



DEPARTMENT OF THE ARMY  
UNITED STATES ARMY GARRISON STUTTGART  
UNIT 30401  
APO AE 09107-0401

AMIM-SGG-ZA

21 July 2023

MEMORANDUM FOR Service Members, Civilian Employees and Family members of the United States Army Garrison (USAG) Stuttgart

SUBJECT: USAG Stuttgart Command Policy Letter #26, Sexual Harassment/ Assault Response and Prevention (SHARP) Program

1. REFERENCE.

a. 10 United States Code (U.S.C.) § 1561, Complaints of Sexual Harassment: Investigation by Commanding Officers.

b. Department of Defense Instruction (DoDI) 6495.01, Sexual Assault Prevention and Response (SAPR) Program, 23 January 2012, Incorporating Change 5, 10 November 2021.

c. Department of Defense Instruction (DoDI) 6495.02, Volume 1, Sexual Assault Prevention and Response (SAPR) Program Procedures, 28 March 2013, Incorporating Change 7, 6 September 2022.

d. Department of Defense Instruction (DoDI) 1020.03, Harassment Prevention and Response in the Armed Forces, 8 February 2018, with Change 1 effective 29 December 2020.

e. Department of Defense Instruction (DoDI) 6400.06, DoD Coordinated Response to Domestic Abuse Involving Department of Defense (DoD) Military and Certain Affiliated Personnel, 15 December 2021 with Change 1 effective 10 May 2022.

f. Department of Defense Directive (DoDD) 1030.01, Victim and Witness Assistance, 13 April 2004, current as of 23 April 2007.

g. Army Regulation (AR) 600-20, Army Command Policy, 24 July 2020.

h. Army Directive 2021-30 (Sexual Harassment/Assault Response and Prevention Services for Department of the Army Civilians), 2 September 2021.

i. Department of Defense Instruction (DoDI) 6400.1, Family Advocacy Program (FAP), 1 May 2019.

2. PURPOSE. To establish expectations for USAG Stuttgart personnel on the prevention of sexual harassment and sexual assault. USAG Stuttgart is committed to safeguarding an environment free from sexual harassment and sexual assault for all Service members and Civilians. Such acts destroy teamwork and negatively affect readiness. Providing a safe environment is critical to unit cohesion and successful mission execution. Commanders and leaders at every level must be committed to creating and maintaining an environment that promotes dignity and respect.

3. PUNITIVE. This command policy imposes a duty to comply. Sexual assault and sexual harassment are incompatible with Army values. Sexual assault violates Federal and local laws and may be punishable under Article 120 of the Uniform Code of Military Justice (UCMJ). Sexual harassment may be punishable under Article 92 of the UCMJ. Violations may result in punitive action against Service members and adverse administrative and personnel actions for Civilian employees.

4. APPLICABILITY. This command policy is applicable to all USAG Stuttgart Service members and Civilian employees assigned to, or employed at, USAG Stuttgart.

5. RESPONSIBILITIES. As the Garrison Commander, I am personally committed to safeguarding an environment that is free from sexual harassment and sexual assault. Leaders at all levels must commit to creating and maintaining a professional environment that promotes human dignity and respect. Sexual Harassment erodes trust, unit cohesion and negatively impacts mission readiness. They directly contrast our Army core values. Both are highly unacceptable, and neither will be tolerated.

USAG Stuttgart Military and Civilian personnel have the following responsibilities:

a. 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.

b. According to DoDI 6495.02 mandatory reporters for sexual assault are:

(1) Commanders.

(2) Anyone in the Chain of command (includes supervisors, supervisory chain, first sergeants, and senior enlisted advisors);

(3) Instructors.

(4) Law enforcement, including military security forces (both on and off-duty).

c. All Soldiers and Civilian employees who learn about a sexual assault should ensure the victim is safe, then assist the victim in contacting a SHARP professional. If



the victim does not want to speak with a SHARP professional, the Soldier or Civilian who learned of the assault should contact the full time Sexual Assault Response Coordinator (SARC) in order to determine next steps.

d. All Soldiers and Civilian employees should intervene when they witness behaviors that are sexual in nature and appear to be making someone else uncomfortable or have the potential to do so. Intervention can take the form of on-the-spot corrections, distraction, removing the harasser from the situation, removing the person being harassed from the situation, talking to someone in the chain of responsibility or chain of command, or requesting formal or informal assistance from the SARC/PM. Individuals who witness sexual harassment can file a formal complaint even if they are not the person being harassed.

e. Responsibilities of Commanders at all levels. Commanders who become aware of a reported or suspected sexual assault, including reports from a third party or the victim itself, will immediately contact the SARC and CID. Commanders will not initiate any AR 15-6 investigation into reports of sexual assault and will contact their servicing legal office for consultation if it is unclear whether a reported act is sexual harassment or sexual assault.

f. Leaders at all levels must understand SHARP Complaint and Reporting Procedures, as prescribed by AR 600-20, for responding to complainants of sexual harassment and victims of sexual assault.

