

Mindful Continuing Education

Sexual Assault in the Military

Executive Summary

1. One of the tasks of the U.S. Commission of Civil Rights is to examine questions related to sexual assault in the military because these issues involve both sex discrimination and the denial of equal protection in the administration of justice.

- A. True
 - B. False
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Introduction

2. According to the Department of Defense (DoD), female Service members, who represent 14 percent of the military population, are over five times more likely to experience some form of sexual assault, as defined by the DoD, than their male counterparts.

- A. True
 - B. False
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Background

3. A large percentage of military victims are sexually harassed and stalked by the perpetrator who sexually assaults them, which impairs job performance and military readiness, and also:

- A. Hinders overall morale
 - B. Damages public perception
 - C. Disrupts unit cohesion
 - D. Undercuts senior/subordinate relationships
-

Prevalence of Sexual Assault in the Military Compared to Other Populations

4. In recent years, meaningful data compiled to compare sexual assault in the military to that in colleges and universities has shown that colleges tend to do a much better job educating students than the military does with its personnel.

- A. True

B. False

Critiques of the Military's Efforts

5. Which of the following is NOT one of the strategies that the DoD and the Services have used thus far in their sexual assault prevention measures?

- A. Changing the overall leadership culture
 - B. Training commanders
 - C. Purging sexually offensive material from the workplace
 - D. Educating Service members to become more active in protecting their colleagues through bystander intervention
-

Military Response to Victims

6. In 1994, The Sexual Assault Prevention and Response Office (SAPRO) was created to serve as one of the points of authority, accountability, and oversight for the sexual assault prevention and response, to provide services to victims, and to hold offenders accountable.

- A. True
 - B. False
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Reporting Options

7. Unrestricted reporting is an option that allows Service members, and their dependents 18 years of age and older who are victims of sexual assault to access medical and mental healthcare through the military confidentially and without triggering an investigation or revealing the identity of the perpetrator.

- A. True
 - B. False
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Victim Assistance

8. Every military installation has a Sexual Assault Response Coordinator (SARC) and at least one Victim Advocate who are responsible for connecting victims with appropriate resources and services, assisting them with the reporting process, and:

- A. Providing emotional support and financial assistance if necessary
- B. Addressing concerns of physical safety and retaliation

- C. At the victim's request, contacting family members to inform them of the situation
 - D. None of the above
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Healthcare for Victims

9. Although DoD has made efforts to improve medical and mental healthcare for sexual assault victims, victims do not always receive adequate or consistent medical care, and healthcare providers may not have an adequate understanding of their responsibilities in caring for victims who made restricted reports.

- A. True
 - B. False
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Confidentiality Concerns

10. When applying for updated security clearances, seeking either re-enlistment or a promotion, Service members must disclose whether they have received psychological counseling, even if such counseling is related to sexual assault.

- A. True
 - B. False
-

Additional Barriers to Reporting

11. Barriers to reporting sexual assault in the military include confidentiality concerns, fear of negative consequences, and:

- A. Feelings of shame and embarrassment about what happened
 - B. Awareness of the general lack of sympathy toward victims
 - C. Lack of confidence in the military justice system
 - D. All of the above
-

Consequences of Reporting- Professional and Administrative Consequences

12. Professional and administrative consequences of reporting include adverse actions by commanders in the victim's chain of command such as placement on a medical or legal hold, denial of promotion, job assignments that are not career enhancing, denial of requests for training, and even efforts to remove the victim from military service.

- A. True
 - B. False
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13. Each of the following is an accurate statement about psychological diagnosis related to sexual assault EXCEPT:

- A. Victims may be diagnosed with an "adjustment disorder" or "personality disorder" based on psychological symptoms after a sexual assault, which can be considered "the fastest and easiest way to get rid of someone" in the military
 - B. Although PTSD is a likely consequence of sexual assault, and can justify a service-related medical discharge, superiors can and do dismiss victims as merely presenting an attitude problem
 - C. An administrative discharge based on a psychological diagnosis may limit a Service member's access to disability benefits and ongoing treatment for the sexual trauma after discharge if the symptoms are labeled as not service-related or the result of a pre-existing condition
 - D. If a service member is diagnosed with a "personality disorder" or "adjustment disorder" in addition to PTSD, the member will no longer be qualified for a disability discharge
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Victims' Inability to Seek Recovery in Civil Proceedings

14. Victims of sexual assault perpetrated by a Service member have no recourse against the U.S. government in civil proceedings, due in part to the availability of alternative compensation systems and the fear of damaging the military disciplinary structure.

