



DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY CYBER CENTER OF EXCELLENCE
AND FORT GORDON
506 CHAMBERLAIN AVENUE
FORT GORDON, GEORGIA 30905-5735

AUG 09 2019

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MEMORANDUM FOR Military and Civilian Personnel at Fort Gordon, Georgia 30905

SUBJECT: Commanding General's Policy Memorandum No. 2 - Equal Opportunity, Sexual Harassment/Assault Response and Prevention Program, and Treatment of Persons

1. References:

- a. Army Regulation 600-20 (Army Command Policy), 06 November 2014.
- b. Army Directive 2015-39 (Inclusion of Sexual Orientation in the Military Equal Opportunity Program), 14 October 2015.
- c. Department of Defense Instruction 6495.02 (Sexual Assault Prevention and Response (SAPR Program Procedures)), May 24, 2017.
- d. Department of Defense Instruction 1020.03 (Harassment Prevention and Response in the Armed Forces), February 8, 2018.
- e. Department of Defense Directive-type Memorandum (DTM) 19-004 (Military Service by Transgender Persons and Persons with Gender Dysphoria), March 12, 2019.
- f. TRADOC Policy Letter 4 (Equal Opportunity (EO), Sexual Harassment/ Assault Response and Prevention (SHARP) Program, and Treatment of Persons), 25 June 2019.

2. This policy letter supersedes Policy Letter 2, Equal Opportunity (EO), 11 October 2016; Policy Letter 3, Equal Opportunity (EO) / Sexual Harassment Complaint Procedures, 11 October 2016; and Policy Letter 13, Sexual Harassment/Assault Response & Prevention (SHARP) Program, 29 September 2016.

3. The Equal Opportunity (EO) program is a comprehensive effort to maximize human potential and to ensure fair treatment for all personnel. It is based on the principles of fairness, justice, and equality, and asserts that treatment of all persons is based on merit, fitness, and capability in support of readiness. The EO program applies to military personnel and Family members, both on and off post during duty and non-duty hours, and within the limits of the Federal, State, and local laws. In the event a Soldier or Family member wishes to file an EO complaint, procedures for doing so are enclosed (Encl 1).

ATZH-CG

SUBJECT: Commanding General's Policy Memorandum No. 2 - Equal Opportunity, Sexual Harassment/Assault Response and Prevention Program, and Treatment of Persons

4. Sexual harassment and sexual assault are unacceptable and contradict the values of the Army and our organization. I am fully committed to the ARMY SHARP Program, and ensuring a safe living and working environment for our entire CCOE team (Soldiers, Civilian employees, and Family members). Ultimately, we must ensure our team members understand we will not tolerate, condone, or ignore incidents of sexual harassment or sexual assault. Sexual harassment and sexual assault destroy teamwork and negatively affect combat readiness and are punishable under the UCMJ and federal and civilian laws. We must strive to treat everyone with dignity and respect; consider all allegations of inappropriate behavior with the utmost seriousness, protect the privacy of victims, motivate bystanders to intervene, and hold offenders accountable. Reporting options, victim rights, definitions, and explanations of sexual assault and sexual harassment are attached (Encl 2).

5. The Army is a values-based organization where everyone is expected to do what is right by treating all persons as they should be treated—with dignity and respect. Hazing, bullying, and other behaviors that undermine dignity and respect are fundamentally in opposition to our values and are prohibited. This includes hazing and bullying committed physically, verbally, or through phone via voicemail or text messages, email, social media, or any other virtual or electronic medium. Every Service member and Civilian have the right to work and live in an environment free of hostility, as directed by the Army's policy on Treatment of Persons, AR 600-20, Para 4-19.

6. The command will not retaliate against an individual who makes or prepares a protected EO, SHARP, or Treatment of Persons related communication.

7. This policy letter is effective until superseded or rescinded.



NEIL S. HERSEY
Major General, USA
Commanding

2 Encls

1. EO Complaint Procedures
2. SHARP Definitions and Procedures

ATZH-CG

SUBJECT: Commanding General's Policy Memorandum No. 2 - Equal Opportunity, Sexual Harassment/Assault Response and Prevention Program, and Treatment of Persons

Enclosure 1: CCOE Procedures for Processing EO/Sexual Harassment Complaints

1. The EO complaint system provides a process for Soldiers and their Family members to seek relief from perceived harassment and unlawful discrimination or unfair treatment on the basis of race, color, national origin, religion, sex, or sexual orientation. Sexual orientation is defined as homosexuality, bisexuality, or heterosexuality, whether such orientation is actual or perceived, and includes association with another individual of a particular sexual orientation. Prior to pursuing an EO complaint, efforts should be made to solve the alleged problem at the lowest possible level within an organization.
2. An informal EO complaint is a complaint that a Soldier or Soldier's Family member does not wish to file in writing. Informal EO complaints can be resolved directly by the individual with the help of another unit member, the Equal Opportunity leader, commander, or other individuals in the complainant's chain of command. Unlike a formal EO complaint, informal EO complaints are not subject to a set timeline.
3. Formal EO complaints are EO complaints filed in writing. They are sworn to by the complainant as to the accuracy of the information. Formal EO complaints are filed with the organization or unit's Equal Opportunity Advisor. Formal EO complaints follow specific procedures, are subject to regulatory timelines, and must include documentation of the actions taken. An individual files a formal EO complaint using a DA Form 7279 (Equal Opportunity Complaint Form).
4. Should a Soldier or Family member wish to initiate a formal EO complaint, they have 60-calendar days from the date of the alleged incident to file the formal complaint. This time limit is established to allow for a prompt inquiry or investigation that ensures reasonable availability of witnesses, accurate recollection of specific events, and preservation of evidence relevant to the complaint and allegations. If a formal complaint is received more than 60-calendar days after the alleged incident, the commander may, at his or her discretion, still conduct an investigation into the allegations or appoint an investigating officer. In deciding whether to conduct an investigation, the commander should consider the reason for the delay, the availability of witnesses, and whether a full and fair inquiry or investigation can still be conducted.
5. Although the processing of EO complaints through the unit chain of command is strongly encouraged, it will not serve as the only resource available to Soldiers to resolve complaints. Should the complainant feel uncomfortable in filing an EO complaint with his/her unit chain of command, or should the complaint be against a member of that chain of command, a number of alternative agencies exist that may assist in resolving the potential complainant's concerns. Each of the agencies listed below provide expertise in very specific subject areas that may alleviate the need for initiating a formal EO complaint. Commanders will not preclude Soldiers from using other options in accordance with the procedures inherent to or established by each agency. Other Army

