

# SHARP GUIDEBOOK

## PURPOSE

The Sexual Harassment/Assault Response and Prevention (SHARP) guidebook is a company-level reference tool for company commanders and Soldiers, Department of the Army (DA) Civilians, and Family members to use in sexual harassment and sexual assault prevention and response efforts. This guidebook consolidates current Army and DoD policy and recently published directives pertaining to the SHARP program. It does not supersede, rescind, or amend any published policy of the Department. Roles, responsibilities, and process steps are laid out to assist in handling sexual harassment complaints and sexual assault reports. Quick reference sheets are also provided for portability and ease of use.

This guidebook is intended solely to provide personnel with an overview of the SHARP program and applicable procedures. It should not be construed or referenced as an authoritative source for SHARP regulations or policy. If the contents of this guidebook conflict or contradict the contents of any published document, the content of the published document is the controlling policy. The Army's policies and practices in this area are evolving and subject to change. This guidebook will be updated periodically to reflect changes in Army policy.

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# CHAPTER ONE

## SHARP PROGRAM OVERVIEW

*“You can succeed from this day forward in virtually every aspect of your military career, but if you fail at this, and that is leading on the issue of sexual assault, you’ve failed the Army.”*

*- Secretary of the Army, John M. McHugh*

The Army’s Sexual Harassment/Assault Response and Prevention (SHARP) program exists so that the Army can prevent incidents of sexual harassment and sexual assault before they occur. The SHARP program’s mission is to promote an Army culture and command climate that ensures adherence to the Army Values and ensures that every Army team member will be treated with dignity and respect at all times and in all circumstances. Every Soldier, DA Civilian, and Family member serves and supports the Army and the Nation; they deserve no less.

Sexual harassment complaints and Prevention of Sexual Harassment (POSH) training for military members were formerly managed by the Equal Opportunity Office. The Sexual Assault Prevention and Response (SAPR) program was managed separately by the Army G-1. Sexual harassment and sexual assault have often been found to be interrelated and to exist along a continuum of sexual violence in which acts of sexual harassment, if unchecked, may lead to acts of sexual assault. Because of this link between sexual harassment and sexual assault, the POSH and the SAPR programs were integrated under the Army G-1 to form the SHARP program. The SHARP program provides unity of effort for sexual harassment and sexual assault prevention efforts across the Army.

Intervene, Act, and Motivate (I. A.M.) STRONG is the Army’s campaign to combat sexual assaults by engaging all Soldiers in preventing sexual assaults before they occur. In support of cultural change, Soldiers engage in peer-to-peer communication and active intervention in order to create a climate that does not tolerate attitudes and behaviors that facilitate sexual assault or sexual harassment.

### **DEFINITIONS**

**Sexual Harassment** is a form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature 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. (DoDD 1350.2, Glossary; AR 600-20, para 7-4a.)

Any person in a supervisory or command position who condones any form of sexual behavior to control, influence, or affect the career, pay, or job of a Military member or civilian employee is engaging in sexual harassment. Similarly, any Military member or civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature in the workplace is also engaging in sexual harassment.

Note: "Workplace" is an expansive term for Soldiers and may include conduct on or off duty, 24 hours a day. (DoDD 1350.2; AR 600-20, para 7-4a.)

**Sexual Assault** is intentional sexual contact characterized by the use of force, 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 specific UCMJ offenses: rape, sexual assault, aggravated sexual contact, abusive sexual contact, forcible sodomy (forced oral or anal sex), or attempts to commit these offenses. (DoDD 6495.01, Glossary)

### **ARMY POLICY**

Acts of sexual harassment are unacceptable and will not be tolerated. 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. Army leadership at all levels will be committed to creating and sustaining an environment conducive to maximum productivity and respect for human dignity. (AR 600-20, Chapters 7 and 8)

### **APPLICABILITY**

Unless specifically stated otherwise in the text, all program procedures and process steps outlined in this guidebook apply to active duty Soldiers, including those who were victims of sexual assault prior to enlistment or commissioning, and Army National Guard (NG) and Army Reserve Component (RC) Soldiers who are sexually harassed or sexually assaulted when performing active service and inactive duty training. SHARP program policy also applies to military dependents 18 years of age and older who are eligible for treatment in the military healthcare system, at installations in the continental United States (CONUS), and outside of the continental United States (OCONUS), and who were victims of sexual assault perpetrated by someone other than a spouse or intimate partner. Exceptions to any procedures and process steps will be outlined at the end of the section. (DoDI 6495.02, para 2)

## CHAPTER TWO PREVENTION

Every Soldier has a duty to intervene to prevent sexual harassment and sexual assault. The vision of the I. A.M. Strong campaign is to eliminate sexual harassment and sexual assault by creating a culture where Soldiers believe that failure to prevent sexual harassment and sexual assault is incompatible with Army Values and Warrior Ethos. This culture change is possible when leaders actively engage with their subordinates to ensure that everyone is aware of their role in protecting themselves and their fellow Soldiers from instances of sexual harassment and sexual assault and the attitudes and behaviors that may lead to such incidents.

### **PREVENTION: ROLES & RESPONSIBILITIES**

- Commanders
- SHARP Personnel
- Soldiers and DA Civilians

### **COMMANDERS**

Commanders are the center of gravity for execution of the SHARP program and the I. A.M. Strong campaign. Commanders are responsible for the climate in their organizations. The following commander actions are required in order to promote a climate of dignity and respect:

- Ensure that all assigned personnel are familiar with the Army policy on sexual harassment and sexual assault.
- Publish and post written command policy statements for the prevention of sexual harassment and sexual assault.
- Continually assess and be aware of the climate of command regarding sexual harassment and sexual assault.
- Take prompt, decisive action to investigate all complaints of sexual harassment.
- Ensure all reports and incidents of sexual assault are reported to CID; ensure that victims of sexual assault receive sensitive care and support and are not re-victimized as a result of reporting the incident.
- Publish contact information of Sexual Assault Response Coordinators (SARCs) and Victim Advocates (VAs) and provide take-away information such as telephone numbers for unit and installation points of contact, booklets, and information on available victim services.
- Ensure SHARP training is conducted in accordance with the most current Army policy.
- Appoint same-gender sponsors for first-term Soldiers.
- Include emphasis on sexual assault risks, prevention, and response at all holiday safety briefings.

- Ensure that Soldiers convicted of sexual assault in foreign, civilian, or military courts are processed for administrative separation.
  - Continually assess the command climate through various methods (for example, focus groups, surveys, talking with Soldiers).
- (AR 600-20, Chapters 7 and 8)

## **SHARP PERSONNEL**

SARCs and VAs are vital to each commander's success in preventing sexual harassment and sexual assault. SARCs and VAs should provide a well-coordinated, highly responsive sexual assault Victim Advocacy program that is available 24 hours per day/7 days per week both in garrison and deployed environments. The following SARC and VA actions (list not exhaustive) assist in promoting a climate of dignity and respect:

### **SARC:**

- Ensure overall management of sexual assault prevention, training, and victim advocacy.
- Ensure victims of sexual assault receive guidance and emotional support during administrative, medical, investigative, and legal procedures, and that victims understand the processes involved.
- Assign a VA to assist victim immediately upon notification of an incident of sexual harassment or sexual assault

### **VA:**

- Establish contact with each victim who alleges that an act of sexual assault occurred, if the victim is receptive to such contact.
- When assigned by the SARC, provide crisis intervention, referral, and ongoing non-clinical support to the sexual assault victim. In the case of multiple victims, each victim should have a VA (IVA or UVA). The victim alone will decide whether to accept the offer of victim advocacy services.
- Inform victims of the options to use service providers (for example, medical, legal, and chaplain) and resources available to victims.

(AR 600-20, Chapters 7 and 8)

## **SOLDIERS AND DA CIVILIANS**

Every Soldier and DA civilian is responsible for the prevention of sexual harassment. Peers, subordinates, and supervisors must never tolerate, condone, or ignore sexual harassment or sexual assault. Every Soldier must have the personal courage to *Intervene, Act,* and *Motivate* others to take action when needed. Every Soldier who is aware of a sexual assault should immediately (within 24 hours) report incidents. (AR 600-20, para 7-3b.and para 8-2a.)

# CHAPTER THREE

## SEXUAL HARASSMENT

*This chapter depicts an abbreviated version of the sexual harassment complainant process which emphasizes actions taken or directly impacting commanders and Soldiers at the company-level.*

### **DEFINITION**

Sexual Harassment is a form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature 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. (DoDD 1350.2, Glossary; AR 600-20, para 7-4a.)

Any person in a supervisory or command position who condones any form of sexual behavior to control, influence, or affect the career, pay, or job of a Military member or civilian employee is engaging in sexual harassment. Similarly, any Military member or civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature in the workplace is also engaging in sexual harassment.

Note: "Workplace" is an expansive term for Soldiers and may include conduct on or off duty, 24 hours a day. (DoDD 1350.2; AR 600-20, para 7-4a.)

### **EXAMPLES MAY INCLUDE:**

#### **VERBAL**

- Making sexual jokes, gestures, remarks, or innuendos.
- Making comments about an individual's appearance, body, clothing, or sexual behavior.
- Spreading sexual rumors about an individual.
- Persistent, unwanted requests for social (dates) or sexual activity.
- Participating in sexually charged conversations.

#### **NONVERBAL**

- Making and/or posting inappropriate sexual remarks to, or photos of, an individual via social media sites, text message, or email.
- Displaying pornographic material or sexual photos in the workplace.

*\*Note: In accordance with ALARACT 007/2012, many units have already transitioned responsibility for the handling of sexual harassment cases from EOAs to SHARP personnel. Remaining units will make the transition upon issuance of Pending Army Directive XX-2013 and AR 600-20 rapid revision.*

- Making a sexually offensive expression.
- Conduct of a sexual nature intended to embarrass, intimidate, demean or degrade.

### **PHYSICAL CONTACT**

- Unwanted touching.
- Intimidation (blocking or cornering someone in a sexual way).

### **OPTIONS FOR DEALING WITH SEXUAL HARASSMENT - SOLDIERS**

- *Direct approach:* Confront the harasser and tell him or her that the behavior is inappropriate, violates Army values, is not welcomed, and must stop.
- *Indirect approach:* Send a letter to the harasser stating the facts, personal feelings about the inappropriate behavior, and expected resolution.
- *Third party:* Request assistance from another person. Ask someone to talk to the harasser, accompany the victim, or intervene to resolve the conflict.
- *Chain of command:* Report the behavior to an immediate supervisor or others in the chain of command and ask for assistance in resolving the situation.
- *File an informal or formal complaint:* Complaint filing procedures are outlined in this chapter and Appendix D, AR 600-20.

(AR 600-20, para 7-7)

### **REPORTING: ROLES & RESPONSIBILITIES -- SOLDIERS**

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| <ul style="list-style-type: none"> <li>• Complainant</li> <li>• Equal Opportunity Advisor (EOA)*/Equal Opportunity Representative (EOR)*</li> <li>• Commander</li> <li>• Investigating Officer</li> <li>• Alternative Organizations</li> </ul> |
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**COMPLAINANT.** Complainants have the option to file an informal or formal complaint of sexual harassment and can submit the complaint to a member of the chain of command or to an alternative agency. (AR 600-20, para D-1.a(2))

**EORs/EOAs\*.** EOAs\* are the commanders' representatives who are tasked to understand and articulate DoD and Army policies concerning equal opportunity. EOAs\* are trained to recognize sexual harassment in both overt and subtle forms. EOAs\* also recommend appropriate remedies to eliminate and prevent sexual harassment. EOAs\* continuously assess the command climate through formal surveys, interviews, facilitated small group discussions, and accessibility to the unit. EOAs\* and unit EORs\* assist commanders in resolving sexual harassment complaints. EOAs\* also conduct follow-up assessments of all formal sexual harassment complaints. (AR 600-20, para 6-3k.)

