MEMORANDUM FOR All Personnel Assigned to the West Point Military Reservation

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

1. PURPOSE. To establish the United States Military Academy at West Point (USMA) policy for SHARP

2. 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 dated 8 November 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. Army Memorandum, dated 13 April 2018: SUBJ: Guidelines and Process for Commander’s Critical Information Requirements (CCIR) Regarding Sexual Assault and Sexual Harassment Incidents (U)

   g. Department of Defense Instruction (DoDI) 6495.01, dated 30 April 2013, Sexual Harassment/Assault Response and Prevention (SHARP) Program Implementation (U)

   h. Department of Defense Instruction (DoDI) 6495.02, dated 28 March 2013, Sexual Assault Prevention and Response Program Procedures (U)

   i. Department of Defense Instruction (DoDI) 1020.03, dated 8 February 2018, Harassment Prevention and Response in the Armed Forces (U)
j. MILPER Message 16-005, dated 6 January 2016, SUBJ: Transfer or Reassignment Procedures for Victims of Sexual Assault

k. USMA Policy – dated 2 Jul 2018; SUBJ: Prohibition of Retaliation Against Personnel for Reporting an Allegation of Sexual Assault

3. APPLICABILITY. This policy applies to all personnel assigned or attached to the West Point Military Reservation and USMA, including tenant units.

4. POLICY.

a. The number one priority of the USMA 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 is safe and secure, both physically and emotionally, and is respected and valued within the greater USMA 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 USMA. 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 and DoDI 1020.03 define 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 that is so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the environment as hostile and offensive.
(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. Behaviors that qualify as harassment (unwanted or offensive) can either be oral, written or physical, can be communicated through electronic communications, to include social media, and in person. Harassing behaviors of a sexual nature can include: offensive jokes, epithets, ridicule or mocker, insults or put-downs, displays of offensive objects or imagery, stereotyping, intimidating acts, veiled threats of violence and threatening or provoking remarks.

d. Bullying is a form of harassment that can either be sexual or generalized harassment. These behaviors are acts of aggression committed by military or DoD civilian employees with the intent to harm another person (military or civilian) either physically or psychologically with malicious intent. Bullying may include singling out one person from the group and ridiculing them. There is an imbalance of power between a bully and their target and bullying can occur either in person or through on-line and social media platforms.

Examples of bullying behaviors include, but are not limited to the following: physically striking another person, intimidating, taunting, teasing, berating or humiliating another person verbally or in writing, encouraging others to engage in illegal, harmful, demeaning or dangerous acts toward another person, playing abusive or malicious tricks, branding, handcuffing, duct taping, tattooing, shaving, greasing or painting another person, subjecting a person to excessive or abusive use of water, forcing another person to consume food, alcohol, drugs or other substances, degrading or damaging another person's property or reputation and soliciting, coercing or knowingly permitting another person to solicit or coerce acts of bullying against another person.

e. Hazing is a form of harassment that can either be sexual or generalized harassment. These behaviors are acts of aggression committed by military or DoD civilian employees with the intent to harm another person (military or civilian) either physically or psychologically for the purpose of initiation, admission into, affiliation with, change in status or position within, or a condition for continued membership in military or DoD organization. Hazing can occur either in person or through on-line or social media platforms.

Examples of hazing behaviors include, but are not limited to the following: any form of initiation or congratulatory act that involves physically striking another person in any manner or threatening to do the same, pressing any object into another person's skin, regardless of whether it pierces the skin, such as “pinning” or “tacking on” rank, insignia, achievement badges/pins or any other object, intimidating,
taunting, teasing, berating or humiliating another person verbally or in writing, encouraging others to engage in illegal, harmful, demeaning or dangerous acts toward another person, playing abusive or malicious tricks, branding, handcuffing, duct taping, tattooing, shaving, greasing or painting another person, subjecting a person to excessive or abusive use of water, forcing another person to consume food, alcohol, drugs or other substances, degrading or damaging another person’s property or reputation and soliciting, coercing or knowingly permitting another person to solicit or coerce acts of hazing against another person.

