

In the Boots of a Survivor

Curriculum Storyline #1: Private Acevolt's Journey

Not everyone may know where to report a sexual assault.

For help you can call the Safe Helpline 24/7 at 877-995-5247 or get more information at www.safehelpline.org.

Your call to the Safe Helpline is confidential and anonymous.

Content Warning

This statement is provided as a precautionary measure.

“Some of the material presented in this lesson could potentially trigger upsetting emotions. To prevent this from happening, should you feel the need to leave the class, you may do so at any time. If you need assistance, please inform the assistant instructor and help will be provided.”

Private Acevolt's Journey

I grew up on a farm in the country and know what it means to work sunup to sundown. I am hardworking and love to be a part of the team. I recently graduated high school and attended Basic Training and Advanced Individual Training the summer after. At my first drill, I learned our unit was going through a reorganization and I was going to have to re-classify. I was actually excited, because I love all things engineering and my team leader said the training was at a camp not too far from my house.

Day one of class went off without a hitch. Several of my classmates were from out of State and from nearly every walk of life. I had never left the State except for Basic and Advanced Individual Training. Over the first week, our class really started to click, and we were hanging out together in the barracks in the evenings. Of course, the normal shenanigans of Soldiers kept us laughing all night. We had a lot of fun but there is always a troublemaker. He really pushed the boundaries. Specialist (SPC) Nightshade made lewd jokes about EVERYONE, but lately, they seemed more about me. I tried not to take it personally and just laughed it off. One night, after a group came back from the club, SPC Nightshade sent me a text picture of his genitals, with a message saying, "This is in your future." I was shocked he would send something like this. I didn't know what to say, but I shrugged it off as SPC Nightshade being dumb. I decided to ignore it.

The Tuesday night before graduation we went to the club for a class party; all we had left was one more test and a few administrative days. Everyone was having a great time. Some of our classmates were sneaking those of us who were underage drinks too! It was fun, but I don't drink much so I decided to go back to the barracks early. I woke up to the sound of laughing, opened my eyes, and SPC Nightshade was on top of me with his "junk" in his hand. I pushed him off my bunk and yelled at him. Somebody else shouted for everyone to go to sleep and flipped the lights off. I was awake for hours fuming over the incident. I was fighting mad but didn't want any trouble and finally fell asleep.

The next morning, while waiting in the classroom, everyone's phone went off. They all received a picture message in our group chat from SPC Nightshade. There were loud gasps and several people started laughing. It was a picture of SPC Nightshade with his penis next to my mouth. I completely lost all reasonable thought! I didn't know what to do. I was disgusted and humiliated. I ran to the bathroom. What was I going to do?

I felt violated. He had gone too far, and this wasn't funny. My instructor, Sergeant First Class (SFC) Aspenpelt, had always been approachable so I decided to talk with him. I felt physically ill when I went to his office. When SFC Aspenpelt opened his door, my face felt flushed and red. I rushed past him, into his office and he shut the door. I started to say there was an incident last night in the barracks.

Before I said anything else, SFC Aspenpelt stopped me. He said he could see how upset I was, and he was here to help. He explained, DoD has adopted a "No Wrong Door" approach, which is used by all responders so that anyone seeking services from

an organization will be assisted either by direct support or a warm handoff, with the goal of obtaining timely care or advocacy. This means that no matter which service provider you approach, they should be able to connect you to the resources you need. He went on to say if the incident involved anything to do with a sexual assault or sexual harassment, he wanted me to know as an instructor, he was a mandatory reporter; if I wanted to keep the incident private, he could get me in contact with a victim advocate. I appreciated SFC Aspenpelt's quick thinking and interest in protecting my rights. I asked him to give me a few minutes while I thought about my situation. His words resonated with me as I didn't remember much from that night. Could I have been assaulted?

DoDD 6495.01 defines sexual assault as "intentional sexual contact characterized by use of force, threats, intimidation, or abuse of authority or when the victim does not or cannot consent. The term includes a broad category of sexual offenses consisting of the following: rape, sexual assault, aggravated sexual contact, abusive sexual contact, forcible sodomy (forced oral or anal sex), or attempts to commit these acts."

CHOOSE Your Path:

- **Go to Keep This to Myself on page 13.**
- **Go to Tell my RTI Instructor on page 10.**

* Air Force equivalent of SPC is "SrA", and SFC are "MSgt or FS".

