isolation
- Anxiety
- Anger
- Avoidance

- Depression
- Fear
- Reduction in Performance

### ***Victim Coping Mechanisms***

Possible coping mechanisms for the psychological effects on a complainant may include:

- Denial – most common
- Rationalization – logical way of making excuses
- Avoidance – avoiding the feelings and subject
- Adaptation – nothing can be done

### ***Reasons for Not Filing a Complaint***

Complainants of sexual harassment cite the following reasons for not reporting:

- Lack of faith in the chain of command
- Labeled as a non-team player
- Subject of gossip
- Peer pressure
- Not worth the risk / time
- Fear of reprisal

### ***Physical Effects of Sexual Harassment***

The physical effects of sexual harassment include:

- Fatigue
- Loss of appetite
- Muscle pain
- Decreased coordination
- Headaches
- Insomnia
- Stomach problems
- Weight loss or gain
- Increased blood pressure
- Sexual disinterest or dysfunction

## **1.4 Define the neurobiology of trauma.**

### ***Sexual Harassment Trauma***

Sexual harassment diminishes, dehumanizes, and disempowers its victims.

It can affect job and career satisfaction, reduce organizational commitment, increase absenteeism, and decrease work motivation and productivity.

Increased risk of physical health issues, substance abuse, decreased psychosocial functioning, increased stress, depression, anxiety, and post-traumatic stress disorder.

Sexual harassment is correlated with a fivefold increased risk for suicidal behaviors.

### ***Causes of Trauma***

Trauma is not an event but a response to an event that overwhelms people physically and psychologically.

- Serious accidents
- Natural / man-made disasters
- Robbery, rape, or other violent crimes
- Major surgeries / life-threatening illness
- Chronic or repetitive experiences such as domestic violence or child abuse
- War / Combat
- Officer-involved incidents

Traumatic events as defined by the Diagnostic and Statistical Manual of Mental Disorders (DSM-5) include, but are not limited to:

- Exposure to war as a Soldier or Civilian; threatened or actual physical assault.  
Examples include:
  - Physical attack
  - Robbery
  - Mugging
  - Childhood physical abuse
- Threats of actual sexual violence, such as:
  - Forced sexual penetration
  - Alcohol and / or drug facilitated sexual penetration
  - Abusive sexual contact
  - Non-contact sexual abuse
  - Sexual trafficking

- Being kidnapped, taken hostage, terrorist attack, torture, incarceration as a prisoner of war, natural or human-made disasters, severe motor vehicle accidents

Post-traumatic stress disorder (PTSD) may be especially severe or long-lasting when the stressor is interpersonal and intentional, such as, torture or sexual violence.

## ***Post Trauma Effects***

The effects of trauma may include:

- Disorganization, loss of control of mind and body
- Intrusive memories, nightmares
- Flashbacks: Reliving or reenacting experiences
- Extreme emotions vs. numbing, dissociation
- Fear and hyper-vigilance vs. calm and denial
- Guilt, shame
- Shock, disbelief
- Irritability, angry outbursts
- Depression, suicidal thoughts, self-destructive acts
- Sleeplessness, fatigue
- Physical pain

## ***The Brain During Trauma***

### **Prefrontal Cortex**

The prefrontal cortex is the **THINKING** brain. It helps us plan, solve problems, and organize the world around us. The pre-frontal cortex helps us analyze situations rationally and make thoughtful decisions.

The key functions of the prefrontal cortex are:

- Choosing where to focus attention and thoughts--reality testing.
- Holding thoughts, memories, and other information to imagine alternatives.
- Inhibiting habits, automatic responses, and inappropriate actions.
- Regulating emotions and how strong they are, how long they last, and how they are expressed.

## **Limbic System**

The limbic system is the **DOING** brain. This part of the brain responds to threats, extreme danger, and intense emotion. It is designed to act as a smoke alarm that goes off when the brain perceives danger.

## ***Traumatic Responses***

Traumatic responses may alter the brain in cognitive (thought) processing, as in:

- Memory that is fragmented or out of sequence
- Time distortion
- Increased confabulation
- Trauma memory and recall

During trauma, it is difficult to:

- Control attention
- Think logically
- Over-ride emotions

## ***Trauma's Effect on Behavior: Chemical and Hormone Response***

In states of high stress or fear, such as in combat or sexual assault, the prefrontal cortex is impaired – even effectively “shut down” – by chemicals released by the fear circuitry of the brain. When the fear circuitry releases chemicals in the brain, the brain is then totally governed by the fear circuitry.

## **Survival Reflexes**

When the brain is in survival mode, reflexes may include:

- Loss of prefrontal regulation: Chemicals from brain stem impair prefrontal cortex, ‘turn it off’
- Bottom-up attention: Automatically captured by anything dangerous or threatening
- Emotional reflexes: Amygdala-triggered automatic responses
- Freeze first
- Then, flee if possible
- Fight is a last resort for more

## **1.5 Explain the sexual harassment complaint process.**

### ***Confidentiality for a Sexual Harassment Complaint***

Communications between a sexual harassment complainant and a Sexual Harassment Assault Response and Prevention (SHARP) professional are not intended to be disclosed to third persons. Sexual harassment complaints are confidential when made in furtherance of the rendition of advice or assistance to the complainant. The information regarding sexual harassment complaints should only be shared on a need-to-know basis. Any questions regarding the release of information should be coordinated with the servicing legal office.

### ***Sexual Harassment Complaint Process***

#### **Civilian Employees**

The Equal Employment Opportunity (EEO) complaint process is only open to Civilian employees, such as: DoD Civilians, Army Civilians, and certain contractors. Investigating Officers should refer to the guidance of [Army Regulation 690-600, Equal Employment Opportunity Discrimination Complaints](#).

#### **Military Complainants**

The complaint process outlined in [Army Regulation 600-20, Army Command Policy](#), is used by military complainants.

- Family members 18 years of age and over may use the complaint process.
- Military family members under the age of 18 will be referred to the [Family Advocacy Program \(FAP\)](#).
- A Soldier can file a sexual harassment complaint on behalf of a Family member.

### ***Navigating Complaint Processes: From Anonymous to Formal***

#### **Anonymous Complaints**

Anonymous complaints allow for reporting without revealing someone's identity with actions taken depending on the information provided.



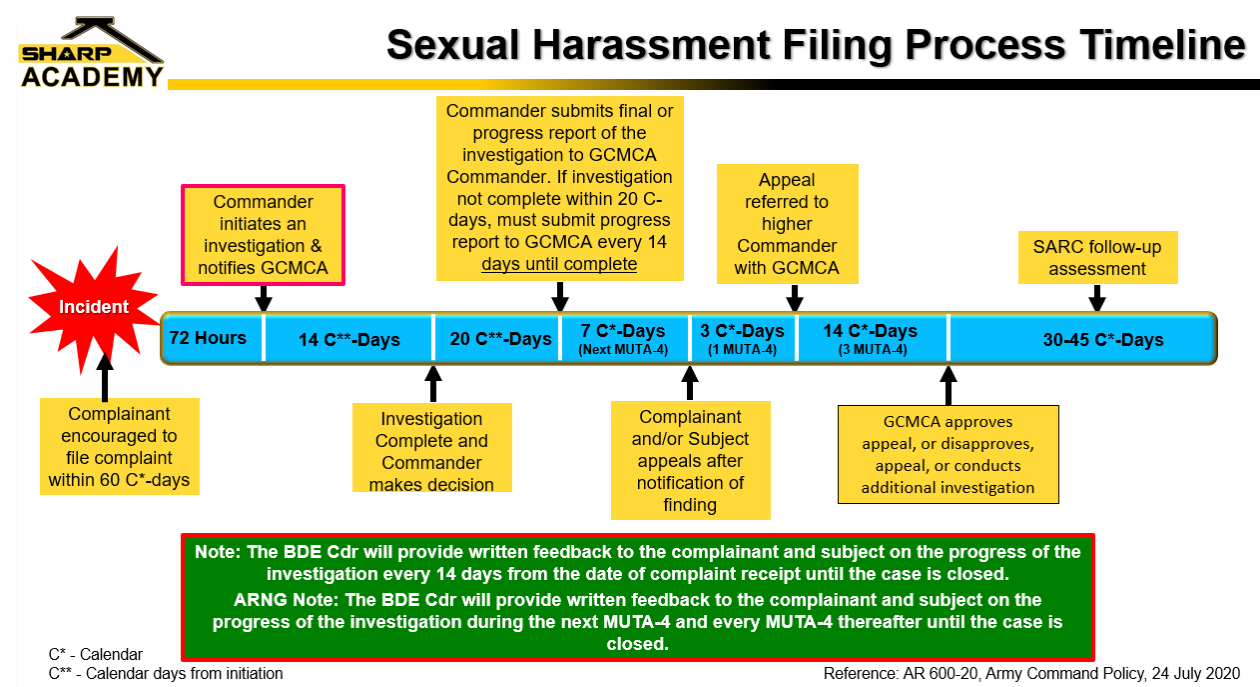
## Informal Complaints

Informal complaints offer flexibility in resolving issues without specific timelines. These are documented on a Memorandum for Record (MFR).