- A. True
 - B. False
-

Impact on Victims' Access to Veterans' Benefits

15. According to officials within the Veterans Health Administration, all Service members who were discharged from their duties, regardless of the circumstances, are entitled to treatment for military sexual trauma.

- A. True
 - B. False
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Investments-Training and Procedures

16. According to Dr. David Lisak, an advanced sexual assault instructor, specialized training for military investigative agencies handling non-stranger rape cases should include:

- A. Interviewing skills that increase trust and disclosure in victims and that do not intimidate and shut down victims

- B. Skills that incorporate neuroscience research on the impact of trauma on memory formation and memory retrieval
 - C. In-depth training on victim privacy issues and ways to safeguard victims from undue trampling of their privacy rights
 - D. All of the above
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Forensic Examinations

17. If a victim files a sexual assault report within one week of the assault (or longer if circumstances dictate), s/he has the opportunity to undergo a forensic examination during which a healthcare provider collects evidence from the victim's body, and if the victim's military installation does not have the capability to perform this exam, DoD policy requires that the victim be transported to a military facility or a local, non-military facility that has the capability.

- A. True
 - B. False
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Sufficient Evidence to Support Command Action

18. While in the civilian context, a prosecutor determines whether a charge is "substantiated" by determining if the allegations are supported sufficiently to justify further action, in the military justice system, the decision of whether to proceed to trial rests in the accused's chain of command.

- A. True
 - B. False
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19. Comparisons between the disposition of sexual assault allegations in the military and those handled in the civilian justice system is inherently unreliable since a commander has a broader range of options for disposition than a civilian prosecutor.

- A. True
 - B. False
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Discipline and Commander Discretion

20. Which of the following is NOT one of the sexual assault disposition options available to a military commander?

- A. Taking no action or taking administrative action
 - B. Imposing a nonjudicial punishment
 - C. Assigning the case to an outside, impartial body for disposition
 - D. Referring the case to courtmartial
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21. Before referring a case to a General court-martial, a commander must appoint an officer to conduct a fact-finding investigation, but the commander retains full discretion in deciding whether to refer the case to trial, regardless of the investigating officer's recommendation.

- A. True
 - B. False
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Characterization of Discharge of Service Members Accused of Sexual Assault

22. Substantiated allegations of sexual assault against a Service member, or even a court-martial conviction for a sex offense, do not necessarily result in a discharge under Other Than Honorable Conditions, and the military does not maintain data that tracks the characterizations of discharges for Service members accused of sexual assault.

- A. True
 - B. False
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Concerns with the Current System

23. Many victims, victim advocacy groups, and experts on military law and procedures believe that the disposition of sexual assault reports, as well as other criminal reports, must be taken outside the chain of command.

- A. True
 - B. False
-

Arguments for Maintaining, and Ways to Strengthen, the Current System

24. The military's position is that the disposition of sexual assault reports must be handled within the chain of command in order for the commander to maintain:

- A. Integrity and respect
 - B. Good order and discipline
 - C. Honor and sense of duty
 - D. Courage and selfless service
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25. Supporters of the current system believe that commanders must stay involved in the process in order to be able to remedy the flaws of the system, to preserve their authority, and to maintain credibility.

- A. True
 - B. False
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26. In general, commanders are now communicating the outcomes of sexual assault reports to members of their command because of a recommendation by the Defense Task Force that they do so in order to control rumors, clarify misperceptions, and reinforce the commander's zero tolerance.

- A. True
 - B. False
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Unlawful Command Influence

27. Unlawful command influence may occur when a superior office improperly attempts to direct or influence a subordinate commander's decision or improperly interfere with a criminal investigation or prosecution, or when other events occur such as intimidating witnesses, humiliating the accused, or publicly drawing conclusions as to guilt or innocence.

- A. True
 - B. False
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Concerns of Diminished Rights of the Accused and Over-Prosecution

28. Attorneys (judge advocates) who represent the accused in military sexual assault cases believe that their clients' ability to mount an adequate defense and over-prosecution are occurring because of unlawful command influence and:

- A. Inadequate training and preparation in such cases
 - B. Public uproar about military sexual assault
 - C. Political pressure
 - D. Significant imperfections in the military justice system
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29. While false accusations of military sexual assault are relatively rare, reasons they could occur include the desire to obtain an expedited transfer or for the hope of delaying punishment for misconduct.

- A. True
 - B. False
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Trends in the Department of Defense's Data on Prosecution and Discipline

30. Overall, DoD's Annual Reports on Sexual Assault indicate that commanders have been referring more cases to court-martial in recent years, and that penetration sexual offenses are more likely to be prosecuted than sexual contact and attempted sexual offenses.

- A. True
 - B. False
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