



DEPARTMENT OF THE ARMY  
UNITED STATES ARMY GARRISON ITALY  
UNIT 31410 BOX 42  
APO AE 09630

AMIM-IT-ZA

November 2023

MEMORANDUM FOR ALL US ARMY INSTALLATION MANAGEMENT COMMAND  
(IMCOM) PERSONNEL

SUBJECT: U.S. Army Garrison (USAG) Italy, Command Policy for Sexual Harassment  
and Assault Response and Prevention (SHARP) Program

1. References:

- a. 10 United States Code (USC) 1561 (Complaints of Sexual Harassment: Investigation by Commanding Officers).
- b. DODD 6495.01 (Sexual Assault Prevention and Response (SAPR) Program).
- c. Uniform Code of Military Justice (UCMJ), Article 132.
- d. DODI 6400.06 (DOD Coordinated Community Response to Domestic Abuse Involving DOD Military and Certain Affiliated Personnel).
- e. AR 600-20 (Army Command Policy).
- f. DODI 6495.02, Volume 1 (Sexual Assault Prevention and Response: Program Procedures).
- g. AR 15-6 (Procedures for Administrative Investigations and Boards of Officers).
- h. DD Form 2873 (Military Protective Order).
- i. DODI 1020.03 (Harassment Prevention and Response in the Armed Forces).
- j. Army Directive 2021-30 (Sexual Harassment/Assault Response and Prevention Services for Department of the Army Civilians), 2 September 2021.
- k. Public Law 114-92 (National Defense Authorization Act for Fiscal Year 2016).
- l. Army Directive 2022-10 (Safe-to-Report for Victims of Sexual Assault), 6 July 2022.
- m. Army Directive 2022-13 (Reforms To Counter Sexual Harassment/Sexual Assault in the Army), 20 September 2022.

n. 10 USC 920 (Article 120, Rape and Sexual Assault Generally).

o. 10 USC 934 (Article 134, General Article).

p. United States Army Europe and Africa (USAREUR-AF) Memorandum, Senior Responsible Officials (AEA Cmd Memo 2022-003), 21 March 2022.

q. USAREUR-AF Memorandum, General Court-Martial Convening Authority Area Jurisdiction, 21 March 2022.

2. **Purpose:** The purpose of this memorandum is to establish command policy concerning Sexual Harassment/Assault Response and Prevention (SHARP).

3. **Applicability:** This policy applies to all Soldiers, Civilians, Family members, contractors, and other personnel who work on, reside on or visit any U.S. Army installations, or facilities within the Installation Management Command areas of operation.

#### 4. **General Provisions:**

a. Sexual harassment, sexual assault, and retaliatory behaviors are incompatible with Army values. They destroy teamwork, unit cohesion, and degrade combat readiness. Sexual harassment, sexual assault, and retaliation are not tolerated in the Army, and I will not tolerate them in USAG Italy.

b. I am personally committed to ensuring that our Soldiers, Civilians, and Family members live and work in an environment free from sexual harassment and sexual assault. I am committed to creating and maintaining a culture 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 for taking appropriate corrective actions if they occur. Leaders must also ensure that all individuals are protected from acts or threats of reprisal for filing a sexual harassment complaint or sexual assault report.

#### 5. **Definitions:**

a. **Sexual Harassment:** Title 10 USC 1561 defines the term "sexual harassment" to mean any of the following:

(1) Conduct that 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; 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) The conduct 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 condoning, 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.

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

b. **Sexual Assault:** DODI 6495.01 defines sexual assault 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 UCMJ offenses: rape, sexual assault, aggravated sexual contact, abusive sexual contact, or attempts to commit these acts.

c. **Consent:** As used in the context of sexual assault, consent is a freely given agreement to the conduct at issue by a competent person. An expression of lack of consent through words or conduct means there is no consent. Lack of verbal or physical resistance or submission resulting from the use of force, threat of force, or placing another person in fear does not constitute consent. A current or previous dating or social or sexual relationship by itself, or the manner of dress of the person involved with the accused in the conduct at issue, does not constitute consent. A sleeping, unconscious, or incompetent person cannot consent.

d. **Retaliation:**

(1) Article 132, UCMJ, defines retaliation as the action of an individual who wrongfully takes or threatens to take an adverse personnel action, or who 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.

