



DEPARTMENT OF THE ARMY
UNITED STATES ARMY CADET COMMAND SUMMER TRAINING DETACHMENT
204 1ST CAVALRY REGIMENT ROAD
FT KNOX, KY 40121-5123

ATCC-ST

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Cadet Summer Training (CST24) Policy Memorandum 2 - Sexual Harassment/Assault Response and Prevention (SHARP)

1. References:

- a. National Defense Authorization Act (NDAA) for Fiscal Year 2020, 20 December 2019
- b. HQDA EXORD 110-22, Sexual Assault Prevention and Response
- c. Department of Defense Directive 6495.01, Sexual Assault Prevention and Response (SAPR) Program (Incorporates change 4)
- d. Department of Defense Directive 7050.06, Military Whistleblower Protection
- e. Department of Defense Instruction 1020.03, Harassment Preventing and Response in the Armed Forces, 8 February 2018 (Incorporates Change 1)
- f. Department of Defense Instruction 1020.04 - Harassment Prevention and Responses for DoD Civilian Employees
- g. Department of Defense Instruction 6495.02 Vol I - Sexual Assault Prevention and Response - Program Procedures (Incorporates Change 7)
- h. Department of Defense Instruction 6495.02 Vol II, Sexual Assault Prevention and Response (SAPR) Program Procedures
- i. Department of Defense Instruction 6495.02 Vol III - SAPR - Retaliation Response for Adult Sexual Assault Cases
- j. Army Directive 2021-16, Immediate Action to Improve the Sexual Harassment/Assault Response and Prevention Program
- k. Army Directive 2021-30, Sexual Harassment/Assault Response and Prevention Services for Department of the Army Civilians

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I. Army Directive 2022-13, Reforms to Counter Sexual Assault and Sexual Harassment

m. Army Regulation 27-10, Military Justice

n. Army Regulation 600-20, Army Command Policy

o. Army Regulation 690-12, Equal Employment, Opportunity, and Diversity

p. Army Regulation 690-600, Equal Employment Opportunity Discrimination Complaints

2. Purpose. To establish the CST Commandant's commitment for creating an environment free of sexual harassment and sexual assault, and the intent for leaders at all levels to stress the importance of the SHARP Program by fostering a climate which reduces the likelihood of an occurrence.

3. This policy covers the following individuals:

a. Active-Duty Service members

b. Green to Gold Active-Duty option

c. Cadets who are part the US Army Reserve (USAR) and Army National Guard (ARNG) Simultaneous Membership Program (SMP).

d. Cadets who are considered dependents of Active-Duty Service members.

e. Cadets who are on Title 10 Orders.

f. Department of the Army Civilians

4. Sexual Harassment and Sexual Assault. Sexual harassment and sexual assault are unacceptable behaviors which are incompatible with Army values. Such behaviors degrade organizational readiness by affecting the ability to effectively work as a team and will not be tolerated. Personnel who participate in or condone misconduct (to include while online or using social media platforms) may be subject to criminal, disciplinary, and/or administrative action under the Uniformed Code of Military Justice (UCMJ) and other federal or local civilian laws.

5. Sexual Harassment is a form of sex discrimination involving:

a. Unwelcomed sexual advances.

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b. Requests for sexual favor.

c. Other verbal or physical conduct of a sexual nature.

1) Submission to such conduct is made either 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; and is so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the environment as hostile or offensive.

6. 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 or civilian member is engaging in sexual harassment. Complaints of sexual harassment may be filed through the chain of command, the next higher echelon commander, SHARP representative, or Inspector General (IG). Complaints of sexual harassment made by DA Civilians will continue to be addressed with their servicing Equal Employment Opportunity Office or IG. There are three types of complaints:

a. An **informal complaint** is one that a complainant does not wish to file in writing. An informal complaint is not subject to a time suspense but should be resolved within 14 calendar days of the complaint's receipt.

b. A **formal complaint** is one that a complainant files in writing and swears to the accuracy of the information. Complainants are encouraged to file formal complaints within 60-calendar days, and Civilian employees have 45-calendar days from the effective date of the incident to file a complaint of sexual harassment. Formal complaints are immediately referred to the BDE commander. Commanders at all levels, along with the complainants, will follow the procedures for filing an informal, anonymous, or formal complaint outlined in AR 600- 20, Army Command Policy, Chapter 7, para 7-8.

c. An **anonymous complaint** is one received by a commanding officer or supervisor regardless of the means of transmission from an unknown or unidentified source alleging harassment. The individual (or source) is not required to divulge any personally identifiable information. All anonymous complaints, even those that cannot be investigated, will be referred to the subject's BDE commander for evaluation.

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d. Civilians can report sexual harassment directly to the Commander IAW 10 USC 1561. Sexual harassment and retaliation pursuant to a report of sexual harassment will be addressed by EEO/Labor Management and Employee Relations (LMER) within 45 days of the alleged discriminatory act. Commanders will seek guidance from SJA/EEO regarding retaliation for Civilians.

7. Sexual Assault is a crime defined by 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 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.

8. Consent: As used in the context of sexual assault, consent is a freely given agreement to the conduct at issue by a competent person. An expression or lack of consent through words or conduct means there is no consent. Lack of verbal resistance or submission resulting from the use of force, threat of force, or placing another person in fear does not constitute consent. A current or previous dating or social or sexual relationship by itself or the manner of dress of the person involved with the accused in the conduct at issue does not constitute consent. A sleeping, unconscious, or incompetent person cannot consent to a sexual act.

