



**DEPARTMENT OF DEFENSE
HEADQUARTERS
JOINT TASK FORCE-SOUTHERN BORDER
FORT HUACHUCA, ARIZONA**

AFDR-CG

14 March 2025

MEMORANDUM FOR Joint Task Force-Southern Border Personnel

SUBJECT: Policy Memorandum #5: Sexual Harassment/Assault Response and Prevention

1. References.

a. National Defense Authorization Act (NDAA) for Fiscal Year 2022 (27 December 2021).

b. Department of Defense Directive (DoDD) 6495.01, Sexual Assault Prevention and Response (SAPR) Program, 23 January 2012 (Incorporates change 5, effective 10 November 2021).

c. DoDD 6495.02, SAPR Program Procedures, 28 March 2013 (Incorporates change 7, effective 6 September 2022).

d. Department of Defense Instruction (DoDI) 1020.03, Harassment Prevention and Response in the Armed Forces, 8 February 2018 (Incorporates change 3, effective 17 January 2025).

e. DoDI 1020.04, Harassment Prevention and Response for DoD Civilian Employees, 30 June 2020 (Incorporates change 1, effective 17 January 2025).

f. Army Regulation (AR) 600-52, Sexual Harassment Assault Response and Prevention Program, 11 February 2025

g. AR 27-10, Military Justice, 8 January 2025

h. AR 690-600, Equal Employment Opportunity Discrimination Complaints, 6 February 2025

2. Applicability. This policy applies to all Department of Defense personnel assigned or attached to Joint Task Force-Southern Border (JTF-SB).

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3. Purpose.

a. Each military service has programs for sexual harassment and assault. This document is intended to provide command-specific guidance for all Servicemembers and civilians assigned or attached to JTF-SB, regardless of the specific program they fall under.

b. This memorandum serves to reinforce my commitment to taking care of our people, which includes combating indiscipline. Neither sexual harassment nor sexual assault will be tolerated in this Task Force. We must treat Servicemembers and civilians with dignity and respect.

c. Sexual harassment and assault destroy trust within an organization, deteriorate cohesion, and greatly impact mission readiness. We must adapt to evolving threats and changing operational environments to remain ready today and relevant tomorrow. To sustain this, we must demonstrate our commitment, character, and competence to developing cohesive teams with trust at the center.

d. Sexual harassment, sexual assault, and retaliation are punishable under the Uniform Code of Military Justice (UCMJ) and other federal or local civilian laws. Furthermore, personnel have the right to present their complaints to the command without fear of intimidation, reprisal, or retaliation. Victims of crimes are afforded various rights, and we uphold a commitment to them.

4. People are our enduring advantage. We must dedicate ourselves to providing support to those we serve. I am honored to join you all in this opportunity to build something new and it starts by taking care of our people. Always forward!

2 Encls

1. Sexual Harassment and Sexual Assault Responsibilities and Definitions
2. Investigating Officer Exception to Policy



SCOTT M. NAUMANN
Major General, USA
Commanding

Enclosure 1

Sexual Harassment and Sexual Assault Responsibilities & Definitions

1. The following information provides definitions of key terms and responsibilities directed for all commanders across JTF-SB to implement within their sexual harassment and sexual assault programs. This policy serves as my intent for all DoD personnel assigned or attached to JTF-SB regarding sexual harassment and sexual assault. It applies to all personnel regardless of duty status or branch of service.

2. Responsibilities:

a. JTF-SB Commanders will commit to creating a positive command climate, and actively prevent, and end sexual violence. Sexual harassment and sexual assault will not be tolerated in the JTF-SB. Combating sexual harassment and sexual assault is a responsibility of each member of the chain of command. Good units have positive cultures, and their leaders possess the competence to know right from wrong, and the commitment to abide by these standards. All commanders will implement the following guidelines:

(1) Establish a SHARP program to educate, discipline, and enforce Army policies and standards.

(2) Publish a SHARP command policy detailing components outlined in AR 600-52 to include available resources to support victims of sexual assault and sexual harassment.

(3) Create an environment that is conducive to good order and discipline; acts of reprisal or retaliation will not be tolerated.

(4) Accept all sexual harassment complaints and ensure they are processed within a timely manner in accordance with AR 600-52.

(5) Encourage Servicemembers and Civilians to report sexual harassment or sexual assault by utilizing their chain of command or SHARP program.

(6) Not impede Civilian employees who exercise their rights to pursue administrative remedies through the Equal Employment Opportunity (EEO) program.

(7) Uphold a commitment to protect the rights afforded to victims and witnesses of crimes.

b. JTF-SB Commanders will implement the following guidelines within their footprint:

(1) Identify personnel to serve as a sexual harassment investigator (SHI) who meet specified requirements. Personnel will enroll and complete the sexual harassment investigators training. Once training is complete, newly trained SHI will provide JTF-SB SHARP office a copy of their certificate of completion.

