



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

MASP

AUG 14 2023

MEMORANDUM FOR All Personnel Assigned or Attached to the West Point Military Reservation

SUBJECT: Return to Health for Cadet/Cadet Candidate Sexual Assault Victims

**1. REFERENCES.**

a. Department of Defense Manual (DoDM) 6025.18, Implementation of the Health Insurance Portability and Accountability Act (HIPPA) Privacy Rule in DoD Health Care Programs, 13 March 2019.

b. Department of Defense Instruction (DoDI) 6490.08, Command Notification Requirements to Dispel Stigma in Providing Mental Health Care to Service Members, 17 August 2011.

c. DoDI 6495.02-Vol 1, Sexual Assault Prevention and Response: Procedures, 28 March 2013, incorporating Change 7, effective 6 September 2022.

d. DoDI 6495.02-Vol 2, Sexual Assault Prevention and Response: Education and Training, 9 April 2021.

e. DoDI 6495.02-Vol 3, Sexual Assault Prevention and Response: Retaliation Response for Adult Sexual Assault Cases, 24 June 2022.

f. Secretary of Defense memorandum, Actions to Address and Prevent Sexual Assault at the Military Service Academies, 10 March 2023.

g. Army Regulation (AR) 600-20, Army Command Policy, 24 July 2020.

**2. PURPOSE.** To formally delineate a process for supporting Cadet/Cadet Candidate's psychological and physical recovery following a sexual assault. The process enables Cadets/Cadet Candidates to better balance their continued academic, character, and physical development and requirements, with access to support services and engagement in recovery. This policy does not alter the authority or ability of responsible parties to provide accommodations deemed necessary to provide support to Cadets/Cadet Candidates. Cadets/Cadet Candidates who have experienced a sexual assault will have the option to request Return to Health (RTH) accommodations, which may include a cognitive profile as an additional component of a comprehensive sexual assault response and recovery program. This policy provides guidance to Cadets, staff, and faculty about options and processes available to Cadets/Cadet Candidates to request RTH accommodations.

**3. APPLICABILITY.** The provisions of this policy apply to Cadets at the United States Military Academy (USMA) and Cadet Candidates at the United States Military Academy Preparatory School (USMAPS).

**4. BACKGROUND.** Sexual assault is the most underreported crime in the United States, the Army, and at West Point. Although Cadets/Cadet Candidates are encouraged to seek help following a sexual assault, for a variety of reasons, many do not. The ability to balance competing requirements while working through a traumatic event is not always possible in spite of the many resources available for sexual assault victims. Accessing available resources following a sexual assault and participating in an investigation are time-intensive and Cadets/Cadet Candidates occasionally choose their academic, military, and physical requirements over victim support resources. The goal is to ensure victims have the time and space available to create a balance between their personal well-being and maintaining Cadet/Cadet Candidate requirements that facilitates their healing without creating the extra pressure of falling behind or failing courses.

**5. POLICY.**

a. Any Cadet/Cadet Candidate who wants to request RTH accommodations in accordance with this policy must initiate the request through the Sexual Assault Response Coordinator (SARC) or Victim Advocate (VA), either as a self-initiation or based upon referral.

b. A referral may be from a coach, staff member, or faculty member who recognizes the Cadet/Cadet Candidate is struggling and is aware that the Cadet/Cadet Candidate is coping with a sexual assault incident. Any referrals from a coach, staff member, or faculty member to the SARC or VA for RTH accommodations should be made with the Cadet's/Cadet Candidate's express permission.

c. The Cadet/Cadet Candidate must file a restricted or unrestricted report through a SARC or VA to request RTH accommodations in accordance with this policy.

(1) Support services are still available to victims of sexual assault even if they do not wish to file a restricted or unrestricted report.

(2) If Cadets/Cadet Candidates have not signed a DD Form 2910 to file either a restricted or unrestricted report of sexual assault, a provider may still request accommodations through a cognitive profile, however, these accommodations will not be considered a utilization of the RTH policy.

