



DEPARTMENT OF THE ARMY
INSTALLATION MANAGEMENT COMMAND
HEADQUARTERS, UNITED STATES ARMY GARRISON HUMPHREYS
UNIT #15228
APO AP 96271-5228

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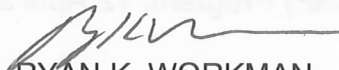
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MEMORANDUM FOR All Personnel Assigned or Attached to U.S. Army Garrison
Humphreys (USAG Humphreys)

SUBJECT: Command Policy Letter # 7- Sexual Harassment/Assault Response and
Prevention (SHARP) Program

1. I am fully committed to the USAG Humphreys SHARP Program, to ensuring a safe living and working environment for our entire team and to nurturing a culture of trust. Sexual harassment and sexual assault are unacceptable, contradict the values of the Army and our organization, and undermine the trust we ought to have in each other. Sexual harassment and sexual assault destroy teamwork and negatively affect combat readiness. Ultimately, we must ensure our team understands we will not tolerate, condone, or ignore incidents of sexual harassment, sexual assault or associated retaliatory behaviors.
2. Preventing sexual harassment and sexual assault is everyone's responsibility. If you see something, say something. Anyone who believes he or she has been subjected to sexual harassment, sexual assault, or retaliation for reporting the same, should report incidents to the appropriate management official, SHARP office, Equal Employment Opportunity (EEO) office, or Inspector General (IG). Leaders will swiftly address allegations of sexual harassment, sexual assault, and retaliation.
3. I strongly encourage bystander intervention to support our culture of trust. The bystander intervention approach advocated by the Army-level effort, I. A.M. Strong campaign, continues to symbolize a key theme for prevention. The message of Intervene, Act, and Motivate continues to emphasize our individual and collective responsibility to model our Values within the Army Ethic, protect each other, uphold our professional standards, and prevent incidents from occurring.
4. This organization will treat all incidents of sexual harassment, sexual assault, and retaliation seriously and will treat everyone with dignity, fairness, and respect. We will hold everyone accountable for their behavior, action, and/or inaction.
5. If you need immediate assistance, call the USFK 24/7 SHARP Hotline (Area III) phone number at DSN: 158 or 315-763-5700, Commercial: 0503-363-5700, or the Department of Defense Safe Helpline at 877-995-5247.

Encl


RYAN K. WORKMAN
COL, AR
Commanding

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Enclosure

1. References:

a. Department of Defense (DoD) Directive 6495.01, Sexual Assault Prevention and Response (SAPR) Program, dated 23 Jan 12, Incorporating Change 5, 10 November 2021.

b. DoD Instruction 6495.02, Vol 1-Sexual Assault Prevention and Response (SAPR) Program Procedures, 28 Mar 2013, Incorporating Change 7, 06 September 2022, and DoD Instruction 6495.02, Vol 2-SAPR: Education and Training, 09 April 2021.

c. DoD Instruction 6495.02, Vol 3-Sexual Assault Prevention and Response: Retaliation Response for Adult Sexual Assault Cases, 24 June 2022.

d. DoD Instruction 1020.03, Harassment Prevention and Response in the Armed Forces, dated 8 Feb 2018, Incorporating Change 2, 20 December 2022.

e. AR 600-20, Army Command Policy, 24 July 2020.

f. AR 350-1, Army Training and Leader Development, 10 December 2017.

g. AR 690-600, Equal Employment Opportunity Discrimination Complaints, 9 February 2004.

h. Army Directive 2018-23 Improving Essentials Program, dated 08 November 2018.

i. Army Directive 2022-10 Safe-to-Report for Victims of Sexual Assault, 06 July 2022.

j. Army Regulation 600-8-8, The Total Army Sponsorship Program, 28 June 2019.

k. Army Directive 2021-30 (Sexual Harassment/Assault Response and Prevention Services for Department of the Army Civilians) 2 September 2021

l. IMCOM Command Policy Letter #6, Sexual Harassment/Assault Response and Prevention (SHARP) Program, 05 July 2022.

m. Eighth Army Command Policy Letter #7, Sexual Harassment/Assault Response and Prevention (SHARP) Program, 12 April 2022.