(2) Conduct amounting to retaliation, sexual harassment, or sexual assault is subject to disciplinary and punitive action. This behavior may also amount to a crime, punishable under UCMJ, federal law, and local civilian laws.

**6. Victims Rights:** The rights of victims of sexual harassment, sexual assault, and retaliation consist of the following:

- 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 or trial counsel in the case.
- f. The right to receive available restitution.
- g. The right to be reasonably heard at a public hearing concerning the continuation of any pretrial confinement of the accused; a sentencing hearing related to the offense; or, as applicable, 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.

**7. Responsibilities:** Upon receipt of a formal complaint of sexual harassment, commanders will commence or cause the commencement of an investigation or inquiry within 72 hours and will forward the complaint to the first commander in the chain of command with general court martial convening authority (GCMCA). Leaders at all levels, Military and Civilian, 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. Leaders must take all actions necessary to

create a safe and inclusive working environment free from harassment, sexual harassment, and sexual assault. USAG Italy Military and Civilian personnel have the following responsibilities:

a. If a supervisor of a Soldier becomes aware of a sexual assault involving a Soldier, the supervisor is required to inform the Soldier's commander immediately.

b. As per DODI 6495.02, mandatory reporting of sexual assault will be carried out by-

(1) **Commanders:** If victims disclose sexual assault incidents to their commander, they are still eligible to file a restricted report. A commander retains their duty to immediately contact the Military Criminal Investigative Organization (MCIO) upon being notified of a sexual assault, whether or not the sexual assault occurred in their own chain of command.

(2) **The Chain of Command:** A victim may disclose a sexual assault incident to someone in their chain of command without realizing that, as a result of doing so, personnel in the chain of command are required to immediately notify the commander and the MCIO. However, in this circumstance, while a victim may still elect to file a restricted report, such an election does not preclude the initiation of an investigation into the allegations.

c. All Soldiers and Civilian employees should intervene when they witness behaviors that are harassing, sexually harassing in nature, or that appear to be making someone uncomfortable. Intervention can take the form of on-the-spot corrections, removing the harasser from the situation, removing the person being harassed from the situation, talking to someone in the chain of responsibility or chain of command, or requesting formal or informal assistance from the brigade sexual assault response coordinator (SARC). Individuals who witness sexual harassment can file a formal, informal, or anonymous complaint even if they are not the person being harassed.

d. Commanders at all levels are tasked with the effective implementation of the SHARP program and policy. Commanders who become aware of a reported or suspected sexual assault, including reports from a third party, will immediately contact the SARC and the United States Army Criminal Investigation Command (USACIDC). Commanders will not initiate any AR 15-6 investigation into reports of sexual assault; rather, they will contact their servicing legal office for consultation if it is unclear whether a reported act is sexual harassment or sexual assault. Within 6 hours of all sexual harassment complaints or unrestricted sexual assault reports (after determining if a Military Protective Order (MPO) is warranted), the first colonel/O-6 in the subject's chain of command will corroborate with the subject's commander to ensure that a DD Form 2873 (MPO) has been issued to the subject. The first colonel/O-6 will also ensure that a DD Form 2873 is submitted to the installation directorate of emergency services or

provost marshal office and provide a copy to the protected individual. Additionally, the following applies:

(1) Commanders will immediately notify the SARC and the USACIDC upon receipt of information of a sexual assault from any source, including a third party. A commander will not conduct any internal inquiries or investigations of sexual assaults or otherwise delay the immediate contacting of USACIDC while attempting to assess the credibility of the report.

(2) Commanders who possess special court martial convening authority must assess alleged collateral misconduct against aggravating and mitigating circumstances, in accordance with safe-to-report procedures.

(3) Commanders will ensure that Soldiers, DA Civilians, and Family members who seek assistance with any Army agency and are requesting SHARP services receive a direct handoff to a SARC or victim advocate (VA).

(4) Commanders will initiate involuntary administrative separation proceedings for all Soldiers against whom there is a substantiated complaint of sexual harassment unless the Soldier is otherwise punitively discharged or dismissed from the Army as part of a court-martial sentence. Involuntary separation proceedings will be initiated after the Soldier's appellate rights have been exhausted as they relate to an administrative investigation substantiating a sexual harassment complaint.

