



DEPARTMENT OF THE ARMY
UNITED STATES ARMY COMBINED ARMS SUPPORT COMMAND
2221 ADAMS AVENUE
FORT LEE VIRGINIA 23801-2102

CASCOM POLICY 21-12

JUL -9 2021

ATCL- CG (100)

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: U.S. Army Combined Arms Support Command (CASCOM) Policy – Military Equal Opportunity (MEO), Sexual Harassment /Assault Response and Prevention (SHARP) Program and Harassment Prevention and Response Program.

1. References.

- a. DoD Directive 6495.01, Sexual Assault Prevention and Response (SAPR) Program, 23 January 2012, Change 4, 11 September 2020.
- b. DoD Instruction 6495.02, Sexual Assault Prevention and Response (SAPR) Program Procedures, Change 4, 11 September 2020.
- c. DOD Instruction 6495.03, Defense Sexual Assault Advocate Certification Program (D-SAACP), Change 2, 27 December, 2019.
- d. DOD Instruction 1020.03 (Harassment Prevention and Response in the Armed Forces), Change 1, 29 December 2020.
- e. Uniform Code of Military Justice (UCMJ) (2019).
- f. AR 600-20, Army Command Policy, 24 July 2020.
- g. AR 690-600, Equal Employment Opportunity (EEO) Discrimination Complaints.
- h. Army Directive (AD) 2021-16 (Immediate Actions to Improve the Sexual Harassment/ Assault Response and Prevention Program), 05 May 2021.

2. Purpose. To establish the U.S. Army Combined Arms Support Command (CASCOM) Military Equal Opportunity (MEO), Sexual Harassment /Assault Response and Prevention (SHARP) Program, and Harassment Prevention and Response Program.

3. Applicability. This policy applies to all personnel, civilian, military and contractors assigned or attached to U.S. Army Combined Arms Support Command.

4. Policy. Sexual assault, sexual harassment, hazing, bullying, discrimination and harassment will not be tolerated in CASCOM and the Army. I am fully committed to the

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CASCOM SHARP, MEO and Harassment Prevention and Response Programs, which work to ensure a safe living and working environment for our entire CASCOM team. Commanders will implement programs to prevent and respond to assault, discrimination and harassment reports in order to enable team cohesion, readiness, and trust in their units. The goal is to eliminate incidents of assault, discrimination and harassment and to promote and enable an environment of dignity and respect where the CASCOM team can perform to their maximum potential. We must strive to consider all allegations of inappropriate behavior with utmost seriousness, protect the privacy of victims, ensure victims feel safe reporting incidents, motivate bystanders to intervene, and hold offenders accountable.

5. Sexual harassment and sexual assault are unacceptable and contradict the values of the Army and our organization. Sexual harassment, sexual assault and retaliatory behavior for reporting offenses destroy teamwork, negatively affect combat readiness, are incompatible with the Army values and are punishable under the Uniform Code of Military Justice (UCMJ) and civilian criminal laws. We will consider all allegations of inappropriate behavior with the utmost seriousness, protect victims' privacy, prevent retaliation, motivate bystanders to intervene, and hold offenders accountable. Ultimately, we must ensure the CASCOM team understands we will not tolerate, condone, or ignore incidents of sexual harassment or sexual assault. Reporting options, victim rights, definitions, and explanations of sexual assault, sexual harassment and retaliation are enclosed (Encls 1-3).

6. A climate which allows discrimination and harassment erodes trust and is detrimental to the Army and our organization. Successful mission accomplishment is dependent upon an environment where diversity is respected, policies and procedures are transparent, inclusion is practiced, and all team members are treated with dignity and respect. All CASCOM leaders will be committed to the concepts, policies, and objectives of the Army's MEO Program and ensure a workplace for our Soldiers that is free from harassment and unlawful discrimination on the basis of race, color, religion, national origin, sex (gender identity and pregnancy), or sexual orientation. We are committed to ensuring discrimination does not exist in our policies, practices, or actions and expect no less than complete support by the CASCOM community. Commanders, leaders, and supervisors should encourage Soldiers to first use their chain of command to resolve their concerns and complaints. In the event a Soldier or Family member wishes to file a MEO complaint, procedures for doing so are enclosed (Encl 3).

