



**COMMANDING OFFICER
FIELD MEDICAL TRAINING BATTALION – WEST
POLICY STATEMENT ON SEXUAL ASSAULT**



Marine Corps Order (MCO) 1752.5C outlines the policy on the Sexual Assault Prevention and Response Program. All staff and students are to become familiar with said order and the contents therein, in addition to this policy statement.

BLUF: **Sexual assault will not be tolerated** aboard Field Medical Training Battalion-West (FMTB-W). I expect all hands to create and sustain an environment in which all members are valued, respected, and protected.

Policy:

Sexual assault is a heinous criminal act that is not restricted by gender, race, paygrade, or age. It destroys the fabric of our unit, the unity of our service, undermines our trust and faith in one another, and degrades the Naval services' warfighting readiness and capability.

In the event that someone is sexually assaulted, we are morally and legally bound to take action and report it. It is unacceptable to remain silent as a failure to report or ignoring incidents of sexual assault is a failure in our duty to support one another and is contrary to our core values.

Sexual assault is the intentional sexual contact characterized by the use of force, threats, intimidation, or abuse of authority when a victim does not or cannot consent (e.g., unconscious, sleeping, impaired by alcohol). In conjunction with this, judgement impaired by alcohol is NOT a mitigating factor for would be offenders.

Per updated guidance, issued June 29, 2022, by the Secretary of the Navy, Sailors and Marines who make an unrestricted report of sexual assault through the Sexual Assault Prevention and Response Office, or the Family Advocacy Program will not be disciplined for "minor collateral misconduct."

All allegations of sexual assault will be investigated in accordance with prescribed guidance and, if warranted, prosecuted via the military justice system.

Definitions:

The term "victim" refers to individuals who disclose or report a sexual assault allegation. It does not presume the guilt or innocence of an alleged offender. No determination, by the Commanding Officer (CO), a judge advocate, an investigator, or any other person, that the victim's report is credible is required under this policy.

The term "sexual assault" refers to alleged penetrative and non-penetrative violations of the applicable version of Article 120, Uniform Code of Military Justice (UCMJ); alleged violations of Article 125, UCMJ, for acts of forcible sodomy of a victim aged 16 or older occurring before January 1, 2019; alleged attempts and conspiracies to commit the same; and any similar or comparable offense under federal, state, or local criminal law. This policy applies regardless of to whom the victim makes the allegation of sexual assault, and regardless of whether the investigation and/or prosecution is handled by military or civilian authorities.

The term "collateral misconduct" refers to victim misconduct which might be in time, place or circumstance associated with the victim's sexual assault incident. Some reported sexual assaults involve circumstances where the victim may have engaged in some form of misconduct at or near the time of the sexual assault or at or near the time the victim reports the sexual assault to authorities. Collateral misconduct will most often be discovered as a direct result of the report of sexual assault or the ensuing investigation or prosecution of the sexual assault.

- Examples of Minor Collateral Misconduct. As set forth above, COs, in consultation with their servicing Staff Judge Advocate, must determine whether the alleged collateral misconduct is minor. Without limiting the CO's discretion, the following are examples of collateral misconduct that generally should be treated as minor for purposes of this policy:
 - Underage drinking at or near the time of the sexual assault.
 - An unprofessional relationship with the accused, i.e., a relationship that violated law, regulation, policy, or custom, at the time of the sexual assault.
 - A violation of lawful orders establishing curfews, off-limit locations, school standards, barracks/dormitory/berthing policies, or similar matters at the time of the sexual assault.
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Message to all:

Sexual assault is a complete and total contradiction to our core values.

Eliminating sexual assault requires a unified effort by us all. As such, "We must confront others regarding inappropriate behaviors, intervene when necessary, and hold those would be offenders accountable."

It is our duty to create an environment in which sexual assault prevention is fostered at all levels and survivors feel safe and free to come forward and make report (whether restricted or unrestricted).

- Victims who choose to make a restricted report will have that choice honored to the fullest extent. Survivors who make report must feel confident that their personal safety will be protected and that they will not be re-victimized by the organization.

Survivors of sexual assault will be:

- Assisted in their request for medical care.
- Afforded whatever time necessary to receive emotional, psychological, and social services in support of their well-being.
- Treated with sensitivity and the utmost respect.

Prevention.

We will:

- Take care of one another.
- Uphold our commitments to one another, our oaths, and to the Nation we serve.

I expect FMTB-W leaders, regardless of pay grade to:

- Demonstrate respect, decency, and the utmost professionalism at all times.
- Ensure those with whom you work/lead are educated on sexual assault prevention and intervention.
- Make your presence and leadership a force/ known in the barracks, around the command, and aboard Camp Pendleton. i.e., Take charge of your posts/ work areas!
- Exhibit Honor Courage Commitment in all you do.
- Have the courage to intervene and challenge inappropriate behaviors!

Assistance is available via DOD Safe Helpline 877-995-5247, the Marine Corps Base Camp Pendleton 24/Sexual Assault Support Line (760) 500-1707 or your Command Sexual Assault Response Coordinator, LT Beall at (760) 685-0732 or via email at michael.b.beall@usmc.mil.



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