*\*Note: In accordance with ALARACT 007/2012, many units have already transitioned responsibility for the handling of sexual harassment cases from EOAs to SHARP personnel. Remaining units will make the transition upon issuance of Pending Army Directive XX-2013 and AR 600-20 rapid revision.*



**COMMANDER.** The commander is responsible for promoting a climate of dignity and respect for all personnel by investigating and rectifying sexual harassment complaints brought to his or her attention. The commander is also responsible for establishing and implementing a plan to protect the complainant, any named witnesses, and the subject of the investigation from acts of reprisal. Commanders may conduct inquiries personally or appoint investigating officers. The commander of any Soldier under investigation must flag that Soldier upon notification that the Soldier is under investigation. (AR 600-20, para D-4; AR 600-8-2, para 2-2)

**INVESTIGATING OFFICER.** The investigating officer is responsible for investigating formal sexual harassment complaints. The investigating officer determines to the maximum extent possible what actually occurred, assesses the validity of allegations made by the complainant, advises the commander of any leadership or management concerns that might contribute to perceptions of sexual harassment, and recommends appropriate corrective actions. Prior to initiating the investigation, the investigating officer must coordinate with the staff judge advocate's (SJA) office and EOA\*. (AR 600-20, para D-6)

**ALTERNATIVE ORGANIZATIONS.** Although EOAs\* are specifically trained to handle sexual harassment cases, complainants may contact a member of their unit chain of command or any of the organizations listed below for additional assistance.

- *Chaplain:* Serves as an advisor to the command on all religious matters and provides guidance on religious practices, family and marital counseling, and other secular or non-secular services.
- *Provost Marshal (PM)/Director of Emergency Services (DES):* Responsible for receiving and investigating violations of the Uniform Code of Military Justice (UCMJ) which are criminal in nature. PM/DES will promptly refer all crimes or incidents falling within U.S. Army Criminal Investigation Command (USACIDC) investigative responsibility to the appropriate USACIDC element for investigation.
- *OSJA:* Responsible to the commander on all legal matters. The OSJA serves as an advisor in litigating criminal charges and prosecuting Soldiers for criminal offenses and may receive complaints about sexual harassment.
- *Inspector General (IG):* Responsible for monitoring and inspecting command functions that are essential to mission effectiveness and combat readiness. The IG's office is the principal organization for receiving and investigating complaints about command environment and leadership.
- *Medical Agency Personnel:* Responsible for assisting or otherwise supporting healthcare providers in providing healthcare services. Medical agency personnel also include all healthcare providers.

(AR 600-20, para D-1.a(2))

**\*Note:** In accordance with ALARACT 007/2012, many units have already transitioned responsibility for the handling of sexual harassment cases from EOAs to SHARP personnel. Remaining units will make the transition upon issuance of Pending Army Directive XX-2013 and AR 600-20 rapid revision.

## **COMPLAINT PROCESS - SOLDIERS**

This section will describe the steps for processing informal and formal sexual harassment complaints. The steps provide an overview of the process. Use the references provided throughout the section to obtain a more detailed description of appropriate actions and processes.

For RC Soldiers - complaint procedures are the same if filed during an active duty tour. For National Guard Soldiers - complaint procedures are the same if filed during an active duty tour of 30 or more days. (AR 600-20, para D-13 and D-14)

### **INFORMAL COMPLAINT - SOLDIERS**

An informal complaint is any complaint that an individual does not wish to file in writing. Informal complaints may be resolved directly by the complainant or with the help of another unit member, the company commander, or another individual in the complainant's chain of command. 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 a time suspense. (AR 600-20, para D-1a.(1))

- Step 1. Individual submits an informal complain
- Step 2. Agency official receives the complaint
- Step 3. Agency official explains the complaint process
- Step 4. Agency official attempts to assure resolution

**Step 1:** Individuals who do not feel comfortable filing a complaint with their chain of command may contact an EOA\* or representative from any of the organizations below:

- Someone in a higher echelon of the complainant's chain of command.
- Chaplain
- Provost Marshal (PM).
- SJA.
- IG.
- Medical agency personnel.

(AR 600-20, para D-1.a(2))

**Step 2:** The agency official who receives the complaint will advise the complainant of his or her rights and responsibilities. The official will then listen to the complainant and find out as much information as possible concerning the complaint, including (if applicable) why the individual is using the alternative organization as opposed to his or her chain of command. Agency officials (with the exception of chaplains and lawyers) may not guarantee confidentiality. (AR 600-20, para D-1.a(3) and (4))

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**Step 3:** The agency official will explain to the complainant what role the organization has, for example, direct action on behalf of the complainant, information gathering, or referral to another organization or to the commander for his or her action. The agency official will also explain what support services are available from other organizations that may help resolve the issues. The agency official will explain the complaint system - principally, the differences between informal and formal complaints, and what will be done with the individual's complaint. (AR 600-20, para D-1.a(4))

**Step 4:** The agency official will attempt to assure resolution of the issue (through mediation, intervention, counseling, training, etc.). (AR 600-20, App D-1.a(4))

### **FORMAL COMPLAINT - SOLDIERS**

A formal complaint is one that a complainant files in writing and swears to the accuracy of the information. Formal complaints require specific actions, are subject to timelines, and require documentation of the actions taken. The decision to file a formal complaint rests solely with the complainant; however, the complainant must file a formal complaint within 60 calendar days of the alleged incident. (AR 600-20, para D-1.b(1) and (5))

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| <ol style="list-style-type: none"><li>Step 1. Individual submits a formal complaint</li><li>Step 2. Agency official receives complainant</li><li>Step 3. Agency official explains the complaint process</li><li>Step 4. Complainant and agency official complete DA Form 7279</li><li>Step 5. Agency official refers complainant to appropriate organization (if needed)</li><li>Step 6. Commander is notified of formal complaint</li><li>Step 7. Commander initiates investigation</li><li>Step 8. Commander takes steps to protect complainant</li><li>Step 9. Commander makes a decision based on investigative findings</li><li>Step 10. Individual submits appeal</li><li>Step 11. EOA* conducts follow up</li></ol> |
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**Step 1:** While the processing of sexual harassment complaints through the unit chain of command is strongly encouraged, it is not the only channel available to individuals to resolve complaints. Individuals who do not feel comfortable filing a complaint with their chain of command may contact a representative from any of the organizations below:

- Someone in a higher echelon of the complainant's chain of command
- Chaplain
- Provost Marshal (PM)
- SJA
- IG
- Medical agency personnel

(AR 600-20, para D-1.a(2))

*\*Note: In accordance with ALARACT 007/2012, many units have already transitioned responsibility for the handling of sexual harassment cases from EOAs to SHARP personnel. Remaining units will make the transition upon issuance of Pending Army Directive XX-2013 and AR 600-20 rapid revision.*

**Step 2:** The agency official who receives the complaint will advise the complainant of his or her rights and responsibilities. The official will then listen to the complainant and find out as much information as possible concerning the complaint, including (if applicable) why the individual is using the alternative organization as opposed to his or her chain of command. Agency officials (with the exception of chaplains and lawyers) may not guarantee confidentiality. (AR 600-20, para D-1a.(3) and (4))

**Step 3:** The agency official will explain to the complainant what role the organization has, for example, direct action on behalf of the complainant, information gathering, or referral to another organization or to the commander for his or her action. The agency official will also explain what support services are available from other organizations that may help resolve the issues. The agency official will explain the complaint system, principally, the differences between informal and formal complaints, and what will be done with the individual's complaint. (AR 600-20, para D-1a.(4))

**Step 4:** The complainant and the agency official will complete Part I of DA Form 7279, Equal Opportunity Complaint Form. This is a mandatory form to be completed by all organizations who receive a formal sexual harassment complaint. This form will document the formal complaint process from the initial report, through the investigation, to resolution, and appeals process (if applicable). (AR 600-20, para D-1.b(3) and (4))

**Step 5:** Upon review of the initial details of the case, agency officials may refer the complainant to another agency or to the commander (if the agency official is not the commander) for his or her action. Agency officials have 3 calendar days [at the next Multiple Unit Training Assembly (MUTA) 4 or other regularly scheduled training for Army Reserve troop program unit (TPU) Soldiers] to refer the complaint to the appropriate commander or organization. (AR 600-20, para D-2.)

**Step 6:** Upon receipt of a complaint, the commander is required to identify and rectify the issue. Additionally, the General Court-Martial Convening Authority (GCMCA), usually the first General Officer in the chain of command, must be notified within 3 calendar days. (AR 600-20, para D-4.a.)

**Step 7:** The commander may conduct an inquiry personally or immediately appoint an investigating officer according to the provisions of AR 15-6. The commander of any Soldier under investigation must flag that Soldier upon notification that the Soldier is under investigation in accordance with AR 600-8-2, para 2-2. The investigating officer will meet with the servicing SJA or legal advisor about the conduct of the investigation. The investigating officer will also meet with the EOA\* prior to conducting the investigation. The EOA\* has specific actions that must be accomplished and is responsible for assisting the investigating officer in the development of questions to be addressed to the complainant, alleged offender, and any witnesses or third parties.

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Additionally, the EOA\* is responsible for providing a memorandum to the appointing authority documenting his/her review of the results of the investigation.

Commanders have 14 calendar days [or 3 MUTA 4 drill periods for Army Reserve TPU Soldiers] to conduct an investigation or inquiry and provide written feedback to the complainant. If, due to extenuating circumstances, an inquiry or investigation cannot be completed in 14 calendar days, an extension of a maximum of 30 calendar days [or 2 MUTA 4 drill periods for Army Reserve TPU Soldiers] may be approved by the next higher echelon commander. Commanders must provide written feedback to the complainant every 14 calendar days [by the end of the third MUTA 4 period for RC] until resolution of the complaint. Commanders must also provide a progress report to the GCMCA 21 days after the date the investigation or inquiry begins and every 14 days thereafter until resolution of the complaint. (AR 600-20, para D-4, D-5, and D-6.)

**Step 8:** The commander will establish and implement a plan to protect the complainant, any named witnesses, and the alleged offender from acts of reprisal. The plan will include, at a minimum, specified meetings and discussions with the complainant, alleged offender, named witnesses, selected members of the chain of command, and coworkers. Content of the discussions will also include:

- Definition of reprisal and the Army's policy prohibiting reprisal.
- Complainant's rights and extent of whistleblower protection afforded complainants, witnesses, and the subject under DOD Directive 7050.6.
- Encouragement to all the aforementioned individuals to report incidents and/or threats of reprisal.
- Procedures to report acts and/or threats of reprisal.
- Consequences of reprisal and possible sanctions against violators.
- Reminder of the roles and responsibilities of the leadership in the prevention of

### **Reprisal**

*Reprisal:* Taking or threatening to take an unfavorable personnel action, withholding or threatening to withhold a favorable personnel action, or any other act of retaliation, against a military member for making or preparing a protected communication is prohibited. (AR 600-20, Glossary)

*Acts of reprisal or intimidation of any sort will not be tolerated.*

reprisal and protection of all parties involved.

- Command's commitment to a thorough, expeditious and unbiased investigation. (AR 600-20, para D-4.c(1))

**Step 9:** The commander will submit the completed report of investigation to the SJA for a determination of legal sufficiency. After the legal review is complete and after the

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commander has determined that no additional investigation is required, the commander will decide what action to take on the complaint. A substantiated sexual harassment complaint is a complaint that, after the completion of an inquiry or investigation, provides evidence to indicate that the complainant was more likely than not sexually harassed. Corrective action may be administrative or punitive. An unsubstantiated complaint is one for which the preponderance of evidence (that is, the greater weight of evidence) does not support and verify that the alleged unlawful discrimination or sexual harassment occurred. In this situation, the commander should determine whether the allegations, though unsubstantiated, might be indicative of problems in the unit that require resolution through SHARP initiatives or other leadership actions. Should the complaint be found unsubstantiated, the commander will notify the complainant in writing (DA Form 7279s, Part II) and, consistent with the limitations of the Privacy Act and the Freedom of Information Act (FOIA), provide the complainant with a copy of the results of the investigation. (AR 600-20, para D-7)

**Step 10:** If the complainant perceives the investigation failed to reveal all relevant facts to substantiate the allegations, or that the actions taken by the command on his or her behalf were insufficient to resolve the complaint, the complainant has the right to appeal to the next higher commander in his or her chain of command. An appeal must be submitted in writing, no later than 7 calendar days [at the next MUTA 4 period for RC] following notification of the result of the investigation and acknowledgement of the actions of the command to resolve the complaint. The complainant may not appeal the action taken against the offender, if any is taken.