## 6. POLICY FOR SEXUAL HARASSMENT.

a. Title 10 USC 1561 defines the term "sexual harassment" to mean any of the following:

(1) Conduct that involves unwelcome 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; 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

(c) 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

(d) Such conduct is so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the environment as hostile or offensive:

(2) 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.

(3) 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.

b. 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.

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

d. The use of disparaging and/or sexualized terms may contribute to an unlawful hostile environment and 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.

e. Violations may be punished under UCMJ, Art. 92. Leaders who fail to address complaints or document sexual harassment may also be subject to punitive and/or adverse administrative action. (AR 600-20, para 7-7e)

(1) Allegations of sexual harassment must be taken seriously and investigated promptly.

(a) Individuals who perceive they are being sexually harassed by superiors, co-workers, peers, or non-employees should attempt to handle the situation at the lowest level using an intervention technique or a blend of intervention techniques that is appropriate to his/her comfort level.

(b) If the behavior is not corrected, the individual is encouraged to report the harassment to an appropriate authority or through the chain of command.

(c) It is the responsibility of every leader, military or Civilian, to examine allegations of sexual harassment and take the necessary actions to ensure these matters are addressed expeditiously, fairly, and effectively.



(2) If an individual feels that he or she is being sexually harassed, he/she should report the harassment immediately to the chain of command, Sexual Assault Response Coordinator (SARC), Victim Advocate (VA), Victim Representative (VR), Equal Employment Office, or Inspector General. Attempts should always be made to solve the problem at the lowest possible level within an organization. All complainants will be protected from acts or threats of retaliation and reprisal.

(3) There are three ways Soldiers and Family members aged 18 and over can submit a sexual harassment complaint to a Full Time SARC -

(a) Formally in writing on DA Form 7746.

(b) Informally.

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

(4) Within 24 hours of receipt of a formal sexual harassment complaint, commanders will provide an initial SIR to the Garrison Commander and USAG Stuttgart SARC. Incidents of sexual harassment are categorized as an SIR 3J.

(5) Civilian employees should report any instance of sexual harassment to the Equal Employment Opportunity (EEO) Office, in accordance with AR 690-600. The USAG Stuttgart EEO can be reached at DSN 596-3652/3173.

(6) Prevention is the best tool for the elimination of sexual harassment. Leaders will take immediate steps to eliminate any sexual harassment brought to their attention, whether real or perceived.

(a) Leaders will focus training on changing the climate to ensure all Service members and Civilian employees fully understand what constitutes sexual harassment and the measures necessary to prevent and report it.

(b) Annual SHARP training will be conducted face-to-face for military and Civilian employees using the approved Department of the Army SHARP Annual Training Support Package available on the Army Training Network (<https://atn.army.mil/>). Commanders will determine the duration, location, and means for conducting training. Unit leaders will lead the training with the assistance of certified SHARP professionals.

## 7. POLICY FOR SEXUAL ASSAULT.

a. Sexual assault is a crime defined as "intentional sexual contact, characterized by use of force, threats, intimidation or abuse of authority or when the victim does not or cannot consent" (AR 600-20, para 7-9).

(1) For purposes of this section, 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. Sexual assault can occur without regard to gender, spousal relationship, or age of the victim.

(2) Consent is a freely given agreement to the conduct at issue by a competent person. An expression of lack of consent through words or conduct means there is no consent. Consent is not deemed or construed to mean the failure by the victim to offer physical resistance. Consent is not given when a person uses force, threatens force or coercion, or when the victim is asleep, incapacitated, or unconscious.

(3) Sexual assault is a criminal offense that is punishable under the UCMJ and other federal and local civilian laws.

b. Leaders at all levels are responsible for providing a safe and healthy environment. They must take appropriate administrative and judicial actions (while considering all facts and circumstances), in each case, to prevent sexual assault, protect and support victims, and hold offenders accountable.

(1) Commanders will ensure that all personnel who seek medical care at a military treatment facility with an allegation of sexual assault will receive a uniform standard of care, which is monitored and tracked until the provision of healthcare related to the sexual assault is complete. Medical care is monitored and tracked by the Forensic Healthcare Program by the Forensic Healthcare Program Director/Program Manager (FHP-D/M).

