



**DEPARTMENT OF THE ARMY**  
3RD INFANTRY DIVISION SUSTAINMENT BRIGADE  
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FORT STEWART, GA 31314

AFZP-VS-CDR

23 June 2023

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: **Policy Letter No.3**, - Sexual Harassment/Assault Response and Prevention (SHARP) Program and Reporting Requirements

1. References:

- a. Title 10, United States Code Section 1561, Complaints of Sexual Harassment: Investigation by Commanding Officers.
- b. Department of Defense (DoDI) 6495.02, Volume 1 (Sexual Assault Prevention and Response: Program Procedures), Incorporating Change 6, 10 November 2021
- c. Army Regulation (AR) 600-20, Chapter 7 (Army Command Policy), 24 July 2020.
- d. Army directive 2018-16 (Suitability Criteria for Military Personnel in Specified Positions), 08 November 2018
- e. Manual for Court-Martial, 2012 Edition Title 10 United States Code Section 806b, Rights of the victim of an offense under this chapter.

2. This memorandum conveys the Commander's Intent for Sexual Harassment and Assault Response and Prevention (SHARP). This policy applies to all 3<sup>rd</sup> Division Sustainment Brigade (3DSB) personnel present on Fort Stewart or Hunter Army Airfield. It also applies both on and off-post, as well as on and off duty, to all Service Members assigned, attached, or with duty at Fort Stewart or Hunter Army Airfield.

3. This policy supersedes and replaces previous 3DSB SHARP Program Policies.

4. Sexual assault and sexual harassment are criminal offenses and have no place in the United States Army. Furthermore, instances where the chain of command becomes aware of sexual assault or sexual harassment and fails to report it have no place in the Army. An increase in sexual assault reports throughout our military makes it abundantly clear we have a serious problem with sexual assault and sexual harassment within our force. While some may believe sexual harassment is not as serious as sexual assault, statistics show in units where sexual harassment is tolerated, there are higher rates of sexual assault than in units where sexual harassment is not tolerated.

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5. Sexual assault and sexual harassment contradict our Army Values of treating fellow Soldiers with dignity and respect. When sexual assault and sexual harassment are tolerated, it destroys the discipline within our force and breaches the trust our Soldiers

6. have in their leaders. A disciplined force is what sets us apart from other militaries and gives us an edge in battle. Ensuring we maintain a disciplined force is a leadership issue. Eliminating sexual harassment and sexual assault is a Leader's responsibility. Leaders and Commanders at all levels are responsible for establishing the SHARP program, as well as a climate of trust, teamwork and cohesion. A culture of "harmless pranks and sexual innuendo" is unacceptable, as it degrades mission readiness by devastating the unit's ability to work effectively as a team.

### Sexual Harassment and Sexual Assault

#### 7. Sexual Harassment Prevention Policy:

a. I am committed to ensure Service Members and DOD/Army Civilians live and work in an environment free of sexual harassment. Commanders and leaders at all levels will create and maintain an environment conducive to maximum productivity and respect for human dignity. Sexual harassment is unacceptable conduct and will not be tolerated. Sexual harassment destroys teamwork and negatively affects unit readiness. The prevention of sexual harassment is everyone's responsibility. Every Service Member and DOD Civilian is responsible for treating one another with dignity and respect.

b. Sexual Harassment is conduct that involves unwelcome sexual advances, requests for sexual favors, and deliberate or repeated offensive comments or gestures of a sexual nature when (i) submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career; (ii) submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person; (iii) 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; or (iv) such conduct is so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the environment as hostile or offensive.

c. Any person in a supervisory or command position who uses or condones implicit or explicit sexual behavior to control, influence, or affect the career, pay, or job of a Soldier or civilian employee is engaging in sexual harassment.

d. Any Soldier or civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature is engaging in sexual harassment.



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e. Commanders and leaders at every level are to set the example and create an environment conducive to good order and discipline. I expect all Commanders to take responsibility for both prevention and appropriate corrective action in eliminating sexual

harassment. Commanders must take allegations of sexual harassment seriously and investigate promptly.

f. Service Members and DOD/Army Civilians have the right to present a complaint without fear of intimidation, reprisal, or harassment. Individuals who believe they have been subjected to sexual harassment should report the matter to their chain of command, EO/SHARP program, SHARP Specialist, or the Inspector General (IG) in accordance with Chapter 7 and Appendix D, AR 600-20.

