



SECRETARY OF THE ARMY
WASHINGTON

20 SEP 2022

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Army Directive 2022-13 (Reforms To Counter Sexual Harassment/Sexual Assault in the Army)

1. References. See references enclosed.
2. Purpose. This directive implements immediate modifications to the Sexual Harassment/Assault Response and Prevention (SHARP) Program to address select findings and recommendations contained in references 1b and 1g.
3. Applicability. The provisions of this directive apply to the Regular Army, Army National Guard/Army National Guard of the United States, and U.S. Army Reserve.
4. Background. The Fort Hood Independent Review Committee provided recommendations to improve the effectiveness of the SHARP Program. One year later, the Department of Defense (DoD)-directed 90-day Independent Review Commission provided comprehensive recommendations across DoD to counter sexual assault in the military. Leaders throughout the Army are committed to addressing and implementing recommendations from both of these reports, where appropriate. This directive announces changes to further reform the Army's SHARP Program while a larger effort on systemic improvement continues.
5. Policy.
 - a. Sexual harassment complaint investigations. Effective immediately, if sufficient information exists to permit the initiation of an investigation, commanders will appoint investigating officers (IOs) from outside the subject's assigned brigade-sized element to conduct sexual harassment complaint investigations under Army Regulation (AR) 600-20, chapter 7.
 - (1) Sexual harassment complaint investigations will comply with processing timelines established by Title 10, U.S. Code, section 1561; DoD Instruction 1020.03; and AR 600-20.
 - (2) IOs must meet qualifications specified in chapter 2 of AR 15-6.
 - (3) Exceptions. Exceptions requiring appointment of an IO from the same brigade-sized element as the subject will be approved in writing by the first general

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officer in the chain of command and included as an enclosure to the investigation. This authority may not be delegated. Reasons for exceptions may include, but are not limited to, unit geographic location and type of mission.

b. Military Protective Orders (MPOs). Effective immediately for all sexual harassment and sexual assault complaints, the first O-6 in the subject's chain of command will implement mechanisms to protect complainants of sexual harassment and victims of sexual assault. As soon as possible, but no later than 6 hours after determining an MPO is warranted (such as the presence of a threat of physical harm), the first O-6 commander in the subject's chain of command will ensure that the subject's commander has issued and served a DD Form 2873 (Military Protective Order) to the subject Soldier, that it has been submitted to the appropriate installation Directorate of Emergency Service or Provost Marshal Office (DES/PMO), and that a copy has been provided to the protected individual(s).

(1) When warranted by the facts and circumstances, MPOs are necessary and effective mechanisms to ensure the safety of Soldiers, Family members, and Department of the Army (DA) Civilians who report sexual harassment, sexual assault, or other harmful acts. MPOs, implemented through DD Form 2873, constitute a written lawful order issued by a commander that orders a Soldier to avoid contact with those persons identified in the order.

(2) In accordance with reference 1d, MPOs are approved by, "a commanding officer with jurisdiction over the Soldier." Any commanding officer in the subject's chain of command has authority to sign MPOs. Commanders will—

(a) Follow all procedures outlined in AR 27-10.

(b) Ensure, to the maximum extent practicable, complainants, victims, and subjects avoid contact in accordance with the MPO.

(c) Inform the subject of the MPO that disobeying an MPO is a violation of the Uniform Code of Military Justice and may result in judicial, nonjudicial, or adverse administrative action.

(d) Inform complainants and victims of the limitations and ramifications of an MPO, that MPOs may not be enforceable by non-military authorities, and that they have the ability to also seek a temporary restraining order (TRO) and/or civilian protective order (CPO) issued by a judge, magistrate, or other authorized civilian official. Commanders should refer victims to sexual assault response coordinators (SARCs),

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victim advocates (VAs), and the installation Office of the Staff Judge Advocate for assistance in obtaining a TRO or CPO.

(3) Immediately on receipt, the installation DES/PMO will notify the appropriate civilian authorities of the MPO by entering the MPO into the National Crime Information Center (NCIC) Protective Order File. The installation DES/PMO will generate a Law Enforcement Report in the Army Law Enforcement Reporting and Tracking System: MPOs will not be entered into a raw data file. Only after confirmation that the DES/PMO is not able to enter MPOs in the NCIC system due to State statutes, the PMO/DES will forward the MPO to the United States Army Crime Records Center for entry into NCIC.

c. Disposition and Status Disclosure to Sexual Assault Victims. In addition to the requirement in AR 600–20, paragraph 7–5t, to provide status updates to victims within 72 hours of each recurring Sexual Assault Review Board (SARB), brigade commanders (or brigade-equivalent commanders) will also notify the Soldier-complainant within 2 business days of receiving the final outcome of any judicial, non-judicial, or administrative proceedings. This duty is not delegable. This policy does not change the responsibilities requiring VAs and SARCs to provide information to victims in their care.

d. Involuntary Separation Policy. Commanders will initiate involuntary administrative separation proceedings for all Soldiers against whom there is a substantiated complaint of sexual harassment unless the Soldier is otherwise punitively discharged or dismissed from the Army as part of a court-martial sentence. Separation proceedings will be processed through the chain of command to the separation authority for appropriate action.

(1) The requirement to initiate involuntary separation proceedings for all Soldiers against whom there is a substantiated sexual harassment complaint will not interfere with the Soldier's right to appeal an administrative investigation substantiating a complaint of sexual harassment. Involuntary separation proceedings will be initiated after the Soldier's appellate rights have been exhausted as they relate to an administrative investigation substantiating a sexual harassment complaint.

(2) Rehabilitation.

