



New Zealand
**DEFENCE
FORCE**
Te Ope Kātua O Aotearoa

Preventing and Responding to Harmful Sexual Behaviour

A Guide for Commanders and Managers

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PURPOSE

This guide has been developed as a resource for Commanders and Managers across the New Zealand Defence Force (NZDF). It is intended to be broadly applicable to anyone with a delegated duty of care for personnel, at all levels. Familiarise yourself with the guide. If you have not yet met your local **Sexual Assault Prevention & Response Advisor (SAPRA)**, introduce yourself.

In this guide we address **harmful sexual behaviour (HSB)**. As per **the continuum of sexual behaviour**¹, this includes: **sexual offences** ('in the **red**') such as sexual violation and indecent assault; **sexual harassment** ('in the **orange**'), such as repeated unwelcome or offensive targeted sexual behaviour; and **sexualised social behaviour** ('in the **yellow**') such as sexualised jokes, innuendo, or images. **Respectful, safe, and professional behaviour** is 'in the **green**' on the continuum, and reflects a professional, safe, and effective workplace.

Understanding and responding to these behaviours is a complex task. Each incident will have unique factors to consider, depending on who is involved, and when, where, what, why, and how behaviours have occurred. **Response** and **prevention** overviews have been included², however should not be considered in isolation.

Harmful sexual behaviour (HSB) has significant impacts for individuals, teams, communities, our organisation, and society. When teams understand what behaviour is appropriate, and harmful behaviours are dealt with, team cohesion and operational effectiveness is increased.

SAPRAs can advise on available support for all parties involved in reports of HSB. We have a duty of care to all NZDF personnel.

Transparent and fair **accountability** for those who engage in harmful behaviours is a key factor in protecting our people from sexual harm. Behaviours in the **yellow**, **orange**, and **red** on the continuum do not align with our **values**, our **vision**, nor our **standards** for NZDF personnel. Commanders and Managers must actively implement, support, and maintain efforts to eliminate HSB. Regional SAPRAs work with other stakeholders such as Medical, Legal Officers, Human Resource Advisers, NZDF Military Police, Chaplains and Social Workers to provide advice and support around HSB.

Please contact your local SAPRA if you would like any further information, resources, or support regarding anything contained in this guide.

¹ Refer page 13

² Refer pages 7-9

FOREWORD

As the Chief People Officer, I am grateful for the opportunity to write a foreword for this Commanders and Managers Guide.

We are all responsible for the safety and wellbeing of our people, and we know that experiencing harmful sexual behaviour can be a traumatic and difficult experience.

We also know that even though we want to do the right thing for people who have been affected by this behaviour, it is sometimes hard to know how to give this support in the best possible way.

As an organisation, NZDF must ensure that the way we respond to those who have suffered from such behaviour is timely, considered and appropriate.

Ownership of this must come from all levels of leadership and from all parts of our organisation, and extend to wherever our people are - from our camps and bases to our ships and our aircraft, to deployments, exercises, postings and at HQNZDF.

For our leaders, every time we are silent or walk by behaviour that is below the line, we are saying that is ok. I challenge you to step forward and call out what you see and hear if it does not meet our standards.

We all understand what is meant by “get back into the green” and it is great to know that most people working for NZDF support making this a great place to work, for all of us.

Operation Respect is not about being the ambulance at the bottom of the cliff, but a culture change programme; we want a workplace where all our people can perform their duties free from harmful and inappropriate behaviour in a safe and respectful environment.

We have a long road ahead of us to truly embed Operation Respect; organisations don't change, but people do.

This revised Guide is an invaluable resource for our Commanders and Managers. We have invested in our Sexual Assault Response Team. The SAPRAs are there for you to guide you and support you, and I thank them for the work they have put into this document.

Culture change takes time, and it take courage and it takes persistence. We must all play our part to ensure the NZDF values – Tu Kaha (Courage), Tu Tika (Commitment), Tu Tira (Comradeship) and Tu Maia (Integrity) - are front and centre in everything we do.

Kia Kaha, Kia Maia, Kia Manawanui.

(Be Strong, Be Brave, Be Steadfast).

A handwritten signature in black ink that reads "Elizabeth Hickey". The signature is written in a cursive, flowing style.

TERMINOLOGY

The language used in these discussions varies widely in Aotearoa New Zealand. For consistency only, this guide uses the following terms. Discussions involving HSB require Commanders and Managers to carefully choose their language to ensure harms are not perpetuated or that further stigmatisation does not occur. The following terms are used for consistency in this guide and are appropriate terms to use:

Harmful sexual behaviour (HSB) - a general term to include sexualised social behaviour, sexual harassment, and sexual offences.

Sexual offences – offences under the Crimes Act 1961, including sexual assault (see *examples p.13*).

Sexual Assault – means a physical act of a sexual nature, sometimes accompanied by violence or the threat of violence, which is committed against a person without his or her consent; and includes the offences of indecent assault, sexual violation (rape), and inducing an indecent act by threat, or attempts to commit these offences.

Sexual harassment – any unwelcome or offensive sexual behaviour that is repeated, or is of such a significant nature to have a harmful effect, or which contains an implied or overt promise of preferential treatment, or an implied or overt threat of detrimental treatment (*p.13*).

Sexualised social behaviour – any behaviour with a sexual component that undermines the professional environment e.g. redirecting a conversation to sex (*p.13*).

Victim/survivor – a person who reports that he or she has been sexually assaulted (or subject to HSB).

Affected person – someone who has experienced HSB, particularly behaviour in the **orange** (sexual harassment) or **yellow** (sexualised social behaviour) on the continuum (*p.9*).

Person alleged to have engaged in HSB – this language varies depending on the type of behaviour and/or stage of formal process e.g. NZDF Military Police refer to this person as an ‘alleged suspect’ during an investigation, or ‘the accused’ if proceeding to Summary Trial or Court Martial (*p.28*).

There are many other terms used in this area of work, and the meaning of words can change, depending on context (including time). Please email sapra@nzdf.mil.nz if you have any questions (or feedback) about terms or language used in this guide.

Sexual Assault Prevention & Response Advisor

Sexual Assault Prevention & Response Advisors (**SAPRAs**) are here to provide practical information, resources, and support to all NZDF personnel.

SAPRA CONTACT DETAILS

Northern Whenuapai Devonport Papakura	+64 21 908 424 +64 21 913 608 +64 21 908 424 or +64 21 913 608	24/7 DUTY SAPRA 0800 693 324 +64 4 527 5799 sapra@nzdf.mil.nz
Central Ohakea, Waiouru Linton	+64 21 913 645 +64 21 940 242	
Wellington	+64 21 913 673	
Southern	+64 21 913 691	
National SAPRA (Manager, Defence House)	+64 21 943 246	

RESTRICTED Disclosure	UNRESTRICTED Disclosure
Can only be made to a SAPRA. Support is provided and no investigation takes place (see <i>p.19</i>).	The AFDA requires that any disclosure to a service member is escalated, and therefore may prompt a formal investigation. For the Restricted Disclosure option to be available, talk to a SAPRA in the first instance (see <i>p.21</i>).

The duty SAPRA is available 24/7 on **0800 693 324** or **+64 4 527 5799**. There is a contact request form (it asks for contact details only) available at <https://sart/>. The duty email address is sapra@nzdf.mil.nz.

Sexual Assault Prevention & Response Advisor

STATUS

This is a guide only. Where this guide is inconsistent with a Defence Force Order or Instruction the Order or Instruction is to prevail.

INTRODUCTION

Every situation is unique. As soon as you become aware of harmful sexual behaviour (**HSB**), especially in the **orange** and **red**³ call a Sexual Assault Prevention and Response Advisor (**SAPRA**)⁴ for specific information, resources, and support. This guidance is intended to have as broad application as possible, however each case of HSB can have specific and unique considerations, given the diverse contexts in which HSB can arise.

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A Advice	Ask for advice. In an emergency, call 111 immediately. The 24/7 duty SAPRA number is 0800 693 324 or +64 4 527 5799 . We are here to provide information, resources, and support (p.6).
B Breathe	Breathe in... breathe out... Box breathing. Take a pause (p.16). Well-intentioned quick responses can make a situation worse. Unless emergency services are required immediately, time taken to consider the specific set of circumstances is likely to mean an improved process for all. A conversation with a SAPRA will assist with this. Commanders / Managers, NZDF Military Police, Defence Legal Services, Human Resources, and the Personnel Security Advisory Team can also provide relevant advice, depending on the circumstances.
C Confidentiality	Confidentiality is critical. There are serious consequences for everyone when information is shared unnecessarily, even with the best of intentions. When sharing information up the chain of command, specific details may not be required (p.16).
D Don't get details	Don't get details. In order for a Restricted Disclosure to be an option for the victim/survivor/affected person, the report must be made to a SAPRA. (p.19).