(5) A commander may rehabilitate a Soldier against whom there is a minor substantiated complaint of sexual harassment, as determined by the commander in consultation with the servicing judge advocate.

(6) Commanders will publish the nature and results of all judicial, non-judicial, or administrative actions taken against the offender (including letters of reprimand) and disseminate this information to troops via unit newsletters, bulletin boards, and other communication channels. All actions will be appropriately redacted to comply with the Privacy Act of 1974, and to protect victim privacy. Prior to publication, redactions required by the Privacy Act will be approved by the servicing office of the staff judge advocate or brigade judge advocate.

(7) Commanders must ensure that SHARP personnel are fully supported as representatives of the program.

e. SHARP personnel are a key component for ensuring continued care and services for our Soldiers and Civilians and are therefore expected to be subject matter experts on SHARP-related matters. Credentialed, appointed SHARP personnel will assist commanders in executing their SHARP responsibilities to prevent and respond to sexual harassment, sexual assault, and associated retaliatory behaviors.

AMIM-IT-ZA

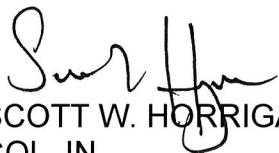
SUBJECT: U.S. Army Garrison (USAG) Italy, Policy for Sexual Harassment and Assault Response and Prevention (SHARP) Program

(1) The brigade SARC and VA will review unit SHARP SOPs and policies quarterly to ensure that the most up-to-date changes and information are available to their command. Further, they will brief the command team monthly, before and after the sexual assault review board (SARB), on case management, noting any trends; and will report any trends or gaps to the commander, and to the major subordinate command (MSC)/GCMCA lead SARC.

(2) The MSC/GCMCA lead SARC will review SHARP SOPs and policies quarterly to ensure that the most up-to-date changes and information are available to their command. Further, they will brief the command team monthly, before and after the SARB, on case management, noting any significant trends. In addition, they will complete quarterly data calls on sexual harassment, sexual assault, and retaliation; and will report any trends or gaps to the USAG Italy SHARP Program Office.

8. **Point of Contact:** The point of contact for this memorandum is the USAG Italy SHARP Program Office at DSN 646-8525 or COM +39-0444-71-8525.

Encl  
Complaint Process

  
SCOTT W. HARRIGAN  
COL, IN  
Commanding



Enclosure: Complaint Process

## **Sexual Harassment Complaint Process**

**1. Military Employees and their Family Members:** Complainants should contact their SHARP Sexual Assault Response Coordinator (SARC), Victim Advocate (VA), or Victim Representative (VR) for assistance on how to file a complaint.

**a. Informal Complaints:** An informal sexual harassment complaint is a complaint that a complainant does not wish to file in writing. Typically, those cases can be resolved through discussion, problem identification, and clarification of the issues. The SARC will provide information regarding support services that are available to help resolve the complaint, as appropriate, both on- and off-post (health care, counseling, chaplains, legal assistance, and unit or installation trained mediators for alternative dispute resolution). An informal complaint is not subject to regulatory timeliness standards but should be resolved within 14 calendar days of the complaint receipt.

**b. Formal Complaints:** A formal sexual harassment complaint is a complaint that a complainant files in writing while swearing to the accuracy of the information. Formal complaints require specific actions, are subject to timelines, and require documentation of the actions taken. Complainants are encouraged to file formal complaints within 60 calendar days from the date of the aggravating behavior. This will facilitate the investigation and resolution of these complaints. Complainant confidentiality will be protected to the maximum extent possible. The SARC provides information regarding support services that are available to help resolve the complaint, as appropriate, both on- and off-post (health care, counseling, chaplains, legal assistance, and unit or installation trained mediators for alternative dispute resolution). The brigade commander will establish and implement a plan to protect the complainant, any named witnesses, and the subject from acts of retaliation and reprisal.

**c. Anonymous Complaints:** An anonymous sexual harassment complaint is defined as a report of sexual harassment, regardless of the means of transmission, from an unknown or unidentified source. The individual reporting the information is not required to divulge any personally identifiable information. The anonymous report can be submitted by any means from an unidentified complainant. Actions taken regarding anonymous complaints will depend on 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 witness. An anonymous complaint can be provided to anyone but may only be officially processed by members of the chain of command, the SHARP Office, or the Inspector General.



