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**U.S. Army Cyber Center of Excellence  
(Cyber CoE) and Fort Gordon  
506 Chamberlain Avenue  
Fort Gordon, Georgia 30905**

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**SEXUAL HARASSMENT/ASSAULT RESPONSE  
AND PREVENTION (SHARP)  
STANDARD OPERATING PROCEDURES**

**Effective Date 1 JAN 2018**

**Installation SHARP Office  
271 Heritage Park Lane  
Fort Gordon, Georgia 30905**

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DEPARTMENT OF THE ARMY  
INSTALLATION SHARP OFFICE  
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FORT GORDON, GEORGIA 30905-5729

ATZH-SHARP

1 JAN 2018

MEMORANDUM FOR Cyber Center of Excellence and Fort Gordon, GA 30905

SUBJECT: Installation Sexual Harassment/Assault Response and Prevention (SHARP) program Standard Operating Procedures (SOP)

1. Purpose: To outline the installation and organizational SHARP policies and procedures set for the Cyber Center of Excellence and Fort Gordon, GA. This Standard Operating Procedure (SOP) complies with current procedures outlined in DoD and Army policies.
2. General: Each member of our DoD community plays a vital role in preventing and responding to sexual harassment and sexual assault. We must recognize our part in stopping these crimes starting with our own awareness and knowing what to say and when to safely intervene. This means all members of our DoD community must be involved in the prevention of sexual harassment and sexual assault. Leader involvement and support is key to the SHARP program.
3. Summary: This SOP provides guidance on the SHARP program. The expectation is that all leaders read, become familiar with, and execute these policies and procedures outlined and described in this SOP.
4. This SOP is a "living" document. Interim changes to this SOP are not official unless the Fort Gordon Commanding General approves them. This SOP applies to all units and personnel assigned or attached to Fort Gordon. This SOP supersedes all previous Installation SHARP SOPs.
5. Point of Contact for this memorandum is the Installation SHARP Office at [Julia.m.armstrong.civ@mail.mil](mailto:Julia.m.armstrong.civ@mail.mil) or at (706) 791-9846/9556/4284.

A handwritten signature in black ink, appearing to read "Julia M. Armstrong", is positioned above the typed name.

JULIA M.ARMSTRONG  
SHARP Program Manager  
CCoE and Fort Gordon

## **Chapter 1: INTRODUCTION AND KEY POSITIONS/TERMS**

### **1. INTRODUCTION.**

Readiness is the Army's number one priority. The SHARP program must be given our highest priority. Without a ready force we cannot train, therefore we cannot fight. This chapter serves to define the various SHARP positions and key terms that serve as the foundation of the overall program.

### **2. APPLICABILITY.**

The procedures in this SOP are applicable to all elements assigned or attached to the Cyber Center of Excellence (CCoE) and Fort Gordon to include joint service members, Department of Defense (DoD) Civilians, retirees, adult dependents, National Guard and Reserve Component members involving any incidents of sexual harassment and sexual assault.

### **3. OBJECTIVES.**

The overall objective of this SOP is to provide guidelines for standardized procedures for the education, prevention, reporting, investigation, action, follow-up and treatment of victims of sexual assault. This SOP assigns responsibility for the Sexual Harassment and Assault Response and Prevention (SHARP) program and Sexual Assault Prevention and Response (SAPR) program. The SHARP program promotes empathetic care and confidential reporting for victims of sexual harassment and sexual assault and accountability for those who commit misconduct and crimes.

### **4. DEFINITIONS.**

a. **SHARP Program Manager (PM):** The PM is an individual (LTC or above, GS-12 or above) who serves as the designated program manager at the Installation level. The PM coordinates and oversees the local implementation and execution of the SHARP program. The PM is responsible for program management support to include strategic planning and policy/action plan development, conducts analysis of SHARP policy/program effectiveness and provides assistance to installation units. The PM is the SHARP expert in procedures, victim advocacy, reporting/investigative procedures, and decision points and impacts related incidents of sexual assault and sexual harassment. The PM is responsible for developing program objectives, policies, performance measures for program effectiveness through a comprehensive policy and program that centers on awareness, prevention, training, education, victim advocacy, response, reporting and follow-up actions. Ensures that the senior commander is kept abreast of program and policy changes or updates and all reports/cases of sexual assault within the senior commander's area of responsibility. The appointing authority for the Program Manager is the first General Officer or member of the senior executive service in the PM's chain of command. This authority may not be delegated.

