



OFFICE OF THE SUPERINTENDENT
UNITED STATES MILITARY ACADEMY
WEST POINT, NEW YORK 10996-5000

JUN 27 2022

MASP

MEMORANDUM FOR All Personnel Assigned to the West Point Military Reservation and Fort Hamilton

SUBJECT: Command Policy Letter #7 Prevent Retaliation and Protected Communication

1. REFERENCES.

- a. Department of Defense (DoD) Directive 7050.06 (Military Whistleblower Protection).
- b. Army Regulation (AR) 600-20 (Army Command Policy).
- c. Command Policy Letter #6 Sexual Harassment/Assault Response and Prevention (SHARP).

2. PURPOSE. To establish West Point Military Reservation and Fort Hamilton policy for retaliation against personnel for reporting sexual assault, sexual harassment, and other protected communications.

3. APPLICABILITY. This policy applies to all personnel assigned or attached to the West Point Military Reservation and Fort Hamilton.

4. CONTEXT. West Point leadership 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. Acts of retaliation targeting victims of sexual assault and complainants of sexual harassment discourages reporting. For victims of sexual assault, creating an environment after reporting a sexual assault is a critical step in their personal recovery. Recovery can only occur in an environment free from retaliation. 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 - with dignity and respect.

5. DEFINITIONS.

- a. IAW AR 600-20, "retaliation" is defined as:

(1) Any person subject to the Uniform Code of Military Justice (UCMJ), who wrongfully takes or threatens to take an adverse or unfavorable personnel action, or wrongfully withholds or threatens to withhold a favorable personnel action with the intent to discourage or retaliate against any person for reporting or planning to report a criminal offense or making or planning to make a protected communication.

(2) Acts of cruelty, oppression, or maltreatment, as defined under 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; relief or removal, separation, discharge, 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. POLICY.

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

b. Reports of retaliation described in paragraph 5a (2), including involving criminal acts related to retaliation against a sexual assault victim will be immediately referred to the US Army CID.

7. 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.

8. RESPONSIBILITIES.

a. Any member of West Point Military Reservation and Fort Hamilton that witnesses, or is made aware of, retaliation against another should inform the Chain of Command and/or the Inspector General immediately.

b. Commanders and supervisors will establish and enforce procedures to protect witnesses and bystanders who intervene to prevent or report sexual assault or sexual harassment, from retaliation, reprisal, ostracism, intimidation, or maltreatment.

9. EXPIRATION. This policy memorandum remains in effect until superseded or rescinded.

10. POINT OF CONTACT. The point of contact for this policy is the USMA SHARP Program Manager who can be contacted at (845) 938-0508.



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Superintendent