(2) Document mandatory unit SHARP training in the Digital Training Management System (DTMS).

(3) Display a list of victim service resources and SHARP policy on unit bulletin boards.

3. Definitions

a. Sexual harassment.

(1) Involves unwelcome sexual advances, requests for sexual favors, and deliberate or repeated offensive comments or gestures of a sexual nature when: 1) submission to such conduct is, either explicitly or implicitly, made a term or condition of a person's job, pay, or career; 2) submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person; or 3) 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.

(2) Is so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the environment as hostile or offensive. 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 Department of Defense. It also includes any deliberate or repeated unwelcome verbal comments or gesture of a sexual nature by any member of the Armed Forces or civilian employee of the DoD.

(3) There is no requirement for concrete psychological harm to the victim 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. Sexual harassment can occur through electronic communications, including social media, other forms of communication, and in person.

b. Sexual assault. Any 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 range of sexual offenses, including the following specific UCMJ offenses: rape, sexual assault, aggravated sexual contact, abusive sexual contact, forcible sodomy (forced oral or anal sex), and attempts to commit these acts.

c. Retaliation. Any person subject to the UCMJ who wrongfully takes or threatens to take an adverse personnel action, or wrongfully withholds or threatens to withhold a favorable personnel action with the intent to discourage or retaliate against any person for reporting or planning to report a criminal offense, or making, or planning to make a protected communication.

d. Reprisal. Taking, or threatening to take, an unfavorable personnel action or withholding, or threatening to withhold, a favorable personnel action. Also includes any other act of retaliation against a Servicemember (or their family member) for making or preparing a formal MEO complaint, a DA Civilian for engaging in activity in opposition to perceived discrimination, or against an alleged subject under investigation.

4. Department of Defense Victims' Bill of Rights

- 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 related to the offense unless the hearing officer or military judge determines that 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 at: 1) a public hearing concerning the continuation of any pretrial confinement of the accused; 2) a sentencing hearing related to the offense; 3) a public Military Department Clemency and Parole Board hearing related to the offense.
- 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.

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5. For additional information about the sexual harassment/assault response and prevention program please contact the JTF-SB SARC, Sergeant First Class Patrick Hodge, at (315) 836-7349 or the DoD Safe Helpline at (877) 995-5247.

Enclosure 2

Investigating Officer Exception to Policy

1. References

a. Army Directive 2022-13, Reforms to Counter Sexual Harassment/Sexual Assault in the Army, 20 September 2022.

b. AR 15-6, Procedures for Administrative Investigations and Boards of Officers, 1 April 2016.

c. AR 600-52, Sexual Harassment Assault Response and Prevention Program, 11 February 2025.

2. This Exception to Policy applies to all subordinate units under the command or control of JTF-SB.

3. Army Directive 2022-13 requires commanders to appoint Investigating Officers (IOs) from outside the subject's assigned brigade-sized element to conduct sexual harassment complaint investigations. The first general officer in the chain of command may grant an exception to this requirement. A general officer may consider reasons such as the type of mission and geographic location of the units to decide whether an exception to policy is warranted.

4. I grant an exception to Army Directive 2022-13 for units subordinate to JTF-SB. Commanders within the JTF-SB may appoint IOs from within the same brigade-sized element. However, IOs cannot be appointed from within the same battalion-sized element. This exception is granted due to the widespread geographical locations between JTF-SB units within the Joint Operations Area and the lack of a nearby brigade-sized element. These factors will cause unnecessary delay in identifying and engaging an IO from outside the brigade-sized element which may be detrimental to the victims of the complaint.

5. To standardize identifying IOs for sexual harassment complaints, I direct battalion-sized elements to develop habitual relationships between each other to provide and receive IOs for Formal Sexual Harassment Complaints only. These partnerships should be based on mission requirements, units' proximity to each other, resources available, travel distance, and any criteria necessary for IOs to conduct through investigations.

6. All other provisions of Army Directive 2022-13 remain in full effect.

7. A copy of this Exception to Policy will be included as an enclosure to all subsequent sexual harassment complaint investigations conducted by subordinate units to JTF-SB.

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8. For additional information about the sexual harassment/assault response and prevention program please contact the JTF-SB SARC, Sergeant First Class Patrick Hodge, at (315) 836-7349 or the DoD Safe Helpline at (877) 995-5247.

A handwritten signature in black ink, appearing to read "Scott Naumann", with a long horizontal flourish extending to the right.

SCOTT M. NAUMANN
Major General, USA
Commanding