



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES FIRES CENTER OF EXCELLENCE AND FORT SILL
455 MCNAIR AVENUE, SUITE 100
FORT SILL, OKLAHOMA 73503

ATZR-C

15 August 2016

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Prohibition on Sexual Harassment, CG Policy Memo 16-31

1. References.

- a. Uniform Code of Military Justice (UCMJ) (M.C.M. 2012)
- b. AR 600-20, Army Command Policy, 6 November 2014.

2. Applicability. This policy is applicable to all Active Army, Army National Guard of the United States when in Title 10 status, and U.S. Army Reserve Soldiers assigned, attached, or otherwise stationed at Fort Sill as well as other Fort Sill tenant Service members and units. This policy is punitive and violations of the provisions of this policy may result in punitive actions against service members under Article 92, UCMJ.

3. Policy. Sexual harassment, defined below, is unacceptable conduct and is prohibited.

4. Definition.

a. Sexual harassment is a form of gender discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature between the 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.

b. Sexual harassment also includes any offensive or unwanted display or transmission of a sexually explicit or nude image or video, regardless of media or method of presentation, display, or transmission.

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c. Showing, displaying, or transmitting a sexually-explicit or nude image or video, regardless of media or method of presentation, of another person *without that person's consent* may constitute sexual harassment of the person depicted when the following circumstances are present:

(1) the intent of the person showing, displaying, or transmitting said image or video is to abuse, humiliate, degrade, or embarrass the person depicted in the image or video, or to arouse or gratify the sexual desire or sexual interest of any person, and

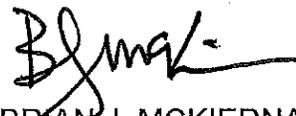
(2) the individual or individuals depicted in the image or video is (are) personally known to the person showing, displaying, or transmitting said image or video.

(3) The current status of the relationship between the individual(s) depicted and person showing, displaying, or transmitting the image is immaterial and not an element of this offense.

(4) Whether the individual(s) depicted in the image or video gave tacit or express consent to be the subject of the photograph, or other electronic or digital media recording, or personally provided the image or video to the other person who later showed, displayed, or transmitted the image or video, is immaterial and not an element of his offense.

d. 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 a Soldier or civilian employee is engaging in sexual harassment. Similarly, any Soldier who engages in the conduct described by paragraph 4a., 4b., or 4c. above is engaging in sexual harassment.

5. The point of contact for this memorandum is the Chief of Military Justice, Office of the Staff Judge Advocate, at 442-1765.



BRIAN J. MCKIERNAN
Major General, USA
Commanding

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