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b. **Sexual Assault Response Coordinator (SARC):** The SARC is an individual (SFC or above, MAJ/CW3 or above, GS-11 or above) who serves as the designated program coordinator of victim support services to coordinate and oversee reports of sexual harassment and sexual assault. The SARC will ensure that cases are managed correctly and presented at the monthly Sexual Assault Review Board (SARB). The SARC will be contacted immediately when a report of sexual assault occurs. The SARC will ensure that the Victim Advocate (VA) services are explained to the victim and assign a VA if the victim desires one. The appointing authority for AC/USAR military full-time SARCs is the first General Officer or member of the senior executive service in the SARC's chain of command. The appointing authority for AC/USAR military collateral duty SARCs is the O-6 Brigade Commander or civilian GS-15. This authority may not be delegated.

c. **Victim Advocate (VA):** The VA is an individual (SSG or above, 1LT/CW2 or above, GS-9 or above) appointed on orders to perform duties in his or her unit of assignment, whether deployed or in garrison. The appointing authority for AC/USAR military full-time and collateral duty SHARP VAs is the brigade commander or his or her equivalent-level commander or civilian supervisor (serving in a grade no lower than colonel or GS-15). This authority may not be delegated.

**\*\*An Exception to Policy for any rank waiver** must be signed by the first GO/SES in the SARC or SHARP VA candidates' chain of command, concurrence from the ACOM/ASCC/DRU SHARP PM, and approved by the HQDA Director, SHARP.

d. **Sexual Harassment (SH):** Sexual Harassment is a form of gender discrimination that:

(A) involves unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature between the same or opposite genders when:

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

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

(3) 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.

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

e. **Sexual Assault (SA):** 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. SA includes rape, nonconsensual sodomy (oral or anal sex), indecent

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assault (unwanted, inappropriate sexual contact or fondling), or attempts to commit these acts. SA can occur without regard to gender, spousal or intimate relationship, or age of victim.

f. **Sexual Assault Forensic Exam (SAFE):** The SAFE is the medical and forensic examination of a sexual assault victim under controlled procedures to ensure the physical examination process and the collection, handling, analysis, testing, and safekeeping of any bodily specimens and evidence meet the requirements necessary for use as evidence in criminal proceedings. Trained and credentialed Sexual Assault Medical Forensic Nurse Examiners (SAMFE's) conduct the SAFE at DDEAMC. A SAFE is performed for victims who report in a restricted and/or unrestricted manner. The victim's SAFE is treated as a confidential communication when conducted as part of a Restricted report. The SAFE kit used to collect the bodily specimens and evidence is stored at the Fort Gordon MP station in an evidence locker for 5 years. SAFE kits can and will be performed on any victim of a sexual assault age 12 years or older, within 168 hours (7 days) of the SA. Children under 12 years will be transported to University Hospital, Augusta GA for SAFE Kit collection. Contact the SAMFE (706) 830-6666 for assistance. SAFE Kits collected as part of an Unrestricted report are packaged and given to the Military Criminal Investigative Organization (MCIO) or local law enforcement as part of the evidence chain of custody. SAFE Kits can also be performed to collect evidence on an alleged Subject, either at the Subject's request, or the request of an investigative agent.

g. **Consent:**

(A) The term "consent" means a freely given agreement to the conduct at issue by a competent person.

- An expression of lack of consent through words or conduct means there is no consent.
- Lack of verbal or physical resistance or submission resulting from the use of force, threat of force, or placing another person in fear does not constitute consent.
- A current or previous dating or social or sexual relationship by itself or the manner of dress of the person involved with the accused in the conduct at issue shall not constitute consent.

