RESPECT POLICY LETTER V2

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DEPARTMENT OF THE ARMY
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AFYB-CG

FEB 21 2020

MEMORANDUM FOR RECORD

SUBJECT: 4th Infantry Division and Fort Carson, Commanding General, RESPECT Policy Letter

1. Equal and fair treatment of every Soldier, Civilian and their Family members assigned or attached to this command is an absolute priority. The enclosed policies support the READY philosophy within the Division and across Fort Carson. The intent is to identify and eliminate practices that deny equal opportunity and fair treatment to Soldiers, Civilians and their Families. In addition, we will operationalize RESPECT daily by providing positive lines of communication, and a safe and secure environment for all members of our command to succeed and prosper.

2. This RESPECT policy requires that all Soldiers, Civilians and our Families are afforded fair and equitable treatment regardless of race, color, sex (including gender identity), religion, national origin, or sexual orientation. Effective equal opportunity and the fair treatment of others depends on engaged leaders and a positive command climate at every level. Lack of respect tears at the fabric of the organization, negatively impacts cohesion and ultimately degrades our readiness and lethality.

3. Respect for ourselves and our Soldiers, Civilians and our Families will provide the foundation for our daily actions and the fabric of cohesive teams. Respect is a central part of high performing organizations, and absolutely critical to maintaining readiness. I charge every member of this command to set and enforce high standards of discipline, professional behavior and respect for others. We are a Team of Teams!

4. The enclosed 4th Infantry Division and Fort Carson Commanding General Policy Letters are effective upon receipt and remain in effect until superseded or rescinded.

MATTHEW W. McFARLANE
Major General, U.S. Army
Commanding General

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Enclosure 1 (Equal Opportunity Program) to the 4th Infantry Division and Fort Carson, Commanding General, RESPECT Policy Letter

1. References.

a. Army Regulation (AR) 600-20, Army Command Policy, Chapter 6.

b. Army Directive (AD) 2015-39, Inclusion of Sexual Orientation in the Military Equal Opportunity Program, 14 October 2015.

c. AD 2016-35, Army Policy on Military Service of Transgender Soldiers.

d. FORSCOM Commanding General Policy Memo 2, Equal Opportunity (EO) Program.

e. III Corps Commanding General's Policy Letter # 14, Equal Opportunity (EO) Program and Complaint Procedures.

2. Applicability.

a. This policy applies to all military personnel, active or reserve, assigned or attached to 4th Infantry Division and Fort Carson units, tenant activities, regardless of location, as well as their Family members and Civilian employees.

b. This policy applies both on and off post, and during duty and non-duty hours. It further applies to working, living, and recreational environments including on and off-post housing and online.

3. Purpose. To ensure every 4ID and Fort Carson service member, Family member and Civilian has the opportunity to reach his or her potential free of unlawful discrimination or offensive behavior.

4. Policy.

a. I am firmly committed to ensuring fair and equal treatment for all Fort Carson service members, Family members and Civilian employees based on merit, fitness, and capability. I fully support the EO Program and direct the same level of support from subordinate commanders.

b. It is the 4ID and Fort Carson Policy that unit commanders provide equal opportunity and fair treatment to all military personnel, Family Members, and Civilian employees without regard to race, color, religion, national origin, sex (including gender identity) or sexual orientation. Leaders at all levels will provide an environment free of discrimination, prejudice, verbal abuse, insensitivity, offensive behavior and thoughtlessness.

c. Every commander, director, supervisor and leader will set the example with regard to EO and will take appropriate action to create and sustain an effective program by

eliminating behaviors and practices that undermine teamwork, mutual respect, and loyalty. Leaders must proactively communicate, educate, and train the members of their commands to ensure maximum awareness of this policy.

5. Proponent. The 4th Infantry Division EO Office is the proponent for this program and can be contacted at 719-526-4305/4304. The EEO Office handles the concerns of civilian employees and can be contacted at (719) 526-9673/5818.