³ Refer page 9

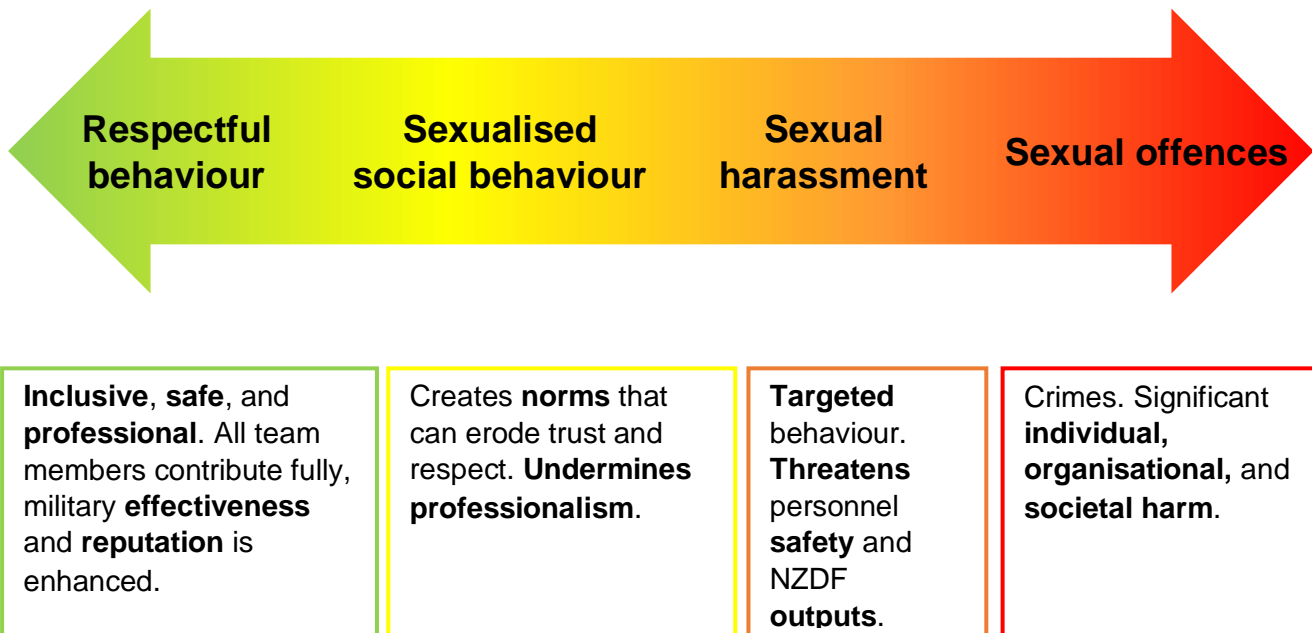
⁴ Refer page 6

<p>E Empathy</p>	<p>Empathy is essential. Individuals experience life events uniquely. Helpful responses to a person’s disclosure about HSB will therefore be specific to that individual. It is often very difficult for victims/survivors/affected people to speak up about HSB, for many reasons, including that they may be impacted by trauma. People who have been alleged to have done HSB may think the accusation is unjustified. This will be a stressful process. NZDF have a duty of care to all personnel. 1. Acknowledge 2. Listen 3. Communicate</p>
<p>F Follow up</p>	<p>Follow up. Ensure support is accessible for everyone who needs it. People will have different needs for follow-up information and support. Consider, for example, how they would like to be contacted, how often, when, and by whom (p.24-27).</p>
<p>G Give time</p>	<p>Give the process some time (p.28-31).</p>
<p>H Help-seeking</p>	<p>Model help-seeking. When Commanders and Managers access support for themselves, they can be equipped with relevant resources. Encourage an environment where this is the norm. Start with yourself. SAPRAs provide information, resources, and advice to NZDF personnel, at all levels.</p>

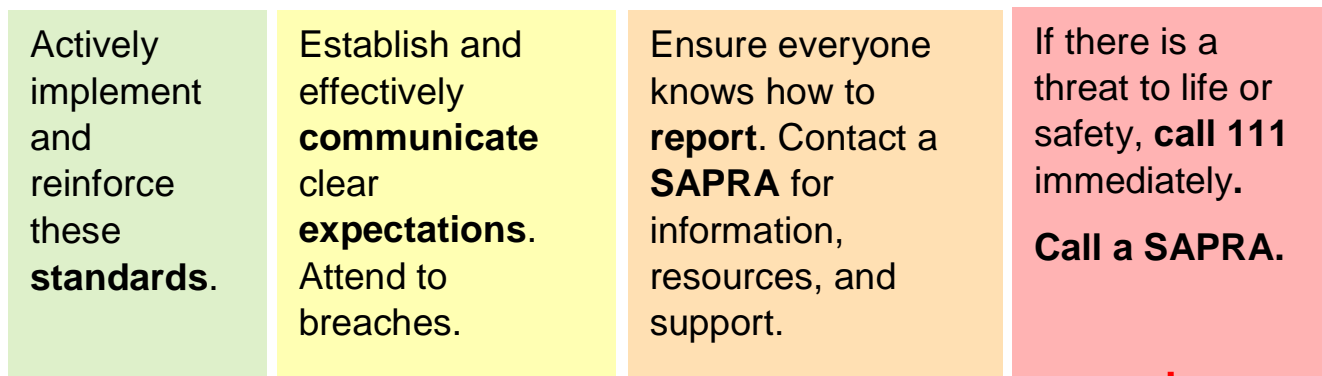
Sexual Assault Prevention & Response Advisor

CONTINUUM

This is a tool to help all NZDF members understand and talk about sexual behaviours. Behaviour should be 'in the **green**' at all times. SAPRAs work across the continuum and can provide advice about any behaviours of a sexual nature.



RESPONSIBILITIES OF COMMANDERS AND MANAGERS



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Can only be made to a SAPRA. Support is provided and no investigation takes place (p.19).	The AFDA requires that any disclosure to a service member is escalated, and therefore may prompt a formal investigation. For the Restricted Disclosure option to be available, talk to a SAPRA in the first instance (p.21).

