



DEPARTMENT OF THE ARMY
HEADQUARTERS, 1ST CAVALRY DIVISION
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FORT CAVAZOS, TEXAS 76544-5000

AFVA-CG

8 August 2023

MEMORANDUM FOR RECORD

SUBJECT: Policy Letter, 1st Cavalry Division Policy on Sexual Harassment/Assault Response and Prevention Program

1. References:

- a. Army Regulation (AR) 600-20 (Army Command Policy), 24 July 2020
- b. DoD Instruction 6495.01 (Sexual Assault Prevention and Response (SAPR) Program), 23 January 2012, Incorporates Change 5, 10 November 2021
- c. DoD Instruction 6495.02, Volume 1 (Sexual Assault Prevention and Response (SAPR) Program Procedures), 28 March 2013, Incorporates Change 7, 6 September 2022
- d. DoD Instruction 6495.02, Volume 2 (Sexual Assault Prevention and Response (SAPR) Program: Education and Training), 9 April 2021
- e. DoD Instruction 6495.02, Volume 3 (Sexual Assault Prevention and Response (SAPR) Program: Retaliation Response for Adult Sexual Assault Cases), 24 June 2022
- f. DoD Instruction 5505.18 (Investigation of Adult Sexual Assault in the Department of Defense), 22 March 2017, Incorporates Change 4, 6 September 2022
- g. DoD Instruction 6310.09 (Health Care Management for Patients Associated with a Sexual Assault), 7 May 2019
- h. DoD Instruction 6400.07 (Standards for Victim Assistance Services in the Military Community), 25 November 2013, Incorporates Change 2, 6 July 2018
- i. Army Directive 2022-10 (Safe-to-report for Victims of Sexual Assault), 6 July 2022
- j. Army Directive 2022-12 (Reforms to Counter Sexual Harassment/Sexual Assault in the Army)
- k. AR 27-10 (Military Justice), 20 November 2020

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I. III Armored Corps Commanding General Policy Letter #3, Sexual Harassment/Assault Response and Prevention (SHARP) and Special Victims' Counsel (SVC)

2. Applicability. This policy applies at all times, in all locations, to all personnel assigned, attached, or under operational control to the 1st Cavalry Division, as well as their Family members over the age of 18.

3. The 1st Cavalry Division is committed to ensuring Soldiers, Family members, and Department of the Army (DA) Civilian employees live and work in an environment free of sexual harassment and sexual assault. I, along with all 1st Cavalry Division commanders, leaders, and supervisors are committed to creating and maintaining an environment conducive to inclusion, dignity, and respect. Readiness is increased through engaged leadership by permanently shifting our culture to eliminating sexual assault, harassment, and retaliation. Sexual harassment and sexual assault destroy teamwork and negatively affect unit readiness and mission performance and will not be tolerated. Victims must feel empowered to report these incidents and will receive support from their chain of command.

4. Prevention of sexual harassment and sexual assault is everyone's responsibility. Every Soldier, Civilian employee, and Family member is responsible for treating each other with mutual dignity and respect. Your professionalism is reflected daily by your speech and conduct, which must be consistent with the Army Values. We cannot tolerate or condone sexual harassment, sexual assault, or retaliation for reporting; we must eradicate this behavior from our Army. It is incumbent upon all leaders to set the example and to create an environment conducive to inclusion, good order, and discipline. Leaders at all levels will protect their teams against sexual harassment and sexual assault, and proactively ensure that their environments are free from all forms of both. In the event a leader is made aware of a sexual harassment or sexual assault incident, they will report it to their commander within 24 hours. Each unit Commander within the Division has an open-door policy, and there is a 24-hour Sexual Harassment/Assault Response and Prevention (SHARP) Hotline available to receive reports. Commanders will protect individuals who file complaints from the presence or perception of intimidation, harassment, or reprisal. Commanders will ensure that Soldiers are assessed on fostering climates of dignity and respect and are adhering to the SHARP program, codified as part of each Officer/Noncommissioned Officer Evaluation Report (OER/NCOER).

