

## Chapter 7 Prevention of Sexual Harassment

### 7-1. Overview

The prevention of sexual harassment is a commander's responsibility. The EOA plays a pivotal role by assisting the commander with policy awareness, training, command climate assessments, complaints processing and overall advisory assistance concerning the prevention of sexual harassment.

### 7-2. Chain of command responsibilities

Commanders and supervisors will—

a. Ensure that assigned personnel (to include RC personnel under their jurisdiction) are familiar with the Army policy on sexual harassment.

b. Publish and post written command policy statements for the prevention of sexual harassment. All statements will be consistent with Army policy. They will include the local command's commitment to the Army's policy against sexual harassment and will reaffirm that sexual harassment will not be tolerated. The statement will explain how and where to file complaints and will state that all complainants will be protected from acts or threats of reprisal. Each ACOM/ASCC/DRU, installation, separate unit, agency, and activity down to company, troop or battery level will publish a sexual harassment command policy statement. Units should coordinate these policy statements with the servicing staff judge advocate or legal advisor before publishing them.

c. Continually assess and be aware of the climate of command regarding sexual harassment. Identify problems or potential problems. Take prompt, decisive action to investigate all complaints of sexual harassment. Either resolve the problem at the lowest possible level or, if necessary, take formal disciplinary or administrative action. Do not allow Soldiers to be retaliated against for filing complaints. Continually monitor the unit and assess sexual harassment prevention policies and programs at all levels within area of responsibility. Ensure all leaders understand that if they witness or otherwise know of incidents of sexual harassment, they are obligated to act. If they do not, they themselves are also engaging in sexual harassment.

d. Set the standard.

### 7-3. Policy

a. The policy of the Army is that sexual harassment is unacceptable conduct and will not be tolerated. Army leadership at all levels will be committed to creating and maintaining an environment conducive to maximum productivity and respect for human dignity. Sexual harassment destroys teamwork and negatively affects combat readiness. The Army bases its success on mission accomplishment. Successful mission accomplishment can be achieved only in an environment free of sexual harassment for all personnel.

b. The prevention of sexual harassment is the responsibility of every Soldier and DA civilian. Leaders set the standard for Soldiers and DA civilians to follow.

### 7-4. Definition

a. Sexual harassment is a form of gender discrimination that involves unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature between the same or opposite genders when—

(1) Submission to, or rejection of, such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, career, or

(2) Submission to, or rejection of, such conduct by a person is used as a basis for career or employment decisions affecting that person, or

(3) 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.

b. 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 Soldier or civilian employee is engaging in sexual harassment. Similarly, any Soldier or civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature is engaging in sexual harassment.

### 7-5. Categories of sexual harassment

a. *Verbal.* Examples of verbal sexual harassment may include telling sexual jokes; using sexually explicit profanity, threats, sexually oriented cadences, or sexual comments; whistling in a sexually suggestive manner; and describing certain attributes of one's physical appearance in a sexual manner. Verbal sexual harassment may also include using terms of endearment such as "honey", "babe", "sweetheart", "dear", "stud", or "hunk" in referring to Soldiers, civilian co-workers, or Family members.

b. *Nonverbal.* Examples of nonverbal sexual harassment may include staring at someone (that is, "undressing someone with one's eyes"), blowing kisses, winking, or licking one's lips in a suggestive manner. Nonverbal sexual

harassment also includes printed material (for example, displaying sexually oriented pictures or cartoons); using sexually oriented screen savers on one's computer; or sending sexually oriented notes, letters, faxes, or e-mail.

*c. Physical contact.* Examples of physical sexual harassment may include touching, patting, pinching, bumping, grabbing, cornering, or blocking a passageway; kissing; and providing unsolicited back or neck rubs. Sexual assault and rape are extreme forms of sexual harassment and serious criminal acts. When these acts occur, report them in accordance with the procedure outlined in chapter 8 and appendix H of this regulation.

## **7-6. Types of sexual harassment**

*a. Quid pro quo.* "Quid pro quo" is a Latin term meaning "this for that." This term refers to conditions placed on a person's career or terms of employment in return for favors. It includes implicit or explicit threats of adverse action if the person does not submit to such conditions and promises of favorable actions if the person does submit to such conditions. Examples include demanding sexual favors in exchange for a promotion, award, or favorable assignment; disciplining or relieving a subordinate who refuses sexual advances; and threats of poor job evaluation for refusing sexual advances. Incidents of "quid pro quo" may also have a harassing effect on third persons. It may result in allegations of sexual favoritism or general discrimination when a person feels unfairly deprived of recognition, advancement, or career opportunities because of favoritism shown to another Soldier or civilian employee on the basis of a sexual relationship. An example would be a Soldier who is not recommended for promotion and who believes that his or her squad leader recommended another Soldier in his or her squad for promotion on the basis of provided or promised sexual favors, not upon merit or ability.

*b. Hostile environment.* A hostile environment occurs when Soldiers or civilians are subjected to offensive, unwanted and unsolicited comments, or behaviors of a sexual nature. If these behaviors unreasonably interfere with their performance, regardless of whether the harasser and the victim are in the same workplace, then the environment is classified as hostile. A hostile environment brings the topic of sex or gender differences into the workplace in any one of a number of forms. It does not necessarily include the more blatant acts of "quid pro quo"; it normally includes nonviolent, gender-biased sexual behaviors (for example, the use of derogatory gender-biased terms, comments about body parts, suggestive pictures, explicit jokes and unwanted touching).

## **7-7. Techniques of dealing with sexual harassment**

All Soldiers and civilians have a responsibility to help resolve acts of sexual harassment. Examples of how to accomplish this follow:

*a. Direct approach.* Confront the harasser and tell him/her that the behavior is not appreciated, not welcomed and that it must stop. Stay focused on the behavior and its impact. Use common courtesy. Write down thoughts before approaching the individual involved.

*b. Indirect approach.* Send a letter to the harasser stating the facts, personal feelings about the inappropriate behavior and expected resolution.

*c. Third party.* Request assistance from another person. Ask someone else to talk to the harasser, to accompany the victim, or to intervene on behalf of the victim to resolve the conflict.

*d. Chain of command.* Report the behavior to immediate supervisor or others in chain of command and ask for assistance in resolving the situation.

*e. Filing a formal complaint.* Details for filing an informal or formal complaint are included in appendix D.

## **7-8. Training**

The elimination of sexual harassment within a unit begins with a policy of aggressive and progressive training to identify and prevent inappropriate behavior. Units will conduct progressive, interactive small group sexual harassment training twice each year. Soldiers must understand what sexual harassment is, how to recognize it, how to prevent it, how to report it and the consequences of engaging in sexual harassment.

*a.* The quality and effectiveness of unit training are of primary concern. The most effective approach to training to prevent sexual harassment is through interactive discussion in small groups of mixed gender. Situational vignettes or scenarios should be used to facilitate discussion among unit Soldiers and civilians. Role play is also an effective training means. The training focus should be appropriate to the level of the experience and breadth of responsibilities of each target audience. Unit commanders must attend this training and evaluate its content and quality.

*b.* Unit training for junior enlisted and civilian employees will focus on defining sexual harassment and gender discrimination, sanctions that may be used to punish harassers, techniques for Soldiers to deal with sexual harassment and methods of filing a complaint through the complaint system.

*c.* Unit training or professional development training for junior officers, noncommissioned officers and civilian supervisors will reinforce the aforementioned training. In addition, emphasis should be placed on promoting a healthy work environment within the section or unit as well as on techniques for receiving, handling and resolving complaints. Training on the EO complaint system must include leader responsibilities in processing informal and formal complaints. It must emphasize the prevention of reprisal actions against complainants.

*d.* Training at unit level for senior noncommissioned officers, warrant officers, officers, civilian managers and senior

executive service personnel will focus on fostering a healthy command climate and using appropriate means for determining a healthy command climate. This training will also focus on sanctions for offenders. In addition, it will reinforce the elements of training they receive at a more junior level.

*e.* Leaders may enlist the service of their brigade or higher level EOA or TC 26–6, Commander’s Equal Opportunity Handbook, to help prepare and conduct Prevention of Sexual Harassment (POSH) training.

*f.* Commanders will document POSH training on the unit’s training schedule. Documentation will include type, instructor, date, time, length of training, roster of attendees, and issues covered in the session.

*g.* The chain of command and EOAs will attend and participate in POSH sessions.

## **7–9. Complaints**

Filing and processing of sexual harassment complaints follow the same procedures as outlined in appendix D for EO complaints. Charges of sexual misconduct are to be processed through legal/ law enforcement channels, not EO channels.

## **Chapter 8 Sexual Assault Prevention and Response Program**

### **8–1. Purpose and goals of the program**

*a. Purpose.* The Sexual Assault Prevention and Response Program reinforces the Army’s commitment to eliminate incidents of sexual assault through a comprehensive policy that centers on awareness and prevention, training and education, victim advocacy, response, reporting, and accountability. Army policy promotes sensitive care and confidential reporting for victims of sexual assault and accountability for those who commit these crimes. For the purposes of this policy, confidentiality or confidential reporting is defined as allowing a Soldier to report a sexual assault to specified individuals. This reporting option gives the Soldier access to medical care, counseling, and victim advocacy, without initiating the investigative process. See appendix H for full discussion of confidentiality policy for victims of sexual assault.

*b. Goals.* The goals of the Sexual Assault Prevention and Response Program are to—

(1) Create a climate that minimizes sexual assault incidents, which impact Army personnel, Army civilians, and Family members, and, if an incident should occur, ensure that victims and subjects are treated according to Army policy.

(2) Create a climate that encourages victims to report incidents of sexual assault without fear.

(3) Establish sexual assault prevention training and awareness programs to educate Soldiers.

(4) Ensure sensitive and comprehensive treatment to restore victims’ health and Well-being.

(5) Ensure leaders understand their roles and responsibilities regarding response to sexual assault victims, thoroughly investigate allegations of sexual assault, and take appropriate administrative and disciplinary action.

### **8–2. Sexual assault policy**

*a.* 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. Every Soldier who is aware of a sexual assault should immediately (within 24 hours) report incidents. Sexual assault is incompatible with Army values and is punishable under the Uniform Code of Military Justice (UCMJ) and other Federal and local civilian laws.

*b.* The Army will use training, education, and awareness to minimize sexual assault; to promote the sensitive handling of victims of sexual assault; to offer victim assistance and counseling; to hold those who commit sexual assault offenses accountable; to provide confidential avenues for reporting, and to reinforce a commitment to Army values.

*c.* The Army will treat all victims of sexual assault with dignity, fairness, and respect.

*d.* The Army will treat every reported sexual assault incident seriously by following proper guidelines. The information and circumstances of the allegations will be disclosed on a need-to-know basis only.

*e.* This policy applies—

(1) Both on and off post and during duty and non-duty hours.

(2) To working, living, and recreational environments (including both on- and off-post housing).

### **8–3. Victim Advocacy Program**

Victim’s use of advocacy services is optional; however, commanders must ensure that victims have access to a well-coordinated, highly responsive sexual assault victim advocacy program that is available 24 hours per day/7 days per week both in the garrison and in a deployed environment.

*a.* There are three echelons of sexual assault victim advocates in the Army’s program in garrison:

(1) The installation sexual assault response coordinator (SARC) is responsible for coordinating the local implementation of the program.

(2) Installation victim advocates (IVA) work directly with the installation SARC, victims of sexual assault, unit victim advocates, and other installation response agencies.

(3) Unit victim advocates (UVA) are Soldiers who are trained to provide limited victim advocacy as a collateral duty.

*b.* In a deployed environment, there are two echelons of victim advocates:

(1) Deployable sexual assault response coordinators (SARC) are Soldiers trained and responsible for coordinating the Sexual Assault Prevention and Response Program as a collateral duty in a specified area of a deployed theater. There is one deployable SARC at each brigade/unit of action and higher echelon.

(2) Unit victim advocates (UVA) are Soldiers trained to provide victim advocacy as a collateral duty. There are two UVAs for each battalion-sized unit.

#### **8-4. Definitions**

For the purpose of this policy—

*a. Sexual assault.* Sexual assault is a crime defined as intentional sexual contact, characterized by 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 or spousal relationship or age of victim. “Consent” will not be deemed or construed to mean the failure by the victim to offer physical resistance. Consent is not given when a person uses force, threat of force, or coercion or when the victim is asleep, incapacitated, or unconscious.

*b. Other sex-related offenses.* Other sex-related offenses are defined as all other sexual acts or acts in violation of the Uniform Code of Military Justice that do not meet the above definition of sexual assault, or the definition of sexual harassment as promulgated in DOD Directive 1350.2, Department of Defense Military Equal Opportunity. Examples of other sex-related offenses could include indecent acts with another and adultery. (For the specific articles of sexual assault offenses under the UCMJ, see the MCM.

*c. Restricted reporting.* Restricted reporting allows a Soldier who is a sexual assault victim, on a confidential basis, to disclose the details of his/her assault to specifically identified individuals and receive medical treatment and counseling, without triggering the official investigative process. Soldiers who are sexually assaulted and desire restricted reporting under this policy should report the assault to the sexual assault response coordinator (SARC), victim advocate, chaplain, or a healthcare provider.

*d. Unrestricted reporting.* Unrestricted reporting allows a Soldier who is sexually assaulted and desires medical treatment, counseling, and an official investigation of his/her allegation to use current reporting channels (for example, the chain of command or law enforcement), or he/she may report the incident to the SARC or the on-call victim advocate. Upon notification of a reported sexual assault, the SARC will immediately notify a victim advocate. Additionally, with the victim’s consent, the healthcare provider will conduct a forensic examination, which may include the collection of evidence. Details regarding the incident will be limited to only those personnel who have a legitimate need to know. See appendix H for a detailed explanation of restricted and unrestricted reporting.

#### **8-5. Responsibilities**

*a. The Deputy Chief of Staff, G-1.* The DCS, G-1 will—

(1) Be responsible for Armywide policies, doctrine, plans, and initiatives pertaining to the Sexual Assault Prevention and Response Program.

(2) Be responsible for the overall implementation, evaluation, and assessment of the Sexual Assault Prevention and Response Program.

(3) Provide oversight for the coordination of Sexual Assault Prevention and Response Program training requirements with the Commander, Training and Doctrine Command (TRADOC), for all Soldiers throughout the Army’s Institutional Training Base.

(4) Ensure sexual assault awareness and prevention training is incorporated into relevant human relations training (for example, in-processing briefs, Army alcohol/drug abuse prevention education, and prevention of sexual harassment (POSH) training.

(5) Establish selection criteria, in coordination with the Assistant Chief of Staff for Installation Management (ACSIM), through the Community and Family Support Center (CFSC), for staffing of installation sexual assault response coordinators.

(6) Develop and provide oversight of the Sexual Assault Data Management System (SADMS).

(7) Provide sexual assault data reports in accordance with DODI that will be used in quarterly and annual reports to the House and Senate Armed Services Committees.

*b. Director, Sexual Assault Prevention and Response Program.* The Director will—

(1) Be responsible for the Army’s Sexual Assault Prevention and Response Program management functions.

(2) Coordinate with Army staff offices and agencies in establishing policies that reduce sexual assault, streamline reporting, and establish cohesive procedures to support victims, investigative procedures, and all aspects of the Sexual Assault Prevention and Response Program.

(3) Coordinate Sexual Assault Prevention and Response Program training requirements with the Commander, Training and Doctrine Command (TRADOC), for all Soldiers throughout the Army's institutional training base.

(a) Coordinate training requirements with the Assistant Chief of Staff for Installation Management (ACSIM), through the Community and Family Support Center (CFSC), to develop programs of instruction and other support materials for sexual assault awareness and prevention training for sexual assault response coordinators (SARCs), victim advocates, deployable SARCs, and unit victim advocates (UVAs).

(b) Coordinate training requirements with the Commander, TRADOC, OTJAG, OTSG, and Chief of Chaplains for all Soldiers throughout the Army's institutional training base.

(4) Ensure periodic evaluations and assessments are conducted of the Sexual Assault Prevention and Response Program.

(5) Maintain SADMS.

(a) Determine data and statistics to be collected, maintained, and reported by installation SARCs.

(b) Collect, record, and maintain data on sexual assault cases.

(6) Monitor sexual assault data and trends.

c. *Provost Marshal General.* The Provost Marshal General will—

(1) Implement law enforcement and criminal investigation procedures for the immediate investigation of all reports of sexual assault.

(2) Establish procedures for installation provost marshal staff and Criminal Investigation Command special agents to support SARCs.

(3) Establish procedures for implementing the provisions of confidentiality as defined in appendix H.

(4) Ensure that law enforcement personnel receive sensitivity training in responding to victims of sexual assault, as well as training on victim assistance and resources, and related law enforcement investigative responses (see appendix I).

(5) Support the submission of sexual assault data into SADMS.

d. *United States Army Criminal Investigation Command.* The Commander, United States Army Criminal Investigation Command (USACIDC—hereafter referred to in this document as CID) will—

(1) Establish criminal investigation policies and procedures for investigating incidents of sexual assault that are within the CID investigative authority consistent with DOD policy and implemented in AR 195–1, AR 195–2, AR 190–45, and AR 195–5.

(2) Ensure that law enforcement personnel receive sensitivity training in responding to victims of sexual assault, as well as training on victim assistance and resources, and related law enforcement investigative responses (see appendix I).

(3) Establish procedures in CID regulations that support the role of the SARC and provide status reports to the SARC on investigative activity and other pertinent details to the extent that it will not jeopardize an ongoing investigation or the rights of a potential subject of an ongoing investigation.

(4) Ensure that the Office of the Staff Judge Advocate is notified when a sexual assault occurs within Army jurisdiction.

(5) Supervise activities at United States Army Criminal Investigation Laboratory (USACIL) to efficiently process evidence from sexual assault cases.

(6) Ensure that victims and witnesses are notified of their rights through a completed DD Form 2701 (Initial Information for Victims and Witnesses of Crime). Ensure that the victim and witness are informed of the status of the investigative activity, according to the procedures established by the SARC and to the extent that such actions will not jeopardize an ongoing investigation and the availability of services.

(7) Ensure that disposition reports by battalion commanders or first lieutenant colonel in the chain of command, DA Form 4833 (Commander's Report of Disciplinary or Administrative Action), are entered into the Army Criminal Investigation and Intelligence System and reported to the Director, U.S. Army Crime Records Center.

(8) Support the submission of sexual assault data into SADMS.

(9) Support Armywide and DOD data calls as required.

(10) Provide a representative with appropriate experience and level of expertise to serve on the Sexual Assault Review Board (SARB) (see appendix F for a detailed description of the SARB).

(11) Establish procedures for implementing the provisions of confidentiality as defined in appendix H.

(12) Immediately notify the SARC or the on-call IVA, if after normal duty hours, of all incidents of sexual assault.

e. *Office of the Surgeon General.* The Surgeon General will—

(1) Implement regulatory guidance and protocols for the medical response and evidence collection kit for sexual assault incidents that include consideration of state and local jurisdictions. Coordinate with local CID office when implementing regulatory guidance and protocols for evidence collection kit.

- (2) Provide guidance to MTF commanders on what medical treatment information may be provided to the SARC to assist in the monitoring of cases and the SARB process.
  - (3) Ensure the training of appropriate medical personnel in handling the medical, medical-legal, and psychological aspects of assisting sexual assault victims (see appendix I).
  - (4) Initiate or develop, where appropriate, memoranda of understanding/memoranda of agreement (MOUs/MOAs) with non-military medical treatment and medical support activities to ensure adequate response and treatment in the areas of counseling, care for victims, practical training for medical examiners, medical or health care professionals in order to maintain optimal readiness and to ensure the same level of care is provided in CONUS, OCONUS, and remote environments.
  - (5) Monitor the effectiveness of MOUs/MOAs.
  - (6) Ensure that the availability of victim advocacy services is explained to victims presenting for care.
  - (7) Maintain the confidentiality of victims' medical information, in accordance with DOD 6025.18-R.
  - (8) Ensure that healthcare providers and personnel receive training on dealing with victims of sexual assault—to include options for confidential reporting (see app I).
  - (9) Convey to the command any possible adverse duty impact related to the individuals medical condition or prognosis in accordance with the policy on confidentiality, in accordance with the Health Insurance Portability and Accountability Act (HIPAA).
  - (10) Support the submission of sexual assault data into the Sexual Assault Data Management System (SADMS), in accordance with HIPAA.
  - (11) Be responsible for overall evaluation and assessment of victim support services provided by medical treatment facilities (MTFs).
  - (12) Provide a representative with appropriate experience and level of expertise to serve on the SARB.
- f. Office of the Chaplain.* The Chief of Chaplains will—
- (1) Train unit ministry teams (UMT) in sensitivity to sexual assault victims, dynamics of sexual assault, and basic community information and referral (see appendix I).
  - (2) Provide pastoral and spiritual support to victims of sexual assault as requested by the victim.
  - (3) Explain the availability of victim advocacy services.
  - (4) Encourage the victim to seek medical attention regardless of whether the victim requires emergency or non-emergency care.
  - (5) Encourage the victim to seek appropriate assistance and counseling. With the consent of the victim, refer the victim to a qualified individual or an organization that specializes in assisting victims of sexual assault.
  - (6) Encourage the victim to inform the appropriate law enforcement agency of the incident. Appendix H contains specific information regarding confidentiality and privileged communications.
  - (7) Maintain confidentiality and privileged communication at the request of the victim.
  - (8) Report incidents of sexual assault to the SARC when the victim consents. If the assault occurs after normal duty hours, incidents will be reported to the on-call IVA with the victim's consent.
- g. Office of the Staff Judge Advocate.* The Staff Judge Advocate or those personnel under the supervisory authority of the installation staff judge advocate will—
- (1) Ensure the training of legal personnel comply with the standards as prescribed in appendix I.
  - (2) Explain the availability of victim advocacy services to victims and notify the SARC.
  - (3) Notify law enforcement of an officially reported sexual assault if they have not been previously notified.
  - (4) Implement the local Victim Witness Liaison (VWL) Program and immediately refer the victim to the VWL for services as prescribed in AR 27-10.
  - (5) Minimize events that could bring the victim and the subject(s) into contact with each other (for example, avoid scheduling pre-trial appointments for the victim and subject(s) at the same or adjacent times, and avoid placing the subject(s) and victim in the same court waiting room).
  - (6) Ensure that victims are informed about the status of the case's legal actions and other pertinent details including courtroom procedures in accordance with Victim Witness Liaison procedures in AR 27-10, chapter 18.
  - (7) Advise the victim that his or her testimony and/or participation may be requested in proceedings other than a court-martial or civil trial (for example, pre-trial appointments).
  - (8) Support the submission of sexual assault data into SADMS.
  - (9) Provide a representative with appropriate experience and level of expertise to serve on the SARB.
- h. The Inspector General.* The Inspector General will—
- (1) Periodically inspect sexual assault prevention, response, and reporting procedures as directed by the directing authority.
  - (2) Identify noncompliance, analyze significant indicators of deficiencies, and identify responsibility for corrective action.
  - (3) Report all findings to the directing authority; hand off potential criminal violations to the appropriate agency.

