



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

IMCH-HRC

MEMORANDUM FOR All Personnel Assigned to the U.S. Army Garrison (USAG) Benelux

SUBJECT: USAG Benelux Command Policy Letter 5, Sexual Harassment/Assault Response and Prevention (SHARP)

1. Reference. AR 600-20, Army Command Policy, Chapter 7, Sexual Harassment/Assault Response and Prevention Program.
2. Scope. To establish policy concerning SHARP, and to emphasize the importance of establishing an environment free of sexual discrimination. This policy applies to all USAG Benelux military and civilian personnel.
3. Policy. The Command is committed to the Army policy against sexual assault and sexual harassment and will not tolerate such behavior. Sexual assault and sexual harassment have no place in the Army. These unacceptable behaviors degrade mission readiness by devastating the Army's ability to work effectively as a team. Every Soldier who is aware of a sexual assault or sexual harassment should immediately within 24 hours report incident. Sexual Assault and sexual harassment are incompatible with Army values and both types of behavior are punishable under the Uniform Code of Military Justice and other Federal and local civilian laws. The Army will use training, education, and awareness to minimize sexual assault and harassment; to promote the sensitive handling of victims of sexual assault and harassment; to offer victim assistance and counseling; to hold those who commit sexual assault offenses and sexual harassment accountable; to provide confidential avenues for reporting sexual assault, and to reinforce a commitment to Army values. The Army will treat every reported sexual assault and sexual harassment incident seriously by following proper guidelines. The information and circumstances of the allegations will be disclosed on a need-to-know basis only.
4. Leaders. 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 individuals complaining about sexual harassment and all victims of sexual assault are treated with dignity and respect.

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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. Must understand sexual harassment complaint and sexual assault reporting procedures as prescribed in AR 600-20. Specific procedures are enclosed.

5. The point of contact for this memorandum is Judith Freels, USAG Benelux Sexual Assault Response Coordinator, DSN (314) 597-7371.

Encl

JAMES R. YASTRZEMSKY
COL, AV
Commanding

Enclosure to USAG Benelux Command Policy Letter 5, Sexual Harassment/Assault Response and Prevention (SHARP)

1. **Hotline Numbers:** To report a sexual assault 24/7 USAG Benelux SHARP Helpline at +32 0 476.76.22.64 in Belgium, +31 0 65.191.9119 in the Netherlands, or the DoD Safe Helpline (24 Hour) at 1-877-995-5247.

2. **Definitions.**

a. **Sexual harassment:**

(1) Conduct that involves unwanted sexual advances, requests for sexual favors, and deliberate or repeated offensive comments or gestures of a sexual nature when 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; is used as a basis for career or employment decisions affecting that person; has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment; and is so severe or pervasive that a reasonable person would perceive, and victim does perceive, the environment as hostile or offensive.

(2) Any use or condonation, by any person in a supervisory or command position, or any member of the armed forces or Civilian employees of the Department of Defense.

(3) Any deliberate or repeated unwelcome verbal comment or gesture of a sexual nature by any member of the Armed Forces or Civilian employee of the Department of Defense.

b. **Sexual Assault.**

(1) The intentional sexual contact characterized by the use of force, threats, intimidation, or abuse of authority or when the victim does not or cannot consent. The term includes a broad category of sexual offenses consisting of the following specific Uniform Code of Military Justice offenses: rape, sexual assault, aggravated sexual contact, abusive sexual contact, forcible sodomy (forced oral or anal sex), or attempts to commit these offenses.

(2) Other sex-related offenses are defined as all other sexual acts or acts in violation of the Uniform Code of Military Justice that do not meet the above definition of sexual assault, or the definition of sexual harassment as promulgated in DoDD 1350.2 (Department of Defense Military Equal Opportunity (MEO) Program). Examples of other sex-related offense could include indecent acts with another and adultery.

2. **Sexual Harassment Reporting.** All Sexual Harassment Complaints will be addressed using one of the three modes for reporting sexual harassment: Anonymous, Informal, and Formal.

a. **Anonymous** complaints are made from an unknown source or unidentified source, when referred to the subject's Brigade (BDE) Commander for evaluation. Anonymous reporting may be made through the SHARP Hotline, email, or official telephone lines. All anonymous complaints, even those that cannot be investigated, will be referred to the subject's BDE Commander for evaluation.

b. **Informal** complaints are made when the complainant and or SARC address resolution at the lowest level. The USAG SARC will provide the complainant with information regarding support services that are available to include referring the complainant to a mediator. If a Commander is informed by the complainant or another party the Commander will inquire into the matter. Soldiers may request for direct resolution if their desired remedy for the aggrieving behavior can be achieved through leadership actions, peer intervention, counseling, or training. If the complainant is not satisfied by the resolution provided by an informal complaint or direct resolution, the complainant may file a formal complaint.

c. **Formal** complaints are made when an investigation is initiated by this Command and disposition and resolutions are addressed by this Command. A formal complaint is one that a complainant files in writing and swears to the accuracy and requires documentation of the action taken. Soldiers have 60 calendar days from the date of the alleged incident in which to file a formal complaint. This time limit 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.

