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MEMORANDUM FOR

Commanders, All Units Reporting Directly to U.S. Army Training Center and Fort Jackson Commanders, Fort Jackson Partners in Excellence Directors and Chiefs, Staff Offices U.S. Army Training Center and Fort Jackson

SUBJECT: Fort Jackson Policy Memorandum #2- Command Response to the Sexual Harassment/Assault Response and Prevention (SHARP) Program

1. References:

a. Department of Defense Instruction (DoDI) 6495.02 (Sexual Assault Prevention and Response (SAPR) Program Procedures

b. Army Regulation (AR) 600-52, Sexual Harassment/Assault Response and Prevention Program

c. Department of Defense Instruction (DoDI) 1030.02 (Victim and Witness Assistance)

2. Purpose: Provides command guidance outlines responsibilities for the Sexual Harassment/Assault Response and Prevention (SHARP) Program to all Soldiers, Department of the Army (DA) Civilians and Family members within the Army Training Center and Fort Jackson. The SHARP policy enhances Army readiness by fostering a culture free of sexual harassment, sexual assault, and associated retaliatory behaviors. This policy does not apply to DA Civilian sexual harassment victims covered under AR 690–600 and AR 690–12.

3. Army policy: Sexual assault is a criminal offense that is punishable under the Uniform Code of Military Justice (UCMJ) and other federal and local civilian laws. It degrades the fabric of trust in our profession and as such, has no place in our Army and will not be tolerated. It degrades mission readiness, breaks down the ability to work effectively as a team, and represents lack of discipline.

4. Fort Jackson is committed to reducing sexual assault and sexual harassment incidents, providing sensitive care for victims and providing accountability for those who commit these offenses. Timely reporting, immediate response, long-term support, and victim advocacy is critical to the success of this program.

5. Our goal is an organization free of sexual harassment and sexual misconduct and their harmful consequences. Leaders will create and promote a positive command climate where every Soldier and DA Civilian understands that sexual harassment, sexual assault, and retaliatory behaviors are incompatible with Army values.

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6. Unfortunately, sexual harassment and sexual assault do occur. UCMJ Article 120, AR 600-52, and Fort Jackson Regulation 600-3 all provide standards to define and prohibit sexual harassment and sexual assault. Soldiers and DA Civilians must understand these required standards of personal behavior. Commanders must ensure that their unit's SHARP program teaches these standards so that they are fully understood and accepted. Indoctrination of Army values to members of the organization can potentially create a climate founded on respect and trust. An environment that focuses on the prevention of sexual harassment and sexual assault is one in which all Soldiers and DA Civilians know their responsibilities for proper behavior and reporting inappropriate behavior.

7. In accordance with AR 600-52, no Army personnel may retaliate against a victim, a reported victim, or another member of the Armed Forces based on that individual's report of sexual assault and sexual harassment made under the purview of the SHARP Program. These provisions are punitive, and violations may be punished under Article 92, UCMJ and applicable DA Civilian authorities.

a. Commanders will establish procedures to protect all first responders, both DA Civilians and Soldiers, as well as witnesses and bystanders who intervened to prevent a sexual assault or act of sexual harassment from retaliation, reprisal, ostracism, or maltreatment related to the execution of their duties and responsibilities.

b. Commanders will 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. Immediately notify U.S. Army Criminal Investigation Division (USACID) whenever the victim of a sexual assault, witnesses, or bystander who intervenes is threatened, assaulted, or suffers property damage.

c. Sexual assault response coordinator (SARC) or victim advocate (VA) will inform victims of the resources available to report instances of retaliation, reprisal, ostracism, maltreatment, sexual harassment, or to request a transfer, or seek a Military Protective Order (MPO).

8. Sexual assault is intentional sexual contact characterized by use of force, threats, or 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 offenses. There are two reporting options for sexual assault: restricted reporting and unrestricted reporting.

a. Restricted reporting, through the filing of DD Form 2910, allows Soldiers and Family

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members 18 years of age and older to confidentially disclose sexual assault to specified individuals (that is, a SARC, VA, and healthcare personnel) and receive healthcare treatment, a SAFE, counseling, and the assignment of a SARC and VA for advocacy services. If a victim elects this reporting option, they may convert a restricted report to an unrestricted report at any time.

b. Unrestricted reporting allows a Soldier or Family member of a Soldier (age 18 or older) who is a victim of sexual assault to receive medical treatment, counseling, and other afforded/eligible services and triggers an official investigation into the sexual assault. Victims may make an unrestricted report to a SARC, VA, chaplain, healthcare provider, law enforcement, or the chain of command. Details regarding the incident will be limited to only those personnel who have a legitimate need to know.

c. Restricted/Unrestricted reporting for DA Civilians. DA Civilians authorized to file an unrestricted report of adult sexual assault with the Army pursuant to the provisions of AR 600-52.

(1) DA Civilians who are not adult dependents of a Servicemember or a member of a service's Reserve Component (RC) who elect to file a report of sexual assault through the Army SHARP Program will use DD Form 2910–8 (Reporting Preference for DoD Civilian Employees to Report Sexual Assault).