**2. Civilian Employees and their Family Members:** Complainants should contact their Garrison Equal Employment Opportunity Office for assistance on how to file a complaint.

## **Sexual Assault Reporting Process**

**1. Restricted Reporting:** This option does not trigger an investigation. It allows Soldiers (and their Family members who are 18 years or older) who have been sexually assaulted to file a report on a confidential basis and receive services, to include victim advocacy, medical treatment (to include a sexual assault forensic examination), behavioral health, and legal services, without notification to their command or law enforcement. The perpetrator cannot be held accountable and individuals filing restricted reports are not eligible for expedited transfers or military protective orders. Individuals who are sexually assaulted and desire restricted reporting under this policy should report the assault to a SARC, VA, VR, or healthcare provider. Communication with a Chaplain or a Special Victim's Counsel is confidential but does not constitute a restricted report. A restricted report can be changed to an unrestricted report at any time. Victims may elect to make a restricted report of sexual assault at all times, except where the victim personally reported the incident to law enforcement officials; or previously filed an unrestricted report for the same incident. Civilians and contractors are only eligible to file an unrestricted report at this time.

**Note:** Victims can file a restricted report even if the allegation has been inadvertently or previously disclosed to command by the victim, the suspect, or a third party; even if the matter has been reported to law enforcement by anyone other than the victim; and even if an investigation is initiated, in progress, or closed.

**2. Unrestricted Reporting:** This option triggers a law enforcement investigation and initiates a notification to the respective command. It allows Soldiers and their adult Family members, Civilians and their adult Family members, and U.S. citizen DOD contractor personnel who are sexually assaulted to pursue legal action in addition to receiving desired services, to include victim advocacy, medical treatment (to include a sexual assault forensic examination), behavioral health, and legal services. The services for civilians and contractors do not include expedited transfers or any medical entitlements or legal services that they are not already authorized by law or policy. Reports of sexual assault in which the victim desires an investigation can be made to any SHARP personnel, law enforcement authority, or a member of the chain of command. Soldiers and their adult Family members who choose this reporting option are eligible for expedited transfers. If the subject of the investigation is a Servicemember, victims of sexual assault who file unrestricted reports are eligible to request a military protective order. Civilian protective orders are available through local national authorities.

**3. Catch A Serial Offender (CATCH) Program:** In cases where the name of the suspect is not known by law enforcement, this program gives the person reporting the sexual assault an opportunity to anonymously submit suspect information to help the Department of Defense identify serial offenders. For more information, contact your local SARC or VA.

### **Support Resources for Victims of Sexual Harassment and Sexual Assault**

Victims of sexual harassment and sexual assault may utilize any of the below resources for support:

1. The anonymous and confidential DOD SAFE Helpline at 001-877-995-5247 or at <https://www.safehelpline.org/look-inside-Safe-Helpline> (available 24/7 and worldwide; helpline staff can transfer callers to the nearest SARC).
2. The 24/7 SHARP hotline 314-646-8540 or commercial: +39-0444-71-8540.
3. The respective Health Care Provider.
4. The respective Unit Chaplain (confidential communication).
5. The Special Victims' Counsel (attorney-client privilege).
6. The Family Advocacy Program (Domestic Violence and Child Abuse)/Social Work Services +39-335-805-7867 (Non-Emergency), +39-0444-71-5112 (Emergency), +39-0444-71-5300 (24hr After Hours Emergency Dispatch).
7. The respective Chain of Command.
8. The Military Police +39-0444-71-5112 (On-Post Emergency), 112 (Off Post Emergency), +39-0444-71-5300 (24hr After Hours Emergency Dispatch).or Criminal Investigation Division DSN: 314-646-5313 or Commercial +39-0444-71-5313 (Duty Hours).
9. The Equal Opportunity and Equal Employment Opportunity Offices DSN: 314-646-7093/5880/8564 or Commercial: +39-0444-71-7093/5880/8564.
10. The Office of the Inspector General DSN: 324-639-0444 or Commercial +39-0444-109-0444 (Army IG Hotline: 001-800-752-9747 or 321-865-1845).