



**DEPARTMENT OF THE ARMY
INSTALLATION MANAGEMENT COMMAND
HEADQUARTERS, UNITED STATES ARMY GARRISON, FORT LEAVENWORTH
290 GRANT AVENUE UNIT 1
FORT LEAVENWORTH, KANSAS 88027-1292**

AMIM-LVG-ZA (100)

10 April 2024

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Garrison Command Policy Letter #23, Sexual Harassment/ Assault Response and Prevention (SHARP) Program

REFERENCES.

- a. Department of Defense Instruction (DoDI) 1020.03 (Harassment Prevention and Response in the Armed Forces), 8 February 2018 with change 29 December 2020.
 - b. Department of Defense Instruction (DoDI) 6495.02 Vol 1. (Sexual Assault Prevention and Response (Program Procedures)) Change 6, 10 November 2021.
 - c. Department of Defense Instruction (DoDI) 6495.02 Vol 2. (Sexual Assault Prevention and Response (Education and Training)), 9 April 2021.
 - d. AR 600-20, Army Command Policy
 - e. TRADOC Policy 3, Military Equal Opportunity, Sexual Harassment/ Assault Response and Prevention (SHARP) Program and Treatment of Persons, 29 January 2021.
 - f. Army Directive (AD) 2022-13 (Reforms to Counter Sexual Harassment/ Sexual Assault), 22 September 2022.
1. **PURPOSE:** The purpose is to define sexual harassment and sexual assault, to briefly explain reporting options, and to emphasize the importance of establishing and maintaining a hostile free work environment.
 2. **APPLICABILITY:** This policy applies to Soldiers assigned to United States Army Garrison (USAG) Fort Leavenworth and their dependents aged 18 years and older. This policy applies on and off post, during both duty and non-duty hours. This policy also applies to working, living, and recreational environments including both on and off post housing. Additionally, this policy applies to Department of the Army Civilians assigned to or employed by USAG Fort Leavenworth on duty or when participating in any type of unit event or exercise.

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3. POLICY: The Army has a "zero tolerance" policy for both sexual assault and sexual harassment. The U.S. Army is continually undertaking steps to reduce incidents of sexual harassment, sexual assaults, and retaliatory behavior as they are unacceptable and contradict the values of the Army and our organization. I am fully committed to the SHARP Program and ensuring a safe living and working environment for our entire USAG Fort Leavenworth team (Soldiers, Civilian employees, and Family members).

Ultimately, we must ensure our USAG Fort Leavenworth team understands that we will not tolerate, condone, or ignore sexual harassment incidents, sexual assault reports or retaliatory behavior. Both sexual harassment and sexual assault destroy teamwork, negatively affect combat readiness and are punishable under the UCMJ, federal, and state laws. We must strive to treat everyone with dignity and respect, consider all allegations of inappropriate behavior with the utmost seriousness, protect the privacy of victims, motivate bystanders to intervene, and hold offenders accountable.

4. DEFINITIONS AND REPORTING OPTIONS.

a. Sexual harassment is a crime and defined in AR 600-20, Chapter 7, to mean any of the following:

(1) Conduct that involves unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct 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

(2) 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 . 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 DA Civilian employee.

c. Includes any military member or civilian employee making deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature in the workplace.

d. There is no requirement of 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, as well as in person. 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.

Sexual Harassment Reporting Options.

a. The informal sexual harassment option is used when a complainant does not want to file in writing on a DA Form 7746. Complainants are encouraged to talk with the full time SARC to understand options to resolve the complaint. Typically, issues that can be taken care of informally are 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, including both on and off-post health care, counseling, chaplains, legal assistance, and unit or installation trained mediators for alternative dispute resolution. Informal complaints which the SARC is aware of will be input into the Integrated Case Reporting System (ICRS) and documented by a locally filed memorandum for record.

