



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HEADQUARTERS AND HEADQUARTERS COMPANY
16TH SPECIAL TROOPS BATTALION
UNIT 27503
APO AE 09139

AETS-SBH-CO

R: 9 July 2012
1 October 2011

MEMORANDUM FOR Headquarters and Headquarters Company, 16th Special Troops Battalion

SUBJECT: Command Policy Letter #3: Sexual Harassment / Assault Response and Prevent (SHARP) Program

1. References:

- a. DoD Instruction 6495.01, Sexual Assault Prevention Response (SAPR) Program, 6 October 2005.
- b. DoD Instruction 6495.02, Sexual Assault Prevention and Response Program Procedures, 23 June 2006.
- c. Army Regulation 600-20, Army Command Policy, Chapter 7, Prevention of Sexual Harassment, 18 March 2008.
- d. Army Regulation 600-20, Army Command Policy, Chapter 8, Sexual Assault Prevention and Response Program, 18 March 2008.
- e. USAREUR TASKORD 09-174, Sexual Assault and Prevention Response Training, 5 January 2009.
- f. 21ST TSC TASKORD 8365-12, Sexual Assault and Prevention and Response (SAPR) Program, 30 December 2009
- g. Special Troops Battalion Policy Letter # 4: Command Policy on the Prevention of Sexual Harassment (POSH), dated 25 April 2012.

2. This policy applies to all HHC, 16th Special Troop Battalion military and DA Civilian employees and their Family members both on and off post, and during duty and non-duty hours.

3. I am committed to ensuring that Soldiers, civilian employees, and Family members live and work in an environment free of sexual harassment and sexual assault. Leaders at every level must be committed to creating and maintaining an environment that promotes productivity and respect for human dignity. Sexual assault destroys teamwork and negatively affects combat readiness.

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4. Victims' Rights:

a. Prevention of sexual harassment and sexual assault is everyone's responsibility. Every Soldier, civilian employee, and Family member is to be treated with fairness, respect and with dignity.

b. Leaders have a special responsibility to prevent sexual harassment and sexual assault by setting an example of how to treat others and by creating an environment conducive to good order and discipline.

5. Sexual harassment.

c. Sexual harassment is defined as:

(1) A form of gender discrimination that involves unwelcome sexual advances, request for sexual favor, and other verbal or physical conduct of a sexual nature when:

(a) A person's job, pay, or career is placed at risk

(b) An employee's employment or career is placed in jeopardy

(c) It creates an intimidating, hostile, or offensive work environment

d. Any Soldier or civilian employee 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 another Soldier or civilian employee is engaging in sexual harassment. Any behavior of a sexual nature that creates a hostile work environment also constitutes sexual harassment.

e. Any members of the unit who believe that they are victims of sexual harassment can report it to their immediate chain of command, Equal Opportunity Advisor (EOA), Inspector General, chaplain or Staff Judge Advocate's office.

f. Complainants may choose to file either a formal or informal complaint. Regardless of what type of complaint is filed, the agency that receives the complaint will tell the complainant what role the agency has, what will be done with the complaint and assist the commander in resolving the complaint at the lowest level possible. The complainant and accused have the option to appeal the results.

6. Sexual assault.

a. Sexual assault is defined as:

(1) Sexual assault is intentional sexual contact, characterized by use of force, physical threat or abuse of authority or when the victim does not or cannot consent.

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(2) Sexual assault includes rape, nonconsensual sodomy (oral or anal), indecent assault (unwanted, inappropriate sexual contact or fondling) or attempts to commit these acts.

(3) "Consent" shall not be deemed or construed to mean the failure of the victim to offer physical resistance. Consent is not given when a person uses force, threat of force, or coercion against the victim, or when the victim is asleep, incapacitated or unconscious.

b. Sexual assault can occur without regard to gender or spousal relationship or age of victim. These offences, which are punishable as crimes under federal and civilian laws, and especially under the UCMJ which include rape or carnal knowledge (Article 120, UCMJ), forcible sodomy (Article 125, UCMJ), assault with the intent to commit rape, sodomy and indecent assault (Article 134, UCMJ), or an attempt to commit any of these offences (Article 80, UCMJ).

c. Anyone who is aware of a sexual assault incident should report it to the Sexual Assault Response Coordinator (SARC) or the brigade Sexual Harassment / Assault Response and Prevent (SHARP) representative within 24 hours. Every allegation will be investigated without compromising confidentiality of the victim, witness and subject. Substantiated cases will be handled in accordance with the UCMJ and other federal and local civilian laws.

d. Victims will be provided with information on their rights, including the right to refuse services- Restricted Report, the scope and limitations of the advocate's role, available options and resources (e.g. medical, legal and chaplain services)- Unrestricted report, so that victims can make an informed decisions on their case.

7. Those who commit sexual assault offences will be held fully accountable. Victims will be treated with dignity, fairness and respect. Victims are encouraged to seek guidance from the SARC and unit SHARP. The SARC and unit SHARP will ensure each victim receives treatment and/or care without initiating the investigative process. SARC contact information will be disseminated to all section leaders for posting.

8. Sexual harassment and sexual assault training will be conducted every quarter for ALL Soldiers that are assigned to HHC, 16th Special Troops Battalion.

9. Training will be conducted in according with AR 600-20, sections 7-8 & 8-7. The training will be scenario based using real life situations to demonstrate the entire cycle of reporting, response, and accountability procedures. Soldiers must understand what sexual harassment and assault is, how to recognize it, how to prevent it, how to report it, and the consequences of engaging in sexual harassment and assault conduct.

10. The training will be based on Army values to promote respect and dignity and to reinforce the Army's commitment to the Warrior Ethos. The training should be inclusive of audience with interactive small group participation broken down into three groups:

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- a. E-1 thru E-4, and Civilians not in supervisory or management positions
- b. E-5 thru E-7, O-1 thru O-3, WO1 thru WO2, and Civilian supervisors
- c. E-8 & E-9, O-4 thru O-6, WO3 thru WO5, and Civilian Managers

11. There are various resources available for victims of sexual assault. The Sexual Harassment/Assault Response & Prevention (SHARP) Program's website at <http://sexualassault.army.mil> is a valuable resource. Another resource is Army One source at <http://armyonesource.com> or call international toll free: 800-464-81077. The 24-hour on-call sexual assault response program phone number is 0162-510-2917.

12. Sexual harassment and sexual assault will not be practiced, condoned, or tolerated. Violations of sexual assault are punishable under UCMJ and other Federal and local civilian laws. Sexual assault is incompatible with Army values. Leaders will ensure that everyone understands this policy.

13. The point of contact for this memorandum is the undersigned at DSN: 469-8029, gerson.s.ramirez.mil@mail.mil.



GERSON S. RAMIREZ

CPT, LG

Commanding