

Standing Strong: Confronting Unethical Conduct (Leader Version)



WASHINGTON — A sergeant responsible for advising students at the United States Military Academy in West Point, N.Y., has pleaded guilty in a case that included accusations that he secretly videotaped female cadets, some as they undressed in the locker room, and will serve a 33-month sentence, the Army said Thursday.

Sgt. First Class Michael McClendon will be reduced in rank to private before being thrown out of the Army with a bad-conduct discharge after serving out his sentence, officials said.

Those punishments were handed down after a general court-martial was convened at Fort Drum, N.Y., on Wednesday. In accordance with a pretrial agreement and a guilty plea to one charge with eight specifications of committing indecent acts, Sergeant McClendon's confinement for five years was reduced to 33 months. (**New York Times:** By THOM SHANKER MARCH 6, 2014)

CASE STUDY VIDEO VIGNETTE: DISCUSSION GUIDE

For all members of the Army Profession
<http://cape.army.mil>

Standing Strong: Confronting Unethical Conduct

(Leader version)

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BASIC CONCEPTS

- Watch the video and read the transcript prior to discussion.
- Review “Facilitation Best Practices.”
- See “Additional Resources” for more content.
- Think about a personal experience, story, or event which relates to the scenario and consider using this as a way to start the discussion.
- Present each part of the vignette and lead an open discussion which relates to desired learning outcomes. Listed below are “Sample Discussion Questions” to assist in facilitating the class.
- After watching and discussing each part of the story, identify the takeaways and discuss how each participant will apply this experience.

FACILITATION: BEST PRACTICES

The facilitator’s main role is to be a catalyst for conversation and learning about the topic at-hand. This video case study contains several rounds of discussion and ends with time to reflect on personal stories and vignettes that relate to the video.

Here are some key points to consider when preparing to facilitate a discussion:

- Let participants do most of the talking.
- The facilitator’s key role is to ask questions which spark thought and conversation.
- Ensure you engage everyone within your group and set the conditions for them to share thoughts openly. Do not let any one person or group of people dominate the conversation. Ask questions/opinions of the “quiet ones” to bring them into the group discussion.
- Have questions prepared for each round to drive the conversation. Ask open-ended questions and encourage participants to elaborate on their answers/thoughts.

You are the catalyst for conversation. Make sure you continue to ask questions that make your group dig deeper. For more information and guidelines on facilitating professional development discussions, visit the CAPE Website at <http://cape.army.mil>.

Introduction

CDT Kelly Kingma reported her tactical NCO for unprofessional conduct. After several investigations, it was found that he photographed and filmed females without their knowledge and consent. He pled guilty to one charge and eight specifications of a violation of Article 120 of military law for "indecent acts."

She is sharing her story to help others understand the importance of supporting those who come forward with an allegation of wrongdoing.

One Incident Leads to Another

Sergeant McClendon, who's my TAC NCO, walked in the showers on me twice, once before I was about to shower, once after. And the way that the latrines are set up is there's a changing area, so both times I had nothing on in the latrine area-- the changing area-- excuse me. And a few other incidents that just gave me these vibes that something wasn't right led me to the following year, my yearling year, sophomore year, to report to a 15-6 investigation-- not based on sexual assault or sexual harassment or anything, but just based on my suspicions to that point. He was my Tactical NCO, and company detail, and other incidents that kind of made me suspicious were he would just come into my room without knocking and kind of creep up behind me and be like, "Hey, what's going on, Cadet?" and call me at the back of formation several times, like almost

guaranteed once a week, saying like, "You're in trouble," but kind of just as like in a threatening kind of playful thing. So those things kind of always made me feel a little uneasy, but knowing the Tactical NCO position, or what little I did know at that time, I thought maybe that kind of intimidation, kind of make you feel on your toes, was the point. So I didn't really understand that role. At one point, I think he came into my room and looked through my things-- just kind of weird things. I had a boyfriend from a prior relationship and he told me outright that he didn't approve of that, didn't like that. I think it would be a combination of an incident my yearling year, in the winter, where I had to empty my trashcan out or something-- I was in trouble with Sergeant McClendon, and he kind of was like, "Hey, you need to do this right now, or else," and I was kind of-- it was a Sunday afternoon. I was walking back from either brunch or church with my boyfriend. And so I said to my boyfriend, "Hey, just go back to your room. He doesn't like you. I don't want to have any-- I don't want to cause any dramas here. I'll just go take my trash out." And after that, Sergeant McClendon pulled me aside again and is like, "Sit down," and kind of kept asking me these questions, personal questions about if I was going to marry my boyfriend-- just very personal questions. And after that, I kind of had this feeling like, "This is just not really the role." None of it was militarily related or academically related. So I called one of my mentors. She's an OR for my triathlon team and someone who I really respect. And I just said, "You know ma'am, these things have happened. I don't know if it means