b. An anonymous complaint is defined as a report of sexual harassment, regardless of the means of transmission, from an unknown or unidentified source. This encourages reporting while maintaining anonymity. The individual reporting the information is not required to divulge any personal identifiable information. The Commanding General enables anonymous reporting through organizational hotlines, email, and official telephone lines. Anonymous complaints will be initially recorded on a locally filed memorandum for record by the SARC for tracking purposes. All anonymous complaints will be elevated to the commander, and if the commander determines that the complaint contains enough information to conduct an investigation, it will be processed formally and documented on the DA Form 7746 with the commander as the complainant. Complainants may dial *67 before any phone number to block caller identification and maintain anonymity.

c. A formal complaint is an allegation submitted in writing with either a commander or SARC (for Soldiers) or the Equal Employment Opportunity Office (for DA Civilians). The formal complaint process has timelines and associated procedures that must be followed:

- (1) Soldiers are encouraged to file formal complaints within 60 calendar days from the date of the aggravating behavior. This will facilitate an investigation and resolution of these complaints. Soldiers can file formal sexual harassment complaints on the DA Form 7746, documenting the nature of the complaint and the requested remedies.
- (2) SARCs will forward all formal complaints of sexual harassment to their commander immediately. The commander will have the complainant swear to the contents of

the statement(s) contained in the formal complaint by administering an oath to the complainant. At that time, the commander will inform the complainant of the potential adverse consequences to knowingly submitting a complaint containing information that the complainant knows to be false. False complaints may be punishable under the UCMJ.

(3) Upon receipt of a complaint, 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 GCMCA within 72 hours of receipt. In accordance with AD 2021-16, all investigating officers appointed to investigate formal sexual harassment complaints will be assigned from outside the subject's brigade.

(4) To the extent practicable, investigations should be completed no later than 14 calendar days after the date on which the investigation is initiated. Within 20 calendar days of initiation of an investigation or inquiry, commanders will forward a progress report or final report of the investigation to the GCMCA. Progress reports will be submitted to the commander every 14 calendar days until completion.

d. Commanders will initiate involuntary administration separation proceedings for all Soldiers who have a substantiated complaint of sexual harassment against them in accordance with AD 2022-13.

e. Commanders will publish the nature and results of all judicial, non-judicial, letters of reprimand and adverse administrative actions and distribute this information to troops via unit bulletin boards, unit newsletters etc.

f. DA Civilians, former employees, applicants for employment, and some contract employees may file their complaints of sexual harassment under the EEO complaint process within 45 calendar days of becoming aware of sexual harassment.

(a) SHARP professionals approached by DA Civilians concerning a sexual harassment complaint should assist them in finding the appropriate servicing EEO office.

(b) The DA Civilian EEO complaint process is contained in AR 690-600. DA Civilian complainants may make a complaint directly to the commander who will then initiate an investigation. For additional information, review USAG Policy Letter #2, which provides more details about the Equal Employment Opportunity Policy.

g. Sexual Assault is a crime defined by intentional sexual contact which can be characterized by the use of force, threats, intimidation, abuse of authority, or when the victim does not or cannot consent.

h. Consent is a freely given agreement to the conduct at issue by a competent person. Any expression indicating a withholding of consent through words or conduct means there is no consent. Lack of verbal 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 in the conduct at issue does not constitute consent. A sleeping, unconscious, or incompetent person cannot consent.

i. The term sexual assault 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 regard to gender, spousal relationship, or age of victim.

j. Eligibility.

(1) Personnel eligible for either FAP or SHARP services are adult intimate partner (including "dating" partner) sexual assault victims who are unmarried intimate partners when they are NOT:

- (a) a current or former spouse.
- (b) person with whom the alleged abuser shares a child in common.
- (c) or a current or former intimate partner with whom the alleged abuser shares or has shared a common domicile.

(2) FAP will provide services exclusively to those individuals in the three aforementioned categories.

k. Sexual Assault Reporting Options.

There are two types of reporting options for most adult victims of sexual assault: restricted reporting and unrestricted reporting. FAP addresses assaults involving minors and intimate partners. The current Army policy allows DA Civilians to receive SHARP services and file unrestricted cases only.

