



DEPARTMENT OF THE ARMY
UNITED STATES ARMY GARRISON BENELUX
UNIT 21419
APO AE 09708-1419

REPLY TO
ATTENTION OF

IMCH-MW-SAR

FEB 15 2019

MEMORANDUM FOR All Personnel Assigned within the United States Army Garrison (USAG) Benelux Area of Responsibility

SUBJECT: USAG Benelux Command Policy Letter #4, Sexual Harassment/ Assault Response and Prevention (SHARP)

1. References.

a. DoD Instruction 1020.03, Harassment Prevention and Response in the Armed Forces, 08 February 2018.

b. DoD Directive 6495.01, Sexual Assault Prevention and Response (SAPR) Program, 11 April 2017.

c. DoD Instruction 6495.02, Sexual Assault Prevention and Response (SAPR) Program Procedures, 24 May 2017.

d. Army Regulation (AR) 600-20, Army Command Policy, Chapters 7, Prevention of Sexual Harassment, Chapter 8, Sexual Assault Prevention and Response Program, Appendix C, Equal opportunity/Sexual Harassment Complaint Processing System, 06 November 2014

2. Scope. To establish command policy concerning Sexual Harassment/Assault Response and Prevention (SHARP). This command policy applies to all USAG Benelux military and civilian personnel.

3. Policy. Sexual harassment and sexual assault weaken the health and morale of our Soldiers and break the bond of trust essential for our team to accomplish mission. Sexual harassment destroys unit cohesion and interferes with combat readiness by affecting our ability to effectively work as a team. If left unchecked, sexual harassment can escalate to sexual assault, a criminal offense that violates Army core values and degrades mission readiness. Sexual Assault and sexual harassment are not tolerated in USAG Benelux and the Army.

4. I am personally committed to creating and maintaining an environment that encourages productivity and respect for human dignity, and I expect subordinate leaders to be equally committed. Military and civilian leaders at every level are responsible for preventing sexual harassment and sexual assault and taking appropriate corrective actions if they occur. Leaders at all levels will:

a. Create a command climate that is designed to eliminate sexual harassment and sexual assault and ensure that all individuals complaining about sexual harassment and all victims of sexual assault are treated with dignity and respect.

b. Encourage individuals complaining about sexual harassment and victims of sexual assault to report incidents to their chain of command without fear of reprisal or intimidation.

c. Leaders, Soldiers, and Civilians will support the Army I. A.M. (Intervene, Act, and Motivate) Strong Campaign which combats sexual assaults by engaging all Soldiers, Civilians, and Family members in preventing sexual assaults before they occur. Sexual harassment and sexual assault may be prevented through immediate intervention. Bystanders should speak up if they observe inappropriate behavior of discrimination or sexual harassment, or witness a sexual assault.

5. Sexual Harassment is a form of gender discrimination that involves unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature between the same or opposite genders when: Submission to, or rejection of, such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, career, or submission to, or rejection of, such conduct by a person is used as a basis for career or employment decisions affecting that person, or such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment. Sexual harassment can occur through electronic communications, including social media, other forms of communication, and in person.

6. Sexual assault is intentional sexual contact, characterized by use of force, physical threat or abuse of authority or when the victim does not or cannot consent. Sexual assault includes rape, nonconsensual oral or anal sex, indecent assault (unwanted, inappropriate sexual contact or fondling), or attempts to commit these acts. Sexual assault can occur without regard to gender or spousal relationship or age of victim. "Consent" will not be deemed or constructed to mean the failure by the victim to offer physical resistance. Consent is not given when a person uses force, threat, or coercion. Consent is not given when victim is asleep, incapacitated, or unconscious.

7. Conduct amounting to discrimination, sexual harassment, or sexual assault is subject to disciplinary and punitive action. This behavior may also amount to a crime, punishable under the Uniform Code of Military Justice (UCMJ), federal law, and local civilian laws. Such behavior is incompatible with the values of the USAG Benelux and will not be tolerated.

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8. Leaders at all levels must understand SHARP Complaint and Reporting Procedures, as prescribed by AR 600-20, for responding to complainants of sexual harassment and victims of sexual assault. Specific procedures are enclosed.

9. The point of contact for this memorandum is Mrs. Enaida Anderson, Acting USAG Benelux Sexual Assault Response Coordinator at DSN: 314-423-2473, Mobile: +32 477962887 or enaida.anderson.civ@mail.mil.

Encl

A handwritten signature in black ink, reading "Sean H. Kuester". The signature is stylized with a large, sweeping "S" and a long horizontal stroke at the end.