Enclosure 2 (Treatment of Persons) to the 4th Infantry Division and Fort Carson, Commanding General, RESPECT Policy Letter

1. References.

a. Army Regulation (AR) 600-20, Army Command Policy.

b. AR 380-67, Personnel Security Program.

c. FORSCOM Commanding General Policy Memo 6, Treatment of Persons (Hazing and Bullying).

d. III Corps Commanding General's Policy Letter # 19, Treatment of Fellow Soldiers.

2. Applicability.

a. This policy applies to all military personnel, active or reserve, assigned or attached to the 4th Infantry Division and Fort Carson units, and tenant activities, regardless of location.

b. This policy applies both on and off post, and during duty and non-duty hours. It further applies to working, living, and recreational environments including on and off-post housing and online.

3. Purpose. To ensure that every service member and Civilian on Fort Carson understands my expectations regarding the fair and humane treatment of all persons.

4. Policy. I expect everyone to treat all persons with dignity and respect.

a. I explicitly forbid all acts of hazing or bullying as defined below and in AR 600-20, paragraph 4-19. For Soldiers, hazing and bullying are also explicitly prohibited by AR 600-20, paragraph 4-19.

b. Individuals subjected to or aware of hazing and bullying should report such actions to their commander, law enforcement, or the Inspector General. All personnel who report prohibited acts or behaviors will be protected from reprisal or retaliation.

c. Every Army unit down to the company level will publish a Treatment of Persons policy. Commanders must consult with their legal advisor prior to publication.

d. On at least an annual basis, commanders will conduct hazing and bullying training as part of the EO training requirements related to promoting a healthy unit climate.

5. Definitions.

a. Hazing is any conduct whereby a service member or members, regardless of service, rank, or position, and without proper authority, recklessly or intentionally, cause(s) another service member to suffer or be exposed to any activity that is cruel,

abusive, humiliating, oppressive, demeaning, or harmful. Soliciting or coercing another to participate in any such activity is also considered hazing. Hazing need not involve physical contact among or between service members; it can be verbal or psychological in nature. Likewise, it need not be committed in the physical presence of the victim; it may be accomplished through written or phone messages, text messages, email, social media, or any other virtual or electronic medium. Actual or implied consent to acts of hazing does not eliminate the culpability of the perpetrator. Without outside intervention, hazing conduct typically stops at an identified end-point, such as the conclusion of an improper "rite of passage."

b. Bullying is any conduct whereby a service member or members, regardless of service, rank, or position, intends to exclude or reject another service member through cruel, abusive, humiliating, oppressive, demeaning, or harmful behavior, which results in diminishing the other service member's dignity, position, or status. Absent outside intervention, bullying will typically continue without any identifiable end-point. Bullying may include an abuse of authority. Bullying tactics include, but are not limited to; making threats, spreading rumors, social isolation, and attacking someone physically, verbally, or through the use of electronic media.

6. Punitive Order. This policy is punitive and is intended to be a lawful general order within the meaning of Article 92, Uniform Code of Military Justice (UCMJ). Violations of this policy or of AR 600-20, paragraph 4-19, a lawful general regulation, may result in punitive action under the UCMJ, adverse administrative action, or both.

7. Proponent. The 4th Infantry Division Equal Opportunity Office is the proponent for this program and can be contacted at (719) 526-4305/4304. The Equal Opportunity Employment Office can be contacted at (719) 526-9673/5818.

Enclosure 3 (Sexual Harassment/Assault Response and Prevention) to the 4th Infantry Division and Fort Carson, Commanding General, RESPECT Policy Letter

1. References.

a. AR 600-20, Army Command Policy, Chapter 7 (Sexual Harassment) & Chapter 8 (Sexual Assault).

b. ALARACT 182/2010 Sexual Harassment/Assault Response and Prevention (SHARP) Program Implementation and Training.

c. ALARACT 123/2011 Mandatory Unit SHARP Training.

d. ALARACT 007/2012, Sexual Harassment/Assault Response and Prevention (SHARP) Program Implementation Guidance.

e. HQDA SHARP Program Synchronization Order, dtd 23 June 2012.

f. DOD Instruction 6495.01, January 23, 2012, Incorporating Change 3, April 11, 2017.