*i. Chief, National Guard Bureau (NGB), and Chief, U.S. Army Reserve (OCAR).* The NGB and OCAR will—

(1) Develop, implement, and monitor Sexual Assault Prevention and Response Program policies and programs in their respective components. The programs may be modified to meet the information management and reporting requirements of respective components. Programs will include assessments to determine the progress made toward the goals of the Sexual Assault Prevention and Response Program.

(2) Establish policy and procedural guidelines that comply with the policy on confidentiality.

(3) Ensure policy and procedures are in place for all first responders to contact the SARC at the time the victim comes forward.

(4) Establish requisite staff positions within the organizations and make resources available to adequately implement Sexual Assault Prevention and Response Program requirements.

(5) In a deployed environment, ensure that deployable SARCs and UVAs are designated in writing and trained to provide assistance.

(6) Establish sexual assault prevention training in units and professional military education consistent with HQDA policy and command needs.

(7) Select Army Reserve and National Guard personnel to attend SARC and UVA training.

(8) Ensure Soldiers receive pre-mobilization, mobilization, and post deployment mobilization training related to the prevention and response to sexual assault.

(9) Support the submission of sexual assault data into SADMS.

*j. Commanding General, U.S. Army Training and Doctrine Command (CG, TRADOC).* The CG, TRADOC, will—

(1) Develop training for prevention of and response to sexual assault in close coordination with HQDA, Army G-1, OTJAG, ACSIM, and OTSG.

(2) Develop instruction and associated training materials on prevention of and response to sexual assault for use in the accession/initial-entry-training base, professional military education (PME) courses throughout the Army, proponent schools/functional courses, and units. The preferred method of training should be interactive, small-group oriented, and testable. Interesting, sequential human relations training will be imbedded in all levels of PME.

(3) Ensure that sexual assault prevention and response training programs promote awareness of policy, prevention, roles and responsibilities, service providers, identification of confidential sources, victim advocacy services, reporting, and follow-up.

(4) Develop instruction and associated training materials to ensure military police and CID agents receive initial first responder training during their basic courses and refresher training during subsequent professional development courses taught at the U.S. Army Military Police School.

(5) Develop instruction and associated training materials to ensure CID agents receive advanced sexual assault investigation and sensitivity training in their basic course and refresher training during subsequent professional development courses taught at the U.S. Army Military Police School.

(6) Provide assistance and instructional materials to schools not under the jurisdiction of TRADOC, such as the Army Medical Department Center and School and the Inspector General Course.

(7) Conduct required prevention of and response to sexual assault education and training in TRADOC service schools and training centers.

(8) Evaluate the effectiveness of sexual assault prevention and response training conducted in TRADOC service schools and training centers.

*k. Commanders of major Army commands.* ACOM/ASCC/DRU commanders will—

(1) Ensure sexual assault prevention and response training is conducted annually in accordance with procedures as outlined in this policy.

(2) Develop policy guidance on prevention of sexual assault and treatment of victims.

(3) Monitor the execution of the Sexual Assault Prevention and Response Program in all commands, agencies, and activities (including Army Reserve and Army National Guard units when activated) under their jurisdiction.

(4) Designate a Sexual Assault Prevention and Response Program proponent to oversee the ACOM/ASCC/DRU program, reporting, assessments, statistics, trend analyses, and so forth and to coordinate staff proponents.

(5) Provide personnel and other resources to implement the Sexual Assault Prevention and Response Program.

(6) Ensure two UVAs are appointed at Battalion level and equivalent units.

(7) Ensure deployable SARCs are appointed at brigade/unit of action and higher level units.

(8) Ensure deployable SARCs (brigade and higher) and UVAs have received required training prior to performing duties.

(9) Ensure deployable SARCs and battalion UVAs deploy with assigned units.

(10) Ensure sexual assault prevention and response training (for example, risk factors of sexual assault, use of the buddy system) is integrated into predeployment and post-deployment briefings.

(11) Monitor required sexual assault prevention and response training at units.

(12) Inspect and assess sexual assault prevention and response programs under their respective major command.

(13) Conduct periodic assessments of program effectiveness on mission units and identify improvements.

(14) Comply with AR 600–8–8 and appoint same-gender sponsors for first-term Soldiers.

*l. Assistant Chief of Staff for Installation Management.* The Assistant Chief of Staff for Installation Management (ACSIM), through the Installation Management Agency (IMA) and Community and Family Support Center (CFSC), will—

(1) Design, implement, and manage the SARC and victim advocacy program.

(2) Develop and implement training for SARCs and victim advocates (see appendix I).

(3) Establish and publish an integrated resource directory for the Sexual Assault Prevention and Response Program that systemically incorporates medical, legal, chaplaincy, and investigative resources, including civilian resources, as well as installation and community-specific information available to assist victims of sexual assault. The ACSIM will also provide materials (for example, handouts, posters) to identify resources to whom sexual assault may be reported (for example, medical facility, chain of command, chaplain, CID, military police, mental health services, victim advocate, and staff judge advocate).

(4) Ensure service members have access to a well-coordinated, highly responsive victim advocacy program.

(5) Identify resource requirements and prepare budget requests to train installation SARCs, deployable SARCs, installation victim advocates, and UVAs.

(6) Develop installation SARC, deployable SARC, installation victim advocate, and UVA training guides that contain protocols and procedures that include appropriate levels of assistance.

(7) Provide sexual assault prevention and response education training to company and higher-level commanders within 45 days of assuming their respective leadership roles.

(8) Provide commanders with information to manage Sexual Assault Prevention and Response Programs.

(9) Support the submission of sexual assault data from installation SARCs, deployable SARCs, victim advocates and UVAs in the SADMS.

(10) Develop same-gender sponsorship guidelines for first-term Soldiers and include in AR 600–8–8.

*m. Installation commanders (senior mission commanders, regional readiness commander, or state joint forces headquarters level commanders).* Installation commanders will—

(1) Ensure that a sexual assault response capability is available 24 hours per day/7 days per week.

(2) Provide UVAs and SARCs as needed for those Army units smaller than a battalion that are stationed on/near the installations, such as Army explosive ordinance detachments, Army counterintelligence (MI) units, Corps of Engineers elements, and so forth.

(3) Coordinate with the Family Advocacy Program manager to ensure that MOUs/MOAs are in place if civilian agencies or other military services are used as a victim services resource and that the SARC has authority and support to coordinate with appropriate agencies.

(4) Establish an active SARB consistent with appendix F of this regulation. The installation commander or his/her designated representative, at a minimum, will chair the SARB. Other committee members may be appointed depending on the nature of their responsibilities as they pertain to sexual assault prevention and response. Installation commanders are responsible for maintaining a written summary of the discussions and decisions of each meeting.

(5) Establish written procedures for reporting sexual assaults throughout the chain of command. These procedures must be written in a way so as not to be interpreted by subordinate commanders to mean that allegations must be disposed of in a particular manner that predetermined types or amounts of punishments are appropriate or that adverse action is required in all cases or in a particular case. Authority to dispose of cases that resulted from allegations of sexual assault is withheld to the Battalion commander level and above. A commander authorized to dispose of cases involving an allegation of sexual assault may do so only after receiving the advice of the servicing judge advocate. As with any case, any disposition decision involving an allegation of sexual assault is subject to review by higher level commanders as appropriate.

(6) Ensure service members have access to a well-coordinated, highly responsive victim advocacy program.

(7) Provide the safest possible physical and emotional environment on post for all Soldiers, Family members, and other installation residents.

(8) Integrate sexual assault awareness into installation newcomer orientation briefings and provide contact information for all installation level response agencies.

(9) In coordination with Family Advocacy Program manager and the Public Affairs Office, conduct media campaigns to ensure Soldiers are aware of the Sexual Assault Prevention and Response Program and publicize on- and off-post/non-Army agencies that are available to assist victims.

(10) Publicize installation level information to provide leaders and Soldiers with contact information for all installation level response agencies, to include law enforcement, legal, medical, social services, and others.

(11) Ensure all installation agencies and units comply with the rules of confidentiality (that is, restricted and unrestricted reporting) for Soldiers as stated in appendix H. However, no criminal investigation will be initiated unless originated from another source or the victim elects to come forward via unrestricted reporting.

(12) In accordance with mission requirements, ensure Sexual Assault Prevention and Response Program initiatives



do not impose artificial restrictions on a selected subgroup of personnel assigned (for example, curfews for women only).

(13) Provide temporary living accommodations for Soldier victims at the victim's request.

(14) Identify sexual assault incident trends and take appropriate measures (that is, increased security patrols, enhanced education and training, enhanced environmental and safety measures) to prevent further sexual assaults.

(15) Comply with AR 600–8–8 and appoint same-gender sponsors for first-term Soldiers.

(16) Provide sexual assault response services for sister service units that are stationed on/near the installation.  
*n. Installation provost marshals.* The installation provost marshal will—

(1) Respond to all incidents of sexual assault reported to law enforcement.

(2) Ensure that law enforcement personnel responding to a sexual assault incident are trained in sensitivity to victims of sexual assault, victim assistance and resources, confidentiality, and related law enforcement investigative responses.

(3) Immediately report incidents of sexual assault to the SARC and escort victims from the crime scene when requested by the victim, their chain of command, or the CID.

(4) Ensure that victims and witnesses are notified of their rights through a completed DD Form 2701 (Victims and Witnesses of Crime). When the installation provost marshal retains investigative authority and responsibility of a sexual assault incident, the victim and witness will be informed on the status of the investigative activity to the extent that such actions will not jeopardize an ongoing investigation.

(5) Follow the procedures of AR 195–5 and AR 190–45 in documenting and reporting all reports of criminal activity.

(6) Support data collection responsibilities of the installation SARCs for sexual assaults to the extent that such actions will not jeopardize an ongoing investigation or the rights of a potential subject in an ongoing investigation.

(7) Seek to establish formal memoranda of understanding (MOU) with civilian law enforcement agencies to establish or improve the flow of information between their agencies. MOUs can be used to clarify jurisdictional issues for the investigation of incidents, to define the mechanism whereby local law enforcement reports involving active duty service members will be forwarded to the appropriate law enforcement office, and to foster cooperation and collaboration between the installation law enforcement agency and local civilian agencies.

(8) Ensure that disposition reports by commanders are entered into the Centralized Operations Police Suite (COPS) and forwarded to the Director, U.S. Army Crime Records Center.

(9) Provide a representative with appropriate experience and level of expertise to serve on the SARB.

(10) Support the submission of sexual assault data into SADMS.

*o. Unit commanders.* Unit commanders will—

(1) 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. See appendix G for additional guidance for commanders responding to a reported sexual assault.

(2) Ensure that the victim or his/her representative consent in writing to the release of information to nonofficial parties about the incident and that the victim's status and privacy are protected by limiting information to "need to know" personnel.

(3) Ensure that victims of sexual assault receive sensitive care and support and are not re-victimized as a result of reporting the incident.

(4) Collaborate closely with the SARC, legal, medical, and chaplain offices and other service providers to provide timely, coordinated, and appropriate responses to sexual assault issues and concerns.

(5) Encourage the victim to get a medical examination no matter when the incident occurred.

(6) Report all incidents of sexual assault to CID in accordance with AR 195–1, paragraph 6.

(7) Report sexual assaults to the SARC to ensure victims have access to appropriate assistance and care from the initial time of report to completion of all required treatment.

(8) Report all incidents of sexual assault to the office of the staff judge advocate within 24 hours.

(9) Notify the chaplain if the victim desires pastoral counseling or assistance.

(10) Appoint on orders two UVAs per battalion level and equivalent units. Commanders will select qualified officers (CW2/ILT or higher), NCOs (SSG or higher), or DA civilian (GS–9 or higher) for duty as UVAs (see para 8–6 for UVA selection criteria). The first colonel in the chain of command may approve appointing only one UVA for battalions whose small population may not warrant two UVAs. Commanders at all levels may appoint more than the prescribed number of UVAs if this is necessary for very large battalions or units whose geographical dispersion warrants the appointment of more UVAs. Appointment of DA civilian/GS employees to UVA positions may require management to consult with their unions pursuant to their collective bargaining agreement.

(11) Appoint on orders one deployable SARC at each brigade/unit of action level and higher echelon (for example, division, corps, and Army component command). Since installation SARCs are civilians/contractors and do not deploy, the deployable SARC will perform all SARC duties in theater. Commanders will select qualified officers (MAJ/CW3 or higher), NCOs (SFC or higher), or DA civilians (GS–11 or higher) for duty as deployable SARC (see para 8–6 for

SARC selection criteria). Appointment of DA civilian/GS employees to SARC positions may require management to consult with their unions pursuant to their collective bargaining agreement.

(12) Ensure deployable SARCs (brigade and higher) and UVAs have received required training prior to performing duties.

(13) Ensure deployable SARCs and UVAs deploy with assigned units.

(14) Ensure unit level Sexual Assault Prevention and Response Program training is conducted annually and documented on unit training schedules.

(15) Publish contact information of SARCs, installation victim advocates, and UVAs, and provide take-away information such as telephone numbers for unit and installation points of contact, booklets, and information on available victim services.

(16) Advertise the Sexual Assault Prevention and Response Program through local means to ensure that Soldiers, Army civilians, Family members, and leaders are aware of the program.

(17) Post written sexual assault policy statements and victim services resource chart on the unit bulletin boards. Statements must include an overview of the command's commitment to the Sexual Assault Prevention and Response Program; victim's rights; the definition of sexual assault; available resources to support victims; and specific statements that sexual assault is punishable under the UCMJ and other Federal and local civilian laws and that sexual assault is incompatible with Army values.

(18) Ensure Soldiers receive predeployment and post deployment training related to the prevention and response to sexual assault.

(19) Include emphasis on sexual assault risks, prevention, and response at all holiday safety briefings.

(20) Ensure victims have been offered the services of the SJA's victim witness liaison, advise victims of their rights in accordance with AR 27-10, chapter 18 (Victim/Witness Assistance), and make them aware of and encourage them to exercise their options during each phase of the medical, investigative, and legal processes.

(21) When appropriate, consult with the victim on pretrial and charging decisions (as specified in AR 27-10, para 18-15).

(22) As appropriate, refer the victim's Family to available resources (that is, counseling, resources, information, and medical care).

(23) Follow written procedures established by installation commanders for reporting sexual assault through the chain of command.

(24) Determine, in a timely manner, how to best dispose of alleged victim collateral misconduct, to include making the decision to defer the disciplinary actions regarding such misconduct until after the final disposition of the sexual assault case. Commanders and supervisors should take into account the trauma to the victim and respond appropriately so as to encourage reporting of sexual assault and the continued cooperation of the victim.

(25) Determine if an administrative separation of the victim is in the best interests of either the Army or the victim, or both. Regardless of the reason for initiating the separation action, the victim is entitled to a full and fair consideration of her or his military service and particular situation. It is vital that all such separation actions and all determinations be consistent and appropriate, and be viewed as such. Separation actions are in accordance with AR 600-8-24 and AR 635-200 for enlisted, and appropriate Reserve Component regulations.

(26) When initiating an administrative separation on any Soldier, for any reason (voluntary or involuntary), include documentation in the separation packet that positively identifies the Soldier as having been, or not having been, a victim of sexual assault. Unless otherwise directed by AR 635-200 or AR 600-8-24, this documentation should be in the form of a memorandum, signed by the Soldier or the commander initiating the separation, stating—

(a) Whether the Soldier was or was not a victim of sexual assault for which an unrestricted report was filed within the past 24 months.

(b) Whether the Soldier does or does not believe that this separation action is a direct or indirect result of the sexual assault itself or of filing the unrestricted report, if the above is true.

(27) When serving as a Special Court-Martial Convening Authority or General Court-Martial Convening Authority, review all administrative separation actions involving victims of sexual assault identified in paragraph 8-5o(25), above. Unless otherwise directed by AR 635-200 or AR 600-8-24, the review must consider the following:

(a) If the separation appears to be in retaliation for the Soldier filing an unrestricted report of sexual assault. If so, consult with the servicing office of the staff judge advocate or other legal office.

(b) If the separation involves a medical condition that is related to the sexual assault, to include Post Traumatic Stress Disorder (PTSD). If so, consult with the appropriate medical personnel.

(c) If the separation is in the best interests of the Army, the Soldier, or both. If not, consult with the servicing staff judge advocate.

(d) The status of the case against the alleged offender, and the effect of the Soldier's (victim's) separation on the disposition or prosecution of the case. If the case is still open, consult the servicing CID unit and staff judge advocate.

(28) Ensure all appropriate copies of DA Form 4833 (Commander's Report of Disciplinary Or Administrative

Action) are provided to the installation provost marshal and U.S. Army Criminal Investigation Command (CID) within established timelines.

(29) Determine the best course of action for separating victims from the subject(s) during the investigation of sexual assault cases. Commanders should ensure that re-victimization does not occur. Commanders should consider the victim's preferences and all relevant facts and circumstances of the case to determine the appropriate course of action to avoid re-victimization. Commanders may consider transferring the victim to another unit, but they should also be aware of and consider the fact that there may be a perception that the victim's transfer from the unit is a result of reporting the incident. Commanders may consider using DD Form 2873 (Military Protective Order (MPO)), referred to as "no contact orders." MPOs are an effective tool for commanders to maintain the safety of the victims and witnesses. If the victim lives off-post, he or she may obtain a restraining order from the civilian courts.

(30) Ensure feedback on case status is provided to victims of a sexual assault. The battalion commander will update the victim 14 calendar days after the initial report. Thereafter, battalion commanders will ensure, at a minimum, a monthly update is provided to the victim (if report is unrestricted) on the current status of any ongoing investigative, medical, legal, or command proceedings regarding the assault. Monthly updates will continue until the final disposition of the reported assault (that is, the conclusion of any judicial, non-judicial, and administrative actions (including separation) taken in response to the offense, whichever is later in time). Additionally, the 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.

(31) Consider the option of convalescent leave in accordance with AR 600-8-10, Leaves and Passes, based on the recommendation of the victim's healthcare provider.

(32) Flag (suspend favorable personnel actions) any Soldier under charges, restraint, or investigation for sexual assault in accordance with AR 600-8-2 and suspend the Soldier's security clearance in accordance with AR 380-67. Flags are not removed until disposition of offenses to include completion of punishment.

(33) Add a reminder to rating officials that their comprehensive evaluation includes documenting incidents of misconduct, to include those being found guilty of sexual assault. This may include an appropriate annotation in the narrative and/or the values section of the Officer Evaluation Report/Noncommissioned Officer Evaluation Report.

(34) 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.

(35) Continually assess the command climate through various methods (for example, focus groups, surveys, talking with Soldiers).

(36) Conduct periodic assessments of the Sexual Assault Prevention and Response Program for program improvement.

(37) Comply with AR 600-8-8 and appoint same-gender sponsors for first-term Soldiers.

*p. Sexual assault response coordinators (SARCs).* The installation SARC is a DA or contract civilian employee who works for the Family advocacy program manager (FAPM) and reports directly to the installation commander for matters concerning incidents of sexual assault. SARCs will—

(1) Serve as the designated program manager of victim support services who coordinates and oversees local implementation and execution of the Sexual Assault Prevention and Response Program.

(2) Ensure overall local management of sexual assault awareness, prevention, training, and victim advocacy.

(3) Oversee installation victim advocates and unit victim advocates in the performance of their duties providing victim services.

(4) Ensure victims are properly advised of their options for restricted and unrestricted reporting. Ensure victim acknowledges in writing his/her preference for restricted or unrestricted reporting as stated in appendix H. If the victim chooses the restricted reporting option, the victim must acknowledge in writing that they understand restricted reporting may limit the ability of the Army to prosecute the assailant and an understanding of why Army policy favors unrestricted reporting.

(a) If the victim chooses the restricted reporting option, ensure the victim is taken to a healthcare provider in lieu of reporting the incident to law enforcement or command.

(b) If the victim chooses the unrestricted reporting option, SARC will immediately notify law enforcement and the healthcare provider.

(c) For the purposes of public safety and command responsibility, the SARC will report information concerning sexual assault incidents, without information that could reasonably lead to personal identification of the victim, to the installation commander within 24 hours of the incident.

(5) With the victim's consent, assign an IVA and/or UVA to assist the victim immediately upon notification of the incident.

(6) Ensure victims of sexual assault receive guidance and emotional support during administrative, medical, investigative, and legal procedures, and that victims understand the processes involved. Data will be collected, reported, and maintained on cases involving victims, subjects, and installation victim advocates and/or UVAs assigned to the case.

- (7) Ensure all unrestricted reported incidents of sexual assault are reported to the first lieutenant colonel in the chain of command, CID, MPs, and the installation provost marshal within 24 hours of receipt.
- (8) Ensure that non-identifying personal information/details related to a restricted report of a sexual assault is provided to the installation commander within 24 hours of occurrence. This information may include: rank, gender, age, race, service component, status, and time and/or location. Ensure that information is disclosed in a manner that preserves a victim's anonymity. Careful consideration of which details to include is of particular significance at installations or other locations where there are a limited number of minority females or female officers assigned.
- (9) Work with the local installation public affairs officer to ensure that the installation is informed on programs and services.
- (10) Maintain liaison with the Provost Marshal/CID, medical and legal services, and commanders to facilitate immediate response and accurate reporting of sexual assault incidents.
- (11) Track, at a minimum, what subordinate units require UVAs and deployable SARC, a roster of those UVAs and deployable SARC, status of their training, and rotation dates (that is, PCS and ETS).
- (12) Publish a monthly on-call roster for all Victim advocates assigned to the installation. On-call roster will be provided the month prior to the month of on-call duty.
- (13) Ensure that sexual assault prevention, education, and victim advocacy services are available for all service members both on and off post by providing essential coordination.
- (14) Conduct senior leader training at installation level to increase awareness of sexual assault issues, high-risk behavior, and victim assistance programs (for example, off post rape crisis centers).
- (15) Provide take-away information such as booklets and telephone numbers for installation points of contact (for example, SARC, victim advocate, and UVA).
- (16) Receive annual training on sexual assault subjects (for example, crisis intervention and response to sexual assault) focused on enhancing the installation's Sexual Assault Prevention and Response Program.
- (17) Ensure that SARB participants receive appropriate case management training consistent with DOD requirements.
- (18) Assist commanders in meeting annual sexual assault prevention and response training requirements, including newcomer and orientation briefings.
- (19) Train UVAs and deployable SARC, ensuring training is conducted using military and civilian subject matter experts and material as appropriate. Deployable SARC are Soldiers assigned at brigade/unit of action and higher levels of command that will assume the duties of the SARC during deployments.
- (20) Ensure that data on sexual assault incidents is received from the responding agencies (that is, SJA, healthcare providers, MP/CID) and reported in SADMS.
- (21) Collect, record, and maintain data and statistics as directed by the Director, Sexual Assault Prevention and Response Program. Ensure that all sexual assault information (for example, program information, disposition status of cases) is reported to the Director, Sexual Assault Prevention and Response Program.
- (22) Maintain case file for 5 years.
- (23) Track services provided to victims of sexual assault from initial report of sexual assault through disposition and resolution of the victim's health and Well-being.
- (24) Evaluate the effectiveness of prevention programs and advocacy services (for example, how the response team functions, how the victim feels about the system response and treatment received, and risk factor identification).
- (25) Serve as a permanent member on the installation SARB.
  - q. Deployable SARC.* Deployable SARC are Soldiers appointed on orders assigned at brigade/unit of action and higher levels of command who are designated and trained to assume the duties of the SARC during deployments. The deployable SARC will be an NCO (SFC or higher), officer (MAJ/CW3 or higher), or civilian (GS-11 or above) and should be prepared to assume the executive agent role for coordinating sexual assault response at a level commensurate with the level of command to which they are assigned (that is, brigade/unit of action through theater of operation). The deployable SARC will—
    - (1) Ensure overall management of sexual assault awareness, prevention, training, and victim advocacy.
    - (2) Serve as the designated program manager of victim support services who coordinates and oversees implementation and execution of the Sexual Assault Prevention and Response Program.
    - (3) Be trained by the installation SARC prior to assuming duty. Brigade or higher SARC must maintain a liaison with the installation SARC in garrison so that they understand the installation's process and procedure for providing services.
    - (4) Advise the victim on their options for restricted and unrestricted reporting. Ensure victim acknowledges in writing his/her preference for restricted or unrestricted reporting. If the victim chooses the restricted reporting option, the victim must acknowledge in writing that they understand restricted reporting may limit the ability of the Army to prosecute the assailant and an understanding of why Army policy favors unrestricted reporting.
      - (a)* If the victim chooses the restricted reported option, ensure the victim is taken to a healthcare provider in lieu of reporting the incident to law enforcement or chain of command.