(a) Restricted reporting allows a Soldier, or Family member 18 years and older who is a victim of sexual assault to disclose the details of their assault to a Sexual Assault Response Coordinator (SARC), Victim Advocate (VA), or healthcare provider and receive medical treatment (including emergency care, counseling, and the assignment of a SARC and SHARP VA on a confidential basis) without triggering an official investigation or prosecution of the subject. If the victim tells someone outside of the restricted reporting chain (for example, a friend, Family member, roommate, chain of command, or others), then they can still elect to submit a restricted report; however, if

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the victim discloses to any law enforcement including military law enforcement or previously filed an unrestricted report for the same incident, then the report cannot be restricted. If the friend, Family member, roommate, or other person to whom the victim confided, reports the sexual assault to the chain of command or law enforcement an official investigation will be initiated. In the event it is an independent investigation or command-initiated CID investigation, and the victim filed a restricted report, the victim is eligible to decline participation in the investigation through the 540K Declination Letter. If a victim chooses to file a restricted report, the commander will only receive non-identifying information indicating a sexual assault has been reported. If a victim elects this reporting option, they may convert the restricted report to an unrestricted report at any time.

(b) Unrestricted reporting is the reporting option that triggers an investigation, command notification, access to healthcare treatment and the assignment of a SARC and a SHARP VA to a Soldier, Family member 18 years and older, or eligible DA Civilian who is sexually assaulted. The victim can also use additional reporting channels such as the chain of command or law enforcement. All unrestricted reports will be referred to CID for investigation, regardless of severity. Details regarding the incident will be limited to only those personnel who have a legitimate need-to-know.

3. VICTIMS' BILL OF RIGHTS.

a. The right to be treated with fairness and respect for your dignity and privacy. The right to be reasonably protected from the accused offender.

b. 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.

c. 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.

d. The right to reasonably confer with the prosecutor/Trial Counsel in the case. The right to receive available restitution.

e. The right to be reasonably heard at:

(1) a public hearing concerning the continuation of any pre-trial confinement of the accused

(2) a sentencing hearing related to the offense

(3) a public Military Department Clemency and Parole Board hearing related to the offense.

f. The right to submit a written statement for the consideration of the Convening Authority prior to taking action on findings and sentence. The right to proceedings free from unreasonable delay.

g. The right to be provided information, if applicable, about the conviction, sentencing, imprisonment, Convening Authority's action, appellate review, and release of the offender.

6. COMMAND INVOLVEMENT.

a. Sexual Assault Review Board (SARB).

A SARB will meet monthly to review individual cases, facilitate monthly victim updates, and direct system coordination, accountability, entry of disposition and victim access to quality services. This responsibility will not be delegated. If there are no cases in a given month, the SARB will still meet to ensure training, processes, and procedures are completed for the system coordination.

b. Disposition and Status Disclosure to Sexual Assault Victims.

(1) Brigade Commanders will notify sexual assault victims, within two business days, upon receiving the outcome of any judicial, non-judicial, or administrative proceedings pertaining to their case.

(2) Brigade Commanders will provide status updates to victims within 72 hours of each recurring SARB.

c. Expedited Transfer.

(1) All service members who file an unrestricted report of sexual assault are eligible to request an expedited transfer.

(2) The application submitted by a service member for a change of station or unit transfer must be approved or disapproved by the brigade commander within five (5) calendar days of the submission of the application. Additionally, if the application is disapproved by the commander, the service member shall be given the opportunity to request a review by the Combined Arms Center Commanding General and that decision must be made within five (5) calendar days of the submission of the request for review. Upon receipt of the expedited transfer request from a service member, the commander must immediately notify the SARC of the expedited transfer request.

- (3) All approved expedited transfers will ensure positive handoff between the losing and gaining unit's SARC and commanders.

b. Military Protective Order (MPO).

- (1) All service members who file an unrestricted report of sexual assault or sexual harassment are eligible to request a military protective order when warranted by facts and circumstances.
- (2) All military protective orders generated for sexual assault or sexual harassment must be in place and submitted to the military police no later than six hours after request.

