



DEPARTMENT OF THE ARMY
INSTALLATION MANAGEMENT COMMAND
HEADQUARTERS, UNITED STATES GARRISON, FORT LEONARD WOOD
14000 MSCOE LOOP, SUITE 120
FORT LEONARD WOOD MISSOURI 65473

AMIM-LDG-ZA

2 May 2023

MEMORANDUM FOR ALL U.S. ARMY INSTALLATION MANAGEMENT COMMAND
(IMCOM) PERSONNEL

SUBJECT: Command Policy 40, Sexual Harassment/Assault Response and Prevention
(SHARP) Program

1. References. See enclosure 1.

2. Applicability:

a. This policy applies to all U.S. Army Garrison - Fort Leonard Wood Soldiers, Department of the Army (DA) Civilian employees, and Family members. This policy applies both on and off-post, during duty and non-duty hours.

b. Service members from other branches may contact the SHARP office for referral to the appropriate resources.

3. Background. Acts of sexual harassment and sexual assault are unlawful and unacceptable. Sexual harassment, sexual assault, and retaliatory behaviors are incompatible with the Army Values, degrade mission readiness, and have no place in Fort Leonard Wood or the Army and will not be tolerated. Sexual assault is a criminal offense that is punishable under the Uniform Code of Military Justice (UCMJ) and other Federal and local civilian laws. Sexual harassment and retaliatory behaviors may be punishable under the UCMJ and may result in adverse administrative or disciplinary action.

4. Command guidance. I am committed to, and fully support, the SHARP program. I expect commanders and leaders at all levels to be committed to the elimination of incidents of sexual harassment, sexual assault, and retaliatory behaviors through a comprehensive program centering on awareness, prevention, training, victim advocacy, response, reporting, and maintaining a positive environment promoting dignity and respect for all.

5. Sexual Assault. 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 to include the following UCMJ offenses: rape, sexual assault, aggravated sexual contact, abusive sexual contact, or attempts to commit these acts.

6. How to report a sexual assault. Report a restricted or unrestricted sexual assault incident to the DoD SAFE Helpline at 877-995-5247, www.safehelpline.org, or the Fort Leonard Wood SHARP Hotline at 573-855-1327. See enclosure 2 for additional reporting options and services.

a. Unrestricted Reporting. A victim can make an unrestricted report to disclose they are the victim of a sexual assault to a Sexual Assault Response Coordinator (SARC), SHARP Victim Advocate (VA), health care provider, Family Advocacy Program (FAP), chain of command, or law enforcement. If the victim chooses to file an unrestricted report, the SARC or FAP, chain of command, and law enforcement will be notified that the crime was reported. An official law enforcement investigation will be triggered and the subject may be prosecuted. An eligible victim will have access to medical treatment and counseling and may request an expedited transfer and a military protective order.

b. Restricted Reporting.

(1) Victims of sexual assault who are Soldiers and dependent Family members who are 18 years and older can confidentially disclose the sexual assault by filing a restricted report with a SARC, SHARP VA, FAP, chaplain, or health care provider. Eligible victims will have access to medical treatment and counseling, and the assignment of a SARC and SHARP VA, without triggering an official investigation or prosecution of the subject.

(2) A restricted report may also be filed with the chain of command or other leaders, provided the victim did not personally report the sexual assault to law enforcement, to include U.S. Army Criminal Investigation Division (CID), and did not previously make an Unrestricted Report with a SARC or VA for the same sexual assault incident. However, if the restricted report is filed with the chain of command or other leaders, law enforcement will be notified and are required to investigate. The victim has the right to decline to participate in the law enforcement investigation.

7. Sexual Harassment refers to:

a. Conduct that involves unwelcome sexual advances, requests for sexual favors, and deliberate or 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.

8. Soldiers or their Family members may file a sexual harassment complaint through the brigade SARC or may report allegations of sexual harassment directly to the chain of command. DA Civilians may report sexual harassment or other offenses through the chain of command or the Equal Employment Opportunity Office. See resources in enclosure 2. Commanders will take allegations of sexual harassment seriously and investigate them promptly.

