



DEPARTMENT OF THE ARMY
HEADQUARTERS, 1ST ARMORED DIVISION AND FORT BLISS
11685 SERGEANT MAJOR BOULEVARD
FORT BLISS, TX 79918-6818

AFBL-CG

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Command Policy Letter #5, Sexual Harassment/Assault Response and Prevention Program

1. References:

- a. National Defense Authorization Act (NDAA) for Fiscal Year 2020 (20 December 2019)
- b. DoD Directive 6495.01, Sexual Assault Prevention and Response (SAPR) Program, 23 January 2012, (Incorporates change 5, 10 November 2021).
- c. DoD Instruction 6495.02, Sexual Assault Prevention and Response (SAPR) Program Procedures, 28 March 2013 (Incorporates change 7, effective 06 September 2022).
- d. DoD Instruction 1020.03, Harassment Prevention and Response In The Armed Forces, 29 December 2020.
- e. Army Regulation 600-20, Army Command Policy Chapter 7, Sexual Harassment/Assault Response and Prevention Program, 24 July 2020.
- f. Army Regulation 27-10, Military Justice, 11 May 2016.
- g. Army Directive 2022-13, Reforms To Counter Sexual harassment/Sexual Assault in the Army, 20 September 2022
- h. Fort Bliss Regulation 27-5, Prohibited Conduct, 18 April 2019.
- j. ASDMRA Memorandum, Revisions to the Monthly Case Management Group Meetings for Adult Sexual Assault Cases, 13 November 2019.

2. The purpose of this policy is to reinforce my commitment to ensure that Soldiers, adult military dependents, and DA Civilian employees live and work in an environment free of sexual harassment and sexual assault. Commanders, leaders, and supervisors will be committed to creating and maintaining an environment conducive to dignity, respect, and productivity. Readiness will be increased through engaged leadership by permanently shifting our culture towards eliminating sexual assault, harassment, and retaliation. Sexual harassment and sexual assault destroy teamwork and negatively

Command Policy Letter #5, Sexual Harassment/Assault Response and Prevention Program

affect unit readiness and mission performance and will not be tolerated. Victims must feel empowered to report these incidents and must receive support from their chain of command.

3. According to DoDI 1020.03 the term "sexual harassment" means any of the following:

a. Conduct that:

(1) involves unwelcome sexual advances, requests for sexual favors, and deliberate or repeated offensive comments or gestures of a sexual nature when—

(a) submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career;

(b) submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person; or

(c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment; and

(2) is so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the environment as hostile or offensive.

b. Any use or condonation, by any person in a supervisory or command position, of any form of sexual behavior to control, influence, or affect the career, pay, or job of a member of the Armed Forces or a Civilian employee the Department of Defense.

c. Any deliberate or repeated unwelcome verbal comment or gesture of a sexual nature by any member of the armed forces or civilian employee of the Department of Defense.

d. There is no requirement for concrete psychological harm to the complainant for behavior to constitute sexual harassment. Behavior is sufficient to constitute sexual harassment if it is so severe or pervasive that a reasonable person would perceive, and the complainant does perceive, the environment as hostile or offensive.

e. Sexual harassment can occur through electronic communications, including social media, other forms of communication, and in person.

4. Complainants of sexual harassment are encouraged to seek assistance immediately from their chain of command, Sexual Assault Response Coordinator (SARC), Victim

Advocate (VA), Inspector General, Staff Judge Advocate, Provost Marshal, Medical Agency Personnel, or Chaplain. Commanders will initiate inquiry or investigation of all alleged sexual harassment promptly. Sexual harassment behavior may be punishable under the UCMJ; such behavior is incompatible with the Army Values.

