



DEPARTMENT OF THE ARMY
HEADQUARTERS, III CORPS AND FT HOOD
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**COMMANDING GENERAL'S
POLICY LETTER # 3**

JUN 05 2019

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, 6 November 2014.
- b. AR 600-8-2, Suspension of Favorable Personnel Actions (Flag), 11 May 2016.
- c. AR 27-26, Rules of Professional Conduct for Lawyers, 1 May 1992.
- d. AR 623-3, Evaluation Reporting System, 4 November 2015.
- e. Department of the Army Pamphlet 623-3, Evaluation Reporting System, 10 November 2015.
- f. AR 690-600, Equal Employment Opportunity Discrimination Complaints, 9 February 2004.
- g. Department of Defense Instruction 6495.02, Sexual Assault Prevention and Response (SAPR) Program Procedures, March 28, 2013, Incorporating Change 1, Change 2, and Change 3, 24 May 2017.
- h. Secretary of Defense Memorandum, Withholding Initial Disposition Authority Under the Uniform Code of Military Justice in Certain Sexual Assault Cases, 20 April 2012.
- i. ALARACT 299/2013, Subject: Army Responsibilities, Roles, Procedures, And Authorities For Responding To Sexual Assault Allegations DTG: 080700Z NOV 13
- j. National Defense Authorization Act for Fiscal Year 2016, Pub.L) 114-92 (2016k. 10 U.S.C.S. § 1044 (2014).

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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.

2. Applicability: This policy applies at all times and in all locations to all service members and civilians assigned to, attached to, or performing duties in units or activities assigned, attached, stationed, based, or otherwise located on the Fort Hood military reservation. This includes, but is not limited to, units and service members and civilians conducting maneuvers, training, maintenance, or other duties on the Fort Hood military reservation. All service members and civilians assigned to, attached to, or performing duties in units or activities over whom Commander, III Corps and Fort Hood, 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 Corps are committed to ensuring that service members, 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 Soldiers are assessed on fostering climates of dignity and respect and 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 Service member, 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.

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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. BDE SARC will upload all complaints into ICRS. DA and DOD Civilian complaints of sexual harassment will be investigated and processed IAW the EEO Program and AR 690-600. Every Service member 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.

4. Sexual Harassment:

a. Sexual harassment, as defined in AR 600-20, paragraph 7-4, 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:

(1) 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;

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

(3) 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.

(4) 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.

(5) 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.

5. 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 CID. Medical treatment, counseling, and legal services are available to sexual assault victims. Service members 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

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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 a Service members and dependents, age 18 or older, to confidentially report a sexual assault to a Sexual Harassment/ Assault Response Coordinator (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 (inner-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 inner-post or PCS expedited transfer. All expedited transfers will be coordinated with the installation lead SARC. Colonel level or above Commanders are the only commanders authorized to coordinate warm hand off with gaining COL/ O6 Commander of the expedited transfer.

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.

(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 being 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.

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(3) Commanders will retain records of Soldiers' SHARP training.

c. Medical Resources:

(1) Sexual Assault Clinical Providers and Sexual Assault Care Coordinators (SAC-P/SAC-C) are available through our Fort Hood 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 Service members and DA/DOD Civilians of sexual assault are eligible for the SAFE.

d. Legal Resources:

(1) The Special Victim Counsel Program (SVCP). The Special Victim Counsel Program consists of Judge Advocates appointed by their respective Staff Judge Advocates to serve as Special Victim Counsel (SVC). The SVCP's mission is to provide victims with confidential legal representation related to issues that may arise from the sex-related offense.

(2) All Active Duty Servicemembers are eligible for SVC services. Additionally, individuals eligible for military legal assistance under 10 U.S.C.S. 1044 who makes a restricted or unrestricted report of an alleged sex-related offense perpetrated by a person subject to the Uniform Code of Military Justice shall be offered the option of receiving assistance from an SVC. DoD Civilian employees not entitled to legal assistance IAW 10 U.S.C.S. 1044 may be entitled to SVC representation so they shall be offered the option of receiving assistance. 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.

(a) 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 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.

(b) 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 preferral of charges against their alleged

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(c) perpetrator, if applicable. Initially declining to speak with an SVC does not preclude asking for SVC representation at any point throughout the process.

(d) 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.

(e) Commanders remain overall responsibility for the health and welfare of the Service members 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 represented matters, the commander must coordinate with the SVC.

(f) Commanders, IAW AR 600-20 paragraph 8-5(o)(30), will ensure feedback on case status is provided to victims of a sexual assault. The battalion commander will update the victim 14 calendar days after the initial report. Thereafter, battalion commanders will ensure, 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). 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. These updates will be provided through the SVC, if represented.

(3) 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.

6. 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, in violation of Article 120.
- b. Sexual assault, in violation of Article 120.

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c. Forcible sodomy, in violation of Article 125.

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

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.

7. 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.

8. The proponent for this policy letter is the III Corps and Fort Hood SHARP Program Manager at (254) 553-8395. The point of contact for questions about the SVCP is the Chief of Client Services, III Corps, and Fort Hood, at (254) 287-7901.

9. Expiration: This Command Policy Memorandum supersedes Command Policy SHARP and SVC dated 23 AUG 2017. This policy will remain in effect until superseded or rescinded.



ROBERT P. WHITE
Lieutenant General, USA
Commanding

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