OFFICE OF THE COMMANDANT
UNITED STATES MILITARY ACADEMY
WEST POINT, NEW YORK 10996-1602

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MEMORANDUM FOR: USCC POLICY MEMORANDUM 11

SUBJECT: United States Corps of Cadets (USCC) Command Engagement to Prevent Retaliation

1. **REFERENCES:**

a. Department of Defense (DoD) Directive 7050.06 (Military Whistleblower Protection), 17 April 2015.

b. Army Regulation (AR) 600-20 (Army Command Policy) 6 November 2014.

c. Army Directive (AD) 2014-20 (Prohibition of Retaliation Against Soldiers for Reporting a Criminal Offense), 19 June 2014.

d. USMA Policy Memorandum (Prohibition of Retaliation Against Personnel for Reporting an Allegation of Sexual Assault), 1 June 2015.

e. USCC Policy Memorandum 03 (USCC Sexual Harassment/Assault Response and Prevention), 17 November 2016.

2. **PURPOSE:** To establish the USCC policy for Retaliation Prevention.

3. **APPPLICABILITY:** This policy applies to all personnel assigned or attached to USCC.

4. **POLICY:**

a. The leadership of the USCC is committed to providing the safest possible learning and working environment for Cadets, staff, and faculty by maintaining a professional command climate that promotes dignity and respect. Sexism/sexist behavior, sexual harassment, and sexual assault will not be tolerated. These acts undermine good order and discipline and impede the achievement of the USCC mission. Members of USCC who report a criminal offense or file a sexual harassment complaint are protected against retaliation.

b. Acts of retaliation targeting victims of sexual assault and complainants of sexual harassment discourages reporting. Individuals that have the courage to report an allegation of sexual assault or sexual harassment will be treated with dignity and respect at all times. The Army is a values-based organization where everyone is expected to do what is right by treating all persons as they should be treated.

5. **DEFINITIONS:**

a. IAW AD 2014-20, "retaliation" is defined as:

(1) taking or threatening to take an adverse or unfavorable personnel action, or withholding or threatening to withhold a favorable personnel action, with respect to a victim or other member of the Armed Forces because the individual reported a criminal offense or was believed to have reported a criminal offense; or

(2) ostracism, which is defined as excluding from social acceptance, privilege or friendship a victim or other member of the Armed Forces because: (a) the individual reported a criminal offense; (b) the individual was believed to have reported a criminal offense; or (c) the ostracism was motivated by the intent to discourage reporting of a criminal offense or otherwise to discourage the due administration of justice; or

(3) acts of cruelty, oppression or maltreatment, as defined under the Uniform Code of Military Justice (UCMJ), committed against a victim, an alleged victim, or another member of the Armed Forces by peers or other persons, because the individual reported a criminal offense or was believed to have reported a criminal offense.

b. "Personnel action" is defined as any action taken against a member of the Armed Forces that affects, or has the potential to affect, that member's current position or career. Such actions include a promotion; a disciplinary or other corrective action; a transfer or reassignment; a performance evaluation; a decision on pay, benefits, awards or training; referral for mental health evaluations under DoD Instruction 6490.04; and any other significant change in duties or responsibilities inconsistent with the member's grade.

6. Allegations of retaliation described in paragraph 5a(1) will be referred to the West Point Inspector General's office.

7. Allegations of retaliation described in paragraph 5a(2) and 5a(3) will be referred to, and investigated by, the victim's chain of command or supervision, or by any other appropriate investigative agency, organization or entity.

8. **PUNITIVE:** Violations of this policy may be punished under Article 92, UCMJ, and any other applicable laws or regulations. Commanders and supervisors must seek advice and counsel of their legal advisor when taking actions pursuant to the policy.

9. **RESPONSIBILITIES:**

a. Any member of USCC that witnesses, or is made aware of, retaliation against another should inform the Chain of Command immediately.

b. Tactical Officers are the legal commanders for the Cadet companies. Tactical Officers will ensure that any victim of a crime, or those who report such acts, are protected from retaliation. Tactical Officers will contact the USCC SARC to receive guidance on when and how to complete a protection plan for victims of sexual assault and complainants of sexual harassment.

10. The point of contact for this policy is the USCC SARC, CPT Kathryn Hermon. She can be contacted in her office at (845) 938-7479, on her government cell at (845) 476-1426, or at kathryn.hermon@usma.edu.

11. **EXPIRATION:** This policy memorandum remains in effect until superseded or rescinded.

STEVEN W. GILLAND
Brigadier General, USA
Commandant of Cadets