5. Complainants may choose to file an anonymous, informal, or formal complaint.

a. An anonymous complaint is defined as a report of sexual harassment, regardless of the means of transmission, from an unknown or unidentified source. Commanders will publicize and enable anonymous reporting through the DoD SAFE HELPLINE (877-995-5247), Fort Bliss SHARP Hotline (915-245-8991), email, or other means of communication. All anonymous complaints, even those that cannot be investigated, will be referred to the subject's BDE commander for evaluation and entered into Integrated Case Reporting System (ICRS).

b. An informal complaint is not filed in writing. Typically, those issues that can be taken care of informally can be resolved through discussion, problem identification, and clarification of the issues. If a commander is informed of a complaint of sexual harassment, by the complainant or another party, the commander will inquire into the matter. If the commander investigates an informal complaint, the SARC will inform the complainant. The complainant may then decide not to pursue the complaint or complete a DA Form 7746. If the complainant does not fill out a DA Form 7746, an MFR, without PII, will be filed by the SARC locally, detailing the complaint and the response to that complaint. The SARC will also enter the relevant information into ICRS. An informal complaint is not subject to regulatory timeliness standards, but should be resolved within 14 calendar days of the complaint receipt.

c. A formal complaint is filed in writing on a DA Form 7746. The full-time brigade SARC will refer all formal complaints to the BDE commander immediately. The commander will have the complainant swear to the contents of the statement(s) contained in the formal complaint by administering an oath to the complainant, in accordance with AR 600-20. Upon receipt of a complaint, commanders will commence or cause the commencement of an investigation or inquiry within 72 hours. Commanders will forward the complaint to the first commander in the chain of command with GCMCA within 72 hours of receipt. The investigation will be conducted at the level which a thorough examination of the facts can be achieved. Investigating Officers (IO) for formal complaints of Sexual Harassment will be an O-3 (Company Commander) officer or above from another Brigade. The Commanding General for Fort Bliss is the approval authority for any exception to policy for the rank requirement for an IO. To the extent practicable, investigations should be completed no later than 14 calendar days after the date on which the investigation is initiated. Complaints involving an investigation require a review for legal sufficiency before they are complete.

Command Policy Letter #5, Sexual Harassment/Assault Response and Prevention Program

6. For all Sexual Harassment complaint investigations (anonymous, informal, or formal), if sufficient information exists to permit the initiation of an investigation, commanders **WILL** appoint IOs from outside the subject's assigned brigade-sized element to conduct a sexual harassment complaint investigation. Exceptions requiring appointment of an IO from the same brigade-size element as the subject will be approved in writing by the first general officer in command and included as an enclosure to the investigation. This authority may not be delegated.

UNIT WITH INCIDENT	IO ASSIGNED UNIT
1/1 ABCT	2/1 ABCT
CAB(R)(P)	1/1 ABCT
2/1 ABCT	3/1 ABCT
3/1 ABCT	1/1 ABCT
DIVARTY (+HHBN)	DSB
DSB	DIVARTY (+HHBN)
5 TH AR BDE	WBAMC
32D AAMDC	11 TH ADA
11 TH ADA	32D AAMDC
JMC	JTF-N
JTF-N	JMC
WBAMC	DENTAC (Primary) /528 th HC (Alternate)
DENTAC	WBAMC
528 TH HC	WBAMC

7. Exceptions for IO assignment from units other than listed above will be reviewed and approved by the 1AD Chief of Staff.

8. AR 600-20, para. 7-9, states: Sexual assault is a crime punishable under the UCMJ, other federal and local civilian laws and incompatible with the Army Values. Sexual assault is intentional sexual contact characterized by use of force, threats, intimidation, or abuse of authority or when the victim does not or cannot consent. The term includes a broad category of sexual offenses consisting of the following UCMJ offenses: rape, sexual assault, aggravated sexual contact, abusive sexual contact, or attempts to commit these acts.

9. Sexual assault has no place in our Army and must be eliminated. A commander who receives an unrestricted or third-party report of a sexual assault will immediately refer the matter to Department of the Army Criminal Investigation Division (DACID). A commander cannot investigate any report of sexual assault or delay immediately contacting DACID. If a supervisor of a Soldier becomes aware of a sexual assault involving a Soldier, the supervisor is required to inform the Soldier's commander immediately.