(2) If the sexual assault victim is a DA Civilian who is also an adult military dependent or a member of a service's RC eligible for DoD sexual assault and response services, the victim will only use the DD Form 2910 to file a report and will not file a DD Form 2910–8, because their status as a military dependent or RC member may make them eligible for additional services. A victim would never file both forms.

(3) DA Civilians who report experiencing adult sexual assault shall be offered the assistance of a SARC and VA to assist with filing a restricted report, immediate crisis intervention, and referral to available/eligible resources. If a DA Civilian files an unrestricted report, law enforcement will be notified. In addition, the victim's commander, or civilian supervisor and the OSTC concerned will be notified of the sexual assault report.

9. Reports and disclosures of sexual assault involving intimate partners will be referred to FAP. Victims of sexual assault committed by an unmarried intimate partner or dating partner (see AR 608–18, 10 USC 928b) may receive SHARP services when the subject is not—

- a. A former spouse.
- b. A person with whom the victim shares a child in common.

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c. A current or former intimate partner with whom the victim shares or has shared a common domicile. When sexual assault or sexual harassment occurs as a result of domestic abuse or involves child abuse, SHARP professionals will refer the victim to FAP.

10. When commanders are informed by victims of a sexual assault or when they receive information from a source not covered under restricted reporting, they will immediately contact the USACID to initiate an investigation. Commanders will also notify the fulltime SARC providing support to the organization or contact the Fort Jackson 24/7 response line, and their servicing staff judge advocate to ensure the widest range of protection for victims, to include protection of their rights.

11. In order to maintain a well-coordinated and highly responsive SHARP program, an oncall SHARP professional is available after duty hours, weekends, and holidays and can be reached at (803) 543-5085. Confidential inquiries can be made through a full-time SHARP professional or by utilizing the DoD Safe Helpline at 877-995-5247 which is a DoD resource to provide crisis intervention, facilitate victim reporting through connection to the nearest SARC, and other resources as warranted.

12. All federal crime victims have the following rights:

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

b. The right to be reasonably protected from the accused,

c. Be provided with reasonable, accurate and timely notice of hearings, proceedings, confinement events.

d. The right to be present at, not excluded from, public hearings or proceedings preliminary hearing unless the testimony would be materially altered by the victim's presence.

e. Be reasonably heard at certain hearings, personally or through counsel.

f. The right to confer with the attorney for the U.S. Government in the case.

g. Receive restitution as provided by State and Federal law.

h. Proceedings free from unreasonable delay.

i. Be informed in a timely manner of any plea agreement, separation-in-lieu of trial agreement, or non-prosecution agreement relating to the offense unless providing such

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information would violate law enforcement proceeding or violate the privacy concerns of an individual other than the accused.

j. Express their views about disposition of the case to the commander of convening authority.

k. Decline to testify at a preliminary hearing conducted pursuant to Article 32 of the UCMJ.

14. Sexual harassment is a form of sex discrimination that involves:

a. Unwelcome sexual advances, requests for sexual favors, and deliberate of 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.

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

c. 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.

d. 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.

15. Soldiers (including Delayed Entry Program participants and United States Military Academy Cadets), Reserve Officers' Training Corps (ROTC) Cadets placed on valid Title 10 orders, and Family members 18 years of age and older may file a sexual harassment report with a SARC or VA. Complaints from DA Civilian personnel (to include those against Soldiers) reporting sexual harassment are addressed in accordance with AR 690–600, AR 690–12, or as provided for in any applicable collective bargaining agreement.

a. A commander who receives a complaint of sexual harassment will ensure an

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investigation is conducted in accordance with DoDI 1020.03, AR 15–6, and this regulation. The commander will consult with their supporting legal advisor to determine if the complaint contains a violation of the UCMJ.

b. Victims of sexual harassment committed by an unmarried intimate partner or dating partner may receive SHARP services when the subject is not—

(1) A current or former spouse.

(2) A person with whom the victim shares a child in common.

(3) A current or former intimate partner with whom the victim shares or has shared a common domicile.

16. Victims will be provided adequate protection and care and informed about available resources, including:

a. Military and civilian emergency medical and support services.

b. Public and private programs that are available to provide counseling, treatment, and other support.

c. Organizations and entities on- and off-base that provide victim and witness services and support.

d. Commanders will ensure that SHARP policy memorandums, contact information for SARCs and VAs, telephone numbers for unit and installation points of contact, hand booklets, and a list of victim services are posted on unit bulletin boards and in high-traffic locations, including dining facilities.

18. Commanders will ensure Soldiers and DA Civilians for whom they are responsible meet the annual SHARP training requirement. Commanders/directors are required to provide annual SHARP training to their unit personnel/civilian employees with the assistance of the fulltime SHARP professionals. This responsibility will not be delegated. Commanders /leaders will emphasize the prevention of sexual harassment and sexual assault in all holiday safety memorandums and briefings, annual training and newcomer's briefings.

19. Commanders and other leaders are responsible for the climate in their organizations and the health and welfare of those they are charged to lead. Commanders, leaders, and SHARP professionals at all levels are responsible for the effective implementation of HARP policy and execution of the SHARP Program. Military and DA Civilian officials at all management levels will advocate for a strong SHARP Program that will enable all members

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of the military community to prevent and appropriately respond to sexual assault and sexual harassment.

20. Point of contact is the Installation SHARP Office at (803) 751-0727.

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