MEMORANDUM FOR All Personnel assigned to the West Point Military Reservation

SUBJECT: Command Policy Letter-Sexual Harassment/Assault Response and Prevention (SHARP) Policy

1. REFERENCES.

   a. Army Regulation (AR) 600-20, Chapters 7 and 8, dated 6 November 2014.

   b. ALARACT 299/2013 dtd 8 Nov 13; SUBJ: Army Responsibilities, Roles, Procedures, and Authorities for Responding to Sexual Assault Allegations (U)

2. PURPOSE. To establish the United States Military Academy (USMA) policy for SHARP

3. APPLICABILITY. This policy applies to all personnel, civilian and military, assigned or attached to West Point and USMA, including tenant units and contractors.

4. POLICY.

   a. The prevention and elimination of sexual harassment and sexual assault is my number one priority. The policy of the Army is that sexual harassment and sexual assault is unacceptable conduct and will not be condoned or tolerated. Army leadership at all levels will be committed to creating and maintaining an environment conducive to maximum productivity and respect for human dignity. Sexual harassment and sexual assault destroy teamwork and negatively affects combat readiness. The Army bases its success on mission accomplishment. Successful mission accomplishment can be achieved only in an environment free of sexual harassment and sexual assault for all personnel.

   b. AR 600-20, paragraph 7-4 defines sexual harassment as a form of gender discrimination which includes unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature between the same or opposite genders when:
MASP
SUBJECT: Command Policy Letter-Sexual Harassment/Assault Response and Prevention (SHARP) Policy

(1) Submission to, or rejection of, such conduct is made 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.

(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.

(4) 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 personnel is engaging in sexual harassment. Similarly, anyone who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature is engaging in sexual harassment.

c. Personnel have the right to present a complaint to the command without fear of intimidation, reprisal or harassment.

d. Attempts to resolve sexual harassment should always be made to solve the problem at the lowest possible level within an organization. In accordance with AR 600-20, Appendix C sexual harassment complaint options include informal and formal:

(1) An informal complaint is one that is not in writing and may be voiced to the offending person, to a supervisor, or both. The intention is that the offending behavior will stop with no further action required. A memorandum of record on resolution is highly recommended by whomever resolved the complaint.

(2) A formal complaint is a written statement of the behavior and/or situation submitted to proper authority and/or a certified Sexual Assault Response Coordinator (SARC) for processing through official complaint channels on a DA form 7279. All formal complaints will be reported within three calendar days to the first General Courts-Martial Convening Authority (GCMCA) in the chain of command.

e. Sexual assault is a criminal offense that has no place in the Army. It degrades mission readiness by devastating the Army's ability to work effectively as a team. Anyone who is aware of a sexual assault should immediately report incident(s). Sexual assault is incompatible with Army values and is punishable under the Uniform Code of Military Justice (UCMJ) and other Federal and state laws.

(1) Sexual assault is the intentional sexual contact characterized by use of force, physical threat and/or abuse of authority or when the victim does not or cannot
consent. Sexual assault can occur without regard to gender, spousal relationship or age of the victim. See AR 600-20, paragraph 8-4.

f. There are two reporting options for sexual assault, restricted and unrestricted:

(1) Restricted reporting allows a Soldier who is a sexual assault victim, on a confidential basis, to disclose the details of their assault to specifically identified individuals and receive medical treatment and counseling, without triggering the official investigative process. Soldiers who are sexually assaulted and desire restricted reporting under this policy should report the assault to the SARC, VA, or a healthcare provider.

(2) Unrestricted reporting allows a Soldier who is sexually assaulted and desires medical treatment, counseling, and an official investigation of his/her allegation to use current reporting channels (for example, the chain of command or law enforcement), or he/she may report the incident to the SARC or the on-call VA. Upon notification of a reported sexual assault, the SARC will immediately notify a VA. Additionally, with the victim’s consent, the healthcare provider will conduct a forensic examination, which may include the collection of evidence. Details regarding the incident will be limited to only those personnel who have a legitimate need to know.

g. All unrestricted reports of sexual assault will be immediately referred to the criminal investigation command (CID) for investigation.

h. Commanders must be familiar with the expedited transfer policy established in Army Directive 2011-18, ALARACT 007 2012 SHARP, and MILPER MSG 12-230.

i. Any allegation of rape, sexual assault, forcible sodomy, or any attempt to commit such an offense is withheld to the first O-6, the special court-martial convening authority (SPCMCA) in the chain of command for initial disposition. If the SPCMCA is below the grade of O6, then the case is withheld to the general court-martial convening authority (GCMCA).

j. All eligible legal assistant clients will be assigned a special victim counsel. Such services will be coordinated by the Staff Judge Advocate (SJA).

5. RESPONSIBILITIES.

a. SHARP is the responsibility of everyone. Anyone, particularly bystanders, who witness or become aware of sexual harassment and/or sexual assault are required to act either by direct intervention or by encouraging the victim to take action to protect oneself.
b. Officer and NCO chain of command members including Cadets holding chain of command positions must report a known incident of sexual harassment and/or sexual assault.

c. Victims of sexual harassment and sexual assault will be treated with dignity and respect at all times. The safety of the victim particularly for sexual assault is the primary consideration.

d. Everyone will actively work towards eliminating sexual harassment and sexual assault by strictly adhering to regulatory guidance and creating an environment of dignity and respect for all.

e. All subordinate units will publish a SHARP policy statement. Prior to publishing, the unit will coordinate the statement with their Staff Judge Advocate.

f. All subordinate units will either include as part of their SHARP policies or publish, as a separate document, a list of points of contact with phone numbers and email for making complaints. This information will include the West Point hotline number.

6. EXPIRATION. This policy is effective until superseded or rescinded.

7. PROPOSENT. The USMA SARC Program Office is the proponent for this policy. The point of contact is the USMA SARC at (845) 938-0508.

ROBERT L. CASLEN, JR.
Lieutenant General, US Army
Superintendent

Distribution:
Electronic