anything, but what are the next steps from here? Because I don't really feel comfortable in this situation and I don't think it's getting better." So she immediately gave me the SHARP representative number and said, "Hey, you might not think it's SHARP-related, but all these things kind of point that direction, so just get an investigation going so you can get this off your chest."

Being Tough Doesn't Make You Immune

I think being really new in the Army-- technically kind of in the Army but at the same time a cadet-- you don't really put these things together. And I think everybody thinks that--, "This is not going to happen to me. It's a prevalent issue, but why would it happen to me? I'm tough." And that whole tough mentality, it doesn't make you immune to having these things happen to you, and I think that's a common thing that people believe, that because they're tough they-- either it happens to them, and they could just let it go or whatever. But really, I think it's important to stand up and say-- realize that these things can happen to you and everybody's vulnerable to a point-- not saying that you're weak. And I think I was really afraid to use those words because of the negative connotation and the stigma related to it. And at that point, I had no proof to myself. In my gut, I knew that there was something wrong and I knew-- well, I didn't know, but I had a very strong, 90 percent feeling that it was SHARP-related. But was I going to-- that "You'll ruin his career" from all my classmates, it was just kind of ringing in my ears. So I wanted to take it very seriously.

When I spoke with the SHARP representative, she gave me the definitions of all these-- like, "Is it sexual harassment? Is it sexual assault?" I said, "No. Maybe it's harassment, but I can't say wholeheartedly." And because I couldn't say that at the time, I just didn't feel comfortable with that, which goes along with the unfortunate stigma there is, but also you kind of want to be sure when you make an accusation.

Courage to Follow Through on the Accusation

It was a combination of factors, I would say, that knowing that he would be moving on to the next post and maybe he had some kind of issues that wouldn't have been resolved. That bothered me, so I wanted to see something through that I had started and wanted to have some kind of answers or clarification for my own sake. My parents kind of taught me to be tough and to, if you know something is right, and you know right from wrong-- and if you know something is wrong, to stand up for what you believe is right. And that's kind of like-- whether you see it as a character-- a good character trait or a bad character trait, I'm very stubborn and I don't like injustices, and I felt like there was an injustice happening. So I believed I should have followed it through, and kind of accepting that things were going to happen in a negative way to me. I just did that because I knew that I would regret this decision if I hadn't said anything. I could have easily asked to change out of the company and then that be it. They said the investigation was inconclusive, and that's it. And that happened the first time. And then they had

another investigation that was also inconclusive. But at least that I kind of spoke and went forward with this I think helps lift a big-- a lot of pressure off myself. And I'm sure for any other potential victims, if you speak about it; it really kind of helps you because you know that there are others on your side who want to help you.

Leaders Should Provide Support

I think from the beginning, my plebe year, when I had a different TAC officer, he knew of the first incident where Sergeant McClendon had walked in, because Sergeant McClendon reported himself. I thought it was a failure on the leadership to not approach me and kind of make sure I was okay with that situation-- even if it was an accident-- to say, "Hey, this is what happened. We're really sorry. He was taking the cleaning supplies out, and that will never happen again. We just want to make sure you're doing okay." I think an approach like that was necessary and not-- I think it was just necessary. So that never happened. When I reported to my-- the next TAC was expecting an unbiased bystander kind of support, like, "Hey, these are the resources. Let us help you." And I don't think that's exactly what I was given. So to me that's important because if I had a lack of confidence in what I was-- my gut-- then maybe I wouldn't have pursued it. And I'm not saying that as a bystander or as someone in leadership you need to take a stance one way or the other, because it might be hard if you don't believe the facts at the time, or not-- everything isn't as clear. But remaining unbiased is pretty important so that the person coming forward feels confident that you have their

best interest, and so from a leadership point of view, I would say we all make mistakes and we all judge people-- everyone does it-- but those people who come forward and say, "Hey, I was completely wrong. I'm sorry. I shouldn't have put any judgment on this. I should have just supported you," or "I should have told the company." Or from a leadership point of view, "Hey, we're going to quell any rumors. Don't start anything. She left the company, but she's still a past company mate." While that wouldn't prevent all rumors, that would just set a good tone for the rest of the company to know that we don't accept-- just basically kind of ignoring people who are in your company.

