



DEPARTMENT OF THE ARMY
UNITED STATES ARMY GARRISON WIESBADEN
UNIT 29623
APO AE 09005-9623

IMWB-ZA

24 April 15

MEMORANDUM FOR All Members of the USAG Wiesbaden Community

SUBJECT: US Army Garrison Command Policy Letter #5, Sexual Harassment/Assault Response and Prevention Program (SHARP)

1. REFERENCES:

- a. AR 600-20, Army Command Policy, Chapter 7 (Sexual Harassment) & Chapter 8 (Sexual Assault), dated 18 March 2008 (RAR 20 September 2012)
- b. ALARACT 123/2011 Mandatory Unit SHARP Training
- c. ALARACT 007/2012 Sexual Harassment/Assault Response and Prevention (SHARP) Program Implementation Guidance
- d. HQDA EXORD 221-12 SHARP Program Synchronization Order, dated 23 June 2012

2. This memorandum sets forth the United States Army Garrison Wiesbaden policy on Sexual Harassment/Assault Response and Prevention (SHARP) program.

3. It is my policy that all Soldiers, Civilian Employees and family members assigned or attached to the USAG Wiesbaden be afforded the opportunity to seek resolution of complaints of sexual harassment; also, for sexual assault victims within the USAG Wiesbaden family to feel confident in reporting acts of sexual assault or harassment.

4. Sexual Harassment and Sexual assault are incompatible with our Army Values and the Warrior Ethos. Sexual harassment and assault directly and negatively impacts the moral, safety, motivation, performance, and cohesion of our Soldiers and Civilians, as well as unit readiness. It results in increased absenteeism, inefficiency, and destroys trust among Soldiers. Sexual harassment and sexual assault are inappropriate, offensive, and illegal. Sexual harassment and sexual assault will not be tolerated in USAG Wiesbaden.

5. 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

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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.

6. All of the above, in the definition of sexual assault, are criminal offenses in the Uniform Code of Military Justice. Sexual assault differs from sexual harassment in that it involves physical contact of a sexual nature. Service members and Family members over the age of 18 who are victims of sexual assault may report the incident in a Restricted or Unrestricted manner.

a. **Restricted Reporting** allows a Soldier or Family member over the age of 18 who is a sexual assault victim, on a confidential basis, to disclose the details of his/her assault to specifically identified individuals and receive medical treatment and counseling, without triggering the official investigative process. Soldiers who are sexually assaulted and desire restricted reporting under this policy should report the assault to a SHARP Specialist, Chaplain, or a healthcare provider on post to maintain confidentiality.

b. **Unrestricted Reporting** allows a victim of a sexual assault to receive medical treatment, counseling, and triggers an official investigation into the sexual assault. Victims may make an unrestricted report to a SHARP Specialist, Chaplain, healthcare provider, law enforcement of the Chain of Command. Additionally, with the victim's consent, the healthcare provider will conduct a forensic examination, which may include the collection of evidence. Details regarding the incident will be limited to only those personnel who have a legitimate need to know.

7. Commanders who receive a report of sexual assault will use the comprehensive Commander's Sexual Assault Victims Assistance Checklist, ensuring the victim(s) is (are) treated with dignity and respect. Commanders will take prompt action on all reports of sexual assault and ensure that each report is seriously considered, thoroughly investigated, and appropriately disposed of based upon the facts of each case. Commanders are to consult with the Garrison Sexual Assault Response Coordinator (SARC) and servicing staff judge advocate immediately upon receiving a sexual assault report.

8. Sexual harassment is a form of gender discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature between the same or opposite genders when:

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

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

c. Such conduct interferes with an individual's performance or creates an intimidating, hostile or offensive environment.

9. A 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. Soldiers or Civilian employees who make deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature are engaging in sexual harassment.

10. Service members and Civilian employees who believe that they are being sexually harassed should take the following actions:

a. Identify the offensive behavior to the harasser and request that it stop.

b. Discuss the situation with a supervisor, the SHARP Victim Advocate (VA), the USAG Wiesbaden SARC, the Chain of Command, or the Inspector General's office.

c. VA/SHARP personnel at the company and battalion level will assist with informal complaints of sexual harassment. All formal complaints of sexual harassment will be taken by the USASMA SARC/SHARP or alternate Sexual Harassment installation reporting agencies.

11. The chain of command will deal promptly with sexual harassment complaints. Unit commanders will investigate all cases, ensuring the complainant(s) are protected from any acts or threats of reprisal. If the investigation substantiates the complaint, the command will take appropriate action to discipline the sexual harassment. Appropriate punishment may include, but is not limited to, punishment under the Uniform Code of Military Justice, administrative separation under AR 635-200, or other administrative actions. The Army's policy and the USAG Wiesbaden policy is zero tolerance for sexual harassment.

12. In addition, I maintain an open door policy whereby I am available to talk to every Soldier or Civilian concerning any problem they have. Our standard is to treat each other with dignity and respect at all times. Respect is a core value of our Army Strong

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institution. Everyone is obligated to report those who fail to abide by our cherished values.

13. Commanders have a responsibility to ensure our Soldiers and Civilians do not become either victims or perpetrators of sexual harassment or assault. The primary means for reducing the potential for sexual harassment and assaults are education, training, and active vigilance. Accordingly, commanders and directors will implement and support the Army's Sexual Harassment/Assault Prevention and Response (SHARP) Program.

14. Effective sexual harassment and assault prevention training educates Soldiers and Civilians on risk factors associated with sexual harassment and assault, as well as the consequences for sexually harassing or assaulting another individual. In addition to conducting training, all leaders must exercise constant vigilance in protecting our Soldiers from sexual harassment and assaults.

15. Director/Commanders will ensure Soldiers and Civilians for whom they are responsible are trained on the Sexual Harassment/Assault Response Prevention Program (SHARP) training support package annually. They will further ensure that leaders (defined as E8 and above, and GS11 and above) receive SHARP leadership training, that all military and civilians attend SHARP annual refresher training, and that both military and civilians complete the self-study on-line Team Bound training. Commanders will also ensure that SHARP training is fully integrated into newcomer's briefs, training courses, and holiday and weekend safety briefings.

16. Directors/Commanders will develop a command climate in which Soldiers and civilians feel confident in openly addressing and reporting incidents of sexual harassment and sexual assault. Additionally, they will:

- a. Promote SHARP program for all Soldiers, Civilians and their families.
- b. Monitor and assess the execution of the SHARP program and policies at all levels.
- c. Ensure prompt and appropriate action is taken to resolve allegations of sexual harassment by Soldiers, their families, and all Civilians.

17. This policy will be posted on all unit bulletin boards.

18. 24 hour, 7 days a week hotline for Sexual Assault: 0162-296-6741.

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19. The Point of contact for this action is the Sexual Assault response Coordinator at DSN 548-9222, COM: 0611-143-548-9222, email: William.e.mottley.civ@mail.mil.



MARY L. MARTIN
COL, AG
Commanding

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