7. The Army is a values-based organization where everyone is expected to treat all persons as they should be treated, with dignity and respect. This policy memorandum implements The Army Harassment Prevention and Response Program and applies to all Soldiers and Department of Army (DA) Civilians assigned or attached to CASCOM. The new Harassment Prevention and Response Program defines and makes punitive hazing, bullying, discriminatory harassment, online misconduct as well as other

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acts of misconduct. Commanders, leaders and directors at all levels are responsible for instituting prevention and response systems aimed at eliminating these behaviors. Those who witness hazing, bullying, discriminatory harassment, and online misconduct should feel comfortable reporting these incidents to their chain of command. If the individual does not feel comfortable doing so, alternative avenues for reporting include: Family Support Services, MEO, and SHARP. Those DA Civilians who wish to file a harassment complaint should seek assistance with their EEO Office. An allegation of criminal behavior will be reported to Army law enforcement. After investigation, if hazing, bullying, discriminatory harassment, or online misconduct is founded it may be punishable under the UCMJ. Commanders and directors at all levels will publish Harassment Prevention and Response Program policies IAW AR 600-20 and ensure training is conducted annually.

8. Commanders and leaders will work to prevent retaliation after a report. Anyone who reports an offense, who makes a protected communication, is a witness or a Sexual Assault Response Coordinator (SARC), Victim Advocate (VA) or MEO will not be professionally or socially retaliated against. Commanders, supervisors and leaders will not impose a negative personnel action on a Soldier because they reported misconduct (reprisal). Any founded reprisal is punishable under Article 132, UCMJ. The command will also take the lead in investigating any allegation of social retaliation from peers and team members.

9. Department of the Army (DA) Civilian and Military victims will have access to a well-coordinated, highly responsive sexual assault Victim Advocacy (VA) Program that is available 24 hours per day/7 days per week. Civilian and Military victims may speak to or report a sexual assault incident to a trained and credentialed SHARP professional. They may contact the CASCOM and Fort Lee 24 hour Hotline at **(804) 894-0029**, the Sexual Assault Response Coordinator at **(804) 734-6594**, or the DOD SAFE Helpline at **(877) 995-5247**.

10. The MEO and Harassment hotlines provide information on MEO and Harassment policies and procedures on how and where to file complaints, and the behaviors that constitute discrimination and harassment 24 hours 7 days a week. Civilian and Military personnel may contact the installation 24/7 MEO and Harassment hotline response phone at **(804) 691-6159**. The Hotline will be answered by MEO Professionals who are currently serving in authorized MEO tour of duty billets. When calls cannot be answered immediately, the MEO professional will respond within 24 hours. During normal duty hours the MEO office can be reached at **(804) 734-6582**.

11. The points of contact for this action are the SHARP Program Manager at (804) 734-2309, the Sexual Assault Response Coordinator at (804) 734-6594, the Victim Advocate at (804) 683-8000, and the Senior Equal Opportunity Advisor at (804) 734-6601.

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12. Commanders will select investigating officers from outside the subject's assigned brigade-sized element to conduct formal sexual harassment complaint investigations under AR 600-20.

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3 Encls

1. SHARP Definitions
2. Harassment Definitions
3. CASCOM Complaint Procedures

MARK T. SIMERLY
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- Commander, U.S. Army DENTAC, Fort Lee
- Commander, U.S. Army Garrison, Fort Lee

Enclosure 1

SHARP Definitions and Guidance

1. Sexual Harassment is a form of sex discrimination involving unwelcome sexual advances, requests for sexual favors, and deliberate or repeated offensive comments or gestures of a sexual nature. 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 by service members or their Family members may be filed through the chain of command, the next higher echelon commander, SHARP representative, or inspector general (IG). Civilian employees will file complaints through their management officials, IG, or Equal Employment Office. There are three types of complaints:

a. An informal complaint is one that a Soldier or Family member 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 using a DA Form 7746 and swears to the accuracy of the information. Active Duty Soldiers have 60 calendar days, and Civilian employees have 45 calendar days from the date of the incident to file a complaint of sexual harassment. Formal complaints are immediately referred to the BOE 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. Investigations regarding the subject of sexual harassment under AR 600-20, Chapter 7 will be conducted by Investigating Officers outside of the subject's assigned brigade-sized element. The term brigade size element includes those outside of the subject's assigned brigade, brigade equivalent organization, or colonel/ GS-15-led directorate. The investigations will comply with processing timelines established by AR 600-20.

d. 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.

2. Sexual Assault is a crime defined by intentional sexual contact characterized by the use of force, threats, or abuse of authority; or when the victim does not or cannot consent. Sexual assault includes rape, nonconsensual sodomy (oral or anal sex), aggravated/abusive sexual contact (unwanted sexual contact or fondling), or attempts to commit these acts. Sexual assault can occur without regard to gender, dating/social/sexual relationship, or age of victim.

3. Consent means a freely given agreement to the sexual conduct at issue by a competent person. An expression of lack of consent through words or conduct means there is no consent. Lack of verbal or physical resistance does not constitute consent. A sleeping, unconscious, or incompetent person cannot consent to a sexual act.