Leaders Should Not Pass Judgment

I think the-- as a leader you need to kind of accept the fact that you're going to deal with these type of things and not play the card of, "Oh, this is awkward. I'm a guy, she's a girl; I don't want to give her advice," or "I think"-- or vice versa. I think that everybody needs to be somewhat comfortable talking about this because it happens, and so you kind of have to deal with the repercussions. And if that happens in your unit especially, you need to take ownership of that and set the tone that this won't happen again, or that "We don't accept these types of behavior." So, from a leader's point of view, I think that you have to kind of face it head-on, like other problems or challenges, and be unbiased. Even if you believe strongly that the victim is right or that they're strongly wrong, it's not your job to place judgment because you're not the judge; you're just the person

who's supposed to be supporting them, there's certain things that as a leader you need to do and ensure that you do so that the victims or the perpetrators-- they all feel comfortable and valued. I think there's a level of transparency that sometimes leaders in higher positions don't necessarily give to their subordinates, which I found. And I think it's important to have transparency and to be very firm on the redline issues such as SHARP issues, and kind of say, "Hey, we don't stand for this." And at least that's what I took away from it.

Leaders Know Their Soldiers

If your soldier is hurt or has some kind of family issue or financial issue, I think it's something that the leaders need to know so that they could be there to help and support, because they're there for the health and welfare of their soldiers, and this falls into that. "I don't know if she's doing all right." "I don't know if he looks like he does every day." So kind of knowing your soldiers I think is important, or my future soldiers and for leaders, just really that unbiased bystander is just like the biggest takeaway I think. Because having favoritism or singling someone out because you think they're just kind of falsely accusing is not always right. And there's very few falsely accused SHARP incidents, I think. Well, I know that. And a lot of people think there are. So I think it's always best to assume that the person is being genuine, because those things take a lot of time, a lot of effort, and a lot of emotional strain. So the average person wouldn't be willing to do that for bad kind of publicity. So I think that just being unbiased and being supportive,

giving the resources that are necessary to that Soldier, is important.

Belief in the System

It's a huge responsibility that you can't take lightly, especially when these incidences occur. I think investigations are always the way to go kind of to get all the evidence out and to air what-- any rumors. Because like the myth of, "You're going to ruin his career"-- I don't think that applies. If there's evidence to be found, it'll be found. If there's not, there won't be. But I think people kind of need to kind of get over that "It'll ruin his career" idea, and I believe in the system. I think that people have to be prepared for how long it takes, because it takes two years, sometimes three years, to actually go to court. But I think at the end of the day if you're genuine and the facts are there, I think the outcome will be successful, or successful to you.

It Stops With You

I think a little bit you got to think about outside yourself and think, "Okay, most likely it'll be negative repercussions to some degree." Maybe not as bad as others. Maybe you won't be isolated so much. But there's going to be negative repercussions, but in order to help the organization and help others and get those wrong-- those people who shouldn't be here, or in the organization, out, you have to stand up and suffer a little bit more in order to help the greater good. So you don't want those people moving on and affecting others. Because I know, talking to a lot of people who-- even in the civilian world-- this has happened to, that was their biggest regret,

that they didn't do something, because those people continue their patterns of behavior. So kind of stopping it at you-- if you realize there's a problem-- think about not just yourself but others.

