



DEPARTMENT OF THE ARMY
HEADQUARTERS, 3D CAVALRY REGIMENT
BUILDING 9001 LEGENDS WAY
FORT CAVAZOS, TX 76544



AFZC-RCO

25 MAY 23

MEMORANDUM FOR RECORD

SUBJECT: Policy Letter #3 – Sexual Harassment/Assault Response and Prevention (SHARP) Program

1. References:

- a. Army Regulation (AR) 600-20, Army Command Policy, 24 July 2020.
- b. Army Directive (AD) 2022-06, 20 September 2022.
- c. DoD Instruction 6495.02, Change 7, Sexual Assault Prevention and Response (SAPR) Program and Procedures, 6 September 2022.
- d. DoD Instruction 6495.03, Defense Sexual Assault Advocate Certification Program (D-SAAP), 28 February 2020.
- e. Commanding General's Policy Letter, 1st Cavalry Division Policy on Sexual Harassment/Assault Response and Prevention Program, 21 October 2021.

2. This policy applies at all times to all Troopers assigned or attached to the 3d Cavalry Regiment. This policy applies both on- and off-post, during duty and non-duty hours and applies to working, living, and recreational environments (including on- and off-post housing).

3. Commanders will establish a SHARP program.

4. Policy:

a. The 3d Cavalry Regiment is committed to ensuring that Troopers, civilian employees, and Family members live and work in an environment free of sexual harassment and sexual assault. Leaders at every level must be committed to creating and maintaining an environment that promotes productivity and respect for human dignity. Sexual harassment and sexual assault are offenses contrary to Army Values and the Warrior Ethos. These unacceptable actions erode trust, destroy teamwork, and negatively affect combat readiness. Sexual harassment and sexual assault are punishable under the Uniform Code of Military Justice (UCMJ) and other federal and local laws. We will hold ourselves accountable.

b. Commanders will protect individuals who file complaints from the presence or perception of intimidation, harassment, or reprisal. Commanders will ensure that rated Troopers are assessed on fostering climates of dignity and respect adhering to the SHARP program 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 Trooper, 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. 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. The Regimental Sexual Assault Response Coordinator (SARC) will upload all complaints into Integrated Case Reporting System (ICRS). Every Trooper who is aware of a sexual assault should immediately report it. Commanders will refer all allegations of sexual assault to the U.S. Army Criminal Investigation Division (CID) for investigation.

5. SHARP Resources and Reporting.

a. Sexual Harassment Reporting.

(1) Sexual harassment, as defined in AR 600-20, paragraph 7-7, is a form of gender discrimination that involves unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature between same or opposite genders when:

(a) Submission to, or rejection of, 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.

(d) Any person in a supervisory or command position uses or condones implicit or explicit sexual behavior to control, influence, or affect the career, pay, or job of a Service member or civilian employee.

(e) Any Service member or civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature is engaging in sexual harassment.

(2) Victims of sexual harassment are encouraged to bring complaints of sexual harassment to the attention of their chain of command, SARC, VA, Inspector General, or Chaplain. Complainants of sexual harassment may make either a formal or informal complaint:

(a) Formal – Complainants of sexual harassment may make a formal complaint through the Regimental SARC. All formal complaints received by the Regimental SARC will be referred to the proper authority in the chain of command within 72 hours, and an AR 15-6 investigation will be appointed immediately. The formal complaint will be reported through my office to the Commanding General, III Corps and Fort Hood, or first General Courts-Martial Convening Authority in the chain of command. Formal complaint processing will be conducted pursuant to AR 600-20, para. 7-8.

(b) Informal – With or without assistance of the Regimental SARC, complainants may make an informal complaint in any form. Chain of command will resolve complaints as quickly as possible and keep the complainant informed throughout the entire process. All informal complaints of sexual harassment will be reported as soon as possible to the Regimental SARC and Regimental Judge Advocate.

b. Sexual Assault Reporting. Sexual assault victims are strongly encouraged to seek assistance immediately. Commanders must provide support and assistance to victims and report sexual assaults to CID. Medical treatment, counseling, and legal services are available to sexual assault victims. Troopers 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, TX. 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 unrestricted reporting option.

(1) Restricted reporting allows Troopers and dependents, age 18 or older, to confidentially report a sexual assault to a SARC, Victim Advocate (VA), 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 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.

(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 Provost Marshal. Unrestricted reports may not be changed to a restricted report. Filing an unrestricted report may enable an expedited transfer (intra-post or PCS). A victim of sexual assault may choose to request an intra-post or PCS expedited transfer. All expedited transfers will be coordinated through the Regimental SARC with the installation lead SARC. I am the only commander authorized to coordinate a warm hand off with the gaining COL/O-6 Commander of the Trooper requesting the expedited transfer.

c. Resources. SHARP Resources are available to train and assist commanders and leaders at every level. SARCs and VAs are available at Squadron and Regiment 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.