5. Sexual Harassment.

a. Army Regulation 600-20, paragraph 7-7, defines sexual harassment to mean any of the following: Conduct that involves unwelcome sexual advances, requests for sexual favors, and deliberate or repeated offensive comments or gestures of a sexual nature

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when submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career; or submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person; or 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.

b. Any use or condonation, by any person in a supervisory or command position, of any form of sexual behavior to control, influence, or affect the career, pay, or job of a member of the Armed Forces or a Civilian employee of the Department of Defense (DoD).

c. Any deliberate or repeated unwelcome verbal comments or gestures of a sexual nature by any member of the Armed Forces or Civilian employees of the DoD.

d. There is no requirement for concrete psychological harm to the complainant for behavior to constitute sexual harassment. Behavior is sufficient to constitute sexual harassment if it is so severe or pervasive that a reasonable person would perceive, and the complainant does perceive, the environment as hostile or offensive. Sexual harassment can occur through electronic communications, including social media, other forms of communication, and in person. The use of disparaging and/or sexualized terms may contribute to an unlawful hostile environment and thus will not be tolerated. Sexual harassment is incompatible with the Army Values and may be punishable under the Uniform Code of Military Justice (UCMJ). Leaders who fail to address complaints or document sexual harassment may also be subject to punitive and/or adverse administrative action.

e. Sexual Harassment Reporting and Resources. Soldiers, cadets, and Family members aged 18 and over may file a sexual harassment complaint with the BDE Sexual Assault Response Coordinator (SARC). Although the processing of sexual harassment complaints through the chain of command and SARC is strongly encouraged, it will not serve as the only channel available to Soldiers/Family members to resolve or seek guidance on how to address sexual harassment. Commanders will not preclude Soldiers from using alternative agencies to provide guidance regarding how to address sexual harassment directly. If any complaints of sexual harassment describe sexual assault, leaders will provide the Soldier an immediate opportunity to speak with a SARC. All sexual harassment complaints will be addressed regardless of the level at which they are reported. Support services that are available to help resolve the issues, as appropriate, both on and off-post include health care, counseling, Military Protective Orders (MPO), Temporary Restraining Orders (TRO), and Civilian Protective

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Orders (CPO), chaplains, legal assistance, and unit or installation trained mediators for alternative dispute resolution.

f. Soldiers can submit a sexual harassment complaint formally in writing on a DA Form 7746, informally to a full-time brigade-level SARC, or anonymously by any means from an unidentified source.

(1) Anonymous Complaints. An anonymous complaint is defined as a report of sexual harassment, regardless of the means of transmission, from an unknown or unidentified source. The individual reporting the information is not required to divulge any personally identifying information (PII). Commanders will publicize and enable anonymous reporting through organizational hotlines, email, or official telephone lines. All anonymous complaints, even those that cannot be investigated, will be referred to the subject's BDE commander for evaluation.

(2) Informal Complaints. An informal sexual harassment complaint is a complaint that a complainant does not wish to file in writing on a DA Form 7746. Typically, those issues that can be taken care of informally can be resolved through discussion, problem identification, and clarification of the issues. An informal complaint is not subject to regulatory timeliness standards but should be resolved within 14 calendar days of the complaint receipt.

(3) Formal Complaints. Soldiers can file formal sexual harassment complaints on the DA Form 7746, documenting the nature of the complaint and the requested remedies. Soldiers are encouraged to file formal complaints within 60 calendar days from the date of the aggravating behavior. This will facilitate the investigation and resolution of these complaints. In cases where the complainant and subject are in different units, complaints may have to be elevated to the first commander in the chain of command who has command authority over both the complainant and the subject. Complainant confidentiality will be protected to the maximum extent possible.

g. If sufficient information exists to permit the initiation of an investigation, commanders will appoint investigating officers (IOs) from outside the subject's assigned brigade-sized element to conduct sexual harassment complaint investigations under Army Regulation (AR) 600-20, chapter 7.

6. Sexual Assault.

a. Sexual assault is incompatible with the Army Values, is a criminal offense, and may be punishable under the UCMJ and other Federal and local civilian laws. Sexual assault is defined as the intentional sexual contact characterized by use of force,

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threats, intimidation, or abuse of authority or when the victim does not or cannot consent. The term includes a broad category of sexual offenses consisting of the following UCMJ offenses: rape, sexual assault, aggravated sexual contact, abusive sexual contact, or attempts to commit these acts. There are two reporting options for sexual assault: restricted reporting and unrestricted reporting.