Once the appeal has been initiated, the commander has 3 calendar days [or 1 MUTA 4 period for RC] to refer the appeal to the next higher commander. The next higher commander will have 14 calendar days [or 3 MUTA 4 periods for RC] to review the case and act on the appeal (that is, approve it, deny it, or conduct an additional investigation). (AR 600-20, para D-8)

**Step 11:** The EOA\* will conduct a follow-up assessment of all formal sexual harassment complaints, both for substantiated and unsubstantiated complaints, 30 to 45 calendar days [4 to 6 MUTA 4 periods for RC] following the final decision rendered on the complaint. The purpose of the assessment is to measure the effectiveness of the actions taken and to detect and deter any acts or threats of reprisal. The EOA\* will also assess the complainant's satisfaction with the procedures followed in the complaint process to include timeliness, staff responsiveness and helpfulness, and resolution of the complaint. The EOA\* will present findings and recommendations to the commander for further consideration and/or action within 15 calendar days [second MUTA 4 period for RC]. (AR 600-20, para D-10)

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

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## EXCEPTIONS TO THE COMPLAINT PROCESS

- Exception 1. Suspected criminal activity
- Exception 2. IG office process
- Exception 3. Promotable COLs and higher / IG / SES
- Exception 4. Reserve Component
- Exception 5. National Guard
- Exception 6. DA Civilians

**Exception 1:** If, during the course of an inquiry or investigation, the receiving organization or commander identifies criminal activity, the complaint will be immediately referred to the proper organization (PM or CID) for investigation. (AR 600-20, para D-2.a.)

**Exception 2:** Complaints filed with the IG will be processed as Inspector General Action Requests (IGAR) in accordance with AR 20–1. No timelines will be imposed on the conduct of the investigation and/or on feedback to the complainant, and DA Form 7279 will not be maintained. IG investigations are confidential and protected from unauthorized disclosure. IG investigations include consultations with individuals or activities as deemed appropriate by the IG. Receipt of the complaint will be acknowledged to the complainant and an estimated completion date provided. If the action is not completed by that date, the complainant will be notified and given a new estimated completion date. (AR 600-20, para D-3)

**Exception 3:** If a complaint is filed against a promotable colonel, an active or retired general officer, IG of any component, members of the Senior Executive Service, or Executive Schedule personnel, the allegation will be transferred directly to the Investigations Division, U.S. Army Inspector General Agency, ATTN: SAIG–IN, Pentagon, Washington, DC 20310–1700 by rapid but confidential means within 5 calendar days of receipt. (AR 600-20, para D-2.c.)

**Exception 4:** If a complaint involving an RC Soldier is filed but not resolved prior to the Soldier’s release from active duty, the timelines described in this guidebook will be modified. The commander will have 30 calendar days from the filing of the complaint to notify the complainant of the results of the investigation/actions taken to resolve the complaint.

The complainant and subject(s) of the complaint will have 30 calendar days from notification of the investigation results to file an appeal. Appeals filed more than 30 calendar days after notification must be accompanied by a written explanation of the reasons for delay. The commander will consider appeals based on their merits.

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Notification of the commander's final decision will be provided to the complainant and subject(s) of the complaint with information copies to the next higher headquarters and Army Human Resources Command (AHRC) within 30 calendar days of the receipt of the appeal. If a Soldier wishes to file a complaint after his or her release from active duty, the complainant must file a sworn complaint on DA Form 7279 (Part I through item 9) to the AHRC EOA\*. Upon the receipt of DA Form 7279, AHRC will forward the complaint to the appropriate commander of the subject(s) of the complainant's AD unit for investigation.

(AR 600-20, para D-13)

**Exception 5:** If a complaint involving an Army National Guard (NG) Soldier is filed but not resolved during an active duty tour, the commander with UCMJ or equivalent authority over the subject will receive and complete the processing of the complaint.

If a Soldier wishes to file a complaint after his or her release from active duty, the Soldier may file a complaint with the State Equal Employment Manager (SEEM) based on a sexual harassment incident that occurred while the Soldier was on active duty. The complaint must be filed within 180 calendar days of the date of the alleged incident or of the time that the Soldier knew or reasonably should have known of the incident. If both the complainant and the subject are National Guard Soldiers, follow NGR 600-22 to coordinate with the appropriate National Guard agency representative for processing.

Commanders processing a complaint involving an ARNG Soldier will send an information copy of the completed complaint to NGB-EO-CR within 30 days.

(AR 600-20, para D-14; NGR 600-22)

**Exception 6:** DA Civilians who encounter workplace harassment should report the incident through appropriate channels. Every leader must ensure that every reported incident is investigated immediately and thoroughly, with corrective action taken as appropriate. If desired, DA civilians may contact their servicing Equal Employment Opportunity (EEO) office to file a complaint within 45 days after they first became aware of the harassment. AR 690-600, Equal Employment Opportunity Discrimination Complaints, contains procedures for complaints filed with the EEO office.

(Memorandum, Secretary of the Army, 27 April 2011, subject: Army Anti-Harassment Policy for the Workplace)

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## CHAPTER FOUR SEXUAL ASSAULT -- SOLDIERS

*This chapter depicts an abbreviated version of the sexual assault reporting process which emphasizes actions taken or directly impacting commanders and Soldiers at the company level.*

### **DEFINITION**

Sexual Assault is a crime defined as intentional sexual contact characterized by use of force, 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 specific UCMJ offenses: rape, sexual assault, aggravated sexual contact, abusive sexual contact, forcible sodomy (forced oral or anal sex), or attempts to commit these acts.

Consent is words or overt acts indicating 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 or submission resulting from the accused's use of force, threat of force, or placing another person in fear does not constitute consent. A current or previous dating relationship or the manner of dress of the person involved with the accused in the sexual conduct at issue shall not constitute consent. There is no consent where the person is sleeping or incapacitated, such as due to age, alcohol or drugs, or mental incapacity. (DoDD 6495.01, Glossary; AR 600-20, para 8-4.)

### **EXAMPLES**

- Rape and nonconsensual sodomy.
- Performing sexual acts or sexual contact with an individual who cannot give consent because he or she is sleeping/passed out or otherwise too impaired to consent due to alcohol or drugs and the condition is known or reasonably should have been known by the alleged offender.
- Using physical threats or force in order to engage in sexual contact with an individual.
- Performing sexual acts or sexual contact with an individual who has expressed lack of consent through words (e.g. said "no" or "stop") or through conduct.
- Sexual contact without permission, which can include fondling and hazing incidents.
- Attempting to commit any of the acts above.

(UCMJ; DoDD 6495.01, Glossary; AR 600-20, para 8-4.)

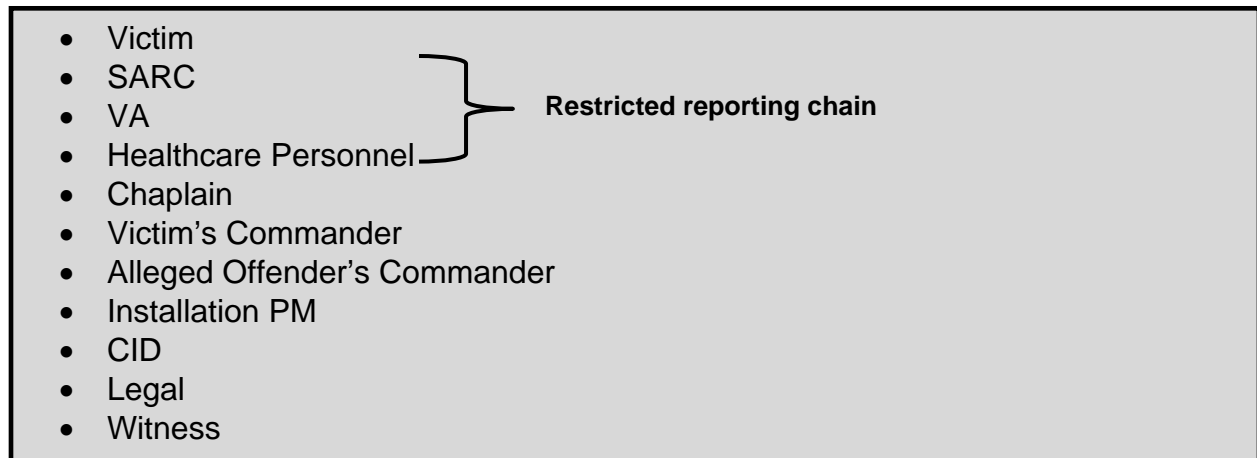
### **APPLICABILITY**

This section applies to Active Duty Soldiers, National Guard (NG) and RC Soldiers who are sexually assaulted when performing active service (as defined in Title 10, U.S.C. Section 101(d)(3)) and inactive duty training, and Military dependents 18 years of age

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and older who are eligible for treatment in the military healthcare system (at installations in the CONUS and OCONUS), and who were victims of sexual assault perpetrated by someone other than a spouse or intimate partner.  
(For further information, see DoDI 6495.02, para 2.)

## **RESPONSE: ROLES & RESPONSIBILITIES**



**VICTIM.** A victim is an individual who has suffered direct physical, emotional, or financial harm as a result of a crime committed in violation of the UCMJ. If an incident of sexual assault occurs, deciding whether to report or what type of report to submit is the victim's choice. Depending on the victim's status, he or she may choose to submit an unrestricted report or a restricted report, or not to report the incident. All Army Crime Victims have the right:

- To be treated with fairness and with respect for his or her dignity and privacy.
- To be reasonably protected from the accused offender.
- To be notified of court proceedings.
- To be present at all public court proceedings related to the offense, unless the court determines that the victim's testimony would be materially affected if the victim heard other testimony at trial.
- To confer with the attorney for the government in the case.
- To restitution, if appropriate.
- To information regarding the conviction, sentencing, imprisonment, and release of the offender from custody.

(AR 27-10, para 17-5 and para 17-10)

**SARC.** The SARC is the single point of contact within an organization or installation who oversees sexual assault awareness, prevention, and response training; coordinates medical treatment, including emergency care, for victims of sexual assault; and tracks the services provided to a victim of sexual assault from the initial report through final disposition and resolution. The SARC is responsible for ensuring that victims of sexual assault receive appropriate and responsive care. Upon notification of

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a sexual assault and after receiving consent from the victim, the SARC will assign a VA to assist the victim. SARCs supervise VAs, but are authorized to perform VA duties if required. (DoDD 6495.01, Glossary; DoDI 6495.02, para 4.g. and Encl 6, para 1.h.(8); AR 600-20, para 8-5.p. and q.)

**VA.** The VA provides non-clinical crisis intervention, referral, and ongoing non-clinical support to victims. Support includes providing information on available options and resources to victims. The VA, on behalf of the sexual assault victim, provides liaison assistance with other organizations and agencies on victim care matters and reports directly to the SARC when performing victim advocacy duties. VA services are available 24 hours per day, 7 days per week. (DoDD 6495.01, Glossary; DoDI 6495.02, Encl 6; AR 600-20, para 8-3 and para 8-5.s.)

**HEALTHCARE PERSONNEL (HCP).** HCP assist or otherwise support healthcare providers in providing healthcare services (e.g., administrative personnel assigned to a military medical treatment facility, or mental healthcare personnel). HCP also include all healthcare providers.

Trained HCP called Sexual Assault Care Coordinators (SACCs) and Sexual Assault Clinical Providers (SACPs) are available at all military treatment facilities (MTFs). They provide emergency and follow-up medical and behavioral care, treat injuries and provide referrals as needed. Other HCP with more extensive training are called Sexual Assault Medical Forensic Examiners (SAMFEs). Only SAMFEs, including Sexual Assault Nurse Examiners (SANEs), are authorized to perform the Sexual Assault Forensic Examination (SAFE). If the MTF does not have a trained SAMFE available, the MTF is required to have a Memorandum of Understanding/Agreement with a local facility to provide this support service. HCP will immediately notify the installation SARC of all incidents of sexual assault.

(DoDD 6495.01, Glossary; DoDI 6495.02, Encl 7 a.(2); MEDCOM Reg 40-36, paras 6.b(3), 6.n(7), and 8.c(4)).

**CHAPLAIN.** At the victim's request, the chaplain will provide pastoral and spiritual support and explain the availability of victim advocacy services. The chaplain will encourage the victim to seek medical attention, to inform law enforcement of the crime, and to seek assistance and counseling. With the victim's consent, the chaplain will refer the victim to qualified individuals or organizations. The Chaplain will report incidents of sexual assault to the SARC with the victim's consent.

*Communication with a chaplain is considered confidential, but not restricted, and may be protected under the Military Rules of Evidence (MRE). The chaplain will maintain confidentiality at the request of the victim. Exceptions to this confidential communication include intended suicide, homicide, threat of bodily injury to self, and/or dangers to others. (DoDI 6495.02, Encl 4, para 5.b(2) and Encl 10, para 7.i; AR 600-20, para 8-5. f.; AR 165-1, para 16-2; Manual for Courts-Martial, MRE 503)*

**\*Note:** *In accordance with ALARACT 007/2012, many units have already transitioned responsibility for the handling of sexual harassment cases from EOAs to SHARP personnel. Remaining units will make the transition upon issuance of Pending Army Directive XX-2013 and AR 600-20 rapid revision.*

### **VICTIM'S COMMANDER.**

The victim's unit commander will take immediate steps to ensure the victim's physical safety, emotional security, and medical treatment needs are met and that the SARC and appropriate law enforcement/criminal investigative service are notified. The commander will also ensure that victims of sexual assault receive sensitive care and support and are not re-victimized as a result of reporting the incident. The commander will collaborate with SHARP personnel, HCPs, the chaplain, legal representatives, and other service providers to ensure timely, coordinated, and appropriate responses to the victim's issues and concerns. The commander will ensure feedback on case status is provided to the victim in accordance with DoDI 6495.02, Encl 5 and AR 600-20, para 8-5o.

