



OFFICE OF THE SUPERINTENDENT
UNITED STATES MILITARY ACADEMY
WEST POINT, NEW YORK 10996-5000

MASP

JUL 7 2016

MEMORANDUM FOR All Personnel assigned to the West Point Military Reservation

SUBJECT: Command Policy Letter-Sexual Harassment/Assault Response and Prevention (SHARP) Policy

1. REFERENCES.

- a. Army Regulation (AR) 600-20, Chapters 7 and 8, dated 6 November 2014.
- b. Army Regulation (AR) 690-600, dated 9 February 2004
- c. ALARACT 299/2013 dtd 8 Nov 13; SUBJ: Army Responsibilities, Roles, Procedures, and Authorities for Responding to Sexual Assault Allegations (U).
- d. ALARACT 007/2012, dated 12 January 2012; SUBJ: Sexual Harassment/Assault Response and Prevention (SHARP) Program Implementation Guidance (U)
- e. Army Directive 2011-19, dated 3 October 2011; SUBJ: Expedited Transfer or Reassignment Procedures for Victims of Sexual Assault
- f. Department of Defense Instruction (DoDI) 6495.02, Sexual Assault Prevention and Response (SAPR) Program Procedures (U).
- g. MILPER Message 16-005, dated 6 January 2016, SUBJ: Transfer or Reassignment Procedures for Victims of Sexual Assault
- h. USMA Policy – dated 1 June 2015; SUBJ: Prohibition of Retaliation Against Personnel for Reporting an Allegation of Sexual Assault

2. PURPOSE. To establish the United States Military Academy (USMA) policy for SHARP.

3. APPLICABILITY. This policy applies to all personnel, civilian and military, assigned or attached to West Point and USMA, including tenant units and contractors.

4. POLICY.

SUBJECT: Command Policy Letter-Sexual Harassment/Assault Response and Prevention (SHARP) Policy

a. The number one priority of the United States Military Academy is to produce military leaders of character prepared to fight and win America's wars. An inseparable element of developing leaders of character is the elimination of sexual harassment and sexual assault. My goal is to build a command climate of dignity and respect where everyone feels safe and secure both physically and emotionally and feels respected and valued within the greater United States Military Academy Team. Ultimately, the greater mission is to ensure that the leaders of character who graduate from West Point, build inclusive and respectful climates in their own organizations because of what they learned and experienced at the United States Military Academy. The policy of the Army is that sexual harassment and sexual assault are unacceptable conduct and will not be condoned or tolerated. Army leadership is committed to creating and maintaining an environment conducive to maximum productivity and respect for human dignity. Sexual harassment and sexual assault destroy teamwork and negatively affect combat readiness. The Army bases its success on mission accomplishment. Successful mission accomplishment can be achieved only in an environment free of sexual harassment and sexual assault for all personnel.

b. AR 600-20, paragraph 7-4 defines sexual harassment as a form of gender discrimination which includes unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature between the same or opposite genders when any of the following are present:

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

(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; or,

(4) Any person in a supervisory or command position, who uses or condones implicit or explicit sexual behavior to control, influence or affect the career, pay or job of personnel is engaging in sexual harassment. Similarly, anyone who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature is engaging in sexual harassment.

c. Personnel have the right to present a complaint to the command without fear of intimidation, reprisal or harassment.

d. Attempts to resolve sexual harassment should always be made to solve the problem at the lowest possible level within an organization. In accordance with AR 600-20, Appendix C, sexual harassment complaints can be resolved by the individual experiencing the harassing behavior, through a direct, indirect or Third Party approach.

SUBJECT: Command Policy Letter-Sexual Harassment/Assault Response and Prevention (SHARP) Policy

Additional options include informal and formal complaints:

(1) An informal complaint is one that is not in writing and may be voiced to the offending person, to a supervisor, or both. The intention is that the offending behavior will stop with no further action required. A memorandum of record on resolution is highly recommended by whomever resolved the complaint.

(2) A formal complaint is a written statement of the behavior and/or situation submitted to the proper authority and/or a certified Sexual Assault Response Coordinator (SARC) for processing through official complaint channels on a DA Form 7279. All formal complaints will be reported within three calendar days to the first General Courts-Martial Convening Authority (GCMCA) in the chain of command.

(3) The Equal Opportunity Office (EEO) is the responsible agency to support and process formal or informal sexual harassment complaints for Department of the Army Civilian personnel. Sexual harassment complaints must be filed with the EEO within 45 days of the incident.

e. Sexual assault is a criminal offense that has no place in the Army. It degrades mission readiness by devastating the Army's ability to work effectively as a team. Anyone who is aware of a sexual assault should immediately report the incident(s). Sexual assault is incompatible with Army values and is punishable under the Uniform Code of Military Justice (UCMJ) and other Federal and state laws.

(1) Sexual assault is the intentional sexual contact characterized by use of force, physical threat and/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 specific UCMJ offenses: rape, sexual assault, aggravated sexual contact, abusive sexual contact, forcible sodomy (forced oral and anal sex), or attempts to commit these acts. Sexual assault can occur without regard to gender, spousal relationship or age of the victim. See AR 600-20, paragraph 8-4.

f. A sexual assault incident is categorized as "reported" either when the victim completes and signs the DD Form 2910, indicating their election of either a restricted or an unrestricted report, or when law enforcement or a member of the officer or NCO chain of command becomes aware of an assault. Victims can make both restricted and unrestricted reports to a SARC, Victim Advocate (VA) or healthcare personnel. Unrestricted reports can also be initiated with the Chain of Command, Law Enforcement or CID, who will then refer the victim to the SARC who will work with the victim to complete and sign the DD Form 2910 to file the report.

