



DEPARTMENT OF THE ARMY
HEADQUARTERS, III ARMORED CORPS AND FORT CAVAZOS
BLDG 1001 761ST TANK BATTALION AVENUE
FORT CAVAZOS, TEXAS 76544-5000

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COMMANDING GENERAL'S
POLICY LETTER #3

14 JUL 2023

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Sexual Harassment/Assault Response and Prevention (SHARP) and Special Victims' Counsel (SVC)

1. References:

- a. Army Regulation (AR) 600-20, Army Command Policy, 24 July 2020.
- b. AR 600-8-2, Suspension of Favorable Personnel Actions (Flag), 5 April 2021.
- c. AR 27-26, Rules of Professional Conduct for Lawyers, 18 June 2018
- d. AR 623-3, Evaluation Reporting System, 14 June 2019.
- e. Department of the Army Pamphlet 623-3, Evaluation Reporting System, 27 September 2019.
- f. AR 690-600, Equal Employment Opportunity Discrimination Complaints, 9 February 2004.
- g. Department of Defense Instruction (DoDI) 6495.02, Volume 1 (Sexual Assault Prevention and Response: Program Procedures), Incorporating Change 6, 10 November 2021.
- h. DoDI 1350.02 (Military Equal Opportunity Program), September 4, 2020.
- i. Secretary of Defense Memorandum, Withholding Initial Disposition Authority Under the Uniform Code of Military Justice in Certain Sexual Assault Cases, 20 April 2012.
- j. National Defense Authorization Act for Fiscal Year 2016, Pub.L) 114-92 (2016k. 10 U.S.C.S. § 1044 (2014).
- k. DoD Retaliation Prevention and Response Strategy: Regarding Sexual Assault and Harassment Reports, April 2016.
- l. Army Directive 2018-23 (Improving the Effectiveness of Essential and Important Army Programs: Sexual Harassment/Assault Response and Prevention, Equal Opportunity, Suicide Prevention, Alcohol and Drug Abuse Prevention, and Resilience), 8 November 2018.
- m. FORSCOM Commanding General Policy Memo 8, Sexual Harassment and Sexual Assault Prevention and Response, 19 SEP 22.

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n. Army Directive 2022-13 (Reforms To Counter Sexual Harassment/Sexual Assault in the Army), 20 SEP 22.

2. Applicability: This policy applies at all times and in all locations to all Servicemembers and Civilians assigned to, attached to, or performing duties in units or activities assigned, attached, stationed, based, or otherwise located on the Fort Cavazos military reservation. This includes, but is not limited to, units and Servicemembers and Civilians conducting maneuvers, training, maintenance, or other duties on the Fort Cavazos military reservation. All Servicemembers and Civilians assigned to, attached to, or performing duties in units or activities over whom Commander, III Armored Corps and Fort Cavazos, exercises Senior Commander (SC) authority are also subject to this policy. (Note that Soldiers, Civilians, and dependents may have differing reporting avenues depending on the nature of the harassment or assault).

3. Policy:

a. The Army, FORSCOM, and III Armored Corps adhere to the SHARP Program. I am committed to ensure full adherence at all echelons of the Army SHARP Program and DoD and Army policy to end sexual harassment and sexual assault. The Army does not tolerate or condone sexual harassment, sexual assault, or retaliatory behaviors. The SHARP Program enhances Army readiness by fostering a culture free of sexual harassment and sexual assault through prevention, education and training, response capability, victim support, reporting procedures, and appropriate accountability that enhances safety, well-being, and readiness.

b. Commanders will protect individuals who file complaints from the presence or perception of intimidation, harassment, or reprisal. Commanders will ensure that Soldiers are assessed on fostering climates of dignity and respect and adhering to the SHARP Program codified as a part of each Officer/Noncommissioned Officer Evaluation Report (OER/ NCOER).

c. Prevention of sexual harassment and sexual assault is everyone's responsibility. Every Servicemember, Civilian employee, and Family member is responsible for treating one another with mutual dignity and respect. All leaders will set the example and create an environment of trust where sexual assault and sexual harassment cannot exist.

d. We must urgently address allegations of sexual harassment. All allegations of sexual harassment must be taken seriously and investigated promptly as thoroughly as possible. SHARP personnel will assist individuals who experience sexual harassment to resolve the issue at the lowest level possible with an informal complaint or through the formal complaint process. An anonymous complaint is a report of sexual harassment from an unknown or unidentified source. Upon receipt, the Sexual Assault Response Coordinator (SARC) will upload all complaints into the Integrated Case Reporting System (ICRS). DA and DOD Civilian complaints of sexual harassment will be investigated and processed IAW the EEO Program and AR 690-600.