The commander will determine the best course of action for separating victims from the subject(s) during the investigation of sexual assault cases. The commander will consider an expedited transfer per the victim's request. (DoDI 6495.02, Encl 4, and Encl 5, para 5.; AR 600-20, Apps G and H)

**ALLEGED OFFENDER'S COMMANDER.** The alleged offender's commander will notify CID immediately after receiving a report of a sexual assault incident. The commander will make it a priority to determine the best course of action for separating the victim and alleged offender during the investigation. The commander should avoid questioning the alleged offender about the sexual assault allegation, since doing so may jeopardize the criminal investigation. In all activities concerning the investigation, the commander must safeguard the alleged offender's rights and preserve the integrity of a full and complete investigation, to include limitations on any formal or informal investigative interviews or inquiries by personnel other than those with a legitimate need-to-know. The commander will publicize the availability of medical treatment (to include behavioral health), and referral services for alleged offenders who are also active duty Service members.

Commanders must flag any individual being investigated, in accordance with AR 600-8-2, para 2-2 and AR 600-20, para 8-5 o.(32). Flags are not to be removed until after the determination of the final disposition of offenses, to include completion of any punishment, in accordance with AR 600-8-2, para 2-9. The commander must also suspend the Soldier's security clearance in accordance with AR 380-67, Personnel Security Program. (DoDI 6495.02, Encl 5, para 3.h(1); AR 600-20, para 8-5o.(32) and App G-2.h.)

**INSTALLATION PROVOST MARSHAL.** The PM office will ensure all reports of sexual assault are immediately referred to CID for investigation. The PM will ensure that evidence, including SAFE Kits, and DD Form 2911 are stored in accordance with DoDI 6495.02 and that notification procedures are followed prior to the destruction of evidence. (AR 195-2, para 3-3 and DoDI 6495.02 , Encl 8.f.)

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**CID.** CID will investigate all incidents of sexual assault within its authority and notify the SARC and SJA of all sexual assaults. Special investigators receive specific training to respond to and investigate incidents of sexual assault. CID will conduct an initial interview with the victim to determine basic facts, such as the location and time/date of the crime, names or description of the alleged offender, and names of witnesses. Follow-on interviews are typically conducted at a later time. CID will ensure that evidence, including SAFE Kits, and DD Form 2911 are stored in accordance with DoDI 6495.02 and that notification procedures are followed prior to the destruction of evidence. CID will also ensure that personal effects will be returned to the victim at the end of that time, as requested. (DoDI 6495.02 Encl 8, para f. and Encl 10, para 7.f.; AR 600-20, para 8-5.d.)

**LEGAL.** Judge Advocates (JAs) receive specific training to advise commanders on the investigation or disposition of sexual assault cases, and/or to prosecute or defend sexual assault cases. The servicing Office of the Staff Judge Advocate (OSJA) will explain the availability of victim services, to include legal assistance counsel and the Victim/Witness Assistance Program. The SJA will also appoint a Victim/Witness Liaison (VWL) who will act in conjunction with the SARC and VA, to facilitate and coordinate victim/witness access to information, assistance and services. The Trial Counsel, VWL, or other member of the OSJA will ensure victims and witnesses are aware of their rights during all stages of a case in accordance with the Department of Defense (DoD) Victim and Witness Bill of Rights and AR 27-10, Military Justice. (DoDI 6495.02, Encl 10, para 7.g.; AR 27-10, Chapter 17, Section II.)

**WITNESS.** A witness is an individual who provides information or evidence about a criminal offense within the investigative responsibility of the DoD. The term does not include individuals involved in the crime as perpetrators or accomplices. (AR 27-10, para 17-5.b.)

## **SUMMARY OF REPORTING OPTIONS -- SOLDIERS**

### **UNRESTRICTED REPORT**

The victim can disclose, without requesting confidentiality or restricted reporting, that he or she is the victim of a sexual assault to a SARC, VA, HCP, command authorities, or others. The victim will have access to medical treatment and counseling, support, and consideration for protection and expedited (permanent or temporary) 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 occurred. An official investigation will be triggered and the alleged offender may be prosecuted. All unrestricted reports must be referred to CID, regardless of severity, in accordance with DoDI 5505.18. Once the victim files an unrestricted report, he or she cannot change 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

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involved in the case. (DoDD 6495.01, Glossary; DoDI 6495.02, para 2.c.(1) and para 4.r.; AR 600-20, para, 8-4.d., App G-2, paras. a. and l., App H-2, App H-4.b.)

### **RESTRICTED REPORT**

The victim can confidentially disclose and report a sexual assault to a SARC, VA, or HCP. The victim can also confidentially communicate with a chaplain. The victim will have access to medical treatment, including emergency care, counseling, and assignment of a SARC and VA, without triggering an official investigation or prosecution of the alleged offender. If the victim chooses to file a restricted report, the installation commander will receive non-identifying information indicating an alleged sexual assault occurred. If the victim files a restricted report, he or she can change to an unrestricted report at any time.

*If the victim tells someone outside of the restricted reporting chain (e.g. a friend, family member, roommate, or others.), then he or she can still elect to submit a restricted report; however, if the person to whom the victim confided the information is in the victim's officer or non-commissioned officer chain of command or DoD law enforcement, there can be no restricted report. Also, if the person to whom the victim confided the information in reports the incident to the chain of command or law enforcement, an official investigation will be initiated.*

(DoDD 6495.01, Glossary; DoDI 6495.02, Encl ;4 AR 600-20, para 8-4.c. and p(4), App H-2, H-4 and H-5)

### **NOT REPORTING**

The victim may choose not to report a sexual assault. The victim may not receive the support or consideration made available to victims. If the victim chooses not to report and no one else reports the incident, the chain of command, law enforcement, HCP, SARC, and VA may not know that a crime occurred and the alleged offender may not be investigated or prosecuted.

### **REPORTING PROCESS -- SOLDIERS**

- Unrestricted Reporting Process
- Restricted Reporting Process
- Exceptions to the Restricted Reporting Process

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## UNRESTRICTED REPORTING PROCESS

*(Victim can report the incident to anyone)*

The following steps are provided as a reference for commanders, victims, Soldiers and others to follow if a sexual assault occurs. Victims may choose to file a restricted or unrestricted report or not to report. This section outlines the unrestricted reporting process.

- Step 1. Ensure the victim's safety and seek emergency care
- Step 2. Preserve evidence
- Step 3. Victim notifies SARC and/or unrestricted reporting chain
- Step 4. Seek medical care for the victim
- Step 5. SARC provides info
- Step 6. SARC assigns VA to provide assistance
- Step 7. (RC only) Initiate Line of Duty investigation
- Step 8. Victim may consult with legal assistance attorney
- Step 9. Victim's commander provides support and referrals as needed
- Step 10. Coordinate for "no contact order"/MPO or CPO as needed
- Step 11. Victim may request expedited transfer
- Step 12. Investigation
- Step 13. Disposition of case

**Step 1:** Ensure the victim's safety. Get the victim to a safe place away from the alleged offender. Call 911 or seek emergency care if the victim is in imminent danger. (AR 600-20, App G-2)

**Step 2:** Advise the victim to consider preserving all evidence of the assault. The victim should not bathe, wash his or her hands, eat, drink or brush teeth if he or she is going to seek medical attention and the completion of a SAFE Kit. The victim should consider not cleaning or straightening up the crime scene or washing any clothing he or she was wearing when the assault occurred. (AR 600-20, App G-2)

**Step 3:** The victim will notify the SARC and/or other members of the unrestricted reporting chain. If the SARC does not receive the initial report, the individual who does will notify the SARC. The victim may reach out to any of the following individuals or organizations (list not exhaustive): SARC, VA, HCP, civilian and military law enforcement, first-line supervisor, peer, commander, or chaplain. The victim can also contact his or her local 24/7 helpline or the DoD Safe Helpline for anonymous, confidential, secure assistance 24/7 worldwide:

- For crisis intervention, support and information, call (country code 001): 202-540-5962 (U.S.), 877-995-5247 (U.S. toll free), 94-877-995-5247 (DSN).
- Text a location or zip code to 55-247 (within CONUS) or 202-470-5546 (OCONUS) to receive a list of nearby resources.
- Contact an online counselor (in real time) at [www.SafeHelpline.org](http://www.SafeHelpline.org).

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Upon notification of a sexual assault incident, the unit commander must immediately contact CID and should consult with SJA.  
(DoDI 6495.02, Encl 4 and Glossary; AR 600-20, App G-2)

**Step 4:** Notify the SARC (if the victim has not done so already). Advise the victim to seek medical care as soon as possible to receive treatment for injuries, address the risk of pregnancy or sexually transmitted infections, have a SAFE to preserve forensic evidence, and have a urine sample collected to determine if the victim was drugged. Sexual assault victims will be given priority and treated as emergency cases (DoDI 6495.02). At the victim's request, the SARC, SACC or SACP will coordinate with the SAMFE to perform a SAFE, which may include the collection of evidence. If a forensically trained examiner is not available within 2 hours, the victim should be transported to the nearest available facility in order to receive the SAFE. The HCP will communicate via the electronic profiling system if the victim's medical condition or prognosis could adversely impact his or her duty performance (in accordance with the Health Insurance Portability and Accountability Act (HIPAA)). (DoDI 6495.02, Encl 7d.; AR 600-20, App G-2; MEDCOM Reg 40-36, para 6.n.(11), and para 8)

**Step 5:** Upon notification, the SARC will ensure the victim is aware of and understands the options to:

- File a restricted or unrestricted report.
- Be assigned and speak confidentially with a VA.
- File for an expedited transfer (temporary or permanent) to another unit or installation.
- Request a Military Protective Order (MPO) and/or Civilian Protective Order (CPO).
- Consult with a legal assistance attorney.

The SARC will ensure all unrestricted reports are reported to the first lieutenant colonel in the chain of command, the installation commander, CID, and the installation PM within 24 hours.  
(DoDI 6495.02, Encl 6; AR 600-20, para 8-5.p(7) and q(9))

**Step 6:** The SARC will assign a VA to provide assistance, at the victim's request. The VA will review detailed information on the reporting options with the victim using DD Form 2910. The VA will ensure the victim receives guidance and support during administrative, medical, investigative, and legal procedures. The VA will also ensure the victim understands the processes involved and that data will be collected, reported, and maintained on the case. The VA will provide the victim information on, and facilitate contact with, military and civilian support organizations and resources, as requested, and advise the victim that ongoing advocacy services are available. The SARC, VA, SACC, or SACP will explain the availability of victim advocacy services. The victim may receive continued support and referrals from the SARC, VA, chaplain, and/or HCPs.  
(AR 600-20, para 8-5. sand App H-4.b.)

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**Step 7 (RC only):** Commanders must promptly initiate a Line of Duty (LOD) investigation for RC members, regardless of whether a restricted or unrestricted report was filed. Medical entitlements to the victim are dependent on an LOD determination as to whether or not the sexual assault incident occurred in an active duty or inactive duty training status. LOD determinations may be made without the victim being identified to DoD law enforcement or command, solely for the purpose of enabling the victim to access medical care and psychological counseling, and without identifying injuries from sexual assault as the cause. (DoDI 6495.02, Encl 5, para 4)

**Step 8:** The victim and any witnesses have the right to consult with a legal assistance attorney and to seek support through the Victim/Witness Assistance Program. The SJA's office will advise victims and witnesses of their rights during all stages of a case, using the following documents:

- DD Form 2701, Initial Information for Victims and Witnesses of Crime
- DD Form 2702, Court-Martial Information for Victims and Witnesses of Crime (AR 27-10, para 17-17)

**Step 9:** As appropriate, the victim's commander will provide support and accommodate the victim's requests for safety, physical and mental health services, security, and legal assistance, , as not to compromise critical missions or investigations. The victim's commander will also provide the victim's family with referrals to available resources (e.g. counseling, resources, information, and medical care) as needed. Commanders have, and should use, discretion to defer action on alleged collateral misconduct by sexual assault victims until final disposition of the sexual assault case.

