



# Retaliation: Fear of Reprisal

## Facilitation Guide



## Overview

This facilitation guide and accompanying video have been developed to assist equal opportunity (EO) and equal employment opportunity (EEO) professionals and practitioners in holding discussions on Harassment Prevention and Response in the Armed Forces.

Additional information on how to conduct a facilitation can be found in the Leader's Conversation Guide at: [GDE-Leaders\\_Conversations-20210428.pdf \(defenseculture.mil\)](https://defenseculture.mil/GDE-Leaders_Conversations-20210428.pdf)

This guided discussion is focused on Retaliation: Fear of Reprisal. The associated video demonstrates potential behaviors one could see or hear in many environments. The facilitator can use the video and guide to discuss the demonstrated problematic behaviors and how the unit members and leaders can prevent, mitigate, or address them. Adherence to this facilitation guide is encouraged to ensure consistency in training delivery.

However, this guide is not all-inclusive and may be expanded based on the facilitator's experience. Throughout this guide, questions are framed to stimulate the facilitator's thoughts on areas to explore and consider in this process and the specific topic. Users should provide a controlled, safe, and non-attributional environment where individuals will be willing to share their perspectives. EO and EEO professionals, practitioners, and leaders can use this event as an opportunity to review and educate their members on policy and acceptable and unacceptable behaviors. Harassing behaviors and retaliation are covered in DoD Instruction 1020.03.

## Purpose

The objectives for this discussion:

- Discuss the differences between retaliation and reprisal.
- Discuss the video and the behaviors seen within it.
- Grasp how the fear of reprisal can affect reporting.
- Understand the impacts from a fear of reprisal.
- Discuss reprisal prevention strategies.

## Preparation

This guide has been developed with the assumption that users have some basic facilitation skills and understand the facilitation process. Users should also review the Leader's Conversation guide for additional parameters, techniques, and information on facilitation at: [GDE-Leaders Conversations-20210428.pdf \(defenseculture.mil\)](https://www.defenseculture.mil/GDE-Leaders_Conversations-20210428.pdf) The Leader's guide provides areas to consider, including:

- Site selection
- Ground rules the facilitator may use
- Question development
- How to conduct the discussion

## Definitions

It is important to note that retaliation and reprisal are similar to but different than harassment. DoDI 1020.03 defines these terms as follows:

- *Harassment* is defined as behavior that is unwelcome or offensive to a reasonable person, whether oral, written, or physical, that creates an intimidating, hostile, or offensive environment.
- *Retaliation* encompasses illegal, impermissible, or hostile actions taken by a Service member's chain of command, peers, or coworkers as a result of making or being suspected of making a protected communication in accordance with DoDD 7050.06.
- *Reprisal*, a form of retaliation, is defined as taking or threatening to take an unfavorable personnel action, or withholding or threatening to withhold a favorable personnel action, for making, preparing to make, or being perceived as making or preparing to make a protected communication.

The primary difference between harassment and retaliation are the reasons behind the behaviors. Harassment can occur for a number of reasons, e.g., a person's race, gender, sexual orientation, etc., while retaliation is when somebody is harassed because they made a lawful protected communication, which any Service member is permitted to do. The fear of retaliatory behaviors can impact the individual as well as the entire unit. The prohibition on retaliation and guidelines on protected communication are outlined in DoD Instruction 1020.03, Harassment Prevention and Response in the Armed Forces, and DoDD 7050.06, Military Whistleblower Protection.

Based on the objectives provided to you, what is your purpose for this discussion?

What do you hope to gain from having this discussion?

Use this space to write down important names of participants or leadership.

## What is Retaliation?

Retaliation encompasses illegal, impermissible, or hostile actions such as verbal threats, exclusion from activities, etc., taken by a Service member's chain of command, peers, or coworkers due to making or being suspected of making a protected communication. This behavior, which looks very similar to other harassing behaviors, happens because somebody filed a report, made a complaint, or is perceived as doing so, for instance.