(1) Unrestricted Reporting. This reporting option triggers an investigation, command notification, and allows a person who reports sexual assault to access healthcare treatment and the assignment of a SARC and a Victim Advocate (VA). When a sexual assault is reported through unrestricted reporting, a SARC will be notified and respond or direct a VA to respond, offer the victim emergency healthcare and an optional forensic exam, explain the contents of the DD Form 2910, and request that the victim elect a reporting option on the form. If the victim elects the unrestricted reporting option, a victim may not change from an unrestricted to a restricted report. If the unrestricted option is elected, the completed DD Form 2701 (Initial Information for Victims and Witnesses of Crime), which sets out victims' rights and points of contact, will be distributed to the victim in unrestricted reporting cases by DoD law-enforcement agents.

(a) A victim can disclose that they are the victim of a sexual assault to a SARC, VA, health care provider (HCP), command authorities, or others. The victim will have access to medical treatment and counseling, support, and consideration for protection orders and expedited transfers. If the victim chooses to file an unrestricted report, the SARC, VA, HCP, chain of command, and law enforcement, will be notified that the crime was reported. An official investigation will be triggered, and the subject may be prosecuted. All unrestricted reports will be referred to the Criminal Investigative Division (CID), regardless of severity. Once a victim files an unrestricted report, it cannot be converted to a restricted report. If at any time a victim declines to participate in an investigation or prosecution, that decision should be honored by commanders, investigators, and all other personnel involved in the case.

(b) A commander who receives an unrestricted report of a sexual assault will immediately refer the matter to CID. A commander cannot investigate any report of sexual assault or delay immediately contacting CID.

(c) If a supervisor of a Soldier becomes aware of a sexual assault involving a Soldier, the supervisor is required to inform the Soldier's commander immediately.

(2) Restricted Reporting. A Soldier or Family member 18 years of age and older 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 their assault to specifically identified individuals and receive medical treatment and counseling, without triggering the official investigative process. Restricted reporting is

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intended to give victims additional time and increased control over the release and management of their personal information, and to empower them to seek relevant information and support to make more informed decisions about participating in the criminal investigation. A victim who receives appropriate care and treatment and is provided an opportunity to make an informed decision about a criminal investigation is more likely to develop increased trust that their needs are of primary concern to the command and may eventually decide to pursue an investigation. Even if the victim chooses not to pursue a criminal 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 is safe and contributes to the well-being and mission readiness of all its members. If a victim elects this reporting option, a victim may convert a restricted report to an unrestricted report at any time.

(a) Providing victims do not personally report the sexual assault to law enforcement, to include CID, and did not previously elect to make an Unrestricted report by signing a DD Form 2910 for the same sexual assault incident, Soldiers and Family members aged 18 years and older can file a Restricted report even if they disclosed the sexual assault to their commander or to personnel in the chain of command; there is an on-going CID investigation into the sexual assault initiated by a third party and not due to the victim's disclosure to law enforcement; or the CID investigation into the sexual assault has been closed.

(b) Victims retain eligibility for a Restricted report after an investigation has closed in order to access SHARP advocacy and support services, including legal, medical, and mental health care; and to retain a record of their report which can be used as supporting documentation of the sexual assault report when seeking services or filing a disability claim with the Department of Veterans Affairs.

7. Military Protective Orders (MPOs). For all sexual harassment and sexual assault complaints, the first O-6 in the subject's chain of command will implement mechanisms to protect complainants of sexual harassment and victims of sexual assault. As soon as possible, but no later than 6 hours after determining an MPO is warranted (such as the presence of a threat of physical harm), the first O-6 commander in the subject's chain of command will ensure that the subject's commander has issued and served a DD Form 2873 (Military Protective Order) to the subject Soldier, that is has been submitted to the appropriate installation Directorate of Emergency Service or Provost Marshal (DES/PMO), and that a copy has been provided to the protected individual(s).

