MEMORANDUM FOR RECORD

SUBJECT: Garrison Policy Letter #4, Sexual Harassment and Assault Response and Prevention (SHARP)

1. References.
   c. Department of Defense (DoD) Instruction 1020.03, Harassment Prevention and Response in the Armed Forces, 8 February 2018.

2. Supersession. This policy supersedes and replaces previous Garrison Sexual Harassment/Assault Response and Prevention (SHARP) Program policies. This policy will remain in effect until superseded or rescinded. This policy is in no way intended to exert unlawful command influence.

3. Sexual harassment and sexual assault are unacceptable and incompatible with Army values. I am fully committed to the Army SHARP Program and to ensuring a safe living and working environment for the United States Army Garrison Fort Bragg: Soldiers, Civilian employees, and Family members. Ultimately, we must ensure our team understands sexual harassment, sexual assault, and retaliatory behaviors resulting from a sexual harassment or sexual assault complaint will not be tolerated, condoned, or ignored. Sexual harassment, sexual assault, and retaliatory behaviors destroy teamwork and negatively affect combat readiness. We must treat everyone with dignity and respect, consider all allegations of misconduct with the utmost seriousness, protect the privacy of victims, motivate bystanders to intervene, and hold offenders accountable. Sexual assault, sexual harassment, and retaliatory behavior for reporting such incidents are unacceptable and will not be tolerated.

4. This command will treat all victims of sexual harassment and sexual assault with dignity, fairness, and respect. This command will treat every reported sexual harassment, sexual assault, and retaliation incident seriously and specifically:
IMBG-ZA (600-20)
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a. Hold offenders accountable, provide compassionate care for, and protect the rights and privacy of victims.

b. Thoroughly and professionally investigate allegations of sexual harassment, sexual assault, and retaliation.

c. Create a culture of trust in which everyone can thrive and achieve their full potential.

d. Hold everyone accountable for their behavior, actions, and inaction. I strongly encourage bystander intervention to support our culture of trust.

5. Preventing sexual harassment and sexual assault is everyone’s responsibility. An employee who believes he or she has been subjected to sexual harassment or sexual assault should report incidents to the appropriate management official and Sexual Harassment/Assault Response and Prevention (SHARP) office. We expect leaders to swiftly address allegations of sexual harassment, sexual assault, and retaliation.

6. Leaders are responsible and accountable for stopping sexual harassment and sexual assault in our ranks and for maintaining the trust of our Soldiers, Civilians and Families. Every IMCOM employee at Fort Bragg must have the personal courage to intervene, act decisively to protect their coworkers, and be a force in the fight to eradicate sexual harassment and sexual assault.

7. Sexual assault is defined as intentional sexual contact characterized by 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, or attempts to commit these offenses. Sexual assault is a criminal offense punishable by the UCMJ, federal, state, and local civilian laws.

8. Sexual assault victims are a medical priority and shall be treated as emergency cases. A sexual assault victim often needs immediate medical intervention to prevent physical, mental, and emotional suffering. Emergency care shall consist of emergency healthcare and the offer of a sexual assault forensic examination (SAFE).

9. A Civilian employee who has been sexually assaulted should report the abuser to law enforcement, the Equal Employment Opportunity Office if there is a connection to the workplace, or ask the SHARP office for a referral to civilian resources. Children under the age of 18 should report incidents to law enforcement and or ask the SHARP office for a referral to civilian services.