## Formal Complaints

A formal complaint, completed by a SARC, is filed on [DA Form 7746, Sexual Harassment Complaint](#), triggers immediate notification of the Commander and General Court-Martial Convening Authority. They require a reprisal prevention plan and aim for resolution within 14 days. Both parties may appeal.

## Sexual Harassment Filing Process Timeline



## ***Retaliation Behaviors***

### **Retaliation**

Defined as:

1. Illegal, impermissible, or hostile actions
2. By chain of command, peers, or coworkers
3. Towards an individual suspected of making a protected communication, like sexual assault / harassment or another reported crime; being a victim, witness, or intervenor, or being a Sexual Assault Response Coordinator (SARC) or Victim Advocate (VA).

### **Reprisal**

Reprisal is a chain-of-command action. It relates to behaviors such as withholding favorable actions or imposing negative personnel actions. When reprisal occurs because of a criminal report, the Inspector General (IG) investigates it.

### **Ostracism**

Ostracism is a peer behavior action that may exclude individuals from social acceptance, privilege, or friendship. Ostracism behaviors may occur when there is a criminal report and the behaviors may intend to frustrate justice.

### **Cruelty and Maltreatment**

Cruelty and maltreatment or oppressive acts may be both physical and psychological.

- If the behavior is committed by a superior, then, refer to [Article 93, UCMJ, Cruelty and Maltreatment.](#)
- If the behavior is committed by a peer, then, refer to [Army Regulation 600-20, Army Command Policy.](#)

Cruelty and maltreatment may occur because of a criminal report.

## ***Reprisal Prevention Plan Components***

A reprisal prevention plan should include, at a minimum:

- A command meeting with the subject
- Meeting with full-time SARC
- Meeting with the complainant
- Meeting with named witnesses
- Meeting with necessary members of the chain of command / coworkers

## **1.6 Examine the roles and responsibilities of the sexual harassment complaint process.**

### ***Investigating Officer (IO)***

To be appointed as an IO, an individual must:

- Have a rank appropriate to be the IO
- Be assigned from outside the subject's Brigade
- Be appointed in writing
- Have a copy of [DA Form 7746, Sexual Harassment Complaint](#)
- Receive a brief from Office of the Staff Judge Advocate (SJA) Legal Advisor
- Meet with SARC to develop appropriate questions
- Conduct the investigation

If a criminal act is identified, the IO must advise the Soldier of their rights under [Article 31, UCMJ, Compulsory Self-Incrimination Prohibited](#).

### ***Complaint Process Responsibilities for Brigade Commanders***

Brigade Commanders will:

- Acknowledge receipt of the complaint
- Notify the general court-martial convening authority (GCMCA) in accordance with established timelines
- Establish a retaliation / reprisal plan for all parties
- If warranted, ensure DD Form 2873, Military Protective Order (MPO), (see [Fort Benning Military Protective Orders Fact Sheet](#)) is issued within 6 hours
- Communicate with Legal Advisor and IO
- Update complainant in accordance with timelines

### ***SARC Responsibilities***

SARCs will assist the IO by:

- Ensuring that the retaliation / reprisal plan aligns [Army Regulation 600-20, Army Command Policy](#)
- Developing questions that:
  - Maintain focus of investigation
  - Avoid shifting the focus of investigation against the complainant
  - Are legally appropriate

- Must be different SARC than the one who received the complaint
- Assisting throughout the investigation

## ***Investigative Report***

The following items are required enclosures in the investigative report:

- IO appointment orders
- [DA Form 7746, Sexual Harassment Complaint](#)
- Commander's retaliation / reprisal plan
- List of IO questions developed with SARC
- Statements of those interviewed
  - Complainant(s)
  - Named witnesses
  - Subject(s)
  - Relevant members of chain(s) of command
  - Individual who initially received the formal complaint
- Copies of supporting documents
- Unit policies / procedures on sexual harassment
- Written explanation of extenuating circumstances preventing IO from interviewing
  - Complainants
  - Named witnesses
  - Subjects

## **1.7 Determine the results of a sexual harassment complaint.**

### ***The Commander's Decision***

#### **Unsubstantiated Complaints**

A complaint is unsubstantiated if:

- There is no preponderance of evidence to support the basis of the complaint.
- Evidence found during the investigation thoroughly disputed the complaint.
- Commander should determine whether complaints are indicative of problems in the unit that require resolution.

## Substantiated Complaints

A complaint is substantiated if:

- There is a preponderance of evidence to support the basis of the complaint.
- There is sufficient evidence to support all or part of the complaint.

## ***After the Final Decision***

Actions to resolve complaints should:

- Focus on changing inappropriate behaviors
- Avoid targeting the complainant

### **For substantiated complaints:**

- The actions are annotated on MFR and attached to Part V of [DA Form 7746, Sexual Harassment Complaint](#)
- The complainant and subject are notified
- The complainant and subject are provided a copy of the results
- The complainant and commander sign and date the [DA Form 7746, Sexual Harassment Complaint](#)

### **For unsubstantiated complaints:**

- The actions are annotated on MFR and attached to Part V of [DA Form 7746, Sexual Harassment Complaint](#)
- The complainant and subject are notified
- The complainant is informed of their right to appeal
- The complainant and commander sign and date the [DA Form 7746, Sexual Harassment Complaint](#)

### **For substantiated complaints with Soldiers:**

- Commanders must initiate involuntary administrative separation proceedings for all Soldiers against whom there is a substantiated complaint of sexual harassment.
- A commander may rehabilitate a Soldier against whom there is a minor substantiated complaint of sexual harassment, as determined by the commander in consultation with the servicing judge advocate. The first O-6 commander in the subject's chain of command will make a determination as to whether a substantiated sexual harassment complaint is minor.

### **For substantiated complaints with Civilians:**

- The offenses for sexual harassment involving a subordinate are:
  - 1<sup>st</sup> Offense: 1-day suspension to removal
  - 2<sup>nd</sup> Offense: 10-day suspension to removal
  - 3<sup>rd</sup> Offense: 30-day suspension to removal
- Other adverse actions include:
  - Reduction in grade
  - Reduction in pay
  - Furlough

## ***Appeals Process***

### Complainants or Subjects May Appeal

- Have 7 calendar days to submit appeal in writing
- Submit appeal to next higher chain-of-command
- Actions taken against subject may not be appealed

### Brigade Commander

- Refers appeal to next higher commander within 3 calendar days

### GCMCA Commander

- Reacts to the appeal within 14 calendar days

## ***Follow-up Assessment***

### Follow-up assessments are:

- Conducted by the SARC
- Conducted 30–45 calendar days after the final decision
- SARC will present findings to Commander within 15 calendar days
- Annotated on [DA Form 7746, Sexual Harassment Complaint](#)
- Attached to original complaint
- Used to measure effectiveness of actions taken, deter any future incidents, and assess for retaliation / reprisal

## **1.8 Describe trauma-informed interview techniques.**

### ***Working With Trauma Victims***

Memories of trauma are particularly durable and accurate. The memory is usually vivid, detailed, and more accurate than that of ordinary day-to-day memories. Traumatic events are first organized in memory on a perceptual or sensory level. This often depends on the way trauma was first received:

- Visual images
- Smells
- Pain
- Taste
- Body positions
- Sounds

For some people, recalling sensations is the only way to describe the traumatic event initially. The narrative emerges over time.

