



DEPARTMENT OF THE ARMY  
HEADQUARTERS, 1ST INFANTRY DIVISION AND FORT RILEY  
580 1ST DIVISION ROAD  
FORT RILEY KANSAS 66442-7000

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COMMANDER'S POLICY MEMORANDUM #5

SUBJECT: Sexual Harassment/Assault Response and Prevention (SHARP) and Victim Services Policy

1. References.

- a. Army Regulation (AR) 27-10, Military Justice, 20 March 2024;
- b. AR 350-1, Army Training and Leader Development, Appendix F, 10 December 2017;
- c. AR 600-20, Army Command Policy, 24 July 2020;
- d. AR 690-600, Equal Opportunity Discrimination Complaints, 09 February 2004;
- e. DoD Retaliation Prevention and Response Strategy Implementation Plan (RPRS), January 2017;
- f. DoD Directive 6495.01, Change 5, Sexual Assault Prevention and Response Program (SAPR) Program, 10 November 2021;
- g. DoD Instruction 6495.02, Change 7, Sexual Assault Prevention and Response (SAPR) Program procedures, 06 September 2022;
- h. DoD Instruction 6495.03, Defense Sexual Assault Advocate Certification Program (D-SAACP), 28 February 2020;
- i. DoD Instruction 1020.03 Change 2, Harassment Prevention and Response in the Armed Forces, 20 December 2022;
- j. Army Directive (AD) 2022-13, Reforms to Counter Sexual Harassment/Sexual Assault in the Army, 20 September 2022; and
- k. AD 2022-10, Safe-to-Report for Victims of Sexual Assault, 6 July 2022.

2. Purpose.

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a. To establish the 1st Infantry Division (1ID) and Fort Riley policy on the prevention of sexual harassment/assault, annual training activities, treatment of victims, accountability for perpetrators, and compliance with required response actions.

b. Commanders are responsible for creating climates that encourage individuals to intervene to correct misconduct and behavior that could lead to sexual harassment and sexual assault at the earliest opportunity and to trust their chain of command to take appropriate action when reports of sexual harassment and sexual assault are made. SHARP Program Managers, Sexual Assault Response Coordinators, SHARP Victim Advocates (SHARP VAs), and SHARP Training Instructors support the commander with training and tracking requirements, program management, sexual assault, sexual harassment, and associated retaliatory behavior response, and case coordination. As the Commander of the 1st Infantry Division, I am committed to the SHARP Program. This policy promotes a command climate that encourages victims to report incidents of sexual harassment/assault without fear of retribution, retaliation, or intimidation.

3. Applicability. This policy applies to all personnel, military and civilian, assigned or attached to 1ID and Fort Riley, to include tenant units, invited contractors, and dependent Family members.

4. Background. The 1st Infantry Division and Fort Riley are committed to the Army's SHARP Program and ending sexual harassment/sexual assault. Sexual harassment/assault destroy teamwork, negatively impact readiness, and adversely affect morale, welfare, discipline, and the Army mission. Commanders, leaders, and supervisors at all levels are responsible for providing a safe and healthy environment for all Fort Riley Service members, Civilian employees, and Family members.

5. Enforcement. Sexual harassment and sexual assault are incompatible with the Army values and will not be tolerated in 1ID, Fort Riley, or the Army. The prohibitions in this policy are punitive general orders. Sexual assault is a criminal offense that is punishable under the Uniform Code of Military Justice (UCMJ), Federal, and local civilian laws. Sexual harassment and retaliatory behavior may be punishable under the UCMJ. Service members who fail to comply with the prohibitions of this general order are subject to punishment under the UCMJ as well as adverse administrative actions authorized by applicable law and regulations. Civilians who fail to comply with the provisions of this policy may be subject to other administrative actions.

a. Sexual assault is prohibited in accordance with this policy, Army Regulation 600-20, and Article 120 of the UCMJ.

b. Sexual harassment is prohibited in accordance with this policy, Army Regulation 600-20, and Article 134 of the UCMJ.

