



DEPARTMENT OF THE ARMY
US ARMY INSTALLATION MANAGEMENT COMMAND
HEADQUARTERS, US ARMY GARRISON YONGSAN - CASEY
UNIT #15333
APO AP 96205-5333

AMIM-YNG-ZA

29 May 2024

UNITED STATES ARMY GARRISON YONGSAN - CASEY POLICY LETTER #8

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Sexual Harassment/Assault Response Prevention (SHARP) Program

1. References:

a. DoD Directive 6495.01, Sexual Assault Prevention and Response (SAPR) Program, 23 January 2012 (incorporating Change 3, effective 05NOV21).

b. DoD Instruction 6495.02, Sexual Assault Prevention and Response (SAPR) Procedures, 28 March 2013 (incorporating Change 3, effective 10NOV21).

c. DoD Instruction 6495.03, Defense Sexual Assault Advocate Certification Program (D-SAACP), 28 February 2020.

d. AR 27-17, Legal Services, Military Justice, 11 May 2016.

e. AR 350-1, Army Training and Leader Development, 19 May 2017

f. AR 600-20, Army Command Policy, Chapter 7, 24 July 2020

g. AR 690-600, Equal Employment Opportunity Discrimination Complaints, 09 February 2004.

2. Purpose. To establish the US Army Garrison Yongsan-Casey and Areas I and II, Korea, policy for Sexual Harassment/Assault Response and Prevention (SHARP) Program.

3. Applicability. This policy applies to all personnel, military and civilian, assigned or attached to USAG Yongsan-Casey, Korea, to include tenant units, invited contractors, Technical Representatives, and their Family members. Sexual Assault and Sexual Harassment are intolerable actions that violate the tenets of human dignity and the standards of decency that we uphold and protect. Failure to comply with this policy constitutes a violation of Article 92 of the Uniform Code of Military Justice (UCMJ). For Service Members, this may result in disciplinary action under the UCMJ. Civilian employees who violate this policy may be subject to appropriate disciplinary action.

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4. Policy. The prevention and elimination of sexual violence is the number one priority of this command. The policy of the US Armed Forces is sexual harassment and sexual assault is unacceptable conduct which will not be tolerated or condoned. Army leadership at all levels remains committed to creating and maintaining an environment conducive of maximum productivity and respect for human dignity. Sexual violence in our units destroys teamwork and negatively affects combat readiness. The Army bases its success on mission accomplishment, which can only be achieved in an environment free of sexual harassment and sexual assault for all personnel.

5. AR 600-20 defines sexual harassment as a form of gender discrimination that includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

a. Submission to or rejection of such sexual advances is made explicitly or implicitly a term or condition of a person's job, pay, career, or employment decisions effecting that person. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance and creates an intimidating, hostile or offensive work environment.

b. 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 subordinate personnel, is engaging in sexual harassment. Similarly, anyone who makes deliberate or repeated unwelcome verbal comments, gestures, or other overtures of a sexual nature, is engaging in sexual harassment.

c. All sexual harassment complaints will be addressed regardless of the level at which they are reported. DA Civilians, former employees, applicants for employment, and some contract employees may file their complaints of sexual harassment under the EEO complaint process as contained in AR 690-600.

d. Soldiers and Family Members 18 and over may file sexual harassment complaints with the BDE (Garrison) SARC. Sexual harassment complaints will be addressed regardless of the level at which they are reported. There are three types of complaints that can be filed.

(1) Anonymous complaint: An anonymous complaint is defined as a report of sexual harassment, regardless of the means of transmission, from an unknown or unidentifiable source. The individual reporting the information is not required to divulge any PII. Commanders will publicize and enable anonymous reporting through organizational hotlines, email, or official telephone lines. All anonymous complaints, even those that cannot be investigated, will be referred to the subject's BDE commander for evaluation and entered into ICRS.

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(2) Informal complaint. An informal complaint is any complaint that an individual does not wish to file in writing or on a DA Form 7746. Typically, those issues that can be taken care of informally can be resolved through discussion, problem identification, and clarification of the issues. The SARC will provide information regarding support services both on and off post. The SARC receiving the complaint will not provide mediation themselves but can refer the complainant or victim to another mediator. The SARC will ensure that the complainant understands that if the commander is informed of a complaint of sexual harassment by the complainant or another party, the commander will inquire into the matter.