(B) A sleeping, unconscious, or incompetent person cannot consent. A person cannot consent to force causing or likely to cause death or grievous bodily harm or to being rendered unconscious. A person cannot consent while under threat or fear or under the circumstances described in subparagraph (C) or (D) of subsection (b) (1).

(C) Lack of consent may be inferred based on the circumstances of the offense. All the surrounding circumstances are to be considered in determining whether a person gave consent, or whether a person did not resist or ceased to resist only because of another person's actions.

A person who commits a sexual act upon another person:

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When the person knows or reasonably should know that the other person is asleep, unconscious, or otherwise unaware that the sexual act is occurring; or when the other person is incapable of consenting to the sexual act due to —

(A) Impairment by any drug, intoxicant, or other similar substance, and that condition is known or reasonably should be known by the person; or

(B) A mental disease or defect, or physical disability, and that condition is known or reasonably should be known by the person - is guilty of sexual assault.

Consent cannot occur by anyone who is under the age of 16 IAW Georgia Law. Soldiers, Civilians, and Family members are strongly encouraged to never presume to take the risks associated with questionable incapacitation or ambiguous consent of another person, or perceived burdens of proof after the fact. In such cases, always assume the answer is “No”.

h. **Retaliation:** Retaliation is defined as taking or threatening to take an adverse or unfavorable personnel action, or withholding or threatening to withhold a favorable personnel action, with respect to a victim or other member of the Armed Forces because the individual reported a criminal offense or was believed to have reported a criminal offense:

(A) Personnel action is defined as any action taken against a member of the Armed Forces that affects, or has the potential to affect, that member's current position or career. Such actions include but are not limited to: a promotion; a disciplinary or other corrective action; a transfer or reassignment; a performance evaluation; a decision on pay, benefits, awards or training, relief and removal; separation; discharge; referral for mental health evaluations, and any other significant change in duties or responsibilities inconsistent with the member's grade.

\*\*Allegations of personnel action retaliation of this type will be referred to, and investigated by, the appropriate Inspector General.

(B) Ostracism is defined as excluding from social acceptance, privilege or friendship a victim or other member of the Armed Forces because: (a) the individual reported a criminal offense; (b) the individual was believed to have reported a criminal offense; and(c) the ostracism was motivated by the intent to discourage reporting of a criminal offense or otherwise to discourage the due administration of justice; or

(C) Acts of cruelty, oppression or maltreatment committed against a victim, an alleged victim or another member of the Armed Forces by peers or other persons, because the individual reported a criminal offense or was believed to have reported a criminal offense.

\*\*Allegations of ostracism, acts of cruelty, oppression or maltreatment retaliation will be referred to a Battalion Commander or higher commander to develop a plan to

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immediately address the issue and forward the plan to the SARB chair per Army Directive 2015-16

i. **High Risk Response Team (HRRT):** The HRRT is a multi-disciplinary team that will form and meet to discuss the victim that has been assessed to be in a high-risk situation and to continually monitor the victim's safety by assessing danger and developing a plan to manage the situation. The HRRT shall be chaired by the victim's immediate commander and, at a minimum, include the alleged offender's immediate commander; the victim's SARC and SAPR VA; the MCIO, the judge advocate, and the VWAP assigned to the case, victim's healthcare provider or mental health and counseling services provider; and the personnel who conducted the safety assessment. The responsibility of the HRRT members to attend the HRRT meetings and actively participate in them will not be delegated. See Enclosure 9 DoDi 6495.02, 24 May 2017

j. **Sexual Assault Review Board (SARB):** The Sexual Assault Review Board is sometimes referred to as the Case Management Group (CMG) or Sexual Assault Case Management Group Procedures (SACMG) This monthly meeting, chaired by the Installation Commander or the Deputy Installation Commander, will provide oversight for Unrestricted Reports of adult sexual assaults. Cases discussed at the SARB are triggered by open cases in DSAID initiated by a DD Form 2910 or an investigation initiated by an MCIO. The SARB meets on a monthly basis to review individual cases, facilitate monthly victim updates, and direct system coordination, accountability, entry of disposition and victim access to quality services. If there are no cases in a given month, the SARB will still meet to ensure training, processes, and procedures are complete for the system coordination.