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6. Eligibility. The following personnel are eligible for services through SHARP:

a. All Service members, assigned or attached to 1ID and Fort Riley, to include tenant units, who are victims of sexual harassment and/or assault, as defined in Article 120, UCMJ; Article 134, UCMJ; and AR 600-20.

b. Military dependents 18 years of age and older who are eligible for treatment in the military health system (MHS), at installations in the continental United States (CONUS) and outside of the continental United States (OCONUS), and who were victims of sexual assault perpetrated by someone other than a spouse or intimate partner can report to SHARP and/or the Family Advocacy Program (FAP).

c. Victims of sexual assault who are military dependents under the age of 18 are not eligible for SHARP services. The FAP, as described in Volume 2 of DoD Manual 6400.1, provides the full range of services to those individuals. When a sexual assault occurs as a result of domestic abuse or involves child abuse, the Sexual Assault Response Coordinator (SARC) will direct the victim to the FAP hotline at (785) 307-1373.

d. The following non-military individuals who are victims of sexual assault are only eligible for limited emergency care medical services at a military treatment facility, unless that individual is otherwise eligible as a Service member or TRICARE beneficiary of the MHS to receive treatment in a military treatment facility at no cost to them. At this time, they are only eligible to file an unrestricted report. They will also be offered the limited SHARP services defined as the assistance of a SARC and a VA while undergoing emergency care OCONUS. These limited medical and SHARP services shall be provided to:

(1) DoD Civilian employees and their Family dependents 18 years of age and older when they are stationed or performing duties OCONUS and eligible for treatment in the MHS at military installations or facilities OCONUS. These DoD Civilian employees and their Family dependents 18 years of age and older only have the unrestricted reporting option.

(2) U.S. citizen DoD contractor personnel when they are authorized to accompany the Armed Forces in a contingency operation OCONUS. DoD contractor personnel only have the unrestricted reporting option. Additional medical services may be provided to contractors covered under DoD directive 6495.02 in accordance with DoD instruction 3020.41 as applicable.

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e. Service members who are on active duty but were victims of sexual assault prior to enlistment or commissioning are eligible to receive SHARP services under either reporting option. The DoD shall provide support to and active duty Service member regardless of when the sexual assault took place.

7. Victim Care. Service members who report sexual harassment or sexual assault must be treated with compassion, dignity, and respect at all times. Commanders are responsible for protecting victims' rights. Commanders must carefully manage victim safety, care, and treatment by working closely with their SARC, subordinate leaders, and legal advisor. Commanders and leaders will ensure victims of sexual assault have access to prompt, professional, and compassionate care.

8. Victim Rights. Victims have the following rights:

- 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/Trial Counsel in the case;
- f. The right to receive available restitution;
- g. The right to be reasonably heard at:
  - (1) A public hearing concerning the continuation of any pretrial 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;
- 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.

9. Prevention. The best tool for the elimination of sexual harassment/assault is prevention and presence. Leaders will take immediate steps to eliminate risk factors and address any environment or culture perceived to be conducive to sexual harassment or assault. Leaders will provide consistent and focused training on developing a culture that identifies and discourages harassment/assault; that intervenes when Service members' words or actions suggest sexual harassment or sexual assault; and that rejects sexually charged comments and behavior. Prevention is every Service members' duty, and Service members must understand what constitutes sexual harassment and sexual assault in order to prevent and report it.

#### 10. Sexual Assault.

a. Sexual assault is a crime. Sexual assault 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.

b. The 11D Sexual Assault Hotline is the quickest way to report a sexual assault. To call the hotline from a DSN line at Fort Riley, dial either 856-8888 or 239-8888. To call from a commercial line, dial (785) 307-9338. The hotline is staffed 24/7 by credentialed SARCs and SHARP Victim Advocates (VAs). Victims can also seek assistance from the DoD Safe Helpline at [www.safehelpline.org](http://www.safehelpline.org) or by calling (877) 995-5247. Commanders reviewing a report of sexual assault will follow the guidelines in AR 600-20.

c. Service members and their adult dependents who are victims of sexual assault may choose to make a Restricted or Unrestricted report.