The victim's battalion commander will provide an update to the victim within 14 calendar days after the initial report. Thereafter, the battalion commander will ensure that, at a minimum, a monthly update is provided to the victim on the status of any ongoing investigative, medical, legal, or command proceedings regarding the assault. The battalion commander will follow-up with the victim within 45 days after disposition of the case. This update must occur within 72 hours after completion of the monthly installation Sexual Assault Review Board (SARB). Commanders of NG victims who were sexually assaulted when the victim was on title 10 orders and filed unrestricted reports are required to update, to the extent allowed by law and regulations, the victim's home State title 32 commander as to all or any ongoing investigative, medical, and legal proceedings regarding the extent of any actions being taken by the active component against subjects who remain on title 10 orders. (DoDI 6495.02, Encl 5, para 3.g.(2); AR 600-20, para 8-5. o. and App G-2. q.)

**Step 10:** The victim will request, or the alleged offender's commander will determine the need for, an MPO, DD Form 2873, or no contact order. Commanders recommending denial of a victim's request for an MPO will document the reasons for

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the denial and forward the request up the chain of command and to the installation or equivalent command level (in consultation with a judge advocate) for final decision.

The alleged offender's commander will provide the victim, alleged offender and Installation PM or DES copies of the MPO. The commander will notify civilian authorities of the MPO and of the individuals involved if any individual involved resides off post. An MPO is not enforceable by civilian authorities off post. The victim must coordinate with civilian law enforcement to request a CPO to ensure safety off post, if needed.

(DoDI 6495.02, Encl 5, para 6.; AR 600-20, App G-2.I(6)(c))

**Step 11:** The victim can submit a request for expedited transfer to his or her chain of command. The victim can also submit a request for temporary reassignment to another unit, duty location, or living quarters on the installation until final disposition of the case.. Requests for transfer or reassignment must be submitted in writing. The commander must approve or disapprove the request within 72 hours of receipt. If the commander disapproves the request, the Service member shall be given the opportunity to request review by the first General or Flag officer in the chain of command, or an SES equivalent (if applicable). The decision to approve or disapprove the request must be made within 72 hours of submission of the request for review. Commanders may also consider potential transfer of the alleged offender instead of the victim. (DoDI 6495.02, Encl 5, para 5.; AR 600-20, App G-2)

**Step 12:** Upon notification, law enforcement (military or civilian) will conduct an investigation of the crime. For cases with military jurisdiction, CID will ensure the victim is aware of his or her rights, using DD Form 2701. CID will provide the victim a monthly report on the status of the investigation from the date it is initiated until it is completed, to the extent that such actions will not jeopardize an ongoing investigation. Once CID completes the investigation, they will turn the findings over to the alleged offender's commander and legal authority for disposition and adjudication. During the investigation and prosecution of a crime, the SJA's victim witness liaison, trial counsel, or other Government representative will provide the victim the earliest possible notice of significant events in the case, such as the decision to prefer or dismiss charges, acceptance of pleas or verdicts, and the result of the trial or determination of final disposition.

For cases with civilian jurisdiction, consult with the local or state law enforcement agency for details, as procedures vary by location. Upon the completion of an investigation, civilian law enforcement agencies will typically turn their findings over to the prosecutor's office.

(DoDI 6495.02, App to Encl 12; AR 600-20, para 8-5. d.; AR 27-10, para 17-14; AR 195-2, para 4-3.c.)

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**Step 13:** For cases with military jurisdiction, the alleged offender's commander, in consultation with his or her servicing judge advocate, will make a recommendation for disposition and adjudication. The victim may be called upon to provide testimony and/or participate in proceedings. If the case proceeds to court martial, the alleged offender's guilt or innocence will be determined by the court.

For cases with civilian jurisdiction, consult with the appropriate court for details, as procedures vary by location. The prosecutor's office will typically determine whether or not to proceed to trial. The victim may be called upon to provide testimony and/or participate in proceedings. If the case proceeds to trial, the alleged offender's guilt or innocence is determined by the court.

The SARB chair (typically the installation commander) will require that case dispositions are communicated to the victim within 2 business days of the final disposition. Additionally, the victim's battalion commander will follow-up with the victim within 45 days after disposition of the case to ensure the victim's needs have been addressed.

The alleged offender's commander will provide disposition data, to include any administrative or judicial action taken, stemming from the sexual assault investigation to the installation PM or CID on DA Form 4833, Commander's Report of Disciplinary or Administrative Action. Commanders will remind rating officials that their comprehensive evaluation includes documenting incidents of misconduct, to include those being found guilty of sexual assault or harassment. This may include an appropriate annotation in the narrative and/or the values section of the officer evaluation report/noncommissioned officer evaluation report. Commanders will also ensure that Soldiers convicted of sexual assault in foreign, civilian, or military courts are processed for administrative separation. This provision does not apply to Soldiers who have a court-martial sentence that includes a dishonorable discharge, bad conduct discharge, or a dismissal.

(DoDI 6495.02, Encl 9, para 2.; AR 600-20, para 8-5 (33), O and App F; AR 27-10)

## **RESTRICTED REPORTING PROCESS -- SOLDIERS**

***(Victim can report the incident to SARC, VA and/or HCP ONLY)***

The following steps are provided as a reference for commanders, Soldiers and other first responders to follow if a sexual assault occurs. Victims may choose to file a restricted or unrestricted report or not to report. This section outlines the restricted reporting process.

***\*Note: In accordance with ALARACT 007/2012, many units have already transitioned responsibility for the handling of sexual harassment cases from EOAs to SHARP personnel. Remaining units will make the transition upon issuance of Pending Army Directive XX-2013 and AR 600-20 rapid revision.***

- Step 1. Ensure the victim's safety and seek emergency care
- Step 2. Preserve evidence
- Step 3. Victim notifies SARC and/or restricted reporting chain
- Step 4. Seek medical care for the victim
- Step 5. SARC provides info
- Step 6. SARC assigns VA to provide assistance
- Step 7. (RC only) Initiate Line of Duty investigation
- Step 8. Explain option to switch to unrestricted report

**Step 1:** Ensure the victim's safety. Get the victim to a safe place away from the alleged offender. Call 911 or seek emergency care if the victim is in imminent danger. (AR 600-20, App G-2)

**Step 2:** Advise the victim to consider preserving all evidence of the assault. The victim should not bathe, wash his or her hands, eat, drink or brush teeth if he or she is going to seek medical attention and the completion of a SAFE Kit. The victim should consider not cleaning or straightening up the crime scene or washing any clothing he or she was wearing when the assault occurred. (AR 600-20, App G-2)

**Step 3:** The victim may confidentially report the crime to a SARC, VA, or HCP and receive medical care and counseling by submitting a restricted report that does not automatically trigger an official investigation. The victim may confidentially communicate with a chaplain. The victim can also contact his or her local 24/7 helpline or the DoD Safe Helpline for anonymous, confidential, secure assistance 24/7 worldwide:

- For crisis intervention, support and information, call (country code 001): 202-540-5962 (U.S.), 877-995-5247 (U.S. toll free), 94-877-995-5247 (DSN).
- Text a location or zip code to 55-247 (within CONUS) or 202-470-5546 (OCONUS) to receive a list of nearby resources
- Contact an online counselor (in real time) at [www.SafeHelpline.org](http://www.SafeHelpline.org).

(DoDI 6495.02, Glossary, AR 600-20, para 8-4.c. and App G-2)

**Step 4:** The SARC will coordinate for a HCP (SACC or SACP) to provide care and treatment for injuries, address the risk of pregnancy or sexually transmitted infections, have a SAFE to preserve forensic evidence, and have a urine sample collected to determine if the victim was drugged. Sexual assault victims will be given priority and treated as emergency cases. At the victim's request, the SARC, SACC or SACP will coordinate with the SAFE to perform a SAFE, which may include the collection of evidence to be used if the victim decides to change his or her reporting preference. If a forensically trained examiner is not available within 2 hours, the victim should be transported the nearest available facility in order to receive the SAFE. Restricted

**\*Note:** *In accordance with ALARACT 007/2012, many units have already transitioned responsibility for the handling of sexual harassment cases from EOAs to SHARP personnel. Remaining units will make the transition upon issuance of Pending Army Directive XX-2013 and AR 600-20 rapid revision.*

reporting may not be an option at a civilian facility. If a sexual assault occurs outside of a military installation or if the victim must be transferred to a non-military facility, the victim should carefully consider his or her reporting options before receiving medical care.

*Local or state mandatory sexual assault reporting requirements may limit the possibility of restricted reporting. The victim should consult with the SARC or VA prior to receiving a SAFE at a civilian hospital if he or she prefers to submit a restricted report.*

*If HCP or a SARC determines that releasing information is necessary to prevent or mitigate a serious and imminent threat to the health or safety of the victim or another person, the SARC will advise the victim that he or she will release the information as an exception to restricted reporting. The SARC will consult with the local SJA and disclose only necessary details to the command and/or law enforcement.*

(DoDI 6495.02, para 4.I., Encl 7, para 2. and Encl 4, para 2.; AR 600-20, App G-2.c; MEDCOM Reg 40-36, para 6., 8. and 10.)

**Step 5:** Upon notification, the SARC will ensure the victim is aware of and understands the options to:

- File a restricted or unrestricted report.
- Be assigned and speak confidentially with a VA.
- File for an expedited transfer (temporary or permanent) to another unit or installation.
- Request a MPO and/or CPO.
- Consult with a legal assistance attorney.

For the purposes of public safety and command responsibility, in the event of a restricted report, the SARC shall report non-personally identifying information concerning sexual assault incidents (without information that could reasonably lead to personal identification of the victim or the alleged assailant) only to the installation commander within 24 hours of the report.

(DoDI 6495.02, Encls 4 and 6; AR 600-20, para 8-5.p., q.)

**Step 6:** The SARC will assign a VA to provide assistance, at the victim's request. The VA will review detailed information on the reporting options with the victim using DD Form 2910. The VA will ensure the victim receives guidance and support during administrative, medical, investigative, and legal procedures. The VA will also ensure the victim understands the processes involved and that data will be collected, reported, and maintained on the case. The VA will provide the victim information on, and facilitate contact with, military and civilian support organizations and resources, as requested, and advise the victim that ongoing advocacy services are available. The SARC, VA, SACC, or SACP will explain the availability of victim advocacy services. The victim may change his or her reporting preference from restricted to unrestricted at any time. (AR 600-20, para 8-5.s. and App H-4.a.)

*\*Note: In accordance with ALARACT 007/2012, many units have already transitioned responsibility for the handling of sexual harassment cases from EOAs to SHARP personnel. Remaining units will make the transition upon issuance of Pending Army Directive XX-2013 and AR 600-20 rapid revision.*

**Step 7 (RC only):** Commanders must promptly initiate a Line of Duty (LOD) investigation for RC members, regardless of whether a restricted or unrestricted report was filed. Medical entitlements to the victim are dependent on an LOD determination as to whether or not the sexual assault incident occurred in an active duty or inactive duty training status. LOD determinations may be made without the victim being identified to DoD law enforcement or command, solely for the purpose of enabling the victim to access medical care and psychological counseling, and without identifying injuries from sexual assault as the cause. (DoDI 6495.02, Encl 5, para 4)

**Step 8:** The SARC will contact the victim at the 1-year mark of the report to inquire whether the victim wishes to change his or her reporting option from restricted to unrestricted. If the victim does not change from a restricted to an unrestricted report, the SARC will explain that the SAFE Kit, DD Form 2911, and the DD Form 2910 will be retained for 5 years from the time the victim signed the DD Form 2910 and will then be destroyed. The SARC will indicate that he or she will not contact the victim again and that it will be the victim's responsibility from that point forward to contact a SARC to change his or her reporting option before the end of the 5-year retention period. At the victim's request, DD Forms 2910 and 2911 filed in connection with the restricted report will be retained for 50 years. (DoDI 6495.02, Encl 8)

## EXCEPTIONS TO THE REPORTING PROCESSES

- Exception 1: Communications with chain of command or law enforcement
- Exception 2: Support from local or state healthcare or law enforcement
- Exception 3: RC and NG considerations
- Exception 4: Family member considerations
- Exception 5: DA Civilian considerations

**Exception 1:** If the chain of command or law enforcement (military or civilian) are aware of the crime before the victim files a report with the SARC, an official investigation may occur and the victim may no longer have the option of restricted reporting. (DoDI 6495.02, Encl 4, para 1.e.)

