SECRETARY OF THE ARMY
WASHINGTON

03 OCT 2011

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Army Directive 2011-19 (Expedited Transfer or Reassignment Procedures for Victims of Sexual Assault)

1. Reference: Memorandum, Under Secretary of Defense (Personnel and Readiness), Subject: Expedited Transfer Procedures for Victims of Sexual Assault, dated May 6, 2011.

2. It is Army policy that there is a presumption in favor of transferring or reassigning a sexual assault victim, at his/her request, following that victim's credible report of sexual assault. Commanders and civilian leaders shall consider requests for transfer or reassignment in an expedited manner. This policy applies to all Soldiers who report being the victim of a sexual assault. The Sexual Harassment/Assault Response and Prevention (SHARP) Program shall take steps to ensure victims are informed of this policy.

3. For any number of reasons, some victims of sexual assault may not wish to remain in their current units or organizations after the sexual assault incident. Requiring them to remain when they have a desire to leave the unit or organization may negatively affect their safety and emotional well-being, as well as the functioning of the unit/organization. Expediting review of, and action on, a victim's request for transfer or reassignment is an important component of a leader's response to a credible report of sexual assault.

4. For the purposes of this policy, a report of sexual assault is credible when the commander (battalion or above), after considering all available evidence and the advice of the supporting legal advisor, concludes that there are reasonable grounds to believe that an offense constituting sexual assault has been committed against the person requesting the transfer or reassignment. For purposes of this policy, a credible report is limited to unrestricted reports of sexual assault.

5. Requests for a transfer or reassignment must be in writing. Victims are encouraged to include any and all of their concerns in the written request to aid the commander in understanding their needs and in making an appropriate decision.

6. In making a decision on a victim's request, the commander shall start with a presumption in favor of transferring or reassigning the victim. A transfer or reassignment includes, but is not limited to, the victim's temporary or permanent movement to a unit within the same battalion or brigade, to a unit within the same division, to a unit on the same installation or to a unit at a different geographic location. For Reserve Component members, a transfer or reassignment might include provisions

to perform inactive duty training on different weekends or at different times from the alleged offender or with a different unit in the home drilling location.

7. Commanders may consider the following factors in determining whether a transfer or reassignment is appropriate and, if so, the lowest level of transfer or reassignment that would meet both the needs of the victim and the Army:

a. Concerns of the victim;

b. Operational necessity, including situationally unique requirements in deployed areas;

c. The nature and circumstances of the offense;

d. The location of the alleged offender;

e. Potential transfer or reassignment of the alleged offender instead of the victim;

f. The alleged offender's status (Soldier or Civilian);

g. Status of the investigation and the potential impact of the victim's transfer or reassignment on the investigation, future disposition of the allegation and potential prosecution or other adverse action that may be initiated against the alleged offender;

h. Potential disposition of collateral misconduct; and

i. Any other pertinent circumstances.

8. Commanders will take reasonable steps to prevent a transfer or reassignment from negatively impacting the victim's career to the extent practicable. Prior to approving a request, the commander shall ensure the victim is fully informed regarding reasonably foreseeable impacts on his/her career, the potential impact of the transfer or reassignment on the investigation and potential prosecution or initiation of other adverse action against the alleged offender, or any other possible consequences of granting the request. If, after being fully informed, the victim elects not to proceed with his/her request, the victim shall withdraw the request in writing.

9. This directive does not encompass requests for transfer or reassignment following a victim's receipt of threats of bodily harm or death. Any such threat to a victim should be reported immediately to command and law enforcement authorities. A victim's request under these circumstances will be handled in accordance with Army Regulation (AR)

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614-100, Officer Assignment Policies, Details, and Transfers, and AR 614-200, Enlisted Assignments and Utilization Management.

10. If a commander cannot approve a request at his/her level of command, the victim's request will be forwarded through the chain of command to the appropriate approving authority. Each commander in the chain of command through which the request is submitted will provide his/her written recommendation to the approving authority. Requests for permanent change of station transfers must be forwarded to U.S. Army Human Resources Command at hrc.g3.plans@conus.army.mil.

11. A commander recommending disapproval of a request shall provide the reason(s) for the recommendation in writing. A victim's request may be disapproved ONLY by the first General Officer in the victim's chain of command, who may delegate disapproval authority to another General Officer within the command, or to a member of the Senior Executive Service. When a victim requests transfer to another installation, the authority to disapprove that request is reserved to the Commander, U.S. Army Human Resources Command.

12. The provisions of this directive are effective immediately. The policy established by this directive will be incorporated in the next revision of AR 600-20, Army Command Policy. This Army directive is rescinded upon publication of the revised AR 600-20 in which the policies at issue are incorporated. Implementation instructions will also be incorporated into AR 614-30, Overseas Service; AR 614-100, Officer Assignments Policies, Details, and Transfers; and AR 614-200, Enlisted Assignments and Utilization Management.

13. My points of contact are Colonel David M. Griffith, Office of the Assistant Secretary of the Army (Manpower and Reserve Affairs), at david.griffith@conus.army.mil, (703) 604-0585, and Ms Carolyn Collins, G-1, SHARP, at carolyn.r.collins@conus.army.mil, (703) 604-0672.

John M. McHugh

Encl

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PERSONNEL AND
READINESS

MAY 6 2011

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS

SUBJECT: Expedited Transfer Procedures for Victims of Sexual Assault

For any number of reasons, some victims of sexual assault may wish not to remain in their unit after the sexual assault incident. Requiring them to stay when they have a desire to transfer may negatively affect their safety and emotional well being, as well as the functioning of the unit. Providing an expedited process to transfer them is a positive step the unit commander may take in response to the victim's request. The Sexual Assault Prevention and Response (SAPR) Program Procedures Instruction currently under revision will provide for a standardized expedited transfer process.

Although the Military Departments are in the best position to determine the process and procedures for implementing expedited transfers for victims of sexual assaults, the procedures across the Department should be consistent, even if not identical. To that end, request that you provide an expedited transfer procedure for your Department. At a minimum the process should:

1. Establish a presumption in favor of transferring sexual assault victims, at their request, following a credible report of sexual assault;
2. Ensure a transfer under these circumstances does not negatively impact the victim's career;
3. Elevate the disapproval authority to the next level of command who is at least a General Officer or Flag Officer.

Request that you submit a response detailing your Services' expedited transfer procedure by 18 May. My POC is Ms. Sharon Cooper, 703-696-0909, sharon.cooper@osd.mil.

Clifford L. Stanley