



DEPARTMENT OF THE ARMY
HEADQUARTERS, 101ST AIRBORNE DIVISION (AIR ASSAULT) AND FORT CAMPBELL
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20 JUL 23

MEMORANDUM FOR SEE DISTRIBUTION

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1. References:

- a. Army Regulation 600-20, Army Command Policy, 24 July 2020.
- b. DoD Directive 6495.01, Sexual Assault Prevention and Response (SAPR) Program, 23 January 2012 (Incorporating Change 5, Effective 10 November 2021).
- c. DoDI 6495.02 Volume 1, Sexual Assault Prevention and Response (SAPR) Program Procedures, 28 March 2013 (Incorporating Change 7, Effective 6 September 2022).
- d. DoDI 6495.02 Volume 2, Sexual Assault Prevention and Response: Education and Training, 9 April 2021.
- e. DoDI 6495.03, Defense Sexual Assault Advocate Certification Program (D-SAACP), 28 February 2020.
- f. DoDI 5505.18 Investigation of Sexual Assault in the Department of Defense, 22 March 2017 (Incorporating Change 4, Effective 6 September 2022).
- g. Army Directive 2018-23, Improving the Effectiveness of Essential and Important Army Programs: Sexual Harassment/Assault Response and Prevention, Equal Opportunity, Suicide Prevention, Alcohol and Drug Abuse Prevention, and Resilience, 8 November 2018.
- h. Army Regulation 27-10, Military Justice, 20 November 2020.

2. Sexual harassment and sexual assault are unacceptable and incompatible with the Army values. I am fully committed to the Army Sexual Harassment/Assault Response and Prevention (SHARP) Program and to ensuring a safe living and working environment for the 101st Airborne Division (Air Assault) and Fort

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Campbell, KY Soldiers, Civilian employees, and Family Members. Ultimately, we must ensure that our team understands that sexual harassment, sexual assault, and retaliatory behaviors resulting from a sexual harassment or sexual assault complaint will not be tolerated, condoned, or ignored.

3. Sexual harassment, sexual assault, and retaliatory behaviors are corrosive, destroy teamwork, and negatively affect combat readiness. We must treat everyone with dignity and respect, consider all allegations of misconduct with the utmost seriousness, protect the privacy of victims, motivate bystanders to intervene, and hold offenders accountable IAW law, policy, and regulation.

4. Preventing sexual harassment and sexual assault is a shared responsibility. A Soldier or Civilian employee who believes he or she has been subjected to sexual harassment or sexual assault should report incidents to the appropriate management official and SHARP Office. We expect leaders to swiftly address allegations of sexual harassment, sexual assault, and retaliation.

5. The goals of the SHARP program are to reduce sexual assaults and harassment by creating a climate that respects the dignity of every member of the Army family; reduce the stigma of reporting; increase prevention, investigation, and prosecution capability; increase training and resources; and refine and sustain response capability.

6. Commanders at all levels will publish and post written command policy statements on sexual harassment and sexual assault response and prevention, reporting procedures, and the following points of contact: DoD SAFE Helpline website and phone number (www.safehelpline.org and (877) 995-5247); the Fort Campbell 24-hour SHARP Hotline (270) 498-4319); and the SHARP website (<https://www.armyresilience.army.mil/sharp/index.html>).

7. Commanders will also establish procedures to protect all first responders, both Civilians and Soldiers, as well as 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.

8. Responsibilities:

a. The first General Officer or member of the Senior Executive Service will appoint, in writing, one full-time Sexual Assault Response Coordinator (SARC) (a SFC, MAJ/CW3, GS-11 or higher) at each Brigade Level. SARCs must be screened, trained (two-week SHARP Foundation Course at a minimum), and credentialed prior to being appointed to the positions.

b. Brigade Commanders will appoint, in writing, one collateral duty SARC (SFC,

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MAJ/CW3, GS-11 or higher) at each Battalion level and one collateral duty VA (SSG, 1LT/CW2, or GS-9 or higher) at the Battalion level. These individuals must be screened, trained, and credentialed prior to being placed on appointment orders.

c. Every member of command (including supervisors) who becomes aware of sexual assault, or possesses probable knowledge of such an act, should report these allegations immediately to appropriate authorities.

9. SHARP Training and Education:

a. SHARP training and education will focus on prevention, education, trends, risk-factor awareness, reporting options and procedures, correlation between sexual assaults and alcohol use, and victim support. The most up-to-date training materials will be published on the Army Training Network (ATN) website. (<https://atn.army.mil>)

b. The 101st Airborne Division (Air Assault) and Fort Campbell SHARP office or designated representative will provide training on prevention of sexual harassment and prevention of sexual assault at the Company Commander / First Sergeant Pre-Command Course at the Kinnard Mission Training Complex.

c. Unit and Organizational leaders will consult with their SARC to allocate time on the training calendar to conduct training on the prevention of sexual harassment and assault, behaviors constituting sexual harassment and assault, consequences of committing sexual harassment and assault, and actions a victim may take after harassment or an assault. This training will be documented in the Digital Training Management System (DTMS). Unit leaders will lead and instruct the SHARP training with the assistance of a DoD Sexual Assault Advocate Certification Program (D-SAACP) credentialed SHARP Professional.

d. All commanders and senior enlisted advisors will receive a SHARP desk-side briefing and training from the command's SARC within 30 days of assuming their respective leadership roles.

e. Senior Leader training is conducted for all commanders and senior leaders annually.