### ***Empathy***

In 2019, the Army updated [ADP 6-22, Army Leadership and the Profession](#), Leadership Requirements Model, also known as “Be. Know. Do.” to include empathy under the leader attribute of character.

- 2-23. Army leaders show empathy when they genuinely relate to another person’s situation, motives, or feelings. Empathy does not mean sympathy for another, but a realization that leads to a deeper understanding. Empathy allows the leader to anticipate what others are experiencing and feeling and gives insight to how decisions or actions affect them. Leaders extend empathy to others in both their leader and follower roles. Leaders with a strong tendency for empathy can apply it to understand people at a deeper level. This applies to DA Civilians, Soldiers and their Families, local populations, victims of natural disasters, and enemy combatants. Empathy enhances cultural understanding and enables an Army leader to better interact with others.
- 2-24. Empathetic leaders are better communicators, help others to understand what is occurring, and inspire others to meet mission objectives. During operations, Army leaders gain empathy when they share hardships to gauge Soldier morale and combat readiness. They recognize the need to provide reasonable comforts and rest periods to maintain morale and accomplish the mission.

- 2-25. Army leaders recognize that empathy includes nurturing a close relationship between the Army and Army Families. Army leaders at all levels should promote healthy families and relate to the challenges they face. Empathy for families includes providing recovery time from difficult missions, protecting leave periods, and supporting events that allow information exchange and Family team building.

## ***Setting the Stage***

When interviewing a trauma victim, it is important to “set the stage” or the conditions for success. This includes:

- Selecting an appropriate location
- Selecting an appropriate time

First impressions are vital. IOs are seeking to:

- Gain trust
- Build rapport
- Reduce fear

### **Presenting an Accepting and Compassionate Manner**

IOs can support presenting an accepting and compassionate manner by:

- Acknowledging the gravity of the ordeal
- Allowing the victim to vent
- Starting the interview, being quiet, not interrupting, actively listening, and helping the victim regain control
- Demonstrating empathy

### **Preventing Interviewee Shutdown**

With respect to communication, the general belief is that:

- 55% is body language
- 38% is tone of voice
- 7% is the actual words spoken

When there are inconsistencies between attitudes communicated verbally and posturally, the postural component dominates in determining the total attitude that is inferred. This can lead to interviewees “shutting down” during the interview.



## **Manage Expectations**

IOs should explain the following to set expectations with interviewees:

- Format of the interview
- Taking notes
- Inform that if the person is unsure, it is ok to say “I don’t know” or “I don’t remember”
- Let the person know the IO will “respect the pause” and stay silent to give the interviewee time to recall and add information.

## ***Interview Skills***

### **Establish a Rapport and Trust**

People speak more freely and fully when they feel:

- They are being listened to
- The listener can tolerate what they have to say
- The listener can understand what they have to say.
- They can imagine it to be true.
- They are being believed.

Effective opening questions and statements can help establish rapport and trust, such as:

- “How are you feeling?”
- “I’m sorry this happened to you...”
- “I commend you for your courage...”

### **Listening Position**

Physical techniques include:

- Eye contact
- Remove barriers
- Equal or inferior position to victim
- Use inviting body language
- 10 to 2 is a good general rule
- Avoid touching the interviewee

## **Creating and Maintaining an Open Interview**

An open interview may be supported by explaining questions:

- With respect to sensitive issues, this approach helps put fears at ease
- Use the law to explain why the investigation needs specific information
- Asking about high-risk behavior does not cast doubt on the account
- Speak slowly, use short sentences, and leave short pauses between sentences
- Interviewee should be encouraged to interrupt at any time to ask a question, to include a fact, or to correct a mistake
- Reassure interviewee the investigation is a team effort, such as using plural pronouns:
  - “We need to go over the information together.”
  - “We need to understand what happened.”
- Take breaks when needed.

## **1.9 Identify the effects of sexual harassment investigations on investigators.**

### ***Compassion Fatigue***

Compassion fatigue describes the physical, emotional, and psychological impact of helping others – often through experiences of stress or trauma.

### ***Burnout***

Burnout is a state of emotional, physical, and mental exhaustion caused by excessive and prolonged stress.

Burnout often occurs when you feel overwhelmed, emotionally drained, and unable to meet constant demands.

### **Physical and Emotional Signs and Symptoms of Burnout**

Physical signs include:

- Feeling tired and drained
- Frequent illnesses
- Frequent headaches
- Change in appetite or sleep habits

Emotional signs include:

- Sense of failure and self-doubt.
- Feeling helpless or defeated.
- Feeling alone / detached.
- Decreased job satisfaction or sense of accomplishment.

### **How to Prevent or Treat Burnout**

According to [FM 7-22, Holistic Health and Fitness](#), holistic health and fitness relates to five domains of readiness:

- Mental
- Sleep
- Nutritional
- Physical
- Spiritual

Minding these domains can help IOs prevent burnout.

Some ways IOs can prevent or treat burnout is:

- Turn to other people for support.
- Reframe the perspective of the work.
- Reevaluate priorities.
- Make exercise a priority.
- Maintain a healthy diet.

## ***Vicarious Trauma***

As a result of repeated exposure to accounts of traumatic events, vicarious trauma is the internalization of the trauma of others and the process of exhibiting the same feelings and behaviors as those who experienced the trauma.

### **Common Reactions to Vicarious Trauma**

- Physical: Feeling on edge, difficulty sleeping, feeling tired, or getting sick
- Emotional: Feeling sad or anxious, irritable, lonely or unsupported
- Cognitive: Difficulty concentrating or making decisions or memory problems
- Behavioral: Social withdrawal or changes in eating patterns
- Relational: Expecting the worst of others, relationship problems, or loss of friends
- Spiritual: Cynicism, discouragement, or loss of faith

## How to Address Vicarious Trauma

- Physical: Exercise, prioritize quality sleep, and eat healthy snacks and meals
- Emotional and relational: seek support, journal, read books, or listen to music
- Cognitive: focus on positive thoughts; do breathing and visualization exercises
- Spiritual: Participate in the community; connect to the outdoors

## *Practice Self-Care*

Self-care is what people do for themselves to establish and maintain health and to prevent and deal with illness.

Self-care is a broad concept encompassing:

- hygiene (general and personal)
- nutrition (type and quality of food eaten)
- lifestyle (sporting activities, leisure, etc.)
- environmental factors (living conditions, social habits, etc.)
- socio-economic factors (income level, cultural beliefs, etc.)
- self-medication

## Self-Care Strategies

- Seeking the support of others, both at work and home, who understand exposure to trauma at work
- Being creative in ways that focus your attention helps reduce stress and strengthens resilience
- Getting enough restful sleep
- Eating healthy meals and snacks to strengthen immunity and brain function

## Self-Care Resources

- Behavior Health
- Chaplain
- [Employee Assistance Program EAP \(Civilian\)](#)
- [Military and Family Life Counseling \(Military\)](#)
- [R2 Performance Centers](#)
- Local Civilian Counseling services
- [DOD Safe Helpline](#)
- [Army WeCARE mobile application \(limited\)](#)
- TRADOC's Battle Buddy application, for [Google Play](#) and [Apple App Store](#)
- [988 Suicide and Crisis Lifeline](#)
- OCONUS Military OneSource resources, such as [Peer-to-Peer Counseling](#)