(3) The healthcare provider will educate the Cadet/Cadet Candidate about reporting options while encouraging the Cadet/Cadet Candidate to speak with a Sexual Harassment/Assault Response and Prevention (SHARP) program

representative to learn about additional support services and accommodations which the SHARP program may provide.

d. Once a Cadet/Cadet Candidate requests accommodations under this policy, the Cadet/Cadet Candidate should be referred to Cadet Professional Development (CPD).

(1) Cadets/Cadet Candidates may request to utilize Keller's Behavioral Health but should understand by utilizing that option, the encounter will be entered into their electronic medical records.

(2) The healthcare provider will meet with the Cadet/Cadet Candidate to help determine what would be in the Cadet's/Cadet Candidate's best interest, which may include a cognitive profile.

(3) The Cadet/Cadet Candidate will remain actively engaged with their support resources and remain connected to the SARC/VA for case management purposes.

(4) The healthcare provider will inform Cadets/Cadet Candidates about confidentiality and exceptions, including potential outcomes if imminent safety concerns are identified. Healthcare providers are required to disclose necessary information to command authorities under certain conditions, including harm to self, harm to others, harm to mission, and inpatient care (see references a and b).

(5) To protect confidentiality, the cognitive profile will not indicate that it is in reference to sexual assault or the RTH policy.

e. RTH Accommodation Management:

(1) At USMA, RTH accommodations are managed by the USMA/USCC SARC who will collaborate/coordinate with healthcare personnel, CPD, and/or other resources to support the Cadet. Confidential communications will not be disclosed unless the Cadet authorizes, in writing, disclosure or disclosure is required by law or regulation. Communications between the Cadet and a person other than the SARC, Sexual Assault Prevention Response Victim Advocate (SAPR VA), healthcare personnel, assigned Special Victim's Council (SVC)/Victim's Legal Council (VLC), legal assistance officer, or Chaplain are NOT confidential and do not receive the protections of restricted reporting and confidential communications.

(2) At USMAPS, RTH accommodations are managed by the USMAPS SARC who will collaborate/coordinate with healthcare personnel, CPD or Behavioral Health, and/or other resources to support the Cadet Candidate. Confidential communications will not be disclosed unless the Cadet Candidate authorizes, in writing, disclosure or disclosure is required by law or regulation. Communications between the Cadet Candidate and a person other than the SARC, SAPR VA, healthcare personnel, assigned SVC/VLC,

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legal assistance officer, or Chaplain are NOT confidential and do not receive the protections of restricted reporting and confidential communications.

f. The Lead SARC will monitor all sexual assault related RTH requests and accommodations and report updates related to unrestricted cases at the monthly Sexual Assault Review Board (SARB).

g. Information regarding restricted reports, unrestricted reports, and RTH accommodations should only be released to personnel with an official need to know as authorized by law or regulation. Improper disclosure of information regarding unrestricted or restricted reports, confidential communications, or medical information is prohibited and may result in disciplinary action pursuant to the Uniform Code of Military Justice (UCMJ) or other adverse personnel or administrative actions.

## **6. PROCEDURES.**

a. Self-report, Intake, and Information/Resource Education. A Cadet/Cadet Candidate who discloses a sexual assault to a coach, staff, or faculty member will be encouraged to meet with the SARC to learn about the options to report the sexual assault and request accommodations. If a Cadet/Cadet Candidate chooses to request RTH accommodations, they must first file a restricted or unrestricted report of sexual assault by signing DD Form 2910. Cadets/Cadet Candidates will then be referred to CPD to conduct the intake and receive additional information about RTH accommodations.

b. Collaboration and Communication. The SARC will coordinate with the appropriate healthcare personnel to ensure instructors and TACs are informed of the authorized cognitive profiles and stipulations thereof. Each profile is generic in nature, providing instructors and TACs with awareness that a profile exists but not the reason for the profile. Communication with the instructors and TACs is critical in managing the victim's progress.

c. USMA Ongoing Care. The SARC will maintain minimal monthly check-ins to verify the Cadet's/Cadet Candidate's wellness. Should Cadets/Cadet Candidates request to extend the profile, they must follow-up with their medical provider for a reassessment. Cadets/Cadet Candidates are encouraged to access the resources that they feel are the most beneficial to their recovery and to provide updates to the SARC managing their case.