(b) If the victim chooses the unrestricted reporting option, SARC will immediately notify law enforcement and the healthcare provider.

(c) For the purposes of public safety and command responsibility, the SARC will report information concerning sexual assault incidents, without information that could reasonably lead to personal identification of the victim, to the senior mission commander within 24 hours of the incident.

(5) Assign a UVA to assist the victim immediately upon notification of the incident.

(6) Oversee Unit Victim Advocates in the performance of their UVA duties.

(7) Ensure victims of sexual assault receive guidance and emotional support during administrative, medical, investigative, and legal procedures, and that victims understand the processes involved.

(8) Maintain liaison with the Provost Marshal/CID, medical and legal services, and commanders to facilitate immediate response and accurate reporting of sexual assault incidents.

(9) Ensure all unrestricted reported incidents of sexual assault are reported to the first LTC in the chain of command, CID, MPs and the installation Provost Marshal within 24 hours of receipt.

(10) Ensure all sexual assault information (for example, program information, case disposition status) is reported to the theater of operations senior mission commander or designated representative.

(11) Conduct senior leader training to increase awareness of sexual assault issues and high-risk behavior.

(12) Track and maintain a roster of what subordinate units require UVAs and deployable SARCs, status of their training, and rotation dates (that is, PCS and ETS).

(13) Publish and maintain an on-call roster of trained UVAs available to assist victims of sexual assault.

(14) Ensure that data on sexual assault incidents is received from the responding agencies (that is, SJA, healthcare providers, MP/CID, and UVAs) and reported in SADMS.

(15) Turn over case files to installation SARC upon redeployment.

(16) Track services provided to victims of sexual assault from initial report of sexual assault through disposition and resolution of the victim's health and Well-being.

(17) Maintain case management information on incidents of sexual assault and ensure a smooth transition, with the installation SARC, of all cases not completed prior to redeployment.

(18) Train UVAs in a deployed environment.

(19) Serve as a permanent member on the SARB.

*r. Installation victim advocates.* The installation victim advocates (IVAs) are DA civilian or contract employees trained to provide advocacy services to victims of sexual assault. The IVA reports directly to the Sexual Assault Response Coordinator (SARC) for sexual assault cases. At locations where the Family Advocacy Program Manager (FAPM) performs SARC duties, the IVA will report directly to the FAPM. The IVA will—

(1) Establish contact with each victim who alleges that an act of sexual assault occurred, if the victim is receptive to such contact.

(2) Advise the victim on their options for restricted and unrestricted reporting when assigned a sexual assault case by the SARC; ensure victim acknowledges in writing his/her preference for restricted or unrestricted reporting. (If the victim chooses the restricted reporting option, the victim must acknowledge in writing that they understand restricted reporting may limit the ability of the Army to prosecute the assailant and an understanding of why Army policy favors unrestricted reporting.)

(a) If the victim chooses the restricted reporting option, the IVA will ensure the victim is taken to a healthcare provider in lieu of reporting the incident to law enforcement or command.

(b) If the victim chooses the unrestricted reporting option, the IVA will immediately notify law enforcement and the healthcare provider.

(c) For the purposes of public safety and command responsibility, the IVA will provide information to the SARC, who will in turn report the sexual assault, without information that could reasonably lead to personal identification of the victim, to the installation commander within 24 hours of the incident.

(3) Be knowledgeable about services available to sexual assault victims on the installation as well as in the surrounding community. The IVA will maintain contact with agencies that provide such services, being knowledgeable of the location, telephone number, confidentiality policies and procedures for accessing service at these agencies.

(4) Provide crisis intervention, referral, and ongoing emotional support to the sexual assault victims. Services will be non-clinical in nature. The victim has the right to independently determine whether to accept the offer of IVA services. The IVA must be sensitive to the needs of each victim and tailor services to meet those needs.

(5) Provide initial information to victims on their rights, to include the right to refuse services and explain the scope and limitations of IVAs role as an advocate.

(6) Accompany the victim during investigative interviews and medical examinations, unless the victim chooses not to use the IVAs services. The IVA will not make decisions for the victim, speak for the victim or interfere with the legitimate operations of medical, investigative and judicial processes.

(7) Coordinate activities with the SARC and as needed, with the Unit Victim Advocate, on a need-to-know basis, to ensure the best services are provided to victims and to avoid duplication of services.

(8) Provide information on sexual assault issues and victims status to the SARC at an interval determined by the SARC or more frequently if the situation warrants.

(9) Provide on-call services after normal duty hours to victims of sexual assault as needed. The SARC must be fully informed within 2 hours of the start of the next day of all activities that occurred during the on-call duty period.

(10) Provide education and training on the subject of sexual assault to Unit Victim Advocates and other Soldiers as required.

(11) Complete required reports on incidents of sexual assault, to include referrals to victim services. Provide sexual assault reports to the SARC for submission into SADMS.

(12) Safeguard documents in their possession and all information pertaining to victims of sexual assault always being mindful of the victims' right to confidentiality.

(13) Attend ongoing training as required or recommended by the SARC.

(14) Assist the UVA on performance of their duties as directed by the SARC.

*s. Unit victim advocates.* The unit victim advocate (UVA) is one of two Soldiers/civilians who is appointed on orders by each battalion-level commander and trained to perform collateral duties in support of victims of sexual assault, particularly in deployed environments. UVAs are supervised in the performance of their duties by the SARC. The UVA will be an NCO (SSG or higher), officer (1LT/CW2 or higher), or civilian (GS-9 or higher). UVAs will—

(1) 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 victim advocate (IVA or UVA). The victim alone will decide whether to accept the offer of victim advocacy services.

(2) Report to and coordinate directly with the SARC or designated IVA when assigned to assist a victim of sexual assault.

(3) Meet standards for selection and attend annual and ongoing training.

(4) Inform victims of their options for restricted and unrestricted reporting, and explain the scope and limitations of the UVA's role as an advocate. If the victim chooses the restricted reporting option, the victim must acknowledge in writing that they understand restricted reporting may limit the ability of the Army to prosecute the assailant and an understanding of why Army policy favors unrestricted reporting.

(a) If the victim chooses the restricted reporting option, ensure the victim is taken to a healthcare provider in lieu of reporting the incident to law enforcement or chain of command.

(b) If the victim chooses the unrestricted reporting option, UVA will immediately notify law enforcement and the healthcare provider.

(c) For the purposes of public safety and command responsibility, the UVA will provide information to the SARC/deployable SARC who will in turn report the sexual assault, without information that could reasonably lead to personal identification of the victim, to the installation commander/senior mission commander within 24 hours of the incident.

(5) Inform victims of the options to use service providers (for example, medical, legal, and chaplain) and resources available to victims.

(6) Provide support to the victim throughout the medical, investigative, and judicial process; however, a victim may opt to seek assistance without the presence or assistance of the UVA. The UVA will exercise sensitivity with regard to the victim at all times, but will not counsel the victim. The UVA will accompany the victim, at the victim's request, during investigative interviews and medical examinations. The UVA's mission is to support, assist and guide the victim through the process. The UVA is not to make decisions for the victim, speak for the victim, or interfere with the legitimate operations of medical, investigative, and judicial processes.

(7) Safeguard documents in their possession pertaining to sexual assault incidents and protect information that is case related.

(8) Complete a report on sexual assault as prescribed by the SARC.

(9) UVAs assigned to CID elements will not be detailed to perform victim advocate support outside of CID units.

(10) UVAs assigned to military police units and Department of Defense police assigned to the installation provost marshals office will not be detailed to perform victim advocate support outside of military police units.

## **8-6. Deployable SARC and UVA selection criteria**

Because of the sensitivity and complexity of working with sexual assault victims, the deployable SARC and UVA must be carefully selected. These Soldiers are likely to become involved in highly charged, emotionally stressful situations in assisting victims of sexual assault. As a result, all candidates must be properly screened and complete training in responding appropriately to victims of sexual assault. Deployable SARC and UVAs will be selected in accordance with the following requirements—

*a.* Be recommended by the chain of command. The first LTC or battalion level equivalent or higher commander will approve the recommendation and sign the appointment orders.

*b.* Be deployable.

*c.* Be able to respond to a sexual assault incident at anytime when on call.

*d.* Have outstanding duty performance, as evidenced by a review of the individual's evaluation reports.

- e. Demonstrate stability in personal affairs. Soldier will not have a history of domestic violence or severe personal problems, including significant indebtedness, excessive use of alcohol, or any use of illegal drugs.
- f. Be required to obtain a waiver from HQDA in instances where individuals have withdrawn from the Human Reliability or Personal Reliability Program during the 2 years preceding the nomination.
- g. Must not have been punished under the provisions of the UCMJ during the 5 years preceding the nomination.
- h. Must be deployable with a minimum of 1 year retainability in the unit (for short tour areas, UVA must have a minimum of 6 months retainability in the unit). This requirement is non-waiverable.
- i. The deployable SARC will be an NCO (SFC or higher), officer (MAJ/CW3 or higher), or civilian (GS-11 or higher).
- j. The UVA will be an NCO (SSG or higher), officer (1LT/CW2 or higher), or civilian (GS-9 or higher).
- k. Must be appointed on orders to the collateral duty of UVA/deployable SARC.
- l. Must be available to attend the SARB as required.
- m. Must complete continuing education requirements on an annual basis. Following selection, UVAs/deployable SARCs must successfully complete required training as a UVA/deployable SARC prior to assuming responsibility within the unit.

## 8-7. Training

The objective of Sexual Assault Prevention and Response training is to eliminate incidents of sexual assault through a comprehensive program that focuses on awareness and prevention, education, victim advocacy, reporting, response, and follow up. There are four categories of training for the Sexual Assault Prevention and Response Program. This includes professional military education (PME) training, unit level training, predeployment training, and responder training.

- a. *Professional military education.* PME training is progressive and sequential and includes the following areas:
  - (1) Initial entry training.
  - (2) Pre-commissioning/basic officer leadership instruction-I (BOLC I) to include ROTC and Junior ROTC.
  - (3) BOLC II, Warrant Officer Basic Course, Primary Leadership Development Course.
  - (4) Captain's Career Course (CCC), Warrant Officer Advanced Course (WOAC), and Basic Non-commissioned Officer Course (BNCOC).
  - (5) General officer training, Army War College (AWC), Pre-command Course (PCC), Warrant Officer Senior Course (WOSC), Sergeants Major Course (SMC), and First Sergeant Course (1SG).
  - (6) Drill sergeant and recruiter training.
- b. *Unit level training.* All Soldiers will attend and participate in unit level Sexual Assault Prevention and Response training annually. Training will be scenario based, using real life situations to demonstrate the entire cycle of reporting, response, and accountability procedures. Training should be inclusive of audience and group participation.
  - (1) The commander will incorporate sexual assault prevention training into the overall unit training plan. Commanders should annotate sexual assault prevention training on the unit training schedule. The training will be based on Army values to promote respect and dignity and to reinforce the Army's commitment to the Warrior Ethos. The chain of command and other leaders (commander, command sergeant major, sergeant major, first sergeant, civilian supervisors, and others) will be present and participate in unit sexual assault sessions.
  - (2) Sexual Assault Prevention and Response Program training is not an extension of sexual harassment training. Trainers should clarify the differences between harassment and assault and identify those dynamics that are unique to sexual assault.
  - (3) Persons conducting training must use formal training packages on the Sexual Assault Prevention and Response Program. Critical points to stress during unit training include—
    - (a) The Army's policy on sexual assault.
    - (b) Definitions and examples of sexual assault (use definitions in para 8-4 of this document)
    - (c) Resources to assist victims of sexual assault.
    - (d) Sexual assault prevention and the appropriate responses.
    - (e) Chain of command responsibilities for enforcing the Army's policy on sexual assault.
    - (f) Risk factors and issues in the unit setting including deployed environments.
    - (g) Timely reporting of sexual assault.
    - (h) Privileged and confidential communications (restricted and unrestricted reporting).
    - (i) Victim rights.
    - (j) Potential first responder points of contact to initiate victim assistance include reporting a sexual assault incident to the following (asterisk indicates agencies with whom victims can initiate a restricted report).
      - 1. Medical services.\*
      - 2. Law enforcement.
      - 3. Chaplains.\*
      - 4. Chain of command.

5. Legal services.
6. Family Advocacy Program.
7. EO advisor/program manager.
8. Sexual Assault Response Coordinator (SARC).\*
9. Installation or unit victim advocate.\*

*c. Predeployment training.* Predeployment training will incorporate information on sexual assault prevention and response. As part of predeployment training, Soldiers will be presented with information to increase awareness of the customs of the host country and any coalition partners, in an effort to help prevent further sexual assaults outside of CONUS. This presentation will—

(1) Ensure that Soldiers who deploy to locations outside the United States are cognizant of sexual assault issues, as well as DOD and specific Army policies about sexual assault prevention, prosecution of offenders, and the care of victims. This training will include risk reduction factors that are tailored to the specific deployment locations.

(2) Focus on the specific foreign countries or areas anticipated for deployment. It will include customs, mores and religious practices, and a brief history of the foreign countries or areas. The cultural customs and mores of coalition partners will also be addressed.

(3) Address procedures for reporting a sexual assault to ensure that service members are aware of the full range of options available and have knowledge of location and contact information for response agencies in the deployed theater.

(4) Identify support systems that will be available during the deployment, to include chain of command, UVAs, deployable SARCs, healthcare providers, CID/MP, SJA, and chaplains.

*d. Post-deployment training.* Commanders will ensure service members receive sexual assault prevention and response unit refresher training during reintegration activities.

*e. Responder training.* Primary responders to sexual assault incidents will receive the same baseline training throughout the DOD, to ensure that any Service member who is assaulted will receive the same level of response regardless of Service component. Training should emphasize coordinating victim support services is a team effort and to be effective all the team members must be allowed to do their job and must understand the role of the others on the team. Each responsible first responder agency listed below will implement DOD's baseline training standards (see appendix I for minimum baseline training standards):

- (1) Healthcare (responsible agency MEDCOM).
- (2) Law enforcement and criminal investigators (responsible agency TRADOC).
- (3) Judge advocate general (JAG) officers (responsible agency OTJAG).
- (4) Chaplains (responsible agency OCCH).
- (5) SARCs (responsible agency ACSIM/CFSC).
- (6) Installation and unit victim advocates (responsible agency ACSIM/CFSC).



## **Appendix A References**

### **Section I**

#### **Required Publications**

DOD regulations, directives, and instructions are available on the Web at <http://www.dtic.mil/whs/directives/>; the Manual for Courts-Martial is available at <http://www.au.af.mil/au/awc/awcgate/law/mcm.pdf>.

#### **AR 15-6**

Procedures for Investigating Officers and Boards of Officers (Cited in paras 2-17, 4-19, 6-3, 6-11, D-1, D-4, and D-6.)

#### **AR 27-10**

Military Justice (Cited in paras 2-5, 2-18, 2-20, 4-6, 4-7, 4-19, 5-8, 6-5, 8-5, D-7, and G-2.)

#### **AR 40-562**

Immunization and Chemoprophylaxis (Cited in paras 5-4, 5-6.)

#### **AR 195-5**

Evidence Procedures (Cited in paras 8-5, J-3.)

#### **AR 600-8-24**

Officer Transfers and Discharges. (Cited in paras 4-19, 4-23, 5-5, 5-6, and 8-5.)

#### **AR 623-3**

Evaluation Reporting System (Cited in paras 2-3, 2-17, 4-18, 4-23, and 6-11.)

#### **AR 670-1**

Wear and Appearance of Army Uniforms and Insignia (Cited in paras 2-18, 5-6, B-6.)

#### **DA Pam 600-26**

The Department of the Army Affirmative Action Plan (Cited in para 6-14.)

#### **DOD 5500.7-R**

Joint Ethics Regulation (JER) (Cited in paras 4-9, 4-11, 4-17, 4-18, and 4-21.)

#### **DODD 6490.1**

Mental Health Evaluations of Members of the Armed Forces (Cited in para 5-4.)

#### **DODD 7050.6**

Military Whistleblower Protection (Cited in paras 5-8, 5-12.)

#### **DODI 1000.15**

Procedures and Support for Non-Federal Entities Authorized to Operate on DOD Installations (Cited in para 4-11.)

#### **Manual for Courts-Martial (MCM)**

2008 edition (Cited in paras 2-5, 2-14, 2-18, 2-20, 4-6, 4-7, and 5-4.)

### **Section II**

#### **Related Publications**

A related publication is a source of additional information. The user does not have to read it to understand this regulation. United States Code references are available on the Web at <http://www.gpoaccess.gov/uscode>; the Uniform Code of Military Justice is available on [www.au.af.mil/au/awc/awcgate/ucmj.htm](http://www.au.af.mil/au/awc/awcgate/ucmj.htm); and National Guard regulations are available at <http://www.ngbpdc.ngb.army.mil/pubfiles>.

#### **AR 1-20**

Legislative Liaison

#### **AR 5-5**

Army Studies and Analyses

**AR 10–87**

Army Commands, Army Service Component Commands, and Direct Reporting Units

**AR 20–1**

Inspector General Activities and Procedures

**AR 25–30**

The Army Publishing Program

**AR 25–50**

Preparing and Managing Correspondence

**AR 25–52**

Authorized Abbreviations, Brevity Codes, and Acronyms

**AR 25–400–2**

The Army Records Information Management System (ARIMS)

**AR 27–40**

Litigation

**AR 40–1**

Composition, Mission, and Functions of the Army Medical Department

**AR 40–3**

Medical, Dental, and Veterinary Care

**AR 40–400**

Patient Administration

**AR 135–18**

The Active Guard Reserve (AGR) Program

**AR 135–91**

Service Obligations, Methods of Fulfillment, Participation Requirements, and Enforcement Procedures

**AR 135–100**

Appointment of Commissioned and Warrant Officers of the Army

**AR 135–155**

Promotion of Commissioned Officers and Warrant Officers Other than General Officers

**AR 135–175**

Separation of Officers

**AR 135–178**

Enlisted Administrative Separations

**AR 135–205**

Enlisted Personnel Management

**AR 140–10**

Assignments, Attachments, Details, and Transfers

**AR 140–111**

U.S. Army Reserve Reenlistment Program

**AR 165–1**

Army Chaplain Corps Activities

**AR 190–24/OPNAVINST 1620.2A/AFI 31–213/MCO 1620.2D/COMDTINST 1620.1E**  
Armed Forces Disciplinary Control Boards and Off-Installation Liaison and Operations

**AR 190–45**  
Law Enforcement Reporting

**AR 190–47**  
The Army Corrections System

**AR 195–2**  
Criminal Investigation Activities

**AR 210–7**  
Personal Commercial Solicitation on Army Installations

**AR 215–1**  
Military Morale, Welfare, and Recreation Programs and Nonappropriated Fund Instrumentalities

**AR 220–1**  
Unit Status Reporting

**AR 335–15**  
Management Information Control System

**AR 340–21**  
The Army Privacy Program

**AR 350–1**  
Army Training and Leader Development

**AR 350–100**  
Officer Active Duty Service Obligations

**AR 360–1**  
The Army Public Affairs Program

**AR 380–5**  
Department of the Army Information Security Program

**AR 380–13**  
Acquisition and Storage of Information Concerning Nonaffiliated Persons and Organizations

**AR 380–67**  
The Department of the Army Personnel Security Program

**AR 420–1**  
Army Facilities Management

**AR 600–3**  
The Army Personnel Development System

**AR 600–8–2**  
Suspension of Favorable Personnel Actions (Flags)

**AR 600–8–8**  
The Total Army Sponsorship Program

**AR 600–8–10**  
Leaves and Passes

**AR 600–8–11**

Reassignment

**AR 600–8–14**

Identification Cards for Members of the Uniformed Services, Their Eligible Family Members, and Other Eligible Personnel

**AR 600–8–19**

Enlisted Promotions and Reductions

**AR 600–8–29**

Officer Promotions

**AR 600–8–104**

Military Personnel Information Management/Records

**AR 600–9**

The Army Weight Control Program

**AR 600–13**

Army Policy for the Assignment of Female Soldiers

**AR 600–15**

Indebtedness of Military Personnel

**AR 600–25**

Salutes, Honors, and Visits of Courtesy

**AR 600–37**

Unfavorable Information

**AR 600–291**

Foreign Government Employment

**AR 601–210**

Active and Reserve Components Enlistment Program

**AR 601–280**

Army Retention Program

**AR 608–10**

Child Development Services

**AR 608–75**

Exceptional Family Member Program

**AR 614–30**

Overseas Service

**AR 614–100**

Officer Assignment Policies, Details, and Transfers

**AR 614–200**

Enlisted Assignments and Utilization Management

**AR 621–1**

Training of Military Personnel at Civilian Institutions

**AR 635–40**

Physical Evaluation for Retention, Retirement, or Separation

**AR 635-200**

Active Duty Enlisted Administrative Separations

**AR 690-11**

Use and Management of Civilian Personnel in Support of Military Contingency Operations

**AR 690-12**

Equal Employment Opportunity and Affirmative Action

**AR 690-400**

Total Army Performance Evaluation System

**AR 690-600**

Equal Employment Opportunity Discrimination Complaints

**AR 690-700**

Personnel Relations and Services (General)

**AR 700-90**

Army Industrial Base Process

**DA Pam 25-30**

Consolidated Index of Army Publications and Blank Forms

**DA Pam 600-3**

Commissioned Officer Professional Development and Career Management

**DA Pam 600-8**

Management and Administrative Procedures

**DA Pam 600-15**

Extremist Activities

**DA Pam 611-21**

Military Occupational Classification and Structure

**DAGO 2006-38**

Redesignation of the United States Army Installation Management Agency as the United States Army Installation Management Command and as a Direct Reporting Unit

**FM 1**

The Army

**FM 6-22**

Army Leadership

**FM 7-22.7**

The Army Noncommissioned Officer Guide

**CTA 50-900**

Clothing and Individual Equipment (Available at <https://webtaads.belvoir.army.mil/usafmsa>.)