9. Reports. There are two types of reporting options for adult victims of sexual assault:

a. **Restricted reporting** allows those mentioned in paragraph 3, who is a victim of sexual assault, to disclose the details of their assault to a Sexual Assault Response Coordinator (SARC), Victim Advocate (VA), chaplain, or healthcare provider and receive medical treatment and counseling on a confidential basis without triggering an official investigation. Victims are now eligible to complete a DD Form 2910 electing a Restricted Report of sexual assault in all cases except:

- 1) Where the victim directly reported the sexual assault to Law Enforcement
- 2) When the victim previously filed an Unrestricted Report with a signed DD Form 2910 for the same sexual assault.
- 3) Commander's statutory obligation to report a sexual assault that they are made aware of has not changed. They must still inform CID/Law Enforcement, SARC, and SJA once they have been made aware.
- 4) Victim may elect to decline participation in the investigation (540K Declination Letter) and should seek the advice of a Special Victims Counsel (SVC).

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5) If the victim fills out a DD Form 2910 electing a restricted reporting option, any services requested or provided will remain confidential and not be disclosed to law enforcement or command.

b. **Unrestricted reporting** allows those mentioned in paragraph 3. who is sexually assaulted and desires medical treatment, counseling, and an official investigation to report the assault to the chain of command and other official channels, including the Criminal Investigative Division, IG, or provost marshal. Law enforcement will investigate all unrestricted reports and protect the rights of all parties involved.

1) DA Civilians electing to make an unrestricted report of sexual assault using a DD Form 2910 (Victim Reporting Preference Statement) are eligible to receive victim advocacy services from Sexual Assault Response Coordinators (SARCs) and Sexual Harassment/Assault Response Program (SHARP) Victim Advocates (VAs) or Victim Representatives (VRs). These services do not include expedited transfers or any medical entitlements or legal services that DA Civilians are not already authorized by law or policy.

2) DA Civilians have the same retaliation reporting capability as any other victim who has signed a DD Form 2910.

c. Commanders have a responsibility to ensure community safety and due process of law, but they must also recognize the importance of protecting the privacy of victims under their command. After a report of sexual assault, commanders will also ensure compliance with procedures in AR 600-20, Army Command Policy, Chapter 7, para 7-8.

10. Retaliation is an umbrella term encompassing actions taken by the chain of command or peers/coworkers such as engaging in ostracism or maltreatment, taking, or threatening to take an adverse personnel action, or withholding or threatening to withhold a favorable personnel action in response to the protected communication. Such behavior will not be tolerated from either Military or Civilian personnel.

a. ALL personnel in the victim's chain of command, officer and enlisted, are required when they become aware of allegations of retaliation, reprisal, ostracism, or maltreatment to take appropriate measures to protect the victim.

b. Commander's will establish procedures to protect witnesses and bystanders who intervene to prevent sexual assaults or who report sexual assaults, from retaliation, reprisal, ostracism, or maltreatment.

c. Commander's will also establish and enforce procedures to protect SARCs, SHARP VAs, and VRs from retaliation, reprisal, ostracism, intimidation, or maltreatment related to the execution of their duties and responsibilities. Unit commanders and/or

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supervisors will not interfere with or otherwise attempt to negatively influence SHARP professionals in the performance of their duties.

d. If Military and/or DA Civilians report experiencing retaliation associated with their unrestricted report of sexual assault, the victim can file a report of retaliation using DD Form 2910-2 (Retaliation Reporting Statement for Unrestricted Sexual Assault Cases). Activities will comply with collective bargaining obligations, as applicable. Complaints of sexual harassment made by DA Civilians will continue to be addressed with their servicing Equal Employment Opportunity Office

11. Victim Rights:

- a. The right to be treated with fairness and respect for your dignity and privacy.
- b. The right to be reasonably protected from the accused offender.
- c. The right to reasonable, accurate, and timely notice of public preliminary hearings, pre-trial confinement hearings, court proceedings, and clemency and parole hearings related to the offense.
- d. 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 if you as the victim heard other testimony.
- e. The right to reasonably confer with the prosecutor/Trial Counsel in the case.
- f. The right to receive available restitution.
- g. The right to be reasonably heard at:
 - 1) A public hearing concerning the continuation of any pre-trial 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.
- h. The right to submit a written statement for the consideration of the Convening Authority prior to taking any action on findings and sentencing.
- i. The right to proceedings free from unreasonable delay.

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

11. Additional resource guides for Army leaders are located at:

<https://www.armyresilience.army.mil/sharp>.

12. Commanders will take an active role in eradicating sexual harassment and sexual assault to create a safe and secure training environment. Together we will continue to preserve our core Army Values and ensure everyone is treated with dignity and respect.

13. Commanders will ensure assigned personnel know who to contact should they become a victim of sexual harassment and/or sexual assault, and understand they are free to report an incident without fear of retaliation.

14. For SHARP Reporting and/or Advocacy Services please call the U.S. Army Cadet Command SHARP Helpline (855) 472-6538, the DoD Safe Helpline at 877-665-5247 (text 55-247) or the Ft Knox SHARP helpline at 502-851-3779.

15. This memorandum will be posted in areas deemed appropriate to be viewed by all personnel.

16. This policy is effective until superseded or rescinded.

17. Point of contact for this memorandum is Mr. Patrick J. Campbell at 502-624-6219 or patrick.j.campbell1.civ@army.mil.



STEVEN M. KING
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CST Commandant

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