SEXUAL HARASSMENT INVESTIGATIONS COURSE

# GUIDEBOOK

## MODULE TWO

**APPLY THE FOUR-STEP SEXUAL HARASSMENT INVESTIGATION PROCESS TO A SEXUAL HARASSMENT ALLEGATION.**

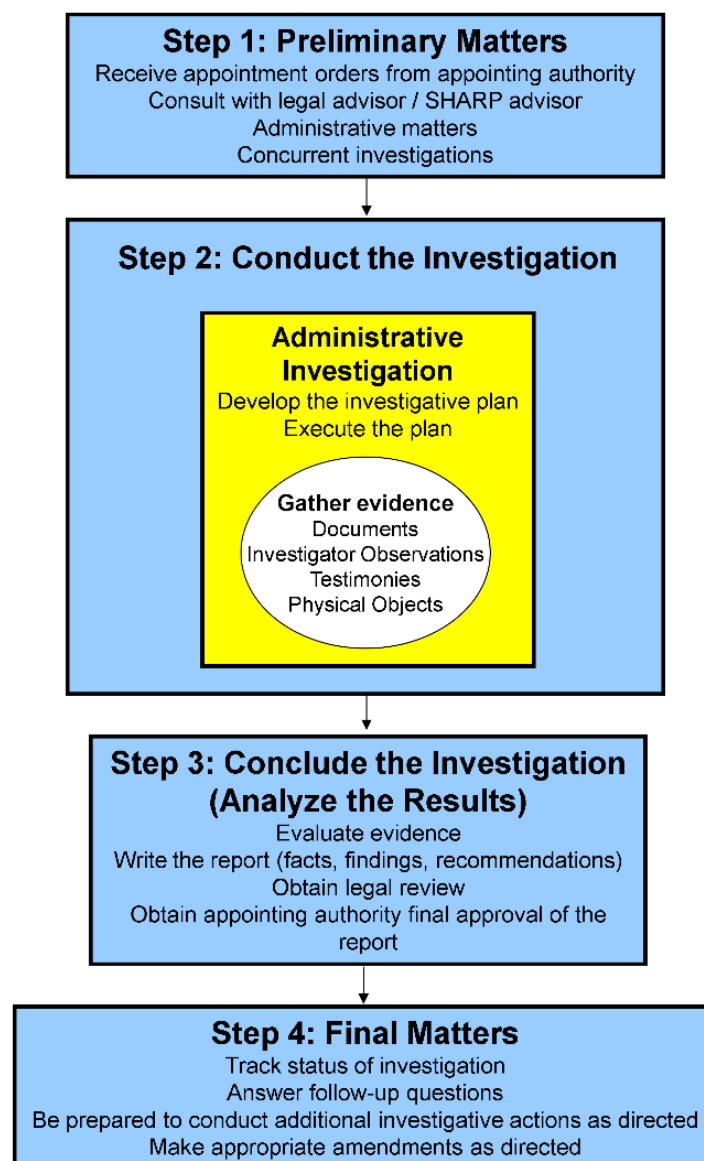
- 2.1: Define Investigation Terminology
- 2.2: Classify Roles in an Administrative Investigation
- 2.3: Explain the Four Parts of an Allegation
- 2.4: Describe Evidence-Gathering Activities
- 2.5: Plan an Independent Administrative Investigation
- 2.6: Examine Allegations of Sexual Harassment by Applying the Four-Step Sexual Harassment Investigation Process

# MODULE TWO

***Apply the four-step sexual harassment investigation process to a sexual harassment allegation.***

## ***Sexual Harassment Investigator Process***

The Sexual Harassment Investigator Process is a four-step process developed by The Inspector General School to provide a guide for Independent Investigators to use as they navigate their way through a sexual harassment investigation.



## **2.1 Define investigative terminology.**

### **Fact**

- Events that are known to have happened
- Things that are known to be true
- Can be a combination of testimonies, documents, and/or physical evidence
- Must independently agree on a single point

A fact can also be established through multiple pieces of evidence that independently corroborate a single point.

### **Standard of Proof**

The *preponderance of evidence*, as understood by a reasonable person, serves as the standard investigators utilize to reach conclusions and resolve allegations.

In simpler terms, it means that it is more likely than not that the impropriety occurred.

This standard is lesser than "beyond a reasonable doubt," which is utilized in criminal proceedings.

Preponderance of evidence necessitates that the evidence leans towards either substantiating or unsubstantiating the allegation, with a threshold of greater than 50 percent.

In the context of investigations, there are only two possible conclusions: *substantiated* or *unsubstantiated*.

Any other determination is considered incorrect.

This mirrors the legal concepts of guilty or not guilty.

As investigations are not criminal proceedings, there is no mandate to prove facts and findings beyond a reasonable doubt.

Instead, unless stated otherwise by another specific directive, [\*Army Regulation 15-6 Procedures for Administrative Investigations and Boards of Officers\*](#) indicates that findings must be supported by "a greater weight of evidence than supports a contrary conclusion."

Essentially, this means that conclusions should be drawn based on evidence that, upon thorough consideration, points towards a particular conclusion as more credible and probable than any other alternative.

## Elements of Proof

These are specific criteria or conditions outlined in regulations or guidelines that must be met to substantiate or refute an allegation. They also:

- Provide a structured framework for evaluating evidence and reaching conclusions in investigations.
- Help ensure consistency and fairness in the investigative process.
- Dictate which conditions must be satisfied to establish substantiation or unsubstantiation.
- May contain sub-elements, each representing a distinct criterion.
- Support understanding the relationship between sub-elements and their conjunctions, which is crucial for accurate assessment.
- Ensure that allegations are evaluated systematically and in accordance with established standards and regulations.

By adhering to these elements, investigators can conduct thorough and effective investigations and promote fairness and consistency in the investigative process.

## **2.2 Classify roles in an administrative investigation.**

### ***Independent Investigator's Purpose***

**BLUF Examine Allegations of Impropriety Using a Report of Investigation (ROI).**

#### APPROACH

- Unwavering commitment to standards
- Focus on Army Values
- Protect the best interests of the Army

#### LIMITATIONS

- Independent investigators work for the Appointing Authority!
- One investigatory option with time limit for completion
- Concurrent investigations



## **Authority**

[Army Regulation 15-6 Procedures for Administrative Investigations and Boards of Officers](#) outlines procedures for informal and independent investigations.

Informal investigations typically involve a single investigating officer conducting interviews and collecting evidence.

The authority to initiate administrative investigations and appoint independent investigators is granted by [Army Regulation 15-6 Procedures for Administrative Investigations and Boards of Officers](#).

Appointing authorities include:

- Any officer or civilian employee authorized to appoint a board.
- Commanders at all levels, including company commanders and above.
- State Adjutants General for COMPO 2 or National Guard formations.
- Special, personal, or principal staff officers or supervisors at the rank of major or higher.
- [Army Regulation 15-6 Procedures for Administrative Investigations and Boards of Officers](#), Chapter 2-1, authorizes appointing authorities to designate investigating officers.

This includes:

- General court-martial convening authorities
- General officers
- Commanders at any level
- Principal staff officers or supervisors (04 or above)
- State Adjutant Generals

DA Civilian supervisors paid under Executive Schedule, SES, or GS/GM 14 and above, if they head an agency, activity, division, or department.

## **Independent Investigator Requirements**

- Commissioned officers, warrant officers, or DA Civilian employees paid by the general scale (GS) level 12 or above.
- Independent investigator must be senior to any person who may be investigated or against whom adverse findings may be made.
- Appointing authority should select best-qualified persons for independent investigator duty based on:
  - Education
  - Training
  - Experience

- Length of service
- Temperament

### ***Primary Duties of an Independent Investigator***

- Ascertain and consider the evidence on all sides of an issue.
- Answer all of the appointing authority's questions.
- Be thorough and impartial.
- Make findings and recommendations warranted by the facts and comply with the instructions of the appointing authority.
- Report the findings and recommendations to the appointing authority.

### ***Person's Role and Status***

- Role: Witness, Subject (non-criminal or criminal allegations)
- Status: Military, DA Civilian, Contract Civilian, or Civilian-Civilian
- Complainant: Anonymous, Injured Party, Third Party

### ***Roles Definitions***

- Witness: Someone who we believe has some knowledge to support or to refute an allegation (may be a subject-matter expert).
- Subject: Someone against whom a criminal allegation is made.
  - Violations of law (UCMJ & USC) are criminal offenses.
- Senior Officials: General officers, promotable colonels, members of the Civilian Senior Executive Service (SES), and other DA Civilian employees of comparable grade or position.
  - Investigations involving allegations against senior officials must be processed in accordance with [Army Regulation 15-6 Procedures for Administrative Investigations and Boards of Officers](#), para. 1-7.

### ***Status Definitions***

Who is required to cooperate and when?