## What is Reprisal?

While retaliation can come in a number of forms, including harassment, bullying, and exclusion, reprisal involves taking an unfavorable personnel action, withholding a favorable personnel action, or threatening to do so. People are threatened with reprisal for making or being perceived as making a protected communication. Victims might be threatened with demotion or bribed with promotion, for example.

Department of Defense Directive 7050.06, in accordance with Section 1034 of Title 10, U.S.C., specifies that reprisal cannot be committed against a member of the Armed Forces for making or preparing a communication to a member of certain government entities. These parties include the following:

- a Member of Congress
- an Inspector General (IG) or any other IG appointed under the IG of 1978
- a member of a DoD audit, inspection, or investigation
- a law enforcement organization
- any person or organization in the chain of command
- any other person or organization designated pursuant to regulations or other established administrative procedures.

Notes:



## Process:

Before the participant's arrival, determine and prepare the setting for the guided discussion. Ensure the video is prepared to view (<https://www.youtube.com/watch?v=kyrQFb32DMk&feature=youtu.be>).

### Video Description

FOR FACILITATOR USE ONLY: The video displays two female enlisted Air Force members. MSgt Sanchez and MSgt McGarrity are speaking in the dining facility about inappropriate touching, weight concerns, reporting options, fear of reporting, and guidance/mentorship from a peer. MSgt Sanchez has been experiencing discrimination. The video shows a male Service member touching her in a way that made her uncomfortable. Despite MSgt McGarrity's encouragement, MSgt Sanchez's fears of what could happen to her prevents her from reporting. Sanchez looks physically stressed in the video due to the treatment.

### Video Participants

- **Victim:**
- **Perpetrator:**
- **Bystanders:**

## Directions:

1. Introduce yourself.
2. Validate: Explain the purpose or objective of discussion/training.
3. Set expectations and establish ground rules.
4. Introduce the topic (Use the notes you create based on the topic).
5. Show and explain the differences between retaliation and reprisal.
6. Provide the handout (if used) to the participants.
7. **Read Instructions:** You are about to watch a video that is made for awareness purposes only. As you watch the video, understand that reprisal is a sub-category of retaliation. Retaliation encompasses illegal, impermissible, or hostile actions taken by a Service member's chain of command, peers, or coworkers due to making or being suspected of making a protected communication.
8. **Read Instructions:** After watching the video, answer the questions in your handout individually. Then later, we will share your answers with the group.
9. Show the video.
10. Have participants answer the handout questions (5-10 minutes). Encourage them to use critical thinking as they view the questions.
11. Lead a discussion based on the questions used.

Facilitator Notes:



*Suggestions:* Display the questions on a bulletin board, butcher paper, or PowerPoint, or prepare them in a handout. Explain to the participants that they will need pen and paper (or handout) to answer the questions you will use during the guided discussion. **The anticipated responses (ARs) after each question can assist the EO in identifying potential discussion points.**

*\*Facilitator Note:* The facilitator should be prepared to discuss the questions (or similar questions) with the participants.

*\*Give students ample time to answer the questions.*

## → Facilitator- Develop Questions ←

Below are potential questions and ARs for use in guiding the discussion. Prior to the session the facilitator should review them and may develop their own. The provided handout matches the questions provided below. If you modify or add additional questions, modify the handout accordingly.

*\*Facilitator Note:* The facilitator should be prepared to discuss the questions (or similar questions) with the participants.

- Describe how the victim expressed that she feared being reprimanded against.

**AR: The targeted member appeared uncomfortable by the thought of reporting the offending Service member. She also appeared to be in distress (e.g., hands on her face, looking down, etc.).**

- What assumptions could be made about the reasons she was in fear? How can these perceptions affect the reporting of any act of discrimination?

**AR: The targeted member did not want to be treated differently; she was concerned about her and the offender's reputations. The perceptions of being retaliated against could prevent people from moving forward with any complaint.**

- Considering the definitions of retaliation and reprisal, explain, in your own words, the differences between them.

**AR: Retaliation is much more expensive than reprisal. Reprisal is taking or threatening to take an unfavorable personnel action, or withholding or threatening to withhold a favorable personnel action for making, preparing to make, or being perceived as making or preparing to make a protected communication.**

- Do you understand the victim's concerns? What visual impacts do you see her expressing? Please share your thoughts.