(a) A commander may rehabilitate a Soldier against whom there is a minor substantiated complaint of sexual harassment, as determined by the commander in consultation with the servicing judge advocate. The first O-6 commander in the subject's chain of command will make a determination as to whether a substantiated sexual harassment complaint is minor.

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(b) Efforts to rehabilitate a Soldier deemed to have engaged in a minor substantiated complaint of sexual harassment will include the following components: sexual harassment refresher training, individual corrective counseling, and monitoring of behavior for a period of time as determined appropriate by the first O-6 commander in the Soldier's chain of command.

(c) Exceptions. Substantiated complaints wherein the offender attempted or engaged in quid pro quo behavior, sexual touching offenses where the offender was the superior in a superior-subordinate relationship, or substantiated complaints involving repeat offenders are not appropriate for rehabilitation.

e. Commanders will publish the nature and results of all judicial, non-judicial, and/or administrative actions taken against the offender (including letters of reprimand) and disseminate this information to troops via unit newsletters, bulletin boards, and other communications channels. All actions will be appropriately redacted to comply with the Privacy Act of 1974 and to protect victim privacy. Prior to publication, redactions required by the Privacy Act will be approved by the servicing Office of the Staff Judge Advocate or Brigade Judge Advocate.

f. Connect to Care. Commanders will ensure that Soldiers, DA Civilians, and Family members who seek assistance with any Army agency requesting SHARP services receive a direct handoff to a SARC or VA. SHARP professionals will provide a personal handoff to other agencies if assistance beyond SHARP is required, such as advocacy and support services through the Family Advocacy Program (FAP) or for behavioral health, medical, or legal assistance. A personal handoff requires a direct communication and introduction to responsible staff at the appropriate on- or off-post agency and follow-up to ensure needs were met.

g. Commanders will ensure that SHARP policy memorandums and a list of victim services are posted on unit bulletin boards and all high-traffic locations, including dining facilities. Posted details for SHARP services will include location, phone numbers, and email addresses for all local SARCs and VAs (military and civilian) on the installation, as well as the installation of a 24/7 SHARP Hotline and DoD Safe Helpline. Commanders will safeguard the entitlement of Soldiers to report sexual assaults and sexual harassment to any SARC and VA (including a Civilian) regardless of service affiliation. Diverse intake options increase the likelihood a victim will report an incident. Posting will also include reporting options for sexual assault, complaint procedures for sexual harassment, and retaliation reporting procedures.

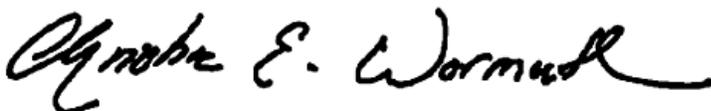
h. The Installation Lead SARC is responsible for tracking and monitoring the aging and life cycle of each sexual assault and sexual harassment case, and will prepare a

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written semiannual report for the senior commander. The senior commander, through the Installation Lead SARC, will identify and resolve bottlenecks or delays for individual cases.

6. Proponent. The Assistant Secretary of the Army (Manpower and Reserve Affairs) has oversight responsibility for this policy and will ensure that necessary internal controls are in place to comply with this directive. Within 2 years of the date of this directive, the Provost Marshal General will incorporate the provisions of this directive in AR 190–45 and the Deputy Chief of Staff, G-1 will incorporate its provisions into AR 600–20 or a superseding publication governing the SHARP program.

7. Duration. This directive is rescinded on publication of the revised regulations.



Christine E. Wormuth

Encl

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REFERENCES

- a. Title 10, U.S. Code, Subtitle A, Part II, Chapter 47 (Uniform Code of Military Justice), Articles 90 and 92
- b. Department of Defense (DoD), *Hard Truths and the Duty to Change: Recommendations From the Independent Review Commission on Sexual Assault in the Military*, 2 July 2021
- c. DoD Instruction 1020.03 (Harassment Prevention and Response in the Armed Forces), 8 February 2018, incorporating Change 1, effective 29 December 2020
- d. DoD Instruction 6400.06 (DoD Coordinated Community Response to Domestic Abuse Involving DoD Military and Certain Affiliated Personnel), 15 December 2021, incorporating Change 1, effective 10 May 2022
- e. DoD Instruction 6495.02, Volume 1 (Sexual Assault Prevention and Response: Program Procedures), 28 March 2013, incorporating Change 6, effective 10 November 2021
- f. Under Secretary of Defense (Personnel and Readiness) memorandum (Safe-to-Report Policy for Service Member Victims of Sexual Assault), 25 October 2021
- g. *Report of the Fort Hood Independent Review Committee*, 6 November 2020
- h. Army Directive 2021-16 (Immediate Actions To Improve the Sexual Harassment/Assault Response and Prevention Program), 5 May 2021 (hereby superseded)
- i. Army Regulation (AR) 15–6 (Procedures for Administrative Investigations and Boards of Officers), 1 April 2016
- j. AR 27–10 (Military Justice), 20 November 2020
- k. AR 135–175 (Separation of Officers), 30 March 2020
- l. AR 135–178 (Enlisted Administrative Separations), 7 November 2017
- m. AR 190–45 (Law Enforcement Reporting), 27 September 2016
- n. AR 365–200 (Active Duty Enlisted Administrative Separations), 28 June 2021
- o. AR 600–8–24 (Officer Transfers and Discharges), 8 February 2020

Enclosure

p. AR 600–20 (Army Command Policy), 24 July 2020

q. Headquarters, Department of the Army Execution Order 209-21 (Issuing, Modifying, or Terminating Military Protective Orders (MPOs) and Subsequent Reporting to Military and Civilian Law Enforcement (LE) Agencies), 12 January 2022