



DEPARTMENT OF THE ARMY
U.S. ARMY MANEUVER SUPPORT CENTER OF EXCELLENCE
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FORT LEONARD WOOD, MISSOURI 65473-8300

ATZT-CG

19 APR 2016

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Command Policy 14, Sexual Harassment/Assault Response and Prevention (SHARP)

1. REFERENCES.

- a. AR 27-10 (Military Justice), 3 October 2011.
- b. Army Regulation 614-200 (Enlisted Assignments and Utilization Management), 26 February 2009 with Rapid Action Revision Issue Date: 11 October 2011
- c. Army Regulation 614-100 (Officer Assignment Policies, Details, and Transfers), 10 January 2006.
- d. AR 600-20 (Army Command Policy), 6 November 2014.
- e. AR 690-600 (Equal Employment Opportunity Discrimination Complaints), 9 February 2004.
- f. DoD Directive 6495.01 (Sexual Assault Prevention and Response [SAPR] Program), 23 January 2012 (incorporating Change 2, effective 20 January 2015).
- g. DoD Instruction 6495.02: Sexual Assault Prevention and Response (SAPR) Program Procedures, 28 March 2013 (incorporating Change 2, effective 7 July 2015).
- h. TRADOC SHARP Campaign Plan (OPORD 13-014).
- i. Fort Leonard Wood SHARP Campaign Plan.
- j. MILPER Message 14-230, Transfer or Reassignment Procedures for Victims of Sexual Assault, 21 August 2014.
- k. Army Directive 2011-19, Expedited Transfer or Reassignment Procedures for Victims of Sexual Assault, 3 October 2011.
- l. ALARACT 122/2015 Professionalism of online conduct, 27 Jul 2015.

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2. GENERAL.

a. This policy letter establishes the policy and procedures for Fort Leonard Wood's SHARP Program.

b. Sexual harassment/assault will not be tolerated on Fort Leonard Wood. Commanders, directors, supervisors, and managers will implement measures and programs to prevent and respond to sexual harassment/assault to enhance readiness and reduce—with the goal to eliminate—sexual harassment/assault from within our formations. Leaders, at all levels, will promote and enforce an environment of dignity and respect where victims feel safe in reporting and trust their leadership to take action. Leaders will become familiar with the SHARP Program regulations, the duties and responsibilities of the sexual assault response coordinators (SARCs), victim advocates (VAs), and the Army Victim Witness Liaison Assistance Program (VWAP), see AR 27-10, Chapter 10). Leaders will hold personnel accountable who engage in sexual harassment or commit sexual assault.

c. Service members and military dependents 18 years of age and older who are victims of sexual harassment/assault may utilize the SHARP Resource Center to receive information, ask questions, and/or report a complaint or allegation. Non-military individuals who are victims of sexual assault are only eligible for limited emergency care and medical services.

d. Through awareness, education, discipline, and enforcement of standards, Fort Leonard Wood will establish an environment free of sexual harassment/assault where each individual on the Fort Leonard Wood team is valued and protected.

e. All newly assigned personnel to the installation will attend the mandatory SHARP in-processing training within 7 days of signing into the installation.

3. POLICY AND PROCEDURES.

a. Sexual harassment:

(1) Sexual harassment is a form of gender discrimination that involves unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature between the same or opposite genders when—

(a) Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of a person's job, pay, or career.

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(b) Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person.

(c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive work environment.

(2) 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. Similarly, 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.

(3) There are two methods for filing a sexual harassment complaint:

(a) Informal complaint: Any complaint that a Soldier or Family member does not wish to file in writing. Informal 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. Typically, those issues that can be taken care of informally can be resolved through discussion, problem identification, and clarification of the issues. An informal complaint is not subject to time suspense.

(b) Formal complaints: A complaint that a complainant files in writing and swears to the accuracy of the information. Formal complaints require specific actions, are subject to timelines, and require documentation of the action(s) taken. Soldiers have 60 calendar days from the date of the alleged incident in which to file a formal complaint.