Military

Army Active Component - Always

Army Reserve- When in a duty status

Army National Guard- When in a duty status

Department of the Army Civilians - Always

Contractors - Always

Other DoD Military / Civilian Personnel - Chain of Command

Civilians not employed by the DoD - Never

### ***Rights and Non-Rights***

Administrative Investigation: Witness Subject

Criminal Investigation: Administrative Due Process

### ***Rights Based on Role***

#### **Witness**

- Consult with Counsel
- Confidentiality
- Review Own Testimony
- Avoid Self Incrimination
- Have a Union Representative present

#### **Subject**

All of Witness rights and:

- Know and Comment on Allegations
- Know and Comment on Unfavorable Information
- Remain Silent
- Have Counsel present

#### **Field Grade Officer Subject**

- To be interviewed
- To respond to adverse information
- To review redacted portion of the ROI and supporting evidence pertaining to the adverse information

## ***Non-Rights***

No right...

- to know the identity of the witnesses.
- to be present during questioning of others.
- to question others.
- to review evidence\*. [[Army Regulation 15-6 Procedures for Administrative Investigations and Boards of Officers](#), paragraph 5-4]
- to record testimony. [[Army Regulation 15-6 Procedures for Administrative Investigations and Boards of Officers](#), paragraph 3-6b]

## **2.3 Explain the four parts of an allegation.**

### ***Four-Part Allegation***

- Who: Must be an individual; name
- Improperly: The word “improperly” shows wrongdoing; may be implied
- Did (or failed to do)
- In Violation of a Standard: A standard is a law, regulation, or policy

### ***Poorly Phrased Allegations***

#### **Example 1**

COL Robert E. Brown acted improperly in that he sexually harassed female employees, to include Ms. Smith, in violation of the UCMJ.

#### **Example 2**

COL Robert E. Brown wasn't at work in violation of AR 600-20.

## **2.4 Describe evidence-gathering activities.**

### ***Categories of Evidence***

Testimony - Recorded under oath, transcribed or summarized (sworn statement)

Physical - Objects; not common

Standards - Regulations, SOPs, etc.

Documents - Memos, emails, records, social media posts, etc.

Statements - Written or oral; not sworn

Investigator Personal Observation - Avoid becoming a witness in your own investigation

## ***Levels of Evidence***

Direct - First-hand knowledge

Circumstantial - Tends to prove or disprove an issue by inference

Hearsay - What one individual says another person said

Opinion - A person's belief or judgment

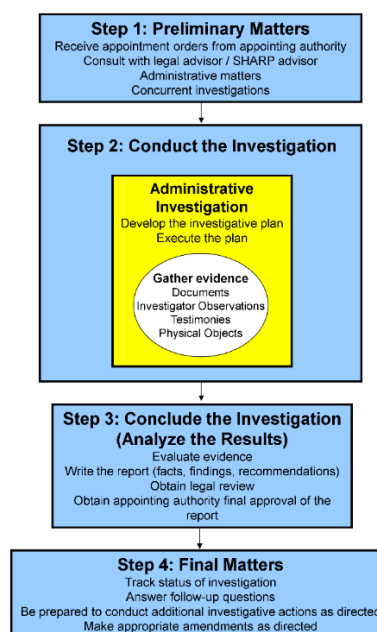
D – C – H – O

Evidence is also characterized by its quality, detail, and credibility. Always conduct a credibility assessment.

## **2.5 Plan an independent administrative investigation.**

### ***Sexual Harassment Investigator Process***

The Sexual Harassment Investigator Process is a four-step process developed by The Inspector General School to provide a guide for Independent Investigators to use as they navigate their way through a sexual harassment investigation.



## ***The Four-Step Investigations Process***

### ***Step 1 – Preliminary Matters***

#### **Receive Appointment Orders**

Appointment procedures:

- can be issued orally at first, but must be codified in writing
- issued as a memorandum signed by appointing authority or by a subordinate with the appropriate authority line

Appointment should contain:

- purpose and scope of the investigation
- nature of the findings and recommendations required
- may also include guidance from the appointing authority
- special instructions (e.g., time limit for completing the investigation; requirement to take statements under oath)

#### **Appointment Memorandum**

- Appoints the IO and specifies suspense date
- Provides general instructions: purpose, direction, additional orders
- Provides the scope and the limits of the investigation (left and right limits)
- Conduct of the Investigation instructions
- Report of Investigation instructions
- Signed by the appointing authority
- Ensures a clear, mutual understanding between the independent investigator and the appointing authority concerning who and what to investigate (AR 15-6, Chapter 2).
- The *independent investigator's "order"* from the appointing authority.

#### **Consult with Legal Advisor**

- **Required!** Servicing Staff Judge Advocate or legal office will advise before and during investigation process.
- Consult with legal advisor before starting the investigation.
  - Identifies potential legal issues that may arise.
  - Can assist IO with framing issues, identifying information required, planning investigation, interpreting, and analyzing evidence obtained.
- Their role is to provide legal advice and assistance, NOT to conduct the investigation.

### Consult with SHARP Advisor

- **Required!** Consult with an unaffiliated SHARP advisor before and during investigation process.
- Role is to advise and prepare IOs to investigate allegations of sexual harassment.
- SARC will assist in question development (complainant, witnesses, subject)
- Provide quality trauma-informed approach to investigations and interview techniques (tips, pitfalls, etc.).
- Remain available for consult and assistance throughout process.

### Administrative Matters

- Start a chronology that includes:
  - dates
  - times
  - short description of all actions performed in connection with the investigation
- Should begin with the date IO received appointment orders.
- Record reasons for unusual delays in processing the case (i.e., witnesses unavailable due to training mission).
- Chronology is a part of your final case file.

### Concurrent Investigations

- Administrative investigations can happen before, at the same time, or after an investigation into the same or related matters by another command or agency.
- Make sure your investigation do not interfere with criminal investigations or investigations directed by higher headquarters.
- IOs should coordinate with the other command or agency to avoid duplication of efforts wherever possible.

## ***Step 2 – Conduct the Investigation***

### Written Investigative Plan

- Administrative investigations require a written investigative plan (working document)
- A written investigative plan should include three things:
  - Witness list including *complainant*, SMEs, and subject
  - Itinerary / schedule: time, location, and sequence of Interviews
  - Interrogatories / Interview Questions

## Develop the Investigative Plan

- Plan should consist of:
  - an understanding of the facts required to arrive at a conclusion.
  - a strategy for obtaining evidence.
  - a list of potential witnesses.
  - a plan for when each witness will be interviewed. Planning the order is important:
    - Complainant first
    - Other witnesses or SMEs next
    - Subject last; prepares IO to ask all relevant questions and minimizes the need to re-interview these critical witnesses
  - Review [Army Regulation 15-6 Procedures for Administrative Investigations and Boards of Officers](#)

## Interview Questions

- What are the standards and elements of proof?
- Determine key facts necessary to address the *elements of proof*.
  1. Who
  2. What
  3. When
  4. Where
  5. Why
  6. How
  7. How Many / How Much

## Guidance Regarding Evidence Collection

- Administrative process, not judicial.
- Same rules of evidence don't apply; if in doubt consult with legal advisor.
- Evidence used is limited to a few rules:
  - Must be relevant or material to the matters under investigation
  - Privileged communications between spouses, clergy, attorney and their clients, psychotherapists and their clients, and victim advocates and their clients, and current and former IGs are protected from disclosure.
  - Involuntary statements regarding origin, occurrence, aggravation of disease or injury
  - Never off the record

## Execute the Plan

- Collect documents throughout
- Appointing authorities may direct independent investigators to take *testimony under oath*



- How many witnesses to interview?
  - MINIMUM NUMBER NECESSARY to substantiate or refute the allegation(s)

### **Evidence Matrix**

- One column for individuals involved
- One column for Allegation #1, another for Allegation #2, etc.
- One column for Other/Due Outs

### **Gather Evidence**

- Independent investigator may need to identify existing evidence to obtain documentary and physical evidence (applicable regulations, existing witness statements, photographs, supporting documents).
- Saves valuable time and effort.
- Should obtain existing evidence at the beginning of the investigation.
- May not be readily available, so make requests to avoid delays.
- Must include sufficient documentation to clearly support findings and recommendations.

### **Conduct Witness Interview**

- Prepare!
- Review the information required and prepare a list of questions or key issues to be covered.
- Consult with legal advisor, IG, or law enforcement personnel for interview techniques.
- Always begin with open-ended questions.
- Be alert to interviewee privacy.
- Focus on relevant information.

