



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

ATCL-HHC

21 September 2018

MEMORANDUM FOR Headquarters and Headquarters Company (HHC), United States Army Combined Arms Support Command (CASCOM)

SUBJECT: Company Command Policy Letter 18-5 – Prevention of Sexual Harassment and Assault

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. It is my policy that all military personnel, family members, and Department of the Army (DA) Civilians be provided an environment free of sexual harassment and assault. I want to state, so that there is no doubt or misinterpretation of intent, that sexual harassment will not be tolerated. Sexual harassment and assault destroys a unit's cohesiveness and negatively impacts all aspects of readiness. When condoned, it is a form of discrimination that is harmful and destructive to the dignity of the individual being harassed and the organization that allows this to take place. This behavior is offensive and has no place in our organization.

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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 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, within SHARP guidance below. 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 defined as a form of discrimination that involves unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature between the same or opposite genders when:

a. Submission to, or rejection of, such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, career or

b. Submission to, or rejection of, such conduct by a person is used as a basis for career or employment decision affecting that person, or

c. 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.

5. **Sexual assault** is defined as an intentional sexual contact, characterized by 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 assault (unwanted, inappropriate sexual contact or fondling), or attempts to commit these acts. Sexual assault can occur without regard to gender or spousal relationship or age of victim. Consent will not be deemed or construed to mean the failure by the victim to offer physical resistance. Consent is not given when a person uses force, threat of force, or coercion or when the victim is asleep, incapacitated, or unconscious.

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

a. **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

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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.

(1) 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.

(2) 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.

(3) 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:

(i) Authorized by the victim in writing.

(ii) 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.

(iii) 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.

(iv) 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.

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(v) 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.

b 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.

9. 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 military member or Civilian employee is engaging in sexual harassment and won't be tolerated. Similarly, any military member or Civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature is also engaging in sexual harassment and won't be tolerated.

10. As your Commander I will ensure handle all sexual assault and harassment cases with the utter most confidentiality, care and concern. I will comply with procedures outlined in Appendix F, AR 600-20

11. This memorandum will be displayed on all directorates Equal Opportunity bulletin boards and adhered to.

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

13. 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.

A handwritten signature in black ink, appearing to read 'E. Beverly', with a long horizontal flourish extending to the right.

ERIKA L. BEVERLY
CPT, LG
Commanding

