DEPARTMENT OF THE ARMY
HEADQUARTERS, 1ST BATTALION, 62ND AIR DEFENSE ARTILLERY REGIMENT FORWARD
AL UDEID AIR BASE, APO AE 09309
ISA AIR BASE, FPO AE 09859

AFVL-LRB-BC

9 November 2015

MEMORANDUM FOR RECORD

SUBJECT: Command Policy #2 Sexual Harassment/Assault Response and Prevention Policy

1. References.

a. AR 600-20, Army Command Policy, Chapters 7, 8, and Appendix C, 6 November 2014.

b. Army Directive 2011-19, Expedited Transfer of Reassignment Procedures for Victims of Sexual Assault, 3 October 2011.

c. 31st ADA Brigade Command Policy Letter 2, 1 October 2015.

2. All leaders must be committed to creating and maintaining an environment that maximizes productivity and respect for human dignity. Sexual harassment and sexual assault are unacceptable and will not be tolerated. They destroy teamwork and negatively affect combat readiness. They are punishable under the Uniform Code of Military Justice (UCMJ) and other federal and local laws.

3. Sexual harassment is a form of gender discrimination that involves unwanted sexual advances, requests for sexual favors, and other verbal/non-verbal or physical conduct of a sexual nature. The chain of command at all levels will take appropriate action immediately upon becoming aware of allegations of sexual harassment. Leaders who become aware of incidents involving sexual harassment are obligated to report the incident to their commanders immediately. If a Soldier believes that he or she is a victim of sexual harassment he/she can present his/her complaint to the chain of command or the unit Equal Opportunity Leader for informal resolution. He/she may also file a formal complaint with the unit SHARP Specialist, the Installation SHARP Office, or unit Equal Opportunity Advisor. Guidance on handling sexual harassment complaints is provided in Appendix C of AR 600-20.

4. Sexual assault is defined as intentional sexual contact, characterized by use of force, threats, intimidation, or the abuse of authority or when the victim does not or cannot consent. It includes rape, forcible sodomy, and other unwanted sexual contact that is aggravated, abusive, or wrongful or attempts to commit these acts. Consent should not be deemed or construed to mean the failure by the victim to offer physical resistance. Additionally, consent is not given when a person uses force, threat of force, coercion, or

when the victim is asleep, incapacitated, or unconscious. Any Soldier who is aware that a sexual assault has occurred should immediately report the incident to the chain of command or to law enforcement.

5. Reporting Options. If a Soldier, Family member or civilian believes that he or she has been sexually assaulted there are two reporting options:

a. Restricted Reporting allows the victim confidentiality to disclose sexual assault details when reported to the unit SHARP Leader, Victim Advocate, or military healthcare provider without chain of command or law enforcement involvement. The victim receives medical treatment, advocacy services, and support without initiation of an investigation. Without an investigation, the perpetrator cannot be prosecuted. A victim may also discuss the incident with a Chaplain as those communications are confidential but that is not the same as filing a restricted report.

b. Unrestricted Reporting can be submitted through the chain of command, supervisory personnel, military police, CID, unit SHARP Leader, Victim Advocate, or military healthcare provider. The victim receives medical treatment, advocacy services, and support. An investigation is initiated and the perpetrator can be prosecuted. A victim may also discuss the incident with a Chaplain as those communications are confidential but that is not the same as filing an unrestricted report.

6. Per Army Directive 2011-19, expediting review of and action on, a victim's request for transfer or reassignment is an important component of a leader's response to. Requests for a transfer or reassignment must be in writing. Victims are encouraged to include any and all of their concerns in the written request to aid the commander in understanding their needs and in making an appropriate decision.

7. In accordance with AR 600-20, paragraph 8-5(o)(33), rating officials must include documenting incidents of misconduct, to include those being found guilty of sexual assault. This may include an appropriate annotation in the narrative and/or the values section of the officer evaluation report/noncommissioned officer evaluation report.

8. Sexual harassment and sexual assault undermine the unit's ability to work effectively as a team. Leaders at every echelon are responsible for exercising active and positive leadership in the prevention of sexual harassment and sexual assault. This includes at a minimum 3.5 hours of annual SHARP training to educate the force, while enforcing accountability for those who commit these violations. All leaders will create conditions for awareness, prevention, training, victim advocacy, response, reporting, and accountability.

9. Reprisals or harassment of any form against individuals exercising their right to report sexual harassment or sexual assault will not be tolerated by this command. Anyone ostracizing, retaliating or repressing those who report or seek to report such violations will be subject to action under the UCMJ.

10. A copy of this memorandum will be posted on each bulletin board down to the lowest level.

11. The point of contact for this memorandum is CPT Annie Arauz, Battalion S-1 at annie.arauz@auab.afcent.af.mil or at 318-437-5884.

CURRAN D. CHIDESTER
LTC, AD
Commanding