### **Witness Four-Part Interview**

#### PART ONE Pre-brief

Explain in plain English

- The interview process and confidentiality
- The independent investigator role
- Privacy Act
- Rights Warning (if required)
- Swearing / Affirming Oaths
- Filling in documents and forms
- Establish rapport

- Lay down the ground rules
- Observe baseline behavior of the witness's speech and mannerisms

#### PART TWO: Read-in

- Can be recorded

#### PART THREE: Questioning

- Recorded
- Rehearse this one the most!
- Follow interrogatory BUT listen to the witness's answers and adjust accordingly.
- You may stop the recorder...but you are never off the record.

#### PART FOUR: Close-out

- Recorded
- Verbatim

#### **Successful Interviews**

- Preparation and Rehearsal
- Attitude and Demeanor
- Investigator's ability to:
  - Put the witness at ease
  - Maintain impartiality
  - Adapt to the unexpected
- LISTEN! *LISTEN!* LISTEN!
- OBSERVE!
- *No Surprises - No Trickery*
- Investigator must ask the questions necessary to uncover credible evidence that addresses the elements of proof!

#### **Interview Tips**

##### AVOID:

- Being defensive / aggressive
- Interrupting the witness

- Asking:
  - Yes or No questions
  - Leading questions
  - Irrelevant questions

**DO NOT:**

- Lose control of the interview
- Lose your temper
- Give advice or counsel
- Be intimidated

**Subject Interview (similar to Witness)**

- Four-Part Interview Process:
  - Pre-brief
  - Read-in (subject script)
  - Questions
  - Read-out
- Required: [DA Form 3881 Rights Warning Procedure/Waiver Certificate](#)
  - Administered to Soldiers and DA Civilians suspected of an offense under the UCMJ.
  - Records the fact that the subject understands his or her rights and elects to waive those rights and provide a statement.
  - Also used to document non-waiver of rights.
  - For subjects, always administer before interview questions start.
  - Active listening is important because sometimes incriminating evidence is uncovered after the interview starts. Immediately stop the interview and administer the DA 3881.

**2.6 Examine the allegations of sexual harassment by applying the four-step sexual harassment in investigations process.**

***Step 3 – Conclude the Investigation***

**Evaluate Evidence**

- Transcripts, documents, anything else?
- Analyze for accuracy, veracity, and relevance
- Check for inconsistencies and corroboration
- Summarize redundancies

- Determine and correct voids
- Draw clear and supported conclusions
- Use your best judgment
- Complete Evidence Matrix

### **Force-Field Diagram**

Prepare a diagram for each allegation

- Include evidence
- Apply Elements of Proof Filter
- Decide whether the claim is substantiated or unsubstantiated

### **Preparing to Write the Report of Investigation (ROI)**

Resolve Allegations of Impropriety using an ROI:

- Review ALL of the evidence
- Review ALL of the elements of proof
- Complete and check your Evidence Matrix
- Complete the Force-Field Diagram(s)
- Organize evidence into report exhibits

### **Preparing Findings and Recommendations**

- Allegations: Be clear, concise, and consistent
- Standards: Use the correct one(s)
- Evidence: Address elements of proof in standard(s)
- Discussion: Explain the credibility of the evidence, AND thoroughly discuss BOTH SIDES of the allegation (substantiate and unsubstantiate)
- Style:
  - Past tense; “alleged” (NOT passive voice)
  - Testified (under oath) vs. stated (not under oath)

### **Preparing the ROI**

Assemble the packet in the following order:

- DA Form 1574-1
- Appointment order
- Any other written communications to or from the appointing authority (e.g., requests for extension)
- Privacy Act Statements
- Explanations of delays (if applicable)
- Rights Warning Procedure / Waiver Certificates (DA 3881)
- Executive Summary

- Exhibits (preceded by an index)
- Chronology
- List of all persons interviewed
- Findings and recommendations (the ROI)

## **Write the ROI**

### References

- Appointment Memorandum
- [Army Regulation 15-6 Procedures for Administrative Investigations and Boards of Officers](#)
- Other Army Regulations/references

### Background

- When appointed
- By Whom
- Investigation Purpose

### Summary

- Statement of investigation finding
- Answer commander questions (5Ws)

### Overview

- Conduct of the investigation
- Explains delays, extension requests and granted, difficulties, irregularities, or other problems encountered and any additional information necessary for a complete understanding of the investigation

### Summary of Relevant and Material Facts

- Narrative account of the facts the investigation found
- This is the BLUF - a single clear statement of the investigator's findings
- Explain how conclusion was reached
- Listed in chronological order

### Findings

- Clear concise statement of fact
- Evidence supports or refutes the elements of proof within the standard
- Each paragraph should be ONE conclusion supported by the facts listed in paragraph 5.
- If findings are based on information not listed in the facts, go back and include that information in the paragraph.

- Should provide answers to each question posed in the appointment memorandum.
- Cite evidence that supports each finding.

#### Recommendations

- Provide recommendations for each finding
- Clearly written, acceptable, suitable
- Solves the identified finding
- Should propose courses of action consistent with the findings (i.e. disciplinary action, imposition of financial liability, or corrective action).
- Must support the facts, be consistent with the findings, and should cite the specific findings that support the recommendation.

#### Obtain Legal Review

If adverse to the subject, due process rights exist.

Always required, per [Army Regulation 15-6 Procedures for Administrative Investigations and Boards of Officers](#), para. 2-7a

Servicing SJA will provide a digital copy and / or hard copy of the completed investigation directly to the approval authority, or their legal advisor reviews

- Appointing authority can:
  - Approve as is
  - Disapprove
  - Modify the findings / recommendations
  - Direct further action
  - Make additional findings

#### Obtain Approving Authority Approval of the Report

Servicing SJA will provide a digital copy and / or hard copy of the completed investigation directly to the approval authority, or their designee, unless the appointing authority or another regulation or directive states otherwise.

Checklist for Investigating Officers is found at [Army Regulation 15-6 Procedures for Administrative Investigations and Boards of Officers](#), Appendix C-5

### **Step 4 – Final Matters**

- Track status of investigation
- Answer follow-up questions
- Be prepared to conduct additional investigative actions as directed
- Make appropriate amendments as directed

# GLOSSARY

Appointing Authority	The person or entity authorized to select Investigating Officers for informal investigations according to AR 15-6. The following persons may appoint Investigating Officers for informal investigations: 1) any general court-martial convening authority, including those who have such authority for administrative purposes only, 2) any general officer, 3) a commander at any level, 4) a principal staff officer or supervisor in the grade of major or above, 5) any state adjutant general, and 6) a DA civilian supervisor paid under the Executive Schedule, SES, or GS/GM 14 or above, provided the supervisor is the head of an agency or activity or the chief of a division or department.
Army Profession	A trusted vocation of Soldiers and Civilians, as detailed in ADP 6-22, whose collective expertise is the ethical design, generation, support, and application of landpower; serving under civilian authority; and entrusted to defend the Constitution and the rights and interests of the American people.
Brandon Act	A law implemented on 05 MAY 2023 aiming to improve the process for service members to seek mental health support. The law was named after Petty Officer 3rd Class Brandon Caserta, who died by suicide in 2018. The policy signed by Under Secretary of Defense for Personnel and Readiness Gilbert Cisneros, Jr. directs the Military Departments to establish procedures for service members to request a referral for a mental health evaluation through their commanding officer or supervisor. This process allows service members to seek help confidentially, for any reason, at any time, and in any environment, with the goal of reducing the stigma associated with seeking mental health care. Various mental health resources are available to service members, including the option to contact local healthcare providers, the 988 Veterans Crisis Line, Military OneSource non-medical counseling, and the 24/7 Psychological Health Resource Center.
Burnout	A state of feeling emotionally, physically, and mentally exhausted caused by excessive and prolonged stress, resulting in a sense of being overwhelmed and unable to meet demands, as defined by Health.mil. With respect to Army leaders, counterproductive leadership can destroy unit morale, trust, and undermines commitment to the mission thereby decreasing task performance, risking employee physical and psychological well-being, and increasing negative outcomes such as depression and burnout ADP 6-22.