k. **Military Rules of Evidence 514 (M.R.E 514) Victim Advocate – Victim privilege:**

(A) *General rule of privilege.* A victim has a privilege to refuse to disclose and to prevent any other person from disclosing a confidential communication made between the victim and a victim advocate, in a case arising under the UCMJ, if such communication was made for the purpose of facilitating advice or supportive assistance to the victim.

(B) *Definitions.* As used in this rule of evidence:

- (1) A "victim" is any person who suffered direct physical or emotional harm as the result of a sexual or violent offense.
- (2) A "victim advocate" is a person who is:
  - (a) designated in writing as a victim advocate
  - (b) authorized to perform victim advocate duties in accordance with service regulations, and is acting in the performance of those duties
  - (c) certified as a victim advocate pursuant to Federal or State requirements.



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(3) A communication is “confidential” if made to a victim advocate acting in the capacity of a victim advocate and if not intended to be disclosed to third persons other than:

- (a) those to whom disclosure is made in furtherance of the rendition of advice or assistance to the victim or
- (b) an assistant to a victim advocate reasonably necessary for such transmission of the communication.

(4) An “assistant to a victim advocate” is a person directed by or assigned to assist a victim advocate in providing victim advocate services, or is reasonably believed by the victim to be such.

(5) “Evidence of a victim’s records or communications” is testimony of a victim advocate, or records that pertain to communications by a victim to a victim advocate, for the purposes of advising or providing supportive assistance to the victim.

(C) *Who may claim the privilege?* The victim or any guardian or conservator of the victim may claim the privilege. A person who may claim the privilege may authorize trial counsel or a defense counsel representing the victim to claim the privilege on his or her behalf. The victim advocate who received the communication may claim the privilege on behalf of the victim. The authority of such a victim advocate, guardian, conservator, or a defense counsel representing the victim to so assert the privilege is presumed in the absence of evidence to the contrary.

(D) *Exceptions.* There is no privilege under this rule:

- (1) when the victim is dead;
- (2) when Federal law, State law, or service regulation imposes a duty to report information contained in a communication;
- (3) if the communication clearly contemplated the future commission of a fraud or crime or if the services of the victim advocate are sought or obtained to enable or aid anyone to commit or plan to commit what the victim knew or reasonably should have known to be a crime or fraud;
- (4) when necessary to ensure the safety and security of military personnel, military dependents, military property, classified information, or the accomplishment of a military mission;
- (5) when necessary to ensure the safety of any other person (including the victim) when a victim advocate believes that a victim’s mental or emotional condition makes the victim a danger; or
- (6) when admission or disclosure of a communication is constitutionally required.

## Chapter 2: INSTALLATION SHARP POLICY

### 1. PURPOSE.

The purpose of this chapter is to outline Installation SHARP policy on sexual harassment, sexual assault and retaliation as it applies to CCoE and Fort Gordon, GA.

### 2. GENERAL.

Sexual harassment, sexual assault, and retaliation incidents have an adverse impact on Army readiness. It is U.S. Army policy that sexual harassment and sexual assault are unacceptable conduct and will not be tolerated. Leaders at all levels will commit to creating and maintaining an environment conducive to mission accomplishment, taking care of Soldiers and respect for human dignity

### 3. POLICY.

a. **Sexual Harassment:** Sexual harassment destroys teamwork and negatively affects combat readiness. We base our success on mission accomplishment. Successful mission accomplishment is achieved only in an environment free of sexual harassment for all personnel. The prevention of SH is the responsibility of every Soldier and DA Civilian. Leaders set the standard for Soldiers and DA Civilians to follow.

b. **Sexual Assault:** Sexual assault is incompatible with Army values and is punishable under the Uniformed Code of Military Justice (UCMJ) and other Federal and local civilian laws. It degrades mission readiness by devastating the Army's ability to work effectively as a team. Victims can report their SA to any leadership they trust; however, only a SARC or VA can offer them a Restricted Report.

