



Video: Reprisal 2023

Reprisal: Facilitation Guide



Overview

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

Additional information on how to conduct a facilitation can be found in the *Leader's Conversation Guide* (available at www.deomi.mil)

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

However, this guide is not all-inclusive and may be expanded based on the facilitator's experience. Throughout this guide, questions are framed to stimulate the facilitator's thoughts on areas to explore and consider in this process and the specific topic. Users should provide a controlled, safe, and non-attributional environment where individuals will be willing to share their perspectives. EO and EEO professionals, practitioners, and leaders can use this event to review and educate their members on policy and acceptable and unacceptable behaviors. Reprisal is a form of retaliation that is covered in Department of Defense Directive (DoDD) 7050.06, *Military Whistleblower Protection*.



Purpose

The objectives for this discussion:

- Define reprisal.
- Discuss the video and the behaviors seen within it.
- Grasp how the fear of reprisal can affect the individual and the organization.
- Understand the impacts of reprisal.
- Discuss reprisal prevention strategies.

Preparation

This guide has been developed assuming that users have some basic facilitation skills and understand the facilitation process. Users should also review the *Leader's Conversation Guide* for additional parameters, techniques, and information on facilitation (available at www.deomi.mil). The *Leader's Conversation Guide* provides areas to consider, including:

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

Definitions

It is important to note that reprisal is a form of retaliation. Both retaliation and reprisal are unlawful responses to protected communication. Department of Defense Instruction 1020.03 defines these terms as follows:

- Harassment is defined as behavior that is unwelcome or offensive to a reasonable person, whether oral, written, or physical, that creates an intimidating, hostile, or offensive environment.
- Retaliation encompasses illegal, impermissible, or hostile actions taken by a Service member's chain of command, peers, or coworkers as a result of making or being suspected of making a protected communication in accordance with DoDD 7050.06.
 - o Reprisal, a form of retaliation, is defined as taking or threatening to take an unfavorable personnel action, or withholding or threatening to withhold a favorable personnel action, for making, preparing to make, or being perceived as making or preparing to make a protected communication.
 - o Protected communication includes those that are made (or prepared to be made) to:
 - a Member of Congress;
 - an Inspector General
 - a member of a Department of Defense audit, inspection, investigation, or law enforcement organization
 - any person or organization in the chain of command
 - a court-martial proceeding
 - any other person or organization designated pursuant to regulations or other established administrative procedures for such communications (10 USC, 1034)



DoDD 7050.06 on Reprisal

Reprisal can take different forms. Generally, it is a type of retaliation that affects a Service member's current position or career. For example, a leader might punish a service member for filing a complaint by denying a leave or training request, giving them an unwarranted poor performance rating, or re-assigning them to an undesirable location.

It is DoD policy that:

- Members of the Military Services are free to make protected communications
- No person will restrict a Service member from making lawful communication to a Member of Congress or an inspector general (IG)
- Service members will be free from reprisal for making or preparing to make, or being perceived as making or preparing to make, a protected communication
- No person may take or threaten to take an unfavorable personnel action or withhold or threaten to withhold a favorable personnel action in reprisal against any Service member for making or preparing to make, or being perceived as making or preparing to make, a protected communication

Impacts of reprisal

Those that experience reprisal may become fearful to report in the future. Reprisal can impact more than just the individual being reprised against. Depending on the personnel actions taken, for example denying a promotion, this can ultimately impact the service member's family. Individually, one may experience loss of trust, lowered productivity, and decreased motivation. At the organizational level, this could impact mission

Video: Reprisal 2023

readiness and morale. It is important to educate leaders on actions that could be perceived as reprisal.

Notes:





Video: Reprisal 2023

Process

Before the participant's arrival, determine and prepare the setting for the guided discussion. Ensure the video is prepared to view (direct from https://digitalcommons.deomi.mil/sc_videos/9/ or may be pre-downloaded).

Video Description

Reprisal

FOR FACILITATOR USE ONLY: The video displays two male Service members, SrA Martin and MSgt Barrett. MSgt Barrett calls SrA Martin into his office to discuss a leave request he put in. SrA Martin tells him he put in his leave request a month ago and MSgt Barrett mentions Martin's poor performance evaluation and also tells him two of his peers are already off during that time. SrA Martin is told his leave request was already denied and asks MSgt Barrett if it was because he had gone to IG. As the video concludes, SrA Martin feels like he is being reprisal against because he went to IG which is one of the reasons his leave was denied.

Video Participants

- **Victim:** SrA Martin
- **Perpetrators:** MSgt Barrett
- **Bystanders:** None



Video: Reprisal 2023

Directions

1. Introduce yourself.
2. Validate: Explain the purpose or objective of the discussion/training.
3. Set expectations and establish ground rules.
4. Introduce the topic (Use the notes you created based on the topic).
5. Show and explain how reprisal is different from retaliation.
6. Provide the handout (if used) to the participants.
7. *Read Instructions:* You are about to watch a video that is made for awareness purposes only.
8. *Read Instructions:* Answer the questions in your handout individually after watching the video. Then later, we will share your answers with the group.
9. Show the video.
10. Have participants answer the handout questions (5-10 minutes). Please encourage them to use critical thinking as they view the questions.
11. Lead a discussion based on the questions used.