(2) Leaders will ensure victims of sexual assault have access to comprehensive, professional, and compassionate care. All victims of sexual assault will be treated fairly, and with dignity and respect. Leaders must ensure that the needs of victims are compassionately met, and that they are aware of their rights, options, and available support resources.

(3) Every effort will be made to protect individual privacy to avoid instances of secondary victimization during medical treatment, investigation, and legal adjudication.



(4) Leaders at all levels will be held accountable for the prompt investigation and reporting of any such allegations. All leaders must become familiar with the SHARP Program regulations, and the duties and responsibilities of the SARC, VA, VR, and the Army Victim Witness Liaison Assistance Program.

(5) The United States Army Europe and Africa (USAREUR-AF) SHARP Helpline is the quickest way to report a sexual assault. Leaders will ensure that this phone number is included in all newcomers' briefs, posted in common areas, and is widely disseminated to all personnel. USAG Stuttgart 24/7 Hotline: 0172-868-6019, USAREUR-AF 24/7 53-SHARP Helpline DSN: 314-537-4277 or Commercial: 0611-143-53-74277.

(6) Within 24 hours of receipt of a reported incident of sexual assault, commanders will provide an initial SIR to the Garrison Commander and USAG Stuttgart SARC. Incidents of sexual assault are categorized as an SIR 3H.

#### c. SEXUAL ASSAULT REPORTING OPTIONS.

(1) Restricted reporting allows sexual assault victims confidential disclosure of the assault to specified entities (SARC, VA, or healthcare personnel), and to receive healthcare treatment, including emergency care, counseling, and assignment of a SARC and VA, without triggering an official investigation.

(a) When a sexual assault is reported through restricted reporting, a SARC shall be notified as soon as possible, respond to the victim, assign a VA, and offer the victim healthcare treatment and a Sexual Assault Forensic Exam (SAFE).

(b) Neither the victim's report nor information acquired from the SAFE will be reported to law enforcement or to the victim's chain of command, unless the victim consents to initiate the official investigative process or an established exception applies in accordance with Reference 1(a).

(2) Unrestricted reporting allows sexual assault victims access to healthcare treatment, including emergency care, counseling, and assignment of a SARC and VA, and to request an official investigation of the incident using existing reporting channels (e.g., chain of command, law enforcement, healthcare personnel, the SARC, etc.).

(a) This option affords the victim an opportunity to request an Expedited Transfer, a Military Protective Order, and a Civilian Protective Order.

(b) When a sexual assault is reported through unrestricted reporting, a SARC shall be notified as soon as possible to respond to the victim, conduct a Safety

Assessment utilizing the approved SHARP Non-clinical Safety Assessment Plan, assign a VA in the victim wants advocacy services, offer the victim healthcare treatment to include Behavioral Health or other counseling resources, a SAFE exam, Special Victims Counsel (legal support), and Chaplain or religious support services.

(3) SAPR Related Inquiry (SRI) for Individuals who Choose Not to File an Official Report. For individuals choosing not to file an official report of sexual assault through a DD Form 2910, SARCs authorized to use DSAID will utilize the "SAPR Related Inquiry (SRI) Module" in DSAID to document these instances. The SARCs will make the SRI entries in the DSAID module within 48 hours of the SAPR-related inquiry being made by the victim or other person. SRIs can be divided into three categories:

(a) Sexual Assault inquiries - Document inquiries by individuals who allege a sexual assault occurred but who choose not to make an official report through a DD Form 2910, referrals to support services for victims who do not make an official report, and the reason(s) why the individual chose not to make an official report, if the individual disclosed the reason.,

(b) Retaliation reporter inquiries - Documents inquiries by individuals alleging he or she experienced retaliation associated with a sexual assault report, but who choose not to make an official report of retaliation through a DD Form 2910-2.

(c) Persons inquiring as to reporting processes or resources - Documents inquiries by individuals associated with a sexual assault or retaliation incident (e.g., witnesses or supervisors, co-workers, friends, and family members of the sexual assault victim or Retaliation reporter) who approach the SAPR personnel to ask questions about the reporting process or resources or ask questions to better understand the reporting process.

(4) Victims electing any of these reporting options shall be provided information on the CATCH a Serial Offender Program, utilized to help identify repeat sex offenders by anonymously disclosing suspect information in the secure CATCH database, and be treated with fairness, dignity, and respect. It is paramount to protect individual privacy and avoid instances of secondary victimization. All sexual assault victims have the following rights:

(a) The right to be treated with fairness, and with dignity and respect.