4. Sexual harassment is conduct that involves unwelcome sexual advances, requests for sexual favors, and deliberate or repeated offensive comments of a general nature when submission to such conduct is either explicitly or implicitly a term or condition of a person's job, pay or career; or submission to or rejection of such conduct by a person is used as a basis for career or

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employment decisions affecting that person; or 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 is so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the environment as hostile or offensive. 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 DA Civilian employee. Any deliberate or repeated unwelcome verbal comment or gesture of a sexual nature related to the work environment by any member of the Armed Forces or DA Civilian employee (AR 600-20, 7-7). Sexual harassment isolates and marginalizes valuable members of the FORSCOM team, eroding trust and cohesion and inhibiting unit readiness. Every sexual harassment complaint will be taken seriously, and complainants will be provided appropriate care and resources. Formal complaints and anonymous complaints with sufficient information will be promptly investigated. Offenders may be subject to adverse administrative or Uniform Code of Military Justice (UCMJ) action, as appropriate.

a. Sexual Harassment is defined as 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 DoD. 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. Sexual harassment can occur through electronic communications, including social media, other forms of communication, and in person (AR 600-20, 7-7).

b. The use of disparaging and/or sexualized terms may contribute to an unlawful hostile environment and thus will not be tolerated. Leaders at all levels will protect their teams against sexual harassment and proactively ensure that their environments are free from all forms of sexual harassment.

c. This guidance is punitive, and violations may be punished under UCMJ, Art. 92. Leaders who fail to address complaints or document sexual harassment may also be subject to punitive and/or adverse administrative action (AR 600-20, 7-7).

d. Brigade SARC's will receive all reports of sexual harassment (Formal, Informal, Anonymous). All reports will be uploaded in the Integrated Case Reporting System (ICRS). Commands will provide updates on sexual harassment cases to the program office on the first workday of the month.

5. Sexual Assault, as defined in AR 600-20, Paragraph 7-9, is intentional sexual contact characterized by use of force, threats, intimidation, or abuse of authority or when the victim does not or cannot consent. Every Servicemember who is aware of a sexual assault should immediately report it. The U.S. Army Criminal Investigation Division (CID) will promptly and thoroughly investigate all allegations of sexual assault of which they become aware of and are within their jurisdiction.

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a. 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.

b. A commission of Sexual Assault may be punished under UCMJ Article 120 or under other federal and local, civilian laws. Leaders who fail to address complaints or document sexual assault may also be subject to punishment and/or adverse administrative action.

6. Retaliation and Reprisal is conduct which is incompatible with the Army Values.

a. Reprisal is the 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.

b. Retaliation is 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).

c. 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. Retaliatory behavior may be punishable under the UCMJ.

7. Sexual Assault Resources and Reporting:

a. Sexual assault victims are strongly encouraged to seek assistance immediately. Commanders must provide support and assistance to victims and report sexual assaults to the Criminal Investigation Division. Medical treatment, counseling, and legal services are available to sexual assault victims. Servicemembers and their dependents, age 18 or older, are eligible for SHARP services. Victims who are minors are encouraged to report directly to the Family Advocacy Program (FAP) or Families in Crisis (FIC) located in Killeen. DA/DOD Civilian complaints of sexual harassment will be investigated and processed IAW the EEO program and AR 690-600. Those who meet the criteria above and seek assistance are entitled to a full range of support services. Victims of sexual assault may choose either a restricted or an unrestricted reporting option.

(1) Restricted reporting allows Servicemembers and dependents, age 18 or older, to confidentially report a sexual assault to a Sexual Harassment/ Assault Response Coordinator (SARC), Victim Advocate (VA), Victim Representative (VR), or healthcare provider and receive medical care without notifying the supervisor, chain of command or triggering an official investigation. Additionally, in the course of otherwise privileged communications with a chaplain or legal assistance attorney, a victim may indicate that he or she wishes to file a restricted

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report. If this occurs, the chaplain or legal assistance attorney shall facilitate contact with a SARC or VA to ensure the victim is offered SHARP services and is counseled on the available reporting options. A restricted report may be changed to an unrestricted report at any time when requested by the victim. Credentialed SARCs and VAs should discuss restricted reports and inform victims on the limitations and capabilities of how restricted reports are handled. When the option exists, the victim should make a well-informed decision to report sexual assault. Those choosing the restricted reporting option will be briefed and given an opportunity to participate in DoD SAPRO's CATCH program.