Mental Health #1

I went to a counselor several years ago after a family tragedy and it really helped me to cope. The assault was causing me a lot of stress, anxiety, and anger. I wanted to contact my parents but I didn't think they would understand. I had avoided talking to them even though they were expecting to see me next week after my return from this course. I didn't enjoy feeling like this. I asked Dragonia to set up an appointment with the Mental Health Professional. I was able to get in right away.

The counselor I met with had experience dealing with sexual trauma and did not push me to talk about the assault. We discussed how living with unresolved trauma can be very detrimental. It can affect things like my physical health and immune system. She taught me techniques to relieve anxiety and was able to help me better understand the feelings I had been having. It was a big relief and I finally felt ready to talk with my parents about what I had experienced. She asked if I'd like to meet again, and I replied "yes". I found our meeting to really help me process my emotions. She told me that if I needed to talk with someone immediately, I could call the DoD Safe Helpline. It is anonymous and confidential. I can call them 24/7 and someone can share resources with me. I realized the entire process of this sexual assault had been weighing heavily on my mind. I made an appointment to visit with the counselor again before I left.

CHOOSE Your Path:

- **Contact Special Victims' Counsel, go to Special Victims' Counsel #1 on page 15.**
- **Meet with Law Enforcement, go to Law Enforcement #1 on page 11.**

Class Climate at the RTI #1

The RTI staff worked to adjust travel arrangements and set up interviews with local law enforcement. Our class was being kept on orders at the RTI until interviews were completed. While some of the class seemed okay with this, others were pretty upset and wanted to be released. Prior to this incident, our class was very fun and close. We formed good friendships in a short time and worked well together. There was a different climate now. Guys were angry because they were stuck there, and because SPC Nightshade wasn't handled differently from the start. Also, there was a small group saying I was making a big deal over nothing.

The assault and investigation were causing quite a stir. I was upset because clearly everyone in my class knew I was part of the investigation because of the text message and picture SPC Nightshade sent out. It was very difficult. We were instructed to stay in our rooms at the RTI, but we still saw each other at the dining facility, and it was uncomfortable. I wondered if my career would be affected by this. I was also really embarrassed; sometimes I regretted telling my instructor and starting the Unrestricted Report.

I was told SPC Nightshade had been removed from Camp and was staying at a local hotel until law enforcement was done with their investigation. Leadership from his State had even flown in and were accompanying him. The RTI Commander met with me and Captain (CPT) Zethrax, the Special Victims' Counsel (SVC), to let us know SPC Nightshade was disenrolled from our Military Occupational Skill qualification course with an adverse Department of the Army (DA) Form 1059, "Service School Academic Evaluation Report."* CPT Zethrax was such a great resource and helped explain everything as it happened.

Flip a coin:

- **Heads, go to Conclusion #1 on page 17.**
- **Tails, go to Conclusion #2 on page 21.**

* Air Force equivalent is AF Form 475, "Education/Training Report."

* Air Force equivalent for CPT is "Capt".

Talk with the RTI Commander

Lieutenant Colonel (LTC) Quirky told me right away, as an instructor, SFC Aspenpelt is a mandatory reporter and would contact Law Enforcement regarding the incident with SPC Nightshade. SFC Aspenpelt acknowledged how we had already discussed this procedure.

I was instantly angered again. I had decided I was going to handle this on my own and now my choice had been taken away from me. LTC Quirky was understanding and gave me some time to work through my frustration prior to asking any questions. Finally, I was ready to talk.

It was difficult but I managed to tell him about what happened with SPC Nightshade the night before. I initially thought he was just joking around but then his jokes became more and more inappropriate. SFC Aspenpelt admitted he had overheard other students talking about the nature of SPC Nightshade's banter. SFC Aspenpelt was alarmed and addressed these concerns with them. However, when he did, they concluded there was no real problem, just poor humor.

SFC Aspenpelt apologized to me because he hadn't taken his own concerns more seriously. I told him how SPC Nightshade sent the weird text message with a picture of his genitals. It really bothered me, and I felt embarrassed. Guilt overwhelmed me. I should have stood up for myself after the first text message, but I didn't. Then SPC Nightshade escalated his behaviors. I wondered if I could have prevented this from happening.