(1) Restricted Reporting allows a Service member (or adult dependent) who is a sexual assault victim to confidentially disclose the details of their assault to specifically identified individuals and receive medical treatment and counseling without triggering the official investigation process. To exercise this option, the victim must report **ONLY** to a Brigade-level or higher credentialed SHARP professional or a healthcare provider. A victim can convert a Restricted Report to an Unrestricted Report at a later date, if

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desired. Chaplains, Special Victims' Counsel, Legal Assistance Attorneys, and Trial Defense Counsel are not required to report details of sexual assault revealed to them by their clients under the umbrella of the confidential relationship. However, these individuals cannot accept an official Restricted Report.

(2) Unrestricted Reporting allows a Service member who is a sexual assault victim to have the same services as Restricted Reporting, but allows for a full investigation and the possibility of a criminal prosecution. An Unrestricted Report requires official reporting through law enforcement and chain of command channels. With the victim's consent, a healthcare provider may conduct a forensic examination to help collect and preserve evidence. Details regarding the incident will be limited to only those personnel who have a legitimate need to know. Once an Unrestricted Report of sexual assault is made, it CANNOT be converted to a Restricted Report. However, if at any time a victim declines to participate in an investigation or prosecution, that decision should be honored by commanders, investigators, and all other personnel involved in the case.

(3) Both Restricted and Unrestricted reports may be made to healthcare personnel, but healthcare personnel will then immediately contact the SARC or SHARP VA to fill out the DD Form 2910 (Victim Reporting Preference Statement). Chaplains and military attorneys cannot take official reports. A report made solely to a Chaplain or attorney may interfere with SHARP support services or investigative actions because of the confidentiality associated with speaking to these individuals. With all reporting options, victims have the right to receive medical treatment, receive counseling, speak to a Special Victim's Counsel (SVC), and have certain confidential conversations protected under the Military Rules of Evidence. In a credible Unrestricted Report of sexual assault, the victim has the right to request an expedited transfer.

d. When a victim confides to any person in either their or the subject's chain of command or DoD law enforcement then the incident must be reported through proper channels. A commander who receives an unrestricted report of sexual assault will immediately refer the matter to CID. 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. If a victim confides to some other category of person (e.g., roommate, friend, Family member), then that person is under no obligation to keep the communication confidential and may report the incident. Regardless of how or who reports an incident, if the chain of command is made aware of an allegation of sexual assault the commander must immediately notify the duty CID agent at (253) 441-7891.

11. Sexual Harassment. Sexual harassment is defined in 10 U.S.C. § 1561 and AR 600-20, para. 7-7. Sexual harassment is:

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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.

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. Every Service member is responsible for knowing, understanding, and identifying the forms of sexual harassment. Sexual harassment is prohibited law, Army Regulation, by this policy.

e. Service members who report sexual harassment have the following reporting options:

(1) Informal Complaint. An informal complaint is any complaint that the victim does not wish to file in writing. SARC's who receive or discuss informal resolution of sexual harassment complaints will maintain a memorandum of record regarding the complaint and resolution actions taken. The SARC will ensure that the complainant understands that if a commander is informed of a complaint of sexual harassment, by the complainant or another party, the commander will initiate an investigation. An informal complaint is not subject to regulatory timeliness standards, but should be resolved within 14 calendar days of the complaint receipt.

(2) Formal Complaint. A formal complaint will be filed through the Brigade SARC using a DA Form 7746. Soldiers are encouraged to file formal complaints within 60 calendar days from the date of the aggrieving behavior. Formal complaints require

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specific actions, are subject to timelines, and require documentation of the actions taken. To the extent practicable, investigations should be completed no later than 14 calendar days after the date on which the investigation is initiated. Commanders will strictly adhere to the timelines and requirements outlined in AR 600-20.