10. Soldiers and active duty eligible Family members over the age of 18 who have been sexually assaulted have two reporting options:
a. Option 1: Restricted Reporting. Restricted reporting allows Soldiers and Family members age 18 and older who are sexual assault victims to confidentially disclose the assault to specified individuals (Sexual Assault Response Coordinator (SARC), SHARP Victim Advocate (VA) or Victim Representative (VR)) and receive healthcare treatment and assignment of a SARC and SHARP VA. The restricted reporting option is only available to Soldiers and Family members aged 18 and older. DA Civilians wishing to file a restricted report should consult with a SARC, SHARP VA, or VR. If a victim elects this reporting option, a victim may convert a restricted report to an unrestricted report at any time.

b. Option 2: Unrestricted Reporting. This reporting option triggers an investigation, command notification, and allows a person who reports sexual assault to access healthcare treatment and the assignment of a SARC and SHARP VA. A victim can disclose that they are the victim of a sexual assault to a SARC, SHARP VA, VR, Health Care Provider (HCP), command authorities, or others. The victim will have access to medical treatment and counseling, support, and consideration for protection orders and expedited transfers.

11. Sexual Harassment.

a. Sexual harassment is defined as:

(1) Unwelcomed sexual advances, requests for sexual favors, and deliberate or repeated offensive comments or gestures of a sexual nature when:

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

(b) Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person; or

(c) 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; and

(d) Is so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the environment as hostile or offensive.

(2) Any use or condonation, by any person in a supervisory or command position, of any form of sexual behavior to control, influence, or affect the career, pay, or job of a member of the Armed Forces or a Civilian employee of the DoD.

(3) Any deliberate or repeated unwelcome verbal comments or gestures of a
sexual nature by any member of the Armed Forces or civilian employee of the Department of Defense.

b. There is no requirement for concrete psychological harm to the complainant for behavior to constitute sexual harassment. Behavior is sufficient to constitute sexual harassment if it is so severe or pervasive that a reasonable person would perceive, and the complainant does perceive, the environment as hostile or offensive.

c. Sexual harassment can occur through electronic communications, including social media, other forms of communication, and in person.

d. The use of disparaging and/or sexualized terms may contribute to an unlawful hostile environment and thus will not be tolerated. Leaders at all levels will protect their teams against sexual harassment and proactively ensure that their environments are free from all forms of sexual harassment.

e. Sexual harassment and retaliatory behavior may be punished under the UCMJ. Leaders who fail to address complaints of sexual harassment may also be subject to punitive and/or adverse administrative action.

12. Soldiers can submit a sexual harassment complaint in any of these forms:

a. Formally in writing on DA Form 7746.

b. Informally to a full-time brigade-level SARC.

c. Anonymously by any means from an unidentified complainant.

13. DA Civilians, former employees, applicants for employment, and some contract employees may file their complaints of sexual harassment under the EEO complaint process. The DA Civilian EEO complaint process is contained in AR 690-600. SHARP professionals approached by DA Civilians concerning a sexual harassment complaint should assist them in finding the appropriate servicing EEO office.

14. Complaints to the command should be made without fear of intimidation, reprisal, or harassment. Every member of the chain of command will ensure complainants are protected from reprisal and retaliation.

15. Victims of sexual violence have specific rights enforced by the United States Department of Defense Directives which include:

a. The right to be treated with fairness and respect for your dignity and privacy.

b. The right to be reasonably protected from the accused offender.
c. The right to reasonable, accurate, and timely notice of public preliminary hearings, pretrial confinement hearings, court proceedings, and clemency and parole hearings related to the offense.

d. The right to be present at all public proceedings relating to the offense unless the hearing officer or military judge determines your testimony would be materially altered if you as the victim heard other testimony.

e. The right to reasonably confer with the prosecutor/Trial Counsel in the case.

f. The right to receive available restitution.

g. The right to be reasonably heard.

h. The right to submit a written statement for the consideration of the Convening Authority prior to taking action on findings and sentence.

i. The right to proceedings free from unreasonable delay.

j. The right to be provided information, if applicable, about the conviction, sentencing, imprisonment, Convening Authority’s action, appellate review, and release of the offender.

16. This policy is effective until superseded or rescinded.

17. Point of contact is the XVIII Airborne Corps Lead SARC at 910-907-5494 or miguel.a.guzmanescolastico.mil@mail.mil.

SCOTT PENCE
COL, AR
Commanding