LTC Quirky said SFC Aspenpelt would need to contact Law Enforcement next, and they would initiate an investigation. I wasn't thrilled, but LTC Quirky also told me I still had the right to choose what kind of report I wanted to pursue. He urged me to talk through the reporting options in detail with the Victim Advocate. The schoolhouse had decided to cancel our graduation as a group. They would be withholding the DA Form 1059s* of all students until the investigation had taken place. Additionally, the schoolhouse arranged for single room occupancy for each student for the next three nights.

SFC Aspenpelt went to contact the Sexual Assault Response Coordinator (SARC) to arrange for a Victim Advocate to support me. After a few minutes, he returned and said I was assigned a local Victim Advocate. The Victim Advocate would be coming to meet with me in about 15 minutes.

- **Go to Victim Advocate #1 on page 8.**

* Air Force equivalent is AF Form 475, "Education/Training Report."

* Air Force equivalent of LTC is "Lt Col"

Mental Health #2

I went to a counselor several years ago after a family tragedy and it really helped me to cope. The assault was causing me a lot of stress, anxiety, and anger. I wanted to contact my parents but I didn't think they would understand. I had avoided talking to them even though they were expecting to see me next week after my return from this course. I didn't enjoy feeling like this. I asked Dragonia to set up an appointment with the Mental Health Professional. I was able to get in right away.

The counselor I met with had experience dealing with sexual trauma and did not push me to talk about the assault. We discussed how living with unresolved trauma can be very detrimental. It can affect things like my physical health and immune system. She taught me techniques to relieve anxiety and was able to help me better understand the feelings I had been having. It was a big relief and I finally felt ready to talk with my parents about what I had experienced. She asked if I'd like to meet again, and I replied "yes". I found our meeting to really help me process my emotions. She told me that if I needed to talk with someone immediately, I could call the DoD Safe Helpline. It is anonymous and confidential. I can call them 24/7 and someone can share resources with me. I realized the entire process of this sexual assault had been weighing heavily on my mind. I made an appointment to visit with the counselor again before I left.

CHOOSE Your Path:

- **Go to Special Victims' Counsel #2 on page 22.**
- **Go to Law Enforcement #1 on page 11.**

Victim Advocate #1

Soon the Victim Advocate (VA) arrived and introduced herself as Dragonia. We decided to go to her office to go over my options. She started to explain the basics of the Sexual Assault Prevention and Response (SAPR) program and let me know if I had any questions, I could ask them at any time. Dragonia explained the things we talked about would remain confidential. She stated that her sole job as the victim advocate is to ensure that my needs are met.

Dragonia talked with me about my reporting options: Restricted or Unrestricted. Since I had already reported to local law enforcement my choice was limited to an Unrestricted Report, so I selected Unrestricted Report on the DD Form 2910. Dragonia told me it was my decision to talk with law enforcement or not. And my Command leadership would be also notified. Dragonia stated our schoolhouse would also notify SPC Nightshade's Commander of his behavior and the actions taking place. I asked if I could get in trouble for underage drinking, and Dragonia said she could refer me to an SVC who can talk with me about Safe-to-Report and my questions/concerns about collateral misconduct.

I told Dragonia I didn't think I had been assaulted; this was sexual harassment, right? Dragonia explained to me the differences between sexual harassment and sexual assault. She said both are a crime under the Uniform Code of Military Justice for Title 10 states, however State law could be different for Title 32 Service members.

Sexual harassment is conduct involving unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: Submission to such conduct is, either explicitly or implicitly, made a term or condition of a person's job, pay, or career; Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person; or Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment. Is so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the environment as hostile or offensive (DoDI 1020.03). Sexual assault on the other hand is defined as intentional sexual contact, characterized by use of force, threats, intimidation, or abuse of authority or when the victim does not or cannot consent (DoDI 6495.02, Vol. 1). This includes rape, nonconsensual oral or anal sex, indecent assault such as unwanted, inappropriate sexual contact, or even attempts to commit these acts. Dragonia explained sexual assault can occur without regard to gender or spousal relationship or age of the victim.

We talked about consent and that failure of the victim to physically resist a sexual act doesn't mean they consented. Additionally, consent is not given when a person uses force, threat of force, or coercion or when the victim is asleep, incapacitated, or unconscious.

Dragonia gave me a list of multiple resources and offered to help me access them. I felt

disgusted by SPC Nightshade. I was also pretty angry none of my classmates had said anything to him the night it happened. I had to stay at the Army RTI for a few more days and wanted someone to talk to.