Don't Contribute to a Negative Culture

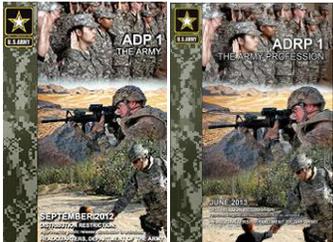
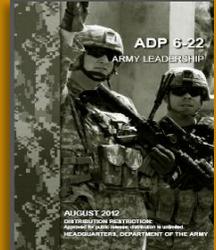
I think that before all the evidence is made clear to you as an individual-- let's say I had nothing-- I didn't have much connection with the case or anything, just kind of know that there's an incident going on, but if you're not a part of it or you don't know the details to hold your judgment until there's more evidence because if you don't really know what's going on or you hear rumors-- I walked in the bathroom one day and heard some girls talking about me pretty loudly to other freshman, plebes. So to me that's kind of like, you know, I think they have something better to talk about, but to just not be a part of that rumor cycle because it doesn't do anyone any good and it kind of just elevates these-- it kind of brings an unnecessary importance to these events. If you're implicating the new kids and you're telling them, "This girl lied.

She's just a part of the problem, you know, you know, SHARP, SHARP," you know, it's about all these different incidents, in your mind you're like, oh, great. As a girl you'd say, "Oh, look. She's kind of like misrepresenting the females and, you know, saying that they're- that they're weak, vulnerable, all these different things, that they're liars," and it's hurtful to me personally, but it's hurtful also because you know that those new members now have this tainted view of what SHARP is and what it stands for and then also that that member of the team without even having met me. So I think it's important that you keep your personal-- even if you have these judgments you keep them to yourselves in your closed doors but you don't spread those kinds of things.

The Army Profession demands that every Soldier, Army Civilian, and Family member Stand Strong by taking personal responsibility for their own behavior, for confronting unacceptable conduct, and for resolving any incident that demeans an individual's dignity and respect.

ADDITIONAL RESOURCES

The following resources are available:

	<p><u>Center for the Army Profession and Ethic:</u></p> <p>Visit the CAPE Website: http://cape.army.mil</p> <p>Stand Strong Webpage: http://cape.army.mil/aaop/stand-strong/</p>
	<p><u>In Doctrine ADP 1 (The Army) & ADRP 1 (The Army Profession):</u></p> <p>http://armypubs.army.mil/doctrine/DR_pubs/DR_a/pdf/adp1.pdf</p> <p>http://armypubs.army.mil/doctrine/DR_pubs/dr_a/pdf/adrp1.pdf</p>
	<p><u>In Doctrine ADP 6-22 (Army Leadership):</u></p> <p>http://armypubs.army.mil/doctrine/DR_pubs/dr_a/pdf/adp622_new.pdf</p>

SAMPLE DISCUSSION QUESTIONS

“One Incident Leads to Another...”

[Watch this segment – 00:00 to 04:20]

1. How did the actions of SFC McClendon (the Tactical NCO) demonstrate lack of character, and commitment as an Army Professional? How did his actions detract from the five essential characteristics of the Army Profession? (Military Expertise, Honorable Service, Trust, Stewardship, and Esprit de Corps.)
2. Why was Cadet Kingma initially hesitant to report or even talk about her being uncomfortable with SFC McClendon? How difficult is it to overcome uncertainty in what to do? Did having someone to talk to help or hurt in this situation? Why?
3. What can Leaders do to promote organizational environments where Soldiers feel comfortable bringing up and talking about issues? What can Leaders do to stay situationally aware of negative attitudes and unhealthy opinions in their organizations in order to promptly deal with them?
4. What are the possible outcomes for Cadet Kingma if she follows her mentor’s advice to contact the SHARP representative? What about possible outcomes for SFC McClendon? What would you do in this situation?

“Being Tough Doesn’t Make You Immune”

[Watch this segment – 04:20 to 06:08]

1. Cadet Kingma uses the term “Tough”. What does it mean to be “tough” as an Army Professional?
2. What is the decision Cadet Kingma is struggling with? What actions did she take to help work through the decision? How did the comments from the Cadets within Cadet Kingma’s company affect her decision concerning SFC McClendon?
3. What do Cadet Kingma’s concerns about reporting her uneasiness to the SHARP representation say about the climate and culture she was experiencing at the Military

Academy? What type of culture appeared to exist in the company based on the comments of her fellow Cadets?

4. How does the culture in your organization foster a professional environment? What can you do as a leader to further improve the culture in your organization?