**Exception 2:** Local or state mandatory sexual assault reporting requirements may limit the possibility of restricted reporting. (DoDI 6495.02, Encl 4, para 1.g.)

**Exception 3:** If reporting a sexual assault that occurred prior to or while not performing active service or inactive training, National Guard and RC members will be eligible to receive limited SHARP support services from a SARC and a VA and are eligible to file a Restricted or Unrestricted Report. (DoDI 6495.02, para 2.b.)

*\*Note: In accordance with ALARACT 007/2012, many units have already transitioned responsibility for the handling of sexual harassment cases from EOAs to SHARP personnel. Remaining units will make the transition upon issuance of Pending Army Directive XX-2013 and AR 600-20 rapid revision.*

**Exception 4:** The Family Advocacy Program (FAP) covers adult military dependent sexual assault victims who are assaulted by a spouse or intimate partner and military dependent sexual assault victims who are 17 years of age and younger. The installation SARC, FAP and domestic violence intervention and prevention staff are responsible for advocacy and service coordination when a sexual assault occurs within a domestic relationship or involves child abuse. (DoDI 6495.02, para 2.c(2))

**Exception 5:** Unless otherwise eligible to receive treatment in a military medical treatment facility, limited medical services in the form of emergency care shall be provided to the individuals listed below when stationed with or accompanying the U.S. Armed Forces OCONUS. They will also be offered the limited services of SHARP personnel who are designated as a SARC and/or a VA while undergoing emergency care OCONUS. The only sexual assault reporting option for these individuals is unrestricted reporting; restricted reporting is not authorized. Emergency care consists of emergency medical care and a SAFE Kit.

- DA Civilian employees and their family dependents, 18 years of age and older, when stationed or performing duties OCONUS and eligible for treatment in the military healthcare system at military installations or facilities OCONUS. U.S. citizen DA contractor personnel when authorized to accompany U.S. Armed Forces in a contingency operation OCONUS and their U.S. citizen employees. (DoDI 6495.02, para 2.d.)

***\*Note: In accordance with ALARACT 007/2012, many units have already transitioned responsibility for the handling of sexual harassment cases from EOAs to SHARP personnel. Remaining units will make the transition upon issuance of Pending Army Directive XX-2013 and AR 600-20 rapid revision.***

# CHAPTER FIVE

## FORMS, RESOURCES, AND QUICK REFERENCES

### FORMS

#### **VICTIM:**

- DD Form 2701, Initial Information for Victims and Witnesses of Crime  
<http://www.dtic.mil/whs/directives/infomgt/forms/eforms/dd2701.pdf>
- DD Form 2702, Court-Martial Information for Victims and Witnesses of Crime  
<http://www.dtic.mil/whs/directives/infomgt/forms/eforms/dd2702.pdf>
- DD Form 2910, Victim Reporting Preference Statement  
<http://www.dtic.mil/whs/directives/infomgt/forms/eforms/dd2910.pdf>
- DD Form 2911, DoD Sexual Assault Forensic Examination Report  
[http://www.sapr.mil/public/docs/miscellaneous/toolkit/DD\\_Form\\_2911.pdf](http://www.sapr.mil/public/docs/miscellaneous/toolkit/DD_Form_2911.pdf)
- DA Form 7279, Equal Opportunity Complaint Form  
<http://www.apd.army.mil/pub/eforms/pdf/a7279.pdf>

#### **COMMANDER:**

- DD Form 2873, Military Protective Order  
<http://www.dtic.mil/whs/directives/infomgt/forms/eforms/dd2873.pdf>
- DA Form 4833, Commander's Report of Disciplinary or Administrative Action  
<http://www.apd.army.mil/pub/eforms/pdf/a4833.pdf>

### RESOURCES

- U.S. DoD Sexual Assault Prevention and Response Website:  
<http://www.sapr.mil/>
- U.S. Army SHARP Program Website:  
<http://www.sexualassault.army.mil/>

*\*Note: In accordance with ALARACT 007/2012, many units have already transitioned responsibility for the handling of sexual harassment cases from EOAs to SHARP personnel. Remaining units will make the transition upon issuance of Pending Army Directive XX-2013 and AR 600-20 rapid revision.*



## Commander's Checklist: Formal Sexual Harassment Complaint - SOLDIERS

<u>IMMEDIATE RESPONSE</u>	<u>COMPLAINANT SUPPORT</u>	<u>CDR NOTES:</u>
<ol style="list-style-type: none"> <li>1. Receive report of formal complaint from EOA*.</li> <li>2. Immediately flag Soldiers under investigation.</li> <li>3. Ensure the next higher headquarters is notified of the formal complaint and that GCMCA is notified within 3 days.</li> <li>4. Initiate investigation or commander's inquiry.</li> </ol>	<ol style="list-style-type: none"> <li>5. Establish and implement a plan to protect the complainant, any named witnesses, and the alleged offender from acts of reprisal.</li> <li>6. Provide written feedback to the complainant (every 14 days) and to the next higher level commander (every 21 days)</li> <li>7. Upon completion of the investigation, ensure that packet is reviewed by SJA.</li> <li>8. Determine whether the allegations are substantiated or unsubstantiated.</li> <li>9. Take appropriate action on the findings.</li> <li>10. Document any corrective action taken on DA Form 7279.</li> <li>11. If appeal is initiated, forward it to the next higher commander within 3 calendar days.</li> <li>12. Receive assessment from EOA* within 30-45 days after final decision on the complaint.</li> </ol>	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <p style="text-align: center;">Helpful Contact Numbers:</p> <p><b>EOA*:</b>  <b>IG:</b>  <b>CHAPLAIN:</b>  <b>PM:</b>  <b>MTF:</b>  <b>SJA:</b></p> <p><i><b>*Note: In accordance with ALARACT 007/2012, many units have already transitioned responsibility for the handling of sexual harassment cases from EOAs to SHARP personnel. Remaining units will make the transition upon issuance of Pending Army Directive XX-2013 and AR 600-20 rapid revision.</b></i></p> <p>Reference: AR 600-20, Chapter 7 &amp; Appendix D</p>

# Victim's Commander Checklist: Sexual Assault - SOLDIERS

<u>IMMEDIATE RESPONSE</u>	<u>VICTIM SUPPORT</u>	<u>CDR NOTES:</u>
<ol style="list-style-type: none"> <li>1. Ensure the victim's safety and seek emergency care.</li> <li>2. Advise the victim of the need to preserve evidence (if required).</li> <li>3. Notify unrestricted reporting chain - SARC, CID, SJA - and higher-level command (seek legal guidance from SJA).</li> <li>4. Ensure SARC coordinates medical care.</li> <li>5. Ensures SARC provides info to victim.</li> <li>6. Ensure SARC assigns VA to provide assistance to victim.</li> <li>7. (RC only) Initiate LOD investigation.</li> <li>8. Ensure victim has been notified of available services, to include legal assistance.</li> <li>9. Provide support and referrals as needed.</li> <li>10. Determine if victim needs an MPO or CPO.</li> </ol>	<ol style="list-style-type: none"> <li>11. Ensure victim has been notified of right to expedited transfer.</li> <li>12. Ensure leaders and subordinates:               <ol style="list-style-type: none"> <li>(a) Limit information on incident only to personnel with a legitimate need to know</li> <li>(b) Immediately report any allegations of retaliation or intimidation of victim/witnesses</li> <li>(c) Protect victim privacy</li> </ol> </li> <li>13. Update higher-level command within 14-days on status of victim and subjects. Update victim on monthly basis on status of case.</li> <li>14. SARB chair will direct a follow-up report to the victim within 2 days after final disposition of case. Battalion commander will follow-up with the victim within 45 days after final disposition to ensure the victim's needs are addressed.</li> </ol>	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <p style="text-align: center;">Helpful Contact Numbers:</p> <p>SARC: VA: CID: SJA: PM: MTF: CHAPLAIN:</p> <p>References: DoDI 6495.02, Encl 5; AR 600-20, Chapter 8 &amp; Appendix G, H.</p>

## Alleged Offender's Commander Checklist: Sexual Assault - SOLDIERS

<u>IMMEDIATE RESPONSE</u>	<u>CONTINUED SUPPORT</u>	<u>CDR NOTES:</u>
<p>1. Immediately Notify CID upon receipt of a report of a sexual assault incident.</p> <p>2. Guidelines for questioning:</p> <p>(a) Avoid questioning about the sexual assault allegation. Doing so may jeopardize the criminal investigation.</p> <p>(b) Before questioning or discussing the case with the alleged offender, contact the SJA for guidance.</p> <p>(c) If questioning does occur, advise the alleged offender of his/her rights under Article 31, UCMJ</p> <p>3. Flag any Soldier under charges, restraint, or investigation for sexual assault and suspend the Soldier's security clearance.</p> <p>4. Limit the details regarding the incident to only those personnel who have a legitimate need to know.</p> <p>5. Determine the need for a (MPO). (If applicable) Provide victim and alleged offender with copies of the completed DD Form 2873.</p>	<p>6. Consider potential transfer of the alleged offender instead of the SM requesting the transfer.</p> <p>7. If requested by the victim, allow for separate training at different times (or weekends) from the alleged offender or with a different unit. At a minimum, the alleged offender's access to the victim shall be controlled, as appropriate.</p> <p>8. Publicize availability of medical treatment (to include behavioral health), and referral services for alleged offenders who are also active duty Service members.</p> <p>9. Provide disposition data to include any administrative or judicial action take on DA Form 4833 to PM or CID.</p> <p>10. Remind rating officials that their comprehensive evaluation includes documenting incidents of misconduct, to include those being found guilty of sexual assault.</p> <p>11. Ensure that Soldiers convicted of sexual assault in foreign, civilian, or military courts are processed for administrative separation.</p>	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <p style="text-align: center;">Helpful Contact Numbers:</p> <p>SARC: VA: CID: SJA: PM: MTF: CHAPLAIN:</p> <p>References: AR 600-20, Appendix G-2 UCMJ, Article 31. AR 600-8-2, para 2-2 DoDI 6495.02, Encl 4 and 5</p>

## Complainant Checklist: Informal Sexual Harassment Complaint - SOLDIERS

<u>IMMEDIATE RESPONSE</u>	<u>COMPLAINANT SUPPORT</u>	<u>NOTES:</u>
<p>1. Report harassment to a member of the command, the <b>EOA*</b> or other agency official.</p> <p>(a) There is no time suspense for an informal report</p> <p>(b) Informal reports are not submitted in writing</p> <p>2. Agency official will receive the complaint and ensure the complainant is made aware of his/her rights and responsibilities.</p> <p>3. Agency official will explain the complainant process and what role the agency has in resolving the complaint.</p>	<p>4. Seek resolution of complaint. This can be done with the intervention of the <b>EOA*</b> at the complainant's request; counseling, training, etc.</p>	<p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p style="text-align: right;">Helpful Contact Numbers:</p> <p>COMMANDER:  <b>EOA*:</b>            IG:            CHAPLAIN:            PM:            MTF:            SJA:</p> <p><b>*Note: In accordance with ALARACT 007/2012, many units have already transitioned responsibility for the handling of sexual harassment cases from EOAs to SHARP personnel. Remaining units will make the transition upon issuance of Pending Army Directive XX-2013 and AR 600-20 rapid revision.</b></p> <p>Reference: AR 600-20, Chapter 7 &amp; Appendix D</p>

## Complainant Checklist: Formal Sexual Harassment Complaint - SOLDIERS

<u>IMMEDIATE RESPONSE</u>	<u>COMPLAINANT SUPPORT</u>	<u>NOTES:</u>
<p>1. Consult with <b>EOA/EOA*</b>.</p> <p>2. Report harassment to a member of the command, the <b>EOA*</b> or other agency official.</p> <p>3. Receive information on:</p> <ul style="list-style-type: none"> <li>(a) Rights and responsibilities</li> <li>(b) Role of the agency in relation to the complaint</li> <li>(c) What services are available from other agencies</li> <li>(d) Explanation of the complaint system</li> <li>(e) Referral to appropriate agency to handle resolution (<b>72-hr suspense</b>)</li> </ul> <p>4. Complete Part I of DA Form 7279 with <b>EOA*</b>.</p> <p>5. Agency official may refer the case to another agency. In all cases, the commander will ultimately be notified of the formal complaint.</p>	<p>6. Receive counseling from commander on specifics of plan to protect complainant from reprisal and retaliation.</p> <p>7. Receive feedback on investigation or inquiry from commander within 14 calendar days, or a maximum of 30 additional days with approved extension.</p> <p>8. Receive notification of results of the complaint.</p> <p>9. Submit an appeal of the results <b>no later than 7 days</b> after notification of results (Optional).</p> <p>10. Receive notification of results of the appeal <b>within 14 (standard) – 45 (if extension is required) days</b>.</p> <p>11. Receive a follow-up assessment from <b>EOA*</b> within 30 to 45 calendar days following the final decision on the complaint.</p>	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <p style="text-align: center;">Helpful Contact Numbers:</p> <p>COMMANDER: <b>EOA*:</b> IG: CHAPLAIN: PM: MTF: SJA:</p> <p><i><b>*Note: In accordance with ALARACT 007/2012, many units have already transitioned responsibility for the handling of sexual harassment cases from EOAs to SHARP personnel. Remaining units will make the transition upon issuance of Pending Army Directive XX-2013 and AR 600-20 rapid revision.</b></i></p> <p>Reference: AR 600-20, Chapter 7 &amp; Appendix D</p>