COMMANDERS AND MANAGERS' RESPONSIBILITIES

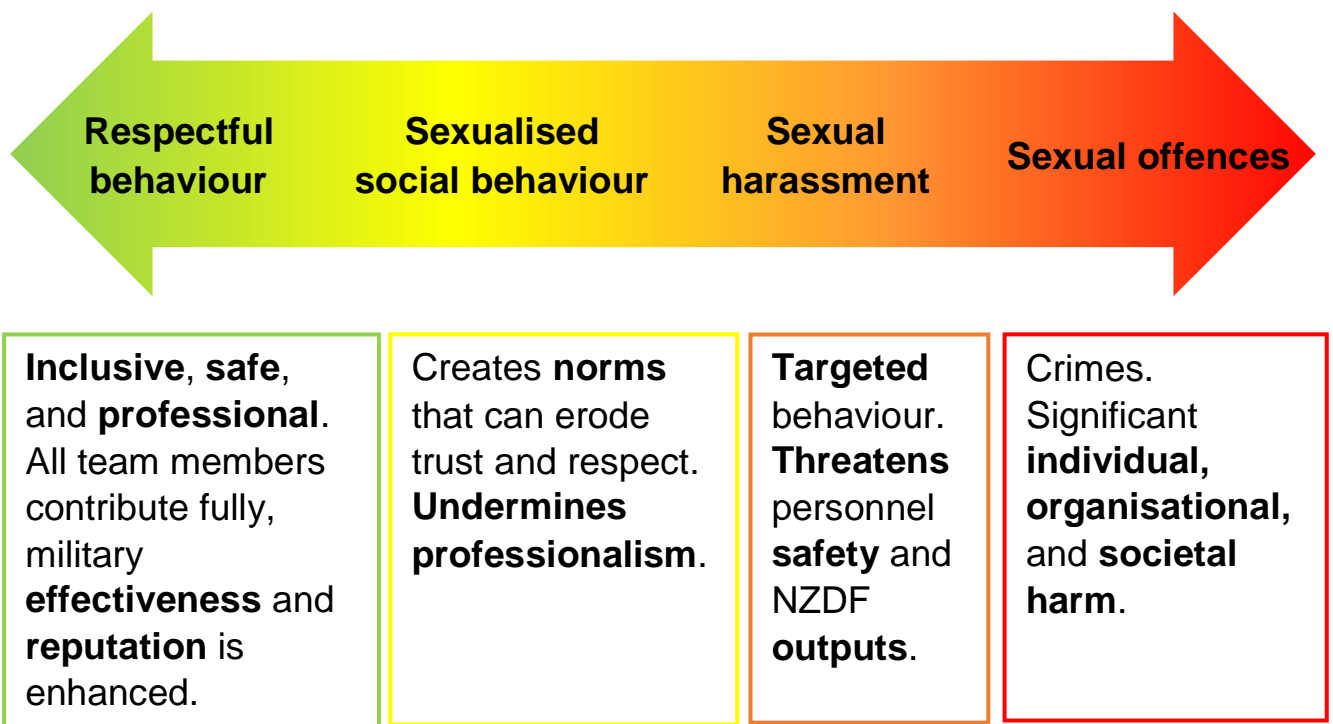
- **Set the tone.** You have the power to influence the expectations and environment within your unit. Sexual offences and sexual harassment are unacceptable and must always be considered serious breaches of the standards set for NZDF personnel.
- Lead by positive example. Sexualised social behaviours, such as innuendo and jokes, undermine efforts to create a professional, safe, and inclusive workplace. They do not align with the values of the NZDF: **Courage / Tū Kaha; Commitment / Tū Tika; Comradeship / Tū Tira; Integrity / Tū Maia.** It is expected that Commanders and Managers model healthy, respectful, and inclusive behaviours at all times.
- Develop a **prevention plan.** Identify and attend to **risk factors** that contribute to increased risk of HSB, and **protective factors** that decrease this risk. This is to make sure, as an obligation under the Health and Safety at Work Act (HSWA) 2015, that no one is at risk to health and safety from another person's behaviour.
- Promote everyone's responsibility to actively **prevent** HSB. Encourage and support those who do **stand up, speak out, and take action** towards creating a safe, inclusive, and respectful environment for everyone.
- Take every report of HSB seriously. Engage the expertise of a **SAPRA** as soon as possible, following any report. They will support you to address the matter appropriately.
- When an incident of HSB is reported, check for safety of the person who is effected by the HSB and others under your command/management. It is also important to identify actions necessary to manage the safety of the person effected by the HSB and any preventative action to ensure the safety of others. This is to make sure, under the HSWA 2015, that if a person's behaviour has become known and has the potential to put any other person at risk to health and safety, that you have put in place all reasonably practicable measures to control the hazard and mitigate those risks.
- All personnel are reminded that behaviours 'in the **red**' are likely to constitute offending against the AFDA 1971, Crimes Act 1961 or other legislation. SAPRAs may receive **Restricted Disclosures** about any such behaviour. If the Restricted Disclosure mechanism is not used, then all Officers and NCO have a **duty to report** disclosed, suspected or observed offences through the chain of command for preliminary investigation or other appropriate action.
- Consider **confidentiality** in these matters to be paramount. A primary concern for many victims/survivors/affected persons and people alleged to have engaged in HSB is to preserve their privacy as much as possible. Sharing information can jeopardise the safety of personnel and processes. Even well-intentioned comments or interventions may cause further harm if they are not carefully considered.
- Ensure all parties have access to support. Ask what follow-up they would like from you. With guidance from the SAPRA and other stakeholders such as Legal and HRAs, consider who will be the point of contact for the victim/survivor/affected person and/or the person alleged to have engaged in HSB. Establish how information will be communicated about next steps and timeframes during the process.
- Make a **plan**, with guidance from the SAPRA and other stakeholders such as Legal and HRAs, to protect the victim/survivor/affected person and/or person alleged to have

engaged in HSB from speculation and retaliation. As well as presenting risks to safety, these dynamics can significantly threaten team cohesion, morale, and efficiency.

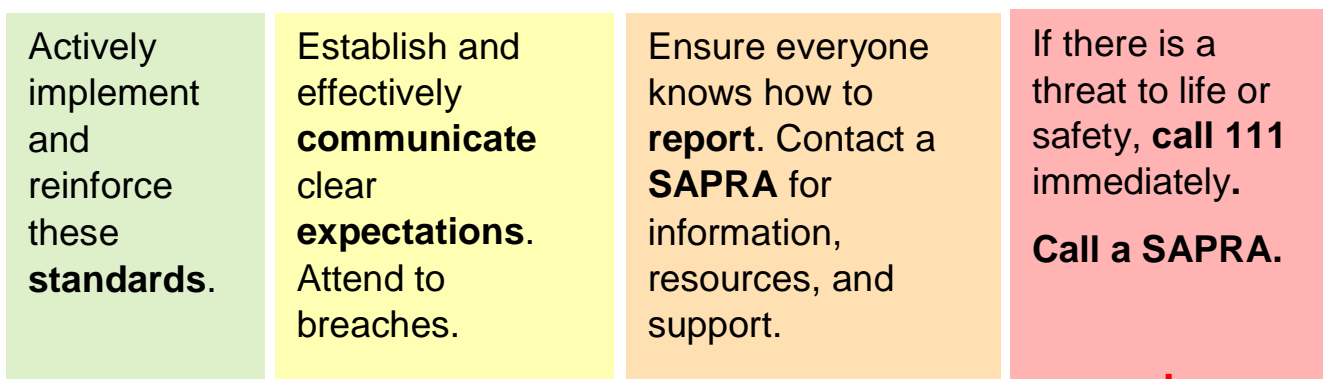
- Be willing to receive **feedback**. The NZDF have acknowledged that some behaviours which have occurred within the organisation do not align with our values, and need to change. While shifting attitudes and behaviours may be challenging at times, we are working together to create a safe, inclusive, and effective environment for all.
- Get to know and support your SAPRA team. They have experience in the area of HSB in general, and of HSB in the NZDF. They are always keen to build on specific knowledge relevant to our military environments. SAPRAs are in place to support the NZDF, including yourself, in positive and practical ways, without judgement.

THE CONTINUUM OF SEXUAL BEHAVIOUR

This is a tool to help all NZDF personnel understand and talk about sexual behaviours. Behaviour should be 'in the **green**' at all times. SAPRAs work across the continuum and can provide advice about any behaviours of a sexual nature.



COMMANDERS AND MANAGERS' RESPONSIBILITIES



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This tool can be used to inform a **prevention plan**. Call a SAPRA for information, resources, and support regarding this.

THE CONTINUUM OF SEXUAL BEHAVIOUR

The following are examples of behaviours that could sit in the **green**, **yellow**, **orange**, or **red**. The contextual factors of a situation determine where on the continuum a behaviour sits, so figuring this out can be a more complex task than it initially seems. If anything that might be HSB is reported, talk with a SAPRA about where it could sit on the continuum. Some behaviours in the **orange** and **yellow** may be offences under the **AFDA**.

In the green (respectful, safe, professional behaviour – behaviour which keeps everybody safe (from harm or from potential reports/complaints)):

- Issuing orders/instructions in professional, inclusive language (i.e. language that is not racist, sexist, sexual, or homophobic)
- Providing positive feedback based on work performance
- Encouraging and modelling principles of a growth mindset
- Informing people if and why they will be touched e.g. for a medical examination

In the yellow (any behaviour with a sexual component that undermines the professional environment expected for all NZDF personnel):

- Sexual jokes or banter
- Pictures or material with a sexual connotation
- Assigning people an “attractiveness score”

In the orange (any unwelcome or offensive sexual behaviour that is repeated, or is of such a significant nature to have a harmful effect, or which contains an implied or overt promise of preferential treatment, or an implied or overt threat of detrimental treatment):

- Unwanted comments, intrusive questions, or teasing about a person’s sexual activities or private life
- Offensive hand or body gestures
- Encroaching on someone’s personal space
- Persistent and unwanted social invitations

In the red (crimes under New Zealand Law):

- Sexual violation by rape and by unlawful sexual connection
- Indecent assault (e.g. grabbing a person’s buttock without consent)
- Stalking (online or in person)
- Creating or sharing private images without consent.