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

(c) The right to be notified of court proceedings.



(d) The right to be present at all public court proceedings related to the offense, unless the court determines that the victim's testimony would be materially affected (e.g., if you, as the victim, heard other testimony during the trial).

(e) The right to confer with the attorney for the government in the case.

(f) The right to available restitution.

(g) The right to information about the conviction, sentencing, imprisonment, and release of the offender.

d. SEXUAL ASSAULT REPORTING ELIGIBILITY CRITERIA.

(1) Service members and their Family members 18 years of age or older are eligible for both restricted and unrestricted reporting options.

(2) Civilian employees and their Family members 18 years of age and older, when stationed or performing duties OCONUS and report a sexual assault, are eligible for treatment in the military health system at military installations or facilities. However, they are only eligible for the unrestricted reporting option.

(3) Victims of sexual assault allegedly perpetrated by a spouse or intimate partner, or Family members under the age of 18, are covered under the Family Advocacy Program (FAP), as described in DOD Instruction 6400.1. FAP provides the full range of services to those individuals. When an alleged sexual assault occurs because of alleged domestic abuse or involves alleged child abuse, the SARC/PM will direct the victim to the installation FAP Office.

e. RETALIATION AND REPRISAL. Commanders will establish procedures to protect all concerned (i.e., victims and complainants, subjects, first responders, witnesses, and bystanders who intervened to prevent a sexual assault or act of sexual harassment) from retaliation, reprisal, ostracism, or maltreatment related to the execution of their duties and responsibilities.

(1) Retaliation is defined by AR 600-20 as "any person subject to the UCMJ 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."

(2) Reprisal is defined by AR 600-20 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 Military Equal Opportunity (MEO) complaint, a DA Civilian for engaging in activity in opposition to perceived discrimination; or against an subject under investigation."

f. Expedited transfers. There is a presumption in favor of transferring or reassigning a sexual assault victim, at his or her request, following the credible report of a sexual assault. A transfer or reassignment includes, but is not limited to, the victim's temporary or permanent move to a unit within the Stuttgart Military Community, within USAREUR-AF, or outside of Europe.

(1) For the purpose of transfer consideration, a report of sexual assault is credible when the commander (battalion level or above), considering all available evidence and the advice of supporting legal advisors, concludes that there are reasonable grounds to believe that an offense constituting sexual assault was committed against the person requesting the transfer or reassignment.

(2) Victims of sexual assault may not wish to remain in their current unit or organization after the incident. Requiring the victim to remain in their current unit or organization when they have the desire to leave may negatively affect their safety, emotional well-being, recovery, and the readiness of the unit or organization. Expediting the review of a victim's request for transfer or reassignment is an important component of a leader's response to a credible report of sexual assault.

g. SHARP TRAINING. An essential component of the SHARP Program is quality SHARP training that is interactive and engaging, increases awareness, promotes intervention, and prevents sexual harassment and sexual assault.

(1) Units will use the approved DA SHARP Annual Refresher Training Support Package available on the Army Training Network (<https://atn.army.mil/>).

(2) Unit leaders will lead the training with the assistance of credentialed SHARP professionals.

(3) Sexual assault awareness and prevention training will be provided to all USAG Stuttgart personnel upon arrival to the command. Training will focus on defining sexual violence, risk-factor awareness, reporting procedures, recognizing predatory behavior, bystander intervention, developing intervention strategies, and victim support. All newly arrived personnel will be provided the name and contact information of the SARC and VA.



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(4) Commanders and their Non-Commissioned Officer (NCO) counterparts at all levels will receive SHARP desk side briefings from the USAG SARC and VA within 30 days of assuming their respective positions. The Chaplain must be included in this briefing.

(5) Senior leader training will be conducted for all commanders and their NCO counterparts, at all levels, annually.

(6) Commanders will ensure units conduct annual SHARP refresher training. The training will demonstrate prevention and intervention strategies, reporting, response, and accountability. Each training session will be tailored to the individual audience.

h. Sexual harassment and/or sexual assault will not be tolerated. Such behavior and acts are detrimental to professional values, compromise mission readiness, and violate the trust of fellow Service members, Civilian employees, and Family members.

8. Everyone within USAG-Stuttgart must have the personal courage to intervene, no matter the time or place, to act decisively to protect our culture of trust, and to be a constant force in the fight to fully eradicate sexual harassment and sexual assault. I am relying on your support and cooperation to ensure everyone adheres to this policy.



G. KIRK ALEXANDER  
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Commanding