“Courage to Follow Through on the Accusation”

[Watch this segment – **06:08 to 07:52**]

1. What Army Values were described in the interview? Give specific examples. Which Army Values did Cadet Kingma specifically show? How?
2. How does a person’s experiences shape their character? How does Cadet Kingma demonstrate “Standing Strong” for what she believes in? What counsel would you give to Cadet Kingma as her leader/supervisor?
3. When did you or someone you know have the “courage to follow through” with a tough decision?

“Leaders Should Provide Support”

[Watch his segment – **07:52 to 10:00**]

1. As a leader, how would react to Cadet Kingma’s situation? What might her leadership have done differently?
2. How would prevent this type of reaction within your own organization?
3. What type of Leader do you think Cadet Kingma will be? Support your opinion with examples of what she presents in the video.

“Leaders Should Not Pass Judgment”

[Watch this segment – **10:00 to 11:38**]

1. What are some of the ways to break down barriers in dealing with this type of case?

2. What are some specific actions for Leaders to ensure they take ownership of problems in their units? How can they effectively engage their staff in dealing with problems like this? How can Leaders set expectations for their subordinate Leaders' actions in cases like this?
3. How important is transparency in unit relationships and communications? What can leaders do to enhance clear, concise communication and messaging to the Soldiers in their units?

“Leaders Know Their Soldiers”

[Watch this segment – 11:38 to 13:04]

1. What do you do to foster trust and loyalty among your subordinates?
2. How do you get to know your subordinates and peers in order to understand them better?
3. Sometimes, Army Professionals choose to be loyal to their peers rather than the Oaths of Office they swear. How can we promote Soldier and Army Civilian actions that prioritize loyalty to their Oaths of Office over that of their team?
4. What actions can Leaders take that model the proper ways for subordinate Leaders to treat Soldiers with respect and intrinsic value at all times, even during incidents of investigations?

“Belief in the System”

[Watch this segment – 13:04 to 14:08]

1. What responsibilities do leaders have in resolving situations like Cadet Kingma's? How important is it for leaders to do the right thing and model proper ethical leadership for their subordinates and peers?
2. What would cause persons to avoid following the investigative process? How important is it for members to Trust in the processes of the Army Profession? Have you encountered a situation where you thought the investigative process should not be used? Explain.

“It Stops with You”

[Watch this segment – 14:08 to 15:08]

1. Why is it important to deal with problems and not pass them on to other people or organizations?

2. Can you give an example of when you choose to pass a problem on and what the consequences of those actions were?
3. Can you give an example of when you confronted a problem and what the consequences of those actions were?
4. As a Leader, what are your responsibilities as a Steward of the Army Profession in situations like this?

NA

“Don’t contribute to a Negative Culture”

[Watch this segment – 15:08 to 18:30]

1. What responsibilities do Army Leaders have in promoting climate and culture that enhance mission accomplishment, development of new members, and open, candid dialogue? What factors contribute to these types of positive environments?
2. What are the results of a positive environment? Give examples from your experiences.
3. What is the culture like within your own organization and what are you and your higher leadership doing to improve your culture as it relates to sexual harassment, sexual assault, and hazing?
4. What went right in this case? What could have gone better? Provide three examples of each.
5. How can Army Leaders support the members of our unit even when we disagree with them? What are the best ways to give that support?
6. In cases where there is an investigation that is still being conducted, why is it important for leaders and peers to treat all the persons in the situation, victims and accused, as members of the unit, with respect and dignity?
7. Why is it important for Army Leaders to discover the truth in situations? How can Army Leaders ensure they consider the Army Ethic when making decisions and taking action?

AAR/CHECK ON LEARNING

Personal Vignettes and Takeaways

Facilitator asks students to share any personal vignettes and takeaways from the module.

It is important for the group to relate to this story on a personal level. Conclude the module emphasizing the significance of CDT Kingma's story. Army Professions should walk away with a better understanding of sexual assault, sexual harassment, and hazing and be able to convey the importance confronting misconduct to others.

Upon concluding, the following questions are useful for determining learning and promoting reflection:

Learning	Q – What did you learn from listening to the reactions and reflections of others? Q – What are the future implications of this information and / or experience?
Reflection	Q – How do you feel / what do you think about what you learned? Q – What will you do with your new information? Q – How can you apply this experience to better develop yourself and your fellow professionals?