

# THE COUNSELOR

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## *New Hazing and Bullying Definitions Issued by Deputy SECDEF*

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## NEW HAZING AND BULLYING DEFINITIONS ISSUED BY DEPUTY SECDEF

On 23 December 2015, the Deputy Secretary of Defense issued a memorandum, "Hazing and Bullying Prevention and Response in the Armed Forces." The memo updates the 1997 definition of hazing and defines bullying for all Services. This update represents significant changes in the military's approach to hazing and bullying. The Secretary of the Navy is currently in the process of implementing this policy.

### Hazing (with major changes in bold):

Any conduct through which a military member or members, **or a Department of Defense civilian employee or employees**, without proper military or other governmental purpose **but with a nexus to military service or Department of Defense civilian employment**, physically or psychologically injure or create a risk of physical or psychological injury to one or more military members, Department of Defense civilians, or any other persons **for the purpose of: initiation into, admission into, affiliation with, change in status or position within, or as a condition for continued membership in any military or Department of Defense civilian organization.**

The new hazing definition presents three major changes. First, DoD civilians can be both victims and perpetrators. Second, hazing now requires a "nexus to military service." Although not specifically explained in the memo, a "nexus to military service" requires only a minimal concrete connection between military service and an event. Third, a hazing event now requires a specific purpose such as initiation, admission, affiliation, etc.

The DoD memo's bullying definition follows on Page 2.

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## NEW HAZING AND BULLYING DEFINITIONS ISSUED BY DEPUTY SECDEF (CONTINUED FROM PAGE 1)

***New Hazing and Bullying Definitions Issued by Deputy SECDEF (continued)***

Bullying:

An act of aggression by a military member or members, or Department of Defense civilian employee or employees, with a nexus to military service or Department of Defense civilian employment, with the intent of harming a military member, Department of Defense civilian, or any other persons, either physically or psychologically, without a proper military or other governmental purpose. Bullying may involve the singling out of an individual from his or her co-workers, or unit, for ridicule because he or she is considered different or weak. It often involves an imbalance of power between the aggressor and the victim.

The definition of bullying is significantly different from hazing. Unlike hazing, an act of bullying specifically requires *only* the intent to harm. Bullying does not require an additional purpose beyond the intent to harm such as initiation, admission, affiliation, etc.

Application of the New Hazing and Bullying Definitions:

Roughhousing for the purpose of welcoming a Sailor to a new group, even if consensual, would still be considered hazing. Wrestling a Sailor solely for the purpose of harming him or her would be considered bullying.

Understanding the new definitions and their application is of vital importance as the Navy continues its work to eliminate hazing and bullying.

## COMMANDER’S OPNAVINST 1752.1C SEC. 15B REQUIREMENTS

***Commander’s OPNAVINST 1752.1C Sec. 15b Requirements***

OPNAVINST 1752.1C Sec. 15b requires Commanding Officers and other senior leaders to obtain training on the Military Rule of Evidence 514 (covering victim advocate privilege), retaliation, sexual assault initial disposition authority, and case disposition reporting requirements. Commanding Officers must receive this training within 30 days of assuming Command. The attached pamphlet is a helpful resource for Commanders to use to fulfill this training requirement.

Should you have additional questions please contact LT Sharai Elko at (202)767-1767.

## RESULTS OF TRIAL, 2<sup>ND</sup> QUARTER 2016

***Results of Trial, 2<sup>nd</sup> Quarter 2016***

Navy CWO2 was found not guilty of drug abuse and wrongful use of a schedule II controlled substance. The court was held on 8 January 2016.

Navy IT3 was sentenced to a letter of reprimand and forfeiture of ½ month pay for 1 month for furnishing alcohol to a minor. The court was held on 15 January 2016.

Navy MA3 was sentenced to be confined for 180 days, a bad conduct discharge, and reduction in rank to E-1 after pleading guilty to two specifications of absence without leave and three specifications of false official statement. The court was held on 29 January 2016.

## COMMAND SERVICES STAFF JUDGE ADVOCATE DIRECTORY

The mission of command services department is to provide prompt and effective legal services to commands throughout the Naval District Washington area of responsibility. The following is a list of contacts for each installation:

*Command Services  
Staff Judge Advocate  
Directory*

NSA WASHINGTON/WASHINGTON NAVY YARD  
(202) 685-7046  
(202) 685-5888

JOINT BASE ANACOSTIA-BOLLING  
(202) 767-1767

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(410) 293-9203  
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*For NDW related issues, please contact:*

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Staff Judge Advocate  
(202) 433-2424*

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