9. Reprisal or Retaliation. All personnel may report sexual harassment or sexual assault without fear of reprisal or retaliation.

a. 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 a protected communication in accordance with Department of Defense Directive (DoDD) 7050.06 (Military Whistleblower Protection).

b. Retaliation encompasses illegal, impermissible, or hostile actions, to include acts of cruelty, oppression, ostracism, or maltreatment, and taking or threatening to take an adverse personnel action, or wrongfully withholding or threatening to withhold a favorable personnel action, by the chain of command, peers, or co-workers 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.

c. Anyone who has experienced any type of retaliation or reprisal as a result of a sexual assault report or a sexual harassment complaint may report it to the Inspector General (IG), chain of command, or SARC. However, if a restricted report of sexual assault is filed with the IG or the chain of command, law enforcement will be notified and are required to investigate.

10. Victim rights. As a crime victim, you 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 preliminary hearings, pre-trial 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 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.
- 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.

10. Annual training: Commanders, directors, and leaders will ensure that all assigned Soldiers and DA Civilians are trained annually IAW AR 600-20 and AR 350-1.

AMIM-LDG-ZA

SUBJECT: Command Policy 40, Sexual Harassment/Assault Response and Prevention (SHARP) Program

11. Point of contact for this memo is the USAG-FLW SHARP office at 573-596-6886.

ANTHONY F. POLLIO, JR.
COL, MI
Commanding

Enclosure 1: References

- a. Department of Defense Directive (DoDD) 6495.01, Sexual Assault Prevention and Response (SAPR) Program, 23 January 2012, Incorporating Change 5, 10 November 2021.
- b. DoDD 7050.6 (Military Whistleblower Protection), 17 April 2015, Incorporating Change 1, 12 October 2021.
- c. Department of Defense Instruction (DoDI) 1020.03 (Harassment Prevention and Response in the Armed Forces), 8 February 2018, Incorporating Change 2, 20 December 2022.
- d. DoDI 6495.02, vol. 1 (Sexual Assault Prevention and Response (SAPR) Program Procedures), 28 March 2013, Incorporating Change 7, 6 September 2022.
- e. DoDI 6495.02, vol. 2 (Sexual Assault Prevention and Response: Education and Training), 9 April 2021.
- f. DoDI 5505.18 (Investigation of Adult Sexual Assault in the Department of Defense), 22 March 2017, Incorporating Change 4, 6 September 2022.
- g. Army Regulation (AR) 350-1 (Army Training and Leader Development), 10 December 2017.
- h. AR 600-20 (Army Command Policy), 24 July 2020.
- i. AR 690-600 (Equal Employment Opportunity Discrimination Complaints), 9 February 2004.
- j. Army Directive (AD) 2018-23 (Improving the Effectiveness of Essential and Important Army Programs), 8 November 2018.
- k. AD 2022-10 (Safe-to-Report for Victims of Sexual Assault), 06 July 2022.
- l. AD 2022-13 (Reforms to Counter Sexual Harassment/Sexual Assault in the Army), 20 September 2022.

AMIM-LDG-ZA

SUBJECT: Command Policy 40, Sexual Harassment/Assault Response and Prevention (SHARP) Program

Enclosure 2: Resources for the Fort Leonard Wood Community

Military Police: 911 (emergency); 573-596-6141 (non-emergency)

On-Call Chaplain: 573-563-6126

Fort Leonard Wood SHARP Hotline: 573-855-1327

Fort Leonard Wood Legal Assistance/ Special Victims' Counsel: 573-596-0629

Behavioral Health Clinics: 573-596-0522 (main clinic)/ 573-596-0447 (inpatient)

Family Advocacy Program: 253-389-8469

Army Substance Abuse Program: 573-596-0522

Suicide Prevention: 800-273-8255, then press 1

National Suicide Prevention Hotline: 1-800-273-8255

Military Equal Opportunity: 573-596-2610/ 573-596-0601

Equal Employment Opportunity: 573-596-0602

Religious Support Office: 573-596-2127

Fort Leonard Wood Inspector General: 573-596-0487

DoD OIG: 800-424-9098 (toll-free), or file a complaint online at dodig.mil

Military OneSource: 1-800-342-9647

Rape, Abuse, & Incest National Network (RAINN): 1-800-656-HOPE (4673)

Red Cross After Hours: 1-877-272-7337