3. Sexual Assault Reporting. SHARP policies provided two modes of reporting for sexual assault: Restricted and Unrestricted.

a. **Restricted Reporting** allows for a victim to confidentially disclose the details of the assault to specifically identified individuals and receive medical care and counseling without triggering an official investigation. Soldiers who are sexually assaulted and desire restricted reporting should report the assault to the SARC/SHARP, VA/SHARP, or Healthcare Provider only.

b. **Unrestricted Reporting** allows a victim desiring medical attention and counseling as well as an official investigation into the allegation to use current reporting channels such as law enforcement and the chain of command. Victims desiring unrestricted reporting may still contact the SARC/SHARP, VA/SHARP, Chaplain, or Medical Treatment Provider. Details regarding the incident will be limited to those personnel who have a legitimate need to know the information as well as those agencies which the Uniform Code of Military Justice, policies, or applicable laws dictate, be notified of such a charge.

c. The chain of command, to include commanders, will refrain from questioning victims as to the specifics of the alleged event. To do so may undermine the confidentiality of the restricted reporting option, as well as undermine a criminal investigation. Appropriate respect will be given to the privacy of the victim as well as the accused.

4. **Victim Rights.** The eight victim rights are:

- a. Right to be reasonably protected from the accused.
- b. Right to reasonable, accurate, and timely notice.
- c. Right not to be excluded from any public proceedings.
- d. Right to be reasonably heard.
- e. Reasonable right to confer with government's attorney.
- f. Right to full and timely restitution as provided by law.
- g. Right to proceedings from reasonable delay.
- h. Right to be treated with fairness and with respect for the victim's dignity and privacy

5. **Retaliation.** Retaliation in relation to SHARP can be classified into two categories: Reprisal and Non-Reprisal Retaliation.

a. **Reprisal** is taking or threatening to take an adverse or unfavorable personnel action, or withholding or threatening to withhold a favorable personnel action, with respect to a victim or other member of the Armed Forces because the individual reported a criminal offense or was believed to have reported a criminal offense. Reprisal against individuals exercising their right to report sexual harassment or sexual assault will not be tolerated by this command.

(1) Unfavorable Personnel action is defined as any action taken against a member of the Armed Forces that affects, or has the potential to affect, that member's current position or career. Such actions include but are not limited to: a promotion, a disciplinary or other corrective action; a transfer or reassignment; a performance evaluation; a decision regarding pay, benefits, awards, or training; relief and removal; separation; discharge; referral for mental health evaluations and any other significant change in duties or responsibilities inconsistent with the member's grade.

(2) Allegations of retaliation of this time will be referred to, and investigated by, the appropriate Inspector General.

b. Non Reprisal actions taken by a Soldier's peers. Non Reprisal Retaliation can take the form of ostracism, acts of cruelty, oppression, or maltreatment.

(1) Ostracism is defined as excluding from social acceptance, privilege, or friendship a victim or other member of the Armed Forces because the individual reported a criminal offense, the individual was believed to have reported a criminal offense, or the ostracism was motivated by the intent to discourage reporting of a criminal offense or otherwise to discourage the due administration of justice.

(2) Acts of cruelty are oppression or maltreatment committed against a victim, an alleged victim, or another member of the Armed Forces by peers or other persons because the individual reported a criminal offense. Allegations of retaliation of these types will be referred to, and investigated by, the victim's chain of command or supervision, or by another appropriate investigative agency, organization, or entity.

6. Support Resources.

- a. SHARP SARC or SHARP VA
- b. Healthcare Provider
- c. Local Installation SHARP hotline
- d. Unit Chaplain (Confidential Communication)
- e. Legal Services (Attorney/Client Privilege)
- f. DOD Safe Helpline
- g. Family Advocacy Program (Domestic Violence and Child Abuse)
- h. Social Work Services
- i. Chain of Command (Unrestricted Sexual Assault Reporting only)
- j. Military Police/Criminal Investigation Division (Unrestricted Reporting only)
- k. Equal Employment Opportunity Office (sexual harassment reporting for DAC)