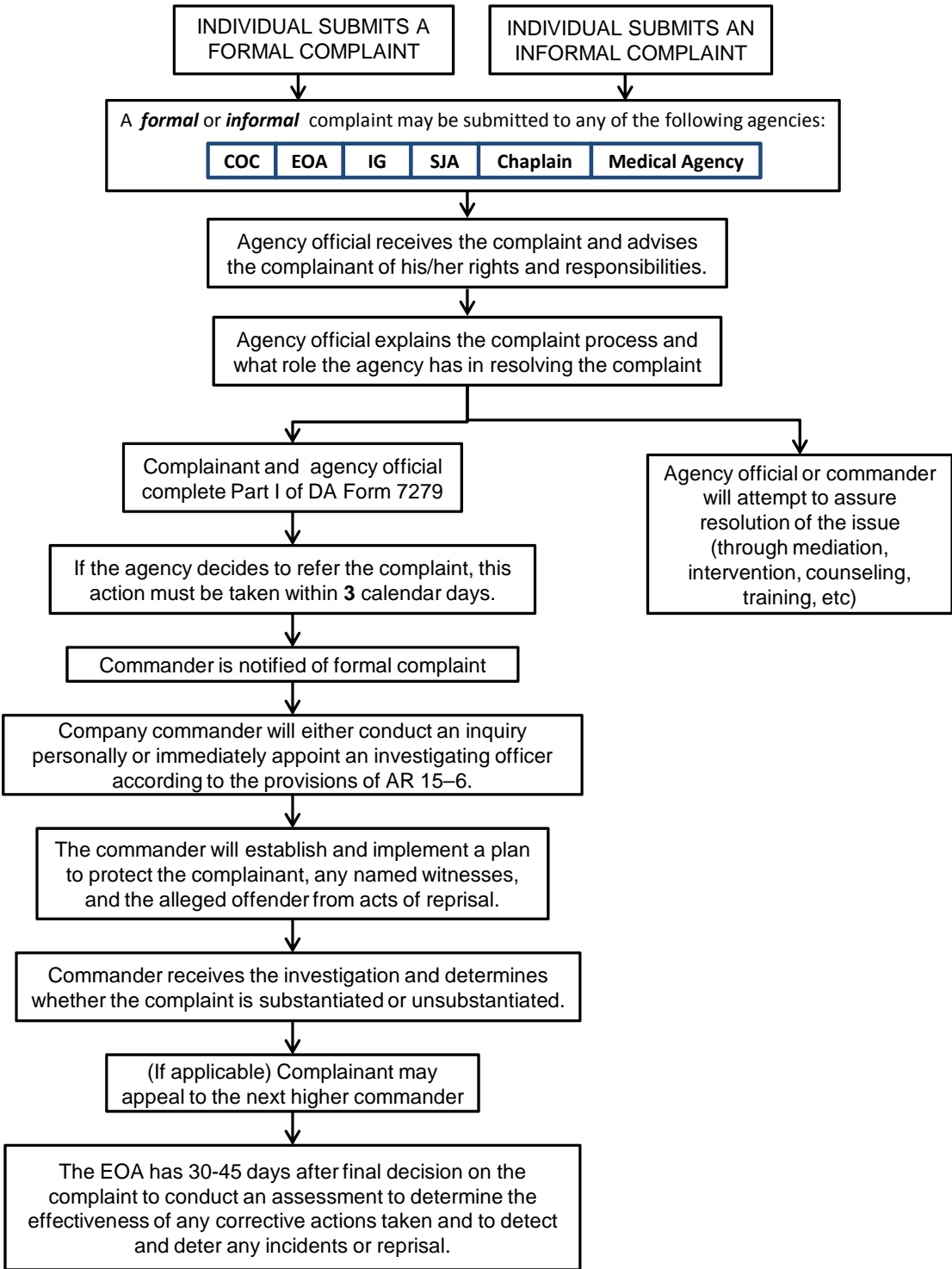
# Victim Checklist: Sexual Assault -- SOLDIERS

<u>IMMEDIATE RESPONSE</u>	<u>VICTIM SUPPORT</u>	<u>VICTIM'S RIGHTS:</u>
<ol style="list-style-type: none"> <li>1. Ensure safety and seek emergency care.</li> <li>2. Preserve evidence.</li> <li>3. Report incident to a SARC, who can review reporting options – Chose to file an unrestricted report, restricted report, or do not report.</li> <li>4. If choosing to report, notify restricted or unrestricted reporting chain (listed in "Definitions" para).</li> <li>5. Receive medical care, SAFE, information on available services and referrals as requested.</li> <li>6. SARC provides info</li> <li>7. SARC assigns VA to provide assistance.</li> <li>8. (RC only) LOD initiate investigation.</li> <li>9. If unrestricted reporting, consult with legal assistance for info on victim's rights and services.</li> <li>10. Command will provide support and referrals as needed.</li> <li>11. If unrestricted reporting, request an MPO or CPO as needed.</li> </ol>	<ol style="list-style-type: none"> <li>12. If unrestricted reporting, request expedited transfer, temporary reassignment or PCS as needed.</li> <li>13. If unrestricted reporting, provide statement(s) to investigators (optional) and receive monthly update on case from CID and commander.</li> <li>14. If unrestricted reporting, receive a follow-up report within 2 days after final disposition of case and from battalion commander within 45 days after final disposition to ensure your needs are addressed.</li> </ol>	<ul style="list-style-type: none"> <li>• To be treated with fairness and with respect for his or her dignity and privacy</li> <li>• To be reasonably protected from the accused offender</li> <li>• To be notified of court proceedings</li> <li>• To be present at all public court proceedings related to the offense, unless the court determines that the victim's testimony would be materially affected if the victim heard other testimony at trial</li> <li>• To confer with the attorney for the government in the case</li> <li>• To restitution, if appropriate</li> <li>• To information about the conviction, sentencing, imprisonment, and release of the offender.</li> </ul> <p style="text-align: center;"><u>DEFINITIONS:</u></p> <p>Restricted Report: Reporting option for victims of sexual assault who wish to confidentially disclose the crime to specifically identified individuals (SARC, VA, and/or HCP) and receive medical treatment and counseling without triggering the official investigative process. Report the assault to a SARC, VA, and/or healthcare personnel.</p> <p>Unrestricted Report: Reporting option for victims of sexual assault who desire medical treatment, counseling and an official investigation of the crime. Report the assault through current reporting channels (e.g. chain of command, law enforcement, or the SARC). A victim may also request healthcare personnel to notify law enforcement.</p> <p style="text-align: center;"><b>Helpful Contact Numbers:</b></p> <p>SARC: VA: CID: SJA: PM: MTF: CHAPLAIN:</p> <p>References: DoDI 6495.02; AR 600-20, Chapter 8 &amp; Appendix G</p>

## Third Party/Witness Checklist: Sexual Assault -- SOLDIERS

<u>IMMEDIATE RESPONSE</u>	<u>CONTINUED SUPPORT</u>	<u>NOTES:</u>
<p>1. Ensure the victim's safety and seek emergency care.</p> <p>2. Advise the victim to preserve evidence.</p> <p>3. Refer victim to SARC, who will help victim determine if victim wants to use the restricted or unrestricted reporting chain, or prefers to not report the incident. (see Note on far right).</p> <p>(a) <b>Unrestricted report:</b> This option is for victims of sexual assault who desire medical treatment, counseling and an official investigation of the crime. Unrestricted reports may be disclosed to a SARC, VA, HCP, chain of command, law enforcement, and others.</p> <p>(b) <b>Restricted report:</b> This option is for victims of sexual assault who wish to confidentially disclose the crime to specifically identified individuals (SARC, VA, and/or HCP) and receive medical treatment and counseling without triggering the official investigative process.</p> <p>(c) <b>Do not report.</b></p>	<p>4. Notify the reporting chain, at the victim's request. NOTE: If anyone outside the restricted reporting chain (SARC, VA, healthcare personnel) is aware of the incident, a restricted report cannot be filed.</p> <p>5. If unrestricted reporting, consult with SJA for information on the Victim/Witness Assistance Program.</p> <p>6. Provide support to the victim as requested.</p> <p>7. If unrestricted reporting, provide statement to investigators (optional).</p> <p>8. If unrestricted reporting, receive information from SJA on witness' rights</p> <p>9. If unrestricted reporting, receive updates from CID on the status of the investigation.</p> <p>10. If unrestricted reporting, provide testimony as needed.</p>	<p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p style="text-align: center;">Helpful Contact Numbers:</p> <p>SARC: VA: CID: SJA: PM: MTF: CHAPLAIN:</p> <p><u>Note:</u> A victim's communication with another person (e.g., roommate, friend, family member) does not, in and of itself, prevent the victim from later electing to make a Restricted Report. Restricted Reporting is confidential, not anonymous, reporting. However, if the person to whom the victim confided the information (e.g., roommate, friend, family member) is in the victim's officer and non-commissioned officer chain of command or DoD law enforcement, there can be no Restricted Report.</p> <p>References: AR 600-20, Chapter 8 &amp; Appendix G; DoDI 6495.02</p>

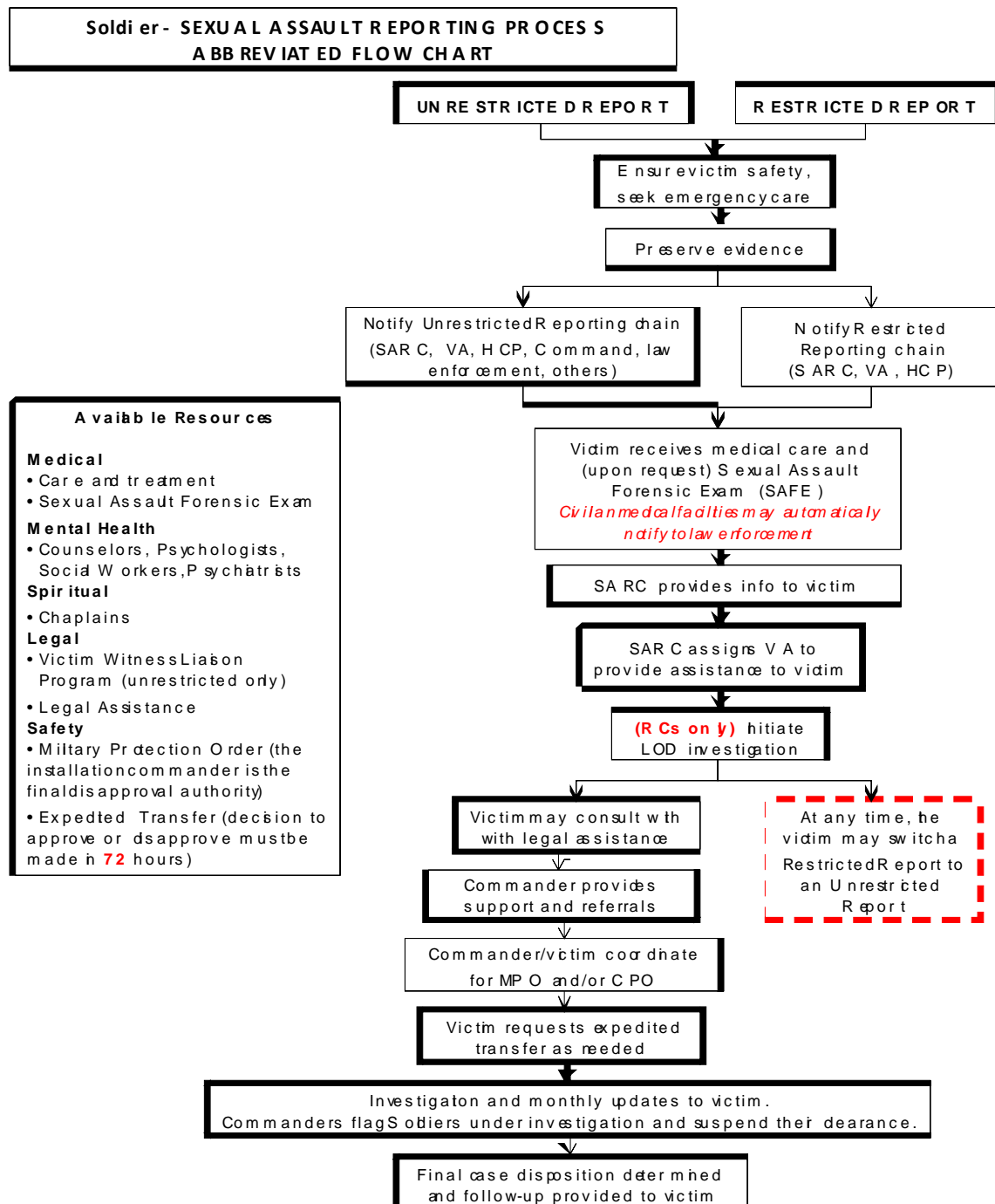
**SOLDIER - SEXUAL HARASSMENT COMPLAINT PROCESS  
FLOW CHART**



(AR 600-20, App D)

**\*Note:** In accordance with ALARACT 007/2012, many units have already transitioned responsibility for the handling of sexual harassment cases from EOAs to SHARP personnel. Remaining units will make the transition upon issuance of Pending Army Directive XX-2013 and AR 600-20 rapid revision.