(2) Unrestricted reporting allows the victim of a sexual assault to report the assault to the chain of command and other official channels, to include CID, Inspector General, and the Provost Marshal. Unrestricted reports may not be changed to a restricted report. If the victim requests to be separated from the subject, the Battalion Commander of the victim and subject will separate them into separate battalions. **Exceptions require Brigade Commander approval.** Filing an unrestricted report may enable an expedited transfer (intra-post or PCS). Victims of sexual assault may elect an expedited transfer as part of their resiliency and recovery process. A victim may choose between an intra-post or PCS expedited transfer. All expedited transfers, outbound or inbound, will be coordinated with the installation's lead SARC. This coordination will continue through assured arrival and Victim Advocate contact upon arrival. Brigade SARCs will ensure that victims coordinate with the Fort Cavazos lead SARC once PCS orders are obtained. Colonel level or above commanders are the only commanders authorized to coordinate warm hand offs with gaining COL/ O-6 commander of the expedited transfer.

(3) If a victim does not request a Military Protective Order (MPO) a declination statement or Memorandum for Record (MFR) is required. MPOs will be provided to DES for National Crime Information Center (NCIC) upload.

(4) Soldiers who made an unrestricted report of sexual assault and is recommended for involuntary separation from the military within 1 year of final disposition of his or her sexual assault case may request a general or flag officer (G/FO) review of the circumstances of and grounds for the involuntary separation in accordance IAW DoD Instructions 1332.14 and 1332.30.

(I) The Soldier requesting this review must submit his or her written request to the first G/FO in the separation authority's chain of command before the separation authority approves the member's final separation action.

(II) The Soldier submitting a timely request will not be separated until the G/FO conducting the review concurs with the circumstances of and the grounds for the involuntary separation.

(5) National and Local Outreach Service Organizations for sexual assault victims:

(I) DoD Safe Helpline:	877-995-5247
(II) Fort Cavazos SHARP Hotline	254-319-4671
(III) Aware Central Texas	254-813-0968
(IV) Teach Them To Love	254-519-2222 or 254-247-9970

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- (V) VA Outreach (Harker Heights) 254-953-7100
- (VI) RAINN (National) 800-656-4673
- (VII) Families In Crisis (Killeen) 254-634-1184/ 8309
- (VIII) Cove House 254-547-4673
- (IX) Cove Refuge 254-547-6753
- (X) Hope Alliance (Round Rock) 512-255-1212
- (XI) Texas Advocacy Project 800-374-4673

(6) Confidentiality of victim's communications is paramount to the recovery of the victims. Victims' communications to SARC, SHARP VA, VR, healthcare personnel, and assigned SVC are confidential communications. Improper disclosure of covered communications, improper release of medical information, and other violations of this policy are prohibited and may result in discipline under the UCMJ, loss of certification, or other adverse personnel and administrative actions.

(7) As a victim you have the following rights:

- (I) The right to be treated with fairness and respect for your dignity and privacy.
- (II) The right to be reasonably protected from the accused offender.
- (III) The right to reasonable, accurate, and timely notice of public preliminary hearings, pretrial confinement hearings, court proceedings, clemency and parole hearings related to the offense, and the release or escape of the accused.
- (IV) The right to be present at all public proceedings related to the offense, unless the hearing officer or military judge determines that your testimony would be materially altered if you as the victim heard other testimony.
- (V) The right to reasonably confer with the prosecutor/trial counsel in the case.
- (VI) The right to receive available restitution.
- (VII) The right to be reasonably heard at: 1) a public hearing concerning the continuation of any pretrial confinement of the accused; 2) a sentencing hearing related to the offense; 3) a public Military Department Clemency and Parole Board hearing related to the offense.
- (VIII) The right to be reasonably heard at the presentencing proceeding related to offenses for which the accused has been found guilty.
- (IX) The right to submit a written statement for the consideration of the Convening Authority prior to taking action on findings and sentence.
- (X) The right to proceedings free from unreasonable delay.
- (XI) The right to be provided information, if applicable, about the conviction, sentencing, imprisonment, Convening Authority's action, appellate review, and release of the offender.

b. SHARP resources are available to train and assist commanders and leaders at every level. SARCs and VAs are available from the Battalion to Corps level to provide assistance with sexual harassment complaints and sexual assault reports, SHARP training, prevention and response efforts, and victim advocacy. Commanders will ensure that SARCs and VAs conduct prevention and training activities and advise all commanders in their formation on SHARP program response activities.