PREVENTION OF HARMFUL SEXUAL BEHAVIOUR (HSB)

A person who behaves in a sexually harmful manner is responsible for their own decisions and actions. There are, however, many other considerations that can be either **risk factors** or **protective factors** for **HSB**. Contact a SAPRA for assistance with making a **prevention plan** for your context.

Risk factors increase the risk of HSB happening. They could relate to people, the physical environment, and/or the interaction of these.

Protective factors reduce the risk of HSB happening. They can be embedded progressively.

Commanders and Managers are responsible for ensuring a safe working environment for personnel. This includes taking measures to prevent occurrences of HSB. Below are just a few examples of risk factors and protective factors. Creating safe environments involves considering aspects of the physical space, as well as how people interact with and within that space. Contextual circumstances will inform how risk factors can be decreased and protective factors implemented. Talk to a SAPRA for specific guidance relevant to your team, Unit, or environment.

<i>Examples of risk factors</i>	<i>Examples of protective factors</i>
Demeaning/degrading comments are a common occurrence between members.	Diversity is valued. Disrespectful comments are not tolerated. Expectations for standards of behaviour and language are clearly communicated and reinforced regularly.
Team members do not know how to report HSB, or what will happen if they do.	The SAPRA has introduced themselves to the team, talked about disclosure pathways, and contact details for the SAPRA are clearly visible to everyone.
Team members expect that nothing will be done if HSB is reported.	Members know how to report HSB if they become aware of it, and have confidence that it will be taken seriously.
Sexual, racist, homophobic, sexist, and/or rape “jokes” are considered acceptable in the workplace.	Commanders and Managers model professional behaviour and language at all times, know how to effectively call out inappropriate “banter”, and take responsibility to get back “in the green” if they are called out themselves.
Social events involve excessive alcohol consumption.	The types of social experiences are varied, including events without alcohol. Clear messages about expectations around alcohol are visible, and events with alcohol are well supervised.
Toilet, shower, and/or barrack room doors are not lockable.	Privacy locks are on every toilet, shower, and barrack room door, and are checked regularly for functionality.
Seeking support is regarded as ‘weak’.	Help-seeking is encouraged and modelled by Commanders and Managers. All people know how to access support for themselves or someone else and are permitted time to engage with these services.
Sexualised or objectifying imagery is in the work environment.	Diverse and respectful representations of people are visible in the work environment.

PREVENTION OF HARMFUL SEXUAL BEHAVIOUR (HSB)

HOW SAPRAS CAN HELP

SAPRAS can tailor prevention work to the needs of an individual team (including Leadership teams), Unit, environment etc, and engage with other stakeholders in providing this training, briefing or support. Below are some examples of work that SAPRAS have been involved in with different groups across NZDF:

- Sexual Ethics and Respectful Relationships (SERR) trainings
- SERR refresher workshops
- Bystander training
- Pre-deployment briefings
- Ethical social media use workshops
- Leadership / instructor training
- Barracks briefings
- Skill-building with Commanders/Manager / people with interest in the subject matter
- Site visits
- Informal discussions
- Attending regular meetings (e.g. HODs) to provide a different lens
- Supporting team culture (e.g. above the line / below the line discussions)
- Camp / Base / Site inductions
- Welfare panel discussions
- Engagement with international organisations e.g. FVEY, NATO

RESPONDING TO HARMFUL SEXUAL BEHAVIOUR (HSB)

Any member of the NZDF can ring 111 in an emergency (7111 from Camps and Bases). Anyone who experiences any unwanted sexual behaviour can also contact a SAPRA.

REPORTS OF HSB

When people bring matters to your attention regarding HSB, it is important to speak to a SAPRA for advice at the earliest possible opportunity. Depending on the HSB, the SAPRA may refer you to another specialist area for advice, whilst continuing to be available to support Command/Managers and any process.

Northern: Whenuapai Devonport Papakura	+64 21 908 424 +64 21 913 608 +64 21 908 424 or +64 21 913 608	24/7 DUTY SAPRA 0800 693 324 +64 4 527 5799 sapra@nzdf.mil.nz
Central: Ohakea, Waiouru Linton	+64 21 913 645 +64 21 940 242	
Wellington	+64 21 913 673	
Southern	+64 21 913 691	
National SAPRA (Manager, Defence House)	+64 21 943 246	

CONFIDENTIALITY

These are complex and sensitive matters. Information **must** be limited to only those with a legitimate need to know. (See page 29). A SAPRA can help to clarify what this might look like in a particular set of circumstances. Breaches of confidentiality can have serious negative ramifications for people involved and can jeopardise fair process.

PAUSE

On hearing of a report of HSB, it is advisable to take a pause. In all circumstances, unless emergency services are required immediately, time taken to consider the specific set of circumstances is likely to mean an improved process for all.

MEDICAL PROCESSES

- Forensic medical examinations are specialised and are **only** to be conducted by Medical Sexual Assault Clinicians (MEDSACs). These are doctors external to the NZDF, to whom SAPRAs or Medical Officers can refer when necessary. If outside of New Zealand, contact a SAPRA to discuss options. Under **no circumstances** should anyone other than a MEDSAC (or local equivalent) conduct these examinations.
- Regardless of whether or not a victim/survivor/affected person decides to have a forensic examination, they will have the option for the MEDSAC to carry out a therapeutic medical examination, assessing the person from a health perspective. This may include assessing for injuries, and screening for pregnancy and sexually transmitted infections (STIs). Therapeutic medicals can give victims/survivors/affected persons peace of mind that they are physically okay.

RESPONDING TO HARMFUL SEXUAL BEHAVIOUR (HSB)

This is a guide only. **Every situation is unique. As soon as you become aware of HSB**, especially in the **orange** and **red** call a Sexual Assault Prevention and Response Advisor (SAPRA) for specific information, resources, and support.

RESPONDING TO HARMFUL SEXUAL BEHAVIOUR (HSB)

HOW SAPRAS CAN HELP

SAPRAS can advise all NZDF personnel, across all regions. People can contact us about any type of HSB across the continuum or to make a disclosure of certain types of HSB. Our duty number, available 24/7, is **0800 693 324** within New Zealand, or **+64 4 527 5799** from overseas.

SAPRAS provide information, resources, and support to Commanders and Managers including:

- addressing a Unit/team about speculation or rumours regarding an incident of HSB
- providing information about processes e.g. New Zealand Police investigations
- providing specialist resources e.g. information about Post-Traumatic Stress Disorder (PTSD) as it relates to HSB
- providing advice regarding the physical and psychological safety of the victim/survivor/affected person and of the person alleged to have engaged in HSB
- raising safety concerns and other issues as needed on behalf of the victim/survivor/affected person
- a debrief with Commanders and Managers and/or teams and Units. The scope for these is broad, but examples could include: following a Summary Trial, regardless of outcome; when a new member has joined the Leadership team; discussing next steps in a complex case; or mitigating Unit tension etc.
- providing capability building sessions for Commanders and Managers about how to respond to HSB
- providing advice on how to mitigate and manage organisational risk.

SAPRAs provide information, resources, and support to a VICTIM/SURVIVOR/AFFECTED PERSON including:

- providing support and information to the person regarding reporting options
- providing information about the investigation and discipline processes
- providing information, resources and support as much or as little as is wanted, up to, during and after disciplinary and judicial proceedings
- making referrals to internal and external care and/or treatment services
- liaising with others to provide co-ordinated advice and wrap around care and services e.g. social worker and health practitioners
- working alongside the person to write a Victim Impact Statement
- attending a Summary Trial, Court Martial or civilian Court in order to provide support.

SAPRAs can also provide support, including the facilitation of information, and resources to family/friends of a person who has experienced HSB.

SAPRAs provide information, resources, and support to a PERSON ALLEGED TO HAVE ENGAGED IN HSB including by:

- making referrals, e.g. to a Social Worker, who can support and work with them to help obtain the information they require about the investigation and disciplinary process from other stakeholders such as Legal Officers, NZDF Military Police and HRAs.
- providing advice about the options available for remedial education or treatment available. The SAPRA can make referrals as appropriate.

RESPONDING TO HARMFUL SEXUAL BEHAVIOUR (HSB)

DISCLOSURE PATHWAYS

NZDF has a two-track reporting system to provide personnel who are victims/survivors of HSB 'in the red' a choice, wherever possible, about how their report is dealt with. The two pathways are called Restricted Disclosures and Unrestricted Disclosures.