(1) Personnel will use discipline, training, education, leadership awareness and the UCMJ to minimize SA, to promote the sensitive handling of victims of SA, to offer victim assistance and counseling, to hold those who commit SA offenses accountable, to provide confidential avenues for reporting, and to reinforce a commitment to Army values.

(2) Personnel will treat all victims of SA with dignity, fairness, and respect.

(3) Personnel will treat every reported SA incident seriously. The information and circumstances of the allegations will be disclosed on a need-to-know basis only, regardless of the reporting option utilized.

c. **Retaliation:** Any retaliation will not be tolerated. Throughout any case of either sexual harassment or sexual assault, the Inspector General, unit chain of command, or Staff Judge Advocate will immediately investigate any instance of retaliation. It is important to note that anybody can experience overt and unintended retaliation to include the victim(s); offender; bystanders and witnesses; SHARP personnel;

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subordinate, peers, and superior personnel involved or associated with the incidents. At all times and in multiple venues all SHARP partners and unit personnel should be asked and feel free to report any form of retaliation in order to immediately protect survivors of original crime, new victims of the retaliation, rectify the situation, and hold offenders accountable for new retaliation crimes.

## Chapter 3: REPORTING SEXUAL HARASSMENT

### 1. PURPOSE.

To establish guidelines and proper reporting procedures in response to sexual harassment incidents.

### 2. GENERAL.

Having effective sexual harassment reporting procedures in place is essential to the Army's readiness. Personnel must understand what sexual harassment is and how to properly report it.

### 3. REPORTING SEXUAL HARASSMENT.

a. Sexual harassment affects the unit and individuals in a negative manner. Sexual harassment destroys unit cohesion and creates an environment that is difficult for individuals to succeed in accomplishing their unit's mission. Soldiers and Civilians will intervene if they witness or become aware of verbal, nonverbal, or physical sexual harassment behaviors or innuendos. Complainants have the option to handle sexual harassment directly, indirectly, through third party assistance, the chain of command or through formal complaint procedures. When sexual harassment incidents occur, everyone has a responsibility to intervene in order to eliminate future occurrences and protect our fellow Soldiers, Family members, and Civilians during these life-altering, traumatic events. Refer to AR 600-20, Chapter 7 for the Sexual Harassment Complaint Processing System, when the subject of the complaint is a Soldier.

b. Sexual harassment complaints filed against Civilian or contractor employees are not processed through the SHARP Program and will be referred to the Equal Employment Opportunity (EEO) system for processing IAW CFR, Title 29, Part 1604.11, and other guidelines set forth by the Equal Employment Opportunity Commission. A civilian employee should report any instance of sexual harassment to the Equal Employment Opportunity (EEO) Office, IAW AR690-600. EEO can be contacted at (706) 791-4551.

c. SHARP BN level SARCs and VAs will advise unit personnel, assist in resolving informal complaints, and refer formal complaints to the BDE SARC. In the SHARP program, **BDE SARCs are the only SHARP personnel authorized to process a formal sexual harassment complaint.** Informal complaints may be received by the chain of command, higher headquarters within the chain of command, SHARP representatives, the Inspector General's office, the Staff Judge Advocate's Office, the Provost Marshal's Office, the Chaplain's Office, the Housing Referral Office, and Medical Agency personnel. At a minimum, SH complaints will be considered using the following criteria:

- (1) Is the behavior sexual in nature?