(3) Formal complaint: A formal complaint is a written statement submitted on a DA form 7746. When the BDE Commander initiates an investigation, disposition and resolution are addressed at the command level, and complaint processing documented in ICRS. Soldiers are encouraged to file formal complaints within 60 calendar days from the date of the aggrieving behavior. This will facilitate the investigation and resolution of these complaints.

6. AR 600-20 defines sexual assault as 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 range of sexual offenses including the following specific UCMJ offences: rape, sexual assault, aggravated sexual contact, abusive sexual contact, forcible sodomy, and attempt to commit such acts.

a. Leaders at all levels are responsible for providing a safe and healthy environment and must take action to prevent sexual assault, protect and support victims, and hold offenders accountable by taking all appropriate administrative and judicial actions based on facts and circumstances.

(1). Leaders will ensure victims of sexual assault have access to prompt, professional, and compassionate care.

(2). All victims of sexual assault will be treated with fairness, dignity, and respect.

Leaders must ensure the needs of victims are benevolently met and that they are aware of their rights, options, and the resources available for their support.

(3). Care will be taken to protect the victims' 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. Leaders must therefore be familiar with the Sexual Harassment/Assault Response and Prevention (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 (AR 27-10, Chapter 17).

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7. Service members and adult dependents of service members as well as DA Civilians who are married to an Active Duty Service Member who are victims of sexual assault have two reporting options from which to choose. These options are Restricted Reporting and Unrestricted Reporting.

8. Types of Reporting.

a. The Restricted Reporting option allows a service member (or adult dependent of a service member or spouse who is a DA Civilian), who is a victim of sexual assault, to disclose the details of their assault confidentially (specifically identified individuals) and receive victim advocacy, medical treatment, and counseling, without triggering an official investigation. Commands are not notified under the Restricted Reporting option. To exercise this option, the victim may only report the sexual assault to a SARC, Victim Advocate (VA), or Health Care Provider. However, a victim may convert a Restricted Report of sexual assault to an Unrestricted Report at a later time.

b. The Unrestricted Reporting option allows a victim of sexual assault (as defined above) the same services as Restricted Reporting, but allows for a full investigation, to include the possibility of a criminal prosecution. An Unrestricted Report requires official reporting through law enforcement and chain of command channels. However, a victim may not convert an Unrestricted Report of sexual assault to a Restricted Report. Both reporting options will be offered the services of a Victim Advocate (VA).

(1). Note: DA Civilians and their Family members 18 years of age and older when they are stationed OCONUS or performing duties OCONUS who are victims of a sexual assault and are eligible for treatment in the MTF or military installations or facilities are only eligible for limited emergency medical services at a MTF and to make an unrestricted report.

(2). Note: U.S. citizen DoD contractor personnel who are victims of sexual assault are authorized the use of the SHARP Program when they are authorized to accompany the Armed Forces in OCONUS contingency operations and their U. S. citizen employees.

9. It is the policy of USAG Yongsan-Casey to uphold all standards set forth in all regulatory guidance, DoD Policy, and the Uniformed Code of Military Justice in handling any situation that relates to violations of the Army's SHARP policies. This command will train every member of this organization on how to appropriately deal with recognizing and preventing SHARP related situations, ensure victims are properly cared for, cooperate fully with investigative authorities, and prosecute those who violate these tenets.

10. Sexual assault is a criminal offense that has no place in the Army. It degrades mission readiness by devastating the Army's ability to work effectively as a team. Every Soldier who is aware of a sexual assault should immediately (within 24 hours) report

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incidents. Sexual assault is incompatible with Army values and is punishable under the Uniform Code of Military Justice (UCMJ) and other Federal and local civilian laws and will apply the following:

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

b. The Army will treat all victims of sexual assault with dignity, fairness, and respect.

c. The Army will treat every reported sexual assault incident seriously by following proper guidelines. The information and circumstances of the allegations will be disclosed on a need-to-know basis only.

d. This policy applies:

(1) Both on and off post and during duty and non-duty hours.

(2) To working, living, and recreational environments (including both on- and off- post housing).

