



DEPARTMENT OF THE ARMY  
US ARMY INSTALLATION MANAGEMENT COMMAND  
HEADQUARTERS, US ARMY GARRISON COMMAND, FORT KNOX  
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AMIM-KNG-SA (100)

15 October 2021

MEMORANDUM FOR

All Units Reporting Directly to this Headquarters  
Commanders, Fort Knox Partners in Excellence  
Directors and Chiefs, Staff Offices/Departments, This Headquarters

SUBJECT: Garrison Policy Memo No. 14 – Sexual Harassment/Assault Response & Prevention

1. References:

a. Army Regulation (AR) 350-1 (Army Training and Leader Development, Table F-1, Mandatory Training Requirements for all Personnel).

b. AR 600-20, (Army Command Policy), Chapter 7 and Chapter 8, 24 July 2020.

c. AR 690-600 (Equal Employment Opportunity Discrimination Complaints).

d. Army Directive (AD) 2018-23 (Improving Essentials Programs).

e. AD 2021-16 (Immediate Action to Improve the Sexual Harassment/Assault Response and Prevention Program).

f. AD 2021-30 (Sexual Harassment/Assault Response and Prevention Services for Department of the Army Civilians).

g. Department of Defense Instruction (DoDI) 1020.03 (Harassment Prevention and Response in the Armed Forces).

h. DoDI 6495.02. (Sexual Assault Prevention and Response (SAPR) Program Procedures), 28 March 2013, with Incorporating Change 5, April 9, 2021.

i. ALARACT 135-2013 – HQDA EXORD 149-13 (Sexual Harassment/Assault Response and Prevention Army Workplace Inspections).

j. OPORD 20-115 (U.S. Army Material Command Sexual Harassment/Assault Response and Prevention (SHARP) Program Requirements).

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2. Applicability. This policy applies to all Soldiers, Department of the Army (DA) Civilians, Family members, and contractors assigned to United States Army Garrison Fort Knox.

3. Purpose. To establish Fort Knox Garrison's Policy on Sexual Assault and Sexual Harassment.

4. Policy. Sexual harassment and sexual assault are prohibited by law. Army Regulations and Fort Knox Policies are contrary and prejudicial to the American principles and ideals in which the Army is rooted. Sexual harassment and sexual assault contradict the Army Values we live, believe in, and uphold. I fully expect all Soldiers and Civilians affiliated with Fort Knox Garrison to aggressively commit to eliminating incidents of sexual harassment and sexual assault. Fort Knox SHARP reinforces the commitment through awareness and prevention, training and education, victim advocacy, response, reporting, and accountability.

a. Preventing sexual harassment and sexual assault and ensuring accountability for those who engage in or facilitate such conduct is one of my top priorities. To be clear, not only will I make every effort to prevent sexual harassment and sexual assault, Fort Knox Garrison will support criminal investigation and prosecution of a Soldier, Civilian or citizen where appropriate. Obviously, a crime does not have to be committed for the Army to take action; however, sexual assault is always a crime punishable under the Uniform Code of Military Justice (UCMJ) as well as other federal and local civilian laws. If the sexual harassment does not rise to the level of a criminal offense, the Army will discipline federal employees and ensure that Army contractors take action to prevent such harassment. This can also include barring perpetrators from the installation for any such proven conduct.

b. Sexual harassment is a conduct that:

(1) Involves unwelcomed 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

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(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.

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

c. Sexual harassment will not be tolerated. Individuals experiencing sexual harassment can report to the SARC or Equal Employment Opportunity (EEO) based upon appropriate eligibilities. There are two types of complaints.

(1) Informal Complaint. An informal complaint is any complaint that a Soldier or family member does not wish to file in writing. It is not subject to timeliness and may be resolved directly by the individual, with the help of another unit member, the commander, or other person in the complainant's chain of command.

(2) Formal Complaint. A formal complaint is filed in writing using DA Form 7279 (Equal Opportunity Complaint Form), and requires specific actions and timeliness. Soldiers have 60 calendar days from the date of the alleged incident in which to file a formal complaint. It is the commander's discretion to conduct an investigation into allegations received after 60 calendar days. In these situations, the commander will consider the reason for the delay, the availability of witnesses, and whether a full and fair inquiry or investigation can be conducted. Commanders will follow the complaint processing procedures outlined in Reference C, Army Regulation (AR) 600-20 (Army Command Policy), Appendix C.

d. Sexual harassment complaints by DA Civilian employees are handled in accordance with Reference D, AR 690-600 (Equal Employment Opportunity Discrimination Complaints). DA Civilian employees have 45 calendar days from the date of the incident to file a complaint. DA Civilian employees who desire to file a sexual harassment complaint may contact the SARC but will be referred to the EEO Office.

e. Sexual assault is defined as "intentional sexual contact characterized by the use of force, threats, intimidation, abuse of authority, or when the victim does not or cannot consent". Sexual assault includes a broad category of sexual offenses consisting of the following specific UCMJ offenses: rape, sexual assault, aggravated sexual contact, abusive sexual contact, forcible sodomy (forced oral or anal sex), or attempts to commit these offenses. Consent means words or overt acts indicating a freely given agreement to sexual conduct by a competent person. Anyone aware of a sexual assault should

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report the incident as soon as possible. There are two reporting options for sexual assault:

(1) Restricted Reporting. This option allows a Soldier or eligible civilian who is a sexual assault victim, on a confidential basis, to disclose the details of their assault to specifically identified individuals and receive medical treatment and counseling, without triggering the official investigative process. Soldiers who are sexually assaulted and desire restricted reporting under this policy should report the assault to the Sexual Assault Response Coordinator (SARC), Victim Advocate, or a healthcare provider.