(DoDD 6495.01, DoDI 6459.02, AR 600-20)

**Note 1:** This flow chart depicts an abbreviated version of the sexual assault reporting process which emphasizes actions taken or directly impacting commanders and Soldiers at the company level.

**Note 2:** Commanders of the NG victims who were sexually assaulted when the victim was on title 10 orders and filed unrestricted reports are required to update, to the extent allowed by law and regulations, the victim's home State title 32 commander as to all or any ongoing investigative, medical, and legal proceedings regarding the extent of any actions being taken by the active component against subjects who remain on title 10 orders.

# CHAPTER SIX REFERENCES

## **LAW:**

- Manual for Courts – Martial  
<http://www.sapr.mil/public/docs/policy/mcm.pdf>
- Uniform Code of Military Justice

## **DoD POLICY:**

- DoD Directive (DoDD) 6495.01, Sexual Assault Prevention and Response (SAPR) Program, 23 JAN 12, incorporating Change I, APR 13  
<http://www.dtic.mil/whs/directives/corres/pdf/649501p.pdf>
- DoD Instruction (DoDI) 6495.02, Sexual Assault Prevention and Response (SAPR) Program, 28 MAR 13  
<http://www.dtic.mil/whs/directives/corres/pdf/649502p.pdf>
- DoD Instruction 5505.18, Investigation of Adult Sexual Assault in the Department of Defense, 25 JAN 13, incorporating Change 1, MAY 2013
- DoDD 1350.2, Department of Defense Military Equal Opportunity (MEO) Program, 18 AUG 95, incorporating change 1, 7 MAY 97, certified current, 21 NOV 03.
- National Guard Regulation (NGR) 600-22, National Guard Military Discrimination Complaint System, 30 MAR 01  
[http://www.ngbpdc.ngb.army.mil/pubs/36/angi36\\_3.pdf](http://www.ngbpdc.ngb.army.mil/pubs/36/angi36_3.pdf)

## **ARMY POLICY:**

- Army Regulation (AR) 15-6, Procedures for Investigating Officers and Boards of Officers, 2 OCT 06  
[http://www.apd.army.mil/pdffiles/r15\\_6.pdf](http://www.apd.army.mil/pdffiles/r15_6.pdf)
- AR 20-1, Inspector General Activities, 29 NOV 10, Rapid Action Revision (RAR) 3 JUL 12  
[http://www.apd.army.mil/pdffiles/r20\\_1.pdf](http://www.apd.army.mil/pdffiles/r20_1.pdf)
- AR 27-10, Military Justice, 3 OCT 11  
[http://www.apd.army.mil/pdffiles/r27\\_10.pdf](http://www.apd.army.mil/pdffiles/r27_10.pdf)
- AR 165-1, Army Chaplain Corps Activities, 3 DEC 09  
[http://www.apd.army.mil/pdffiles/r165\\_11.pdf](http://www.apd.army.mil/pdffiles/r165_11.pdf)
- AR 195-2, Criminal Investigation Activities, 15 MAY 09, Rapid Action Revision (RAR) 6 SEP 11  
[http://www.apd.army.mil/pdffiles/r600\\_8\\_24.pdf](http://www.apd.army.mil/pdffiles/r600_8_24.pdf)
- AR 380-67, Personnel Security Program, 9 SEP 88, Rapid Action Revision (RAR) 4 AUG 11  
[http://www.apd.army.mil/pdffiles/r380\\_67.pdf](http://www.apd.army.mil/pdffiles/r380_67.pdf)
- AR 600-8-2, Suspension of Favorable Personnel Actions (Flags), 23 OCT 12

- [http://www.apd.army.mil/pdffiles/r600\\_20.pdf](http://www.apd.army.mil/pdffiles/r600_20.pdf)  
AR 600-20, Army Command Policy, 18 MAR 2008, Rapid Action Revision (RAR)  
20 SEP 12
- [http://www.apd.army.mil/pdffiles/r600\\_20.pdf](http://www.apd.army.mil/pdffiles/r600_20.pdf)  
MEDCOM Regulation 40-36, Medical Facility Management of Sexual Assault,  
21 JAN 09
- [www.sexualassault.army.mil/files/r40-36.pdf](http://www.sexualassault.army.mil/files/r40-36.pdf)

**ALARACT:**

- ALARACT 007/2012, Subject: Sexual Harassment/Assault Response and Prevention (SHARP) Program Implementation Guidance (12 JAN 12)

# CHAPTER SEVEN

## GLOSSARY

### ACRONYMS AND ABBREVIATIONS

**ALARACT.** (Message to) All Army Activities

**CID.** Criminal Investigation Division

**CPO.** Civilian Protection Order

**CONUS.** Continental United States

**DA.** Department of the Army

**DoD.** Department of Defense

**EEO.** Equal Employment Opportunity

**EOA.** Equal Opportunity Advisor

**EOR.** Equal Opportunity Representative

**GCMCA.** General Court-Martial Convening Authority

**HCP.** Healthcare Personnel

**HIPAA.** Health Insurance Portability and Accountability Act

**IG.** Inspector General

**IGAR.** Inspector General Action Request

**LOD.** Line of Duty

**MPO.** Military Protective Order

**MRE.** Military Rules of Evidence

**MTF.** Military Treatment Facility

**MUTA.** Multiple Unit Training Assembly

**OCONUS.** Outside Continental United States

**PM.** Provost Marshal

**PMO.** Provost Marshal Office

**POSH.** Prevention of Sexual Harassment

**SACC.** Sexual Assault Care Coordinator

**SACP.** Sexual Assault Clinical Provider

**SAFE.** Sexual Assault Forensics Examination

**SAMFE.** Sexual Assault Medical Forensic Examiners

**SAPR.** Sexual Assault Prevention and Response

**SARB.** Sexual Assault Review Board

**SARC.** Sexual Assault Response Coordinator

**SEEM.** State Equal Employment Manager

**SHARP.** Sexual Harassment/Assault Response and Prevention

**SJA.** Staff Judge Advocate

**TPU.** Troop Program Unit

**UCMJ.** Uniform Code of Military Justice

**VA.** Victim Advocate

## **TERMS**

**Complainant.** A Soldier, family member, or civilian employee of the Army who submits a complaint

**DoD Safe Helpline.** A crisis support service for members of the DoD community affected by sexual assault. Safe Helpline provides live, one-on-one support and information to the worldwide DoD community. The service is confidential, anonymous, secure, and available worldwide, 24/7 by “click, call or text” — providing victims with the help they need anytime, anywhere. For crisis intervention, support and information, call (country code 001): 202-540-5962 (U.S.), 877-995-5247 (U.S. toll free), 94-877-995-5247 (DSN). Text a location or zip code to 55-247 (within CONUS) or 202-470-5546 (OCONUS) to receive a list of nearby resources. Contact an online counselor (in real time) at [www.SafeHelpline.org](http://www.SafeHelpline.org).

**I. A.M. Strong Campaign.** Intervene, Act, and Motivate (I. A.M.) STRONG is the Army’s campaign to combat sexual assaults by engaging all Soldiers in preventing sexual assaults before they occur.

**MRE 514.** Victim advocate - victim privilege: A victim has a privilege to refuse to disclose and to prevent any other person from disclosing a confidential communication made between the victim and a VA, in a case arising under the UCMJ, if such communication was made for the purpose of facilitating advice or supportive assistance to the victim. For more information:

[http://www.sapr.mil/public/docs/policy/MRE\\_514-Advocate\\_Privilege-Text.pdf](http://www.sapr.mil/public/docs/policy/MRE_514-Advocate_Privilege-Text.pdf)

**Quid Pro Quo.** Conditions placed on an individual’s career or terms of employment in return for favors.

**Reprisal.** Taking or threatening to take an unfavorable personnel action or withholding or threatening to withhold a favorable personnel action, or any other act of retaliation, against a military member for making or preparing a protected communication.

**Restricted Report.** A reporting option that allows military sexual assault victims to confidentially disclose the assault to a SARC, VA, or HCP and receive medical treatment, including emergency care, counseling, and assignment of a SARC and VA, without triggering an official investigation. The victim’s report provided to healthcare personnel (including the information acquired from a SAFE Kit), SARCs, or VAs will NOT be reported to law enforcement or to the command to initiate the official investigative process unless the victim consents or an established EXCEPTION applies in accordance with DoDI 6495.02. The Restricted Reporting Program applies to Service members and their military dependents 18 years of age and older. Only a SARC, SAPR VA, or healthcare personnel may receive a Restricted Report, previously referred to as Confidential Reporting.

**SAFE Kit.** The medical and forensic examination of a sexual assault victim under circumstances and controlled procedures to ensure the physical examination process and the collection, handling, analysis, testing, and safekeeping of any bodily specimens and evidence meet the requirements necessary for use as evidence in criminal proceedings. The victim's SAFE Kit is treated as a confidential communication when conducted as part of a Restricted Report.

**Sexual Assault.** Intentional sexual contact characterized by use of force, 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 specific UCMJ offenses: rape, sexual assault, aggravated sexual contact, abusive sexual contact, forcible sodomy (forced oral or anal sex), or attempts to commit these acts.

**Sexual Harassment** is a form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature 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. (DoDD 1350.2, Glossary; AR 600-20, para 7-4a.)

Any person in a supervisory or command position who condones any form of sexual behavior to control, influence, or affect the career, pay, or job of a Military member or civilian employee is engaging in sexual harassment. Similarly, any Military member or civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature in the workplace is also engaging in sexual harassment.

Note: "Workplace" is an expansive term for Soldiers and may include conduct on or off duty, 24 hours a day. (DoDD 1350.2; AR 600-20, para 7-4a.)

**Unrestricted Report.** A process that an individual covered by this policy uses to disclose, without requesting confidentiality or Restricted Reporting, that he or she is the victim of a sexual assault. Under these circumstances, the victim's report provided to healthcare personnel, the SARC, a SAPR VA, command authorities, or other persons is reported to law enforcement and may be used to initiate the official investigative process.

**Victim.** A person who has suffered direct physical, emotional, or pecuniary harm as a result of the commission of a crime committed in violation of the UCMJ, or in violation of the law of another jurisdiction if any portion of the investigation is conducted primarily by the DOD components. (AR 27-10, CH 17)

**Victim/Witness Assistance Program.** To lessen the hardships suffered by a victim and/or witness of a crime investigated by military, the Army's Victim Witness Assistance Program is available to do all that is possible to assist a victim and/or witness of a crime. The program is also designed to foster the full cooperation of a victim and/or witness while ensuring they are advised of and accorded all rights reserved to victims and witnesses. (AR 27-10, CH 17)

**Witness.** A person who has information or evidence about a crime and provides that knowledge to a DOD component concerning an offense within the component's investigative jurisdiction. When the witness is a minor, this term includes a family member or legal guardian. The term "witness" does not include a defense witness or any individual involved in the crime as a perpetrator or accomplice. (AR 27-10, CH 17)