7. RETALIATION.

- a. Retaliation encompasses illegal, impermissible, or hostile actions taken by a service member's chain of command, peers, or coworkers as a result of making or being suspected of making a protected communication in accordance with DoDD 7050.06. Retaliation for reporting a criminal offense can occur in several ways, including reprisal.
- b. Reprisal is defined as taking or threatening to take an unfavorable personnel action, or withholding or threatening to withhold a favorable personnel action, for making, preparing to make, or being perceived as making, or preparing to make, a protected communication. Investigation of complaints of non-criminal retaliatory actions other than reprisal will be processed consistent with service-specific regulations. Additional retaliatory behaviors include ostracism, maltreatment, and criminal acts for a retaliatory purpose in connection with an alleged sex-related offense or sexual harassment, or for performance of duties concerning an alleged sex-related offense or sexual harassment.
- c. No Soldier may retaliate against a victim, alleged reported victim, or another member of the Armed Forces based on that individual's report of a criminal offense. Allegations of retaliation will be investigated by the Inspector General and discussed in the monthly SARB. In certain instances, retaliation is punishable under Article 132 and/or Article 93 of the Uniform Code of Military Justice.
- d. SARCs and SHARP VAs will inform victims of the resources available to report instances of retaliation, reprisal, ostracism, maltreatment, sexual harassment, or to request a transfer, or seek an MPO. If the retaliatory behavior is criminal in nature and the victim filed an unrestricted report, the crime should be immediately reported

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to CID, even if the crime is not something normally reported to CID (for example, victim's personal vehicle was defaced). Victims can seek assistance on how to report retaliatory behavior by requesting assistance from:

- (1) BDE SARC or SHARP VA.
- (2) A SARC on a different installation (facilitated by DoD Safe Helpline).
- (3) Immediate Commander.
- (4) A commander outside their chain of command.
- (5) EO professional.
- (6) A general officer (GO) if the retaliation, reprisal, ostracism, or maltreatment involves the administrative separation of victims within one (1) year of the final disposition of their sexual assault case.
- (7) A GO if the victim believes that there has been an impact on their military career because they reported a sexual assault or sought mental health treatment for trauma that the victim believes is associated with the sexual assault.
- (8) Trial counsel, Victim Witness Assistance Program, SVC if the victim is eligible for one pursuant to 10 USC 1044e, or a legal assistance attorney.
- (9) The Inspector General (invoking whistleblower protections).
- (10) Commander or SARC to request a safety transfer, or an MPO, TRO and/or CPO, if the victim is in fear for their safety.
- (11) CID, if the retaliation takes the form of an act that is criminal in nature and the victim filed an unrestricted report.

c. Commanders have a responsibility to ensure community safety and due process of law, but they must also recognize the importance of protecting the privacy of victims under their command. After a report of sexual assault, commanders will also ensure compliance with procedures in AR 600-20, Chapter 7. Additional resource guides for Army leaders are located at <https://www.armyresilience.army.mil/sharp/index.html> and <https://sharplearningportal.army.mil/>.

8. RESOURCES AND CONTACT INFORMATION.

a. If you are currently experiencing or have any questions about SHARP, please refer to the following resources:

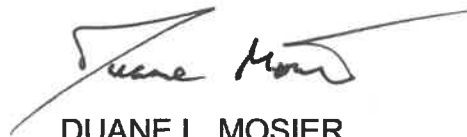
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- (1) Combined Arms Center/Fort Leavenworth SHARP Resource Center, located at 632 McClellan Avenue, Fort Leavenworth, KS 66027, or (913) 684-2810/ 2818/ 2833.
- (2) Fort Leavenworth SHARP Hotline (24 hours): (913) 683-1443.
- (3) DOD Safe Helpline (24 Hour): 1-877-955-5247 or <https://safehelpline.org/>.

9. SUPERSESSION. This memorandum supersedes previously published USAG policy letters on the Sexual Harassment/Assault Response and Prevention (SHARP) Program.

10. PROPONENCY. The proponent for this policy is the Garrison SHARP Office at (913) 684-1698, or the Garrison Unit Sexual Assault Response Coordinator, SFC Jerri L. Osborne, at jerri.l.osborne.mil@army.mil.



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