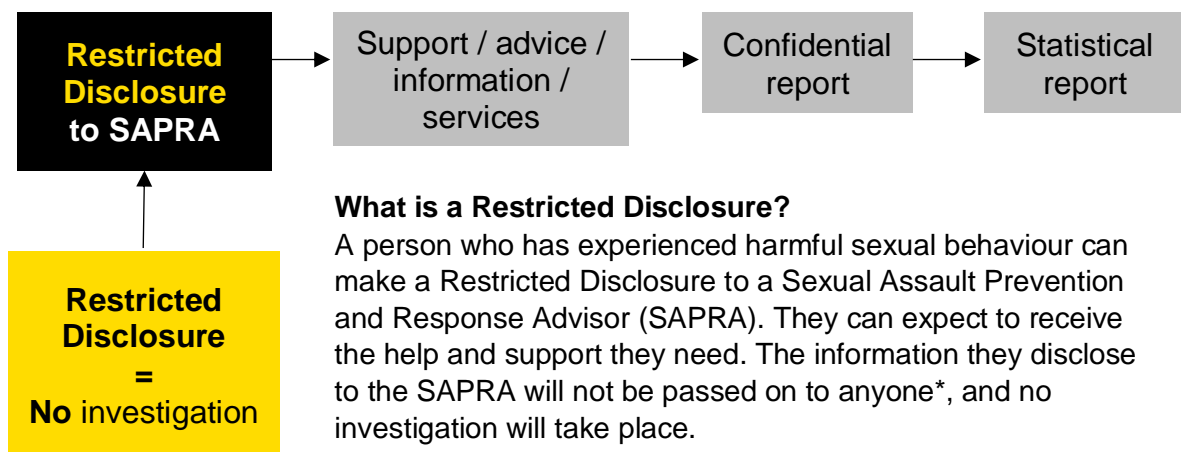
Restricted Disclosure

A **Restricted Disclosure** allows a victim/survivor/affected person to access support and information. Restricted Disclosures can **only** be made directly to a **SAPRA**. **No formal investigations** are commenced. A Restricted Disclosure can be changed to an Unrestricted Disclosure at any time.

WHY WE HAVE A RESTRICTED DISCLOSURE PATHWAY

The objective of the Restricted Disclosure pathway is to provide a safe system under which people who are victims/survivors of HSB can feel able to come forward and disclose their experiences without involving NZDF Military Police, their Command or Management chain, or the New Zealand Police. Without this option, people would be more likely to try and deal with the impacts on their own. The Restricted reporting option is authorised under DFO 6/2016 to provide people access to information, resources, and support. This option is a critical tool in the organisational response to HSB. Restricted Disclosure can allow more control for a victim/survivor/affected person over their environment (see 4 Key Considerations p.25 & 26), including their need for time, privacy, and medical and emotional support.

If a service member confides in you about HSB, the option for a Restricted Disclosure is no longer available. If the person is at all unsure about whether they want this formally investigated, seek advice from a SAPRA who can then assist with referring to other stakeholders including Legal Officers and HRAs.



**In some circumstances, a disclosure is not able to be restricted. These include:*

- *If keeping the information confidential presents a serious risk to the life or safety of the victim/survivor/affected person or anyone else.*
- *If an investigation is already underway.*
- *If the incident is already in the public domain (i.e. more people already know about it).*

RESPONDING TO HARMFUL SEXUAL BEHAVIOUR (HSB)

Disclosure Pathways: RESTRICTED DISCLOSURE

All personnel are reminded that behaviours 'in the red' are likely to constitute offending against the AFDA 1971, Crimes Act 1961 or other legislation. SAPRAs can receive Restricted Disclosures about any such behaviour. If the Restricted Disclosure mechanism is not used, then **all Officers and NCOs have a duty to report disclosed, suspected or observed offences through the chain of command for preliminary investigation or other appropriate action.**

KEEPING THE RESTRICTED DISCLOSURE OPTION AVAILABLE

- If a person is confiding in you, and it seems that they are or might be about to talk about HSB, they need to be aware that processes are in place which entail responsibilities for people who receive disclosures (as above). They also need to feel heard and supported. Use your own words to express this, or adapt the following as needed (don't read it like a script).

"I'm pleased you're able to come and see me. I understand these things are difficult to discuss. It's important to me that I support you. At this stage, so that you can have some choice about whether there's an investigation or not, we need to talk without any specifics. So, without telling me what happened or who was involved, what can I do to help you feel safe right now?"

- This approach will mean that you help to keep their options open while still being supportive. It will increase a sense of control for the victim/survivor. You can show support by finding the SAPRA number for them and making sure they have a private space to talk with the SAPRA. You can also talk to a SAPRA yourself, for information, resources, or support. You could suggest contact with a SAPRA by saying something like:

"SAPRAs are in place to help us with things like this and will have advice for us. Do you want to be a part of that conversation? We can arrange for you to talk to a SAPRA privately to discuss your options and to help you make a decision about next steps".

CONFIDENTIALITY AND SAFETY CONSIDERATIONS

With **Restricted Disclosures**, maintaining confidentiality may mean that once a referral to a SAPRA has been made, the person who referred the matter may not receive any further information. If you have questions or concerns about this, please speak to the SAPRA. Although SAPRAs strive to keep all Restricted Disclosures confidential, we may not be able to maintain complete confidentiality in cases where we are concerned about safety. If any person involved in an offence is under 18 years old, or if escalation is necessary to prevent a serious threat to the safety of any person, or if it serves an obvious public interest, then a disclosure cannot remain Restricted. We will talk this through with the victim/survivor before any action is taken.

RESPONDING TO HARMFUL SEXUAL BEHAVIOUR (HSB)

DISCLOSURE PATHWAYS

If there is a threat to life or safety, call 111 immediately. Subsequent calls should be made to Security and/or Duty NZDF Military Police to arrange access, if on a Camp, Base, or Site. **Anyone affected by unwanted sexual behaviour can also contact a SAPRA.**

Unrestricted Disclosure

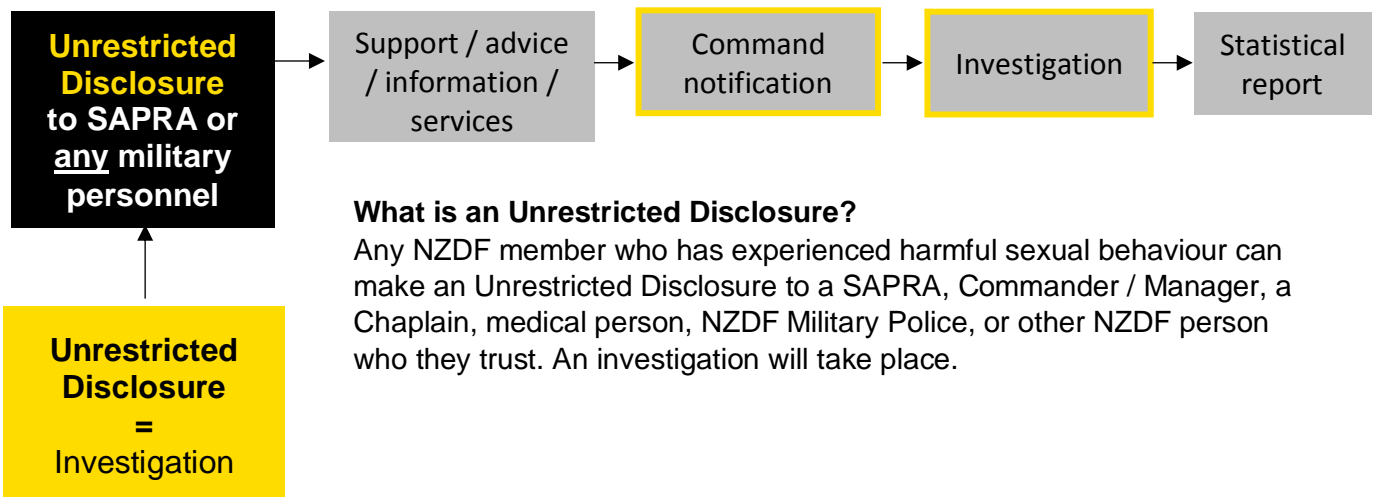
An **Unrestricted Disclosure** triggers notification to the Commanding Officer and commencement of a formal investigation. An Unrestricted Disclosure cannot be changed to a Restricted Disclosure.