**CTA 50-909**

Field and Garrison Furnishings and Equipment (Available at <https://webtaads.belvoir.army.mil/usafmsa>.)

**DOD 5200.2-R**

Personnel Security Program (Available at <http://www.dtic.mil/whs/directives>.)

**DOD 6025.18-R**

DOD Health Information Privacy Regulation (Available at <http://www.dtic.mil/whs/directives>.)

**DODD 5158.04**

United States Transportation Command (USTRANSCOM)

**DODD 5525.5**

DOD Cooperation with Civilian Law Enforcement Officials

**DODI 1332.14**

Enlisted Administrative Separations (Available at <http://www.dtic.mil/whs/directives>.)

**DODI 1332.30**

Separation of Regular and Reserve Commissioned Officers (Available at <http://www.dtic.mil/whs/directives>.)

**NGR 600–21**

Equal Opportunity Program in the Army National Guard (Available at <http://www.ngbpdc.ngb.army.mil/pubfiles/600/60021.pdf>.)

**NGR 600–22/ANGI**

National Guard Military Discrimination Complaint System (Available at <http://www.ngbpdc.ngb.army.mil/pubfiles/36/3631I.pdf>.)

**NGR 635–101**

Efficiency and Physical Fitness Boards (Available at <http://www.ngbpdc.ngb.army.mil/pubfiles/635/635101.pdf>.)

**TC 26–6**

Commander's Equal Opportunity Handbook. (The Soldier Support Institute publishes TC 26–6, Commander's Equal Opportunity Handbook that may assist commanders in developing required training.)

**Uniform Code of Military Justice**

Article 7, Apprehension; Article 15, Commanding officer's non-judicial punishment; Article 27, Detail of trial counsel and defense; Article 31, Compulsory self-incrimination prohibited; Article 37, Unlawful influencing the action of the court; Article 81, Conspiracy; Article 82 Solicitation; Article 92, Failure to obey order or regulation; Article 93, Cruelty and maltreatment; Article 98, Noncompliance with procedural rules; Article 116, Riot or breach of peace; Article 117, Provoking speeches or gestures; Article 121, Larceny and wrongful appropriation; Article 123, Forgery; Article 124, Maiming; Article 128, Assault; Article 133, Conduct unbecoming an officer and a gentleman; Article 134, General article; Article 137, Articles to be explained; Article 138, Complaints of wrongs.

**2 USC 441a**

Limitations on contributions and expenditures

**5 USC 5312–5317 (chapter 53, subchapter 2)**

Executive Schedule Pay Rates

**5 USC 6323**

Military leave; Reserves and National Guardsmen

**10 USC**

Armed Forces

**10 USC 113**

Secretary of Defense

**10 USC chapter 18**

Military Support for Civilian Law Enforcement Agencies

**10 USC 580a**

Enhanced authority for selective early discharges

**10 USC 637**

Selection of regular officers for continuation on active duty

**10 USC 654**

Policy concerning homosexuality in the armed forces

**10 USC 741**

Rank: commissioned officers of the armed forces

**10 USC 747**

Command: when different commands of Army, Navy, Air Force, Marine Corps, and Coast Guard join

**10 USC 888 (Article 88, UCMJ)**

Contempt toward officials

**10 USC 973**

Duties: officers on active duty; performance of civil functions restricted

**10 USC 1034**

Protected communications; prohibition of retaliatory personnel actions

**10 USC 1176**

Enlisted members: retention after completion of 18 or more, but less than 20, years of service

**10 USC 1211**

Members on temporary disability retired list: return to active duty; promotion

**10 USC 3258**

Regular Army: reenlistment after service as an officer

**10 USC 3581**

Command: chaplains

**10 USC 3583**

Requirement of exemplary conduct

**10 USC 4334**

Command and supervision

**10 USC 10505**

Director of the Joint Staff of the National Guard Bureau

**10 USC 12301**

Reserve components generally

**10 USC 12302**

Ready Reserve

**10 USC 12303**

Ready Reserve: members not assigned to, or participating satisfactorily in, units

**10 USC 12304**

Selected Reserve and certain Individual Ready Reserve members; order to active duty other than during war or national emergency

**10 USC 12686**

Reserves on active duty within two years of retirement eligibility: limitation on release from active duty

**10 USC chapter 15**

Enforcement of the laws to restore public order

**10 USC chapter 47**

Uniform Code of Military Justice

**18 USC 207**

Restrictions on former officers, employees, and elected officials of the executive and legislative branches

**18 USC 208**

Acts affecting a personal financial interest

**18 USC 607**

Place of solicitation

**18 USC 922**

Unlawful acts

**18 USC 1385**

Use of Army and Air Force as posse comitatus

**29 USC 630**

Definitions

**29 USC 631**

Age limits

**29 USC 633**

Federal-State relationships

**29 USC 634**

Authorization of appropriations

**32 USC 317**

Command during joint exercises with Federal troops

**Section III**

**Prescribed Forms**

Unless otherwise indicated below, DA Forms are available on the APD Web site ([www.apd.army.mil](http://www.apd.army.mil)); DD Forms are available from the OSD Web site ([www.dior.whs.mil/icdhome/formshtm](http://www.dior.whs.mil/icdhome/formshtm)).

**DA Form 5304**

Family Care Plan Counseling Checklist. (Prescribed in para 5-5.)

**DA Form 5305**

Family Care Plan. (Prescribed in para 5-5.)

**DA Form 5840**

Certificate of Acceptance as Guardians or Escort. (Prescribed in para 5-5.)

**DA Form 5841**

Power of Attorney. (Prescribed in para 5-5.)

**DA Form 7279**

Equal Opportunity Complaint Form. (Prescribed in para D-1.)

**DA Form 7279-1**

Equal Opportunity Complaint Resolution Assessment. (Prescribed in para D-10.)

**DA Form 7666**

Parental Consent (Prescribed in para 5-5.)

**DA Form 7667**

Family Care Plan Preliminary Screening (Prescribed in para 5-5.)



## **Section IV**

### **Referenced Forms**

#### **DA Form 2028**

Recommended Changes to Publications and Blank Forms

#### **DA Form 2627**

Record of Proceedings under Article 15, UCMJ

#### **DA Form 3881**

Rights Warning Procedure/Waiver Certificate

#### **DA Form 4187**

Personnel Action

#### **DA Form 4833**

Commander's Report of Disciplinary or Administrative Action

#### **DD Form 1172**

Application for Uniformed Services Identification Card— DEERS Enrollment

#### **DD Form 2558**

Authorization to Start, Stop, or Change an Allotment

#### **DD Form 2701**

Initial Information for Victims and Witnesses of Crime

#### **DD Form 2760**

Qualification to Posses Firearms or Ammunition

#### **DD Form 2873**

Military Protective Order (MPO)

#### **DD Form 2910**

Victim Reporting Preference Statement

## **Appendix B**

### **Political Activities**

#### **B-1. Purpose**

This appendix gives specific guidance on those political activities that are permitted or prohibited.

#### **B-2. Examples of permissible political activity**

A Soldier on active duty may—

- a.* Register, vote, and express a personal opinion on political candidates and issues, as a private citizen, but not as a representative of the Armed Forces.
- b.* Promote and encourage other Soldiers to exercise their voting franchise, if such promotion does not constitute an attempt to influence or interfere with the outcome of an election.
- c.* Join a political club and attend its meetings when not in uniform.
- d.* Serve as an election official, if such service is not as a representative of a partisan political party, does not interfere with military duties, is performed while out of uniform, and has the prior approval of the installation commander.
- e.* Sign a petition for specific legislative action or a petition to place a candidate's name on an official election ballot, if the signing does not obligate the Soldier to engage in partisan political activity and is done as a private citizen and not as a representative of the Armed Forces.
- f.* Write a letter to the editor of a newspaper expressing the Soldier's personal views on public issues or political candidates, if such action is not part of an organized letter-writing campaign or concerted solicitation of votes for or against a political party or partisan political cause or candidate.
- g.* Make monetary contributions to a political organization, party or committee favoring a particular candidate or

slate of candidates, subject to the limitation under Section 441a, Title 2, United States Code (2 USC 441a) and Section 607, Title 18, United States Code (18 USC 607).

- h.* Display a political sticker on the Soldier's private vehicle.

### **B-3. Examples of prohibited political activities**

According to the statutory restrictions in Section 973(b), Title 10, United States Code (10 USC 973(b)) and the policies established in section d of DOD Directive 1344.10 and implemented in chapter 5 of this regulation, a Soldier on active duty will not—

- a.* Use official authority or influence to interfere with an election, affect the course or outcome of an election, solicit votes for a particular candidate or issue, or require or solicit political contributions from others.
- b.* Be a candidate for civil office in Federal, state, or local Government, except as authorized in this regulation, or engage in public or organized soliciting of others to become partisan candidates for nomination or election to civil office.
- c.* Participate in partisan political management or campaigns or make public speeches in the course thereof.
- d.* Make a campaign contribution to another member of the Armed Forces or to a civilian officer or employee of the United States for promoting a political objective or cause.
- e.* Solicit or receive a campaign contribution from another member of the Armed Forces or from a civilian officer or employee of the United States for promoting a political objective or cause.
- f.* Allow or cause to be published partisan political articles signed or written by the Soldier that solicit votes for or against a partisan political party or candidate.
- g.* Serve in any official capacity or be listed as a sponsor of a partisan political club.
- h.* Speak before a partisan political gathering of any kind for promoting a partisan political party or candidate.
- i.* Participate in any radio, television, or other program or group discussion as an advocate of a partisan political party or candidate.
- j.* Conduct a political opinion survey under the auspices of a partisan political group, or distribute partisan political literature.
- k.* Use contemptuous words against the officeholders described in Section 888, Title 10, United States Code (10 USC 888).
- l.* Perform clerical or other duties for a partisan political committee during a campaign or on an election day.
- m.* Solicit or otherwise engage in fund raising activities in Federal offices or facilities, including military reservations, for a partisan political cause or candidate.
- n.* March or ride in a partisan political parade.
- o.* Display a large political sign, banner, or poster (as distinguished from a bumper sticker) on the top or side of a private vehicle.
- p.* Participate in any organized effort to provide voters with transportation to the polls if the effort is organized by, or associated with, a partisan political party or candidate.
- q.* Sell tickets for, or otherwise actively promote, political dinners and similar fund-raising events.
- r.* Attend partisan political events as an official representative of the Armed Forces.

### **B-4. Political activities not expressly permitted or prohibited**

Some activities not expressly prohibited may be contrary to the spirit and intent of this policy. In determining whether an activity violates the traditional concept that military personnel should not engage in partisan political activity, rules of reason and common sense will apply. Any activity that could be viewed as associating the Department of the Army directly or indirectly with a partisan political cause or candidate will be avoided.

### **B-5. Local nonpartisan political activities**

This policy does not preclude participation in local nonpartisan political campaigns, initiatives, or referendums. A Soldier taking part in local nonpartisan political activity, however, will not—

- a.* Wear a uniform or use any Government property or facilities while participating.
- b.* Allow participation to interfere with, or prejudice, the Soldier's performance of military duties.
- c.* Engage in conduct that in any way may imply that the Department of the Army has taken an official position on, or is otherwise involved in, the local political campaign or issue.

### **B-6. USAR and Army National Guard Soldiers on active duty tours**

Reserve Component Soldiers on active duty tour regardless of length engaging in permissible political activity will—

- a.* Give full time and attention to the performance of military duties during prescribed duty hours.
- b.* Avoid any outside activities that may be prejudicial to the performance of military duties or are likely to bring discredit upon the United States Army.

c. Refrain from participating in any political activity while in military uniform, as proscribed by AR 670–1, or using Government facilities or resources.

## **Appendix C**

### **Congressional Findings**

#### **C–1. Constitutional powers of Congress**

Section 8 of Article I of the Constitution of the United States commits exclusively to the Congress the powers to raise and support armies, provide and maintain a navy, and make rules for the Government and regulation of the land and naval forces.

#### **C–2. No constitutional right to serve**

There is no constitutional right to serve in the Armed Forces.

#### **C–3. Congress establishes qualifications for Armed Forces' service and conditions**

Pursuant to the powers conferred by section 8 of Article I of the Constitution of the United States, it lies within the discretion of the Congress to establish qualifications for and conditions of service in the Armed Forces.

#### **C–4. Primary purpose of the Armed Forces**

The primary purpose of the Armed Forces is to prepare for and to prevail in combat should the need arise.

#### **C–5. Requirement for extraordinary sacrifices**

The conduct of military operations requires members of the Armed Forces to make extraordinary sacrifices, including the ultimate sacrifice, in order to provide for the common defense.

#### **C–6. Characteristics of successful military units**

Success in combat requires military units that are characterized by high morale, good order and discipline, and unit cohesion.

#### **C–7. Unit cohesion**

One of the most critical elements in combat capability is unit cohesion, that is, the bonds of trust among individual service members that make the combat effectiveness of a military unit greater than the sum of the combat effectiveness for the individual unit members.

#### **C–8. Fundamental difference between military and civilian life**

Military life is fundamentally different from civilian life in that—

*a.* The extraordinary responsibility of the Armed Forces, the unique conditions of military service, and the critical role of unit cohesion require that the military community, while subject to civilian control, exist in a specialized society.

*b.* The military society is characterized by its own laws, rules, customs, and traditions, including numerous restrictions on personal behavior, that would not be acceptable in civilian society.

#### **C–9. Armed Forces' standards of conduct**

The standards of conduct for members of the Armed Forces regulate a member's life 24 hours each day beginning at the moment the member enters the military status and not ending until the person is discharged or otherwise separated from the Armed Forces.

#### **C–10. When standards of conduct apply**

Those standards of conduct, including the Uniform Code of Military Justice, apply to a member of the Armed Forces at all times that the member has a military status, whether the member is on base or off base, and whether the member is on duty or off duty.

#### **C–11. The necessity of pervasive application of standards of conduct**

The pervasive application of the standards of conduct is necessary because members of the Armed Forces must be ready at all times for worldwide deployment to a combat environment.

#### **C–12. Spartan living conditions**

The worldwide deployment of United States military forces, the international responsibilities of the United States, and the potential for involvement of the Armed Forces in actual combat routinely make it necessary for members of the

Armed Forces involuntarily to accept living conditions and working conditions that are often spartan, primitive, and characterized by forced intimacy with little or no privacy.

### **C-13. Prohibition against homosexual conduct long-standing**

The prohibition against homosexual conduct is a long-standing element of military law that continues to be necessary in the unique circumstances of military service.

### **C-14. Support of morale and discipline**

The Armed Forces must maintain personnel policies that exclude persons whose presence in the Armed Forces would create an unacceptable risk to the Armed Forces' high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.

### **C-15. Homosexual acts risk to standards of morale and discipline**

The presence in the Armed Forces of person's who demonstrate a propensity or intent to engage in homosexual acts would create an unacceptable risk to the high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.

## **Appendix D EO/Sexual Harassment Complaint Processing System**

### **D-1. Entering the complaints processing system**

The EO complaints processing system addresses complaints that allege unlawful discrimination or unfair treatment on the basis of race, color, religion, gender, and national origin. Attempts should always be made to solve the problem at the lowest possible level within an organization. Complaints by civilian personnel alleging discrimination should be handled in accordance with the procedures contained in AR 690-600, or as described in DOD and Department of the Army policy implementing 10 U.S. Code 1561, or as provided for in any applicable collective bargaining agreement.

#### *a. Informal complaint.*

(1) An informal complaint is any complaint that a Soldier or Family member does not wish to file in writing. Informal complaints may be resolved directly by the individual, with the help of another unit member, the commander or other person 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 time suspense. Accumulative numbers may be reported to MACOMS per their request on all informal complaints resolved through commander's inquiry and/or AR 15-6 investigating officer. It is recommended that anyone working on the resolution of informal complaints should prepare a memorandum of record (MFR). The MFR should include information indicating nature of complaint and identifying pertinent information to assist in the identification of unit's command climate.

(2) Although the processing of EO complaints through the unit chain of command is strongly encouraged, it will not serve as the only channel available to Soldiers to resolve complaints. Should the complainant feel uncomfortable in filing a complaint with his/her unit chain of command, or should the complaint be against a member of that chain of command, a number of alternative agencies exist through which the issues may be identified for resolution. Each of these agencies provides expertise in very specific subject areas. Commanders will not preclude Soldiers from using these channels in accordance with the procedures inherent/established by these agencies:

(a) Someone in a higher echelon of the complainant's chain of command.

(b) Inspector General.

(c) Chaplain.

(d) Provost Marshal.

(e) Medical agency personnel.

(f) Staff Judge Advocate.

(g) Chief, Community Housing Referral and Relocation Services Office (CHRRS).

(3) In some informal complaints, the person or agency receiving the complaint may be able to resolve the issue while maintaining the confidentiality of the complainant, as in the case of the chaplain or a lawyer. While maintenance of confidentiality should be attempted, it will neither be guaranteed nor promised to the complainant by agencies other than the chaplain or a lawyer.

(4) Initial actions by these alternative agencies are the same for informal and formal complaints. Any alternative agency that receives an informal complaint of unlawful discrimination or sexual harassment has the obligation to talk with the complainant. The agency should advise the complainant of his/her rights and responsibilities; listen to the complainant and find out as much information as possible concerning the complaint (including what the reasons are behind the complaint and why the individual is using the alternative agency opposed to his or her chain of command);

tell the complainant what role that agency has (for example, direct action on behalf of the complainant, information gathering, or referral to another agency or the commander for their action); what support services are available from other organizations that may help resolve the issues; explain the complaint system (principally, the differences between informal and formal complaints); and, then attempt to assure resolution of the issue (through mediation, intervention, counseling, training, and so forth).

(5) The commander must eliminate underlying causes of all complaints. More members of the unit, other than complainant and subject, are affected by complaints, especially those that go unresolved.

*b. Formal complaint.*

(1) 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.

(2) An individual files a formal complaint using a DA Form 7279 (Equal Opportunity Complaint Form).

(3) In Part I of DA Form 7279, the complainant will specify the alleged concern, provide the names of the parties involved and witnesses, describe the incident(s)/behavior(s), and indicate the date(s) of the occurrence(s). For EO complaints, the complainant will also state the EO basis of the complaint (for example, unlawful discrimination based upon race, color, religion, gender, or national origin. Complainant will be advised of the importance of describing the incident(s) in as much detail as possible to assist in the investigative process).

(4) The block entitled, "Requested Remedy" serves a variety of purposes for both the complainant and the command. The information in this block can vary in terms of the complainant's expectations of the investigative process and his or her reasonableness and credibility. If expectations that are not likely to be met come to the surface, they should be dispelled by the receiving agency (during acceptance of the complaint) through an explanation of the process and the possible outcomes. If the complainant's response is vindictive, vengeful, or malicious, and seems extreme in light of the events or circumstances, this may be helpful to the commander or investigating officer in terms of motive and believability.

(5) Soldiers have 60 calendar days from the date of the alleged incident in which to file a formal complaint. This time limit is established to set reasonable parameters for the inquiry or investigation and resolution of complaints, to include ensuring the availability of witnesses, accurate recollection of events, and timely remedial action. If a complaint is received after 60 calendar days, the commander may conduct an investigation into the allegations or appoint an investigating officer according to paragraph 5, below. 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 be conducted.

(6) The complainant should file his or her complaint with the commander at the lowest echelon of command at which the complainant may be assured of receiving a thorough, expeditious, and unbiased investigation of the allegations. Depending on the various aspects of the complaint and individuals involved, that lowest level commander may not be the immediate company or even battalion level commander of the complainant.

## **D-2. Actions of alternative agencies**

The agencies listed in paragraph 1a(2) of this appendix also serve as alternative avenues available to Soldiers for registering formal EO complaints. Initial actions by these alternative agencies are the same for informal and formal complaints. Upon receipt of a formal EO complaint of unlawful discrimination or sexual harassment, the alternative agency has the obligation to talk with the complainant, advise him/her of his/her rights and responsibilities, find out as much information as possible concerning the complaint (including what the reasons were for using the alternative agency and what the complainant's expectations might be for resolution of the complaint). The agency should also tell the complainant what role that agency has (action, information gathering, or referral to another agency or the commander for their action), what support services are available from other organizations, what the complaint processing procedures are (principally, the differences between informal and formal complaints) and what will be done with the individual's complaint. Receipt of formal complaints by any alternative agency (except Inspector General) will be annotated in writing on the DA Form 7279, Part I, item 9. If the alternative agency decides not to do an inquiry or conduct its own investigation and decides to refer the complaint to another agency or to the appropriate commander for his/her investigation, that referral must be made within 3 calendar days (at the next MUTA 4 or other regularly scheduled training for Army Reserve TPU Soldiers). For the purposes of receiving EO complaints, any commissioned officer is authorized to administer oaths and should do so in block 9a, DA Form 7279, prior to referring the complaint to the appropriate commander. The commander or agency receiving the referral will acknowledge receipt of the complaint in writing (DA Form 7279, Part I, item 11). In cases where the complaint is best resolved by the chain of command, the alternative agency refers the complaint to the commander at the lowest echelon of command at which the complainant may be assured of receiving a thorough, expeditious, and unbiased investigation of the allegations.

*a.* If during the course of an inquiry or investigation the receiving agency or commander identifies criminal activity, the complaint will be immediately referred to the proper agency (Provost Marshal or CID) for investigation. Refer to chapter 8 of this regulation for incidents of sexual assault.

*b.* Allegations of unlawful discrimination in housing, both on and off post, will be referred to the housing division for processing under the provisions of AR 210-50.

c. If a complaint is filed against a promotable colonel, an active or retired general officer, inspectors general 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.

### **D-3. Complaints filed with the Inspector General**

a. Complaints filed with the Inspector General will be processed as Inspector General Action Requests (IGARS), according to AR 20-1, rather than under the procedures outlined in this regulation. As such, 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.

b. Inspector General investigations are confidential and protected from unauthorized disclosure. They will include consultations with persons or activities as deemed appropriate by the Inspector General.

c. 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.