2. Purpose. Soldiers, Department of Army (DA) Civilians, Family Members, Local Nationals, and Contractors are entitled to live and work in an environment free from sexual harassment, sexual assault, and associated retaliatory behaviors which reflects the highest levels of civility and decency. Leaders at every level must be committed to creating and maintaining an environment and command climate that promotes dignity and respect. Sexual harassment and sexual assault are offenses contrary to our Army Values and destroy teamwork and affect individual unit readiness. All Soldiers, DA Civilians, Family Members, Local Nationals, and Contractors who contact SHARP professionals for assistance will receive all necessary assistance using the "No Wrong Door" approach to victim advocacy, support, and access to resources permitted by law and policy.

3. Background.

a. DoD Instruction 1020.03 defines sexual harassment as conduct that (1) involves unwelcome 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, or career; (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 environment; and (2) is so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the environment as hostile or offensive. In many cases, this type of behavior begins through misunderstanding or lack of communication and escalates to a breaking point through inaction. Stop sexual harassment at the lowest level and at the earliest point.

b. Sexual assault is a criminal offense that is punishable under the Uniformed Code of Military Justice (UCMJ) and other federal and local civilian laws. AR 600-20 paragraph 7-9 defines sexual assault as "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 UCMJ offenses: rape, sexual assault, aggravated sexual contact, abusive sexual contact or attempts to commit these acts. Sexual assault can occur without regards to gender, spousal relationship, or age of victim. "Consent" is not deemed or construed to mean the failure by the victim to offer physical resistance. Consent is not given when a person uses force, threat of force, is coerced, when the victim is asleep, incapacitated, unconscious, or incapable of providing consent due to physical or mental state.

4. Sexual Harassment.

a. Everyone has a responsibility to maintain the trust and integrity of their organization. Any person, regardless of position or title, who uses or condones implicit or explicit sexual behavior to control, influence or affect the career, salary or job requirements of a Soldier, DA Civilian, Local National, or Contractor is engaging in sexual harassment. Similarly, any Soldier, DA Civilian, Local National, or Contractor who makes deliberate or repeated unwelcome verbal comments or gestures of a sexual nature is also engaging in sexual harassment.

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. Individuals who experience sexual harassment may file either an informal or formal complaint. Regardless of what type of complaint is filed, the agency that receives the complaint will tell the complainant what role the agency has, what will be done with the complaint, and assist the Commander in resolving the complaint at the lowest level possible. Only a Brigade or higher SHARP Sexual Assault Response Coordinator (SARC) for Soldiers and their dependents over the age of 18 years old or the respective Equal Employment Opportunity Office (EEO) for Civilians may process a formal report of sexual harassment. Any instances involving retaliation must be referred to the Inspector General Office for resolution.

e. Individuals may also elect to file an anonymous complaint of sexual harassment. Individuals may contact the USFK 24/7 SHARP Hotline to file an anonymous complaint or via written means through the unit SARC.

(1) An anonymous complaint is a complaint received by a commanding officer or supervisor, regardless of the means of transmission, from an unknown or unidentified source, alleging sexual harassment. The individual is not required to divulge any personally identifiable information.

(2) If an anonymous complaint contains sufficient information to permit the initiation of an investigation, the investigation will be initiated by the commanding officer or supervisor in accordance with this policy and references in 1., c., and d.

5. Sexual Assault. Prevention of sexual assault is a responsibility shared by everyone: Soldiers, DA Civilians, Family Members, Local Nationals, and Contractors. We must identify and endeavor to eliminate risk factors that threaten a cohesive and

productive environment. Where prevention efforts have failed, Commanders/Directors will ensure that all known allegations of sexual assault are reported immediately in accordance with (IAW) applicable regulations and guidelines. The information and circumstances of the report will be disclosed on a need-to-know basis only. Leaders will make every effort to promptly separate victims from alleged offenders through use of Military/Civilian Protective Orders and/or physical relocation during the course of an investigation. Along with ensuring the victim's rights to essential services and support, leaders will honor an alleged offender's rights, including the presumption of innocence, throughout the course of the investigation and any other action in response to the report.

a. Victims of sexual assault have the following rights:

- (1) Right to be reasonably protected from the accused.
- (2) Right to reasonable, accurate, and timely notice.
- (3) Right not to be excluded from any public proceedings.
- (4) Right to be reasonably heard.
- (5) Reasonable right to confer with government's attorney.
- (6) Right to full and timely restitution as provided in law.
- (7) Right to proceedings free from unreasonable delay.
- (8) Right to be treated with fairness and with respect for the victim's dignity and privacy.

b. Sexual assaults that involve domestic or intimate partner relationships or for victims under the age of 18 will be reported to the Family Advocacy Program.

c. Communications between a victim and a SHARP professional is confidential communications protected under Military Rule of Evidence (MRE) 514 in a case arising under UCMJ.

