

**DoD definition for *sexual assault and other sex-related offenses* as required by Section 577 (3) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, P.L. 108-375, October 28, 2004**

The use of the below definitions is for training and educational purposes only. The following apply:

Sexual assault is a crime. Sexual assault is defined as intentional sexual contact, characterized by use of force, physical threat of force or abuse of authority or when the victim does not or cannot consent. Sexual assault includes rape, nonconsensual sodomy (oral or anal sex), indecent assault (unwanted, inappropriate sexual contact or fondling), or attempts to commit these acts. Sexual assault can occur without regard to gender or spousal relationship or age of victim.

“Consent” shall not be deemed or construed to mean the failure by the victim to offer physical resistance. Consent is not given when a person uses force, threat of force, coercion or when the victim is asleep, incapacitated, or unconscious.

Other sex-related offenses are defined as all other sexual acts or acts in violation of the Uniform Code of Military Justice that do not meet the above definition of sexual assault, or the definition of sexual harassment as promulgated in DoD Directive 1350.2, *Department of Defense Military Equal Opportunity*, para E2.1.15. Examples of other sex-related offenses could include indecent acts with another and adultery.

All Military Services will use the above definitions in all training and education programs.