



DEPARTMENT OF THE ARMY
HEADQUARTERS, 101ST AIRBORNE DIVISION (AIR ASSAULT) AND FORT CAMPBELL
2700 INDIANA AVENUE
FORT CAMPBELL, KY 42223

AFZB-CG

30 May 25

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Policy Letter #5 – Fort Campbell Policy on Sexual Harassment/Assault Response and Prevention (SHARP) Program

1. References.

a. Army Regulation (AR) 600-52, Sexual Harassment/Assault Response and Prevention Program, 11 February 2025.

b. DoD Instruction 6495.02, Volume 1, March 28, 2013, Incorporating Change 8, 26 July 2024, Sexual Assault Prevention and Response Program Procedures.

c. DoD Instruction 6495.02, Volume 3, 24 June 2022, Change 1, 26 July 2024, Sexual Assault Prevention and Response: Retaliation Response for Adult Sexual Assault Cases.

2. Applicability. This policy applies at all times and in all locations to all Service Members and Civilians assigned to, attached to, or performing duties in units or activities over whom the Commander, 101st Airborne Division (Air Assault) exercises Senior Commander (SC) authority.

3. Policy.

a. I am deeply committed to the tenets of the Army's SHARP Program as set forth in AR 600-52 and other applicable law, regulation, and policy. The goal of my SHARP program is to create a culture free of sexual harassment, sexual assault, and associated retaliatory behaviors through an environment of prevention, education and training, response capability, victim assistance, reporting procedures, and appropriate accountability that enhances the safety and well-being of all persons covered. I will not tolerate sexual assault, sexual harassment, and retaliatory behaviors as they are contrary to the Army Values, erode readiness, and undermine trust within our team.

b. This policy sets out important information about sexual assault, sexual harassment, and victim rights for all over whom I have authority.

4. Sexual Harassment Defined. AR 600-52, para. 2-2 defines sexual harassment as the following:

a. Certain sexual harassment conduct is an offense under Article 134, UCMJ.

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b. Sexual harassment conduct is also punishable under the provisions of AR 600-52, para. 2-2. AR 600-52, para. 2-2.c. is punitive, and violations may be punished under Article 92, UCMJ.

c. Sexual harassment conduct punishable under this paragraph is conduct that involves unwelcome sexual advances, requests for sexual favors, and deliberate or repeated offensive comments or gestures of a sexual nature when submission to such conduct is, either explicitly or implicitly, made a term or condition of a person's job, pay, or career; submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person; or 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.

(1) Sexual harassment conduct is conduct that is so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the environment as hostile or offensive.

(2) Sexual harassment conduct is conduct that includes 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) Sexual harassment conduct is any deliberate or repeated unwelcomed verbal comment or gesture of a sexual nature by any member of the Armed Forces or Civilian employee of the DoD.

(4) 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.

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

5. Sexual Harassment Reporting, Resources, and Command Actions.

a. Full time Sexual Assault Response Coordinators (SARC) and victim advocates will receive all reports of sexual harassment. When the harassment includes physical touch and it is unclear whether the touch involved an area of the body that, under the Manual for Courts-Martial, would make it sexual contact, the SARC will contact CID.

b. If sufficient information exists to permit the initiation of an investigation, the investigation will be conducted per AR 600-52 and AR 15-6 standards and timelines. Commanders will ensure all appropriate notifications to the complainant and the subject

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are done per AR 600-52. Note that USACID has investigative purview over all sexual harassment that appears to implicate Article 134, UCMJ.

c. Individuals who feel that they are being or have been sexually harassed are encouraged to make it clear to the offender that the behavior is offensive, request direct intervention through a SARC or VA, or report the behavior.

d. Connect to Care. Commanders will ensure that Soldiers, DA Civilians, and Family members who seek assistance with any Army agency requesting SHARP services receive a direct handoff to a SARC or VA. SHARP professionals will provide a personal handoff to other agencies if assistance beyond SHARP is required, such as advocacy and support services through the Family Advocacy Program (FAP) or for behavioral health, medical, or legal assistance. A personal handoff requires a direct communication and introduction to responsible staff at the appropriate on or off-post agency and follow-up to ensure needs were met.

e. The same principles related to minor incidents of collateral misconduct described in the Safe to Report Policy when reporting a sexual assault as described in AR 600-52, para. 3-9 and AR 27-10, shall be applied by commanders when the complainant is reporting instances of sexual harassment.

6. Sexual Assault Defined. AR 600-52, para. 3-1 defines sexual assault as the following: Sexual assault is a crime. Sexual assault is intentional sexual contact characterized by use of force, threats, or intimidation, or abuse of authority or when the victim does not or cannot consent.

a. Sexual assault includes a broad category of sexual offenses consisting of the following UCMJ offenses: rape, sexual assault, aggravated sexual contact, abusive sexual contact, forcible sodomy and other sexual misconduct listed in Article 120c, UCMJ; or attempts to commit these acts.

b. Sexual Assault is punishable under Article 120, UCMJ or under other federal, state, and local civilian laws.

7. Sexual Assault Reporting, Resources, and Command Actions:

a. Reporting Sexual Assault. Pursuant to AR 600-52, mandatory reporters of sexual assault include the following individuals:

(1) Commanders at all levels. Commanders are required to immediately report to the special agent-in-charge of the supporting USACID office all acts of sexual assaults of which they become aware. This includes acts of sexual assault involving personnel

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affiliated with DoD, including Soldiers and their dependents, DoD Civilians, and DoD contractors.

