



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
UNITED STATES ARMY GARRISON WIESBADEN
UNIT 29623
APO AE 09005-9623

IMWB-ZA

AUG 15 2012

MEMORANDUM FOR All Members of the USAG Wiesbaden Community

SUBJECT: US Army Garrison Wiesbaden Command Policy Letter 25, Anti-Bullying

1. References:

- a. Army in Europe (AE) Regulation 27-9, Misconduct by Civilians, 22 November 2011.
- b. Army in Europe Regulation 550-56, Exercise of Jurisdiction by German Courts and Authorities over U.S. Personnel, 3 September 2003.
- c. Army in Europe Regulation 550-50, Exercise of Foreign Criminal Jurisdiction over United States Personnel, 26 November 2007.
- d. Army in Europe Regulation 600-1, Regulated Activities in Europe, 20 May 2009.
- e. Army in Europe Regulation 600-700, Identification Cards and Individual Logistic Support, 4 February 2010.
- f. Army Regulation 614-30, Overseas Services, 30 March 2010.
- g. United States Army Garrison Wiesbaden Command Policy Letter 9, Civilian Misconduct, 09 July 2012.

2. Purpose: To establish policy and procedures for responding to bullying by persons (excluding active-duty military personnel) eligible to receive individual logistical support (ILS) from the U.S. Forces and by persons who have access to U.S. military installations.

3. Applicability: This policy letter applies to all civilians who are not on active military duty but receive ILS from the U.S. Forces (e.g. are permitted access to and use of U.S. Forces' facilities and/or attend DODDS schools) regardless of command sponsorship status, including but not limited to the following:

- a. Appropriated and non-appropriated fund Department of Defense (DOD) civilian Employees, and their Family members, and their "members of household".

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b. Family members of U.S. military personnel, their “members of household”, and U.S. military retirees and their Family members.

c. Employees of Government contractors and their Family members and Government consular and diplomatic personnel and their Family members.

4. Policy: The United States Army Garrison (USAG) Wiesbaden Garrison Commander (GC) is responsible for the morale, welfare, safety, and good order within the military community and is committed to making a safe, caring, and welcoming place for all its members. The GC expects everyone to treat each other with respect, and will not tolerate bullying in any form within the Wiesbaden military community.

a. *Bullying.* Bullying is a form of aggressive behavior manifested by the use of force or coercion to affect others, particularly when the behavior is habitual and involves an imbalance of power. Bullying can include verbal harassment, physical assault or coercion and may be directed repeatedly towards particular victims, perhaps on grounds of race, religion, gender, sexuality, or ability. Bullying also includes cyber bullying and can impact the feeling of safety and create an intimidating, hostile or offensive environment. Bullying may involve, but is not limited to:

(1) Taunting

(2) Using put-downs, such as insulting or making fun of someone’s race, religion, physical ability or disability, mental ability or disability, or gender (including perceived or actual sexual orientation).

(3) Threatening or ganging up on someone.

(4) Stealing or damaging another person’s things (stealing or damaging can also be considered a criminal offense).

(5) Physically hurting a targeted individual and/or unwanted touching (can be considered a form of assault).

(6) Shunning or purposefully excluding a targeted student or trying to get other students not to play with a targeted individual.

(7) Cyber-bullying, i.e. using a cell phone, gaming device, the internet, or other social media to threaten, stalk, ridicule, humiliate, taunt, spread rumors, lock out of a game, or hack into a individual account.

(8) Hazing, i.e. “any intentional, knowing, or reckless act by one person alone or acting with others, directed against a student, that endangers the mental or physical health or safety of a

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student for the purpose of pledging, being initiated into, affiliating with, or holding office in an organization (this can be considered a criminal offense).

b. Individuals who engage in bullying of any sort will be held accountable for their actions and will be subjected to adverse administrative action in accordance with (IAW) Army in Europe Regulation (AER) 27-9.

c. When considering the appropriate administrative action, the GC will consider the seriousness of the bullying; relationship of the sanction to the bullying; reports of prior bullying history, age and maturity of the offender; and any compensation the offender has made to the victim(s) to rectify the effects of his or her bullying. Administrative actions the GC can impose against individuals who engage in bullying include:

(1) Letter of Counseling or Warning. Letters of counseling or warning do not require a notice of intent (NOI) and are not appealable. They require no further action, but are simply issued to a subject under general GC authority to address an incident of misconduct. If the respondent submits a reply, it will be included in the case file. Unless the GC chooses to reconsider his or her decision, the case file will be closed.

(2) Suspension or Revocation of Individual Logistic-Support Privileges (ILS). ILS privileges that can be suspended and/or revoked due to misconduct include, but are not limited to, AAFES and commissary privileges; rationed items to include tax-free fuel and Class VI privileges; Moral, Welfare, and Recreation (MWR) privileges; government housing; and installation driving privileges.