#### 8. Sexual Assault Prevention Policy:

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. Sexual assault includes rape, forcible sodomy (oral or anal sex), and other unwanted sexual contact that is aggravated, abusive, or wrongful including unwanted and inappropriate sexual contact or attempts to commit these acts. Sexual assault can occur without regard to gender, relationship, or age of victim. "Consent" will not be deemed or construed when the victim fails to resist through words or actions. Consent is not given when a victim is subject to force, threat of force, or coercion or when the victim is asleep, incapacitated, or unconscious. Sexual assault degrades mission readiness by devastating the unit's ability to work effectively as a team. Sexual assault is incompatible with the Army Values and is punishable under the Uniform Code of Military Justice (UCMJ) and other federal and local civilian laws.

a. Commanders will use training, education, and awareness to stamp out sexual assault, to promote the sensitive handling of victims of sexual assault, to offer victim assistance and counseling, to hold those who commit sexual assault offenses accountable, to provide confidential avenues for reporting, and to reinforce a commitment to the Army Values.

b. Commanders will immediately establish a Sexual Harassment/Assault Response and Prevention Program IAW AR 600-20 and will treat every sexual assault incident seriously by following proper guidelines. Commanders at all levels will ensure all victims of sexual assault be treated with dignity, fairness, and respect.

c. It is the right of the victims of Sexual Assault to choose either the restricted or the unrestricted reporting option as outlined in Chapter 8, Paragraph 8-4, AR 600-20.



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Commanders will support the decisions of the victim and adhere to the strict confidentiality of restricted reporting.

9. Leadership Responsibilities: The chain of command is duty-bound to report all observations or unrestricted reports of sexual assault and sexual harassment. Every reported sexual assault and harassment allegation will be treated seriously in accordance with AR 600-20 and the below requirements.

a. Sexual Assault:

(1) Unrestricted Reports. Leaders at all levels have an obligation to ensure the protection and welfare of Soldiers under their charge. Any leader who becomes aware of a sexual assault against a Soldier under his or her command or supervisory control will report the facts to the first O5 or equivalent commander in the chain of command within 24 hours. That commander will notify the unit Sexual Assault Response Coordinator (SARC). After the information disclosed is verified by the SARC, and an investigation is warranted, the SARC will immediately notify the U.S. Army Criminal Investigation Command (CID).

(2) Restricted Reports. Leaders who become aware of sexual assault against a Soldier not under his or her command or supervisory control, and as a result, a communication made by the victim in confidence, will act to preserve the restricted nature of the report and the victim's expectation of privacy. Accordingly, such report will be referred to the UVA/ SARC/ SHARP.

(3) Command Actions. Upon receipt of an unrestricted report, the unit commander will immediately forward the report to the U.S. Army Criminal Investigation Division (CID) and further forward the report to the first O6 commander in the chain of command.

(4) Investigation. Investigation of sexual assault falls under the purview of CID. Commanders will not initiate or conduct parallel investigation on reports of sexual assault or collateral misconduct until CID has closed the investigation.

b. Sexual Harassment. Leaders at all levels who are aware of an incident or report of sexual harassment have a responsibility to stop the act and help resolve the act in accordance with AR 600-20, paragraph 7-7. Additionally, any leader who becomes aware of sexual harassment allegation against a Soldier under his or her command supervisory control will immediately report the facts to the first O5 commander in the chain of command, who will notify the unit SARC/VA. Leaders should be mindful that the speedy and appropriate resolution of sexual harassment complaints improves trust within the ranks.

(1) Informal complaints of sexual harassment. All SHARPs will document informal complaints of sexual harassment with a memorandum for record and will complete the sexual harassment intake form. The unit SHARP will forward the



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memorandum for record and sexual harassment intake form through the chain of command to the Division/Installation SHARP office for tracking and record keeping.

(2) Formal complaints of sexual harassment. The Brigade SARC or higher will document formal complaints of sexual harassment with a DA Form 7746 and will complete the Sexual Harassment In-take form. The Brigade SARC will forward the DA Form 7746 and Sexual Harassment in-take form through the chain of

command to the Division SHARP office for tracking. Commanders will initiate and forward completed copies of Army Regulation 15-6 investigations to the Division SHARP office for record keeping. Commanders are required to appoint investigating officers who meet qualifications in Chapter 2 of AR 15-6 to investigate formal complaints of sexual harassment. IAW with FORSCOM policy, signed 11 March 2021, commanders will select investigating officers from outside the subjects assigned brigade-sized element to investigate formal sexual harassment complaints under AR 600-20, chapter 7.