f. Personnel have the right to present a complaint of any of these behaviors to the command without fear of intimidation, reprisal, or harassment. For more detailed discussion of Retaliation and Reprisal behaviors, ways to mitigate and respond if these behaviors occur, see USMA Policy – dated 2 Jul 2018; SUBJ: Prohibition of Retaliation Against Personnel for Reporting an Allegation of Sexual Assault.

g. Attempts to resolve sexual harassment, bullying or hazing 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.

h. 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.

i. 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.
Examples of sexual assault include 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.

j. 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 a sexual assault. Victims can make both restricted and unrestricted reports to a SARC or Victim Advocate (VA). Victims are encouraged to seek medical care and can make a report to healthcare personnel who will immediately contact the SARC or VA. Victims do not make a report by discussing the incident with a Chaplain or a Special Victim’s Counsel (SVC). Unrestricted reports can also be initiated with the Chain of Command, Law Enforcement or CID, who will then refer the victim to the SARC or VA 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 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, healthcare personnel, Chaplain, or a SVC about a sexual 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 sexual assault, an unrestricted report will be initiated and an investigation will be conducted. Victims must be afforded the opportunity to consult with the SARC or VA 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.

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

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

m. All eligible legal assistant clients will be informed of the availability of legal assistance and the right to consult with a SVC/Victim's Legal Counsel (VLC) in accordance with DoD 6495.01, paragraph 4l. If a victim wishes to have an SVC assigned, 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 a "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.

(3) Incidents of sexual harassment or sexual assault that involve certain individuals (specified below), require a report to the Army Operations Center (AOC). The SHARP PM will review CCIRs submitted to the Superintendent to determine if the incident requires notification to the AOC. If an AOC notification is required, the SHARP PM will prepare the notice and forward to the CoS and the USMA G3, who will follow the standing protocol for AOC notifications. The SHARP PM is also required to send the notice to the DCS G-1 Personnel Contingency Cell. These notifications are required within 24 hours of incident being reported through USMA SHARP channels. Refer to reference “f” for report template and notification process.

(a) Category 1 – Commander O-5 (P) and above, E-9 Command Sergeants Major, or Senior Civilian Supervisor (GS15 or SES).

(b) Category 2 – SHARP Professionals (SARC, VA, PM); Legal and Law Enforcement Professionals (SVC, Special Victims Prosecutor (SVP), CID Sexual Assault Investigators, Special Victims Witness Liaison); Chaplains; Medical Professionals (Sexual Assault Nurse Examiner (SANE), Sexual Assault Medical Forensic Examiner (SAMFE)).

(c) Category 3 – Curious cases:

* Multiple reports originating from single unit that would warrant notice to G1 or Army Senior Leaders

* A pattern of reports that suggests a serial offender

* Cases involving extreme violence (victim requires hospitalization, is robbed or if there is a homicide)

* Other abnormal situations that would warrant notice to the G1 and Army Senior Leaders

(d) Category 4 – Cases expected to attract media or Congressional attention.

c. There will be a single point of entry with 24/7 access for victims of sexual assault at USMA. This entry point is the USMA SHARP Hotline, 845-659-7467. This number will be constantly monitored by a DSAACP credentialed SHARP Professional who will provide immediate response to victims or other USMA personnel who are seeking assistance regarding sexual assault or harassment incidents. Personnel are encouraged to download the West Point App from their mobile phone app store. Within the West Point App, there is a Wellness feature which provides one-touch dialing
access for all wellness related agencies on USMA, to include SHARP, CPD, Medical and Law Enforcement.

d. 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.

e. 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.

f. 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, which provides phone numbers and email addresses to the respective unit’s personnel, for making complaints. This information will include the West Point hotline number which is (845) 659-7467.

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

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

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