

PROPOSED ISSUES FOR PRELIMINARY JPP DELIBERATIONS ON RETALIATION (DRAFT)

II. Continuum of Retaliation: Definition and Concepts

Issue # 1	DEFINITION OF RETALIATION <i>Whether the DoD policy should uniformly define key retaliation terms, including “retaliation,” “ostracism,” and “maltreatment,” which are used by the Services in regulations prohibiting retaliation, as required by section 1709 of the FY14 NDAA 1709.</i>
JPP Analysis & Recommendations	

III. Scope of the Problem

Issue # 2	DATA COLLECTING AND REPORTING REQUIREMENTS <i>Whether reports and associated outcomes of all retaliation complaints, regardless of type of retaliation, investigative authority, or punishment involved, should be collectively tracked and publicly reported.</i> <i>Whether outcome data for both the victim and offender should be included in retaliation data reports.</i> <i>Whether retaliation data reports should include the underlying misconduct complaint and its outcome data.</i> <i>Whether retaliation data should be included in annual SAPR reports.</i> <i>Whether, as a deterrent against misconduct, data on sexual assault and retaliation reports and their outcomes should be regularly and publicly reported by each installation, forward operating base, or equivalent geographic unit and made readily available to Service members.</i>
JPP Analysis & Recommendations	

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<p>Issue # 3</p>	<p><i>WHAT PRACTICES IDENTIFIED BY SUBJECT MATTER EXPERTS SHOULD BE RECOMMENDED FOR THE MILITARY WORKPLACE?</i></p> <p><i>Whether DoD should adopt best practices from civilian workplace sexual harassment studies and practices for use in a military workplace.</i></p>
<p>JPP Analysis & Recommendations</p>	

V. Protections & Prevention

<p>Issue # 4</p>	<p><i>TRAINING PROGRAMS ON RETALIATION PREVENTION AND RESPONSE</i></p> <p><i>Whether adequate training programs are in place to educate</i></p> <ul style="list-style-type: none"> - <i>Service members</i> - <i>Spouses and children of Service members</i> <p><i>about retaliation and the resources available to understand, deter, and respond to it.</i></p>
<p>JPP Analysis & Recommendations</p>	<p>(RFI 67, 70)</p>

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VI. Procedures to Respond to Retaliation in the Military

<p>Issue # 5</p>	<p><i>VICTIM SUPPORT RESOURCES</i></p> <p><i>Whether adequate victim support resources are in place to assist Service members, civilians, and/or dependents who experience retaliation after making a report of sexual assault.</i></p>
<p>JPP Analysis & Recommendations</p>	<p>(RFI 71)</p>

<p>Issue #6</p>	<p><i>CASE MANAGEMENT PROCESS</i></p> <p><i>Whether all reports of social and professional retaliation should be monitored and tracked by the installation commanders who chair monthly Case Management Groups.</i></p> <ul style="list-style-type: none"> - <i>Whether retaliation allegations against victims reporting sexual harassment should also be included in Case Management Group reviews.</i> - <i>Whether Case Management Groups should utilize standardized forms or databases such as DSAID to track retaliation.</i>
<p>JPP Analysis & Recommendations</p>	

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<p>Issue # 7</p>	<p>REPORTING/COMPLAINT PROCESS</p> <p><i>Whether the retaliation <u>reporting</u> process for victims of all types of retaliation identified on the “continuum of harm” should be</i></p> <p><i>(a) standardized and centralized functionally within one organization (e.g., designate SARCs, SVCs, or other function as the official reporting channel for all retaliation reports), or</i></p> <p><i>(b) standardized across multiple organizations by establishing one universal form or database used by each organization designated to receive reports (e.g., retaliation may be reported to the command, law enforcement, IG, SVCs, SARCs, chaplains, etc. who all collect the same information and aggregate and maintain it the same way) to facilitate monitoring performance.</i></p>
<p>JPP Analysis & Recommendations</p>	<p>(RFI 69, 72, 73, 68)</p>

<p>Issue # 8</p>	<p>STANDARDIZED INVESTIGATION PROCESS</p> <p><i>Whether current procedures and resources for investigating reports of professional and social retaliation, including military whistleblower claims, are effective.</i></p> <p><i>Whether investigation of all reports of social and professional retaliation should be handled by the same investigative authority.</i></p> <p><i>If reports continue to be investigated by multiple investigative authorities, whether they should use standardized or otherwise coordinated processes, procedures, and timelines for substantiating/founding complaints.</i></p> <ul style="list-style-type: none"> - <i>Whether investigations of sexual harassment and associated retaliation complaints should follow the same investigative process.</i>
<p>JPP Analysis & Recommendations</p>	<p>(RFI 74, 75, 77)</p>

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<p>Issue # 9</p>	<p><i>SANCTIONS FOR OFFENDERS</i></p> <p><i>Whether current options available to commanders for sanctioning offenders in substantiated retaliation complaints are adequate.</i></p> <p><i>Whether guidelines for appropriate sanctions for various types of retaliation (on the continuum of harm) should be developed.</i></p>
<p>JPP Analysis & Recommendations</p>	

<p>Issue # 10</p>	<p><i>REMEDIES FOR VICTIMS</i></p> <p><i>Whether the BCMRs are providing sufficient remedies for victims of retaliation.</i></p> <p><i>Whether victims should have a right to know the specific actions taken against their offender(s) when a report of retaliation is substantiated?</i></p>
<p>JPP Analysis & Recommendations</p>	<p>(RFI 80, BCMRs)</p>

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VII. Recent & Pending Legislative Proposals

Issue # 11	<i>TRACKING LEGISLATIVE AND POLICY REQUIREMENTS RELATED TO RETALIATION</i> <i>Whether general officer/flag officer reviews of proposed involuntary separations of members who have reported sexual assaults within the preceding 12 months, which are mandated by section 578 of the FY13 NDAA, should be tracked and reported.</i> <i>Whether the JPP wishes to comment or assess S.1130 or H.R.2026, the two pending legislative proposals directed at issues of retaliation.</i>
JPP Analysis & Recommendations	