d. Service Members and their adult dependents (18 years or older) who are victims of sexual assault have two reporting options:

(1) Restricted Reporting: This reporting option does NOT trigger an investigation. Restricted reporting allows a person who has been sexually assaulted to confidentially disclose the assault to specified individuals (SARC, SHARP Victim Advocate (VA), or medical healthcare personnel) and receive medical assistance, victim advocacy services, legal assistance, counseling services, sexual assault forensic exam

and the assignment of a SHARP VA. Communication with a Chaplain or a Special Victim's Counsel is confidential but does not constitute a restricted report. A victim can convert a Restricted Report of sexual assault to an Unrestricted Report of sexual assault at any time.

(2) Expanded Eligibility for Restricted Reporting: Soldiers and their adult dependents (18 years or older) who are victims of sexual assault are eligible to file a restricted report even if they have disclosed the sexual assault incident to their commander or to personnel in the chain of command; there is an ongoing investigation into the sexual assault incident initiated by a third party and not due to the victim's disclosure to law enforcement, or the Military Criminal Investigation Offices (MCIO) investigation into the sexual assault incident has been closed. Victims retain the restricted reporting option as long as the victim did not personally report the sexual assault incident to law enforcement, including MCIO and they did not previously elect to make an Unrestricted Report with a SARC/VA on DD Form 2910, Victim Reporting Preference Statement.

(3) Unrestricted Reporting: This reporting option triggers an official investigation, command notification, and allows a person who has been sexually assaulted receive medical treatment, victim advocacy services, legal assistance, counseling services, sexual assault forensic exam, and the assignment of a SHARP VA. Unrestricted reports may be received by the Chain of Command, Law Enforcement, Criminal Investigation Command (CID) or Civilian authorities, and specified individuals (SARC, SHARP VA, or medical healthcare personnel). A victim cannot convert an Unrestricted Report of sexual assault to a Restricted Report.

e. DA Civilians (appropriated and non-appropriated fund employees) in or outside the continental United States and their adult dependents (18 years or older) who are victims of sexual assault only have the Unrestricted Reporting option available unless the DA Civilian is also a dependent of a service member. DA Civilians electing to make an unrestricted report of sexual assault are eligible to receive victim advocacy services from a SARC or VA. These services do not include expedited transfers or any additional medical entitlements or legal services that DA Civilians are not already authorized by law or policy. This is not a change in terms or conditions of employment for DA Civilians. Use of advocates and SHARP services is strictly voluntary.

f. Safe-To-Report: The identification and treatment of alleged minor and non-minor collateral misconduct by servicemember victims of sexual assault. Commanders are to assess collateral misconduct against aggravating and mitigating circumstances in sexual assault cases. Victims will not be subject to discipline for minor collateral misconduct pursuant to policy listed in references 1.,h.. Following the disclosure of collateral misconduct associated with a victim of sexual assault, Commanders will use their prudent judgement and discretion in deciding whether the alleged offense is minor or non-minor.

Examples of collateral misconduct generally treated as minor for the purposes of the Safe-to-Report Policy include the victim engaging in any of the following:

- (1) Underage drinking at the time of the assault.
- (2) An unprofessional relationship with the accused at the time of the sexual assault.
- (3) Violating a lawful order, including established curfew, off-limit locations, school standards, barracks, dormitory or berthing policies, or similar matters at the time of the alleged sexual assault.

g. Expedited Transfer Request: The intent of the expedited transfer policy is to address situations where a victim feels safe but uncomfortable and to assist in the victim's recovery by relocating them to a new location. The expedited transfer policy applies to Soldiers and to their adult family members (18 years and older) who are victims of sexual assault. Soldiers may request an expedited transfer on behalf of their adult family members if the family member is a victim of sexual assault that was not committed by the Soldier requesting the transfer, have filed an unrestricted report of sexual assault using a DD Form 2910, the sexual assault subject is a servicemember or the subject has a military nexus, or the sexual assault occurred on a DoD installation or facility. Requests for expedited transfers for adult family members will be processed by Human Resources Command as a compassionate request.