(2) Unrestricted Reporting. This option allows an eligible person who is sexually assaulted to access medical treatment and counseling and request an official investigation of the allegation using existing reporting channels (e.g., chain of command, law enforcement, healthcare personnel, or SARC). Disclosure to the chain of command, law enforcement, to include Criminal Investigation Division (CID) and the Provost Marshal's Office (PMO) or the Inspector General (IG), will automatically trigger an Unrestricted Reporting. When a sexual assault is reported through Unrestricted Reporting, the SARC shall be notified as soon as possible. He or she will respond, assign a Victim Advocate, and review all available resources with the victim to include offering the victim medical care and a Sexual Assault Forensic Exam (SAFE).

(3) Victims have an option of talking to a Chaplain, however, this does not initiate any type of the report as a Chaplain has absolute privilege and is not required to share or report the disclosure.

f. Victim Rights:

(1) The right to be treated with fairness and respect for your dignity and privacy.

(2) The right to be reasonably protected from the accused offender.

(3) The right to reasonable, accurate, and timely notice of public preliminary hearings, pre-trial confinement hearings, court proceedings, and clemency and parole hearings related to the offense.

(4) 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.

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- (5) The right to reasonably confer with the prosecutor/Trial Counsel in the case.
  - (6) The right to receive available restitution.
  - (7) The right to be reasonably heard at:
    - (a) A public hearing concerning the continuation of any pre-trial confinement of the accused;
    - (b) A sentencing hearing related to the offense;
    - (c) A public Military Department Clemency and Parole Board hearing related to the offense.
  - (8) The right to submit a written statement for the consideration of the Convening Authority prior to taking action on findings and sentence.
  - (9) The right to proceedings free from unreasonable delay.
  - (10) The right to be provided information, if applicable, about the conviction, sentencing, imprisonment, Convening Authority's action, appellate review, and release of the offender.
- g. A single incident of sexual harassment and sexual assault has a tremendous effect. Survivors will be treated with the utmost dignity and respect and their privacy will be safeguarded. Only those with a legitimate need to know will be apprised of the report. In instances of Unrestricted Reports, Military Protective Orders (MPO) will be issued in order to ensure the safety of all parties involved. These orders will remain in effect until adjudication and/or case closure. Victims will also be informed that MPOs are only effective on post, and directed to resources and guidance to obtain a civilian protection order, if so desired.
- h. Soldiers and active duty eligible Family Members over the age of 18 who contact SHARP Professionals for assistance will receive all necessary assistance, support, and access to resources permitted by law and policy.
- i. DA Civilians are authorized to file an Unrestricted sexual assault and receive victim advocacy services. 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. Activities are required to comply with collective bargaining obligations, as

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applicable. DA Civilians are not required to use SARCs, SHARP VAs, or SHARP VRs to report a sexual assault. This is not a change in terms or conditions of employment for DA Civilians. Use of advocates and SHARP services is strictly voluntary. DA Civilians who are victims of sexual assault, who chose to not receive SHARP support services, are highly encouraged to utilize the Employee Assistance Program (EAP). EAP services include assessments, counseling, and referrals for additional services to employees with personal and/or work-related concerns.

j. Retaliation is when any person subject to the UCMJ or Federal law 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. Every Civilian employee and military member have the right to report criminal offenses with a protected communication. All reports of retaliation will be investigated by the Inspector General (IG). This command will not tolerate retaliation or reprisal (any act of retaliation) against an individual who reports a protected SHARP-related communication.

5. The Department of Defense (DoD) Sexual Assault Prevention and Response Office (SAPRO) has established a Safe Helpline so members of the DoD community impacted by sexual assault can discuss their situation and concerns freely without worry that their information will be shared with the DoD or their chain of command. The DoD Safe Helpline is (887) 995-5247 or go online at [www.safehelpline.org](http://www.safehelpline.org) to get assistance, or download the DoD approved Safe Helpline application on their phone for immediate anonymous and confidential support. Anonymous means that individuals can access the Safe Helpline without sharing any personal information. Confidentiality means that in most cases the personal information shared will receive protection from disclosure. Likewise, the Fort Knox 24/7 Hotline is (502) 851-3779 and a SARC and Victim Advocate on duty will be able to assist locally.

6. Whether you are a Soldier, a Civilian employee, contractor or visitor to Fort Knox, preventing sexual harassment and sexual assault is your responsibility and I am reinforcing that it is my sworn responsibility to prevent and stop it at Fort Knox. Each of us bears responsibility to protect our brothers and sisters on our left and right. We must always be vigilant and know exactly what actions to take when witnessing red flags that could potentially result in sexual harassment or sexual assault. Inaction is absolutely unacceptable.

7. Expiration. This Command Policy Memorandum will remain in effect until superseded or rescinded.

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8. The point of contact for this policy is Fort Knox Garrison SARC at (502) 624-3323 or (502) 888-5216.

LANCE A. O'BRYAN  
COL, FA  
Commanding