



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

AUG 14 2023

MASP

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: USMA Policy Letter #13 Physical Separation

1. REFERENCES:

a. Public Law 116-283, Section 539, William M. Thornberry National Defense Authorization Act for Fiscal Year 2021.

b. 10 U.S.C. § 7461.

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

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

e. DoDI 5505.18, Investigation of Adult Sexual Assault in the Department of Defense, 22 March 2017, incorporating Change 4, 6 September 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.

h. Army Directive 2022-13, Reforms to Counter Sexual Harassment/Sexual Assault in the Army, 20 September 2022.

i. Army Directive 2022-10, Safe to Report for Victims of Sexual Assault, 6 July 2022.

2. PURPOSE. This policy establishes and implements procedures and guidelines for physical separation of victims and subjects of sexual assault to give each the opportunity to complete their course of study at the United States Military Academy (USMA) without taking classes together or otherwise being in close proximity to each other during mandatory activities.

MASP

SUBJECT: USMA Policy Letter #13 Physical Separation

3. **APPLICABILITY.** This policy applies to USMA cadets and United States Military Academy Preparatory School (USMAPS) cadet candidates.

4. **POLICY.** Victims of sexual assault who have filed an Unrestricted Report on a DD Form 2910 will receive physical separation accommodations for recovery and support purposes. The USMA Sexual Harassment/Assault Response and Prevention (SHARP) Program Office will support the coordination of physical separation with the chain of command (CoC) – Tactical Officer and above – to the extent possible while considering feasibility and adherence to USMA policies and procedures. This policy does not preclude the chain of command from taking other administrative or disciplinary action when appropriate. All personnel involved in the process will protect the privacy of both the victim and subject by ensuring that any information regarding the individuals involved is not disclosed to third parties who are not authorized by law or regulation to receive such information in the course of performing their official duties. All forms of retaliation are prohibited. The efficacy of this policy will be discussed as a part of the monthly Sexual Assault Review Board (SARB).

5. **PROCEDURES.**

a. For individuals who have filed an Unrestricted Report of sexual assault:

(1) Upon signing the DD Form 2910, Victim Reporting Preference Statement, the supporting SARC or VA must advise the victim of the physical separation policy and the victim's option to elect not to be covered by the policy. To initiate physical separation, the SARC will engage with the victim's commanding officer. The victim's commanding officer will notify the Criminal Investigative Division (CID) of the sexual assault if they have not already done so. The victim's commanding officer will then coordinate with the subject's commander to issue a Military Protective Order (MPO) in accordance with Army Directive 2022-13, and coordinate with the Staff Judge Advocate to ensure, to the maximum extent possible, victim(s) and subject(s) avoid contact including during Corps-/Regiment-/Battalion-wide mandatory events. If the command determines an MPO is not warranted, the subject's commander, in coordination with the victim's commander, will make a secondary determination as to whether a no-contact order is appropriate. Once an MPO or no-contact order has been issued, the victim's supporting SARC will coordinate with USCC/USMAPS for physical separation to the extent possible.

(2) The four main categories of physical separation will be addressed as follows. For each category, either the victim's schedule/place of duty/company and/or the subject's schedule/place of duty/company may be adjusted.

a) Cadet Excusals. Victims may be excused from a place or performance of duty to include, but not limited to, classes, lectures, formations, and training. As required, the

MASP

SUBJECT: USMA Policy Letter #13 Physical Separation

supporting SARC will support the victim in contacting their commander to request the excusal. The victim is responsible for notifying required parties of the planned absence from their place or performance of duty. Requests for excusals must be made and approved prior to the absence.

b) Quarters. As required, the supporting SARC will support the victim in contacting their commander to request a quarters authorization. The cadet will follow standard quarters procedures and will notify their commander, instructor, coach, or any other relevant party to account for their absence from a place or performance of duty. Requests for absences must be made and approved prior to the absence.

c) Class Schedule Changes. Each semester and as a part of the summer training scheduling process, the Supervisory Lead SARC will provide USCC Brigade Tactical Officer (BTO)/USMAPS Commander with a list of cadets/cadet candidates who have made an Unrestricted Report of sexual assault and have an active MPO or no-contact order. For cadet victims, USCC will ensure coordination within USCC and will coordinate with the Dean and the Army Athletic Association (AAA) to deconflict the schedules of all cadet victims and subjects listed in the MPO for academic, military, physical, and summer schedules to the extent possible. For cadet candidate victims, while still enrolled at USMAPS, USMAPS will ensure coordination within USMAPS to deconflict the schedules of all cadet victims and subjects listed in the MPO for academic, military training, and athletic events. Once cadet candidate victims have graduated from USMAPS and upon enrolling in USMA, continuing orders shall be coordinated between USMAPS, USCC, Dean, and AAA for ongoing deconfliction of academic, military, physical, and summer schedules. If a report occurs mid-semester requiring the request of a class schedule change, the victim's supporting SARC will coordinate with USCC/USMAPS and Dean/USMAPS Dean to deconflict the schedules of the victim and subject to the extent possible.