All personnel are reminded that behaviours 'in the red' are likely to constitute offending against the AFDA 1971, Crimes Act 1961 or other legislation. SAPRAs can receive Restricted Disclosures about any such behaviour. If the Restricted Disclosure mechanism is not used, then **all Officers and NCOs have a duty to report disclosed, suspected or observed offences through the chain of command for preliminary investigation or other appropriate action.**

WHY WE HAVE AN UNRESTRICTED DISCLOSURE PATHWAY

The objective of an Unrestricted Disclosure is to provide guidance and co-ordination of support while a formal investigation takes place. Unrestricted Disclosures require Commanders and Managers and the appropriate investigating authority (e.g. NZDF Military Police, New Zealand Police) to be notified, and may lead to criminal proceedings under either the Military or civilian Justice system. The wishes of the victim/survivor may influence who carries out the investigation, and/or the extent of the investigative or prosecution action taken.

Unrestricted Disclosures are made when a victim/survivor would like the incident to be formally investigated, or when another person bound by the AFDA becomes aware of the incident and reports it in accordance with orders DM 69.



RESPONDING TO HARMFUL SEXUAL BEHAVIOUR (HSB)

Disclosure Pathways: UNRESTRICTED DISCLOSURE

PAUSE – BREATHE

On hearing of a report of HSB, it is advisable to take a pause. In ALL circumstances, unless emergency services are required, taking time to consider the specific set of circumstances is likely to mean an improved process for all. While it is true that the sooner NZDF Military Police and New Zealand Police can collect evidence, the better, this is never to be at the expense of the wellbeing of the victim/survivor. This is consistent with the New Zealand Police National Guidelines for dealing with Adult Sexual Assault.

SCENE PRESERVATION

Where practical, secure the location of any alleged crime. To ensure that evidence is not disturbed before the arrival of the investigating authority, a sentry should be set, and the superior or commanding officer will dictate access to a scene within the limits of their command. Await the arrival of the investigating authority. This will generally be the New Zealand Police or NZDF Military Police, although exemptions can be made.

FORENSIC EVIDENCE

- Commanders and Managers are not to order victims/survivors to undergo a forensic examination.
- Victims/survivors should not be prevented from showering if they wish to do so. They should be informed that if they choose to shower, some evidence may be lost that could prove critical in an investigation.
- Forensic medical examinations are specialised and are **only** to be conducted by Medical Sexual Assault Clinicians (MEDSACs) (p. 16).
- A forensic medical examination can be conducted within 7 days after a sexual offence.

RESPONDING TO HARMFUL SEXUAL BEHAVIOUR (HSB)

Disclosure Pathways: UNRESTRICTED DISCLOSURE

WHEN HSB HAS BEEN REPORTED

1. ACKNOWLEDGE

Thank the person for coming forward. Reinforce that it can be very difficult to speak up about things of this nature – it is a courageous thing to do – and that you want to help. In order to keep their options as broad as possible going forward, a SAPRA is the best person to talk to, even when it is already clear that there will be an investigation or preliminary enquiry.

- It is useful to set up this initial meeting, as a victim/survivor might not arrange their own meeting with a SAPRA for any number of reasons. You could suggest contact with a SAPRA by saying something like:

“SAPRAs are in place to help us with things like this and will have information and support for us. We can arrange for you to talk to a SAPRA privately.”

After meeting the SAPRA, they can say “no” to ongoing support, and that decision will be respected. Where this is the case, SAPRAs can still provide information, resources, and support to Commanders and Managers.

2. LISTEN

When a report is being made, active listening can signal to the person that you are taking their disclosure seriously. Recognise that any and all of the victim / survivor’s reactions are normal. Just as grief is as individual as a thumbprint, so too are individual reactions to HSB. Asking questions can impact subsequent investigation processes and should be limited to immediate safety needs for the person.

3. COMMUNICATE

It is important to clearly communicate throughout the process of the preliminary enquiry or investigation to the victim/survivor and the person alleged to have engaged in HSB, if possible. Keeping people up to date regarding key action points and timeframes will offset some of the stress caused by these processes. We acknowledge that contextual factors may make this challenging, especially over time. SAPRAs can assist with this.

4. RECORD FACTS

To enable a fair, robust and effective process, record only factual matters and details that are relevant. Personal beliefs or general observations about a person are to be avoided. Confidentiality is critical. Conversations should be regarded as STAFF IN CONFIDENCE, and **no detail of any matter should be shared with any person not authorised to receive that information.** Written information can be retrieved under an Official Information Act request, although redactions may be permitted on the basis of privacy. When sharing information up the chain of command, specific details may not be required.

RESPONDING TO HARMFUL SEXUAL BEHAVIOUR (HSB)

Unrestricted Disclosure: WHEN HSB HAS BEEN REPORTED

CONSIDERATIONS FOR THOSE INVOLVED

A VICTIM/SURVIVOR/AFFECTED PERSON

Ask the person what they want to have happen now that they have reported. They may not be able to immediately identify what they want, and may need time to talk through their options with a SAPRA in conjunction with other subject matter experts around options available.

Considerations may include:

- where they work out of
- who they are tasked by
- who they do or do not do tasks with
- what outcomes they are looking for
- options for leave

A flexible approach to working arrangements may also support the victim/survivor/affected person in the short term. Commanders and Managers could consider approving working from home arrangements or a temporary reassignment of duties, and HRAs can help with advice around these options. If necessary, talk to a SAPRA about what can/should be disclosed in these situations.

When the victim/survivor/affected person is posted to a new locality, either subsequent to the HSB or as part of the normal posting cycle, their counselling and support requirements should be discussed with them and the SAPRA.

Ask the victim/survivor/affected person how they would like regular contact maintained when they are away from the workplace and during their return to work. It may be important for them to have a consistent link with their team. Note that no matter how well intentioned and trusted, it may be difficult for a subordinate to talk openly with a more senior ranked person. Consider the SAPRA as a resource here to facilitate such conversations.

Impacts of HSB on a victim/survivor/affected person

The range of impacts and reactions varies widely for people who have experienced HSB. Many factors will influence these impacts, including how much stress a person currently has in their life and how much support they have, and previous personal experiences and how they were dealt with. Investigations and disciplinary or judiciary processes also put significant stress on people. Some common impacts associated with HSB may include:

- Shock
- Disbelief
- Anxiety
- Breach of trust
- Anger
- Confusion
- Shame
- Self-blame
- Guilt
- Fear
- Betrayal
- Powerlessness
- Invasion of privacy

RESPONDING TO HARMFUL SEXUAL BEHAVIOUR (HSB)

When HSB has been reported: CONSIDERATIONS FOR THOSE INVOLVED

Some examples of **behaviours** that could arise from these impacts may include those listed below. It should not be assumed that anyone exhibiting these behaviours has experienced HSB, nor that a person will be incapacitated by an experience of HSB.

- Hypervigilance
- Not wanting to go out socially or be around people
- Withdrawn
- Increased alcohol consumption or other substance use
- Working harder and harder – increased performance
- Reduced ability to concentrate – decreased performance
- Reacting in uncharacteristic ways to ‘small things’
- A change in sexual behaviours

Key Considerations Tool

This is a flexible tool that can be adapted as necessary to an individual. There are 4 losses that victims/survivors/affected persons commonly report after experiencing HSB. Not everyone experiences all of these, or to the same degree. No assumptions should be made about the impacts of HSB on a person.



Consider, with the SAPRA, how you and others can increase a sense of each of these. The four key considerations do not stand alone e.g. if a victim/survivor/affected person believes that their concerns are being taken seriously, that could help increase their sense of control, trust, and safety.