(3) Early Return of Dependents (EROD) (voluntary or involuntary). Early return of Family members or other civilian offenders to the continental United States will be considered by the GC when other administrative measures are not expected to be effective and/or the bullying continues. However, if host-nation authorities indicate the intent to prosecute the offender or are likely to do so, an EROD will not be effected without host-nation approval and will be coordinated through the local legal liaison authority (LLA).

(4) Rehabilitation and Restitution Opportunity Program (R&RO). Depending on the facts of a specific case, individuals who engage in bullying may be offered the opportunity to voluntarily participate in the R&RO program instead of more severe action. The R&RO program offers an effective way to determine whether or not an offender is willing to be a responsible member of the community. R&RO will be tailored to the offense and to the offender. Examples of R&RO that may be offered include:

(a) Paying restitution to victims, including the garrison or other units/agencies that have been affected by the bullying, to reimburse or compensate them for damages or losses.

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(b) Performing voluntary community service.

(c) Attending and participating in Social Works Services (SWS), medical programs, or community education or counseling programs intended to identify, diagnose, or treat underlying social or psychosocial disorders that affect an individual's behavior or to educate respondents in better ways to manage their personal lives.

(d) Remaining at home during specified hours of the day.

(e) Receiving periodic home visits from the Assistant Civilian Misconduct Action Authority (ACMAA) or an appropriate designee.

(f) Periodically reporting in person to the ACMAA or an appropriate designee.

(5) Barment (local and/or theater wide). In appropriate cases, the GC can impose a permanent and/or temporary bar on respondents when dealing with bullying. Barment will prevent individuals from legally accessing U.S. military installations within Europe. Bars will not prohibit a minor enrolled in a DODDS school from accessing the education facility, nor may it prohibit an offender from receiving medical treatment if authorized. Requests to remove or modify a bar to entry must be sent to the authority who issued the bar memorandum. Requests may not be made until at least 1 year after the effective date the bar was imposed.

d. Responsibilities:

(1) USAG Wiesbaden Garrison Commander will: Address incidents of bullying and take appropriate administrative action against persons who engage in bullying IAW AER 27-9.

(2) Sponsors and parents will:

(a) Make every effort to prevent bullying by their Family members.

(b) Cooperate fully with garrison, school, and host-nation officials.

(c) Use recommended services as appropriate (e.g. counseling, consultation with school officials, parent effectiveness training).

(3) DODDS Students will:

(a) Treat each other with respect.

(b) Refuse to bully others or let others be bullied.

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(c) Report bullying to an adult, teacher, or school administrator.

(4) Department of Defense Dependant School (DODDS) officials will:

(a) Look into all reported bullying incidents quickly that occur at schools and during school activities and take appropriate internal administrative action to address the bullying. If internal administrative action is unsuccessful and the behavior escalates, or presents a danger to the order, discipline, and safety of the garrison, the individual will be referred to the ACMAA. Administrative actions that DODDS can take to address bullying include but are not limited to:

(1) Notify parents/guardian of incident and consequences.

(2) Assist the perpetrator(s) to find a more appropriate way to relate to peers.

(3) Conference with teacher, principal, and/or parent.

(4) Referral to school counselor.

(5) Corrective instruction.

(6) Behavior management plan.

(7) Temporary removal from the classroom.

(8) Loss of school privileges.

(9) Classroom or administrative detention.

(10) In-school suspension, out of school suspension, or expulsion.

(b) Report to the ACMAA all cases of bullying that warrant suspension or expulsion from school, even if the punishment is not actually executed.

(c) Report any behavior that constitutes a criminal act or breaks the law to the Military Police.

(5) Children and Youth Service (CYS) will:

(a) Look into all reported bullying incidents quickly and take appropriate internal administrative action to address the bullying. If internal administrative action is unsuccessful and the behavior escalates, or presents a danger to the order, discipline, and safety of the

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garrison, the individual will be referred to the ACMAA. Administrative actions that CYS can take to address bullying include but are not limited to:

- (1) Notify parents/guardian of the incident and consequences.
- (2) Assist the perpetrator(s) to find a more appropriate way to related to peers.
- (3) Conference with youth and/or parent.
- (4) Referral to SWS, Garrison Chaplain and Military Family Life Consultants.
- (5) Corrective instruction.
- (6) Behavior management plan.

(7) Consider temporary loss and/or removal from all CYS services program privileges as determined by Program Director and CYS Services Coordinator.

(b) Report to the ACMAA all cases of bullying that warrant the suspension and/or removal from CYS programs.

(c) Report any behavior that constitutes a criminal act or breaks the law to the Military Police.

5. Point of contact for this memo is Mr. Walter Tobash, Assistant Civilian Misconduct Action Authority, who may be reached at DSN: 337-7068 / CIV: 0611-705-7068 or via email: walter.j.tobash.civ@mail.mil.



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