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- (2) Is the conduct unwelcome?
- (3) Do the elements of power, control, or influence exist?
- (4) Does the behavior create a hostile or offensive environment?
- (5) Is the behavior a repeated incident?
- (6) Is the behavior inappropriate?

d. SHARP SARC's ensure SH complainants are informed of complaint types, support services, and rights. SH complaints are not subject to confidentiality. This assistance begins with the initial report and continues through the disposition and resolution of the victim's health and well-being.

e. Informal Complaints: An informal complaint is any complaint not filed in writing. It is treated with a sense of urgency and may be resolved directly, indirectly, through third party assistance or the chain of command. All SHARP representatives to include Company Victim Advocates or command teams will assist to resolve an informal complaint; they will document the incident with a Memorandum for Record (MFR). The SHARP SARC or VA assisting with the informal complaint will maintain a copy of the MFR and an additional copy will be provided to the BDE SARC.

f. Formal Complaints:

(1) According to AR 600-20, Appendix D, Soldiers should file formal complaints within 60 calendar days of the date of the incident.

(2) Brigade Commanders will notify the Commanding General within three (3) calendar days and have 14 calendar days to complete an investigation by an appointed Investigating Officer (IO). A 30-day extension may be granted from the next higher commander if circumstances require it. Further extensions can be approved only by the first GO in the chain of command. Complainants must be notified of extensions. Brigade Commanders have the option to delegate the investigation down to the BN level. The IO will meet with the SJA and BDE SARC to review procedures applicable to AR 15-6 and AR 600-20 and both the SJA's and BDE SARC's review will accompany the investigation. The appointing authority will ensure that reprisal plans are in place for the protection of all parties involved and will make a decision regarding the complaint once the investigation is complete.

(3) The complainant and/or the subject has the right to appeal to the next higher commander within seven calendar days of the appointing authority's decision. The investigative process can be appealed, not the outcome. The next higher commander has 14 calendar days to review the case and act on the appeal. Final decisions on

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complaints/appeals not resolved at brigade level rest with the General Courts-Martial Convening Authority.

(4) The BDE SARC will conduct a follow-up assessment of formal SH complaints, both substantiated and unsubstantiated, 30-45 days following the final decision utilizing DA Form 7279-1. The entire case is filed with the BDE SARC and retained on file for two years. A MFR is provided to the Installation SHARP Office and kept on file for two years. The BDE SARC is also responsible for providing a roll up of annual informal and formal sexual harassment complaints to the Installation office for submission as part of the annual TRADOC Data Call requirement. **The BDE SARC will enter all Sexual Harassment complaints (Formal and Informal) into the Integrated Case Reporting System (ICRS) within 48 hours.**

(5) Although the processing of complaints through the unit chain of command is strongly encouraged, it will not serve as the only channel available to Soldiers to resolve complaints. Should the complainant feel uncomfortable in filing a complaint with his/her unit chain of command, or should the complaint be against a member of that chain of command, a number of alternative agencies exist through which the issues may be identified for resolution. Each of these agencies provides expertise in very specific subject areas. Commanders will not preclude Soldiers from using these channels in accordance with the procedures inherent/established by these agencies:

- (a) Someone in a higher echelon of the complainant's chain of command.
- (b) Inspector General.
- (c) Chaplain.
- (d) Provost marshal.
- (e) Medical agency personnel.
- (f) Staff Judge Advocate.
- (g) Chief, Community Housing Referral and Relocation Services Office

# SEXUAL HARASSMENT COMPLAINT PROCESS



Make an informal complaint. Report inappropriate behavior without initiating a full investigation. This may be most appropriate for minor infractions when the victim simply wants the behavior stopped.

**If You Are The Victim**

BLDG # RC 001  
 Call the Fort Gordon SHARP HOTLINE to clarify whether an incident or behavior qualifies as sexual harassment.  
**706-791-6297**

**If Behavior Persists**

File a formal written complaint on a DA Form 7279 with any of the following agencies. Complaints must be filed within 60 days of the incident. Complaints made after 60 days may be pursued at the commander's discretion.