10. Sexual Harassment

a. Sexual harassment is punishable under UCMJ, federal, and local civilian laws. It is defined by Army Regulation 600-20 as:

(1) Conduct that involves unwelcome sexual advances, requests for sexual favors, and deliberate or repeated offensive comments or gestures of a sexual nature when—

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(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) 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 thus 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. Soldiers, cadets, and Family Members aged 18 and over may file a sexual harassment complaint with the Brigade SARC. A Soldier may file a complaint on behalf of a Family Member. Complaints from DA Civilian personnel (to include those against Soldiers) reporting sexual harassment will be handled IAW procedures contained in AR 690-600, AR 690-12, or as described in separate DoD and DA policy, or as provided for in any applicable collective bargaining agreement. DA Civilians, former employees, applicants for employment, and some contract employees may file their complaints of sexual harassment under the Equal Employment Opportunity (EEO) complaint process. The DA Civilian EEO complaint process is contained in AR 690-600.

f. There are three types of Sexual Harassment complaints: Anonymous, Informal,

and Formal.

(1) An anonymous complaint is defined as a report of sexual harassment, regardless of the means of transmission, from an unknown or unidentified 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.

(2) An informal complaint is any complaint the complainant does not wish to file in writing. In resolving an informal complaint, the complaint will be taken seriously and handled with sensitivity. Also, informal complaints can be resolved without the knowledge of the commander. While informal complaints are not subject to regulatory timelines, they should be resolved within 14 calendar days of the complaint receipt.

(3) A formal complaint is one that the complainant files in writing and swears to the contents of the statement(s) contained in the formal complaint. Formal sexual harassment complaints require specific actions, are subject to timelines, and require documentation of the actions taken. A formal complaint will be filed using DA Form 7746 (Sexual Harassment Complaint). Soldiers are encouraged to file a formal sexual harassment complaint within 60 calendar days from the time the last incident occurred.

(4) The point of contact for all three types of complaints will be the complainant's unit SARC or SAPR Victim Advocate.

11. Sexual Assault

a. Sexual assault is a crime punishable under UCMJ, federal, and local civilian law. 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, according to AR 600-20. 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.

b. Sexual assault is a crime that cannot and will not be tolerated-not in our Division. Sexual assault has a devastating and often long-lasting impact on the victim. Moreover, sexual assault tears at the moral fiber of our units, degrading our readiness. Sexual assault is an affront to our system of Army Values, and it grievously harms morale. Sexual assault has no place on Fort Campbell or in our homes. I am fully committed to providing an environment free of sexual assault for all Soldiers, civilians and Family Members of this Installation. I charge all commanders, directors, leaders, and supervisors with vigorously implementing all aspects of this policy.

c. The SHARP Program provides assistance to Soldiers and their dependent Family Members who are 18 years of age or older; Soldiers who report being sexually assaulted prior to entry in the Army; and Army National Guard and Army Reserve Soldiers who are sexually assaulted when performing active service as defined in 10

U.S.C. 101(d) and inactive duty training. This policy does not apply to victims of sexual assault perpetrated by a spouse or intimate partner as defined in DoDI 6400.06 or Family Members under the age of 18 who are sexually assaulted. The Family Advocacy Program provides the full range of services to those individuals.

d. There are two reporting options available for victims of sexual assault: Restricted and Unrestricted.

(1) Restricted reporting allows sexual assault victims to confidentially disclose the assault to specified individuals (i.e., SARC, SAPR Victim Advocate (VA), or healthcare personnel) to receive medical, counseling, legal, and advocacy support services without triggering an official investigation into the assault. Only the SARC, SAPR VA, or healthcare personnel are designated as authorized to receive a Restricted Report. During otherwise privileged communications with a chaplain or legal assistance attorney, a victim may indicate that he or she wishes to file a Restricted Report. If this occurs, a chaplain or legal assistance attorney shall facilitate contact with a SARC or VA.

(2) Victims are eligible to file a Restricted Report, providing they did not personally report the sexual assault incident to law enforcement, and they did not previously elect to make an Unrestricted Report by signing a DD Form 2910 with a SARC or SAPR VA on the same sexual assault incident. Victims remain eligible to file Restricted Reports **even if:** (1) They disclosed the sexual assault incident to their commander or to personnel in the chain of command; (2) there is an ongoing Military Criminal Investigative Organization (MCIO) investigation into the sexual assault incident initiated by a third party and not due to the victim's disclosure to law enforcement; or (3) the MCIO investigation into the sexual assault incident has been closed.