2. Applicability.

a. This policy applies to all military personnel, active or reserve, assigned or attached to 4th Infantry Division and Fort Carson units, tenant activities, regardless of location, as well as their Family members and Civilian employees.

b. This policy applies both on and off post, and during duty and non-duty hours. It further applies to working, living, and recreational environments including on and off-post housing and online.

3. Purpose. To ensure that every service member and Civilian on Fort Carson understands my expectations regarding the fair and humane treatment of all persons.

4. Policy. Sexual harassment and sexual assault are incompatible with Army Values and adversely affect morale, welfare, discipline and mission readiness. These actions harm the victims, Families, neighbors, Soldiers' careers, and unit integrity. The rights of victims and offenders will be respected to ensure safety of all parties. Victims of sexual harassment and sexual assault will be treated with compassion, dignity, and respect at all times. Leaders will collectively reduce sexual harassment and assault by creating a climate that respects the dignity of every member of our Army Family.

5. Sexual harassment is a form of gender discrimination that involves unwelcome sexual advances, requests for sexual favors, (verbal and non-verbal), or physical conduct of a sexual nature between the same or opposite genders when:

a. Submission to, or rejection of, such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career.

b. Submission to, or rejection of, such conduct by a person is used as a basis for career or employment decision affecting that person.

c. Such conduct has the purpose or effect of unreasonable interference with an individual's work performance or creates an intimidating, hostile, or offensive environment.

6. The Army's policy is "zero" tolerance for sexual harassment. Any person in a supervisory or command position who uses or condones any form of sexual behavior to control, influence, or affect the career of an individual is engaging in sexual harassment. Similarly, any individual who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature is engaging in sexual harassment. Sexual Harassment diminishes the high standards of honesty, integrity, and organizational values necessary for carrying out the Army's mission. Sexual harassment is punishable under the UCMJ and any person who engages in sexual harassment will be disciplined as warranted.

a. Individuals who feel that they are being or have been sexually harassed should make it clear that the behavior is offensive and are encouraged to report the incident to their SHARP personnel, supervisor, chain of command, or the Inspector General's Office. Commanders, managers, and leaders at all levels will ensure that anyone filing a complaint alleging sexual harassment will be protected against acts or threats of reprisal and retaliation.

b. Allegations of sexual harassment will be investigated and resolved promptly at the lowest level possible or by formal disciplinary or administrative action. Commanders, managers, and supervisors will take prompt and decisive action when such sexual harassment is substantiated.

c. The Commander will establish and implement a plan to protect the complainant. Any named witnesses and the subject from any acts of reprisal. The commanders reprisal plan will at a minimum include specified meetings and discussions with the complainant, subject, named witnesses, and selected members of the chain of the command.

7. Sexual Assault is a crime defined as intentional sexual contact characterized by the use of force, threat of force, abuse of authority, or when the victim does not or cannot consent. Sexual assault includes rape, nonconsensual sodomy (oral or anal), indecent assault (unwanted, inappropriate sexual contact of fondling), or attempts to commit these acts. Service members who are victims of sexual assault may report the incident in a Restricted or Unrestricted manner.

a. Restricted reporting allows a victim of a sexual assault to disclose the details of the assault on confidential basis to specifically identified individuals and receive medical treatment and counseling without triggering an official investigation. Soldiers, Family members, or DOD Civilians who are sexually assaulted and desire restricted

reporting should report the assault to a SHARP professional, Chaplain, or healthcare provider on post to maintain confidentiality.

b. Unrestricted reporting allows a victim of a sexual assault to receive medical treatment counseling, and triggers an official investigation into the sexual assault. Victims may make an unrestricted report to a SHARP Specialist, Chaplain, healthcare provider, law enforcement, or the Chain of Command. With the consent of the victim, a healthcare provider will conduct a forensic examination, which may include the collection of evidence. Details regarding the incident will be limited to only those personnel on a need to know basis.