RESPONDING TO HARMFUL SEXUAL BEHAVIOUR (HSB)

When HSB has been reported: CONSIDERATIONS FOR THOSE INVOLVED

A PERSON ALLEGED TO HAVE ENGAGED IN HSB

- Before questioning or discussing a case with a person alleged to have engaged in HSB, **always** contact the investigating authority or an HRA or Legal Officer. This is vital to preserve the integrity of an investigation
- Whether or not the victim/survivor/affected person is NZDF personnel, a SAPRA needs to be contacted. If the person accused of the behaviour is an NZDF person, the SAPRA can provide specialised advice and guidance to Commanders and Managers as this can be a tricky area to navigate. It is also important for statistical reporting. The National SAPRA Manager provides data to the Operation Respect stakeholders and senior NZDF command. This data comes in from the SART so it is important the SAPRAs are aware so the data that is presented can be as accurate as possible.
- Once they have been notified in the appropriate manner, let the person alleged to have engaged in HSB know that it is important for them to have support both within the Unit and outside of it. Brief the support person on their role. Regardless of whether they did the harm or not this will be a stressful process. Consider the Social Worker, Medical Officer, Chaplain, or external Clinical Psychologist.
- Ensure the person is told not to make any contact with the victim/survivor/affected person, by any means, direct or indirect, including through social media, or via a third party. This is for everyone's safety, and the integrity of the investigation.
- A flexible approach to working arrangements may also support the person, alleged to have engaged in HSB, in the short term. Commanders and Managers could consider approving working from home arrangements or a temporary reassignment of duties. HRAs can provide advice around options for alternate duties or reporting line changes. If necessary, talk to a SAPRA about what can/should be disclosed, in these situations.
- If someone tells you about HSB that they have done or are alleged to have done, actively listen, respond calmly, and establish options for support e.g. referral to an NZDF Social Worker or Chaplain. You can affirm them for coming forward without minimising the seriousness of HSB. Depending on the type of behaviour, SAPRAs may also be able to assist this person so long as they are not supporting the victim/survivor/affected person in the same case.

RESPONDING TO HARMFUL SEXUAL BEHAVIOUR (HSB)

When HSB has been reported: CONSIDERATIONS FOR THOSE INVOLVED

THE TEAM / UNIT

- Once an incident has happened, take a pause to consider next steps. The response can determine the short and long-term outcomes for those involved. It is best not to rush it, as a panicked response can escalate the situation.
- Consider the likelihood of retaliation for the person who disclosed, and/or the person who has allegedly engaged in HSB. This can escalate quickly and needs to be prepared for.
- Send a clear message about speculation early on. For example,
“While it is expected that people will talk, remember that people get hurt by speculation and that you can’t un-say something once you have said it. Words can have lasting consequences. Misinformation serves no-one.”
or
“In fairness to all parties I will not give you details. I expect talking to be kept to an absolute minimum”
- Before **any** intervention, discuss the planned course of action with your local or duty SAPRA. Decisions made with the best of intentions can unintentionally make the situation worse.
- Consider upcoming events, courses and postings and the implications of those for the people concerned.

NZDF

- Personnel Security Advisory Team (PSAT). Under the Protective Security Requirements, everyone with a National Security Clearance is required to report a change of circumstance. Contact an HRA to help with facilitating this process.

YOURSELF

Consider the metaphor of the oxygen mask on an airplane. Adults are told they must put the mask on themselves before a child. Be aware of your own health and notice any changes e.g. trouble sleeping. The complexities of dealing with HSB can take a toll. For most people, these are unfamiliar circumstances, and the range of uncertainties and pressures will differ from case to case. You may feel anger and disappointment that this has happened, and guilt or powerlessness that you were unable to prevent the event from taking place. You may also feel your skills are inadequate to assist either party. This is a sensitive area of work and it is normal for Commanders and Managers to need information and advice at different points through the process. Commanders and Managers are not expected to be the experts in this area. Consider who will be your sounding board. The SAPRA is available for you.

RESPONDING TO HARMFUL SEXUAL BEHAVIOUR (HSB)

When HSB has been reported: PROCESSES

WHO NEEDS TO KNOW?

At times, SAPRAs will go to the appropriate senior person in a chain of command, in order to limit the number of people who know. This is not to undermine others within that chain, nor to impose sanctions from above, but purely to maintain confidentiality and safety for the person affected.

MULTI-DISCIPLINARY MEETINGS

In some situations, it is worthwhile bringing people together to meet. This is in order to ensure necessary information is consistent at the appropriate levels, needs and opportunities are approached collaboratively, and all stakeholders are aware of their responsibilities in the next phases of the process. Relevant stakeholders will differ for each case, but may include Commanders and Managers, SAPRAs, Defence Legal Officers, NZDF Military Police, Human Resource Advisors, Personnel Security Advisory Team, Social Workers or other support agencies. Any of the stakeholders can initiate these meetings.

NZDF MILITARY POLICE

SAPRAs work closely with NZDF Military Police, including the Special Investigations Branch, in cases where an incident of HSB is being dealt with under the AFDA. This could include but is not limited to: liaising between NZDF Military Police and victims/survivors/affected people; being present for support during interviews; or updating those with a need to know about the progress of an investigation.

MILITARY JUSTICE

SAPRAs provide information, resources, and support for disciplinary processes including Summary Trials and Court Martial. This could include but is not limited to: providing relevant SME advice to DISCO, PRESO, and/or DEFO e.g. how to set up the room; being present as a support person; or assisting a victim/survivor/affected person to write an impact statement.

RESPONDING TO HARMFUL SEXUAL BEHAVIOUR (HSB)

Unrestricted Disclosure: PROCESSES

NEW ZEALAND POLICE

When New Zealand Police are involved, the SAPRA will act as a liaison between Police and the victim/survivor/affected person for the duration of the process. This might include raising questions on behalf of the victim/survivor/affected person, and facilitating the provision of information from SMEs such as the Police or Crown Prosecution and legal team. These investigations can take a long time, and SAPRA support is available before, during, and after any process.

COURT SUPPORT

Should a case proceed to a civilian court, the SAPRA will liaise with the external agencies to help prepare the victim/survivor/affected person for court.

Examples of the kind of support that may need to be extended to the victim/survivor/affected person and the person facing charges are as follows:

- leave to attend hearings and the trial
- access to travel funds for next-of-kin or a support person to attend the hearings and trial
- in-person court support can be provided by a SAPRA, or the SAPRA can arrange for an external agency to do this, as appropriate.

INCIDENTS FOR MEDIA COMMENT

Some incidents of HSB in the NZDF attract media comment. When appropriate the SAPRA will contact Defence Public Affairs via the Director, in order to ensure that a media approach is planned and prepared as required.

- Notifications made by SAPRA will not breach the privacy of any person involved in the allegation
- All comment on such incidents will be issued by DPA in consultation with SAPRA, OCDF and the relevant unit Commanding Officer.

RESPONDING TO HARMFUL SEXUAL BEHAVIOUR (HSB)

Unrestricted Disclosure: NEXT STEPS

NOT GUILTY VERDICT/END OF INVESTIGATION/NO CHARGES LAID

A not guilty verdict means that the offending has not been proved beyond a reasonable doubt. We have a duty of care to all parties, including partners, friends, and family members, when formal processes result in a not guilty finding.

Talk and listen to the victim/survivor/affected person and the person alleged to have engaged in HSB separately about what they need. It may take both the victim/survivor/affected person and the person alleged to have engaged in HSB time to come to terms with the result of the court hearing.

If there is any unacceptable behaviour from any personnel as a result of the allegation or proceedings, talk to a SAPRA for guidance.

Consider how to:

- ensure safety for all people
- maintain distance between those involved
- enable parties to do their job and operate in the workplace
- provide ongoing support to all parties
- ascertain if someone wants to move to a different work area or line of report
- establish an identified independent and trusted point of contact within the Unit for each person, who they can approach with any concerns.
- protect against retaliation or isolation of the victim/survivor/affected person and/or person who faces charges

“Beyond reasonable doubt” is a high standard of proof. A finding that a charge was not proven beyond reasonable doubt is not synonymous with a determination that the incident did not take place. Even when HSB occurs in a public place (which is relatively uncommon), and especially when it occurs in a private setting, evidence can be very difficult to gather and corroborate. Prosecution is therefore particularly challenging for sexual crimes. Unless a complaint has been proven false (which can result in charges against the complainant), New Zealand Police advise that a not guilty verdict indicates only that an offence has not been proven. It should never be assumed to mean that a complainant has not been honest about their experience.

RESPONDING TO HARMFUL SEXUAL BEHAVIOUR (HSB)

Unrestricted Disclosure: NEXT STEPS

GUILTY VERDICT

Even once punishment has been decided, the impacts on people can remain barriers to team cohesion and operational effectiveness. For example, some people might be angry because a person found guilty is still in the Unit, others might think the person was unjustly removed. These issues can escalate if they are not addressed. A guilty verdict may not be believed by everyone. Talk to the SAPRA about whether a debrief is relevant for the Unit (p.34). People discussing their opinions about the verdict will get back to the people involved and should be discouraged.

