



DEPARTMENT OF THE ARMY  
HEADQUARTERS, 101ST AIRBORNE DIVISION (AIR ASSAULT) AND FORT CAMPBELL  
2700 INDIANA AVENUE  
FORT CAMPBELL, KENTUCKY 42223-5656

AFZB-CG

04 February 2022

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Policy Letter #4 - Fort Campbell Policy on Sexual Harassment/Assault Response and Prevention (SHARP)

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 4, Effective 11 September 2020).
- c. DoDI 6495.02 Volume 1, *Sexual Assault Prevention and Response (SAPR) Program Procedures*, 28 March 2013 (Incorporating Change 5, Effective 9 April 2021).
- 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. 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.
- g. 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 101<sup>st</sup> Airborne Division (Air Assault) and Fort Campbell, KY: Soldiers, Civilian employees, and Family Members. Ultimately, we must ensure our team understands 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 is a corrosive that destroys 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. Sexual assault, sexual harassment, and retaliatory behavior for reporting such incidents are unacceptable and will not be tolerated.

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4. Preventing sexual harassment and sexual assault is everyone's 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 assault response and prevention, reporting procedures and the following points of contact: DoD SAFE Helpline website and phone number ([www.safehelpline.org](http://www.safehelpline.org) and (877) 995-5247); the Fort Campbell 24 hour SHARP Hotline ((270) 498-4319); and the SHARP website ([www.sexualassault.army.mil](http://www.sexualassault.army.mil)).

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 SARC (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, 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>)

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b. The 101<sup>st</sup> 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 Center.

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 as:

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

(2) Submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career; or

(3) Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person; or

(4) Is so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the environment as hostile or offensive.

(5) 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. 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. The SHARP Program applies to complaints of sexual harassment in which the complainant is a Soldier, Military Dependent over the age of 18, or DA Civilian only when the subject is a Soldier. Soldiers can file a complaint on behalf of their family member. Complaints of sexual harassment involving only civilian personnel are received by Equal Employment Opportunity (EEO) Personnel.

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 individual 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. There are no timelines for informal complaints, however it must be handled as quickly and fairly as possible.

(3) A formal complaint is one that is filed in writing and swears to the accuracy of the information. 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 Form). Individuals are encouraged to file a formal Sexual Harassment Complaint Form within 60 calendar days from the time the last incident occurred.

(4) The POC 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 any sexual contact, characterized by use of force, physical threat or abuse of authority or when the victim does not or cannot consent. There is no consent where the person is sleeping or incapacitated, such as due to age, alcohol or drugs, or mental incapacity.

b. Sexual assault is a crime that cannot and will not be tolerated-not in our Division and not in the United States Army. 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 applies to reports of sexual assault in which the victim is an Active Duty, Army National Guard or Army Reserve Soldier or a military dependent 18 years of age or older when the sexual assault was perpetrated by someone other than a spouse or intimate partner.

d. There are two reporting options available for victims of Sexual Assault: Restricted and Unrestricted.

(1) Restricted reporting allows a victim to receive medical, counseling, legal and advocacy support services without triggering an investigation into the assault. To exercise this option, the victim may only report the sexual assault to a SARC, UVA, or Health Care Provider. In the course of 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. Once reported to any other individuals, the option of restricted reporting may become unavailable. A victim may, at any time, change the report from Restricted to Unrestricted.

(2) Unrestricted reporting allows a victim of sexual assault the same services as restricted reporting, but 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 which the UCMJ, policies, or applicable laws dictate be notified of such a charge.

(3) Victims electing either reporting option by initialing and signing the DD Form 2910 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.

(4) 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 rights enforced by Department of Defense Directives which include:

(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 public preliminary hearings, Pretrial confinement hearings, court proceedings, and clemency and parole hearings, related to the offense;

(d) The right to be present at public proceedings relating 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;

(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.

## 12. Retaliation/Reprisal

a. Reprisal is defined as taking or threatening to take an unfavorable personnel action, or

(1) Withholding or threatening to withhold a favorable personnel action, or

(2) Any other act of retaliation, against a Soldier or Family member, for making or preparing a formal MEO complaint, a DA Civilian for engaging in activity in opposition to perceived discrimination; or against an alleged subject under investigation.

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

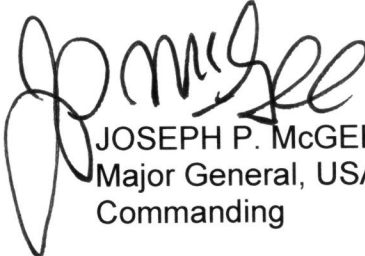
c. If the retaliatory behavior is criminal in nature and the victim filed an unrestricted report, the crime should be immediately reported to CID, even if the crime is not something normally reported to CID (for example, victim's personal vehicle was defaced).

d. Commanders should consult with their servicing legal advisor and/or IG for guidance on implementation of policy regarding reports of retaliatory behaviors.

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, 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 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.



JOSEPH P. MCGEE  
Major General, USA  
Commanding

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