



DEPARTMENT OF THE ARMY
HEADQUARTERS, JOINT READINESS TRAINING CENTER AND FORT JOHNSON
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FORT JOHNSON, LOUISIANA 71459-5339

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JUN 13 2023

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Joint Readiness Training Center (JRTC) and Fort Johnson Policy 5 - Sexual Harassment/Assault Response Prevention (SHARP) Program

1. References.

a. Department of Defense Instruction (DoDI) 6495.02, Volume 1, Sexual Assault Prevention and Response: Program Procedures, Incorporating Change 6.

b. Army Regulation (AR) 600-20, Army Command Policy

2. JRTC and Fort Johnson is committed to providing a safe environment for all members of the command, free of sexual harassment (SH) and sexual assault (SA). This policy promotes a command climate that encourages victims to report incidents of SH and SA without fear of retaliation. SA, SH, and retaliatory behavior has **NO** place in the Army and is incompatible with Army Values. This command is fully committed to the Army's SHARP Program.

3. Sexual Harassment.

a. Conduct that 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 made either explicitly or implicitly a term or condition of a person's job, pay, or career; or

(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; and

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

AFZX-CG

SUBJECT: JRTC and Fort Johnson Policy 5 - Sexual Harassment/Assault Response and Prevention (SHARP) Program

b. 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.

c. Any deliberate or repeated unwelcome verbal comment or gesture of a sexual nature by any member of the Armed Forces or Civilian employee of the DoD.

d. 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.

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

f. 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.

g. Categories of Sexual Harassment.

(1) Verbal. Examples of verbal sexual harassment may include telling sexual jokes; using sexually explicit profanity, threats, sexually oriented cadences, or sexual comments; whistling in a sexually suggestive manner; and describing certain attributes of one's physical appearance in a sexual manner. Verbal sexual harassment may also include using terms of endearment such as "honey," "babe," "sweetheart," "dear," "stud," or "hunk" in referring to Soldiers, Civilian coworkers, or Family members.

(2) Nonverbal. Examples of nonverbal sexual harassment may include cornering or blocking a passageway; in-appropriately or excessively staring at someone; blowing kisses; winking; or licking one's lips in a suggestive manner. Nonverbal sexual harassment also includes offensive printed material (for example, displaying sexually oriented pictures or cartoons); using electronic communications; or sending sexually oriented faxes, notes, or letters.

(3) Physical contact. Examples of physical sexual harassment may include touching, patting, pinching, bumping, grabbing, kissing; or providing unsolicited back or neck rubs. There is significant overlap between that physical contact which constitutes sexual assault and that physical contact which constitutes sexual harassment.

AFZX-CG

SUBJECT: JRTC and Fort Johnson Policy 5 - Sexual Harassment/Assault Response and Prevention (SHARP) Program

If the SARC receiving the sexual harassment complaint determines that the victim describes sexual assault and not sexual harassment, the SARC will advise the victim that the unwanted physical contact will be handled as a sexual assault; advise each victim of the role availability of a victim advocate; their victim rights; their potential right to a Special Victims' Counsel (SVC), with SVC eligibility determined by coordinating with the servicing legal office regarding SVC services; explain the victim's options for restricted and unrestricted reporting; and clearly describe the required response protocol for each type of reporting option. Unwanted physical touching that does not meet the legal definition of sexual assault may still be addressed using the sexual harassment complaint process.

h. Types of Sexual Harassment.

(1) Quid Pro Quo. "Quid pro quo" is a Latin term meaning "this for that." This term refers to conditions placed on a person's career or terms of employment in return for favors. Examples include demanding sexual favors in exchange for a promotion, award, or favorable assignment. An example would be a Soldier who is not recommended for promotion and who believes that his or her squad leader recommended another Soldier in his or her squad for promotion based on provided or promised sexual favors, not upon merit or ability.

(2) Hostile Environment. A hostile environment, to include the work environment, can occur when Soldiers or DA Civilians are subjected to offensive, unwanted, and unsolicited comments, or conduct of a sexual nature. An abusive or hostile environment need not result in concrete psychological harm to the victim, but rather need only be so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the environment as hostile or offensive. A hostile environment brings the topic of sex or gender into the environment in any one of several forms. Conduct considered under the hostile environment definition generally includes nonviolent, gender-biased sexual behaviors (for example, the use of derogatory gender-biased terms, comments about body parts, suggestive pictures, and explicit jokes).

i. Soldiers and Family members aged 18 and over may file a sexual harassment complaint with the Brigade Sexual Assault Response Coordinator (SARC) or through the chain of command. There are three ways Soldiers can submit a sexual harassment complaint:

(1) Formally in writing on DA Form 7746.