If a person was found guilty and remains in the Unit, considerations could include:

- what does this mean for Unit cohesion and morale?
- is there a risk of retaliation towards the victim/survivor/affected person and/or person who has been found guilty?
- whether a restorative process might fit the needs of people (requires expert input to facilitate). Discuss with a SAPRA, Legal Officer or HRA.
- would friends of the person who was found guilty benefit from talking with a SAPRA?
- what is needed in the Unit for these parties to keep working together? Psychologists may also have a part to play here with unit cohesion and running workshops to assist in this process.

RESPONDING TO HARMFUL SEXUAL BEHAVIOUR (HSB)

Unrestricted Disclosure: NEXT STEPS

MINIMISING FUTURE RISK

Even with a prevention plan in place (*p. 12*), it is still possible for incidents of HSB to occur. SAPRAs can assist Commanders and Managers to identify the unique contextual risk factors that should be addressed in order to prevent further harm. In addition to individual considerations about a person who has behaved in a harmful manner, risk factors can relate to:

- the physical environment and how people interact with and within it (*p. 14*), and
- the ongoing ramifications of processes and dynamics after an incident is known about.

Preventative efforts after an incident of HSB could include:

- maintaining confidentiality as a paramount consideration
- identifying the various factors that could have contributed to the incident
- having a discussion in the Unit to clearly reinforce what behaviours are expected of personnel, and what is unacceptable
- making any possible changes to the physical environment and/or behavioural norms that will reduce the likelihood of future HSB
- establishing opportunities / processes to realign behaviour that doesn't meet the NZDF standards
- mitigating any threats of retaliation towards any of the people involved
- referring personnel operating 'out of the **green**' to a SAPRA, social worker or an external clinical psychologist for support
- a SAPRA debrief (*p.32*) to avoid escalating rumours or tensions within the team
- a case review to identify and implement learnings.

RESPONDING TO HARMFUL SEXUAL BEHAVIOUR (HSB)

Unrestricted Disclosure: NEXT STEPS

DEBRIEFS

Even at the conclusion of formal proceedings, a situation may not be fully resolved. It could still be impacting on the functioning and/or morale of personnel. The causes that contributed to HSB may still exist within the environment (*p.14*).

Specific behaviours and dynamics that can negatively affect unit cohesion and productivity include:

- gossiping/rumours/unnecessary conversations about the matter
- retaliation (or the threat of retaliation) towards involved parties
- a person or people being ostracised
- referring to the incident in a way that it becomes a catchphrase/Unit idiom
- conscious or unconscious biases e.g. beliefs around “false allegations” or “getting away with it”.

When HSB has occurred, people are likely to have concerns. A debrief is important and can assist in achieving:

- restoration of Unit morale
- confidence that the report of HSB was taken seriously
- resetting/reinforcement of standards
- consistency of the message delivered to the Unit
- an opportunity for people to share their worries
- time to ask (and hear) questions
- reassurance from the Commander or Manager that people are safe.

It is recommended that a SAPRA be contacted for guidance around this.

In moving forward from the incident, clear behavioural expectations, and respectful behaviours, need to be directed and modelled by Commanders and Managers. Anyone with awareness of the incident should have an identified person to contact within their Unit that they can talk to if they see or hear any behaviours not aligned with expectations.

RESPONDING TO HARMFUL SEXUAL BEHAVIOUR (HSB)

DEPLOYMENTS / OFFSHORE POSTINGS / ACTIVITIES

This section refers to any work-related activity happening offshore/outside New Zealand. This includes but is not limited to training courses, postings, diplomatic engagements, military exchanges, operations etc.

HSB that occurs while overseas can present unique challenges for victims/survivors/affected persons, people alleged to have engaged in HSB, and Commanders and Managers. A SAPRA is on call 24/7 on 0800 693 324 or **+64 4 527 5799** to provide information, resources, and support.

JURISDICTIONS

When HSB occurs in an international context, decisions, resources, processes and plans may look different from how they would in New Zealand. The legal and medical systems within the countries in which we operate may impact on the available response options. Personnel may also be subject to concurrent jurisdictions, and there may be differences in criminal offences between New Zealand and the nation in which they are based. You may also be dealing with personnel in the chain of command from nations who have different cultural understandings of HSB.

The specific jurisdiction for an event will depend on several factors, including the Status of Forces Agreement (SOFA) in place, or individual deployment agreement, so it is recommended that legal advice is sought in the first instance from either J09 for operational roles, or Deputy Director Personnel Law at DLS.

Irrespective of the system or process under which the HSB is dealt with, we can always control how we treat our people and ensure that there is clear communication and support.

All personnel are reminded that behaviours in the **red** are likely to constitute offending against the AFDA 1971, Crimes Act 1961 or other legislation. SAPRAs can receive Restricted Disclosures about any such behaviour. If the Restricted Disclosure mechanism is not used, then **all Officers and NCOs have a duty to report disclosed, suspected or observed offences through the chain of command for preliminary investigation or other appropriate action.**

RESPONDING TO HARMFUL SEXUAL BEHAVIOUR (HSB)

DEPLOYMENTS / OFFSHORE POSTINGS / ACTIVITIES

Addressing HSB is a priority for the NZDF. CDF, COMJFNZ, and the Service Chiefs recognise and support the importance of this mission. Concerns about diplomatic relationships, or Unit reputation, should not be a barrier to reporting HSB to a SAPRA, or the appropriate chain of command. Given the international ramifications for service to service relationship, or relationship with a multinational organisation, instances of HSB need to be properly reported and addressed.

Your initial response will determine how a victim/survivor/affected person experiences the reporting process. Do not underestimate the positive difference you can make to your team member's present and future wellbeing by taking the matter seriously, showing them care, and ensuring that the investigation process is carefully explained to them. No matter what point the deployment, overseas course or posting is at, the initial response can continue to reverberate in either positive or negative ways for a victim/survivor/affected person.

A victim/survivor/affected person may have heightened concerns about the implications of disclosing HSB when there is a real and/or perceived risk to career progression. As overseas postings and courses are often considered to be a career highlight, the potential loss of this can be a further stressor for those involved.

Specific points to note when dealing with HSB offshore or outside New Zealand:

- This is not something to deal with by yourself. SAPRAs are available 24/7, so call back to New Zealand for advice.
- In all circumstances, unless medical attention is required immediately, time taken to consider the specific set of circumstances is likely to mean an improved process for all. While it is true that the sooner investigating authorities can collect evidence, the better, if it is possible in the context, this is not to be at the expense of the victim/survivor/affected person.
- In situations where the person alleged to have engaged in HSB is a service member and the victim/survivor/affected person is not, contact a Legal Officer for advice. SAPRAs are also available to provide advice and support as part of a wider team.

RESPONDING TO HARMFUL SEXUAL BEHAVIOUR (HSB)

DEPLOYMENTS / OFFSHORE POSTINGS / ACTIVITIES

RETURN TO NEW ZEALAND

When HSB is reported offshore or outside New Zealand, there is often an assumption made that the victim/survivor/affected person will need to be sent home. Take a pause (p.16) to consider the specific set of circumstances that exist for this person and the deployment or overseas posting. Each circumstance will have specific considerations, including operational and career impacts. Consider the effect on the victim/survivor/affected person if they are unable to retain their role. There may be alternatives that better serve the needs of the individuals concerned, and the team. Equally, some people may express a desire to return to New Zealand in order to distance themselves from an incident and/or access their support networks.

While fairness for involved parties is crucial, the organisational risk and potential risk to other personnel must be considered when deciding whether or not a person alleged to have engaged in HSB should be returned to New Zealand.

When a victim/survivor or person alleged to have engaged in HSB does return to New Zealand, there needs to be a plan for the provision of ongoing support. The response section of this guide, and SAPRA involvement, will be useful in establishing what this could look like. People will have different needs.

SAPRA Contact Details

Northern Whenuapai Devonport Papakura	+64 21 908 424 +64 21 913 608 +64 21 908 424 or +64 21 913 608	24/7 DUTY SAPRA 0800 693 324 +64 4 527 5799 sapra@nzdf.mil.nz
Central Ohakea, Waiouru Linton	+64 21 913 645 +64 21 940 242	
Wellington	+64 21 913 673	
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National SAPRA (Manager, Defence House)	+64 21 943 246	

Many people have contributed to this guide. It could not have been written without your feedback and advice – thank you. The guide will be used to inform training to further assist Commanders and Managers to create a culture which is respectful, professional and safe for all.