



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
UNITED STATES MILITARY ACADEMY
West Point, New York 10996

MACC

13 December 2013

USCC POLICY MEMORANDUM NUMBER 03

SUBJECT: Policy on Sexual Harassment/Assault Response and Prevention (SHARP)

1. REFERENCES:

a. Army Regulation (AR) 600-29, Chapter 7 & 8, dated 20 September 2012.

b. ALARACT 229/2013 – Army Responsibilities, Roles, Procedures and Authorities for Responding to Sexual Assault Allegations, dated 8 November 2013.

2. PURPOSE: To provide sexual harassment/assault response and prevention policy (SHARP) for USCC.

3. APPLICABILITY: This policy applies to all United States Corps of Cadets personnel.

4. POLICY:

a. The policy of the Army is that sexual harassment is unacceptable conduct and will not be 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 destroys 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 for all personnel.

b. Sexual harassment is a form of discrimination. It includes unwelcome sexual advances, requests for sexual favors and other verbal and/or physical conduct of sexual nature between different genders and members of the same gender when:

(1) Submission to or rejection of is made a term or condition of a person's job, pay or career.

(2) Submission to or rejection of is used as a basis for career or employment decisions.

(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 or control, influence or affects the career, pay or job of a Cadet, Soldier or Army civilian employee is engaging in sexual harassment. Similarly, any Cadet, Soldier or Army civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures or physical contact of sexual nature is engaging in sexual harassment.

c. Cadets, Soldiers, and Department of the Army (DA) Civilians have the right to present a complaint to the command without fear of intimidation, reprisal or harassment.

d. For filing a complaint of sexual harassment, the following options are available.

(1) An informal complaint 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.

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(2) A formal complaint is a written statement of the behavior and/or situation submitted to proper authority and/or the USCC Sexual Assault Response Coordinator (SARC) for processing through official complaint channels.

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. Every Soldier who is aware of a sexual assault should immediately (within 24 hours) report incidents. 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 when the victim does not or cannot consent. Sexual assault can occur without regard to gender, spousal relationship or age of the victim.

f. For reporting sexual assault, Soldiers have two reporting options, restricted and unrestricted.

(1) A restricted report allows the victim to confidentially disclose the assault to specifically identified individuals, receive counseling and medical treatment without notification to command or law enforcement. Restricted reporting sources are: the USCC SHARP Sexual Assault Response Coordinator (SARC), Victim Advocate (VA) or any military health care provider.

(2) An unrestricted report initiates the notification of command and law enforcement, in addition to providing SHARP/SARC response, medical treatment and counseling.

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

h. All unrestricted reports of sexual assault will be immediately referred to the criminal investigation command for investigation after the victim has spoken to ARCA or VA.

i. For victims of sexual assault who are eligible, legal assistance clients will be assigned a special victim counsel, if requested.

j. A Judge Advocate in the grade of O3 or above will be appointed to serve as the Article 32 investigating officer in all cases where rape, sexual assault, or forcible sodomy is alleged under articles 120, 125 UCMA or an attempt to commit such an offense is alleged under article 80 of the UCMJ.

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.

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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 subordinates units will 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 or reports. This information will include the West Point hotline number.

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

7. PROPONENT: The USCC SHARP Program is the proponent for this policy. Point of contact is the USCCSHARP/SARC, at (845) 938-7479.

//Original Signed//
RICHARD D. CLARKE
BG, USA
Commandant

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