### **D-4. Actions of the commander upon receipt of complaint**

a. Upon receipt of a complaint, the commander is required to identify and rectify sexual harassment and the five factors of unlawful discrimination, to include race, color, gender, religion and national origin. The commander will ensure that the complainant has been sworn to the complaint ( DA Form 7279, block 9). If not, the commander will administer the oath and annotate it on the complaint form. The commander will fill out block 11 acknowledging receipt of the complaint form. All formal complaints will be reported within 3 calendar days to the first General Courts-Martial Convening Authority (GCMCA) in the chain of command. Additionally, the commander will provide a progress report to the GCMCA authority 21 days after the date on which the investigation commenced and 14 days thereafter until completion.

b. The commander will either conduct an investigation personally or immediately appoint an investigating officer according to the provisions of AR 15-6. Depending on the magnitude of the complaint, the commander may deem it necessary to ask the next senior commander in the chain of command to appoint the investigating officer.

c. The commander will establish and implement a plan to protect the complainant, any named witnesses, and the subject from acts of reprisal. The plan will include, as a minimum, specified meetings and discussions with the complainant, subject, named witnesses, and selected members of the chain of command and coworkers.

(1) Content of the discussions with the above named individuals will include the definition of reprisal with examples of such behavior; the Army's policy prohibiting reprisal; the 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; the procedures to report acts and/or threats of reprisal; the consequences of reprisal; possible sanctions against violators; a reminder of the roles and responsibilities of the leadership in the prevention of reprisal and protection of all parties involved; the command's support of a thorough, expeditious and unbiased investigation and good faith in attempting to resolve the complaint; and the need to treat all parties in a professional manner both during and following the conduct of the investigation.

(2) Discretion will be used to determine the extent of information provided and the numbers of personnel addressed in the discussions with the chain of command and coworkers. Investigating officers will treat all those they interview professionally and courteously and will limit their discussion to only those issues relating to the specific complaint.

(3) To prevent the plan from becoming an administrative burden, the plan need only consist of a one-page list (in bullet format) of actions to be accomplished. The commander will annotate the names of the personnel addressed and initial and date the actions as they are completed. The commander will provide a copy of the completed plan to the investigating officer and the EOA. The investigating officer will include the commander's plan to prevent reprisal as an exhibit in the investigative findings. The EOA will retain a copy of the commander's plan to prevent reprisal with the completed case file and use the plan to conduct follow-up assessment of the complaint.

### **D-5. Timeliness of action**

Rapid resolution of EO complaints is in the best interest of both the complainant and the command. Commanders receiving a complaint involving Army Reserve or Army National Guard Soldiers on active duty will make every attempt to resolve the complaint prior to the completion of the Soldiers' active duty tour. If necessary, the Army National Guard Soldiers will remain on active duty until the final resolution of the complaint. After receipt of the complaint, the commander to whom the complaint was given has 14 calendar days (or three MUTA 4 drill periods for Army Reserve TPU Soldiers) in which to conduct an investigation, either personally or through appointment of an investigating officer. If the complaint was referred to the commander from an alternate agency, or if the commander refers the complaint to an alternate agency, the 14 calendar days begins from the date the complaint was referred. If, due to extenuating circumstances, it becomes impossible to conduct a complete investigation within the 14 calendar days allowed (or three MUTA 4 drill periods for Army Reserve TPU Soldiers, that commander may obtain an extension from the next higher commander for usually not more than 30 calendar days (or two MUTA 4 drill periods for Army Reserve TPU Soldiers. After the initial 14-day suspense, all requests for extension must be requested in

writing from the next higher echelon commander. Upon receipt of an extension, the commander must inform the complainant of the extension, its duration, and the reasons for which it was requested. Any additional extensions must be approved in writing by the first general officer in the chain of command. Failure to adhere to prescribed timelines will result in automatic referral of the complaint to the next higher echelon commander for investigation and resolution.

## **D-6. Conduct of the investigation**

*a. Investigation.* The purpose of any investigation of unlawful discrimination or sexual harassment is to determine to the maximum extent possible what actually occurred, to assess the validity of allegations made by the complainant, to advise the commander of any leadership or management concerns that might contribute to perceptions of unlawful discrimination and poor unit command climate, and to recommend appropriate corrective actions. The commanding officer is responsible for ensuring the investigation is complete, thorough, and unbiased.

*b. Initial actions.* The commander who acts as the appointing authority will provide the investigating officer (IO) a copy of orders assigning him or her as the IO officer and the initiated DA Form 7279, which identifies the complainant and lists the allegations to be investigated. The IO will review AR 15-6 and AR 600-20 to review procedures applicable to the conduct of the investigation. Should the commander elect to investigate the allegations him- or herself, the procedures for investigating officer apply to the commander.

*c. Legal advice.* The investigating officer will meet with the servicing staff judge advocate or legal advisor to review how the conduct of the investigation should be conducted under AR 15-6 and AR 600-20. The discussion should include the specific requirements of both regulations, advice on how investigations are conducted, and advice on how to question an interviewee who is suspected of committing a violation of the UCMJ. After the investigating officer completes the investigation, the packet must be submitted for legal review.

*d. EOA assistance.* The investigating officer (the commander or appointed investigating officer) will meet with the unit's EO advisor prior to conducting the investigation. The EOA will assist the investigating officer in the development of questions to be addressed to the complainant, the subject and any witnesses or third parties. The EOA's skills in complaint handling, conflict resolution, and training in the subtleties of discrimination and sexual harassment enable him or her to advise investigative officers in these complex areas. The EOA will ensure the focus of the investigation is placed squarely on assessing the validity of the allegations and avoids shifting the focus of the investigation against the complainant. The EOA will remain available to the investigating officer for consultation and assistance throughout the conduct of the investigation.

*e. Conduct of interviews.* The investigating officer must interview every individual who may have firsthand knowledge of the facts surrounding the validity of the allegations. The investigating officer must also interview everyone who can substantiate the relationship or corroborate the relationship between the complainant and the subject. The investigating officer must interview the person who initially received the formal complaint, the complainant(s), any named witnesses, and the subject. The investigating officer should normally interview the subject after interviewing other witnesses, so that he or she will have a complete understanding of the alleged incident. If needed prior to the conclusion of the investigation, the investigating officer should conduct a second interview of the complainant and the subject. The investigating officer may choose to re-interview certain witnesses for clarification of conflicting statements. Should unit policies or procedures be called into question as contributing factors to perceptions of unlawful discrimination or hostile environment, the investigating officer will interview responsible members of the chain of command. It may be advisable to interview coworkers of the complainant and the subject for knowledge they may have about the alleged incidents or the relationship that exists between the complainant and subject.

*f. Identification of criminal act.* If, when interviewing any Soldier, including the subject, the investigating officer reasonably suspects that the individual has committed an offense in violation of the UCMJ, the investigating officer must advise the Soldier of his/her rights under Article 31, UCMJ. Investigating officers should consult with their servicing judge advocate or legal advisor before giving Article 31 rights warnings, and should record the suspect's election on DA Form 3881 (Rights Warning Procedure/Waiver Certificate). If the Soldier being questioned asks for a lawyer (that is, asserts his or her right to counsel), questioning must stop immediately and the interview must be terminated. Questioning may resume only in the presence of a lawyer, if the Soldier initiates further discussion or if the Soldier has consulted with a lawyer and thereafter waives his/her rights pursuant to a proper rights advisement. Similarly, questioning of a Soldier must stop immediately if a Soldier indicates the desire to remain silent. Once this right is asserted, questioning may resume only if the Soldier initiates further questioning or if after an appropriate interval, the Soldier waives his or her rights pursuant to a proper rights advisement. (See Article 31, UCMJ; Military Rules of Evidence 304 and 305, Manual for Courts-Martial).

*g. Supporting documents.* The investigating officer should secure copies of any documents that might substantiate or refute the testimony of the complainant, subject, or named witnesses. These documents may include copies of unit and personnel records and the complainant's personal documents. The investigating officer will also procure a copy of the commander's plan to prevent reprisal for inclusion in the final report of investigation.

*h. Unit climate, policies and procedures.* During the course of the investigation, the investigative officer should note concerns or observations of unit policy, procedures, and individual leadership or management techniques that may have a dysfunctional effect upon unit climate and foster discriminatory behavior and/or a hostile environment.

*i. Investigative findings and recommendations.* When the investigation is completed, the investigating officer should

review the evidence, determine if the investigation adequately addresses allegations, make factual findings about what occurred, and provide recommendations consistent with the findings.

*j. EOA review.* Prior to submission of the report to the appointing authority, the investigating officer and EOA will meet and review the report. The EOA will attach a memorandum documenting his/her review.

*k. Investigative report.* The following items are required enclosures to the report presented to the appointing authority—

- (1) Orders of appointment as investigating officer.
- (2) Copy of the DA Form 7279 with attached continuation sheets.
- (3) Copy of the completed/initialed commander's plan to prevent reprisal.
- (4) List of questions developed with EO advisor.
- (5) Statements/synopses of interviews with complainant(s), named witnesses, and subject(s) and relevant members of the chain(s) of command.
- (6) Copies of supporting documents.
- (7) Description/assessment of unit policies, procedures that may have contributed to perceptions of unlawful discrimination or sexual harassment within the unit.
- (8) Written approval of next higher echelon commander for any approved extensions.
- (9) Written explanation of extenuating circumstances that prevented the investigating officer from interviewing any named witnesses, complainants, or subjects.
- (10) Written review by the EO advisor.

#### **D-7. Actions by the appointing authority (commander) upon receipt of the report of the investigation**

The appointing authority will submit the report of investigation to the servicing staff or command judge advocate for a determination of legal sufficiency. After the legal review is completed, the appointing authority will decide whether further investigation is necessary or whether to approve all or part of the findings and recommendations. If the appointing authority is senior to the subject's commander, the appointing authority may refer the matter to that unit commander for appropriate action(s), unless the appointing authority or a more senior commander has reserved authority to take action on EO matters.

*a. Actions to resolve complaints.* A complaint is resolved by action to restore benefits and privileges lost because of unlawful discrimination or sexual harassment. Punitive or administrative actions against an offender do not necessarily change offending behaviors or rectify the situation for the individual complainant or unit. Commanders will take corrective action to preclude recurrence of discriminatory or sexually harassing conduct and address any management deficiencies or other contributing factors that caused the allegations to be raised. Commanders will also look at the causes of why complainants raised unsubstantiated complaints. Actions taken (or to be taken) by the commander and the chain of command will be annotated on DA Form 7279, Part III. Specific actions taken against the perpetrator will not be annotated on the form. This information will be discussed with the complainant. The commander and/or EOA will also inform the complainant and the subject(s) of the complaint of his/her right to appeal and make them aware of timelines and procedures to file that appeal. The complainant and subject(s) will sign and date the DA Form 7279 to acknowledge receiving this information. This acknowledgment does not necessarily signify the complainant's agreement with the findings or actions taken to resolve the complaint.

(1) Actions upon substantiated complaint(s). A substantiated EO discrimination or 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 treated differently because of his or her race, color, national origin, gender, or religious affiliation. The standard of proof is a "preponderance of the evidence" standard. This means that the findings of the investigation must be supported by a greater weight of evidence than supports a contrary conclusion, or—in other words—evidence that, after considering everything that is presented, points to one particular conclusion as being more credible and probable than any other conclusion. The "weight of the evidence" is not determined by the number of witnesses or volume of exhibits, but by considering all the evidence and evaluating such factors as the witness's demeanor, opportunity for knowledge, information possessed, ability to recall and relate events, and other indications of veracity. When an allegation of discrimination is substantiated, that finding is annotated on the DA Form 7279, Part II. The commander must decide what corrective action to take. Corrective action may be administrative or punitive.

*(a) Administrative action.* Offenders will, as a minimum, undergo counseling by a member of the chain of command, presumably their company-level commander. Commanders have the full range of administrative actions available to them to deal with offenders of Army policy on EO (including the prevention/eradication of sexual harassment), to include discharge from the Service, bar to reenlistment, adverse performance evaluations and/or specific comments concerning nonsupport of EO/EEO programs on evaluation reports, relief for cause, administrative reduction, admonition, reprimand, administrative withholding of privileges, and rehabilitative transfer to another unit. Commanders should determine whether the victim desires to be transferred to another unit, but they should not subject the complainant to "double victimization" by requiring that he or she be transferred to another unit while leaving the offender in the unit.

*(b) UCMJ.* Violators of Army policies on EO and the prevention/eradication of sexual harassment, whose conduct



violates a punitive article of the UCMJ, may be charged and prosecuted. Nonjudicial punishments (for example, Article 15) will be posted in the unit area in accordance with AR 27–10. Courts-Martial convictions may be published in installation newspapers and/or posted in the unit area where deemed appropriate.

(2) Actions upon an unsubstantiated complaint. 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 EO 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. The complainant will sign and date the DA Form 7279 to acknowledge receiving this information. This acknowledgment does not necessarily signify the complainant's agreement with the actions taken.

(3) Actions to resolve complaints should focus on changing inappropriate behavior of offending personnel and avoid targeting the complainant. The complainant's job and status should not be affected unless he or she requests such a remedy, and the chain of command will do so only after weighing the impact on readiness.

*b. Feedback.* The commander will provide periodic feedback, throughout the process, to the complainant and the subject on the status of the investigation.

(1) The commander will provide written feedback to the complainant not later than the 14th calendar day (by the end of the third MUTA 4 period for Reserve components) after receiving the complaint and then provide updates every 14 calendar days (three MUTA 4 drill periods) until final resolution. Written feedback should incorporate any verbal updates provided to the complainant. Written feedback will be as complete as possible consistent with limitations of the Privacy Act and the FOIA. Whenever possible, the commander should meet with the complainant to discuss the status of the investigation, to include findings and actions to resolve the issue. Oral feedback should be consistent with the limitations of the Privacy Act and the FOIA.

(2) Commanders will also provide written feedback to the subject on the outcome of the investigation and subsequent actions to be taken by the chain of command. The chain of command is advised to use discretion in limiting feedback to personnel involved. This feedback should also be consistent with the limitations of the Privacy Act and the FOIA.

#### **D–8. Appeals process**

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. The complainant may not appeal the action taken against the perpetrator, if any is taken. If subject(s) of the complaint perceive the investigation has failed to reveal all relevant facts to prove his or her innocence, he or she has the right to appeal to the next higher commander in his or her chain of command. Geographically remote units, field operating agencies, and various other organizations (including tenant units on the installation) will promulgate memoranda of understanding or installation standing support agreements between the installation (supporting) commander and their units. These documents will serve to provide the necessary guidance to unit personnel for the courses of action to be taken with appeals. EO appeals that may potentially leave the Army chain of command must be forwarded to HQDA, ODCS, G–1, ATTN: DAPE–HR–L for resolution.

*a.* The appeal must be presented within 7 calendar days (at the next MUTA 4 drill period for Reserve components) following notification of the results of investigation and acknowledgment of the actions of the command to resolve the complaint. The complainant must provide a brief statement that identifies the basis of the appeal. This will be done in writing on the DA Form 7279, Part IV, and the complaint form will be returned to the commander in the chain of command who either conducted the investigation or appointed the investigating officer.

*b.* Once the appeal is initiated by the complainant, the commander has three calendar days (or one MUTA 4 drill period for Reserve components) to refer the appeal to the next higher unit commander (or installation commander for those tenant units with Memoranda of Understanding that designate an appellate authority).

*c.* The commander to which the appeal is made has 14 calendar days (or three MUTA 4 periods for Reserve components) to review the case and act on the appeal (that is, approve it, deny it, or conduct an additional investigation). Not later than the 14th calendar day following receipt of the appeal (or appropriate RC timelines), this commander will provide written feedback, consistent with Privacy Act and FOIA limitations, to the complainant on the results of the appeal. This process applies equally to subsequent appeals submitted through the chain of command.

#### **D–9. Final resolution upon appeal**

Complaints that are not resolved at brigade level may be appealed to the General Courts-Martial Convening Authority. The only exception to this is where organizations have memorandums of understanding or support that delegate Uniform Code of Military Justice authority to a local commander. Decisions at this level are final.

#### **D-10. Follow-up assessment**

The EO advisor (EOA) will conduct a follow-up assessment of all formal EO and sexual harassment complaints, both for substantiated and unsubstantiated complaints, 30 to 45 calendar days (four to six MUTA 4 drill periods for Reserve components) 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 findings of this assessment will be annotated on DA Form 7279-1 (Equal Opportunity Complaint Resolution Assessment) and maintained by the EOA. The EOA will present findings and recommendations to the commander for further consideration/action within 15 calendar days (second MUTA 4 drill period for Reserve components). After the commander reviews the EOA findings and recommendation, the assessment is attached to the original complaint and maintained with the rest of the file. DA Form 7279-1 is available on the APD Web site.

#### **D-11. Documentation/reporting of formal complaints**

a. After the complainant's case is closed, the entire complaint packet will be filed by the EOA who is the first in the complainant's chain of command.

b. The EOA retains the complaint file. Complaints will be retained on file for 2 years from the date of the final decision on the case, using the Army Record Information Management System (ARIMS).

c. In addition to the completed DA Forms 7279 and DA Form 7279-1, the EOA will retain the following information (using the memorandum for record format) for each case:

- (1) The name, rank, and organization of the individual who conducted the inquiry/investigation;
- (2) Complete report of investigation to include written review by EOA and servicing Staff Judge Advocate; and,
- (3) The status or results of any judicial action, nonjudicial punishment, or other action taken to resolve the case.

d. The commander processing the complaint involving Army National Guard Soldiers will send an information copy of the information in c, above to NGB-EO within 30 days.

#### **D-12. Actions against Soldiers submitting false complaints**

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 the UCMJ.

#### **D-13. Complaint procedures for Army Reserve Soldiers serving in the Individual Ready Reserve or those Soldiers not assigned to a unit**

a. *Complaint filed during active duty tour.* Complaint procedures will remain the same as for active duty personnel. Active and reserve Army commanders, upon receiving a complaint from members of the Individual Ready Reserve (IRR) or Individual Mobilization Augmentee (IMA), from Soldiers performing active duty for special work or temporary tour of active duty, or from any reservist who is not a member of a troop program unit, will make every attempt to resolve the complaint prior to the completion of the Soldier's active duty tour.

(1) *Timelines.* Should the complaint be filed but not resolved prior to the Soldier's release from active duty (REFRAD), the timelines will be modified. The active Army or Reserve Component 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.

(2) *Appeals.* The complainant and subject(s) of the complaint will have 30 calendar days from notification of the results of the investigation 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 has the discretion to consider an appeal based on its merits.

(3) *Final decision.* 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 AHRC within 30 calendar days of the receipt of the appeal.

b. *Complaint filed subsequent to REFRAD.* In the event the complaint is filed after the active duty tour has ended, the complainant will file a sworn complaint on DA Form 7279 (Part I through item 9) to the AHRC EOA. (Soldiers may contact the AHRC EO office for this form at Commander, AHRC, ATTN: ARPC-ZEQ, 9700 Page Boulevard, St. Louis, MO 63132-5200.) Upon the receipt of DA Form 7279, AHRC will forward the complaint to the appropriate commander of the subject(s) of the complaint active duty unit for investigation.

(1) *Timelines.* That commander will have 30 calendar days from date of receipt of the complaint to conduct an investigation and to provide feedback to the complainant. (Extensions, not to exceed an additional 45 calendar days, may be granted by higher echelon commander.)

(2) *Appeals.* Complainants and subject(s) of the complaint will have 30 calendar days from notification of the results of investigation/to appeal/decline appeal. Appeals filed more than 30 calendar days after notification must be accompanied by a written explanation of the reasons for delay. The commander has the discretion to consider an appeal based on its merits.

(3) *Final notification.* Within 30 calendar days of receipt of appeal, the commander will provide notification of final decision to the complainant and subject(s) of the complaint, next higher headquarters, and AHRC.

#### **D-14. Complaint procedures for Army National Guard Soldiers**

While on active duty for 30 days or more, ARNG Soldiers will follow the complaint procedure outlined in this regulation. In all other cases, ARNG Soldiers will follow the complaints procedures outlined in National Guard Regulation (NGR) 600-22, National Guard Military Discrimination Complaint System.

a. *Jurisdiction.* The responsibility for processing the complaint belongs to the commander at the lowest echelon of the subject's chain of command that can assure a thorough, expeditious, and unbiased investigation of the allegations.

b. *Complaints involving ARNG Soldiers filed, but not resolved, during an active duty tour.* If the duty status changes for the subject of an unresolved complaint, the commander with UCMJ or equivalent authority over the subject will receive the complaint and complete the processing of the complaint.

c. *Complaints filed after release from active duty.* An ARNG Soldier may file a complaint with the State Equal Employment Manager (SEEM) based upon unlawful discrimination that occurred while the Soldier was on active duty. The complaint must be filed within 180 calendar days of the date of the alleged unlawful discrimination or of the time that the Soldier knew or reasonably should have known of the unlawful discrimination.

(1) If both the complainant and the subject are ARNG, follow NGR 600-22 to coordinate with the appropriate National Guard agency representative for processing.

(2) If the subject is from a different component or branch of the service than the complainant, contact the senior Equal Opportunity office of the subject's component or branch of the service to determine the appropriate jurisdiction with the purview to remedy.

d. *Commanders processing a complaint involving an ARNG Soldier* will send an information copy of the completed complaint to NGB-EO-CR within 30 days as per paragraph C-11d.

## **Appendix E Command Climate Survey**

### **E-1. Requirement**

Company commanders (company-level equivalents) will administer the Command Climate within 90 days (Active Army) or 180 days (Army National Guard, U.S. Army Reserve) of assuming command and annually thereafter. At their discretion company commanders may administer the survey more often and may also use additional survey instruments to assess the unit climate. The survey is voluntary for commanders above company level.

### **E-2. Confidential results**

Because this survey is first administered shortly after a change of command, the results should not be seen as a reflection upon the new commander but simply as a starting point for improving the unit's command climate. Results are intended for the company commander's use and are not reported up the chain of command. Feedback should be provided in a timely manner to individuals who completed the survey.

### **E-3. Compliance**

After the company commander has administered and analyzed the Command Climate Survey and has developed action plans, the brigade EO advisor (EOA), will note completion in the brigade Quarterly Narrative Statistical Report (QNSR). Completion of the Command Climate Survey is an item that is checked under the Command Inspection Program.

### **E-4. Role of the EO advisor (EOA)**

The EOA role is to discuss assessment results with the commander to aid in developing action plans. Results are best when the commander takes a proactive role in analyzing data and planning for unit improvements.

### **E-5. Obtaining the Command Climate Survey**

The Command Climate Survey (CCS) can be found on the US Army Research Institute for the Behavioral Sciences Web site-[www.hqda.army.mil/ari/surveys](http://www.hqda.army.mil/ari/surveys). The actual survey is available in two formats:

a. *Automated.* This is a Windows-based version of the Command Climate Survey. It permits administration and data collection on disks, single or multiple computers, and/or a Local Area Network (LAN). The program compiles and analyzes the results and produces bar charts and reports that can be printed or displayed.

b. *"Paper & Pencil."* This version is available for those who want to review the questions and/or conduct the survey without automation. There is no data compilation or analysis tool with this option. It is available in three formats; MS Word, EXE (self-extracting zipped file) and PDF. You can save the file, open it, and print a copy. For more information contact US Army Research Institute for the Behavioral and Social Sciences, 2511 Jefferson Davis

### **E-6. Commander's training module**

Command Policy (AR 600-20) requires commanders of company-size units to conduct the "Command Climate Survey" as a tool for reviewing the climate factors (for example, leadership, cohesion, morale) that affect their unit's effectiveness. This Training Module is designed to help commanders prepare to conduct a survey, read and interpret survey results, develop action plans based on survey findings, and conduct feedback sessions. Additionally, Training Circular (TC) 26-6, Commander's Equal Opportunity Handbook, provides useful information on conducting a climate assessment and using the Command Climate Survey.