## **7. HEALTH PROFILES AND COURSE MODIFICATIONS.**

a. Although specific accommodations (see below) can be written into the profile by healthcare personnel, they are not the only appropriate accommodations that are supported through USMA's or USMAPS's victim support services.

b. Those with the proper authority will continue to have the discretion to make accommodations to support the Cadet/Cadet Candidate in addition to what is covered by the profile.

c. The Cadet's/Cadet Candidate's well-being should be prioritized. The appropriate and necessary RTH accommodations for each Cadet/Cadet Candidate will depend on the individual. The primary function of a Cadet/Cadet Candidate is to be successful in the academic domain. Reducing activities outside of the academic domain may protect the Cadet/Cadet Candidate from academically falling behind. Healthcare providers will determine what is required to support academic success. This will include looking for alternative accommodations to missing classes, behaviors which foster a sense of isolation, or the removal of a Cadet/Cadet Candidate from their support system. The following are examples for the healthcare personnel to consider:

(1) Limit practice/drill or limited attendance/participation. Cadets/Cadet Candidates will need to be mindful of accountability. For example, if they are not participating in company events, the Cadet/Cadet Candidate should inform their TAC of their whereabouts (such as being at the library to work on completing their assignments).

(2) Limited engagement with others.

(3) Postponement of exams and graded events.

(4) Extended deadlines.

(5) Extended testing time.

(6) Additional Instruction (AI).

d. Some additional considerations, which will require consultation with the Associate Dean, may include:

(1) A waiver of outstanding or past due work from grade calculation. This may allow Cadets/Cadet Candidates to focus on graded events that are more important to the course and thus lessen the amount of work that is past due.

(2) An extension for a Cadet/Cadet Candidate to turn in missed work. This extension may require the instructor to enter a No Credit (N/C) for the Cadet's/Cadet Candidate's grade. It is permissible to extend the date/deadline beyond the term-end date.

(3) An extension of testing time. An alternative to an extension is to separate the Term End Exam (TEE) into multiple parts to allow for rest/recovery periods.

(4) A postponement of the TEE until the following semester (spring or summer term) or otherwise agreed upon date. In this case, an N/C is published for the end of term grade until the TEE is completed and is calculated into the final grade.

(5) A waiver of the TEE and acceptance of the current grade as the final grade. For USMA Cadets, this request must go through the Associate Dean for Registrar Services for coordination with the responsible Director or Head of a Department of Instruction. For Cadet Candidates, this request must go through the Dean with coordination with the responsible Director or Department Head. This request must be mutually agreed upon, so the Cadet/Cadet Candidate fully understands what grade they will earn.

(6) Administrative or medical leave as authorized by appropriate officials.

e. Course Drop(s): On rare occasions, a Cadet may need to drop one or more classes. This request should be made to the SARC/VA or the medical provider managing the profile who, with permission of the Cadet, can reach out to Academic Affairs/Registrar Services (AARS) to discuss the course drop. The reason for the drop will be stated as a health concern. This recommendation is presented to the Associate Dean of AARS who will discuss the course modification with the Dean of the Academic Board for final approval. If approved, AARS will process the drop and notify the Cadet and Head Department Academic Counselor of the final decision. A Cadet must remain in the scheduled class until they are officially notified by AARS of disenrollment. Due to the nature of the 10-month USMAPS program, this option is not applicable.

8. **SUMMARY.** West Point is committed to making resources available to support a Cadet's/Cadet Candidate's well-being following sexual trauma. The availability of the RTH accommodations articulated in this policy highlights this commitment. The policy establishes a process that allows a Cadet/Cadet Candidate and USMA's/USMAPS's staff and faculty to work together to take deliberate steps to maintain a balance that fosters recovery, self-care, healing, and success of Cadets/Cadet Candidates who experience sexual assault.

9. **PROPONENT.** The USMA SHARP Program Office serves as the proponent for this policy at (845) 938-2028.



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