



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
HEADQUARTERS, 12TH COMBAT AVIATION BRIGADE
KATTERBACH ARMY HELIPORT, GERMANY
APO AE 09177-8710

AETV-CAB

10 July 2013

MEMORANDUM FOR All 12th Combat Aviation Brigade (CAB) Military and Civilian Personnel

SUBJECT: 12th CAB Command Policy Letter 3, Sexual Harassment and Sexual Assault

1. References:

a. Section 1561, Title 10, United States Code, Complaints of Sexual Harassment: Investigations by Commanding Officers.

b. AR 600-20, Army Command Policy.

c. U.S. Army Europe Message # 1305089, MOD 2 TO USAREUR TASKORD 12-0418 (SHARP Synchronization).

2. All leaders and Soldiers in this Brigade are responsible for preventing sexual harassment and sexual assault taking appropriate corrective action if it occurs. Maintaining an environment that encourages productivity and respect for human dignity is this Brigade's top priority. Sexual harassment destroys unit cohesion, interferes with combat readiness and mission accomplishment and adversely impacts team building. For this reason the 12th CAB has adopted a "zero-tolerance" stance on sexual harassment, sexual assault and related offenses.

3. Only through appropriate action can we hope to eliminate sexual harassment and sexual assault. Leaders will ensure their Soldiers and civilian employees receive training in the prevention of sexual harassment and sexual assault. Leaders will also take immediate steps to address and eliminate any real or perceived cases of sexual harassment brought to their attention and ensure unhindered access for Soldiers to make complaints. Further, leaders will ensure individuals who feel they are being sexually harassed are permitted to file complaints without fear of reprisal or intimidation.

4. Sexual harassment is a form of gender discrimination involving unwanted sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature between the same or opposite genders. If any leader in a Soldier's chain of command receives an informal, third party, or chain of command complaint of sexual harassment the complaint must be briefed at a minimum to the Battalion Commander. Leaders should then try to solve the problems at the lowest level of the chain of command to ensure a thorough, expeditious, and unbiased resolution of the complaint. If a Soldier in the chain of command or supervision submits a formal

complaint, commanders must adhere to the established investigative time limits and reporting procedures outlined below.

a. Informal complaints, to include third party and chain of command complaints, may be resolved directly by the individual with the help of other members of the unit and the chain of command. Although informal complaints are not subject to a time suspension, battalion commanders must ensure they are resolved expeditiously and the complainant is back briefed on the resolution.

b. Upon receipt of a formal complaint, the brigade commander or designated representative has three calendar days to send a report to the Commander, 7th Army Joint Multinational Training Command (the General Court-Martial Convening Authority, or GCMCA).

c. After receipt of a formal complaint, moreover, the brigade commander or designated representative has 14 days in which to conduct an investigation, either personally or by appointing an investigating officer in accordance with AR 15-6. The brigade commander or designated representative will send a progress report to the GCMCA within 21 calendar days after the investigation's commencement, and every 14 calendar days thereafter until completion.

d. If extenuating circumstances make it impossible to conduct a complete investigation within 14 calendar days, brigade or battalion commanders may request an extension of not more than 30 calendar days from the next higher commander.

5. 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 is a criminal offense that has no place in the Army. 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 UCMJ and other Federal and local civilian laws. Personnel may utilize two methods to report sexual assaults: restricted and unrestricted reporting.

a. 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 a Sexual Harassment and Assault Response Program (SHARP) Representative, Victim Advocate (VA), chaplain, or a healthcare provider.

b. Unrestricted reporting allows a Soldier who is sexually assaulted and desires medical treatment, counseling, and an official investigation of his/her allegation to report to any of the restricted reporting options or directly to the chain of command, law enforcement, Staff Judge Advocate, or any other military member. This ensures the victim has a supportive reporting option both for advocacy and investigative purposes. The level of adjudication for an unrestricted report of sexual assault is the first O6 in the chain of command and cannot be delegated any

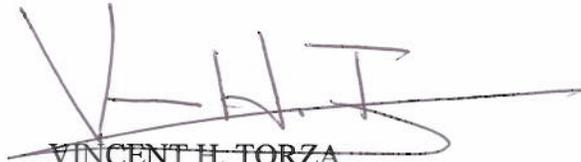
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lower. Details regarding the incident will be limited to only those personnel who have a legitimate need to know.

6. The 12th CAB team will not tolerate or condone sexual harassment and sexual assault ever. Substantiated complaints will be prosecuted under the UCMJ. Leaders will set the example and create an environment conducive to good order and discipline.

WINGS OF VICTORY!



VINCENT H. TORZA
COL, AV
Commanding