



DEPARTMENT OF THE ARMY
UNITED STATES ARMY COMBINED ARMS SUPPORT COMMAND
2221 ADAMS AVENUE
FORT LEE, VIRGINIA 23801-2102

CASCOM POLICY 18-26

OCT 26 2018

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MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: U.S. Army Combined Arms Support Command Policy Letter for Sexual Harassment/Assault Response and Prevention Program

1. References:

- a. Army Regulation (AR) 27-10 (Military Justice), 11 May 2016.
- b. AR 600-20 (Army Command Policy), 6 November 2014.
- c. Department of Defense Instruction 6495.02, "Sexual Assault Prevention and Response (SAPR) Program Procedures," 28 March 2013 (incorporating change 3, effective 24 May 2017).
- d. Department of Defense Sexual Assault Prevention and Response Strategic Plan, 2017-2021 (December 2016).
- e. TRADOC Policy Letter 23, Sexual Harassment/Assault Response and Prevention (SHARP) Program.
- f. Articles 80, 120, and 125, Uniform Code of Military Justice (UCMJ).
- g. USACASCOM Supplement 1 to AR 27-10, current version.

2. Sexual harassment and sexual assault will not be tolerated in the Combined Arms Support Command (CASCOM). Commanders will implement programs to prevent and respond to sexual assault and sexual harassment in order to enable team cohesion and readiness. The goal of these programs is to eliminate incidents of sexual misconduct within CASCOM's formations. Commanders will promote and enable an environment of dignity and respect where all Soldiers and Civilians perform to their maximum potential, victims feel safe reporting incidents, and the workforce trusts their leaders to take appropriate actions. Leaders will also ensure that those accused of offenses are evaluated in an appropriate manner.

3. Sexual assault is a criminal offense that has no place within the Profession of Arms and is a threat to the integrity, resilience, and readiness of our Army. Prevention of

ATCL-CG

SUBJECT: U.S. Army Combined Arms Support Command Policy Letter for Sexual Harassment/Assault Response and Prevention Program

these acts is an inherent responsibility of every member of the Army Team. Every person who is aware of an incident of sexual assault will immediately report it. Sexual assault is incompatible with the Army Values and is punishable under the UCMJ and other federal and local civilian laws.

4. Sexual harassment is a form of gender discrimination that involves unwelcomed sexual advances, both verbal and physical between same or opposite genders when submission to or rejection of such conduct is made a condition of a person's job, pay, or career, and creates an intimidating, hostile or offensive work environment. Any person in a supervisory or command position who uses or condones implicit or explicit sexual behavior to control the work environment is engaging in sexual harassment. Similarly, any Soldier or Civilian employee who makes unwanted verbal comments or physical contact of a sexual nature is engaging in sexual harassment.

5. Through leadership, teamwork, education, discipline and enforcement of standards, CASCOM will continue to establish an environment free of sexual assault and sexual harassment where every member of the CASCOM team is valued and protected.

6. Reporting options and explanation of sexual assault and sexual harassment follow below.

a. Soldiers and dependents over 18 who are experiencing sexual harassment have two options available to make a sexual harassment complaint:

(1) Informal complaints can be handled at any level of command, including SHARP SARC or VA. Intervention techniques that may be used for dealing with sexual harassment are: direct approach, indirect approach, third party assistance, or chain of command.

(2) Formal complaints are handled by the CASCOM SHARP SARC. The complainant files in writing and swears to the accuracy of the information. Active duty Soldiers have 60-calendar days and Civilian employees have 45-calendar days from the date of the incident to file a complaint of sexual harassment. Commanders at all levels, along with the complainants, will follow the procedures for filing formal complaints outlined in Appendix C of AR 600-20, Army Command Policy. Sexual harassment complaints are not confidential, however details regarding the incident will be limited to only those personnel who have a legitimate need to know. The Chaplain and legal services do have privileged communication if a complainant would like to discuss a sexual harassment issue and it remain strictly confidential.

b. Sexual Assault is intentional sexual contact characterized by the use of force, physical threat, or abuse of authority; or when the victim does not or cannot consent. Sexual assault includes rape, nonconsensual sodomy (oral or anal sex), indecent

ATCL-CG

SUBJECT: U.S. Army Combined Arms Support Command Policy Letter for Sexual Harassment/Assault Response and Prevention Program

assault (unwanted, inappropriate sexual contact or fondling), or attempts to commit these acts. Sexual assault can occur without regard to gender, spousal relationship, or age of victim. Sexual assault is a criminal offense that has no place in the Army. Every Soldier who becomes aware of a sexual assault should immediately (within 24 hours) report the incident. Sexual assault is incompatible with Army values and is punishable under the UCMJ and other Federal and local civilian laws.

c. There are two types of reporting options for victims of sexual assault IAW Appendix G, AR 600-20.