CHAIN OF COMMAND	SHARP	INSPECTOR GENERAL	HOUSING REFERRAL OFFICE	JUDGE ADVOCATE GENERAL	MILITARY POLICE OR CRIMINAL INVESTIGATOR	CHAPLAIN	MEDICAL AGENCY
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**3 DAYS**  
 Complaints, except those filed with the I.G., must be acted upon within three calendar days. Complaints filed with an agency against a member of the Chain of Command will be referred to the next higher commander in the chain. All formal complaints will be reported within 72 hours to the first General Courts-Martial Convening Authority (GCMCA) in the Chain of Command. Provide a progress report to the GCMCA 20 days after the date on which the investigation commenced and 14 days thereafter until completion.

**14 DAYS**  
 The commander or the investigating officer appointed by the commander has 14 calendar days to investigate the allegations. The commander will meet with the victim and the subject(s) of the complaint to discuss the outcome and results. A 30-day extension may be granted from the next higher commander if circumstances require it. Further extensions can be approved only by the first General Officer in the Chain of Command. Complainants must be notified of extensions.

**7 DAYS**  
 The complainant and/or subject(s) of the complaint have seven calendar days to appeal to the next higher commander if he or she is dissatisfied with the investigation results or actions taken. That commander has 14 days to act on the appeal and provide written feedback on the results. Final decisions on complaints/appeals not resolved at brigade level rest with the General Courts-Martial Convening Authority.

**30-45 DAYS**  
 30-45 days after final decision of the formal complaint (substantiated and unsubstantiated), an assessment is conducted by the BDE SARC to determine the effectiveness of any corrective actions taken and to detect and deter any incidents of reprisal. Reports and recommendations are submitted to the Commander on a DA Form 7279-1 NLT 45 days following final decisions made on complaints.

DA POSTER 600-4, March 2007 (Modified SEPT 2016)  
**COMPLAINT PROCESS**

## **Chapter 4: REPORTING SEXUAL ASSAULT**

### **1. PURPOSE.**

To establish guidelines and proper reporting procedures in response to sexual assault incidents.

### **2. GENERAL.**

Having effective sexual assault reporting procedures in place is essential to the Army's readiness. Personnel must understand what sexual assault is and how to properly report it.

### **3. REPORTING SEXUAL ASSAULT.**

1. Response: Response occurs following a SA incident. SA victims are informed of available reporting options, support services, and victim rights including privacy protection. Advocacy services are optional for victims. Victims may request or decline services at any time. When a SA incident occurs, the safety and care of victims are the highest priority. The victim may choose not to receive medical care. Medical attention includes physical and mental care. Effective first response includes obtaining sufficient information from the initial contact to assess safety concerns, determine incident location, obtain contact information, and establish prompt, face-to-face contact with the victim. The CCoE and FGGA standard is to confirm contact between a victim and VA within one hour of notification to the Installation SHARP hotline or the BDE SHARP representative.

2. Credentialed Victim Advocate response duties include:

(a) Advise victim of rights and available reporting options.

(b) Advocate and offer services.

(c) Notify BDE SARC.

(d) Advise command team (Unrestricted SA Reports Only).

(e) Notify Military Criminal Investigative Organization (NCIS, CID, OSI, Local Law Enforcement).

### **4. MILITARY PROTECTIVE ORDER (MPO).**

MPOs provide a legal means to limit contact between two individuals. This can be particularly important to the victim/survivor of a sexual assault who does not wish to be confronted by an alleged perpetrator or have contact with him/her.



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(a) Military Protective orders or a No-Contact Order will be issued in all cases of sexual assault. These will be put in place at the earliest opportunity (once immediate safety and emergency medical services have been provided for) using DD Form 2873. The MPO is placed on the alleged subject and a copy is provided to the victim.

**Commanders should be cognizant to redact personal information from the MPO (street address, phone number, vehicle information etc.) before providing either party with a copy of the MPO.**

(b) A Copy of completed DD Form 2873 will be forwarded to the Installation Law Enforcement Center, Installation SHARP Office, and Brigade SHARP Office. The installation law enforcement agency (DES/MP) will enter the MPO in National Crime Information Center (NCIC), for the duration of the order. The appropriate civilian and military authorities ***will be*** notified of any change in or termination of the MPO and have the installation law enforcement agency update the NCIC entry. The BDE SARC is responsible for tracking that the victim's Commander has followed the requirements of the MPO.