4. Reports. There are two types of reporting options for adult victims of sexual assault (Family Advocacy addresses assaults involving minors and intimate partners). The Army's exception to policy allowing Department of the Army Civilians to receive SHARP services and file both restricted and unrestricted cases in CONUS ended January 2018. Department of the Army Civilians seeking guidance from SHARP personnel will be referred to community-based crisis service and support organizations. Providing such assistance to Department of the Army Civilians will not generate any SHARP reporting until an extension of the exception to policy is signed. The only exception is at an OCONUS location.

a. Restricted reporting allows a Soldier or Family member who is a victim of sexual assault to disclose the details of their assault to a sexual assault response coordinator, victim advocate, chaplain, or healthcare provider and receive medical treatment and counseling on a confidential basis without triggering an official investigation.

b. Unrestricted reporting allows a Soldier or Family member 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, legal, or provost marshal. Law enforcement will investigate all unrestricted reports and protect the rights of all parties involved.

5. 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. In certain instances, retaliation is punishable under Article 132, Uniform Code of Military Justice.

6. 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 7-11. Additional resource guides for Army leaders are located at <http://sharp.army.mil/>.

7. Victims' Rights pursuant to Article 6b, Uniform Code of Military Justice and Rule for Courts-Martial 1106A:

- o The right to be treated with fairness and respect for your dignity and privacy.
- o The right to be reasonably protected from the accused.
- o 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, and release or escape of the accused, unless such notice may endanger the safety of any person.
- o 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.
- o The right to reasonably confer with the prosecutor/Trial Counsel in the case.
- o The right to receive available restitution.
- o 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.
- o After the accused is convicted, a victim has the right to submit a written statement based on the conviction for the consideration of the Convening Authority prior to taking action on findings and sentence.
- o The right to proceedings free from unreasonable delay.
- o The right to be provided information, if applicable, about the conviction, sentencing, imprisonment, Convening Authority's action, appellate review, and release of the offender.

8. The CASCOM Policy Letter detailing the Equal Employment Opportunity (EEO) program outlines the procedures for dealing with sexual harassment complaints for civilian employees.

Army Harassment Prevention Response Program
Definitions

1. Harassment is a broad term that takes many forms and it is imperative that all CASCOM personnel can identify them in order to eliminate them from our formation. Though not a comprehensive list, some types of harassment include: hazing, bullying, discriminatory, and online.

a. Hazing. "A form of harassment that includes conduct through which Soldiers or DA Civilian employees (who haze Soldiers), without a proper military authority or other governmental purpose but with a nexus to military service, physically or psychologically injures or creates a risk of physical or psychological injury to Soldiers for the purpose of: initiation into, admission into, affiliation with, change in status or position within, or a condition for continued membership in any military or DA Civilian organization. Hazing can be conducted through the use of electronic devices or communications, and by other means including social media, as well as in person." See AR 600-20, para. 4-19a(1).

(1) Some examples of hazing include: initiation or congratulatory acts involving striking, beating, paddling, burning, pressing an object into another person's skin (pinning) regardless of whether it pierces the skin, oral or written berating of another with the intent to humiliate, playing abusive or malicious tricks, excessive physical exercises (when performed without proper military authority or government purpose), or forcing another person to consume food, alcohol, or drugs/other substances.

(2) "Soliciting, coercing, or knowingly permitting another to participate, solicit or coerce such conduct, may be considered hazing. Soldiers will be held responsible for an act of hazing even if there was actual or implied consent from the victim, without regard to the Service, rank, status, or position of the victim." See AR 600-20, para. 4-19a(1)(b).

b. Bullying. "A form of harassment that includes acts of aggression by Soldiers or DA Civilian employees, with a nexus to military service, with the intent of harming a Soldier either physically or psychologically, without proper military authority or other governmental purpose. Bullying is the exposure of an individual or group to physical and/or emotional aggression with the intent to cause distress or harm. Bullying may involve the singling out of an individual from his or her coworkers, or unit, for ridicule if he or she is considered different or weak. It often is indirect or subtle in nature and involves an imbalance of power between the aggressor and the victim. Bullying can be conducted through the use of electronic devices or communications, and by other means including social media, as well as in person." See AR 600-20, para. 4-19a(2).

(1) Some examples of bullying include but are not limited to: physically striking another person, teasing, mocking, threats of violence, social exclusion, isolating, oral or written berating with intent to humiliate, and degrading or damaging another's property or reputation.

