



**DEPARTMENT OF THE ARMY**  
HEADQUARTERS, 3RD BATTALION, 2ND AIR DEFENSE ARTILLERY REGIMENT  
3906 MOW-WAY ROAD  
FORT SILL, OKLAHOMA 73503

AFVL-RTB-BC

12 June 2019

MEMORANDUM FOR All Soldiers Assigned/Attached to the 3-2 ADA Battalion

SUBJECT: Policy Letter #4 - Prevention of Sexual Harassment and Sexual Assault

1. References:

a. Department of Defense Instruction 6495.02, Sexual Assault Prevention and Response (SAPR) Program Procedures, dtd 28 March 2013, Incorporating Change 3, effective 24 May 2017.

b. Army Regulation 600-20, Army Command Policy, 6 November 2014.

c. Army Directive 2014-20 (Prohibition of Retaliation Against Soldiers for Reporting a Criminal Offense, 19 June 2014.

d. Army Directive 2015-16 (Command Engagement to Prevent Retaliation), 4 March 2015.

2. Sexual harassment and Sexual Assault is absolutely unacceptable and will NOT be tolerated in this command or in the United States Army. I am totally committed to a policy that demands respect and dignity for all members of this command and their Family Members; a command climate that is clear in culture and action that sexual harassment in any form is prohibited.

3. Sexual Harassment is a form of gender 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.

a. Leaders will take immediate action upon any allegation of sexual harassment. It is the responsibility of every member of this command to intervene and report incidents of sexual harassment in order to ensure an environment free of this threat. I will not tolerate any attempts to suppress, restrain, interfere with or otherwise coerce any individual who wants to file a complaint. I will not tolerate any acts of reprisal against anyone filing a complaint.

b. If a Soldier or family member believes that he or she is a victim of sexual harassment, he/she can present their complaint to the chain of command or the battalion Sexual Harassment and Response Prevention / Victim Advocate (SHARP/VA)

for informal resolution. He or she may also file a formal complaint with the brigade Sexual Assault Response Coordinator (SARC) or the Installation SHARP office.

4. Sexual assault is defined as intentional sexual contact, characterized by use of force, physical threat, or abuse of authority or when the victim does not or cannot consent. It includes rape, nonconsensual sodomy, indecent assault, or attempts to commit these acts. Consent should not be deemed or construed to mean the failure by the victim to offer physical resistance. Additionally, consent is not given when a person uses force, threat of force, coercion, or when the victim is asleep, incapacitated, or unconscious.

a. Any Soldier who is aware that a sexual assault has occurred should immediately report the incident to the chain of command. If a Soldier, family member or civilian believes that he or she has been sexually assaulted there are two reporting options.

(1) Restricted Reporting. This reporting option allows the victim confidentiality to disclose sexual assault details when told to a Chaplain or reported to the unit SHARP/VA, brigade or installation SARC/VA, or military hospital personnel without the chain of command or law enforcement involvement. The victim receives medical treatment, advocacy services, and support without initiation of an investigation. Without an investigation, the perpetrator cannot be prosecuted.

(2) Unrestricted Reporting. This reporting option allows a victim the same services as the restricted reporting; however, will result in a formal investigation which includes the possibility of a criminal prosecution against the alleged perpetrator(s). A report made to law enforcement or the chain of command results in an unrestricted report. However, an unrestricted report may also be made to the SARC or on-call VA. Details regarding the incident will be limited to only those personnel who have a legitimate need to know.

5. Sexual harassment and sexual assault undermine the unit's ability to work effectively as a team. Leaders are responsible for exercising active and positive leadership in the prevention of sexual harassment and sexual assault. All leaders create conditions for awareness, prevention, training, victim advocacy, response, reporting and accountability. **Reprisal against individuals exercising their right to report sexual harassment or sexual assault will not be tolerated by this command.**

6. Rights of a victim:

a. The right to be treated with fairness and respect.

b. The right to reasonable, accurate, and timely notice of public preliminary hearing, pretrial confinement hearings, courts proceedings, and clemency and parole hearing related to the offense.

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c. 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.

d. The right to reasonably confer with the prosecutor/Trail Counsel in the case.

e. The right to receive available restitution.

f. 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.

g. The right to submit a written statement for the consideration of the Convening authority prior to taking action on findings and sentence.

h. The right to proceedings free from unreasonable delay.

i. The right to be provided information, if applicable, about the conviction, sentencing, imprisonment, Convening Authority's action, appellate review, and release of the offender.

7. A copy of this policy will be permanently posted on unit bulletin boards. Unit Commanders will ensure each Soldier is briefed on the provisions and conditions of this policy during the Soldier's initial unit orientation.

LOURDES A. COSTAS  
LTC, AD  
Commanding