(2) Anyone in the chain of command, to include supervisors, first sergeants, and senior enlisted advisors (not required to be in the victim's chain of command). All individuals in a supervisory position are required to report all acts of sexual assault of which they become aware.

(3) Law enforcement, military police, and USACID agents (both on and off duty).

(4) Army Military OneSource providers.

b. Sexual assault victims are strongly encouraged to seek assistance immediately. Commanders must provide support and assistance to victims and report sexual assaults to CID. Medical treatment, counseling, and legal services are available to sexual assault victims. Service Members and their dependents, age 18 or older and DA Civilians, are eligible for SHARP services. Victims who are minors are encouraged to report directly to the Family Advocacy Program (FAP). DA/DoD Civilian complaints of sexual harassment will be investigated and processed IAW the EEO program and AR 690-600. Those who meet the criteria above and seek assistance are entitled to a full range of support services. Victims of sexual assault may choose either file a restricted or an unrestricted report

8. Retaliation and Reprisal.

a. Retaliation or reprisal (see definition in AR 600-52 Glossary and AR 600-52, Chapter 9) in response to reports of sexual assault and sexual harassment is incompatible with the Army Values. Commanders will establish procedures to protect all first responders (SARCs and VAs included), both civilian and Military, as well as witnesses and bystanders who intervened to prevent a sexual assault or acts of sexual harassment from retaliation, reprisal, ostracism, or maltreatment related to the execution of their duties and responsibilities. Retaliatory behavior may be punishable under the UCMJ.

b. Reports of retaliatory behavior are investigated by the appropriate IG (see DoDI 6459.02, Volume 3 and AR 20-1).

(1) Reports about retaliation in conjunction with a restricted report will not be disclosed unless an exception to restricted reporting applies.

(2) Reports of retaliatory behavior that concern offenses under the UCMJ (such as stalking, damage of property, communicating a threat, obstruction of justice, and assault) that are unrelated to a report of sexual assault and sexual harassment made

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under the purview of the SHARP Program will be referred to the special agent-in-charge of the supporting USACID office for initiation of a criminal investigation.

(3) Reports of retaliatory behavior that an IG or the special agent-in-charge of the supporting USACID office does not accept for investigation will be referred to and investigated by the victim's chain of command or supervisor or by any other appropriate investigative agency, organization, or entity.

9. Victim Rights.

a. All SHARP professionals, commanders, supervisors, and leaders at all levels will be familiar with victims' rights set forth in Article 6b, UCMJ; DoDI 6495.02, Volume 1; DoDI 6400.07; DoDI 1030.02; AR 195-5; and AR 27-10.

b. All SHARP professionals, commanders, supervisors, and leaders at all levels will be familiar with state, Federal, and host nation victims' rights applicable in their AOR.

c. Victims of sexual assault or sex-related offenses have additional rights, which include right to an SVC, if eligible; victim jurisdiction preference election; notification of significant events in the court-martial process; and notification of command disciplinary action for sex-related offenses not referred to court-martial. Policies pertaining to these rights are prescribed in the Manual for Courts-Martial, DoDI 1030.02, and AR 27-10. Practitioners must consult these references for what is required by these policies.

d. A list of victims' rights is included as an enclosure.

10. Training. Commanders and supervisors over whom I have authority will enforce applicable policy and training requirements as dictated by Army regulation and policy.

11. Point of Contact. The Division SHARP office is the point of contact for this policy letter at 270-412-5848.

Encl
Victims' Rights List



DAVID W. GARDNER
Major General, USA
Commanding

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ENCLOSURE 1 to Policy Letter #5: Victims' Rights List

1. Victims of sexual assault have certain rights set forth under the following authorities: Article 6b, UCMJ; DoDI 6495.02, Volume 1; DoDI 6400.07; DoDI 1030.02; AR 195-5; AR 27-10; and AR 600-52. Some of these key rights include:

- Be treated with fairness/respect for your dignity and privacy.
- Be reasonably protected from the accused, including protective orders. Reasonable, accurate and timely notice of hearings/confinement events.
- Be present at public hearings/proceedings unless your testimony would be materially altered by your Presence.
- Be reasonably heard at certain hearings.
- Confer with the U.S. government prosecutor.
- Legal assistance from a military legal assistance attorney, if eligible, or from a private attorney at your own expense.
- Receive restitution as provided by law.
- Proceedings free from unreasonable delay.
- Express your views to the commander or convening authority as to case disposition.
- Receive a medical forensic exam at no cost.
- Be timely informed of plea, separation-in-lieu-of-trial, or non-prosecution agreements.
- To be notified of conviction, sentencing, imprisonment and release of the accused.
- To be notified of a parole proceeding involving the accused.
- To be notified of any release or escape of the accused.
- Interviews requests from the Accused's attorney must be scheduled through your counsel and your counsel can be present during the interview, if represented.
- Consult a Special Victims Counsel (SVC), Victims' Counsel (VC) or Victims' Legal Counsel (VLC).
- Be informed of policies for collection and preservation of SA evidence.
- Be informed of any result of a SA evidence collection kit, including DNA profile match,

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toxicology report, or other information collected as part of a medical forensic exam, if such disclosure would not impede or compromise an ongoing investigation.

- Have a SA evidence collection kit or its probative contents preserved, at no-charge.
- Notification of SA evidence destruction.
- Express preference for military or civilian prosecution for incidents occurring in U.S.
- Notice to civilian authorities of your prosecution preference and their corresponding response, if known.
- Potential for an expedited transfer.