8. Commanders, leaders and supervisors will ensure Soldiers and Civilians are trained on the Sexual Harassment/Assault Response Program (SHARP) training support package annually. Commanders will also ensure that SHARP training is fully integrated in newcomer's briefs, training courses, and holiday and weekend safety briefings; and before, during and after deployment.

9. Commanders will personally select a full-time deployable SARC and Victim Advocate (VA) at Brigade level and a collateral duty SARC and VA at the Battalion level. Selectees will be on appointment orders signed by the Brigade Commander or higher, have one year retention, and a clear HRC background check. SHARP selectees are required to complete the 80-hour SHARP Foundation course, Sharpening Skills Training, and possess a current DoD Sexual Assault Advocate Certification Program (D-SAACP) certificate.

10. Commanders have a responsibility to create an environment where safety and trust is promoted, and individuals feel free to report incidents of sexual assault. Sexual assault will not be tolerated on this installation.

11. Military personnel who fail to comply with the provisions of this policy memorandum may be subject to punishment under the UCMJ or other adverse administrative action.

12. Proponent. The proponent for this policy is the 4th Infantry Division and Fort Carson SHARP Program Office at 719-526-8625.

Enclosure 4 (Equal Employment Opportunity Program) to the 4th Infantry Division and Fort Carson, Commanding General, RESPECT Policy Letter

1. References.

a. Army Regulation (AR) 690-12, Equal Employment Opportunity and Diversity.

b. AR 690-600, Equal Employment Opportunity Discrimination Complaints.

c. FORSCOM Commanding General Policy Memo 3, Equal Employment Opportunity (EEO) Program.

2. Applicability.

a. This policy applies to civilian employees including all applicants for employment, employed civilians, and certain contractor personnel serviced by the Fort Carson Equal Employment Opportunity Office. Additionally, formerly employed civilians have the right to file complaints.

b. This policy further applies to all military personnel, active or reserve, assigned or attached to 4th Infantry Division and Fort Carson units, and tenant activities, regardless of location if the military personnel's actions or behaviors unlawfully or offensively impact a civilian (as noted in 2.a. above).

c. This policy applies on post during duty hours and could potentially apply off post during non-duty hours. It further applies to working environments on post, and could potentially apply to living and recreational situations on and off-post as well as online interactions.

3. Purpose. To ensure every 4ID and Fort Carson service member and Civilian employee has the opportunity to reach his or her potential free of unlawful discrimination or offensive behavior.

4. Policy.

a. I am firmly committed to ensuring fair and equal treatment for all Fort Carson service members and Civilian employees based on merit, fitness, and capability. I fully support the EEO Program and direct the same level of support from subordinate commanders.

b. It is 4ID and Fort Carson Policy to maintain a model workplace free from harassment and other forms of discrimination on the basis of race, color, religion, sex (including harassment of a sexual or non-sexual nature, pregnancy, gender identity, and sexual orientation), national origin, age, disability, genetic information, or on the basis of reprisal for previous EEO activity or any other legally protected activities.

c. Every commander, manager, director and supervisor is expected to ensure EEO is a fundamental part of all personnel management policies, procedures, decisions and

actions that affect employment, including recruitment, hiring, transfers, awards, training, career development, separation and recognition. Adherence to the principles of EEO exemplifies prudent leadership and is the right thing to do. I expect performance evaluations of military and civilian leaders to reflect their level of success in compliance with this policy.

d. Another part of our commitment to a diverse workforce is to provide reasonable accommodation for individuals with disabilities to perform the essential functions of their position. Supervisors will work jointly with employees and the Fort Carson Disability Program Manager (Ms. Ramirez, 719-526-9673) on effective strategies in compliance with the Department of the Army's Procedures on Reasonable Accommodation. Complete instructions for accommodating individuals with disabilities can be found on the Fort Carson EEO website http://www.carson.army.mil/organizations/eeo.html under the "Reasonable Accommodation" section.

e. Civilian employees perceiving issues of equal employment opportunity discrimination may report them to any management official in their chain of command or consult the garrison EEO office for guidance without fear of intimidation, reprisal, or retaliation. For the complaint process, they should refer to the Garrison Commander's Policy Letter #4, Right to File a Discrimination Complaint. The garrison policy can be found at http://www.carson.army.mil/organizations/eeo.html.