(3) Anonymous Complaint. Anonymous complaints are defined as a report of sexual harassment, regardless of the means of transmission, from an unknown or unidentified source. Commanders will publicize and enable anonymous reporting through organizational hotlines, email, or official telephone lines. Actions taken regarding anonymous complaints will depend upon the extent of information provided by complainants. If an anonymous complaint contains sufficient information to permit the initiation of an investigation, the investigation will be initiated by the commanding officer or supervisor in accordance with AR 600-20, para. 7-8I. If an anonymous complaint does not contain sufficient information to permit the initiation of an investigation, the information should be documented in a Memorandum for Record and maintained on file in accordance with disposition instructions and the central point of contact responsible for processing harassment complaints. The Memorandum for Record should contain the following information, if available:

- (a) Date and time the information was received;
- (b) A detailed description of the facts and circumstances included in the complaint;
- (c) Date and time the complaint was resolved and by whom; and
- (d) Any other pertinent information.

f. If sufficient information exists to permit the initiation of an investigation, commanders will appoint an investigating officer from outside the subject's assigned Brigade-sized element to conduct the sexual harassment complaint investigation under AR 600-20, Chapter 7.

12. Retaliation and Reprisal. Anyone who feels they have experienced retaliation or reprisal in relation to a reported sexual harassment or sexual assault is encouraged to notify a SARC or SHARP VA, their Chain of Command, or the Inspector General (IG) at (785) 239-4444. Commanders, in conjunction with their SARC and Brigade Judge Advocate, will establish and implement a plan to protect the complainant, any named witnesses, and the subject from any acts of reprisal.

- a. Retaliation is defined under Articles 132 and 93 of the UCMJ as:



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(1) Wrongfully taking or threatening to take an adverse personnel action, or wrongfully withholding or threatening 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.

(2) Acts of cruelty, oppression or maltreatment committed against a victim, an alleged victim or another member of the Armed Forces by peers or other persons, because the individual reported a criminal offense or was believed to have reported a criminal offense.

b. Reprisal is defined as taking or threatening to take an unfavorable personnel action, or withholding or threatening to withhold a favorable personnel action, or any other act of retaliation, against a Soldier or Family member, for making or preparing a formal MEO [Military Equal Opportunity] complaint, a DA Civilian for engaging in activity in opposition to perceived discrimination; or against an alleged subject under investigation.

13. Commanders, supervisors, and managers at all levels are responsible for the effective implementation of SHARP Policy and execution of the SHARP Program. Commanders are responsible for the climate within their organization. In accordance with AR 600-20, para. 7-5o(1)–(33), all Commanders will:

a. Immediately notify the SARC and CID 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 delay immediately contacting CID while attempting to assess the credibility of the report;

b. Ensure all eligible victims and complainants have access to a well-coordinated and highly-responsive SHARP Program;

c. Meet with the SARC within 30 days of taking command for one-on-one SHARP briefing;

d. Publish a command policy for SHARP for each unit and agency down to company, troop, or battery level;

e. Ensure that assigned personnel are trained on SHARP policy; and

f. Incorporate unit-level SHARP annual training into the overall training for the unit and document the training on unit training schedules.

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14. Sexual harassment complaints by Civilian employees are handled in accordance with AR 690-600 (Equal Employment Opportunity Discrimination Complaints). Civilian employees who desire to file a sexual harassment complaint should contact the Equal Employment Opportunity Office at (785) 239-2741 or (785) 239-6698 within 45 calendar days from the date of the incident.

15. This policy supersedes any previously issued SHARP policy memorandums signed by the Commanding General, 1ID and Fort Riley. This Command Policy Memorandum will remain in effect until superseded or rescinded.

16. The point of contact for this policy is the 1st Infantry Division Lead SARC at (785) 239-0619.



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