(2) "Soliciting, coercing, or knowingly permitting another to participate, solicit or coerce such conduct, may be considered bullying. Soldiers will be held responsible for an act of bullying even if there was actual or implied consent from the victim, without regard to the Service, rank status, or position of the victim." See AR 600-20, para. 4-19a(2)(b).

c. Discriminatory harassment is unwelcome conduct based on race, color, religion, sex (including gender identity), national origin, or sexual orientation.

d. Misconduct may or may not meet the definitions above for hazing or bullying, yet may violate the dignity and respect of others. These acts are categorized as "other acts of misconduct." See AR 600-20, para. 4-19a(4).

e. Online misconduct. The use of electronic communication to inflict harm. Electronic communication is the transfer of information (signs, writing, images, sounds, or data) transmitted by computer, phone or other electronic device. Electronic communications include, but are not limited to: text messages, emails, chats, instant messaging, screensavers, blogs, social media sites, electronic device applications, and Web/video conferencing. Examples of online misconduct include, but are not limited to: hazing, bullying, harassment discriminatory harassment, stalking, retaliation, or any other types of misconduct that undermines dignity and respect. When using electronic communication devices, Army personnel should apply "Think, Type, and Post": "Think" about the message being communicated and who could potentially view it; "Type" a communication that is consistent with Army values; and "Post" only those messages that demonstrate dignity and respect for self and others. See AR 600-20, para. 4-19a(5).

2. The imposition of necessary or proper duties and the requirement of their performance does not violate this policy even though the duties may be arduous, hazardous, or both. Harassment does not include properly directed command activities that serve a legitimate purpose, or the requisite training activities required to prepare for such activities. When authorized by the chain of command and/or operationally required, the following activities do not constitute hazing or bullying: physical and mental hardships associated with operations or operational training, lawful punishment imposed pursuant to the Uniform Code of Military Justice, administrative corrective measures, physical training (PT) and remedial PT. See AR 600-20, para. 4-19a(6).

3. Harassment complaints will be processed through the command MEO Program using the MEO and Harassment Complaint Processing System. Refer to Encl 3 for Complaint Procedures.

**CASCOM Procedures for Processing Military Equal Opportunity (MEO)
and Harassment Complaints**

1. The MEO and Harassment complaint system provides a process for Soldiers and their Family members to seek relief from perceived harassment and unlawful discrimination or unfair treatment on the basis of race, color, national origin, religion, sexual orientation, sex (to include gender identity and pregnancy) and harassment which includes hazing, bullying, and other discriminatory harassment. Sexual orientation is defined as homosexuality, bisexuality, or heterosexuality, whether such orientation is actual or perceived, and includes association with another individual or affinity group associated with a particular sexual orientation. Prior to pursuing a MEO or Harassment complaint, efforts should be made to solve the alleged complaint at the lowest possible level within an organization.
2. Informal complaints are when a Soldier or Soldier's Family member does not wish to file in writing. Informal complaints can be resolved directly by the individual with the help of another unit member, the Equal Opportunity leader, commander, or other individuals in the complainant's chain of command. Unlike a formal complaint, informal complaints are not subject to a set timeline but when practical it should be resolved within 60 days.
3. Formal complaints are filed in writing. They are sworn to by the complainant as to the accuracy of the information. Formal complaints are filed with the organization or unit's Equal Opportunity Advisor. Formal complaints follow specific procedures, are subject to regulatory timelines, and must include documentation of the actions taken. An individual files a formal complaint using a DA Form 7279 (Equal Opportunity Complaint Form).
4. Anonymous complaints are where the complainant remains unidentified and may be handled as either a formal or informal complaint. The commander will determine if sufficient information is provided to proceed as either an informal or formal complaint.
5. Should a Soldier or Family member wish to initiate a formal complaint, they have 60- calendar days from the date of the alleged incident to file the formal complaint. This time limit is established to allow for a prompt inquiry or investigation that ensures reasonable availability of witnesses, accurate recollection of specific events, and preservation of evidence relevant to the complaint and allegations. If a complaint is received more than 60-calendar days after the alleged incident, the commander may, at his or her discretion, still conduct an investigation into the allegations or appoint an investigating officer. In deciding whether to conduct an investigation, the commander should consider the reason for the delay, the availability of witnesses, and whether a full and fair inquiry or investigation can still be conducted.

6. Although the processing of complaints through the unit chain of command is strongly encouraged, it will not serve as the only resource available to Soldiers to resolve complaints. Should the complainant feel uncomfortable in filing a complaint with his/her unit chain of command, or should the complaint be against a member of that chain of command, a number of alternative agencies exist that may assist in resolving the potential complainant's concerns. Each of the agencies listed below provide expertise in very specific subject areas that may alleviate the need for initiating a formal complaint. Commanders will not preclude Soldiers from using other options in accordance with the procedures inherent to or established by each agency. Other Army resources available to a Soldier or their Family member are:

- Someone in a higher echelon of the complainant's chain of command
- The Office of the Inspector General
- The Office of the Provost Marshal
- The Office of the Staff Judge Advocate
- The command or installation chaplain
- Medical agency personnel
- Chief, Community Housing Referral and Relocation Services Office

7. As a reminder, Soldiers who knowingly submit a false complaint (a complaint containing information or allegations that the complainant knew to be false) may be punished under UCMJ.