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(1) Commanders will incorporate unit-level SHARP training annually into the overall training plan for the unit and document the training on unit training schedules.

(2) Annual SHARP training will be conducted face-to-face using the approved Department of the Army SHARP Annual Refresher Training Support Package available on the Army Training Network. Commanders will determine the duration, location, and means for conducting training. Unit leaders will lead the training with the assistance of credentialed SHARP professionals.

(3) Commanders will upload completed SHARP training into the Soldiers Digital Training Management System (DTMS) record.

c. Medical Resources:

(1) Sexual Assault Clinical Providers and Sexual Assault Care Coordinators (SAC-P/SAC-C) are available through the Fort Cavazos military treatment facilities for those who are authorized TRICARE services. They provide emergency and follow-up medical and behavioral care, treat injuries, and provide referrals as needed.

(2) Sexual Assault Medical Forensic Examiners (SAMFE) are the only medical healthcare personnel authorized to perform the Sexual Assault Forensic Examination. All Servicemembers and DA/DOD Civilians of sexual assault are eligible for a Sexual Assault Forensic Exam (SAFE).

d. Legal Resources:

(1) The Special Victims Counsel Program (SVCP) consists of Judge Advocates nominated by their respective Staff Judge Advocates, and certified by The Judge Advocate General (TJAG) to serve as Special Victims' Counsel (SVC). The SVCP's mission is to provide confidential legal counsel to eligible clients who report as victims of an alleged sex-related offense.

(2) All active duty Soldiers are eligible for SVC services. Additionally, individuals eligible for military legal assistance under 10 U.S.C. § 1044 who make a restricted or unrestricted report of an alleged sex-related offense perpetrated by a person subject to the Uniform Code of Military Justice (UCMJ) shall be offered the option of receiving assistance from an SVC. DoD Civilian employees not entitled to legal assistance IAW 10 U.S.C. § 1044 may be entitled to SVC representation IAW 10 U.S.C. § 1044e(a)(2)(C), so they shall be offered the option of receiving assistance. If SVC services are requested, their eligibility will be evaluated by the SVC Regional Manager. Receiving assistance or advice from a SVC is not required, and a victim should elect whether they would like to speak to an SVC. Discussing a restricted report with a SVC does not make it unrestricted.

(3) The SVCP augments services already available to victims of sex-related offenses through SHARP and Family Advocacy Program. An eligible victim will be entitled to SVC representation from initial report through any administrative or military justice action, to include submissions through the administrative or post-trial process, until action by the convening

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authority. Additionally, a victim will have the opportunity to consult with an SVC beyond convening authority action, should any new issues arise, to include help in preparing submissions to a parole and/or clemency board.

(4) At a minimum, victims will be notified twice of their eligibility for SVCP services. The first notification will occur at the initial report of a sex-related offense, and the second notification will occur at referral of charges against their alleged perpetrator, if applicable. Declination of SVC services will be obtained or recorded by the VA. Initially declining to speak with an SVC does not preclude asking for SVC representation at any point throughout the process.

(5) If a victim is represented by an SVC, any agency involved with the investigation or adjudication of the underlying sex-related offense shall coordinate with the SVC to speak with the victim. Attorneys, to include trial and defense counsel, will adhere to the requirements of Army Regulation 27-26 and the code of professional responsibility of their respective state bar(s). Law enforcement agencies seeking to interview the victim must coordinate through the SVC. However, a victim may voluntarily waive this requirement and elect to meet with law enforcement without the SVC present.

(6) Commanders retain overall responsibility for the health and welfare of the Servicemembers in their unit. Nothing in this policy should be interpreted to conflict with, restrain, or otherwise reduce this responsibility. Commanders may NOT talk with victims about the facts and circumstances concerning the allegations for which the victim sought representation. If a commander wants to talk with the victim about such matters, the commander must coordinate with the SVC.

(7) The Special Victim Witness Liaison (SVWL) may act in conjunction with the SARC and VA, to facilitate and coordinate victim/witness access to information, assistance, and services.