### **E-7. Anonymity**

Survey results are anonymous. When a race/ethnic or gender group consists of fewer than five members, do not split results for that group. For example, if a unit has only four females, do not separate the results for females or for males. If there are only four African Americans in the unit, consider combining the results for all nonwhites and compare the results for racial or ethnic minorities versus the majority. The computerized version of the Command Climate Survey automatically suppresses results for groups with fewer than five individuals.

## **Appendix F The Sexual Assault Review Board**

### **F-1. Purpose**

This appendix prescribes mission, responsibilities, procedures and policies pertaining to installation level sexual assault review boards (SARB) at garrison installations and deployed environments. In a deployed environment, the SARB will be convened at brigade or higher level as appropriate and follow the same format as the installation SARB.

### **F-2. Mission**

The SARB provides executive oversight, procedural guidance and feedback concerning the installation's Sexual Assault Prevention and Response program. This board reviews the installations prevention program and the response to any sexual assault incidents occurring at the installation. This includes reviewing cases and procedures to improve processes, system accountability and victim access to quality services.

### **F-3. Sexual assault review board composition**

*a.* The installation commander (senior mission commander, regional readiness commander, or state joint forces headquarters level commander) is responsible for the SARB and will convene this multi-disciplinary board on a monthly basis. The installation's sexual assault response coordinator (SARC) is a required member of this board.

*b.* The SARB will consist of the following military or civilian professionals:

- (1) SARC.
- (2) Victim advocate (as appropriate when their case is being discussed and when deemed necessary by the installation commander).
- (3) Army Criminal Investigation Command (or other Service military criminal investigative organization, if required).
- (4) Staff judge advocate or representative.
- (5) Provost marshal or representative, law enforcement (military or civilian police services).
- (6) Chaplain or representative.
- (7) Sexual assault clinical provider or sexual assault care coordinator.
- (8) Chief, Behavioral Health.
- (9) Other members may be appointed by nature of their responsibilities as they pertain to sexual assault (for example, victim witness liaisons, Alcohol and Substance Abuse Program (ASAP) representative).

### **F-4. Responsibilities**

- a.* The installation commander or designated representative will chair the SARB and will—
- (1) Convene SARB meetings at least monthly to review sexual assault cases.
  - (2) Provide SARB findings through the appropriate command channels noting deficiencies in the installation processes and procedures for preventing or responding to sexual assault.
  - (3) Implement process improvements to ensure system accountability and an effective victim services program.
  - (4) Ensure that the installation's multi-disciplinary sexual assault prevention and response service providers are receiving appropriate training and have the necessary resources to do the job.

- (5) Facilitate monthly victim updates.
- (6) Maintain the integrity of confidential cases (that is, do not discuss any identifying information rather use case numbers or other non-identifying data).
  - b.* The SARB members will—
    - (1) Perform required functional tasks as designated by the appropriate regulations and as directed by the installation commander.
    - (2) Conduct ongoing reviews of current procedures for each alleged sexual assault case for compliance with regulations, local policies and in keeping with the accepted high standards of victim care.
    - (3) Meet at least monthly to review the handling and disposition of all alleged sexual assault cases. Provide recommendations to the SARB on ways to improve the processing of sexual assault cases.
    - (4) Participate in training as required. Determine sexual assault prevention and response training needs of your agency by monitoring each alleged sexual assault incident. Identify training requirements to the SARB.
    - (5) Conduct ongoing reviews of memoranda of agreement with other Services and civilian agencies regarding sexual assault prevention and response support. Provide updates to the SARB and recommendations for improvements as necessary.

## **Appendix G**

### **Army Sexual Assault Prevention and Response Program Sexual Assault Victim Assistance Actions**

#### **G-1. Responsibility for actions after a report of sexual assault**

Although the commander has significant leadership responsibility for actions after a report of sexual assault, not necessarily all of the actions listed in paragraph G-2 will be taken by the commander.

#### **G-2. Actions to be taken in the event of receiving a report of sexual assault**

The actions in the following list are to be taken in the event of receiving a report of sexual assault.

- a.* Ensure the physical safety of the victim-determine if the alleged assailant is still nearby and if the victim needs protection.
- b.* Advise the victim of the need to preserve evidence (for example, by not bathing, showering, washing garments).
- c.* Encourage the victim to report the incident and get a medical examination immediately (even if the incident occurred prior to the past 72 hours).
- d.* Make appropriate administrative and logistical coordination for movement of victim to receive care. (Involve the minimum number of personnel possible and only on a need-to-know basis).
- e.* Ask if the victim needs a support person (for example, a personal friend, victim advocate, chaplain) to immediately join the victim.
- f.* Notify the Sexual Assault Response Coordinator (SARC).
- g.* Notify the Chaplain if the victim requests pastoral counseling or assistance.
- h.* Notify the Criminal Investigation Command, military police, installation provost marshal (per AR 195-1, paragraph 6), and commanders in the chain of command (as appropriate) within 24 hours (as soon as the victim's safety is established and victim's medical treatment procedures are in motion) and—
  - (1) Limit the details regarding the incident to only those personnel who have a legitimate need to know.
  - (2) Take action to safeguard the victim from any formal or informal investigative interviews or inquiries, except by those personnel who may have a "need to know", including but not limited to, the Criminal Investigation Command investigator(s) and the trial counsel.
  - (3) Collect only the necessary information (for example, victim's identity, location and time of the incident, name and/or description of offender(s)). Do not ask detailed questions and/or pressure the victim for responses.
- i.* Ensure the victim is made aware of, and encouraged to exercise, their options during each phase of the medical, investigative, and legal processes.
- j.* Ensure the CID notifies victims and witnesses of their rights through a completed Victims and Witnesses of Crime form, DD Form 2701. (Reference AR 27-10).
- k.* Inform the victim of the resources in theater that are available through the Victim and Witness Assistance Program (VWAP) (AR 27-10). Also, inform the victim of resources accessible from anywhere in the world (that is, Military One Source (from U.S.: 1-800-464-8107; International: 800-464-81077; International collect: 484-530-5889, 24-hours-a-day, 7-days-a-week)).
- l.* Provide emotional support to the victim, including—
  - (1) Throughout the investigation, consult with the victim and, to the extent practicable, accommodate the victim's wishes, as long as a full and complete investigation is not compromised.

(2) Listen/engage in quiet support of the victim, as needed. Be available in the weeks and months following the sexual assault, and ensure the victim that she/he can rely on the commander's support.

(3) Emphasize to the victim the availability of additional avenues of support; refer to available counseling groups and other victim services.

(4) Confer with the commander's legal representative and/or servicing SJA office to consider legal options, responsibilities (for example, pretrial restraint, military protective order), and appropriate disposition of the alleged offense.

(5) If the subject is a foreign national or from a coalition force, confer with SJA on responsibilities, options, and victims rights (in theater).

(6) Determine the best courses of action for separating the victim and the subject during the investigation.

(a) Determine whether the victim desires to be transferred to another unit.

(b) Determine if the suspect needs/desires to be transferred to another unit.

(c) Consider whether a Military Protection Order (MPO) (DD Form 2873), referred to as "no contact order," is appropriate.

(d) Coordinate with sexual assault response agencies and the chain of command (involve as few people as possible and only on a need to know basis, protecting the victim's privacy) to determine if the victim's condition warrants redeployment or reassignment until there is a final legal disposition of the sexual assault case and/or the victim is no longer in danger.

(e) To the extent practicable, preferential consideration related to the reassignment should be based on the victim's desires.

m. Flag (suspend favorable personnel actions) any Soldier under charges, restraint, or investigation for sexual assault in accordance with AR 600-8-2 (Suspension of Favorable Actions), and suspend the Soldier's security clearance in accordance with AR 380-67, The Department of the Army Personnel Security Program.

n. Avoid automatic suspension or revocation of the victim's security and/or personnel reliability program clearance, when possible, as the victim can be treated for their related trauma. Consider the negative impact that suspension of a victim's security clearance has on both the victim's sensitivity and the service climate for reporting. Commanders should consider making this decision in consultation with a credentialed behavioral health professional.

o. Determine how to best dispose of the victim's collateral misconduct. Absent overriding considerations, commanders should consider exercising their authority in appropriate cases to defer disciplinary actions for the victim's misconduct until after the final disposition of the sexual assault case.

p. Update the battalion or higher-level commander on the status of the victim and subject(s) within 14 calendar days, and on a monthly basis thereafter, until the case is officially closed. If the victim or subject is transferred or redeployed prior to the case closing, coordinate with investigative and SJA personnel before ceasing monthly updates on parties involved.

q. Update the victim on a monthly basis on the sexual assault investigation until its final disposition. Furthermore, initiate follow-up with the victim within 45 days after disposition of the case.

r. Consult with the servicing legal office, criminal investigative organization, and notify the assigned victim advocate prior to taking any administrative action affecting the victim.

s. Ensure unit personnel are abreast of risk factors associated with sexual assault, especially those risk factors unique to the deployed environment.

## **Appendix H Confidentiality/Restricted Reporting**

### **H-1. Purpose**

This appendix establishes the Army's guidelines for restricted and unrestricted reporting by victims of sexual assault.

### **H-2. Mission**

The Army is committed to ensuring victims of sexual assault are protected, treated with dignity and respect, and provided support, advocacy and care. Army policy strongly supports effective command awareness and prevention programs, and law enforcement and criminal justice activities that will maximize accountability and prosecution of sexual assault perpetrators. To achieve these dual objectives, the Army prefers complete reporting of sexual assaults to activate both victims' services and accountability actions. However, recognizing that a mandate of complete reporting may represent a barrier for victims to access services when the victim desires no command or law enforcement involvement, there is a need to provide an option for confidential reporting.

### **H-3. Commander's responsibility**

Assuring privacy and providing a confidential disclosure option for sexual assault victims is critical to discharging our commitment. Sexual assault is the most under reported violent crime in our society and in the military. Although the

victim's decision to report is a crucial step following a sexual assault, reporting is often precluded by the victim's desire for no one to know what happened. 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. Subject matter experts agree that a system that promotes privacy/confidentiality can have a positive impact in bringing victims forward to provide information about being assaulted.

#### **H-4. Confidential reporting**

Confidentiality or confidential reporting allows a uniformed service member to report a sexual assault to specified individuals. Confidential reporting consists of two components: restricted and unrestricted reporting.

*a. Restricted reporting.* A Soldier who is sexually assaulted and desires medical care, counseling and victim advocacy, without initiating the investigative process should use the restrictive reporting option. Restricted reporting allows a sexual assault victim to confidentially disclose the details of his/her assault to specifically identified individuals and receive medical treatment and counseling, without triggering the official investigative process. Restricted reporting is intended to give victims additional time and increased control over the release and management of their personal information, and to empower them to seek relevant information and support to make more informed decisions about participating in the criminal investigation. A victim who receives appropriate care and treatment, and is provided an opportunity to make an informed decision about a criminal investigation is more likely to develop increased trust that his/her needs are of primary concern to the command and may eventually decide to pursue an investigation. Even if the victim chooses not to pursue an official investigation, this additional reporting avenue gives commanders a clearer picture of the sexual violence within their command, and enhances a commander's ability to provide an environment that is safe and contributes to the Well-being and mission-readiness of all of its members. Restricted reporting procedures follow:

(1) Soldiers who are sexually assaulted and desire restricted reporting under this policy should report the assault to the Sexual Assault Response Coordinator (SARC), a victim advocate, or a healthcare provider.

(2) Consistent with current policy, Soldiers may also report the assault to a chaplain. This policy on restricted reporting is in addition to the current protections afforded privileged communications with a chaplain, and does not alter or affect those protections.

(3) Upon notification of a reported sexual assault, the SARC will immediately assign an installation victim advocate or unit victim advocate.

(4) The assigned victim advocate will provide the victim accurate information on the process to include the process of restricted vice unrestricted reporting.

(5) The SARC or victim advocate will ensure the victim acknowledges in writing his or her understanding that restricted reporting may limit the ability of the Government to prosecute the assailant, restrict the Army's ability to provide adequate measures to limit contact between the victim and the assailant, and an understanding of the reasons Army policy favors unrestricted reporting.

(6) Healthcare providers will, with the consent of the victim, initiate the appropriate care and treatment, and report the sexual assault to the SARC in lieu of reporting the assault to law enforcement or the chain of command. Additionally, at the victim's discretion/request, the healthcare provider, if appropriately trained and supervised, will conduct a forensic medical examination, which may include the collection of evidence. Disposition instructions for such evidence are provided in appendix J.

(7) If a Department of Defense healthcare provider is not available, the victim will be appropriately referred to a civilian provider for the forensic examination, if the victim requests such a forensic examination.

*b. Unrestricted reporting.* A Soldier who is sexually assaulted and desires medical treatment, counseling and an official investigation of his/her allegation should use current reporting channels, for example, chain of command, law enforcement or report the incident to the SARC. Upon notification of a reported sexual assault, the SARC will immediately assign a Victim Advocate. Healthcare providers will, with the consent of the victim, initiate the appropriate care and treatment, and report the sexual assault to law enforcement or the chain of command. Additionally, at the victim's discretion/request, the healthcare provider will conduct a forensic medical examination, which may include the collection of evidence. Details regarding the incident will be limited to only those personnel who have a legitimate need to know.

#### **H-5. Confidential communication**

*a.* Regardless of whether the Soldier elects restricted or unrestricted reporting, confidentiality of medical information will be maintained in accordance with current guidelines on the Health Insurance Portability and Accountability Act (HIPAA).

*b.* In cases where a victim elects restricted reporting, the SARC, assigned Victim Advocate (whether uniformed or civilian), and healthcare providers may not disclose covered communications to law enforcement or command authorities, either within or outside the DOD, except as provided in the exceptions below.

*c.* Covered communications are oral, written, or electronic communications of personally identifiable information made by a victim to the SARC, assigned victim advocate or to a healthcare provider related to their sexual assault.

*d.* For purposes of public safety and command responsibility, the SARC is responsible for reporting information concerning sexual assault incidents, without information that could reasonably lead to personal identification of the victim, to installation command officials within 24 hours of the incident.

*e.* In the event that information about a sexual assault is disclosed to the commander from a source independent of the restricted reporting avenues, or to law enforcement from other sources, the commander will report the matter to law enforcement and law enforcement remains authorized to initiate its own independent investigation of the matter presented. Additionally, a victim's disclosure of his/her sexual assault to persons outside the protective sphere of the persons covered by this policy may result in an investigation of the allegations.

*f.* This policy does not create any actionable rights for the alleged offender or the victim, nor constitute a grant of immunity for any actionable conduct by the offender or the victim. Covered communications that have been disclosed may be used in disciplinary proceedings against the offender or the victim, even if such communications were improperly disclosed.

*g.* Improper disclosure of covered communications, improper release of medical information, and other violations of this policy are prohibited and may result in discipline under the Uniform Code of Military Justice, loss of credentials, or other adverse personnel or administrative actions

#### **H-6. Exceptions to confidentiality**

*a.* In cases in which victims elect restricted reporting, the prohibition on disclosing covered communications is waived to the following persons or entities when disclosure would be for the following reasons:

(1) Command officials or law enforcement when disclosure is authorized by the victim in writing.

(2) Command officials or law enforcement when disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of victim or another.

(3) Disability retirement boards and officials when disclosure by a healthcare provider is required for fitness for duty for disability retirement determinations, limited to only that information that is necessary to process disability retirement determination.

(4) SARC, victim advocates, or healthcare provider when disclosure is required for the supervision of direct victim services.

(5) Military or civilian courts of competent jurisdiction when disclosure is ordered by or is required by Federal or state statute. SARC, victim advocates, and healthcare providers will consult with the servicing legal office in the same manner as other recipients of privileged information to determine if the criteria apply and they have a duty to obey. Until those determinations are made, only non-identifying information should be disclosed.

*b.* Healthcare providers may convey to the command any possible adverse duty impact related to the victim's medical condition and prognosis in accordance with DOD 6025.18-R, Health Insurance Portability and Accountability Act. Such circumstances however, do not otherwise warrant an exception to policy, and therefore the specific details of the sexual assault will still be treated as covered communication and may not be disclosed.

#### **H-7. Covered communication**

*a.* Improper disclosure of covered communications, improper release of medical information, and other violations of this policy are prohibited and may result in discipline under the Uniform Code of Military Justice, loss of credentials, or other adverse personnel or administrative actions.

*b.* In the event that information about a sexual assault is disclosed to the commander from a source independent of the restricted reporting avenues, or to law enforcement from other sources, the commander may report the matter to law enforcement and law enforcement remains authorized to initiate its own independent investigation of the matter presented. Additionally, a victim's disclosure of his/her sexual assault to persons outside the protective sphere of the persons covered by this policy may result in an investigation of the allegations.

*c.* This policy does not create any actionable rights for the alleged offender or the victim, nor constitute a grant of immunity for any actionable conduct by the offender or the victim. Covered communications that have been disclosed may be used in disciplinary proceedings against the offender or the victim, even if such communications were improperly disclosed.

*d.* The Army recognizes the potential impact of restricted reporting on investigations and the commander's ability to hold perpetrators accountable, and this policy decision represents the judgment that such risks have been carefully considered but were outweighed by the overall interest in providing sexual assault victims this form of support. This policy supersedes all regulatory and policy guidance within the Department of Army not expressly mandated by law that is inconsistent with its provisions, or would preclude execution.

## **Appendix I Essential Training Tasks for a Sexual Assault Response Capability**



## I-1. Purpose

This appendix establishes mandatory baseline training standards for sexual assault response groups. These Department of Defense (DOD) standards will ensure that any Service member who is assaulted will receive the same level of response regardless of his or her particular Military Service. Responder groups are composed of personnel in the following disciplines or positions:

- a. Sexual assault response coordinators (SARC),
- b. Victim advocates (VA).
- c. Healthcare.
- d. Law enforcement and criminal Investigators.
- e. Judge advocates.
- f. Chaplains.

## I-2. Mission

Effective with this regulation, the following essential training tasks are mandatory for each respective response group. Commanders, responsible for these response groups, are required to ensure the training curricula incorporate these essential training tasks, including the frequency and content of periodic refresher training. Compliance with and achievement of the mandated essential training tasks will be made the subject of command inspections.

## I-3. Essential training tasks

The essential training tasks for sexual assault response groups are listed below. These are the minimum baseline training tasks and can be added to as required.

a. *Sexual Assault Response Coordinators (SARC)*. The Sexual Assault Response Coordinator (SARC) is expected to be the center of gravity for the sexual assault response capability for a given command. The SARC reports to a installation commander when an assault occurs and has direct supervision and management of sexual assault victim advocates when in the performance of their duties as a victim advocate. All SARC will receive initial and periodic refresher training on the following essential tasks:

- (1) Victim advocate training.
- (2) Roles and responsibilities-command relationship.
- (3) Victim advocate screening.
  - (a) Recent victims.
  - (b) Offenders.
  - (c) Personal biases.
- (4) Case management skills.
- (5) Management skills.
  - (a) Required reports.
  - (b) Proper documentation.
  - (c) Restricted reporting. (d) Unrestricted reporting. (e) Training.

1. Victim advocates.
2. Installation personnel (civilian and military).

b. *Victim advocates (VA)*. All victim advocates will receive initial and periodic refresher training on the following essential tasks:

- (1) Sexual assault response policies.
  - (a) Department of Defense (DOD).
  - (b) Army.
  - (c) Other Services.
  - (d) Confidentiality policy rules and limitations.
- (2) Critical advocacy skills.
  - (a) Basic interpersonal and assessment skills.
    1. Appropriate relationship/rapport building, supporting the victim, listening, communication.
    2. Sensitivity training to prevent re-victimization.
  - (b) Crisis intervention.
  - (c) Roles and limitations.
    1. Command relationship.
    2. Victim advocate's rights and responsibilities.
    3. Reporting to the SARC.
    4. Recognizing personal biases/issues.

- (d) Local protocols and procedures.
  - 1. Resources.
  - 2. Referrals.
  - 3. Military and civilian.
- (e) Documentation.
  - 1. Requirements.
  - 2. Tracking and monitoring.
- (f) Record keeping rules for protected disclosures.
- (g) Ethics.
- (h) Individual vs. system advocacy (collaboration/knowledge of resources/referrals).
- (3) Knowledge of the military (that is, command, mission, programs, all installations VA programs, and military justice and adverse administrative actions).
  - (4) Overview of criminal investigative process and military judicial and evidentiary requirements.
  - (5) Victimology.
    - (a) Types of assault.
    - (b) Health consequences.
      - 1. Mental/behavioral health.
      - 2. Physical health.
    - (c) Myths and facts.
    - (d) Secondary victimization.
    - (e) Cultural/religious differences.
    - (f) Types of sexual offenders.
  - (6) Victim rights and the role of the victim in accountability actions (limitations on accountability actions created by restricted reports).
    - (7) Health care management of sexual assault.
      - (a) Medical resources/treatment options.
        - 1. Medical exam.
        - 2. Forensic exam.
        - 3. Mental health and counseling.
      - (b) Testing
        - 1. Pregnancy.
        - 2. STDs, HIV.
    - (8) Safety planning.
      - (a) Retaliation toward victim (by command, peers, or offender). Also includes avenues for redress if victim has been subjected to retaliation or intimidation for making an unrestricted report.
      - (b) Intimidation.
      - (c) Separation of victim and offender.
      - (d) Military protective orders.
    - c. *Healthcare providers.* There are two distinct training categories for healthcare providers.
      - (1) Healthcare personnel. All healthcare personnel will, at a minimum, receive initial and refresher training on the following essential tasks:
        - (a) Sexual assault response policies.
          - 1. Department of Defense.
          - 2. Army.
          - 3. Other Services.
        - 4. Confidentiality policy rules and limitations.
      - (b) Victim advocacy resources.
      - (c) Medical treatment resources.
      - (d) Overview of the sexual assault examination process.
    - (2) Healthcare providers performing sexual assault forensic examinations. The use of healthcare providers as sexual assault examiners will adhere to the U.S. Department of Justice's National Protocol for Medical Sexual Assault Examination. In addition to the training outlined above for all healthcare personnel, healthcare providers performing sexual assault forensic examinations will, at a minimum, receive initial and periodic refresher training on the following essential tasks:
      - (a) Sexual assault victim interview.
      - (b) Sexual assault examination process.
        - 1. Sexual assault evidence collection kit.