Facilitator Notes

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

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

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



Video: Reprisal 2023

Facilitator- Develop Questions

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

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

- Describe how it could be perceived that SrA is being reprisal against.

AR: SrA Martin discussed with MSgt Barrett why his leave was denied. Barrett mentions a poor performance evaluation as part of the reason for the denial. A poor performance evaluation is not a normal reason for having a leave request denied, as leave is an earned entitlement. If MSgt Barrett; (1) gave an unwarranted poor performance rating and (2) denied the leave request based on Martin's IG reporting, this would constitute a reprisal.

- What are the potential impacts of this behavior? What if it is allowed to persist?

AR: The potential impacts are low morale in the organization and decreased mission readiness. In this scenario the individual is perceived as being reprisal against because he went to IG thus his leave was denied. The targeted individual may be fearful to report the reprisal because it can erode the relationship the two may have. The behavior can affect group cohesion and distract from the daily tasks/mission.

- In this video, if you witnessed this conversation as a bystander, what would you do?

AR: As MSgt Barrett's current rationale is weak at best, it does seem that MSgt Barrett may have denied the leave request because SrA Martin went to the IG. If so, MSgt Barrett's actions would constitute reprisal. Informing MSgt Barrett of how this action is perceived, and how it looks on the surface, might encourage MSgt Barrett to reconsider his approach. Allowing these types of behaviors to continue can cause them to escalate into larger problems. It should be stated that retaliation and reprisal are not permitted and each Service member is free to make protected communications to the appropriate authorities.

- What could happen if retaliatory behaviors such as reprisal are not reported and who could be impacted?

AR: If an individual is experiencing reprisal, they may be afraid to report it because they are essentially already being punished. Worse yet, they may be afraid to engage in legal, protected communications in the future. This can affect the individual's productivity at work, motivation and trust in the organization. In addition, the larger population (e.g., the unit) may be impacted. It is likely that the service member experiencing the reprisal will spread the details of the reprisal amongst their teammates. This can produce a "chilling" effect in which the larger population may become unwilling to report unlawful or undesirable activity, due to fear of reprisal.

- How can you prevent occurrences of similar behaviors in your unit? What actions can you take as a leader to address and correct this issue?

AR: Educate leaders on actions that could be perceived as reprisal. Provide research resources and training to all DoD personnel. Hold discussions in a controlled environment where all can speak freely. Use the DEOMI website to gather more information about the Principles of Prevention and create a zero-tolerance environment for such behaviors in the organization. Hold each other accountable and encourage members and leaders to correct perceived issues.

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

Reflection Questions

Question and AR:

Question and AR:



Lead the Discussion

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

General Considerations

- Ensure all participants have an opportunity to share their thoughts
- Encourage open communication among participants
- When applicable, ask clarifying questions
- Use anticipated responses to help the group when needed
- Avoid "why" and close-ended questions
- Remind participants of the ground rules when necessary
- Remember to let participants know that you are listening
- Take notes for your summary and conclusion
- Paraphrase when participants are unclear with their answers/assist them in reaching the objectives
- Let the discussion be fluid, with little to no disruptions or corrections

Examples of Other Questions That Can Be Asked:

- In your own words, how would you define reprisal?
- Where have you seen these behaviors in your organization or past organizations?
- What are some preventative measures to avoid a hostile environment from occurring?
- As a bystander, what can you do to encourage someone to report reprisal?
- How can these behaviors, if gone unreported, affect mission readiness?

Close the Session

**Facilitator Note:* During the conclusion, paraphrase participant comments to show that they were heard. The provided conclusion is an example on how to close out the guided discussion.

End your discussion by restating the objectives covered at the beginning and provide closing comments.

Summary:

Restate the initial objectives:

- Define reprisal.
- Discuss the video and behaviors within it.
- Grasp how the fear of reprisal can affect the individual and the organization.
- Understand the impacts of reprisal.
- Discuss reprisal prevention strategies.

Potential Closing Comments

During this period, we explored how reprisal can impact the individual and the organization. As seen in this scenario, it is clear that a Service member is experiencing reprisal. Individuals being reprisal against may be fearful to report the behavior especially if the behavior came from a supervisor. If the behaviors are not addressed, mission readiness can decline, and a hostile work environment may occur.

Everyone has a role in preventing harassment. To mitigate harassing behaviors, we must be proactive, address allegations without bias, and take appropriate actions as necessary. Some might consider the behaviors exhibited in this scenario as harmless, but they are not. They can bring division, a lack of trust, and low morale. As leaders and members, it is important that we be aware of these behaviors and impacts and do what we can to proactively prevent, diffuse, negate, and address concerns if they appear.



Video: Reprisal 2023

Handout

Video: Reprisal

1. Describe how it could be perceived that SrA is being reprised against.
2. What are the potential impacts of this behavior? What if it is allowed to persist?
3. In this video, if you witnessed this conversation as a bystander, what would you do?
4. What could happen if the behavior is not reported and who could be impacted?
5. How can you prevent occurrences of similar behaviors in your unit? What actions can you take as a leader to address and correct this issue?