8. SARB-Victim Care Review Board:

a. Brigade Commander or their designated representative will attend the SARB-Victim Care Review Board, IAW AR 600-20 7-4,t,11 and Appx F-5,e,3, and will provide monthly updates to victims of a sexual assault who filed an unrestricted report regarding the current status of any ongoing investigations, medical, legal, or any other request made by the victim or command proceedings regarding the sexual assault until the final disposition of the reported assault. This is a non-delegable commander duty. The monthly update will occur within 72 hours after the SARB-Victim Care Review Board. At a minimum, a monthly update is provided to the victim (if report is unrestricted) on the current status of any ongoing investigative, medical, legal, or command proceedings regarding the assault. Monthly updates will continue until the final disposition of the reported assault (that is, the conclusion of any judicial, non-judicial, and administrative actions (including separation) taken in response to the offense, whichever is later in time). IAW AR 600-20, Appx F-5,b,7,(b), ensure that the victim is informed of all case dispositions, including those disposed of by nonjudicial punishment, within 2 business days of the final disposition. Additionally, the battalion commander will follow-up with the victim within 45 days after disposition of the case to ensure the victim's needs have been addressed.

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b. These updates will be provided through the SVC, if represented. SARB requirements will be met through three distinct and separate monthly meetings as follows:

I. Victim Care Review Board: Occurs monthly IAW III Armored Corps (IIIAC) Battle Rhythm, conducted over A365 Teams. Brigade Commanders or designated representative will discuss their plan to care for respective victims. Sexual Assault Response Coordinator (SARC), Victim Advocates (VA), Chaplain, and Embedded Behavioral Health (EBH) will be present during the Brigade Commanders discussion.

II. Case Review Board: Occurs monthly IAW IIIAC Battle Rhythm, conducted in-person in the CG's office/CR1 with the IIIAC Staff Judge Advocate (SJA), Criminal Investigation Division (CID), BH, SARC, and the Provost Marshall Office (PMO).

III. SHARP Prevention Review Board - Occurs IAW IIIAC Battle Rhythm, but individual cases will not be discussed. Participants focus on trends within their organizations, ideas implemented to reduce incidents, collaborate with other unit initiatives, and share recommendations and lessons learned. A review and status update of all open cases will be conducted.

9. Directed program refinements:

a. Commanders will ensure 200% fill for collateral duty SHARP professional requirements. This 200% fill requirement is based on Battalions requiring SARCs and VAs and may be met with any combination of SARC/ VA credentialed personnel.

b. Brigade and Battalions Commanders are the commanders authorized to sign DD-2950 & DD-250-1, D-SAACP Department of Defense Sexual Assault Advocate Certification Program Application or renewal Application Packets. Only those individuals performing as a SARC/ VA or in the process of becoming a SARC/ VA are authorized approval of D-SAACP application packets. Brigade Commanders will sign for their fulltime SARC/ VA and Battalion Commanders will sign for their collateral duty SARC/ VA personnel. Commanders, Applicants and BDE SARCs will maintain digital copies of the applicants' packets.

c. All D-SAACP applications will be reviewed, approved, and submitted through the installation SHARP Program Office.

10. Withholding initial disposition authority: Pursuant to Secretary of Defense Memorandum, "Withholding Initial Disposition Authority Under the Uniform Code of Military Justice in Certain Sexual Assault Cases, April 20, 2012, initial disposition authority is withheld to the first special court-martial convening authority in the grade of O-6 or higher for the following alleged offenses:

a. Rape or Sexual Assault, in violation of Article 120.

b. Attempts to commit the above offenses, in violation of Article 80.

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11. Punitive provision: This memorandum serves as a lawful general order and regulation within the meaning of Article 92, Uniform Code of Military Justice (UCMJ), and 18 USC § 1382. Acts of sexual harassment, as defined in paragraph 4 above, may result in punitive action under the UCMJ, adverse administrative action, or both. Civilian employees who commit an act of sexual harassment, sexual assault, or another sex-related offense may be subject to other disciplinary and/or administrative action according to appropriate civilian personnel regulations.

12. For further information see the DoD Victim and Witness Assistance Council web page at: <http://vwac.defense.gov/>

13. The proponent for this policy letter is the III Armored Corps and Fort Cavazos SHARP Program Manager at (254) 226-8283. The point of contact for questions about the SVCP is the Chief of Client Services, III Armored Corps and Fort Cavazos at (254) 287-7901.

14. Expiration: This Command Policy Memorandum supersedes the Sexual Harassment/Assault Response and Prevention and Special Victims' Counsel memorandum dated 05 June 2019. This policy will remain in effect until superseded or rescinded.



SEAN C. BERNABE
Lieutenant General, USA
Commanding

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