Chain of Command	Refers to the hierarchical structure within an organization, specifically in the military context, where commanders hold direct authority and primary responsibility for accomplishing the assigned unit mission while ensuring the well-being of personnel and property. It is defined in accordance with AR 600-20, which provides regulations and guidelines for the chain of command in the U.S. Army. The chain of command in the U.S. armed forces also reflects cultural artifacts, particularly the officer-enlisted divide. The military is divided into three distinct "classes": officers, enlisted personnel, and warrant officers (excluding the Air Force). The formal chain of command reinforces this division by establishing different entry-level requirements, such as education, and attributing greater social status to officers. The chain of command system has faced criticism for promoting an "aristocracy" that is seen as outdated in modern militaries. Additionally, the cultural divide between officers and enlisted personnel persists, raising concerns about unity and cohesion.
Collateral Misconduct	Misconduct by the victim of a sexual assault that may be associated with the incident in terms of time, place, or circumstances, see AD 2022-10.
Compassion Fatigue	The physical, emotional, and psychological impact experienced when helping others, often through exposure to stressful or traumatic situations. The term, coined by C. R. Figley, related to his research in the 1990s with individuals who provided therapy to victims of post traumatic stress disorder (PTSD): crisis and trauma counselors, Red Cross workers, nurses, doctors, and other caregivers who themselves often become victim to secondary traumatic stress disorder (STSD) because of helping or wanting to help a traumatized person.
Complainant	A Soldier, military Family member, or Civilian employee of the Army who submits a complaint, as defined in AR 600-20.
Complaint	An allegation of unlawful discrimination or harassment based on specific criteria, as defined in AR 600-20 and DoDI 1020.03.
Confidential	Not intended to be shared with third parties other than those involved in providing professional services or necessary transmission of communication, as defined in MCMUS.
Confidentiality or Confidential Reporting	Allowing a Soldier to report a sexual assault to specified individuals without triggering the formal investigative process. This provides access to medical care, counseling, and victim advocacy, as defined in AR 600-20.



Consent	A voluntary and informed agreement to participate in the conduct in question by a competent person, as defined in FR 2020-07.
Discrimination	The unlawful and arbitrary treatment of an individual or group based on specific criteria, as defined in AR 600-20.
Discriminatory Harassment	Unwanted conduct directed towards an individual or group based on specific criteria such as race, color, national origin, religion, sex, gender identity, or sexual orientation, as defined in DoDI 1020.03.
Distribute	To deliver an item to another person, including through mail or electronic means, as defined in MCMUS.
Emergency	A situation that requires immediate intervention to prevent loss of life, limb, sight, or body tissue, as defined in FR 2020-07.
Empathy	An attribute associated with character in the Army, characterized by the ability to understand and share the feelings and emotions of another person from their perspective, as defined in ADP 6-22.
Equal Opportunity	Fair consideration and treatment based on merit, fitness, and capability, regardless of specific criteria such as race, religion, color, gender, or national origin, as defined in AR 600-20.
Evidence	Information, physical items, or statements of fact presented to a competent tribunal to determine the truth of a matter under investigation, as referenced in AR 15-6.
Fact	Events that are known to have occurred and are verified to be true, as defined in AR 15-6.
Formal Complaint	A written allegation of unlawful discrimination or sexual harassment that is submitted to the appropriate authority and processed through official complaint channels, as defined in AR 600-20.
Harassment	Behavior that is unwelcome or offensive to a reasonable person and creates conditions that interfere with work performance or creates an intimidating, hostile, or offensive work environment, as defined in DoDI 1020.04.
Hostile Environment	Occurs when Soldiers or Civilians are subjected to offensive, unwanted, and unsolicited comments or behaviors of a sexual nature, creating a work environment that is intimidating, hostile, or offensive, as defined in AR 600-20.

Informal Complaint	Allegations of unlawful discrimination or sexual harassment that do not require written documentation. These complaints can be voiced to the offending party, to someone in a position of authority, or both, with the intention of stopping the offending behavior without further action, as defined in AR 600-20.
Investigation	An examination into allegations of wrongdoing or misconduct, as defined in DoDI 1020.03.
Legal Advisor	Individuals responsible for advising investigating officers and providing guidance on legal matters related to the investigation, as defined in AR 15-6.
Medical Care	Includes physical and psychological medical services, as defined in FR 2020-07.
Minimum Number Necessary	As advised in AR 15-6, the guideline for the number of witnesses an investigator should interview to conduct a thorough yet not excessive investigation that substantiates or refutes the allegations.
Oath	An affirmation or promise, as noted in AR 15-6, made by a witness at the beginning of an interview, stating their commitment to telling the truth. It is often required for witness statements and can be administered by military or Civilian investigators.
Other Sex-Related Offenses	In the context of AR 600-20, other sex-related offenses refer to sexual acts or acts that violate the Uniform Code of Military Justice but do not meet the definition of sexual assault or sexual harassment. Examples include indecent acts with another person or adultery.
Personally Identifiable Information (PII)	According to RMDA, this refers to information that can be used to identify an individual, such as their name, physical characteristics, position, rank, or organization. It also includes any information that, when combined with other facts, could reasonably identify a person. Information that identifies, links, relates, is unique to, or describes the individual, such as name, SSN, date and place of birth, mother's maiden name, biometric records, home phone numbers, other demographic, personnel, medical, and financial information, or any other PII which is linked or linkable to a specified individual. This definition of PII is not anchored to any single category of information or technology. Non-PII can become PII when information is publically available and when combined could identify an individual.

Preponderance of Evidence	As defined in AR 15-6, this is the standard of proof used in investigations. It means that the evidence presented outweighs or is more convincing than the evidence to the contrary. In other words, it is determined that the occurrence of an event is more likely than not, with a threshold of more than 50% certainty.
Private Area	As defined in the MCMUS, refers to the naked or underwear-clad genitalia, anus, buttocks, or female areola or nipple.
Quid Pro Quo	A Latin term meaning "this for that." In the context of sexual harassment, it refers to a type of harassment where a person's career or employment terms are conditioned upon providing sexual favors. It includes both implicit and explicit threats or promises of adverse or favorable actions based on the person's submission or refusal to engage in such behavior.
Reasonable Person Standard	The reasonable person standard is a legal concept that holds individuals accountable for their actions by comparing their behavior to that of a hypothetical "reasonable person" in similar circumstances. It means that individuals are expected to act in a manner that a reasonable person would consider appropriate or necessary to avoid harm to others.
Recommendations	In the context of AR 15-6, these are proposed courses of action that are consistent with the findings of an investigation. They may include disciplinary actions, financial liability, or corrective actions. It is important for recommendations to be supported by facts and aligned with the findings of the investigation.
Reprisal	This refers to taking or threatening to take unfavorable personnel actions or withholding favorable personnel actions as a form of retaliation against a military member for making or preparing a protected communication. It can include acts of retaliation, such as adverse treatment or withholding benefits, in response to someone reporting misconduct or participating in an investigation.
Restricted Reporting	As outlined in AR 600-20, this allows a victim of sexual assault to confidentially disclose the details of the assault to specifically identified individuals, such as the sexual assault response coordinator (SARC), victim advocate, chaplain, or healthcare provider. This reporting option allows victims to receive medical treatment and counseling without triggering the official investigative process.

Retaliation	In the context of harassment or misconduct, this refers to conduct that punishes or threatens to punish an individual for asserting their rights or making protected communications. It can include reprisal, ostracism, maltreatment, or criminal acts with a retaliatory purpose.
Self-Care	As per FM 7-22, this refers to activities and practices that individuals engage in to promote their physical, mental, and emotional well-being. It is an important aspect of personal health inventory and includes things like proper nutrition, rest, personal development, maintaining social connections, and physical exercise.
Sexual Act	As defined in the MCMUS, refers to various forms of sexual contact or behavior. It includes penetration, oral or anal contact, or touching of the genitalia, anus, breasts, or other intimate body parts with the intent to abuse, humiliate, harass, degrade, or satisfy sexual desires.
Sexual Assault	According to MCMUS, this is a crime defined as intentional sexual contact that involves the use of force, physical threat, abuse of authority, or non-consent. It includes acts such as rape, nonconsensual sodomy, indecent assault, or attempts to commit these acts. Sexual assault can occur regardless of gender, spousal relationship, or age of the victim.
Sexual Assault Prevention and Response Program (SAPR)	A program established by the U.S. Army to address and prevent incidents of sexual assault within the military. It focuses on awareness, prevention, training, victim advocacy, response, reporting, and accountability.
Sexual Assault Response Coordinators (SARC)	Individuals designated to provide support, resources, and guidance to victims of sexual assault. SARCs play a crucial role in coordinating and overseeing the response to sexual assault cases, ensuring that victims receive the necessary medical care, counseling, and support services. They serve as a central point of contact for victims, assisting them in navigating the reporting and investigative processes, as well as connecting them with appropriate resources and advocacy services. SARCs also work closely with victim advocates to ensure that victims' rights are protected and that their needs are addressed throughout the entire process. Their primary objective is to provide a safe and supportive environment for victims, empowering them to make informed decisions and facilitating their healing and recovery journey.