10. Victims of sexual assault should feel comfortable and understand the reporting procedures for incidents of sexual assault. Victims have two options; the option to file a restricted or an unrestricted report. Restricted reports may be made through a SARC, Victim Advocate (VA), or healthcare provider. Restricted reports provide confidentiality and will not initiate an official investigation. Unrestricted reports may be made through a SARC, VA, healthcare provider, chain of command or law enforcement. Unrestricted reports will initiate an official investigation of the criminal offense by the appropriate jurisdictional investigative agency. If the Unrestricted option is elected, the completed DD Form 2701, which sets out victims' rights and points of contact, shall be distributed to the victim in Unrestricted Reporting cases by DoD law enforcement agents. Both filing options allow victims to receive behavioral health and medical care, to include a Sexual Assault Forensic Exam (SAFE).

Catch a Serial Offender (CATCH) Program: Victims of Sexual Assault who elect a restricted report OR an unrestricted report where the offender is not known to law enforcement, may elect to participate in the CATCH Program. The CATCH program gives victims the opportunity to anonymously submit suspect information to help the Department of Defense identify serial offenders. Participation in the CATCH Program is voluntary. Victims may decline to participate in the process at any time. For more information, please contact your local SARC/VA or visit <https://www.sapr.mil/victim-assistance>.

11. SARCs are responsible for conducting non-clinical safety assessments for ALL victims that report sexual assault and shall receive specialized training, to include assessment of suicidal ideation and risk of harm to self and others, provided by the 1AD SHARP Program Office. SARCs are authorized to recommend immediate referrals to mental health for a comprehensive clinical assessment if they identify concerns for self-harm. Safety assessments will be re-administered when a new safety concern arises, an existing safety concern escalates, the victim files a complaint of retaliation or requests a Military or Civilian Protective Order. Safety Assessments will be documented on DD Form 2977 and maintained in a secure file cabinet under double lock & key.

12. Military Protective Orders: For all sexual harassment/sexual assault complaints and in coordination with CID, the first O-6 in the subject's chain of command will, as soon as possible, but no later than six hours after determining an MPO is warranted (such as the presence of a threat of physical harm), ensure that the subject's unit commander: (1) issues a DD Form 2873 (Military Protective Order) to the Soldier (alleged subject), (2) submits it to the installation Directorate of Emergency Service or Provost Marshal Office, and (3) provides a copy to the protected individual (victim).

13. It is the right of every member of this command to present a complaint without fear of retaliation, reprisal, ostracism, or maltreatment. Commanders will establish procedures to protect all first responders, both civilians and Soldiers, as well as

witnesses and bystanders who intervened to prevent a sexual assault or act of sexual harassment from retaliation, reprisal, ostracism, or maltreatment related to the execution of their duties and responsibilities. Commanders will take immediate action to investigate any allegation of retaliation and respond appropriately.

14. AR 600-20 defines reprisal as: Taking or threatening to take an unfavorable personnel action, or withholding or threatening to withhold a favorable personnel action, or any other act of retaliation, against a Soldier or Family member, for making or preparing a formal MEO complaint, a DA Civilian for engaging in activity in opposition to perceived discrimination; or against an alleged subject under investigation. Retaliation is defined as: any person subject to the UCMJ who wrongfully takes or threatens to take an adverse personnel action, or wrongfully withholds or threatens to withhold a favorable personnel action with the intent to discourage or retaliate against any person for reporting or planning to report a criminal offense, or making, or planning to make a protected communication. (See Article 132, UCMJ (2019)). Acts of cruelty, oppression or maltreatment (as these terms are described in UCMJ, Art. 93) committed against a victim, an alleged victim or another member of the Armed Forces by peers or other persons, because the individual reported a criminal offense or was believed to have reported a criminal offense.

15. SARCs and VAs must ensure that both Restricted and Unrestricted cases are promptly entered into the Defense Sexual Assault Incident Database (DSAID) within 48 hours of initial intake. Those serving as full-time Brigade SHARP SARCs who do not have access to DSAID must request access through their next higher echelon upon receipt of signed appointment orders.