5. Proponent. The Fort Carson EEO Office is the proponent for the EEO program and can be contacted at (719) 526-9673/5818.

Enclosure 5 (Equal Opportunity Program Complaint Process) to the 4th Infantry Division and Fort Carson, Commanding General, RESPECT Policy Letter

1. References.

a. Army Regulation (AR) 600-20, Army Command Policy, Chapter 6.

b. Army Directive (AD) 2015-39, Inclusion of Sexual Orientation in the Military Equal Opportunity Program.

c. AD 2016-35, Army Policy on Military Service of Transgender Soldiers.

d. FORSCOM Commanding General Policy Memo 4, Equal Opportunity (EO) Complaint Process.

e. III Corps Commanding General's Policy Letter # 14, Equal Opportunity (EO) Program and Complaint Procedures.

2. Applicability.

a. This policy applies to all military personnel, active or reserve, assigned or attached to 4th Infantry Division and Fort Carson units, tenant activities, regardless of location, as well as their Family members.

b. This policy applies both on and off post, and during duty and non-duty hours. It further applies to working, living, and recreational environments including on and off-post housing and online.

3. Purpose. This policy informs all military personnel and Family Members of their right to file a formal or informal equal opportunity complaint.

4. Policy.

a. If a service member or Family member feels discriminated against based on race, color, religion, national origin, sex (including gender identity), or sexual orientation, he or she should not hesitate to report the issue to the unit chain of command, or alternately to someone in a higher echelon of the complainant's chain of command; EO Leader (EOL), EO Advisor (EOA); Inspector General; Chaplain; Provost Marshal; medical agency personnel; Staff Judge Advocate; or Chief, Community Housing Referral and Relocation Services Office. Military personnel and Family Members with complaints of EO discrimination will be addressed IAW AR 600-20 Chapter 6 and Appendix C. EO complaints may be filed either informally or formally.

(1) An informal complaint is any complaint that a Soldier or Family member does not wish to file in writing. Informal complaints may be resolved directly by the individual, with help from another unit member, the commander, or any other person in the complainant's chain of command. Typically, those issues that can be taken care of informally are resolved at the lowest level possible through mediation, problem

identification, and clarification of the issues. The commander retains the option to initiate a unit-level inquiry and/or Army Regulation (AR) 15-6 investigation.

(2) A formal complaint is one that a complainant files in writing on a DA Form 7279 and swears to the accuracy of the information. An Equal Opportunity Advisor (EOA) assists complainants to initiate all formal complaints.

b. Soldiers have 60 calendar days from the alleged incident in which to file a formal complaint. If a complaint is received after 60 calendar days, the commander may conduct an investigation into the allegations or appoint an investigating officer. Formal complaints are subject to timelines outlined in AR 600-20, Appendix C, Paragraphs C-2, C-4, C-5, C-7, and C8.

c. The commander receiving a formal complaint will establish a plan to protect the complainant, any named witnesses, and the subject from acts of reprisal. The commander may either personally investigate the formal complaint or appoint an investigating officer as per AR 15-6. After receiving a formal complaint, commanders must notify the General Courts Martial Convening Authority (GCMCA) in the chain of command within three calendar days and meet all timeline and action requirements in accordance with AR 600-20.

5. We must protect all service members and Family members from intimidation, reprisal, or harassment for filing EO complaints. No person may take or threaten to take unfavorable personnel action, or withhold or threaten to withhold a favorable personnel action, in reprisal against any person for filing a complaint. If an allegation of reprisal is made known to any agency authorized to receive complaints, the agency will refer the complaint to the Inspector General. Individuals are responsible for advising the command of the specifics of the complaint and providing the command an opportunity to take appropriate action to rectify/resolve the issue.

6. Proponent. The 4th Infantry Division Equal Opportunity Office (EO) is the proponent for this program and can be contacted at (719) 526-4305/4304.