



DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY CADET COMMAND AND FORT KNOX
1ST CAVALRY REGIMENT ROAD
FORT KNOX, KENTUCKY 40121-5123

REPLY TO
ATTENTION OF:

ATCC-PA

SEP 21 2018

MEMORANDUM FOR

Commanders, Fort Knox Partners in Excellence
Commanders, All Units Reporting Directly to This Headquarters
Deputy Chiefs of General Staff and Chiefs of Special Staff Offices, HQ USACC

SUBJECT: Policy Memorandum 4 – Sexual Harassment/Assault Response and Prevention (SHARP)

1. References.

a. Department of Defense Instruction (DoDI) 1020.03 (Harassment Prevention and Response in the Armed Forces), effective 8 February 2018.

b. Department of Defense Instruction (DoDI) 6495.02 (Sexual Assault Prevention and Response (SAPR) Program Procedures), as amended 24 May 2017.

c. Army Regulation 600-20 (Army Command Policy), Chapter 7 and Chapter 8, 6 November 2014.

d. Army Regulation 690-600 (Equal Employment Opportunity Discrimination Complaints), 9 February 2004.

e. ALARACT 188/2014, HQDA, ASA(M&RA)/DCS G-1, 260242Z Jul 14, subject: HQDA EXORD 193-14 Screening of Sexual Harassment/Assault Response and Prevention Program Personnel and Others in Identified Positions of Significant Trust.

2. Purpose. To provide the USACC Commanding General's commitment for creating an environment free of sexual harassment and sexual assault, and his intent for leaders at all levels to stress the importance of the SHARP Program by fostering a climate which reduces the likelihood of an occurrence.

3. Sexual harassment and sexual assault are unacceptable behaviors which are incompatible with Army values. Such behaviors degrade organizational readiness by affecting the ability to effectively work as a team and will not be tolerated. Personnel who participate in or condone misconduct (to include while online or using social media platforms) may be subject to criminal, disciplinary, and/or administrative action under the Uniform Code of Military Justice (UCMJ) and other federal or local civilian laws.

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4. Policy.

a. **Sexual Harassment.** Reference A defines sexual harassment as 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 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. Any deliberate or repeated unwelcome verbal comments or gestures of a sexual nature by any member of the Armed Forces or civilian employee of the Department of Defense. 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.

c. Commanders will take allegations of sexual harassment seriously, investigate them promptly, and ensure complaints are handled at the lowest level to ensure rapid resolution for the complainant. Soldiers or their Family members may file complaints through the chain of command or **call the U.S. Army Cadet Command (USACC) Sexual Assault 24/7 Helpline, 855-472-6538**, which is manned by credentialed Sexual Assault Response Coordinators (SARCs) and Victim Advocates (VAs). Listed below are the two complaint options for sexual harassment:

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(1) Informal Complaint. An informal complaint is any complaint that a Soldier, Family member, or Cadet does not wish to file in writing. It is not subject to timelines and may be resolved directly by the individual, with the help of another unit member, the commander, or other person in the complainant's chain of command.

(2) Formal Complaint. A formal complaint is filed in writing using DA Form 7279 (*Equal Opportunity Complaint Form*), and requires specific actions and timelines. Soldiers have 60 calendar days from the date of the alleged incident in which to file a formal complaint. It is the commander's discretion to conduct an investigation into allegations received after 60 calendar days. In these situations, the commander will consider the reason for the delay, the availability of witnesses, and whether a full and fair inquiry or investigation can be conducted. Commanders will follow the complaint processing procedures outlined in Reference C, Army Regulation (AR) 600-20 (Army Command Policy), Appendix C.

d. Sexual harassment complaints by DA Civilian employees are handled in accordance with Reference D, AR 690-600 (Equal Employment Opportunity Discrimination Complaints). DA Civilian employees have 45 calendar days from the date of the incident to file a complaint. DA Civilian employees who desire to file a sexual harassment complaint may **call the USACC Sexual Assault 24/7 Helpline, 855-472-6538**, but will be referred to the Equal Employment Office.

e. **Sexual Assault**. Sexual assault is a crime defined by intentional sexual contact characterized by the use of force, threats, intimidation, or abuse of authority or when the victim does not or cannot consent. As used in this context, the term includes a broad category of sexual offenses consisting of the following specific UCMJ offenses: rape, sexual assault, aggravated sexual contact, abusive sexual contact, forcible sodomy (forced oral or anal sex), or attempts to commit these offenses. Sexual assault can occur without regard to gender, spousal relationship, or age of victim. Consent means words or overt acts indicating a freely given agreement to sexual conduct by a competent person. A sleeping, unconscious, or incompetent person cannot consent to a sexual act. Anyone aware of a sexual assault should report the incident as soon as possible. There are two reporting options for sexual assault:

(1) Restricted Reporting. This option allows a victim to confidentially report a sexual assault and receive medical treatment, counseling, and victim advocacy without triggering command notification or an official investigation. Victims who desire the Restricted Reporting option should only disclose the incident to the following:

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(a) Sexual Assault Response Coordinator (SARC), who may be reached by calling the USACC Sexual Assault 24/7 Helpline, 855-472-6538.

