



DEPARTMENT OF THE ARMY
HEADQUARTER, UNITED STATES ARMY FIRES CENTER OF EXCELLENCE AND FORT SILL
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FORT SILL, OKLAHOMA 73503

REPLY TO

ATZR-C

15 August 2016

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Prevention of Sexual Harassment and Sexual Assault and Treatment of Complainant and Victims, CG Policy Memo 16-27

1. References:

- a. DOD Instruction 6495.02, Sexual Assault Prevention and Response (SAPR) Program Procedures, dated 28 March 2013 incorporating change 2, effective 7 July 2015.
- b. AR 600-20, Army Command Policy, dated 6 November 2014. (Per Para. 1-4.e.6., See A/so: Enclosed Official Notes < http://www.apd.army.mil/pdf/NotesR600_20.pdf >).
- c. AR 690-600, Army Command Policy, dated 6 November 2014. (Per Para. 3-1).
- d. Army Directive 2014-20 (Prohibition of Retaliation Against Soldiers for Reporting a Criminal Offense).
- e. Army Directive 2015-16 (Command Engagement to Prevent Retaliation) Commanding.
- f. FCoE TASKORD G3IN 15-234 FY 15 SHARP Implementation of Commander's 30-Day Checklist for Unrestricted Reports of Sexual Assault.

2. Policy. I am committed to the Army's policy of promoting the prevention of sexual harassment, sexual assault, and the appropriate treatment of victims. Sexual harassment and sexual assault are incompatible with the Army Values and are not tolerated. My intention is to eliminate these acts through a comprehensive program of awareness and prevention, training and education, victim advocacy, response, accountability and support through the Sexual Harassment Assault Response Prevention (SHARP) Resource Center (RC). I expect full leadership involvement at all levels in implementing this policy.

3. Definitions.

- a. Sexual Assault is intentional sexual contact characterized by use of force, threats, intimidation, 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

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following specific Uniform Code of Military Justice (UCMJ) offenses: rape, sexual assault, aggravated sexual contact, abusive sexual contact, sodomy, or attempts to commit these acts. Sexual Assault is punishable under UCMJ, as well as, local and civilian laws.

b. Sexual Harassment is a form of sex discrimination that involves unwelcomed sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature that interferes with an individual's work performance or creates a hostile or offensive work environment.

4. Procedures. Commanders and leaders shall remain proactive in preventing and responding to offenses of a sexual nature. Commanders, with the support of the Installation SHARP program, are required to support annual command inspections, command climate surveys, ensure all mandatory training requirements are achieved, ensure the physical environment reduces vulnerability of sexual offenses, create a culture that does not tolerate inappropriate sexual behavior, increase bystander ability to identify and stop sexually offensive behaviors, and allocate required resources within their area of operations.

5. Victim Care. Commanders and leaders will provide a reprisal-free environment for individuals reporting a sexual harassment or sexual assault offense. Commanders and leaders will ensure victims have access to medical treatment and counseling, chaplain, legal services, law enforcement, military and civilian protective orders, expedited transfers and access to a Victim Advocate (VA) and/or Sexual Assault Response Coordinator (SARC). Commanders and leaders will ensure that victims are treated with fairness and respect, reasonably protected from the accused offender, notified of court proceedings, and conferred with by the attorney in the case. The "Commander's 30-Day Checklist for Unrestricted Reports of Sexual Assault" can be referenced in USAFCOEFs TASKING ORDER G3IN 15-234.

6. Reporting.

a. Sexual Assault Reports. Per DoDI 6495.02, ID card holders age 18 and older and all Soldiers who are eligible for treatment in a Military Healthcare System are eligible to report sexual assault through any unit SHARP SARC or VA using either the restricted or unrestricted option, the DoD Safe Helpline 877-995-5247 or the Fort Sill SHARP hotline 580-91-SHARP. DoD Civilians are encouraged to contact a SHARP SARC for information and referral to appropriate on and off post organizations. Commanders will ensure all known reports of sexual assault are reported to the Commanders' higher headquarters, the Senior Commander, the Criminal Investigative Division (CID), the Staff Judge Advocate (SJA), and their unit SARC. Commanders will not conduct a 15-6 investigation or inquiry into a sexual assault where there is an open CID investigation.

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b. Sexual Harassment Complaints. Soldiers and adult dependent Family members will be given the opportunity to make either formal or informal complaints. Informal complaints will be handled at the lowest level. Formal complaints made through the SHARP program will be taken by the unit SHARP SARC. Commanders are required to report all formal sexual harassment complaints to their higher headquarters, the Senior Commander, and their unit Sexual SARC within 72 hours of notification of the complaint. DoD Civilians choosing to initiate a sexual harassment complaint may contact a SHARP representative or contact the Fort Sill Equal Employment Opportunity (EEO) office directly 580-442-4024. All civilian sexual harassment complaints will be referred to EEO per AR 690-600.

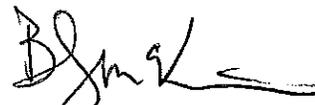
c. Acts of Reprisal. Retaliation against victims or complainants by command, leaders, peers, or offenders will not be tolerated. Reprisal may include a management official taking or threatening to take unfavorable personnel action against an individual, withholding or threatening to withhold a favorable personnel action, ostracizing or marginalizing, or any other act of retaliation against any individual that made or was thought to have made a protected communication or disclosure. Protected communications include all attempts at redress of violations through the chain of command. Report all reprisal violations to the Fort Sill Inspector General Office at 580-442-3172 or CID at 580-442-5404.

7. This CG Policy Memorandum supersedes CG Policy Memo 15-02 (IMSI-ES, Prevention of Sexual Harassment and Sexual Assault and Treatment of Complainant and Victims), 3 June 2015.

8. Proponent. The proponent for this policy is the Installation SHARP Office (BLDG 2871) at 580-558-0117. Individuals seeking assistance may contact the SHARP Resource Center (BLDG 2870) at 580-442-6938 or 442-2567.

Encl

1. AR 600-20, Official Notes
2. Commander's 30-Day Checklist for Unrestricted Reports of Sexual Assault



BRIAN J. MCKIERNAN
Major General, USA
Commanding

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