- 2. Chain of custody.
- 3. Documentation.
  - (c) Emergency contraception/HIV/STD treatment.
  - (d) Trauma.
    - 1. Types of injury(s).
    - 2. Photography of injuries.
    - 3. Behavioral health and counseling needs.
    - 4. Consulting/referral process.
    - 5. Appropriate healthcare follow-up.
  - (e) Medical record management.
  - (f) Guidelines for reporting sexual assaults.
  - (g) Legal processes and expert witness testimony.
- d. *Law enforcement.* All Army law enforcement professionals will receive initial and periodic refresher training on the following essential tasks:
  - (1) Sexual assault response policies.
    - (a) Department of Defense.
    - (b) Army.
    - (c) Other Services.
    - (d) Confidentiality policy rules and limitations.
  - (2) Responding to sexual assault.
    - (a) Notification to Command and SARC
    - (b) Working with victim advocates (VAs/SARC).
  - (3) Crime scene management.
    - (a) Securing crime scene.
    - (b) Identification and preservation of fragile evidence.
    - (c) Chain of custody.
  - (4) Preliminary interviews.
    - (a) Victim sensitivity.
    - (b) Transition to military criminal investigation organization (MCIO) services.
  - (5) Victimology.
    - (a) Victimization process.
    - (b) Potential traumatic responses.
    - (c) Trauma.
    - (d) Behavioral health concerns.
    - (e) Post traumatic stress disorder.
    - (f) Depression.
    - (g) Alcoholism.
  - (6) Understanding sex offenders.
- e. *Criminal investigators.* All military and civilian criminal investigators assigned to the Criminal Investigation Command (CID) will receive initial and periodic refresher training on the following essential tasks:
  - (1) Sexual assault response policies.
    - (a) Department of Defense.
    - (b) Army.
    - (c) Other Services.
    - (d) DOD confidentiality policy rules and limitations.
  - (2) Victimology.
    - (a) Victimization process.
    - (b) Victim responses.
    - (c) Trauma.
    - (d) Post traumatic stress disorder.
  - (3) Understanding sex offenders.
  - (4) Crime scene management.
    - (a) Securing crime scene.
    - (b) Identification and collection of fragile evidence.
    - (c) Chain of custody.
  - (5) Interview techniques.

- (a) Suspect.
- (b) Victim.
- (6) Investigating difficult cases.
  - (a) Impaired victims.
    - 1. Alcohol impairment.
    - 2. Drug facilitated sexual assaults.
  - (b) Multiple suspects.
  - (c) Domestic violence sexual assaults.
- (7) Recantations and false information.
  - (a) Recantations-proper investigation of recantations.
  - (b) Factors influencing false reports.
- (8) Working with victim advocates (VAs)/sexual assault response coordinators (SARCs).
  - (a) VA/SARC roles, responsibilities, and limitations.
  - (b) Victim services and support programs.
- f. *Judge advocates (JA)*. There are two distinct training categories for judge advocates.
  - (1) Judge advocates. All judge advocates will receive training at initial military legal and periodic refresher training on the following essential tasks:
    - (a) DOD and Army sexual assault response policies: confidentiality policy rules and limitations.
      - 1. Use of “restricted” reports by command, investigative agencies, trial and defense counsel.
      - 2. Relationship of “restricted” reports to military rules of evidence (MREs).
    - (b) Victim rights.
      - 1. Familiarity with Victim/Witness Assistance Program (VWAP).
      - 2. VWAP challenges in the deployed environment.
    - (c) Victimology.
      - 1. Victimization process.
      - 2. Victim responses: trauma and post traumatic stress disorder.
      - 3. Understanding sex offenders.
    - (d) Recantations and false information.
    - (e) Deployment issues: remote location assistance and VWAP.
  - (2) Judge advocate trial counsel and military defense counsel. All trial and military defense counsel (that is, military judge advocate prosecutors at courts-martial) will receive initial and periodic refresher training, when required based on their position, on the following essential tasks:
    - (a) Sexual assault response policies.
      - 1. DOD.
      - 2. Service specific.
      - 3. DOD confidentiality policy rules and limitations.
    - (b) Evidence.
      - 1. Forensic and scientific-working knowledge of: Sexual Assault Examination Kit, basic forensic photography, and lab results.
      - 2. Rules of evidence-MRE 412, 413, and 615 and case law concerning the admission of expert testimony (scientific and nonscientific).
    - (c) Interviewing, trial preparation, and cross-examination skills.
      - 1. Victim.
      - 2. Lay witnesses.
      - 3. Expert witness.
    - (d) Sexual assault victim preparation for interviews, depositions and testimony.
- g. *Chaplains*. All chaplains will receive initial and periodic refresher training on the following essential tasks:
  - (1) Sexual assault response policies.
    - (a) DOD
    - (b) Army prevention and response policy.
    - (c) Privileged communications and confidentiality policy rules and limitations.
  - (2) Victimology.
    - (a) Types of assault.
    - (b) Health consequences.
      - 1. Mental/spiritual health.
      - 2. Physical health.
    - (c) Myths and facts.

- (d) Secondary victimization.
- (e) Cultural/religious differences.
- (3) Victim rights.
- (4) Trauma training with pastoral applications.
- (a) Types of injury.
- (b) Consulting/referral process.
- (5) Documentation.
- (6) Permissible reporting of information to command and others.

## **Appendix J**

### **Sexual Assault Forensic Exam, Collection, and Preservation of Evidence under Restricted Reporting**

#### **J-1. Purpose**

Medical services offered to victims of sexual assault include the option to elect a sexual assault forensic examination (SAFE) in addition to the general medical care related to sexual assault response. The SAFE is an examination of a sexual assault victim by a health care provider (HCP), who, ideally, has specialized education and clinical experience in the collection of forensic evidence and treatment of these victims. The forensic component includes gathering information from the victim for the medical forensic history, an examination, documentation of biological and physical findings, collection of evidence from the victim, and follow-up as needed to document additional evidence.

#### **J-2. Process**

The process for collecting and preserving sexual assault evidence under the restricted reporting option is the same as takes place under the unrestricted reporting option, except that the restricted reporting option does not trigger the official investigative process and any evidence collected has to be documented in a way that ensures the confidentiality of a victim's identity.

#### **J-3. Procedures**

Restricted reporting allows a victim of sexual assault who is a Soldier to disclose on a requested confidential basis, the details of his or her assault to specifically identified individuals and receive medical treatment and counseling; this may include a SAFE at the victim's request.

*a.* If requested by the victim, a SAFE will be conducted by the appropriate HCP. The SAFE exam is the victim's option as are other general medical services related to the sexual assault.

(1) Sexual assault reporting procedures require that the sexual assault response coordinator (SARC) be notified of all incidents of reported sexual assault. The SARC, in turn, will assign a victim advocate (VA) to assist the victim.

(2) If a victim initially seeks assistance at a medical facility, SARC notification must not delay the treatment of any medical conditions requiring immediate attention for the health of a victim.

(3) Once any emergent medical injuries have been treated, the SARC or VA will—

*(a)* Advise the victim of the reporting options available to them.

*(b)* Explain the benefits and limitations of each option, especially the impact of any state mandatory reporting laws on restricted reporting.

*(c)* Document the reporting option the victim selects using DD Form 2910 (Victim Reporting Preference Statement) (VRPS).

(4) The SARC or VA will inform the victim about the availability of an optional SAFE. If a victim chooses to undergo a SAFE, and the HCP determines a SAFE is indicated by the facts of the case, the HCP at military facilities that possess a SAFE capability will conduct the examination.

*b.* Installation commanders, senior mission commanders, Joint Force Headquarters commanders, and geographically dispersed unit commanders who do not have a military treatment facility with SAFE capability will arrange transportation for the victim to and from a military facility or local off-base, non-military facility that has a SAFE capability. Commanders may also contract with a local sexual assault nurse examiner (SANE) or other HCPs who are trained and credentialed to perform a SAFE, and have them report to the MTF to conduct the examination.

(1) Whenever possible, military installations should have a formal MOU in place between military facilities and off-base, non-military facilities for the purpose of conducting a SAFE.

(2) Geographically dispersed units and Reserve Components will pursue through coordination or formal agreements a SAFE option for victims with supporting installation medical treatment facilities, civilian facilities, or local SANE who are trained and credentialed to perform a SAFE.

(3) The SARC or VA will ensure that the victim is aware of any local or state mandatory sexual assault reporting

requirements that may limit the possibility of restricted reporting prior to proceeding with the SAFE at the off-base, non-military facility.

c. For restricted reporting cases, the SARC will generate an alphanumeric restricted report control number (RRCN), unique to each incident that will be used in lieu of personal-identifying information, to label and identify the potential evidence collected from a SAFE (for example, SAFE kit, accompanying documentation and personal effects, and clothing as appropriate). The following will also be done:

(1) Upon completion of the SAFE, the HCP will package, seal, and label the potential evidence container(s) with the RRCN and notify the supporting provost marshal (PM).

(2) The PM will be trained and capable of collecting and preserving evidence, to assume custody of the evidence, using established chain of custody procedures.

(3) Memoranda of agreement (MOA) and understanding (MOU) with off-base, non-military facilities should include instructions for the notification of a SARC regardless of whether a restricted or unrestricted report of sexual assault is involved, evidence receipt procedures, application of an RRCN, and disposition of evidence back to the supporting PM.

(4) The RRCN and general description of the potential evidence will be entered into a log to be maintained by the PM.

(5) Evidence will be stored for 1 year from the date of the victim's restricted report of the sexual assault.

(6) At least 30 days prior to the expiration of the 1-year storage period, the supporting PM will notify the appropriate SARC that the 1-year storage period is about to expire. Accordingly, the SARC will ensure notification to the victim.

(7) If the victim desires to recover any of their personal effects, the SARC will retrieve the items from the PM and return them to the victim.

(8) If the victim does not desire to change from a restricted report to an unrestricted report, and does not request the return of any personal effects or clothing maintained as part of the evidence prior to the expiration of the 1-year storage period, as outlined in AR 195-5, the PM will destroy the evidence maintained under that victim's RRCN.

(9) The potential evidence will similarly be destroyed if, at the expiration of 1-year, a victim does not advise the SARC of their decision, or the SARC is unable to notify a victim because the victim's whereabouts are no longer known.

(10) If, prior to the 1-year period, a victim changes their reporting preference to the unrestricted reporting option, the SARC will notify the Military Criminal Investigative Organizations (usually Army Criminal Investigation Command), who will then assume custody of the potential evidence maintained by the RRCN from the PM under established chain of custody procedures.

(11) Victims may request the retrieval of items of potential evidence at any time, through their supporting SARC. In that event, the SARC will be required to counsel the victim that the release of the items back to the victim could seriously impede or make impossible the prosecution of their case.

(12) Established procedures for documenting, maintaining, and storing the potential evidence will be followed in accordance with AR 195-5.

## **Appendix K Sexual Assault Prevention and Response Program Assessment**

### **K-1. Scope**

The Army Sexual Assault Prevention and Response (SAPR) Program Assessment Policy provides a unifying assessment framework whose purpose is to document requirements for capturing feedback as to how well the Army is implementing its SAPR Program and provide insight as to where Army program improvements can be made.

a. This assessment policy applies to all Army organizations and personnel who have responsibilities for implementing the SAPR Program as stated in AR 600-20, paragraph 8-5 and this appendix.

b. Designated organizations cited in this policy are responsible for monitoring and reporting appropriate sexual assault data and trends, and for recommending changes to policy or processes to ensure sustained progress toward accomplishing the Army's SAPR Program stated goals.

c. Program assessment information will be reported to the Army SAPR Program Manager, as directed in this policy, for the following purposes:

(1) To prepare quarterly and annual reports and annual assessments of the Army SAPR Program in accordance with 10 USC 113 and DODI 6495.02.

(2) To prepare an annual Army assessment, as required, using the Program Assessment Rating Tool (PART) guidance and procedures established by the Office of Management and Budget (OMB).

(a) The PART is based on a series of questions designed by OMB to provide a consistent approach to rating programs across the Federal Government. PART questions are generally written in a Yes/No format that requires a

brief narrative explanation of the answer and includes any relevant evidence to substantiate the answer. When hard evidence of performance is not readily available, the assessment will rely on professional judgment.

(b) The PART is divided into four sections: program purpose and design; strategic planning; program management; and program results. Each section includes a series of questions designed to elicit specific information for the evaluation.

## **K-2. Program assessment responsibilities**

a. The DCS, G-1 will—

(1) Manage the overarching Army SAPR Program Assessment Policy to include procedures for collecting data, reporting findings and recommendations, and providing oversight of the program assessment process.

(2) Prepare and submit quarterly and annual Army SAPR Program reports through the Office, Assistant Secretary of the Army (Manpower and Reserve Affairs) (ASA (M&RA)) to the DOD SAPR Office (SAPRO) as required by DOD Directive 6495.01 and DODI 6495.02.

(3) Monitor sexual assault data, trends, and SAPR performance using Sexual Assault Data Management System (SADMS). Identify and report emerging trends and performance to Army leadership, as required.

(4) Prepare and disseminate annual guidance, as required, for the collection of input from designated Army organizations to support the preparation of annual reports and assessments.

(5) Prepare and submit annual SAPR Program assessments in accordance with 10 USC 113 and DODI 6495.02.

(6) Prepare and submit, as required, a SAPR Program PART evaluation in accordance with OMB guidance.

b. Assistant Chief of Staff, Installation Management (ACSIM)/Commanding General, Installation Management Command (IMCOM) will—

(1) Enforce the submission of sexual assault data by installation SARCs using the Defense Case Record Management System (DCRMS), or the DCS, G-1 Interim Reporting Solution until DCRMS is fielded.

(2) Include the Army SAPR Program in the Army Community Service (ACS) Accreditation Program in accordance with AR 608-1.

(3) Submit an annual report (no later than (NLT) 1 Dec, for the previous fiscal year) to the DCS, G-1 SAPR program manager. The report will include, at a minimum—

(a) Findings as a result of ACS accreditation inspections conducted during the year.

(b) SAPR related training, initiatives/actions, policies and/or procedures implemented by ACSIM/IMCOM during the calendar year.

(c) SAPR related initiatives/actions planned to be taken in the coming year.

(d) Recommendations for changes to Army SAPR Program or policy.

(e) Any resource shortfalls and the potential implications they carry with respect to impact on standard of service and recommended solutions to overcome these shortfalls.

(f) Status of SARC, deployable sexual assault response coordinator (DSARC), installation victim advocate (IVA), and unit victim advocate (UVA) training, as required by AR 600-20, appendix I.

(g) Assessment of the implementation of MOA and MOU with local civilian communities and other Government agencies.

(h) Assessment of the implementation of Sexual Assault Review Boards (SARB).

c. Office of the Surgeon General/Commanding General, Medical Command (OTSG/CG MEDCOM) will—

(1) Conduct periodic evaluations of medical services related to sexual assault cases under the Army SAPR Program.

(2) Submit an annual report (NLT 1 Dec for the previous fiscal year) to the DCS, G-1 SAPR program manager. The report will include, at a minimum—

(a) General findings from any OTSG/MEDCOM evaluation of medical services related to sexual assault cases under the Army SAPR Program.

(b) SAPR related policies and/or procedures implemented by OTSG/MEDCOM during the year.

(c) SAPR related initiatives/actions planned to be taken in the coming year.

(d) Recommendations for changes to Army SAPR Program or policy.

(e) Any resource shortfalls and the potential implications they carry with respect to impact on standards of care and possible solutions to overcome these shortfalls.

(f) Status of the availability at medical treatment facilities (MTF) of supplies needed for the treatment of victims of sexual assault who present at a MTF, including rape kits/SAFE kits, and supplies for testing and treatment for sexually transmitted infections and diseases, including HIV, and testing for pregnancy. Status should include MTF in CONUS, OCONUS and deployed locations (to the extent information is available for deployed locations through MEDCOM channels).

(g) Status of healthcare provider responder training as required by AR 600-20, appendix I.

d. Office of The Judge Advocate General (OTJAG) will—

(1) Conduct periodic evaluations of legal services related to sexual assault cases under the Army SAPR Program.

- (2) Submit an annual report (NLT 1 Dec for the previous Fiscal Year) to the DCS, G-1 SAPR program manager. The report will include, at a minimum—
- (a) General findings from any OTJAG evaluation of legal services related to sexual assault cases under the Army SAPR Program.
  - (b) SAPR related policies and/or procedures implemented by OTJAG during the year.
  - (c) SAPR related initiatives/actions planned to be taken in the coming year.
  - (d) Recommendations for changes to Army SAPR Program or policy.
  - (e) Any resource shortfalls and the potential implications they carry with respect to impact on standard of service and possible solutions to overcome these shortfalls.
  - (f) Status of judge advocate responder training as required by AR 600-20, appendix I.
- e. Office of The Inspector General may provide SAPR inspection reports upon request from the DCS, G-1 or as directed by the Executive Office of the Headquarters (EOH).
- f. Office of the Chief of Chaplains (OCCH) will—
- (1) Conduct periodic evaluations of chaplain services provided to victims of sexual assault under the Army SAPR Program.
  - (2) Submit an annual report (NLT 1 Dec for the previous fiscal year) to the DCS, G-1 SAPR program manager. The report will include, at a minimum—
- (a) General findings from any OCCH evaluation of chaplain services provided to victims of sexual assault under the Army SAPR Program.
  - (b) SAPR policies and/or procedures implemented by OCCH during the year.
  - (c) SAPR Initiatives/actions planned to be taken in the coming year.
  - (d) Recommendations for changes to Army SAPR Program or policy.
  - (e) Any resource shortfalls and the implications they carry with respect to impact on standard of service and possible solutions to overcome these shortfalls.
  - (f) Status of chaplain responder training as required by AR 600-20, appendix I.
- g. Office of the Provost Marshal General (OPMG) will—
- (1) Conduct periodic evaluations of law enforcement services related to sexual assault cases under the Army SAPR Program.
  - (2) Submit an annual report (NLT 1 Dec for the previous fiscal year) to the DCS, G-1 SAPR program manager. The report will include, at a minimum—
- (a) General findings from any OPMG evaluation of law enforcement services conducted for cases under the Army SAPR Program.
  - (b) SAPR policies and/or procedures implemented by OPMG during the year.
  - (c) SAPR related initiatives/actions planned to be taken in the coming year.
  - (d) Recommendations for changes to Army SAPR Program or policy.
  - (e) Any resource shortfalls and the potential implications they carry with respect to impact on standard of service and possible solutions to overcome these shortfalls.
- h. United States Army Criminal Investigation Command (USACIDC) will—
- (1) Provide the reports listed below to the DCS, G-1 SAPR program manager until formally relieved of this responsibility by the SAPR program manager for example, SADMS is fully operational). Each report will be prepared as prescribed in Enclosure 8, DODI 6495.02, as follows:
    - (a) Monthly Central Command (CENTCOM) Sexual Assault Report (NLT the 7th of each month).
    - (b) Quarterly Army Sexual Assault Report (NLT 7 Jan, 7 Apr, 7 Jul, and 7 Oct).
    - (c) Annual Army Sexual Assault Report (NLT 7 Jan).
  - (2) Conduct periodic evaluations of investigative services related to sexual assault cases under the Army SAPR Program.
  - (3) Submit an annual report (NLT 1 Dec for the previous fiscal year) to the DCS, G-1 SAPR program manager. The report will include, at a minimum—
- (a) General findings from any CID evaluation of investigative services related to sexual assault investigations under the Army SAPR Program.
  - (b) Current processing time (in days) for Deoxyribonucleic acid (DNA) evidence in sexual assault cases by the US Army Criminal Investigation Laboratory (USACIL); to include an analysis of reasons for delays if processing time exceeds 60 days.
  - (c) SAPR policies and/or procedures implemented by USACIDC during the year.
  - (d) SAPR related initiatives/actions planned to be taken in the coming year.
  - (e) Recommendations for changes to Army SAPR Program or policy.
  - (f) Any resource shortfalls and the implications they carry with respect to impact on standard of service and possible solutions to overcome these shortfalls.



- (g)* Status of investigator responder training as required by AR 600-20, appendix I.
- i.* Chief, National Guard Bureau (NGB), and Chief, U.S. Army Reserve (OCAR) will—
  - (1) Enforce the submission of sexual assault data by installation SARCs using the Defense Case Record Management System (DCRMS), or the DCS, G-1 Interim Reporting Solution until DCRMS is fielded.
  - (2) Include Army SAPR Program as part of the Command Inspection program and conduct periodic evaluation of SAPR program implementation and compliance.
  - (3) Submit an annual report (NLT 1 Dec for the previous fiscal year) to the DCS, G-1 SAPR program manager. The report will include, at a minimum—
    - (a)* General findings from any NGB/OCAR evaluations of the Army SAPR Program implementation in the National Guard or Army Reserve.
    - (b)* SAPR policies and/or procedures implemented by organization during the year.
    - (c)* SAPR related initiatives/actions planned to be taken in the coming year.
    - (d)* Recommendations for changes to Army SAPR Program or policy.
    - (e)* Any resource shortfalls and the implications they carry with respect to impact on standards of care or service and possible solutions to overcome these shortfalls.
    - (f)* Status of SARC, DSARC, IVA, and UVA training, as required by AR 600-20, appendix I.
    - (g)* Status of annual refresher training for sexual assault responders (including DA Civilian Police) as required by AR 600-20, appendix I. (Note: This only applies to those responders under the command and control of the reporting headquarters.)
    - (h)* Assessment of the implementation of MOA and/or MOU with local civilian communities and other Government agencies providing SAPR support.
    - (i)* Assessment of the implementation of Sexual Assault Review Boards (SARB).
- j.* Commanding General, U.S. Army Training and Doctrine Command (CG, TRADOC) will—
  - (1) Include evaluations of SAPR training in TRADOC quality assurance (QA) visits and other periodic training evaluations or assessments.
  - (2) Submit an annual report (NLT 1 Dec for the previous fiscal year) with results of evaluations or assessments of SAPR training to the DCS, G-1 SAPR program manager.
- k.* Army Headquarters (Army Commands (ACOMs), Army Service Component Commands (ASCCs), Direct Reporting Units (DRUs)) will—
  - (1) Enforce the submission of sexual assault data by command SARCs and/or DSARCs (as required for deployed or geographically dispersed units not supported by an installation) using the Defense Case Record Management System (DCRMS), or the DCS, G-1 Interim Reporting Solution until DCRMS is fielded.
  - (2) Include Army SAPR Program as part of the Command Inspection program and conduct periodic evaluation of SAPR program compliance in garrison/non-deployed and deployed environments.
  - (3) Submit an annual report (NLT 1 Dec for the previous fiscal year) to the DCS, G-1 SAPR program manager. The report will include, at a minimum—
    - (a)* General findings from any evaluation of the implementation of the Army SAPR Program within the Army Headquarters (ACOMs, ASCCs, DRUs).
    - (b)* SAPR policies and/or procedures implemented by organization during the year.
    - (c)* SAPR related initiatives/actions planned to be taken in the coming year.
    - (d)* Recommendations for changes to Army SAPR Program or policy.
    - (e)* Any resource shortfalls and the implications they carry with respect to impact on standard of service and possible solutions to overcome these shortfalls.
    - (f)* Status of the appointment and training of headquarters program managers and subordinate command SARCs, DSARCs, and UVAs.
    - (g)* Status of annual refresher training for sexual assault responders (including DA Civilian Police) as required by AR 600-20, appendix I. (Note: This only applies to those responders under the command and control of the reporting headquarters.)
    - (h)* Status of annual unit level training as required by AR 600-20, paragraph 8-7.
    - (i)* Assessment of the implementation of MOA and/or MOU with local civilian communities and other Government agencies providing SAPR support. (Note: This may apply only to commands with deployed or geographically dispersed units not supported by an installation.)
    - (j)* Assessment of the implementation of SARB, as applicable, both in garrison (non-deployed) and deployed environments.