(1) It is acknowledged that victims of a sexual assault may confide in someone (roommate, friend, or family member) about the assault, before considering whether to file a restricted or an unrestricted report. In order to foster an environment that supports the victim throughout the entire process of dealing with an assault, USMA

MASP

SUBJECT: Command Policy Letter-Sexual Harassment/Assault Response and Prevention (SHARP) Policy

personnel who interact with Cadets in non-chain of command channels (staff, faculty, coaches, sponsors, mentors, Officer Representatives (OR) and all Cadets) who become aware of an assault, are not required to report the incident. These personnel should encourage the victim to immediately contact the SARC who is the best resource for the victim to fully understand all their reporting options and the resources available to a victim.

(2) Victims who confide in anyone other than the SARC, VA or healthcare personnel about an assault, are reminded that if they decide to make an Unrestricted report, the conversations with non-confidential individuals are subject to investigative discovery. Victims should also be aware that if a member of the officer or NCO Chain of Command, law enforcement or CID becomes aware of the assault, an Unrestricted report will be initiated. Victims must be afforded the opportunity to consult with the SARC to complete the DD Form 2910. Victims who are hesitant to participate in an investigation do have the option to decline to participate on the DD Form 2910.

(3) Restricted reporting allows a military member who is a sexual assault victim, on a confidential basis, to disclose the details of their assault to specifically identified individuals and receive medical treatment and counseling, without triggering the official investigative process. Soldiers who are sexually assaulted and desire restricted reporting under this policy should report the assault to the SARC, VA, or healthcare personnel.

(4) Unrestricted reporting allows a military member who is sexually assaulted and desires medical treatment, counseling, and an official investigation of his/her allegation to use current reporting channels (for example, the chain of command or law enforcement), or may report the incident to the SARC or the on-call VA. Upon notification of a reported sexual assault, the SARC will immediately notify a VA. Additionally, with the victim's consent, the healthcare provider will conduct a forensic examination, which may include the collection of evidence. Details regarding the incident will be limited to only those personnel who have a legitimate need to know.

g. All unrestricted reports of sexual assault will be immediately referred to the CID for investigation.

h. Commanders must be familiar with the expedited transfer policy established in Army Directive 2011-18, ALARACT 007 2012 SHARP, and MILPER MSG 12-230.

i. Any allegation of rape, sexual assault, forcible sodomy, or any attempt to commit such an offense is withheld to the first O6, the special court-martial convening authority (SPCMCA) in the chain of command for initial disposition. If the SPCMCA is below the grade of O6, then the case is withheld to the general court-martial convening authority (GCMCA).

SUBJECT: Command Policy Letter-Sexual Harassment/Assault Response and Prevention (SHARP) Policy

j. All eligible legal assistant clients will be informed of the availability of legal assistance and the right to consult with a Special Victim's Counsel (SVC)/Victim's Legal Counsel (VLC) in accordance with DoDD 6495.01, paragraph 4,k,2,l. If a victim wishes to have an assigned SVC, the SARC will coordinate that request.

5. RESPONSIBILITIES.

a. SHARP is the responsibility of everyone. Anyone, particularly bystanders, who witness or become aware of sexual harassment and/or sexual assault should act either by direct intervention or by encouraging the victim to take action to protect oneself.

b. If the victim's Tactical chain of command (Officer and NCO) becomes aware of an incident of sexual assault, it is crucial that the utmost care be afforded to the victim in handling the matter as an unrestricted report. The chain of command will protect the privacy of the victim, by ensuring that all victim activities related to processing the report are handled with the utmost discretion, and that information related to the incident is limited to only those personnel with "need to know." There are two types of reports that can be made following a sexual assault, an unrestricted and a restricted report.

(1) The information required in an unrestricted report will be summarized in a 5-W's format, and sent by either the Chain of Command or the SARC, as a Commander's Critical Information Requirements (CCIR) to the senior commander of the victim, within 24 hours. Chain of command is encouraged to ensure the Victim is offered support from the SARC or a Victim Advocate at the earliest possible opportunity.

(2) The information required in a restricted report will be summarized in a 5-W's format, but will only include non-identifying personal information such as: rank, gender, age, race, status and time and/or location of the incident, and be submitted as a CCIR to the senior commander of the victim within 24 hours.

c. The maintenance of a healthy command climate demands that all individuals in the organization be treated with dignity and respect. This is particularly important when an organization is dealing with a reported sexual assault. All members of the unit will without prejudice or personal agenda, treat both the victim and the alleged subject of an alleged sexual harassment or sexual assault incident with dignity and respect at all times. Commanders are reminded that it is paramount to ensure the safety of the victim is maintained following the report of the incident.

d. Everyone will actively work towards eliminating sexual harassment and sexual assault by strictly adhering to regulatory guidance and creating an environment of dignity and respect for all

MASP

JUL 7 2016

SUBJECT: Command Policy Letter-Sexual Harassment/Assault Response and Prevention (SHARP) Policy

e. All subordinate commands will publish a SHARP policy. Prior to publishing, the unit will coordinate the statement with their Staff Judge Advocate. All subordinate units will either include as part of their SHARP policies or publish, as a separate document, a list of points of contact with phone numbers and email for making complaints. This information will include the West Point hotline number.

6. EXPIRATION. This policy is effective until superseded or rescinded.

7. PROPONENT. The USMA SHARP Office is the proponent for this policy. The point of contact is the USMA SHARP Program Manager at (845) 938-0508.



ROBERT L. CASLEN, JR.
Lieutenant General, US Army
Superintendent

Distribution:
Electronic