11. Expedited Transfers.

a. Victims of sexual assault may not wish to remain in their current unit or organization after the incident. Requiring a victim to remain in their current unit if there is a desire to leave may negatively affect their safety and emotional well-being, as well as the readiness of the unit/organization. As such, it is the USAG Yongsan-Casey policy that there is a presumption in favor of transferring or reassigning a victim at his/her request, following a credible report of sexual assault. A transfer or reassignment includes, but is not limited to, the victim's temporary or permanent transfer to another unit within the same organization, installation, or different geographical location.

b. For the purposes of this policy, a report of sexual assault is credible when the Commander, after considering all available evidence and the counsel of supporting legal advisors, concludes there are reasonable grounds to believe that an offense constituting sexual assault is committed against the person requesting the transfer or reassignment. A credible report is limited to Unrestricted Reports of sexual assault. Expediting review of a victim's request is an important component of a leader's response to a credible report of sexual assault.

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12. Retaliation. No Soldier may retaliate against a victim, an alleged victim, or another member of the Armed Forces based on that individual's reporting or planning to report a criminal offense or discourage the individual from reporting a criminal offense. AR 600-20 defines retaliation as follows:

a. 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.

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

c. Allegations or retaliation described in AR 600-20, 5-13c(1)(a) will be referred to IG

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

a. As with any quality training, leaders must be engaged by participating in SHARP events to the maximum extent possible. The USAG Yongsan-Casey SHARP program provides quality training whose purpose is to increase awareness, promote intervention, and prevent sexual harassment and sexual assault before it occurs.

b. Per AR 600-20, USAG Yongsan-Casey SHARP training will be Leader facilitated and will utilize HQDA approved material to execute such training with the assistance of a credentialed SHARP Professional who will serve as the Subject Matter Expert (SME).

c. Sexual assault awareness and prevention training will be provided to all unit personnel upon arrival to the command. Training will focus on risk-factor awareness, reporting procedures, how to avoid becoming a victim, appropriate behaviors, the correlation between alcohol abuse and sexual assault, and victim support. All newly arrived personnel must be provided with the name of their unit Sexual Assault Response Coordinator (SARC) and Victim Advocate (VA). Rotational units will conduct SHARP awareness training as part of their pre-deployment training IAW with AR 350-1.

d. Senior leader training will be conducted annually. Leaders at all levels will ensure unit personnel participate in annual SHARP refresher training IAW AR 350-1.

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The training will demonstrate prevention, reporting, response and accountability, and will be tailored to each individual audience.

e. All USAG Yongsan-Casey Commanders and Senior Enlisted Advisors will comply with the USARPAC requirement that they complete the Emergent Leader Immersive Training (ELITE) and submit their certificates of completion to the USAG Yongsan- Casey SARC for filing.

f. Commanders and Directors will comply with the 8A OPORD 22-02-23-01 requirement that they themselves conduct or delegate that a Key Leader within their footprint completes a SHARP Visual Workplace Inspection in accordance with USARPAC guidance to promote an environment of dignity and respect. The USAG Yongsan-Casey SARC will assist Commanders and Directorates with consolidating a report for my review before submission to 8A to meet the annual requirement.

14. On 20 April 2012, the Secretary of the Defense withheld initial disposition authority (i.e., the decision to decide if further action is warranted, and if so, whether criminal or adverse administrative action is appropriate) for rape, sexual assault, forcible sodomy, attempts to commit these crimes, and other alleged offenses arising from or related to the same event, to the Special Court Martial Authority in the grade of O-6 or above.

15. The initial disposition for rape, sexual assault, forcible sodomy, and attempts of the aforementioned are held at my level. All assigned personnel should know the name of their Area SARC, Brigade SARC, and the 24/7 sexual assault response hotline number at DSN 158 or 0503-363-5700 from any Korean commercial line. If calling from stateside, dial the number 011-82-53-470-5700. The USFK Sexual Assault Hotline is the quickest way to report a sexual assault.

16. This policy will remain in effect until rescinded or superseded.

17. The point of contact for this memorandum is the (Lead) Garrison Sexual Assault Response Coordinator (SARC) at DSN telephone number 315-738-3617.



EDWARD H. CHO
COL, LG
Commanding