CHOOSE Your Path:

- **Go to Mental Health Provider #1 on page 4.**
- **Go to Chaplain on page 12.**

Tell My RTI Instructor

I decided to confide in my instructor. It was difficult, but I managed to tell him about what happened with SPC Nightshade the night before. I initially thought he was just joking around but then his jokes became more and more inappropriate. SFC Aspenpelt admitted he had overheard other students talking about the nature of SPC Nightshade's banter. SFC Aspenpelt had been alarmed and had addressed these concerns with him. However, when he did, they concluded there was no real problem, just poor humor.

SFC Aspenpelt apologized to me because he hadn't taken his own concerns more seriously. I told him how SPC Nightshade sent the weird text message with a picture of his genitals. It really bothered me, and I felt embarrassed in front of my instructor. He was very understanding. He explained again, as an instructor, he is a mandatory reporter and would need to contact Law Enforcement. He clarified that it was my choice on whether I wanted to contact Law Enforcement myself. SFC Aspenpelt said with an Unrestricted Report there would be an investigation, however, he told me I still had the right to choose what kind of report I wanted to pursue. He urged me to talk through the reporting options in detail with the Victim Advocate, before I made a decision.

He said because of my report, he needed to contact his supervisor. I waited in his office for a few minutes. When he returned, he informed me the schoolhouse had decided to cancel our graduation as a group. They would be withholding the DA Form 1059s* of all students until the investigation had taken place. Additionally, the schoolhouse arranged for single room occupancy for each student for the next three nights. He had called law enforcement, and they would be in contact. Also, the Sexual Assault Response Coordinator had assigned a local Victim Advocate. The Victim Advocate would be coming to meet with me in about 15 minutes.

- **Go to Victim Advocate #2 on page 19.**

* Air Force equivalent is AF Form 475, "Education/Training Report."

Law Enforcement #1

The Tuesday after the incident, a detective from the Police Department arrived at the RTI to take my statement. I was thankful Dragonia was able to be in the room with me. Her presence made me feel more comfortable.

I had already talked through the events with a couple people, and I felt prepared to tell my story. The interview process was difficult to get through. Occasionally the detective would ask me a similar question to something he had already asked. I began to get irritated. The detective let me know details really mattered, and he was making sure to get all the necessary information.

I provided the cell phone texts and picture SPC Nightshade sent. The detective was going to conduct additional interviews in the evening with my other classmates.

CHOOSE Your Path:

- **If you haven't already, go to Special Victims' Counsel #1 on page 15.**
- **If you've already seen the SVC, find out how your class is affected. Go to Class Climate at the RTI #1 on page 5.**

Chaplain

Dragonia helped me make a call to speak with the Chaplain. I explained what happened during my class. I'll admit, I was nervous and unsure what his reaction would be. I was relieved to find he was very understanding. I was struggling with how to classify what happened to me. It was very difficult to think I had been assaulted and even worse it happened while I was asleep. I never thought this could happen to me! He took the time to pray with me for strength, and support as I go through this difficult process. Before I left, the Chaplain said he was available anytime by phone or in person. He reminded me our talks were completely confidential. It felt good to have someone to talk to without feeling judged.

CHOOSE Your Path:

- **Go to Special Victims' Counsel #1 on page 15.**
- **Go to Law Enforcement #1 on page 11.**

Keep this to Myself

I thought back to my SAPR trainings. This wasn't really a sexual assault, was it? I suddenly felt like I was overreacting. This was a terrible joke and SPC Nightshade shouldn't have done it. Since graduation was in two days, I could ignore the whole thing. I would ask our group chat admin to remove the picture from the group. I would avoid SPC Nightshade for the rest of the course and just carry on.

I composed myself and told SFC Aspenpelt I was going to discuss an issue with him; however, after thinking about it a little longer, I decided bringing it up would have been a mistake. I thanked SFC Aspenpelt for seeing me. He said if I changed my mind, his door was open.

I left his office and responded to the group chat. I considered responding with a joke but deleted my initial comment. I wanted to let SPC Nightshade know his actions weren't okay, so I responded to our entire class. I said SPC Nightshade should be ashamed of his behavior and for treating a battle buddy with such disrespect. I asked he stay away from me for the rest of the course, or I would be reporting his actions to our instructor. Several classmates hit the like button on my comment, and I felt a bit better.

Discussion points: Please keep in mind you may have a victim among your group while discussing these items.