**AR: Yes, the fear of reprisal can cause low morale hostile environment in the organization. If allowed to continue, the escalation of violent behaviors could occur. She seemed pale, nervous, and discouraged. She looked defeated.**

- Who could be impacted by reprisal or the fear thereof?

**AR: Everyone, the whole unit, the victims and the witnesses, the organization.**

- What other reasons have you experienced or heard from others where they felt fearful of reporting?

**AR: Participants will share their experiences.**

- How can you prevent further occurrences of similar behaviors in your unit? As a leader, what appropriate action can you take to address and correct this issue.

**AR:** Develop different types of training to raise awareness on the issue. Provide research resources and training to all DoD personnel. Hold discussions in a controlled environment where all can speak freely. Use the DEOMI website to gather more information about the Principles of Prevention and create a zero-tolerance environment for such behaviors in the organization. Hold each other accountable and encourage leaders to correct the issue.

*Think about other questions you may wish to ask the participants.*

**Reflection Questions**

<b>Question and AR:</b>	
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**Lead the Discussion**

Open the discussion by asking volunteers to share their responses to the group based on the questions used. As you do so, keep in mind the following:

**General Considerations:**

- Ensure all participants have an opportunity to share their thoughts.
- Encourage open communication among participants.
- When applicable, ask clarifying questions.
- Use anticipated responses to help the group when needed.
- Avoid “why” and close-ended questions.
- Remind participants of the ground rules when necessary.
- Remember to let participants know that you are listening.
- Take notes when necessary for your summary and conclusion.
- Paraphrase when participants are not clear with their answers/assist them in reaching the objectives.
- Let the discussion be fluent with little to no disruptions or corrections.

Example of other questions that can be asked during the discussion:

1. In your own words, how would you define reprisal?
2. Where have you seen these behaviors in your organization?
3. What are some preventive measures to avoid a hostile environment from occurring?
4. In your opinion, what can you do to prevent yourself from becoming a bystander?
5. How can these behaviors affect unit cohesion?



*\* Facilitator Note: During the conclusion, the facilitator can paraphrase some of the comments made by the participants, showing them that they were heard. The conclusion provided is just an example of how to close out the guided discussion.*

## Close the Session:

You should end your session by reiterating the objectives covered at the beginning and provide closing comments.

### Summary:

Restate the initial objectives:

- Discuss the differences between retaliation and reprisal.
  - Discuss the video and the behaviors seen within it.
  - Grasp how the fear of reprisal can affect reporting.
  - Understand the impacts from a fear of reprisal.
  - Discuss reprisal prevention strategies.
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Facilitator's Conclusion

### Potential Closing Comments:

During this discussion, we explored how the fear of something that has not yet occurred can prevent people from taking action. The perception of having to deal with reprisal can instill fear, which can have a domino effect on the individual and the whole unit. The fear of reprisal can stem from many reasons; nevertheless, when inappropriate behaviors are not addressed, they have the potential to escalate. Reprisal revictimizes the victim and gives more power to discriminatory behaviors.

To prevent all discriminatory behaviors from developing, we must be proactive in preventing them from occurring or escalating. Some might consider the behaviors exhibited in this scenario harmless, but they are not. They bring division, a lack of trust, and low morale. As leaders and members, it is important that we be aware of these factors and impacts and do what we can to proactively engage to prevent, diffuse, negate, and address concerns if they appear.

# Handout

## Video: Fear of Reprisal

1. Describe how the victim expressed that she feared being reprisal against?
2. What assumptions could be made about the reasons she was in fear? How can these perceptions affect the reporting of any act of discrimination?
3. Considering the definitions of retaliation and reprisal, explain, in your own words, the differences between them.
4. Do you understand the victim's concerns? What visual impacts do you see her expressing? Please share your thoughts.
5. Who could be impacted by reprisal or the fear thereof?
6. What other reasons have you experienced or heard from others where they felt fearful of reporting?
7. How can you prevent further occurrences of similar behaviors in your unit? As a leader, what appropriate action can you take to address and correct this issue.