*l.* U.S. Army Research Institute (ARI) will—

(1) Include sexual assault questions in the Sample Survey of Military Personnel (SSMP) and the Human Relations (HR) Update surveys.

(2) Provide reports to the DCS, G-1 SAPR program manager that includes analyses of the sexual assault specific findings from the SSMP and other surveys, studies, or research.

*m.* The superintendent, United States Military Academy (USMA) will—

(1) Prepare and submit academic program year reports as required by DODI 6495.02, paragraph E8.2.

(2) Coordinate and provide copies of academic program year reports to the Army SAPR program manager.

## **Glossary**

### **Section I Abbreviations**

**AA**

Active Army

**AAP**

Affirmative Action Plan

**ACOM**

Army Command

**ACS**

Army Community Services

**ACSIM**

Army Chief of Staff for Installation Management

**AD**

active duty

**ADL**

Active Duty List

**ADSW**

active duty for special work

**ADT**

active duty for training

**AER**

Army Emergency Relief

**AFDCB**

Armed Forces Disciplinary Control Board

**AGR**

Active Guard Reserve

**AHRC**

U.S. Army Human Resources Command

**AMEDD**

Army Medical Department

**ANCOC**

Advanced Noncommissioned Officers Course

**ANSR**

Annual Narrative and Statistical Report

**ARC**

Army Reserve Command

**ASCC**

Army Service Component Command

**ASA(M&RA)**

Assistant Secretary of the Army for Manpower and Reserve Affairs

**ASI**

additional skill identifier

**AT**

annual training

**ATRRS**

Army Training Requirement and Resources System

**AWC**

Army War College

**BASOPS**

base operations

**BCT**

basic combat training

**BNCOC**

Basic Noncommissioned Officers Course

**CAR**

Chief, Army Reserve

**CDS**

Child Development Services

**CENTCOM**

Central Command

**CFC**

Combined Federal Campaign

**CGSC**

Command and General Staff College

**CHAMPUS**

Civilian Health and Medical Program of the Uniformed Services

**CID**

Criminal Investigation Division

**CNGB**

Chief, National Guard Bureau

**CONUS**

continental United States

**CONUSA**

continental United States armies

**DA**

Department of the Army

**DCS, G-1**

Deputy Chief of Staff, G-1

**DCRMS**

Defense Case Record Management System

**DEERS**

Defense Enrollment Eligibility Reporting System

**DEOMI**

Defense Equal Opportunity Management Institute

**DEP**

Delayed Entry Program

**DNA**

deoxyribonucleic acid

**DOD**

Department of Defense

**DODI**

Department of Defense Instruction

**DODDS**

Department of Defense Dependent Schools

**DOPMA**

Defense Officer Personnel Management Act

**DOR**

Date of rank

**DP**

Direction of the President

**DRU**

Direct Reporting Unit

**DSARC**

deployable sexual assault response coordinator

**EAD**

extended active duty

**EEO**

Equal Employment Opportunity

**EFMP**

Exceptional Family Member Program

**EO**

Equal Opportunity

**EOA**

EO advisor

**EOAP**

EO Action Plans

**EOL**

EO Leader

**EOPM**

EO Program Manager

**FAPM**

Family advocate program manager

**EOR**

EO representative

**EORC**

EO Representative Course

**EOSA**

EO staff advisor

**FCP**

Family Care Plan

**FOA**

field operating agency

**FPC**

Family Program Coordinator

**FORSCOM**

Forces Command

**FSG**

Family support group

**FTNGD**

full time National Guard duty

**GOCOM**

General Officer Command

**GT**

general technical

**HCP**

health care provider

**HR**

human relations

**HQDA**

Headquarters, Department of the Army

**IADT**

initial active duty for training

**IET**

initial entry training

**IG**

Inspector General

**IGAR**

Inspector General Action Request

**IMA**

individual mobilization augmentee/individual mobilization augmentation

**IMCOM**

U.S. Army Installation Management Command

**IRR**

Individual Ready Reserve

**IVA**

installation victim advocate

**JAGC**

Judge Advocate General's Corps

**JER**

Joint Ethics Regulation

**JFHQ**

Joint Forces Headquarters

**MEDCOM**

U.S. Army Medical Command

**MCM**

Manual for Courts-Martial

**MEOCS**

Military Equal Opportunity Climate Survey

**MOA**

memorandum of agreement

**MOS**

military occupational specialty

**MOS-ENLD**

military occupational specialty-enlisted

**MOU**

memorandum of understanding

**MPRJ**

Military Personnel Records Jacket

**MRE**

meals-ready-to-eat

**MTF**

medical treatment facility

**MUTA**

multiple unit training assembly

**MWR**

Morale, Welfare and Recreation

**NCO**

noncommissioned officer

**NCODP**

Noncommissioned Officer Professional Development Program

**NEO**

noncombatant evacuation operation

**NGB**

National Guard Bureau

**NGB CMSA**

National Guard Bureau Complaints Management and Support Activity

**NGR**

National Guard Regulation

**OAC**

Officer Advanced Course

**OBC**

Officer Basic Course

**OCAR**

Office of the Chief, Army Reserve

**OCCH**

Office of the Chief of Chaplains

**OCONUS**

outside continental United States

**OCS**

Officer Candidate School

**ODCS, G-1**

Office of the Deputy Chief of Staff, G-1

**OMB**

Office of Management and Budget

**OPMG**

Office of the Provost Marshal General

**ORB**

officer records brief

**OTIG**

Office of the Inspector General

**OTJAG**

Office of the Judge Advocate General

**OTSG**

Office of The Surgeon General

**PART**

Program Assessment Rating Tool

**PCC**

Pre-command course

**PCS**

permanent change of station



**PDP**

predeployment processing

**PEBD**

pay entry basic date

**PEO**

Program Executive Officer

**PLDC**

Primary Leadership Development Course

**PM**

provost marshal

**POI**

program(s) of instruction

**POSH**

prevention of sexual harassment

**PSC**

Personnel Service Center

**RA**

Regular Army

**RC**

Reserve Component

**RCM**

Rules for Courts-Martial

**RCS**

Reports Control Symbol

**REDCAT**

race and ethnic designation category

**REFRAD**

release from active duty

**ROTC**

Reserve Officer's Training Corps

**RRC**

Regional Readiness Command

**RRCN**

restricted reporting control number

**SADMS**

Sexual Assault Data Management System

**SAFE**

sexual assault forensic examination

**SANE**

sexual assault nurse examiner

**SAPR**

sexual assault prevention and response

**SARC**

sexual assault response coordinator

**SEEM**

State Equal Employment Manager

**SIDPERS**

Standard Installation/Division Personnel System

**SJA**

staff judge advocate

**SMC**

Sergeants Major Course

**SQI**

special qualification identifier

**SSC**

Senior Service College

**SSI**

specialty skill identifier

**SSMP**

sample survey of military personnel

**TABE-II**

Test of Adult Basic Education (Level II)

**TAF**

total Army Family

**TAFP**

Total Army Family Program

**TDA**

tables of distribution and allowances

**TDAS**

Training Diagnostic Assessment System

**TDRL**

Temporary Disability Retired List

**TDY**

temporary duty

**TJAG**

The Judge Advocate General

**TOE**

table(s) of organization and equipment

**TPU**

troop program unit

**TRADOC**

U.S. Army Training and Doctrine Command

**TSG**

The Surgeon General

**TSP**

troop support packages

**TTAD**

temporary tour of active duty

**UCMJ**

Uniform Code of Military Justice

**USACIDC**

United States Army Criminal Investigation Command

**USACIL**

U.S. Army Criminal Investigation Laboratory

**UIC**

unit identification code

**USAR**

U.S. Army Reserve

**USARC**

U.S. Army Reserve Command

**USASMA**

United States Army Sergeants Major Academy

**USC**

United States Code

**USMA**

United States Military Academy

**UVA**

unit victim advocate

**VA**

victim advocate

**VRPS**

Victim Reporting Preference Statement

**WO**

warrant officer

**WOBC**

Warrant Officer Basic Course

**WOCS**

Warrant Officer Candidate School

**WOSSC**

Warrant Officer Senior Staff Course

## **Section II**

### **Terms**

#### **Action step**

Specific action or task undertaken to eliminate or neutralize a problem and to achieve an objective. Information needed includes the agency taking action, a completion date, and an established goal.

#### **Active Army**

Consists of Regular Army Soldiers on active duty; Army National Guard of the United States and Army Reserve Soldiers on active duty (except as excluded below); Army National Guard Soldiers in the service of the United States pursuant to a call; and all persons appointed, enlisted, or inducted into the Army without component.

#### **Active duty (AD)**

Full-time duty in the active military service of the United States, including full-time training duty; annual training duty; attendance while in the active military service, at a school designated as a service school by law or by secretary of the military department concerned. This term does not include full-time National Guard duty.

#### **Active status**

The status of a member of a Reserve component not in the inactive Army National Guard, on inactive status list, or in the retired Reserve.

#### **Affirmative action plan**

A management document that consists of statements of attainable goals and timetables. This document is required of all Army organizations, commands, agencies, and activities down to brigade (or equivalent) level. It is designed to achieve EO for all military personnel.

#### **Army National Guard**

The Army portion of the recognized militia of the several states, Commonwealth of Puerto Rico and District of Columbia whose units and members are federally recognized.

#### **Army National Guard of the United States**

A Reserve Component of the Army, all of whose members are members of the Army National Guard.

#### **Chain of command**

The sequence of commanders in an organization who have direct authority and primary responsibility for accomplishing the assigned unit mission while caring for personnel and property in their charge.

#### **Civil office**

A nonmilitary office involving the exercise of the powers of authority of civil Government, to include elective or an appointed office in the U.S. Government, a U.S. territory or possession, State, county, municipality, or official subdivision thereof.

#### **Command levels of support (CLS)**

CLS are the HQDA determined levels for the common services that are provided by a garrison. CLS refers to the method by which IMCOM directs all garrisons to deliver specific elements of installation support services (Service Support Programs (SSPs)) at a HQDA approved pre-determined level of service. This strategy is aimed at achieving standardization of installation services across the Army through equitable distribution of resources and garrison accountability for service delivery performance.

#### **Complainant**

A Soldier, military Family member, or civilian employee of the Army who submits a complaint.

#### **Date of rank**

The date on which an officer or enlisted Soldier actually or constructively was appointed in a particular grade. The date will be calculated on the basis of criteria established in this regulation and is the first rule for determining relative seniority for officers and enlisted holding the same grade.

#### **Deployable sexual response coordinator**

Deployable SARC are Soldiers appointed on orders assigned at brigade/unit of action and higher levels of command who are designated and trained to assume the duties of the SARC during deployments.

**Dual-military couple**

A Soldier (AA or RC) married to another service member (AA or RC) of the Army, Air Force, Navy, Marines, or Coast Guard. A dual-military parent is one who shares with his/her military spouse all parental responsibilities for family members acquired through birth or legal decree who are in physical custody of the service member and who are under the age of 19 years or who are beyond 19 years but are mentally or physically incapable of self care.

**Emergency essential civilian employee**

A U.S. citizen currently employed to occupy and discharge the duties of an emergency essential civilian position. The individual may work in either an overseas activity assigned a mobilization mission, or in a CONUS organization and be positioned in the event of hostilities or a crisis situation. Such employees are expected to sign a "DOD Civilian Employee Oversees Emergency-Essential Position Agreement."

**Equal opportunity**

Consideration and treatment based upon merit, fitness, and capability irrespective of race, religion, color, gender, or national origin.

**Equal opportunity advisors**

Officers and noncommissioned officers serving in full-time equal opportunity positions, at brigade (or equivalent) level, or higher. In addition to military EOAs, DA civilian employees may be officially assigned to military equal opportunity program duties according to applicable position classification standards and guidelines.

**Establishment**

An entity that either recognizes itself or is recognized as such by the community at large. Specifically, any corporation, partnership, school, training center, or educational institution, club, fraternal, social, or political group.

**Ethnic origin**

The quality of being distinguishable from the general population on the basis of actual or perceived cultural criteria such as language, religion, and more. For purposes of this regulation, ethnic origin is included within the meaning of national origin.

**Extended active duty**

AD under a call or order performed by a member of ARNGUS or USAR when end strength accountability passes from the Army National Guard or USAR to the Active Army.

**Family member**

A child under the age of 19 or any other member who depends upon the sponsor for total support and or care.

**Full-time service**

Any service in connection with a civil office that is likely to interfere with regular military duties.

**Goals**

An objective based on realistic, measurable prospects of attainment.

**Grade**

A step or degree in a graduated scale of office or rank that is established and designated as a grade by law or regulation. For example, second lieutenant (2LT), captain (CPT), sergeant first class (SFC), chief warrant officer two (CW2) are grades.

**Garrison**

An IMCOM unit that provides appropriate and equitable services in accordance with HQDA directed CLS to all tenants, Soldiers, other Service Members, Families, and Civilians in the Garrison area of responsibility (AOR).

**Housing discrimination**

Denying or attempting to deny housing to Army personnel because of race, religion, color, gender, or national origin. Housing of unmarried personnel on the basis of gender (for example, female-only or male-only barracks) is not considered discriminatory within the interest of this regulation.

**Installation**

An aggregation of contiguous or near contiguous, real property holding commanded by a centrally selected commander. Installations represent management organizations. An installation may be made of one or more sites.

**Installation victim advocate (IVA)**

The installation victim advocates (IVA) are Department of Army (DA) civilian or contract employees trained to provide advocacy services to victims of sexual assault. The IVA reports directly to the sexual assault response coordinator (SARC) for sexual assault cases. At locations where the Family Advocacy Program manager (FAPM) performs SARC duties, the IVA will report directly to the FAPM.

**Institutional discrimination**

Different treatment of individuals in an organization that occurs based on race, religion, color, gender, or national origin; results from the normal functioning of the organization; or operates to the consistent disadvantage of a particular group.

**Minority group**

Any group distinguished from the general population in terms of race, religion, color, gender, or national origin.

**Nonpartisan political activity**

Activity supporting or relating to candidates not representing, or issues not specifically identified with, national or State political parties and associated or ancillary organizations. Issues relating to Constitutional amendments, referendums, approval of municipal ordinances, and others of similar character and are not considered under this regulation as specifically being identified with national or State political parties.

**Original appointment**

Any appointment in a Reserve or regular component of the Armed Forces that is neither a promotion nor a demotion. Officers may receive more than one "original appointment."

**Other sex-related offenses**

All other sexual acts or acts in violation of the Uniform Code of Military Justice that do not meet the definition of sexual assault, or the definition of sexual harassment as promulgated in DOD Directive 1350.2, Department of Defense Military Equal Opportunity. Examples of other sex-related offenses could include indecent acts with another and adultery. (For the specific articles of sexual assault offenses under the UCMJ, see the MCM).

**Partisan political activity**

Activity supporting or relating to candidates representing, or issues specifically identified with, national or State political parties and associated or ancillary organization.

**Personal racism, sexism, or bigotry**

The acting out of prejudices by an individual or group of individuals against another individual or group because of race, religion, color, gender, or national origin.

**Placement on the active duty list**

The date on which a commissioned officer entered on active duty on his or her current tour of service on the active duty list.

**Rank**

The order of precedence among members of the Armed Forces. Military rank among officers of the same grade or of equivalent grade is determined by comparing dates of rank. An officer whose date of rank is earlier than the date of rank of another officer of the same or equivalent grade is senior to that officer.

**Restricted reporting**

Restricted reporting allows a Soldier who is a sexual assault victim, on a confidential basis, to disclose the details of his/her assault to specifically identified individuals and receive medical treatment and counseling, without triggering the official investigative process. Soldiers who are sexually assaulted and desire restricted reporting under this policy should report the assault to the sexual assault response coordinator (SARC), victim advocate, chaplain, or a healthcare provider.

**Senior regularly assigned United States Army officer**

The officer whose appointed place of duty is the company, battalion or brigade to which assigned. If the company commander is absent, the executive officer, if he/she is the senior officer who performs duty in the company, will assume command. Likewise, if the battalion commander is absent, the senior officer assigned to the battalion (normally the executive officer) will assume command. If an officer is senior to the executive officer and is assigned to the

company or battalion, but who works in the division headquarters or a maintenance unit, the executive officer would still assume command.

**Sexual assault**

Sexual assault is a crime defined as intentional sexual contact, characterized by 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 or spousal relationship or age of victim. "Consent" will not be deemed or construed to mean the failure by the victim to offer physical resistance. Consent is not given when a person uses force, threat of force, or coercion or when the victim is asleep, incapacitated, or unconscious.

**Single parent**

A Soldier who is the responsible adult who by reason of birth or legal decree, has physical custody of and the legal and moral responsibility to provide for the care and Well-being of a child under the age of 19 years or for a person beyond 19 years of age who is mentally or physically incapable of self care. Persons who fit this category are generally regarded as parents with full or joint custody of children, and who are unmarried, divorced, widowed, or residing apart from their spouse.

**Site**

A physically defined location which can be supported by a legal boundary survey which closes a polygon. It can be owned, leased, or otherwise possessed or used. A site may exist in one of three forms: land only; facility or facilities only; or land and all facilities on it. A site is a sum of all real property at a specific location.

**Spouse**

The husband or wife of a Soldier. If such person is also in the military service, see the term, "dual military couple."

**Subject**

Refers to the subject of a complaint.

**Supported commander**

In the context of the support command relationship, the commander who receives assistance from another commander's force or capabilities, and who is responsible for ensuring that the supporting commander understands the assistance required.

**Supporting commander**

In the context of a support command relationship, the commander who aids, protects, complements, or sustains another commander's force, and who is responsible for providing the assistance required by the supported commander.

**Uniformed service**

The Army, Navy, Air Force, Marine Corps, Coast Guard, the Commissioned Corps of the Public Health Service, and the Commissioned Corps of the National Oceanic and Atmospheric Administration.

**Unrestricted reporting**

Unrestricted reporting allows a Soldier who is sexually assaulted and desires medical treatment, counseling, and an official investigation of his/her allegation to use current reporting channels (for example, the chain of command or law enforcement), or he/she may report the incident to the SARC or the on-call victim advocate. Upon notification of a reported sexual assault, the SARC will immediately notify a victim advocate. Additionally, with the victim's consent, the healthcare provider will conduct a forensic examination, which may include the collection of evidence. Details regarding the incident will be limited to only those personnel who have a legitimate need to know. (See appendix H for a detailed explanation of restricted and unrestricted reporting.)

**Virtual installation**

Two types of "virtual" installations exist within the Army. The Army National Guard has virtual installations, identified as each state commanded by the Adjutant General, under which are Readiness Centers or sites. Army Reserve Support Commands are, likewise, defined as virtual installations under which Reserve Centers are identified as sites.

## **Section III**

### **Special Abbreviations and Terms**

#### **Affirmative Action**

Methods used to achieve the objectives of the Equal Opportunity Program. Process, activities, and systems designed to identify, eliminate, prevent, and work to overcome the effects of unlawful discriminatory treatment as it affects the recruitment, training, assignment, utilization, promotion, retention, and separation of military personnel.

#### **Complaint**

An allegation of unlawful discrimination based on race, color, national origin, religion, or sex.

#### **Informal complaint**

Allegations of unlawful discrimination or sexual harassment that do not require written documentation. These complaints may be voiced to the offending party, to someone in a position of authority, or both. The intention is that the offending behavior will cease with no further action required.

#### **Formal complaint**

Allegation of unlawful discrimination or sexual harassment that is submitted in writing to proper authority and processed through official complaint channels.

#### **Complainant**

A member of the military who submits a complaint of unlawful discrimination.

#### **Discrimination**

Illegal, arbitrary treatment of a person or group based on race, color, national origin, religion, or sex.

#### **EO**

The right of all persons to participate in and benefit from programs and activities for which they are qualified. These programs and activities will be free from social, personal, or institutional barriers that prevent people from rising to the highest level of accountability possible. Persons will be evaluated only on individual merit, fitness, capability, and potential, regardless of race, color, sex national origin, or religion, except as prescribed by statute, or other Service policy.

#### **Ethnic group**

A segment of the population that possesses common characteristics and a cultural heritage based to some degree on: faith or faiths; shared traditions, values or symbols; literature, folklore, or music; an internal sense of distinctiveness; and/or an external perception of distinctiveness.

#### **Ethnic and racial categories**

The basic racial and ethnic categories for DOD reporting are defined as follows: American Indian or Alaskan Native—a person having origins in the original peoples of North America; Asian or Pacific Islander—a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands (this area includes China, India, Japan, Korea, the Philippine Islands, and Samoa); Black (not of Hispanic origin)—a person having origins in any of the original peoples of Africa; Hispanic—a person having origins in any of the original peoples of Mexico, Puerto Rico, Cuba, or Central or South America, or of other Spanish cultures, regardless of race; White (not of Hispanic origin)—a person having origins in any of the original peoples of Europe, North Africa, or the Middle East.

#### **Legal sufficiency review**

A review of an investigation into a discrimination complaint to determine whether the investigation complies with all applicable legal and administrative requirements; the investigation adequately addresses the matters complained of; the evidence supports the findings of the investigating officer or board; the conclusions and recommendations of the investigating officer or board are consistent with the findings; and any errors or irregularities exist, and if so, their legal effect.

#### **National origin**

An individual's or ancestor's place of origin. Also applies to a person who has the physical, cultural, or linguistic characteristics of a national group.

#### **Protected communication**

A lawful communication to any member of the chain of command, a Member of Congress, an Inspector General or any



member of a DOD audit, inspection, or law enforcement organization, including any office or command official designated to receive EO complaints from service members, in which a military member makes a complaint or discloses information that he or she reasonably believes evidences a violation of law or regulation, gross mismanagement, a gross waste of funds, a gross abuse of authority, or a substantial and specific danger to public health or safety.

**Race**

A division of humans identified by the possession of traits that are transmissible by descent and that are sufficient to characterize as a distinctive human type.

**Religion**

A personal set or institutionalized system of attitudes, moral or ethical beliefs, and practices that are held with the strength of traditional religious views, characterized by ardor or faith, and generally evidenced through specific religious observances.

**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.

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