(2) Informally to a fulltime brigade level SARC.

AFZX-CG

SUBJECT: JRTC and Fort Johnson Policy 5 - Sexual Harassment/Assault Response and Prevention (SHARP) Program

(3) Anonymously by any means from an unidentified complainant.

4. Sexual Assault. Defined as a crime, punishable under the Uniform Code of Military Justice (UCMJ) and other Federal and local civilian laws. SA is 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 UCMJ offenses: rape, sexual assault, aggravated sexual contact, abusive sexual contact, or attempts to commit these acts. There are two reporting options for sexual assault - unrestricted reporting and restricted reporting.

a. Unrestricted Reporting. Allows Soldiers, Family members aged 18 and older, and Department of Army Civilians (DAC) who have been sexually assaulted to disclose the SA to a SARC, SHARP VA, Health Care Provider (HCP), command authorities and others.

(1) This reporting option triggers an investigation, command notification, and allows victim access to healthcare, an optional forensic exam, assignment of a SARC and a SHARP Victim Advocate (VA), considerations for protection orders, and expedited transfers.

(2) A commander who receives an unrestricted report of a SA will immediately refer the matter to USACIDC. If a supervisor of a Soldier becomes aware of a SA involving a Soldier, the supervisor is required to inform the Soldier's commander immediately.

b. Restricted Reporting. Allows Soldiers and Family members aged 18 and older who are SA victims to confidentially disclose the SA to a SARC, SHARP VA, or HCP without triggering an investigation. The Senior Commander (SC) is notified a SA has been reported but is not given the victim's name or other personally identifiable information (PII). The victim will have access to healthcare, an optional forensic examination, and the assignment of a SARC and SHARP VA.

(1) Victims are eligible to file a Restricted Report, providing they did not personally report the sexual assault incident to law enforcement, to include Military Criminal Investigative Organizations (MCIO), and they did not previously elect to make an Unrestricted Report by signing a DD Form 2910, with a SARC or SHARP VA on the same sexual assault incident.

AFZX-CG

SUBJECT: JRTC and Fort Johnson Policy 5 - Sexual Harassment/Assault Response and Prevention (SHARP) Program

(2) Victims are eligible to file a Restricted SA report even if:

(a) They disclosed the SA incident to their commander or to personnel in the chain of command, or

(b) There is an ongoing MCIO investigation into the SA incident initiated by a third party and not due to the victim disclosure to law enforcement, or

(c) The MCIO investigation into the SA incident has been closed.

5. Direct Reporting Units (DRU) and tenant organizations will submit Commander's Critical Information Requirement(s) (CCIR) for formal sexual harassment complaints and unrestricted reports of sexual assault IAW AR 600-20, Appendix J and JRTC and Fort Johnson Policy Letter 2, Commander's Critical Information Requirements.

6. Commanders will publicize, by all means available, the availability of resources outside a victim's immediate chain of command (i.e., Lead SARC, other SARCs and VAs on the installation, and DoD Safe Helpline).

a. Posting of reporting options for retaliation stemming from a report of SA or SH.

b. Establish an environment free of sexual harassment and sexual assault through education, discipline, and enforcement of standards.

7. SHARP Examination.

a. To ensure members of JRTC and Fort Johnson know, understand, and support SHARP, all Soldiers who receive an OER or NCOER will be notified during their initial counseling that part of their rating will now consist of a knowledge-based test about the SHARP Program.

b. The test will be used as a check on learning to determine whether additional training is needed and to assess whether the service member supports SHARP and how to recognize, prevent, and eliminate this corrosion to our readiness.

c. A blank test will be provided at the initial counseling for the Soldier to study, in preparation of the test. The test will be administered during the Soldier's rating period and may be retaken as needed to educate the service member.

AFZX-CG

SUBJECT: JRTC and Fort Johnson Policy 5 - Sexual Harassment/Assault Response and Prevention (SHARP) Program

d. Raters can use the test at the below link or modify the test at their own discretion.

<https://atn.army.mil/getmedia/3db04069-dfcc-480e-aa07-1b28d021cb36/Check-on-Learning-Trifold-V1-0-1-Oct-2021.pptx>

8. Proponent. The point of contact for this policy is the JRTC and Fort Johnson SHARP Program Manager at (337) 531-3495.

9. This policy will remain in effect until superseded or rescinded.



DAVID W. GARDNER
Brigadier General, USA
Commanding

Distribution:

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