h. Retaliation: Provide for an ethical and professional climate, intolerant of retaliatory behaviors associated with reporting sexual assault allegations, and to maintain a standardized response process for comprehensive support to individuals who report experiencing retaliation associated with making an unrestricted report of adult sexual assault. Adult victims reporting sexual assault allegations made under the purview of the SHARP program are able to do so without fear of being retaliated against (reprisal, coercion, ostracism, maltreatment, and witness intimidation) by their peers, chain of command, or other enlisted, officer, or civilian supervisors, so they can access support and services, alleged offenders can be held appropriately accountable, and to ensure that persons are not deterred from reporting sexual assault allegations for fear of retaliation. Establish and enforce procedures to protect witnesses and bystanders who intervene to prevent or report sexual assault or sexual harassment, from retaliation, reprisal, ostracism, intimidation, or maltreatment. Commanders and supervisors will, to the extent feasible, ensure family members of the adult sexual assault victim are not retaliated against by other Service members or DoD civilian employees.

i. Catch a Serial Offender (CATCH) Program: The CATCH Program gives adult sexual assault victims who filed Restricted Reports or certain Unrestricted Reports (where the name of the suspect is not reported to law enforcement or uncovered by law enforcement) with a DD Form 2910 an opportunity to anonymously submit suspect information to help the DoD identify serial sex offenders. To make a CATCH entry contact a SARC or VA who will explain the program and procedures to make an entry. CATCH entry is anonymous and voluntary.

6. Leader's at all levels will:

a. Create a positive command climate designated to eliminate sexual harassment, sexual assault, retaliation, or reprisal so that all are treated with dignity and respect.

b. Encourage individuals subjected to sexual harassment and sexual assault to report incidents to their chain of command without fear of reprisal or intimidation. There will be no reprisal, retaliation, or intimidation against anyone who makes a report, and anyone accused will be treated fairly and within regulation.

c. Immediately notify the USAG Humphreys Garrison Commander, USAG Humphreys Garrison SARC and U.S. Army Criminal Investigation Command (USACIDC) upon receipt of information of a sexual assault from any source, to include third party within 24 hours of a report.

d. Treat reports of sexual harassment and sexual assault seriously while maintaining the integrity, confidentiality, and sensitivity of the individual and their reporting options.

e. Ensure Soldiers and their dependents over the age of 18 understand to report sexual harassment or sexual assault through the chain of command or directly to designated SHARP professionals or medical healthcare personnel. Civilians report sexual harassment complaints to the command EEO office and report sexual assault to designated SHARP professionals.

f. Leaders at all levels must understand their SHARP roles and responsibilities IAW AR 600-20, when responding to sexual harassment, sexual assault, or retaliation.

g. Ensure SHARP personnel are protected from retaliation, reprisal, ostracism, intimidation, or maltreatment related to the execution of their duties and responsibilities. Commanders, directors, and supervisors will not interfere with or otherwise attempt to negatively influence SHARP personnel in the performance of their duties.

h. Engaged sponsorship and mentorship programs can be effective prevention measures. Commanders and supervisors will make every attempt possible to assign sponsors who are the same gender and grade as the inbound Soldier-especially for first-term Soldiers. DA Civilian employees undergoing a PCS move will be offered an opportunity to participate in the Sponsorship Program. Army commands are highly encouraged to include DA Civilians in their unit sponsorship programs.

i. Integrate sexual harassment and sexual assault awareness training into newcomer orientation briefings and provide contact information for all SHARP Program response agencies.

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j. SARC and SHARP VA contact information will be posted in highly traveled areas and will include the following information:

(1) The USFK 24/7 SHARP Hotline DSN: 158 or 315-763-5700 or Commercial: 0503-363-5700.

(2) The DoD Safe Helpline at 1-877-995-5247 or <https://safehelpline.org/>.

7. Training. An essential component of the Garrison SHARP program is quality leader led SHARP training that increases awareness, prevention, response, promotes bystander intervention, and accountability procedures. Leaders are responsible for planning, preparing, delivering, and assessing this training; and SHARP professionals will assist leaders by providing subject matter expertise. Like any quality training, leaders must lead from the front by facilitating quality interactive SHARP training.

8. Commanders/Directors and their Senior Enlisted Advisor counterparts at all levels will receive SHARP desk side briefings from the SARC within 30 days of assuming their respective commands/positions.

9. Prevention of sexual harassment and sexual assault is everyone's responsibility. The USAG Humphreys Command is committed to preventing and eliminating sexual harassment, sexual assault, and retaliatory behaviors within its ranks. It is incumbent upon all leaders to set the example and create an environment conducive to good order and discipline, and unit cohesion. Sexual harassment and sexual assault negatively affect victims for years, if not a lifetime. You can prevent that from happening. Intervene and stop inappropriate behavior now. I am relying on your support and the cooperation of your personnel to ensure everyone adheres to this policy.