8. Retaliation. It is the right of every member of this command to present a complaint without fear of retaliation, reprisal, ostracism, or maltreatment. Retaliatory behaviors are incompatible with the Army Values and may be punishable under the UCMJ. If the retaliatory behavior is criminal in nature and the victim filed an unrestricted report, the crime should be immediately reported to CID. Commanders will establish procedures to protect all first responders, both civilians and Soldiers, as well as witnesses and

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bystanders who intervened to prevent a sexual assault or act of sexual harassment from retaliation, reprisal, ostracism, or maltreatment related to the execution of their duties and responsibilities. Victims can seek assistance on how to report retaliatory behavior by requesting assistance from the following:

- a. A SARC or VA; or
- b. A SARC on a different installation, which can be facilitated by the DoD SAFE Helpline at 877-995-5247; or
- c. Immediate commander; or
- d. A commander outside their chain of command; or
- e. Equal Opportunity professional; or
- f. A General Officer (GO) if the retaliation, reprisal, ostracism, or maltreatment involves the administrative separation of victims within one year of the final disposition of their sexual assault case; or
- g. A GO if the victim believes that there has been an impact on their military career because they reported a sexual assault or sought mental health treatment for trauma that the victim believes is associated with the sexual assault; or
- h. Trial counsel, Victim Witness Assistance Program, Special Victim Counsel, or a legal assistance attorney; or
- i. Inspector General's office, invoking whistleblower protections; or
- j. CID, if the retaliation takes the form of an act that is criminal in nature and the victim filed an Unrestricted report.

9. Confidentiality of victim's communications is paramount to the recovery of the victim. Victim's communications to their SARC, VA, healthcare personnel, and assigned SVC are confidential communications. Improper disclosure of covered communications, improper release of medical information, and other violations of this policy are prohibited and may result in discipline under the UCMJ, loss of certification, or other adverse personnel and administrative actions.

10. As a victim, you have the following rights:

- a. The right to be treated with fairness and respect for your dignity and privacy.
- b. The right to be reasonably protected against the accused offender.

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c. The right to reasonable, accurate, and timely notice of public preliminary hearings, pretrial confinement hearings, court proceedings, clemency and parole hearings related to the offense, and the release or escape of the accused.

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 pretrial 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 be reasonably heard at the presentencing proceeding related to the offenses for which the accused has been found guilty.

i. The right to submit a written statement for the consideration of the Convening Authority prior to acting on findings and sentence.

j. The right to proceedings free from unreasonable delay.

k. 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. SHARP resources are available to train and assist commanders and leaders at every level. SARCs and VAs are available from the Battalion to Corps level to aid with sexual harassment complaint and sexual assault reports, SHARP training, prevention and response efforts, and victim advocacy. SARCs and VAs will advise all commanders in their formations on SHARP program response and activities.

a. Commanders will incorporate unit-level SHARP training annually into the overall training plan for the unit and document training on unit training schedules.

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b. Annual SHARP training will be conducted face-to-face using the approved Department of the Army SHARP Annual Refresher Training Support Package available on the Army Training Network. Commanders will determine the duration, location, and means for conducting training. Unit leaders will lead the training with the assistance of credentialed SHARP professionals.

c. Commanders will upload completed SHARP training into the Soldier's Digital Training Management System (DTMS) record.

12. Commanders, leaders, and supervisors will be familiar with the SHARP program. All Soldiers will be familiar with the 1st Cavalry Division and Fort Cavazos Command SHARP Policy Letter. All 1st Cavalry Division subordinate SARCs/VAs will ensure that all SHARP information is processed through the 1st Cavalry Division SHARP office. See Pegasus SHARP Roles and Responsibilities enclosure for a comprehensive explanation of key personnel with the 1st Cavalry Division SHARP program.

13. Any Soldier, DA/DOD Civilian, or adult military dependent needing assistance in filing a complaint may contact their servicing unit SARC or VA, the 1st Cavalry Division SHARP office at 254-432-9238, the Fort Cavazos 24/7 SHARP Hotline at 254-319-4671, or the DoD Safe Helpline at 1-877-995-5247.

14. This Command Policy Letter supersedes Command Policy Letter, 1st Cavalry Division Policy on Sexual Harassment/Assault Response and Prevention Program, dated 21 October 2021. This Command Policy Letter will remain in effect until superseded or rescinded.

15. The point of contact for this memorandum is the 1st Cavalry Division Lead SARC at 254-432-9238.



KEVIN D. ADMIRAL
Major General, USA
Commanding