d) Cadet Company Transfers. As required, the victim's supporting SARC will coordinate with USCC/USMAPS and the victim's commander to transfer either the victim or subject to a different company. From the time the commander receives the request, the commander will provide the cadet/cadet candidate with their decision within 72 hours, to include weekends and holidays. The SARC will track adherence to this timeline and report it to the USMA Superintendent. The SARC will notify USCC/USMAPS if there is a concern for the victim's safety. In the event of a safety concern, for cadet/cadet candidate victims, USCC/USMAPS will coordinate the cadet company transfer as soon as possible, but no later than 24 hours. All processes will remain the same, except for adopting a 24-hour timeframe for safety. The 72-hour and 24-hour timeline outlined above are for the approval/disapproval process only. If a transfer is approved, the victim's commander will coordinate the most appropriate time for the actual move to take place.

MASP

SUBJECT: USMA Policy Letter #13 Physical Separation

(3) All physical separation requirements will be accommodated to the extent possible.

(4) Victims of sexual assault also have the option to request a Military Service Academy (MSA) Transfer in accordance with reference b. This can be in addition to physical separation.

(5) Victims of sexual assault may elect to not be covered by the physical separation policy with respect to a specific report of sexual assault.

b. Victims who have a sexual assault case with CID, but who have not made an Unrestricted Report by signing a DD Form 2910 may utilize the physical separation policy.

c. If the sexual assault victim filed a DD Form 2910, *Victim Reporting Preference Statement*, electing a Restricted Report, physical separation is not available under this policy. Physical separation requires CoC knowledge and involvement which the victim has declined by electing the Restricted Reporting option.

6. ROLES AND RESPONSIBILITIES.

a. USCC. In all situations of physical separation involving cadets, USCC will be the primary point of coordination. The United States Corps of Cadets will identify the appropriate personnel for the coordination of each category of physical separation. The victim's CoC will be included in the coordination. Each case is unique and requires case-by-case consideration. The type of report made will guide coordination. The United States Corps of Cadets will serve as the POC for physical separation requirements regarding room and company assignments, as well as summer program scheduling for cadet victims who are utilizing this policy.

b. Dean. The Dean maintains authority in cases requiring class schedule changes. The Dean will identify the appropriate personnel for the coordination of class schedule changes.

c. USMAPS. In all situations involving cadet candidates, USMAPS will be the primary point of coordination. The United States Military Service Academy Prep School will identify the appropriate personnel for the coordination of each category of physical separation. The victim's CoC will be included in the coordination. Each case is unique and requires case-by-case consideration. The type of report made will guide coordination. The United States Military Service Academy Prep School will serve as the POC for physical separation requests regarding room and company assignments for cadet candidate victims who are utilizing this policy. In anticipation of a cadet candidate

MASP

SUBJECT: USMA Policy Letter #13 Physical Separation

graduating from USMAPS, USCC will serve as the POC for physical separation requests related to summer program scheduling for cadet candidate victims who are utilizing this policy.

d. USMAPS Dean. The USMAPS Dean maintains authority in cases requiring class schedule changes within USMAPS. The USMAPS Dean will identify the appropriate personnel for the coordination of class schedule changes.

e. USMA SHARP. The USMA SHARP Office serves as the proponent for administering the Physical Separation Policy.

(1) The Supervisory Lead SARC will maintain contact with victims on leave of absence, to ensure awareness of the deconflition of schedules option upon return to USMA, in coordination with USCC.

(2) For victims who have a sexual assault case with CID but who have not made an Unrestricted Report by signing a DD Form 2910, the Lead SARC will relay the efficacy of this policy at the monthly SARB in their role as SARB Co-chair.

f. Victim's Commander. The victim's commander will:

(1) Inform cadets/cadet candidates of the requirement for physical separation and option to elect not to be covered by the policy, and to coordinate within USCC/USMAPS. If the victim elects not to be covered by the policy, the commander will complete a DA Form 4856 documenting that the victim was informed of the physical separation policy and elected not to be covered by the policy.

(2) Immediately brief their BTO and the SARB chair if he or she believes the victim is in a high-risk situation.

(3) Relay the efficacy of this policy at the monthly SARB.

g. Subject's Commander. The subject's commander will:

(1) Inform cadet/cadet candidates of the potential need for physical separation, and to coordinate with USCC/USMAPS.

(2) Offer all mental health services, to include Military and Family Life Counselor (MFLC), Chaplain, CPD, and BH.

(3) Immediately brief their Brigade Tactical Officer (BTO) if he or she believes the subject is in a high-risk situation.

MASP

SUBJECT: USMA Policy Letter #13 Physical Separation

h. Installation SARC and VAs. The assigned SARC and VA will remain in contact with the victim.

7. **SUMMARY.** The United States Military Academy is committed to ensuring victims and subjects of sexual assault can complete their coursework and other graduation and commissioning requirements without taking classes together or being in close, physical proximity during mandatory activities, while ensuring all parties are afforded all their rights, due process, and available support measures. This policy codifies that commitment.

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



STEVEN W. GILLAND
Lieutenant General, U.S. Army
Superintendent

DISTRIBUTION:

All USMA Directorates and Staff