Sexual Contact	As defined in the MCMUS, this behavior refers to any act of touching, or causing another person to be touched, directly or through clothing, in specific areas of the body. These areas include the vulva, penis, scrotum, anus, groin, breast, inner thigh, or buttocks. The intent behind such touching is to abuse, humiliate, harass, or degrade the person involved, or to arouse or satisfy someone's sexual desire. This touching can be done with any part of the body or an object.
Sexual Harassment	As per AR 600-20, DoDI 1020.04, and DoDI 1020.03., it is unlawful discriminatory behavior of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature. It becomes sexual harassment when: 1. Submission to or rejection of such conduct is used as a basis for decisions about a person's job, pay, or career. 2. The conduct unreasonably interferes with a person's ability to do their job or creates a work environment that is intimidating, hostile, or offensive. Sexual harassment can also include a person in a position of authority using or allowing sexual behavior to control, influence, or affect someone's career, pay, or job. It can also involve deliberate or repeated unwelcome comments, gestures, or physical contact of a sexual nature. It's important to note that sexual harassment doesn't require actual harm to the person affected. If the behavior is severe or pervasive enough that a reasonable person would find the work environment hostile or offensive, it can still be considered sexual harassment. Categories of sexual harassment are: verbal, nonverbal, and physical contact; examples and further details for each category are provided in AR 600-20.
Sexual Innuendo	An indirect remark that implies something rude or sexual in nature. It involves the use of subtle or veiled language that carries a double meaning, often with a sexual connotation. Sexual innuendos can be verbal or written and are intended to provoke a suggestive or provocative response. Examples of sexual innuendo include phrases like "That's what she said," "Are you free tonight? We could Netflix and chill," or "I like my coffee like I like my men, strong and hot." While sexual innuendos can be used in a lighthearted or humorous manner, they can also contribute to a hostile or offensive work or educational environment if they are unwelcome or frequent. Understanding the impact of sexual innuendo and promoting a respectful and inclusive environment is crucial for maintaining a safe and comfortable space for everyone involved.

Sexual Offense	In the MCMUS this includes any sexual misconduct that is punishable under the Uniform Code of Military Justice, federal law, or state law. It encompasses various prohibited behaviors, such as those outlined in Article 120, conduct prohibited by 18 U.S.C. chapter 109A, non-consensual contact between body parts, contact with the aim of deriving sexual pleasure from inflicting harm, or attempts or conspiracy to engage in such conduct.
Sexually Explicit Conduct	As defined in the MCMUS, this behavior refers to actual or simulated sexual contact involving genital-genital, oral-genital, anal-genital, or oral-anal contact. It includes acts between individuals of the same or opposite sex, bestiality, masturbation, or sadistic or masochistic abuse. Sexually explicit conduct can also encompass the production, distribution, or possession of sexually explicit material, such as pornography, whether in physical or digital form.
Statement	In the context of the MCMUS, a statement of a witness can refer to a written statement made and signed by the witness, a verbatim recital of an oral statement recorded contemporaneously with the making of the oral statement, or a statement made by the witness to a federal grand jury.
Statement of Proof	In an investigation conducted under AR 15-6, since it is not a criminal proceeding, the standard of proof is not beyond a reasonable doubt. Instead, the findings must be supported by a greater weight of evidence than supports a contrary conclusion. This means that the evidence should point to a particular conclusion as being more credible and probable than any other conclusion.
Subject	In AR 600-20, the term "subject" refers to the subject of a complaint or an individual against whom a criminal allegation is made. Violations of law under the Uniform Code of Military Justice and United States Code are considered criminal offenses.
Substantiated	In the MCMUS, a complaint is considered substantiated when it is found that it is more likely than not that the subject has engaged in judicial misconduct or is otherwise unfit for further service as a judge or magistrate. According to the MCMUS, a complaint is considered substantiated when it is found that it is more likely than not that the subject has engaged in judicial misconduct or is otherwise unfit for further service as a judge or magistrate.

Techniques of Dealing with Sexual Harassment	AR 600-20 provides various techniques for dealing with sexual harassment. These include the direct approach (confronting the harasser and stating that the behavior must stop), indirect approach (sending a letter to the harasser stating the facts and expected resolution), involving a third party to intervene, reporting the behavior to the chain of command, or filing a formal complaint.
Testimony	Refers to recorded statements given under oath by a witness. It can be transcribed or summarized in a sworn statement.
Trauma-Informed Care	According to FR 2020-07, trauma-informed care is an approach that recognizes and acknowledges the presence of trauma symptoms and the role that trauma has played in a person's life. It aims to provide supportive services and programs that avoid re-traumatization and take into account the vulnerabilities or triggers of trauma survivors.
Trust	The foundation of the Army's relationship with the American people, detailed in ADP 6-22, who rely on the Army to ethically, effectively, and efficiently serve the Nation. Within the Army profession, trust is shared confidence among commanders, subordinates, and partners in that all can be relied on and all are competent in performing their assigned tasks. Trust has a direct relationship on the time and resources required to accomplish the mission. Trust within the Army profession allows us to rapidly task organize units and build teams where interpersonal relations are not yet established. The Army's trust with the American people reflects their confidence and faith that the Army will serve the Nation and accomplish missions ethically. The Army profession is successful when it sustains the respect and trust of the American people. Army professionals protect the constitutional rights of every American and the basic human rights of all people.
Unrestricted Reporting	According to AR 600-20, unrestricted reporting allows a victim of sexual assault to report the incident through official channels, such as the chain of command or law enforcement, and to receive medical treatment, counseling, and an official investigation. Details of the incident are shared with personnel who have a legitimate need to know.
Unsubstantiated	In AR 600-20, an allegation or complaint is considered unsubstantiated when there is no basis in reason or fact to support it.

Vicarious Trauma	Refers to the internalization of trauma experienced by others as a result of repeated exposure to accounts of traumatic events. It can lead to individuals exhibiting the same feelings and behaviors as those who directly experienced the trauma.
Victim	According to FR 2020-07 and the MCMUS, a victim refers to a person who has suffered direct physical, emotional, or pecuniary harm as a result of a sexual assault or a violent offense. The term includes individuals who are eligible to receive treatment in military medical treatment facilities and those who have alleged to have suffered harm.
Victim Advocate	According to AR 600-20 and the MCMUS, a victim advocate refers to Army Soldiers and Civilians who are trained to provide support and advocacy to victims of sexual assault as a collateral duty. They may be designated in writing, authorized to perform victim advocacy duties, and are responsible for assisting and supporting victims throughout the process of reporting and recovering from sexual assault. Victim advocates serve as a vital resource for victims, providing information on available resources, explaining their rights, and offering emotional support. They are trained to listen non-judgmentally, validate the experiences of victims, and provide a safe and confidential space for them to express their feelings and concerns.
Victim Blaming	When people blame the person who experienced something negative instead of holding the responsible person accountable. It happens because they want to distance themselves from the victim, justify not helping if they saw it happen, and protect themselves from feeling vulnerable.
Victimology	According to Merriam-Webster, victimology is the scientific study of crime victims. It looks at the relationship between victims and offenders, and the effects of being victimized. It also studies the characteristics of victims associated with specific criminals.
Witness	According to Merriam-Webster, someone who has information that can support or challenge a claim. They might be an expert in a particular area or have direct knowledge about the situation being investigated.
Written Investigative Plan	A document that guides an investigation. It includes a list of people to talk to, such as the person making the claim, experts, and the person being accused. It also has a schedule with specific times and places for interviews. Finally, it includes a set of questions that will be asked during the interviews.





**U.S. ARMY**