



Reprisal
Awareness Training
For
Military Service Members

Objectives

- Define Reprisal
- Describe Protected Communication
- Recognize the DoD policy of Reprisal
- Understand the Impacts of Reprisal
- Discuss Prevent Reprisal Strategies
- Summary
- Resources

Reprisal

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.

Reprisal

Reprisal is a form of retaliation. But retaliation is much more expansive than reprisal.

For more specific information on retaliation go to the Retaliation PowerPoint

presentation at:

<https://www.deocs.net/public/index.cfm>

or www.deomi.org

Protected Communication

No person may take (or threaten to take) an unfavorable personnel action, or withhold (or threaten to withhold) a favorable personnel action, as a reprisal against a member of the armed forces for making or preparing—

- (A) a communication to a Member of Congress or an Inspector General (IG) that (under subsection (a)) may not be restricted; or

Protected Communication

(B) a communication that is described in subsection (c)(2) and that is made (or prepared to be made) to—

(i) a Member of Congress;

(ii) an IG (as defined in subsection (i)) or any other IG appointed under the IG of 1978;

(iii) a member of a DoD audit, inspection, investigation, or law enforcement organization;

Protected Communication

(iv) any person or organization in the chain of command; or

(v) any other person or organization designated pursuant to regulations or other established administrative procedures for such communications.

DoD Policy

It is the DoD policy that:

- Members of the Military Services are free to make protected communications
- No person will restrict a Service member from making lawful communications to a member of Congress or an IG
- Service members will be free from reprisal for making or preparing to make or being perceived as making or preparing to make a protected communication

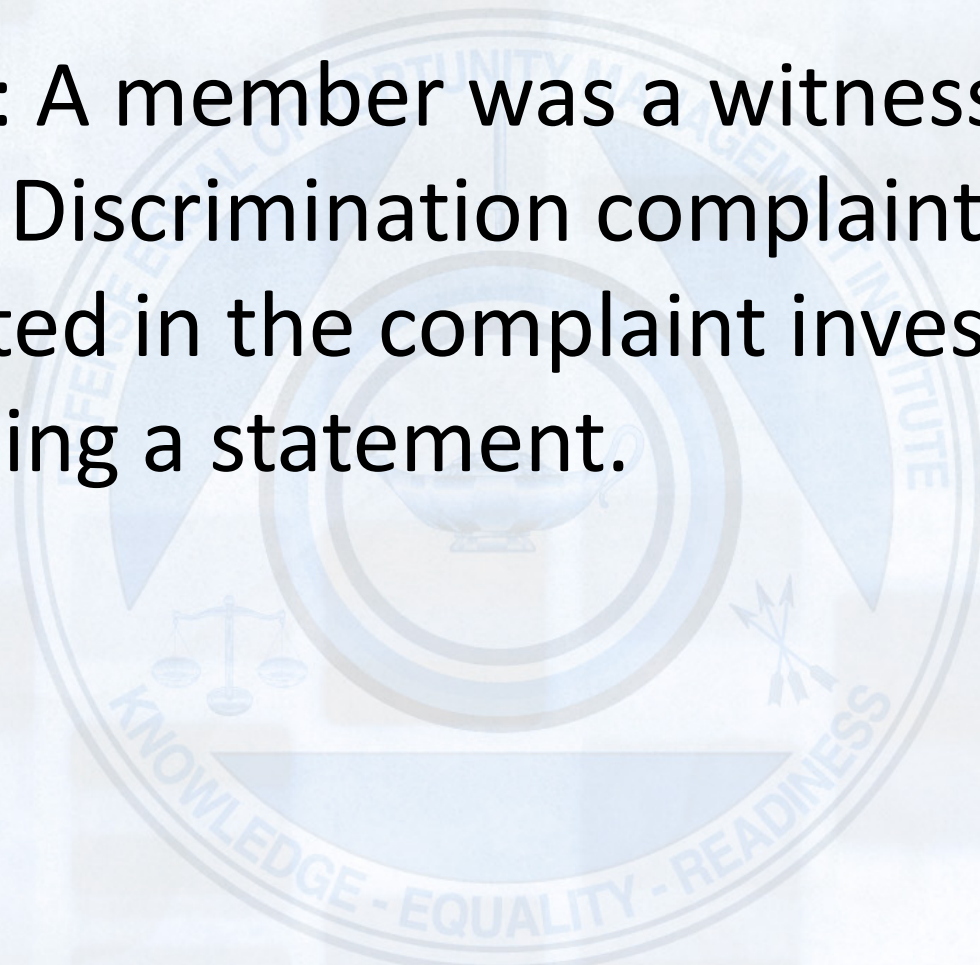
DoD Policy

It is the DoD policy that (cont.):

- No person may take or threaten to take an unfavorable personnel action or withhold or threaten to withhold a favorable personnel action in reprisal against any Service member for making or preparing to make, or being perceived as making or preparing to make a protected communication.

Reprisal Example

Situation: A member was a witness in a Religious Discrimination complaint and participated in the complaint investigation by providing a statement.



Reprisal Example

In the following days/weeks, the member felt they were being treated unfairly on three separate occasions.

1. They were forced to change a preapproved vacation.
2. They were supposed to attend a training seminar and two days prior, they were told to cancel their seat for no reason.

Reprisal Example

3. One month later, the member's annual performance review was completed and they received all poor ratings. The member had continuously received positive accolades throughout the year and was never informed of any poor performances.

The member felt the 3 separate events were due to participating in the complaint process.

Reprisal Example

Conclusion: In this situation, the member felt they had an unfavorable personnel action taken against them for making a protected communication.

Therefore, they should report the incident to the proper agency.

Impacts of Reprisal

- Decreased motivation
- Poor work performance
- Increased complaints
- Loss of trust and confidence
- High turnover

Individual Strategies

If you feel you experienced reprisal:

- Immediately inform your chain of command
- Report it to the IG
 - Call: 800-424-9098 or fax: 1-703-604-8567
 - Mail: DoD Hotline, THE PENTAGON, WASHINGTON, D.C. 20301-1900
 - E-mail: <http://www.dodig.mil/>

Individual Strategies

If you feel you experienced reprisal (cont.):

- Submit a report (can be anonymous) to www.safehelpline.org and it will be forwarded to the DoD IG

Organizational Prevention Strategies

Conduct training sessions focusing on:

- Clearly defining reprisal
- Explaining to members the effects of reprisal
- Understanding the potential punitive damages associated with reprisal
- Educating leaders to be observant to unprofessional behaviors
- Educating leaders on actions that that could be perceived as reprisal

Summary

In a DoD and RAND survey conducted in 2014, it indicated that well over half of military women who experienced a sexual assault and reported the matter to a DoD authority perceived some kind of retaliation associated with doing so.

“Ending retaliation is crucial to effectively addressing sexual assault and sexual harassment in the military.” -----Clarence Johnson, Director, ODMEO

Resources

- DoD Instruction 1020.03 Dated: 8 Feb 2018
- Military Whistleblower Protection Act, Title 10 U.S.C. § 1034
- National Defense Authorization Act (FY14 NDAA) Section 1709
- DOD Directive 1350.2, August 18, 1995 *Incorporating Change 2, June 8, 2015*
- DoD Directive 7050.06, April 17, 2015 *Military Whistleblower Protection*
- AR 20-1
- NGR 600-22/ANGI 36-3
- MCO 5041.1
- SECNAV Instruction 5370.7D
- AFI 90-301
- CG 33 C.F.R. Part 53