(b) Victim Advocate (VA), who may be reached by calling the USACC Sexual Assault 24/7 Helpline, 855-472-6538.

(c) Healthcare providers.

Calling the Chaplain does **not** constitute a restricted report; however, the Chaplain can maintain confidentiality to the extent permitted by their faith and Army regulations. DoD Civilian employees, at this time, are not eligible to file a Restricted Report. However, USACC SARCs and VAs will link any victim reporting sexual harassment and/or sexual assault to appropriate community resources for assistance. Persons enrolled in the Green-to-Gold Active Duty Option and Simultaneous Membership Program Cadets and their Family members are eligible for USACC SHARP services just as any other Active Duty Title 10 Soldier. Reserve Officer Training Corps (ROTC) Cadets who are victims of sexual assault and are not in a Title 10 status are not authorized to file a Restricted Report, unless they are under the authority of UCMJ or are adult dependents of a service member. ROTC Cadets who are not eligible to file a restricted report will nonetheless be referred to the campus Title IX office or nearest rape crisis center for support.

(2) Unrestricted Reporting. This option allows a victim to receive medical treatment, counseling, victim advocacy, and includes command notification and an official investigation. Details regarding the incident will be limited to those personnel who have a legitimate need to know. Victims who desire the Unrestricted Reporting option may disclose the incident as follows:

(a) Call 911.

(b) Call the USACC Sexual Assault 24/7 Helpline at 855-472-6538.

(c) Contact the installation Criminal Investigative Division.

(d) Contact an Army Chaplain.

(e) Inform their chain of command or others, including any Soldier not authorized to accept a restricted report and DoD Civilian employees.

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Incidents of sexual assault involving military Family members under the age of 18 years must be reported to the nearest installation Family Advocacy Program office. All known unrestricted reports of alleged sexual assault will be referred to appropriate law enforcement authorities for investigation by USACC SARCs and VAs. DoD Civilian employees and their Family dependents are eligible to file an Unrestricted Report.

f. **Victim's Rights.** As a victim of the crime of sexual assault, you have the following rights:

- (1) The right to be treated with fairness and respect for your dignity and privacy;
- (2) The right to be reasonably protected from the accused offender;
- (3) The right to reasonable, accurate, and timely notice of public preliminary hearings, pretrial confinement hearings, court proceedings, and clemency and parole hearings related to the offense;
- (4) 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;
- (5) The right to reasonably confer with the prosecutor/Trial Counsel in the case;
- (6) The right to receive available restitution;
- (7) 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;
- (8) The right to submit a written statement for the consideration of the Convening Authority prior to taking action on findings and sentence;
- (9) The right to proceedings free from unreasonable delay;
- (10) The right to be provided information, if applicable, about the conviction, sentencing, imprisonment, Convening Authority's action, appellate review, and release of the offender;

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(11) For further information on crime issues, see the DoD Victim and Witness Assistance Council (VWAC) website at: <https://vwac.defense.gov>.

g. **Retaliation or Reprisal.** Anyone who feels they have experienced any type of retaliation or reprisal in relation to a reported sexual harassment or sexual assault complaint, should immediately contact the USACC Inspector General (IG) at (502) 626-8210/(502) 624-0053.

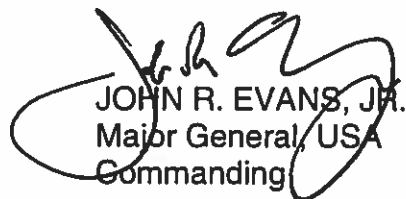
5. Commanders will ensure all Cadre at each ROTC Program are familiar with local support agencies (e.g., Title IX Coordinators, campus Rape Crisis Centers, community advocacy resources, etc.) to ensure Cadets are aware of available resources should they become victims of sexual harassment and/or sexual assault. Additionally, upon notification of an incident, Cadre will contact either the campus Title IX Coordinator or respective Brigade SARC/VA.

6. Commanders will ensure assigned personnel know who to contact should they become a victim of sexual harassment and/or sexual assault, and understand they are free to report an incident without fear of retaliation.

7. Commanders will take an active role in eradicating sexual harassment and sexual assault to create a safe and secure environment. Together, we will continue to preserve our core Army values and ensure everyone is treated with dignity and respect.

8. This memorandum will be posted in areas deemed appropriate in order to be viewed by all personnel.

9. Point of contact for this memorandum is the USACC SHARP Office at (502) 624-6200.


JOHN R. EVANS, JR.
Major General, USA
Commanding