(1) Commanders will incorporate unit-level SHARP annual training 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 retain records of Troopers' SHARP training.

d. Medical Resources: Sexual Assault Clinical Providers and Sexual Assault Care Coordinators are available through military treatment facilities for those who are authorized TRICARE services. They provide emergency and follow-up medical and behavioral health care, treat injuries, and provide referrals as needed. Victims of sexual assault are eligible for a sexual assault forensic examination at military treatment facilities.

e. Legal Resources:

(1) Special Victim Counsel (SVC). SVCs are judge advocates who provide confidential legal representation related to issues that may arise from sex-related offenses.

(2) All Troopers are eligible to receive SVC services for qualifying offenses. Additionally, family members who are eligible for military legal assistance are eligible for SVC services. Receiving assistance or advice from an SVC is not required, and a victim should elect whether they would like to speak to an SVC. Discussing a restricted report with an SVC does not make it unrestricted.

(3) Commanders retain overall responsibility for the health and welfare of the Troopers in their units. Nothing in this policy should be interpreted to conflict with, restrain, or otherwise reduce this responsibility. However, if a Trooper is represented by an SVC, commanders may NOT talk with victims about the facts and circumstances concerning the allegations for which the victim sought representation. If a commander or any command representative wants to talk with the victim about represented matters, the commander must make prior coordination with the SVC.

6. Investigation, Processing, and Updates.

(1) Upon receiving allegation of sexual harassment or assault, commanders will immediately consider appropriateness of Military Protective Order (MPO) and put it in place if appropriate. This includes issuing and serving the DD Form 2873 to the subject Trooper, submitting it to the Directorate of Emergency Service (DES)/Provost Marshal Office (PMO), and providing a copy to the protected individuals.

(2) Commanders will initiate involuntary administrative separation proceedings for all Troopers against whom there is a substantiated complaint of sexual harassment unless I determine that the sexual harassment is minor in nature, such that the Trooper may be rehabilitated IAW AD 2022-06. This decision is withheld to my level.

(3) When sufficient information exists to permit the initiation of an investigation into sexual harassment, commanders will appoint the investigating officers (IOs) from outside the subject's assigned brigade-sized element. This applies to formal and informal complaints. The Regimental Judge Advocate will coordinate with the 1CAV Chief of Administrative Law to arrange to IOs. The Executive Officer will provide names of IOs to the Regimental Judge Advocate to investigate when assigned to support other brigades with this requirement.

(4) Pursuant to DODI 6495.02, commanders will ensure feedback on case status if provided to victims of sexual assault who make an unrestricted report. Squadron commanders will update the victim 14 calendar days after the initial report. Thereafter, Squadron Commanders will ensure, at a minimum, a monthly update is provided to the victim on the current status of any ongoing investigative, medical, legal, or command proceedings regarding the assault.

(5) 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). Upon final disposition, I will notify any Trooper-complainants about the outcome. Squadron Commanders will subsequently reach out to ensure all of complainant's needs have been met.

7. Withholding Initial Disposition Authority for SHARP-related Misconduct: Pursuant to Secretary of Defense Memorandum, "Withholding Initial Disposition Authority Under the Uniform Code of Military Justice in Certain Sexual Assault Cases," 20 April 2012, I withhold initial disposition authority for the following alleged offenses arising within the 3d Cavalry Regiment:

- a. Rape, in violation of Article 120, UCMJ.
- b. Sexual assault, in violation of Article 120, UCMJ.
- c. Forcible sodomy, in violation of Article 125, UCMJ (pre-2019 offenses).
- d. Attempts to commit the above offenses, in violation of Article 80, UCMJ.
- e. Additionally, this withholding applies to all other alleged offenses arising from or relating to the same incident(s), whether committed by the alleged perpetrator or the alleged victim of the rape, sexual assault, forcible sodomy, or the attempts thereof.

8. SHARP Personnel Requirements.

- a. All SHARP personnel within the 3d Cavalry Regiment must be trained, certified, and credentialed pursuant to DODI 6495.02, DODI 6495.03, AR 600-20, and all other applicable DOD and Army policies.
- b. The 3d Cavalry Regiment will maintain one full-time credentialed SARC and one full-time credentialed SAPR VA who serve as the focal point for the Regimental SHARP program and victim advocacy. The Regimental SARC and VA will advise commanders on SHARP issues. The Regimental SARC and VA are responsible for ensuring that Regimental SHARP personnel are identified, trained, and credentialed pursuant to DOD and Army policy.
- c. Squadrons will have one collateral duty credentialed SARC and four collateral duty credentialed SAPR VA. Squadron SHARP personnel will advise commanders, provide training, and serve as the focal point for all SHARP-related matters within their squadrons.

9. Training Requirements.

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a. All boards at echelon, including practice and actual, must include two questions related to the SHARP program, scenarios, or responsibilities, and one question based on the Army ethic and/or Army Values.

b. All Spur Rides, EIB, ESB, and similar events will include one graded lane based upon SHARP, Military Equal Opportunity, and/or the Army ethic.

10. The point of contact for this memorandum is the Regimental SARC at 254-368-5088.

11. This memorandum supersedes Commanding Policy Letter #3, dated 26 December 2020. This policy will remain in effect until superseded or rescinded.


JEFFREY J. BARTA
COL, AR
Commanding
80th