ATZH-CG

SUBJECT: Commanding General's Policy Memorandum No. 2 - Equal Opportunity, Sexual Harassment/Assault Response and Prevention Program, and Treatment of Persons

resources available to a Soldier or their Family member are:

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

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

ATZH-CG

SUBJECT: Commanding General's Policy Memorandum No. 2 - Equal Opportunity, Sexual Harassment/Assault Response and Prevention Program, and Treatment of Persons

Enclosure 2: SHARP Definitions and Guidance

1. Sexual Harassment is a form of sex discrimination involving unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Any person in a supervisory or command position who uses or condones implicit or explicit sexual behavior to control, influence, or affect the career, pay, or job of a military or civilian member is engaging in sexual harassment. Complaints of sexual harassment by service members or their Family members may be filed through the chain of command, the next higher echelon commander, SHARP representative, or inspector general (IG). Civilian employees will file complaints through their management officials, IG, or Equal Employment Office. There are three types of complaints:

a. An informal complaint is one that a Soldier or Family member does not wish to file in writing. It is not subject to a time suspension, and the chain of command or management officials normally handle the resolution process.

b. A formal complaint is one that a complainant files in writing and swears to the accuracy of the information. Active Duty Soldiers have 60-calendar days, and Civilian employees have 45-calendar days from the date of the incident to file a complaint of sexual harassment. Commanders at all levels, along with the complainants, will follow the procedures for filing formal or informal complaints outlined in Appendix C of AR 600-20, Army Command Policy.

c. An anonymous complaint is one received by a commanding officer or supervisor regardless of the means of transmission from an unknown or unidentified source alleging harassment. The individual (or source) is not required to divulge any personally identifiable information.

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

3. Consent means words or overt acts indicating a freely given agreement to sexual conduct by a competent person. A sleeping, unconscious, or incompetent person cannot consent to a sexual act.

4. Reports. There are two types of reporting options for adult victims of sexual assault (Family Advocacy addresses assaults involving minors and intimate partners). The Army's exception to policy allowing Department of the Army Civilians to receive SHARP

ATZH-CG

SUBJECT: Commanding General's Policy Memorandum No. 2 - Equal Opportunity, Sexual Harassment/Assault Response and Prevention Program, and Treatment of Persons

services and file both restricted and unrestricted cases in CONUS ended January 2018. Department of the Army Civilians seeking guidance from SHARP personnel will be referred to community-based crisis services and support organizations. Providing such assistance to Department of the Army Civilians will not generate any SHARP reporting until an extension of the exception to policy is signed. The only exception is at an OCONUS location.

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

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

5. Retaliation is an umbrella term encompassing actions taken by the chain of command or peers/coworkers such as engaging in ostracism or maltreatment, taking or threatening to take an adverse personnel action, or withholding or threatening to withhold a favorable personnel action in response to the protected communication.

6. Commanders have a responsibility to ensure community safety and due process of law, but they must also recognize the importance of protecting the privacy of victims under their command. After a report of sexual assault, commanders will also ensure compliance with procedures in Appendix F, AR 600-20. Additional resource guides for Army leaders are located at <http://sharp.army.mil/>.

7. Victim Rights:

a) The right to be treated with fairness and respect for your dignity and privacy.

b) The right to be reasonably protected from the accused offender.

c) The right to reasonable, accurate, and timely notice of public preliminary hearings, pre-trial confinement hearings, court proceedings, and clemency and parole hearings related to the offense.

d) The right to be present at all public proceedings related to the offense unless the hearing officer or military judge determines that your testimony would be materially altered if you as the victim heard other testimony.

ATZH-CG

SUBJECT: Commanding General's Policy Memorandum No. 2 - Equal Opportunity, Sexual Harassment/Assault Response and Prevention Program, and Treatment of Persons

e) The right to reasonably confer with the prosecutor/Trial Counsel in the case.

f) The right to receive available restitution.

g) The right to be reasonably heard at:

(1) a public hearing concerning the continuation of any pre-trial confinement of the accused

(2) a sentencing hearing related to the offense

(3) a public Military Department Clemency and Parole Board hearing related to the offense

h) The right to submit a written statement for the consideration of the Convening Authority prior to taking action on findings and sentence.

i) The right to proceedings free from unreasonable delay.

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

8. TRADOC Policy Letter 3 (Equal Employment Opportunity) also details the procedures for dealing with sexual harassment complaints for civilian employees.