(4) Although the processing of SHARP complaints through the unit chain of command is strongly encouraged, it will not serve as the only channel available to Soldiers to resolve complaints. Should the complainant feel uncomfortable in filing a complaint with his/her unit chain of command, or should the complaint be against a member of that chain of command, a number of alternative agencies exist through which the issues may be identified for resolution. Each of these agencies provides expertise in very specific subject areas. Commanders will not preclude Soldiers from using these channels in accordance with the procedures inherent/established by these agencies:

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- (a) Someone in a higher echelon of the complainant's chain of command.
- (b) Inspector General.
- (c) Chaplain.
- (d) Provost Marshal.
- (e) Medical agency personnel.
- (f) Staff Judge Advocate.
- (g) Chief, Community Housing Referral and Relocation Services Office.

b. Sexual assault: Sexual assault is a crime defined as intentional sexual contact, characterized by use of force, physical threat, or abuse of authority, or when the victim does not or cannot consent. Sexual assault includes rape, nonconsensual sodomy (oral or anal sex), indecent assault (unwanted, inappropriate sexual contact or fondling), or attempts to commit these acts. Sexual assault can occur without regard to gender or spousal relationship or age of victim. "Consent" will not be deemed or construed to mean the failure by the victim to offer physical resistance. Consent is not given when a person uses force; threat of force; or coercion; or when the victim is asleep, incapacitated, or unconscious.

(1) All sexual assault operation reports (OPREPs) will be generated from a brigade/tenant unit/detachment SARC to the Installation SARCs. For unrestricted OPREPs, SARCs will provide Installation SARCs an initial OPREP, and once the case is closed out as founded or unfounded, provide a final OPREP.

(2) There are two reporting options available for alleged sexual assaults.

(a) Unrestricted reporting: Allows a victim who desires medical treatment, counseling, and an official investigation of the allegation to use current reporting channels (for example, chain of command, law enforcement, or report the incident to the SARC). Details regarding the incident will be limited to only those personnel who have a legitimate need to know.

(b) Restricted reporting: Allows a victim to confidentially disclose the details of his/her assault to specifically identified individuals and receive medical care, counseling, and VA without initiating the investigative process.

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(3) Although the processing of assault allegations through the unit chain of command is strongly encouraged, it will not serve as the only channel available to Soldiers. Should the victim feel uncomfortable initiating an allegation with his/her unit chain of command, or should the allegation be against a member of that chain of command, a number of alternative agencies exist through which the allegation may be initiated through. Each of these agencies provides expertise in very specific subject areas. Commanders will not preclude Soldiers from using these channels in accordance with the procedures inherent/established by these agencies:

- (a) SARCs.
- (b) VAs.
- (c) Healthcare.
- (d) Law enforcement and criminal investigators (unrestricted reporting only).
- (e) Staff Judge Advocate (unrestricted reporting only).
- (f) Special Victims Counsel.
- (g) Chaplains.
- (h) Call the FLW 24/7 hotline @ (573) 855-1327.
- (i) Department of Defense SAFE helpline @ 877-995-5247.
- (j) Chain of command (unrestricted reporting only).

(4) It is MSCoE policy that there is a presumption in favor of an expedited transferring or reassigning a sexual assault victim, at his/her request, following that victim's credible report of sexual assault. A transfer or reassignment includes, but is not limited to, the victim's temporary or permanent movement to a unit within the same battalion or brigade, to a unit on the installation, or to a unit at a different geographic location.

(a) For purpose of this policy, a report of sexual assault is credible when the commander (battalion or above), after considering all available evidence and the advice of a supporting legal advisor, concludes that there are reasonable grounds to believe that an offense constituting sexual assault is committed against the person requesting

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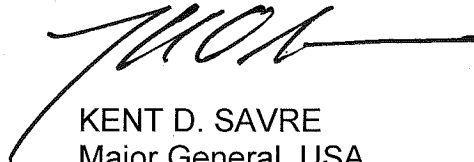
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the transfer or reassignment. A credible report is limited to unrestricted reports of sexual assault. The only person that can deny an expedited transfer is the Human Resources Command Commander.

(b) Commanders and civilian leaders will consider requests for transfer or reassignment in an expedited manner (within 72 hours). This policy applies to all Soldiers who report they are the victim of a sexual assault. All SHARP SARCs/VAs on Fort Leonard Wood will take steps to ensure that victims are informed of this policy.

4. SUPERSESSION. This policy supersedes memorandum, HQ MSCoE, ATZT-CG, 16 September 2014, subject: Command Policy 14, Sexual Harassment/Assault Response and Prevention (SHARP).

5. PROPONENT. The proponent for this policy letter is the Installation SHARP Office, 596-0601.



KENT D. SAVRE
Major General, USA
Commanding

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