(3) Anonymous complaints of Sexual Harassment. An anonymous complaint is defined as a report of sexual harassment, regardless of means of transmission from an unknown or unidentified source. The individual reporting the information is not required to divulge any PII. All anonymous complaints, even those that cannot be investigated, will be referred to the subject's BDE commander for evaluation. Actions taken regarding anonymous complaints will depend on the extent of information provided in the anonymous complaint. If sufficient information to permit the initiation of an investigation is present, the commander will initiate an inquiry or investigation. If the anonymous complaint does not contain sufficient information to permit an investigation, the complaint will be documented in a Memorandum for Record, containing all information required under AR 600-20 chapter 7-8 and maintained by the BDE SARC under double lock and key.

(4) Retaliation. The Chain of Command will protect victims of sexual harassment from retaliation, ostracism, maltreatment, and reprisal IAW Army Policy. All supervisors within the victim's direct chain of command, officer and enlisted, are required to take appropriate measures to protect the victim from retaliation, reprisal, coercion, ostracism, and maltreatment due to reporting.

a. Commanders will establish procedures to protect witnesses and bystanders who intervene to prevent sexual assaults or who report sexual assaults from retaliation, reprisal, ostracism, or maltreatment. Any threat to life or safety of a Service Member will be immediately reported to command and DoD law enforcement authorities. A request to transfer the victim under these circumstances will be handled in accordance with established regulations. Commanders should consider expedited transfers in situations where it is in the best interest of the victim.

b. Commanders will provide victims of sexual assault who filed an unrestricted report monthly updates regarding the status of any ongoing investigative, medical, legal,



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or transfer request. Commanders will provide victims updates on proceedings regarding the sexual assault until the final disposition.

c. Upon receipt of an unrestricted report, Commanders will issue Military Protective Orders (MPOs) when warranted to preserve the victim's safety and wellbeing.

(5) Punitive Nature. Paragraph 7 is punitive in nature, and violations of this paragraph may result in adverse judicial, non-judicial, or administrative action.

#### 10. Disposition:

a. Independent judgement. After suitable inquiry or investigation, commanders will dispose of the case in a timely manner. Commanders at all levels will discharge their duty to administer justice fairly and according to their own independent judgment and conscience. Congress has thus far continued to place its faith in Commanders to make independent, informed, and fair decisions in the administration of justice. The privileges inherent in command authority flow from our resolve individually and institutionally to demonstrate sound judgment. Consistent with longstanding military justice principles, every report of misconduct will be disposed individually in a manner that is fair and warranted under all the circumstances.

b. Withholding Authority. In cases subject to my or other withholding authority, subordinate commanders will forward cases with disposition recommendations to the commander authorized to dispose the allegation. In the case of sexual assault, disposition authority is the first O6 commander in the chain of command.

#### 11. Victim Rights:

a. General. Victims of sexual assault and sexual harassment will be treated with dignity, fairness, and respect. Soldiers have a right not to have to live or work in an environment where they may be subjected to sexual assault or sexual harassment. Victims respond to crime in different ways. There is no set template for how victims respond or should respond. Leaders at every level will take every effort to support and assist victims of sexual assault or sexual harassment; however, under no circumstances will a victim be forced to report or receive services against their will.

b. Open Door. Victims of sexual assault or sexual harassment who believe a leader is aware of the misconduct and has failed to take appropriate action may contact me. I will ensure that the allegations are investigated. Victims should work with their leadership but should not settle for leaders who refuse to respond appropriately to their allegations.

c. Restricted Reporting. Victims of sexual assault who do not want to notify the command always have the option of filing a restricted report and receiving appropriate medical and advocacy services.

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12. Character is a fundamental ingredient of a great Soldier. We can train Soldiers of good character to be competent. We cannot train competent Soldiers to have good character. Having good character is an individual choice each of us make every day through our words and actions. We are stronger when we are a disciplined force, a force of character and values. I require each of you to be a Soldier of good character, to live our Army Values, and to root out and destroy the problem of sexual assault and sexual harassment in our Army.

13. Proponent. The proponent of this policy letter is the 3<sup>rd</sup> Division Sustainment Brigade Sexual Assault Response Coordinator (SARC) SFC Teregeyo, Paulpatrick F. at 1 (912)-255-2454 or paulpatrick.f.teregeyo.mil@army.mil.

  
JENNIFER MCDONOUGH  
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