- **Understanding why a victim chooses to keep their report Restricted, or not report at all, can be difficult for some people.**
- **Discuss some reasons a victim might make this choice.**
 - **Fear of not being believed.**
 - **Fear of retaliation.**
 - **Concern for others and how they will be affected.**
 - **Feelings of guilt or self-blame.**
 - **Poor support system.**
 - **Perception unit supports sexual harassment/assault and doesn't support victims.**
 - **Overwhelmed by legal processes.**
- **Go to Return to Class on page 18.**

Law Enforcement #2

The Tuesday after the incident, a detective from the Police Department arrived at the RTI to take my statement. I was glad Dragonia was able to meet the officer with me. Just having her in the room put me more at ease.

I had already talked through the events with a couple people, and I felt prepared to tell my story. Occasionally the Detective would ask me a similar question to something he had already asked. I began to get irritated. The detective let me know details really mattered, and he was making sure to get all the necessary information.

I provided the cell phone texts and picture SPC Nightshade sent. The detective was going to conduct additional interviews in the evening with my other classmates.

CHOOSE Your Path:

- **If you haven't already, go to Special Victims' Counsel #2 on page 22.**
- **If you've already met with the SVC, find out how your class is affected. Go to Class Climate at the RTI #2 on page 16.**

Special Victims' Counsel #1

I decided to take advantage of the Special Victims' Counsel (SVC) option and asked Dragonia to schedule an appointment. Monday, CPT Zethrax was the Judge Advocate assigned to be my SVC. It was nice to meet with him. He explained as my SVC it is his job to prepare me for what to expect next, be with me throughout the duration of the process, answer my questions and he addressed additional concerns I had regarding my case. CPT Zethrax explained that as my SVC all communication between us is privileged, meaning that it will be kept confidential between us. He is specially trained in the military legal process and can support Service members who've been impacted by sexual assault, sexual harassment, and domestic abuse. I felt empowered learning a resource like this exists.

I am glad he will be there for legal support throughout the case. He warned me how this process from start to finish could take quite a while because it can be very complicated. We discussed how the lengthy process can be very frustrating. Thinking about the whole process was overwhelming, but I still wanted to continue with the investigation.

CHOOSE Your Path:

- **If you haven't already, go to Law Enforcement #1 on page 11.**
- **If you've already met with a Detective, find out how your class is affected. Go to Class Climate at the RTI #1 on page 5.**

Class Climate at the RTI #2

Our class was being kept on orders at the RTI until interviews were completed. While some of the class seemed okay with this, others were pretty upset and wanted to be released. Prior to this incident, our class was very fun and close. We formed good friendships in a short time and worked well together. There was a different climate now. Guys were angry for being stuck there and angry SPC Nightshade wasn't handled differently from the start. There was a small group saying I was making a big deal over nothing.

The assault and investigation were causing quite a stir. I was upset since everyone in my class knew I was part of the investigation because of the text message and picture SPC Nightshade sent out. It was very difficult. We were instructed to stay in our rooms at the RTI, but we still saw each other at the dining facility, and it was uncomfortable. I wondered if my career would be affected by this. I was also really embarrassed; sometimes I regretted telling my instructor and making an Unrestricted Report.

I was told SPC Nightshade had been removed from base and was staying at a local hotel until the investigation by local law enforcement was complete. Leadership from his State had even flown in and were accompanying him. The RTI Commander met with me and CPT Zethrax, the SVC, to let us know SPC Nightshade was disenrolled from our Military Occupational Skill qualification course with an adverse DA Form 1059.*

Flip a Coin:

- **Heads, go to Conclusion #2 on page 21.**
- **Tails, go to Conclusion #1 on page 17.**

* Air Force equivalent is AF Form 475, "Education/Training Report."

* Air Force equivalent of MOS is "Air Force Specialty Codes (AFSCs)."

Conclusion #1

We were finally released from the RTI, and I was so grateful to be headed home. I stayed in touch with Dragonia, my victim advocate, and continued to get support from both the Chaplain and the Mental Health Provider. I was doing pretty good and felt very supported. My parents were pretty upset when I finally told them what had happened. It was helpful to have the SVC, CPT Zethrax available to explain some of the processes and legal pieces to them.

The investigation seemed to drag on forever. It had been over four months since the assault, and I would still get calls from the police department and others involved. Since SPC Nightshade wasn't from my State, my drill wasn't really affected.