SEAN H. KUESTER
COL, AR
Commanding

SHARP PROCEDURES FOR FILING A SEXUAL HARASSMENT COMPLAINT AND A SEXUAL ASSAULT REPORT

Sexual Harassment Complaint Process:

1. Military and their Family members – Complainants should contact their SHARP Sexual Assault Response Coordinator (SARC) or Victim Advocate (VA) for assistance on how to file a complaint.

a. 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 the help of another unit member, the commander, other person in the complainant's chain of command, or the SARC. Complainants can also file the complaint with alternative agencies (Inspector General, Chaplain, Provost Marshal, Medical personnel, Staff Judge Advocate, Housing Referral Office). Typically, those issues that can be taken care of informally can be resolved through discussion, problem identification, and clarification of those issues. A formal complaint is not subject to time suspense.

b. Formal complaint is one that a complainant files in writing and swears to the accuracy of the information. Formal complaints require specific actions, are subject to timelines, and require documentation of the actions taken. Soldiers have 60 calendar days from the date of the alleged incident in which to file a formal complaint. This timeline is established to set reasonable parameters for the inquiry or investigation and resolution of complaints, to include ensuring the availability of witnesses, accurate recollection of events, and timely remedial action. The complainant should file his or her complaint with the commander at the lowest echelon of command at which the complainant may be assured of receiving thorough, expeditious, and unbiased investigation of the allegations. The formal complaint may be files with alternate agencies listed above.

c. Anonymous complaint is defined as a report of sexual harassment, regardless of the means of transmission, from an unknown/unidentified source. The individual reporting the information is not required to divulge any personally identifiable information (PII). The anonymous report can be submitted by any means from an unidentified complainant. Actions taken regarding anonymous complaints will depend upon the extent of information provided by complainants. If an anonymous complaint contains sufficient information (for example, who, what, when, where, desired outcome, unit(s) of assignment for the complainant and the subject) to permit the initiation of an investigation, the investigation will be initiated by the commanding officer in accordance with 10 USC 1561. The complainant may be the person subjected to sexual harassment or may be a third party witness. An anonymous complaint can be provided to any

source but may only be processed by chain of command, SHARP Office, Inspector General (IG).

2. Civilians – Complainants should contact the Garrison EEO Office for assistance on how to file a complaint.

Sexual Assault Reporting Process:

a. Military and their Family members – The victim should contact their SHARP SARC or VA for assistance on how to file a report.

(1) The Restricted and Unrestricted Reporting Options are available.

(2) The Restricted Reporting Option is only available to Service Members and adult military dependents 18 years and older who are eligible for treatment in the military healthcare system.

b. Civilians – The victim should contact their SHARP SARC or VA for assistance on how to file a report.

(1) DoD Civilian employees and their dependents 18 years and older when they are stationed or performing duties OCONUS and eligible for treatment in the MHS at military installations or facilities OCONUS. These DoD Civilian employees and their dependents 18 years and older only have the Unrestricted Reporting Option.

(2) U.S. citizen DoD contractor personnel when they are authorized to accompany the Armed Forces in a contingency operations OCONUS and their U.S. citizen employees. DoD contractor personnel only have the Unrestricted Reporting Option.

3. VICTIM'S RIGHTS

- a. To be treated with fairness and respect for the victim's dignity and privacy.
- b. To be reasonably protected from the accused offender.
- c. To be notified of court proceedings.
- d. To be present at all public court proceedings related to the offense, unless the court determines that testimony by the victim would be materially affected if the victim heard other testimony at trial.
- e. To confer with the attorney for the government in the case.
- f. To receive available restitution.

g. To be provided information about the conviction, sentencing, imprisonment, and release of the offender.

h. Attorney representation by a Special Victim Counsel.

4. Support Resources for victims of sexual harassment and sexual assault.

a. SHARP SARC or SHARP Victim Advocate (VA) **

b. Health Care Provider **

c. Local Installation SHARP Hotline **

d. Unit Chaplain (Confidential Communication)

e. Legal Services (Attorney/Client Privilege)

f. Department of Defense SAFE Helpline **

g. Family Advocacy Program (Domestic Violence and Child Abuse)

h. Social Work Services

i. Chain of command (Unrestricted Sexual Assault Report only)

j. Military Police/Criminal Investigation Division (Unrestricted Reporting only)

k. Equal Opportunity and Equal Employment Opportunity Office

**Annotates authorized agency to receive a Restricted Report.