16. Disposition and Status Disclosure to Sexual Assault Victims: In addition to the requirement in AR 600-20, para. 7-5t, to provide status updates to victims within 72 hours of each reoccurring Sexual Assault Review Board (SARB), brigade commanders (or brigade-equivalent commanders) will also notify the Soldier-complainant within 2 business days of receiving the final outcome of any judicial, non-judicial, or administrative proceedings. The brigade commanders (or brigade-equivalent commanders) duty to brief the victim on the final outcome is non-delegable. This policy does not change the responsibilities requiring VAs and SARCs to provide information to victims in their care.

17. Involuntary Separation Policy. Commanders will initiate involuntary administrative separation proceedings for all Soldiers against whom there is a substantiated complaint of sexual harassment unless the Soldier is otherwise punitively discharged or dismissed from the Army as part of a court-martial sentence. Separation proceedings will be processed through the chain of command to the separation authority for appropriate action. This requirement will not interfere with a Soldier's right to appeal an administrative investigation substantiating a complaint of sexual harassment.

Rehabilitation. A commander may rehabilitate a Soldier against whom there is a minor substantiated complaint of sexual harassment, as determined by the commander in consultation with the servicing judge advocate. The first O-6 commander in the subject's chain of command will make a determination as to whether a substantiated sexual harassment complaint is minor. Rehabilitation efforts will include: sexual harassment refresher training, individual corrective counseling, and monitoring of behavior for a period of time as determined appropriate by the first O-6 commander in the Soldier's chain of command.

18. Commanders will publish the nature and results of all judicial, non-judicial, and/or administrative actions taken against the offender (including letters of reprimand) and disseminate this information to troops via unit newsletters, bulletin boards, and other communications channels. All actions will be appropriately redacted to comply with the Privacy Act of 1974 and to protect victim privacy. Prior to publication, redactions required by the Privacy Act will be approved by the servicing Office of the Staff Judge Advocate or Brigade Judge Advocate.

19. Connect to Care. Commanders will ensure that Soldiers, DA Civilians, and Family members who seek assistance with any Army agency requesting SHARP services receive a direct handoff to a SARC or VA. SHARP professionals will provide a personal handoff to other agencies if assistance beyond SHARP is required, such as advocacy and support services through the Family Advocacy Program (FAP) or for behavioral health, medical, or legal assistance. A personal handoff requires a direct communication and introduction to responsible staff at the appropriate on- or off-post agency and follow-up to ensure needs were met.

20. Commanders will ensure that SHARP policy memorandums and a list of victim services are posted on unit bulletin boards and all high-traffic locations, including dining facilities. Posted details for SHARP services will include location, phone numbers, and email addresses for all local SARCs and VAs (military and civilian) on the installation, as well as the installation of a 24/7 SHARP Hotline and DoD Safe Helpline. Commanders will safeguard the entitlement of Soldiers to report sexual assaults and sexual harassment to any SARC and VA (including a Civilian) regardless of service affiliation. Diverse intake options increase the likelihood a victim will report an incident. Posting will also include reporting options for sexual assault, complaint procedures for sexual harassment, and retaliation reporting procedures. Unit bulletin board posting requirements will be monitored through Staff Assistance Visits, OIPs and courtesy checks.

21. Any Service Member, DoD Civilian or adult military dependent needing assistance in filing a complaint may contact their Battalion and Brigade SARC or VA, 1st Armored Division and Fort Bliss SHARP Program Office at 915-744-5136 or usarmy.bliss.1-ad.list.sharp-office@mail.mil, Fort Bliss 24/7 SHARP Hotline at 915-245-8991 or the DoD Safe Helpline at 877-995-5247.

AFBL-CG

Command Policy Letter #5, Sexual Harassment/Assault Response and Prevention Program

22. Point of contact for this policy is 1st Armored Division and Fort Bliss SHARP Lead SARC, at 915-744-4843.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

JAMES P. ISENHOWER III
Major General, USA
Commanding

DISTRIBUTION:

A