Finally, after almost eight months, I was asked to meet with Dragonia and the detective heading the investigation. The detective told me the State's Attorney had downgraded the offense to a disorderly conduct charge. He said SPC Nightshade's attorney relayed to him SPC Nightshade intends to plead guilty, and he would likely get probation. I was livid. The actions SPC Nightshade took affected me daily, and I saw my counselor frequently to help me deal with anxiety and mistrust of others.

Dragonia and I contacted CPT Zethrax to see where the case was with the Guard. CPT Zethrax reported, because of the preponderance of evidence the Guard was pushing for SPC Nightshade to be discharged.

Two months later SPC Nightshade was separated with a general discharge. I was happy about this, and I hope he learned how his behavior affected me and others.

When it came time for me to reenlist or leave the military, I decided to get out and focus on my Mechanical Engineering Degree. Through therapy, I have become more comfortable talking about what happened. I continue to regularly attend a peer-to-peer support group in town and have even gone to units to talk about my experience. Initially, I wouldn't have considered myself a sexual assault victim, but now I do.

SPC Nightshade humiliated me for his own pleasure. It affected my career and my relationships with others. I strive to help Soldiers understand sexual assault can happen to anybody and there are resources like, Mental Health services, spiritual, legal, and medical services available if they want to use them.

Sexual violence in the military often goes unreported.

In fiscal year 2021, 7,378 military members reported a sexual assault. Surveys and reporting data indicates about 20% of Service members who indicated experiencing unwanted sexual contact reported their incident to a DoD authority.

Source: DoD FY21 Annual Report on Sexual Assault in the Military. [DoD Annual Report on Sexual Assault in the Military FY2021 \(sapr.mil\)](https://sapr.mil)

Return to Class

When I returned to class, everyone was cool, and I got a few high fives on my way to my desk. SPC Nightshade didn't even look at me. I still had some anxiety, anger, and apprehension about the entire situation, but I had to put it behind me and focus on our final exam.

The instructor had already begun his lecture, so I settled in to take notes. He was doing a review, and we would be starting our test shortly.

The test went well. I was happy I had really learned a lot here. It felt good to be almost done with the course and I was looking forward to getting home. I was glad I stood up to SPC Nightshade, but I still felt sick about what he had done to me.

While I waited in the foyer of our building for the rest of our class to finish the test, an admin NCO came up and told me to report to the RTI Commander's office.

When I arrived at the Commander's office, he told me to come in and take a seat. As I entered the room, SPC Smith was already seated. He was a classmate and very smart. For a moment, I assumed this was regarding being at the top of our class for graduation. But I would soon find out that SPC Smith had reported the incident to the RTI Commander and our instructor, SFC Aspenpelt.

- **Go to Talk with the RTI Commander on page 6.**

Victim Advocate #2

Soon the Victim Advocate arrived and introduced herself as Dragonia. We decided to go to her office to go over my options. She started to explain the basics of the Sexual Assault Prevention & Response (SAPR) program and let me know if I had any questions I could ask at any time. Dragonia said the things we talked about would remain just between us.

Dragonia talked with me about my reporting options: Restricted and Unrestricted. Since my classmate reported to my instructor, who are mandatory reporters, my Commander was mandated to contact law enforcement. However, she explained how I was still able to file a Restricted Report and it was my decision if I wanted to tell law enforcement what happened. I asked if I could get in trouble for underage drinking, and Dragonia said she could refer me to an SVC who can talk with me about Safe-to-Report and my questions/concerns about collateral misconduct. My Commander also told me, if the applicable criminal investigative agency declines to investigate the case, he can ask The Adjutant General to request the National Guard Bureau Office of Complex Investigations to conduct an administrative investigation of the sexual assault if I file an Unrestricted Report.

I told Dragonia I didn't think I had been assaulted; this was sexual harassment, right? Dragonia explained to me the differences between sexual harassment and sexual assault. She stated both are a crime under the Uniform Code of Military Justice for Title 10 Service members, however State law could be different for Title 32 Service members.

Sexual harassment is conduct involving unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: Submission to such conduct is, either explicitly or implicitly, made a term or condition of a person's job, pay, or career; Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person; or Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment. Is so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the environment as hostile or offensive (DoDI 1020.03). Sexual assault on the other hand is defined as intentional sexual contact, characterized by use of force, threats, intimidation, or abuse of authority or when the victim does not or cannot consent (DoDI 6495.02, Vol. 1). This includes rape, nonconsensual oral or anal sex, indecent assault such as unwanted, inappropriate sexual contact, or even attempts to commit these acts. Dragonia explained sexual assault can occur without regard to gender or spousal relationship or age of the victim.