(3) A commander who receives a report of a sex-related offense involving a Service Member within his or her chain of command **will still immediately refer the report** to the MCIO of the Military Department concerned with responsibility for investigating that offense. A commander retains his or her duty to immediately contact the MCIO upon being notified of a sexual assault, whether the sexual assault is in his or her chain of command.

(4) A victim may disclose a sexual assault incident to someone in his or her chain of command without realizing that, as a result of doing so, personnel in the chain of command are required to immediately notify the commander and the MCIO. However, in this circumstance, while a victim may still elect to file a Restricted Report, such an election does not preclude the initiation of an investigation into the allegations.

(5) In MCIO investigations that are initiated upon third-party reports by command (e.g., when a victim disclosed his or her sexual assault to a supervisor in the chain of command, not realizing the supervisor would contact criminal investigators), or pursuant to an exception to Restricted Reporting, the MCIO concerned will contact the individual alleged to have been victimized to determine the victim's desired level of participation

and to protect victim privacy. This contact must be initiated as soon as possible after receipt of the allegation and, to the extent practicable, before contacting any other potential witnesses.

(6) Unrestricted reporting allows a victim of sexual assault the same services as restricted reporting, but it will also trigger command notification and an investigation into the sexual assault. An Unrestricted Report can be made to the same personnel as a restricted report and may also include the Commander, Military Police (MP), and Criminal Investigation Command (CID). Details regarding the incident will be limited to those personnel who have a legitimate need to know the information, as well as those agencies that the UCMJ, policies, or applicable laws dictate be notified of such a charge.

(7) Victims electing either reporting option by initialing and signing the DD Form 2910 (Victim Reporting Preference Statement) will be assigned a SHARP VA by the SARC upon their request. The VA will be responsible for helping the victim navigate the care system and keeping the victim updated on all case matters. A victim may, at any time, change the report from Restricted to Unrestricted.

(8) Victims will be treated with dignity and respect. Soldiers, Family Members, and Civilians are encouraged to report sexual assault immediately. Commanders, in conjunction with their servicing judge advocate, servicing SARC, CID, and Social Service programs, will implement a plan to protect the complainant, any named witnesses, and the alleged perpetrator from acts of reprisal. Victims have the following rights under Article 6b, UCMJ:

(a) The right to be treated with fairness and respect for the victim's dignity and privacy.

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

(c) The right to reasonable, accurate, and timely notice of public pretrial confinement hearings; preliminary hearings under Article 32, UCMJ relating to the offense; a court-martial relating to the offense; public clemency and parole hearings related to the offense; and the release or escape of the accused, unless such notice may endanger the safety of any person.

(d) The right not to be excluded from any aforementioned public hearings or proceedings unless the preliminary hearing officer or military judge determines the victim's testimony would be materially altered if the victim heard other testimony at the hearing or proceeding.

(e) The right to reasonably confer with the counsel representing the Government at any proceeding described in paragraph 8(c).

(f) The right to receive available restitution as provided in law.

(g) The right to be reasonably heard at a public hearing concerning the continuation of confinement prior to trial of the accused; a sentencing hearing relating to the offense; and a public proceeding of the service clemency and parole board relating to the offense.

(h) The right to proceedings free from unreasonable delay.

(i) The right to be informed in a timely manner of any plea agreement, separation-in-lieu-of-trial agreement, or non-prosecution agreement relating to the offense, unless providing such information would jeopardize a law enforcement proceeding or would violate the privacy concerns of an individual other than the accused.

12. Retaliation/Reprisal

a. Reprisal is defined 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 alleged subject under investigation.

b. SARCs, SHARP VAs, and Victim Representatives will inform victims of the resources available to report instances of retaliation, reprisal, ostracism, maltreatment, and sexual harassment, as well as the ability to request a transfer and/or seek an MPO.

c. If the retaliatory behavior is criminal in nature and the victim filed an unrestricted report, the crime should be immediately reported to CID, even if the crime is not something normally reported to CID (for example, victim's personal vehicle was defaced).

d. Commanders should consult with their servicing legal advisor and/or IG for guidance on implementation of policy regarding reports of retaliatory behaviors. Moreover, Commanders will ensure the actions outlined in AR 600-20, paragraph 7-11 are taken in response to an unrestricted report of sexual assault.

e. If any retaliatory behavior is reported, the LTC (O-5) level or higher commander of the victim of the retaliatory behavior will develop a plan to immediately address the retaliatory behavior and forward the plan to the SARB chair.

13. Leaders at all levels must take swift and decisive action in preventing, identifying,

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reporting, and eliminating all incidents of sexual harassment and sexual assault. The commander will also ensure that any victim is treated with dignity, fairness, and respect. All leaders will put forth their utmost effort to ensure that these reprehensible acts do not plague our community.

14. The point of contact for this policy is the Division SHARP Program office at (270) 798- 0490 or (270) 412-0784/0785/0786.



BRETT G. SYLVIA
Major General, USA
Commanding

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