(1) Restricted Reporting – A Soldier or dependent over the age of 18 who is sexually assaulted and desires medical care, counseling and victim advocacy, without initiating the investigative process should use the restricted reporting option. Restricted reporting allows a sexual assault victim to confidentially disclose the details of his/her assault to specifically identified individuals and receive medical treatment, legal services and counseling, without triggering the official investigative process. Restricted reporting is intended to give victims additional time and increased control over the release and management of their personal information, and to empower them to seek information and support to make more informed decisions about participating in a criminal investigation. A victim who receives appropriate care and is provided an opportunity to make an informed decision about a criminal investigation is more likely to develop increased trust that his/her needs are of primary concern to the command and may eventually decide to pursue an investigation. Even if the victim chooses not to pursue an official investigation, this additional reporting avenue gives commanders a clearer picture of the sexual violence within their command, and enhances a commander's ability to provide an environment that contributes to well-being and mission-readiness of all its members.

a. In order to maintain the confidentiality afforded from restricted reporting, victims can only file a restricted report with the following personnel: SHARP SARC or VA, Medical Personnel, and Chaplain. The Chaplain cannot take a restricted report but does have privileged communication and does maintain confidentiality.

b. A victim may confide in his/her spouse, relative or close friend outside the chain of command, however, may lose the option to file a restricted report if the person entrusted with the information discusses it with peers or reports it to the Commander or law enforcement prior to a restricted report being filed.

c. The following exceptions to the prohibition against disclosures of Restricted Reporting authorize a disclosure of a Restricted Report only if one or more of the following conditions apply and must be cleared by the Legal Office:

(1) Authorized by the victim in writing.

ATCL-CG

SUBJECT: U.S. Army Combined Arms Support Command Policy Letter for Sexual Harassment/Assault Response and Prevention Program

(2) Necessary to prevent or mitigate a serious and imminent threat to the health or safety of the victim or another person; for example, multiple reports involving the same alleged suspect (repeat offender) could meet this criteria.

(3) Required for fitness for duty or disability determinations. This disclosure is limited to only the information necessary to process duty or disability determinations for Service members.

(4) Required for the supervision of coordination of direct victim treatment or services. The SARC, SAPR VA, or healthcare personnel can disclose specifically requested information to those individuals with an official need to know, or as required by law or regulation.

(5) Ordered by a military official (e.g., a duly authorized trial counsel subpoena in a UCMJ case), Federal or State judge, or as required by a Federal or State statute or applicable U.S. international agreement. The SARC, SAPR VA, and healthcare personnel will consult with the installation commander's servicing legal office, in the same manner as other recipients of privileged information, to determine if the exception criteria apply and whether a duty to disclose the otherwise protected information is present. Until those determinations are made, only non-PII shall be disclosed.

(2) Unrestricted Reporting – Unrestricted reporting allows a Soldier or dependent over the age of 18 who is sexually assaulted and desires medical treatment, legal services, counseling, and an official investigation to use current reporting channels (the chain of command or law enforcement), or he/she may report the incident to a SARC or a VA. Upon notification of a reported sexual assault and with the consent of the victim, the SARC will immediately notify a VA. Additionally, with the victim's consent, the healthcare provider will conduct a forensic examination (SAFE), which may include the collection of evidence. In addition, services such as Special Victim's Counsel and expedited transfers will be explained and offered if applicable. Details regarding the incident will be limited to only those personnel who have a legitimate need to know.

7. Reprisal: Any Soldier/civilian who files a sexual harassment complaint or sexual assault report will be protected against acts of reprisal or threats of reprisal. Any acts of reprisal should be reported immediately to the Chain of Command or SHARP office.

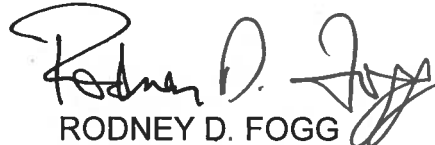
8. Reported victims of sexual assault or sexual harassment are encouraged to report incidents to their unit SHARP representatives. Reports of sexual misconduct are taken seriously and will be dealt with promptly, with confidentiality, and with protection from reprisal. The CASCOM and Fort Lee 24-hour SHARP Hotline is (804) 894-0029 and is available to provide guidance and assistance.

ATCL-CG

SUBJECT: U.S. Army Combined Arms Support Command Policy Letter for Sexual Harassment/Assault Response and Prevention Program

9. This policy is in effect until superseded or rescinded.

10. A copy of this policy will be permanently posted on unit bulletin boards. The points of contact for this action are the CASCOM and Fort Lee SHARP Program Manager at (804) 734-2309 and the CASCOM Sexual Assault Response Coordinator at (804) 734-6594 or (804) 894-0029.



RODNEY D. FOGG
Major General, U.S. Army
Commanding

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