We talked about consent and that failure of the victim to physically resist a sexual act doesn't mean they consented. Additionally, consent is not given when a person uses force, threat of force, or coercion or when the victim is asleep, incapacitated, or unconscious.

Dragonia gave me a list of multiple resources and offered to help me access them. I felt disgusted by SPC Nightshade. I was also pretty angry none of my classmates had said anything to him the night it happened. I had to stay at the armory for a few more days and wanted someone to talk to.

CHOOSE Your Path:

- **Go to Mental Health #2 on page 7.**
- **Go to Chaplain on page 12.**

Conclusion #2

We were finally released from the RTI, and I was so grateful to be headed home. I stayed in touch with Dragonia, my victim advocate, and continued to get support from Chaplain and the Mental Health Provider. I was doing pretty good and felt very supported. My parents were pretty upset when I finally told them what had happened. It was helpful to have the SVC, CPT Zethrax, available to explain some of the processes, and legal pieces to them.

The investigation seemed to drag on forever. It had been over four months since the assault, and I would still get calls from the Police Department and others involved. Since SPC Nightshade wasn't from my State, my drill wasn't really affected.

Finally, after almost eight months, I was asked to meet with Dragonia and the Detective heading the investigation. The detective told me the State's Attorney was moving forward with a sexual assault charge against SPC Nightshade. During the investigation, additional text messages and pictures were collected to be utilized in the case. It turns out SPC Nightshade had taken lewd pictures with multiple other people who were sleeping or passed out. He even had a picture with another classmate from our course. I was disgusted and didn't want to have to deal with this anymore. The trial was set, but it was almost another full year away.

CPT Zethrax called to update me. He said SPC Nightshade had gone to a board and was separated from the military with an other than honorable characterization of discharge. He had been stripped of his rank and had a bar to re-enlistment.

When my enlistment was up, I decided to get out and focus on my Mechanical Engineering Degree. Initially, I wouldn't have considered myself as a sexual assault victim, but after education and counseling, now I do.

SPC Nightshade humiliated me for his own pleasure. It affected my career and my relationships with others. Even though I am out of the military, I still strive to help Soldiers understand sexual assault can happen to anybody and there are resources available if they want to use them.

Sexual violence in the military often goes unreported.

In fiscal year 2021, 7,378 military members reported a sexual assault. Surveys and reporting data indicates about 20% of Service members who indicated experiencing unwanted sexual contact reported their incident to a DoD authority.

Source: DoD FY21 Annual Report on Sexual Assault in the Military. [DoD Annual Report on Sexual Assault in the Military FY2021 \(sapr.mil\)](https://www.sapr.mil)

Special Victims' Counsel #2

I decided to take advantage of the Special Victims' Counsel (SVC) option and asked Dragonia to schedule an appointment. Monday, CPT Zethrax was the Judge Advocate assigned to be my SVC. It was nice to meet with him. He explained, as my SVC, it is his job to prepare me for what to expect next, be with me throughout the duration of the process, answer my questions and he addressed additional concerns I had regarding my case. He is specially trained in the military legal process and can support Service members who've been impacted by sexual assault, sexual harassment, and domestic abuse. I felt empowered learning about a resource like this exists.

I am glad he will be there for legal support throughout the case. He warned me this process from start to finish could take quite a while because it can be very complicated. We discussed the lengthy process can be very frustrating. Thinking about the whole process was overwhelming, but I still wanted to continue with the investigation.

CHOOSE Your Path:

- **If you haven't already, go to Law Enforcement #2 on page 14.**
- **If you've already met with Law Enforcement, find out how your class is affected. Go to Class Climate at the RTI #2 on page 16.**

ACRONYM LIST

CPT	Captain
DA	Department of Army
LOD	Line of Duty
LTC	Lieutenant Colonel
MRE	Military Rule of Evidence
NCO	Non-Commissioned Officer
RTI	Regional Training Institute
SARC	Sexual Assault Response Coordinator
SFC	Sergeant First Class
SPC	Specialist
SVC	Special Victims' Counsel
VA	Victim Advocate