### 5. MILITARY NO-CONTACT ORDER.

Military no-contact orders are similar to civilian temporary restraining orders. Military Protective orders or a No-Contact Order will be issued in all cases of sexual assault. They may be ex parte if the issuing authority considers it necessary to ensure the safety and security of persons for whom the command is responsible.

(a) Military no-contact orders are based upon a balancing of interests. The greater the crisis and the need to protect, the greater the need to move quickly and to focus on the safety of the person(s) needing protection. As the crisis abates and long-term solutions are considered and put into effect, the need for a military no-contact order diminishes.

(b) Military no-contact orders are administrative in nature, unlike most pretrial restraint and pretrial confinement, but they do constitute conditions on liberty and must be tailored appropriately after consulting with the judge advocate or legal advisor. Military no-contact orders directed to military personnel may include, but are not limited to direction to refrain from contacting, harassing, or touching certain named persons: direction to remain away from specific areas, or direction to do, or refrain from doing, certain acts or activities.

(c) The order will specify its duration, the factors permitting the lifting of the order, or the fact that it is in effect until further notice by the issuing authority or designee. The BDE SARC is responsible for tracking that the victim's Commander has followed the requirements of the No-Contact Order.

### 6. NOTIFICATION.

Everyone must recognize the importance of protecting the privacy of victims of SA. A climate that promotes privacy and confidentiality will have a positive impact in reporting

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SA incidents. Limit the details regarding the incident to only those personnel who have a legitimate need to know.

### 7. REPORTING OPTIONS.

Service members and their dependents who are 18 years of age or older who are sexually assaulted have two reporting options: **Unrestricted or Restricted**. Only a SARC, VA, or healthcare personnel may receive a Restricted Report. DoD civilian employees and their family dependents and DoD Contractors are only eligible for the Unrestricted Reporting option. Installation SARC, Brigade or Battalion SARC/VA, Medical Personnel or Chaplain can be a first responder for either Restricted or unrestricted reporting. All Restricted and Unrestricted reports will be entered into the Defense Sexual Assault Incident Database (DSAID) within 48 hours of receiving the report. The BDE SARC is also responsible for providing a roll up of annual reporting information to the Installation office for submission as part of the annual TRADOC Data Call requirement.

a. Victims may elect to have medical treatment after a sexual assault. Healthcare personnel (SAMFE's) will conduct a medical assessment with the patient, utilizing DD2911 – Sexual Assault Medical Forensic Examination Report, which includes information acquired from a Sexual Assault Forensic Examination (SAFE) Kit. Victims who chose to have a sexual assault forensic exam will be transported to Dwight D. Eisenhower Army Medical Center (DDEAMC) by military vehicle, or will transport themselves. SARCs or VAs will not report to law enforcement or command to initiate the official investigative process unless the victim consents and elects to the DD2910 – Victim Reporting Preference Statement, or an established exception applies.

b. All victims who are eligible for a Restricted or Unrestricted reporting option will be offered a DD Form 2910 (Victim Reporting Preference Statement). The DD Form 2910 may only be administered and signed by a trained and DoD-credentialed VA or SARC and reported to installation SARC/on call VA within 1 hour. Immediately after contacting the Installation SHARP team, the BDE SARC/VA will be notified.

c. Victims of sexual assault, either Restricted or Unrestricted will be offered: medical treatment, mental health treatment, chaplain services and a victim advocate, and legal support such as SVC services. These services are recommended for all victims of sexual assault.

d. Upon receipt of sexual assault allegations, Brigade SARC and installation on-call VA (Fort Gordon SHARP Hotline) will be immediately notified. When a report is made directly within the unit, the BDE SARC/VA will be notified immediately. The BDE SARC/VA will notify the installation SARC within 1 hour to ensure that the installation can notify the SC, who in turn must notify higher HQ, and so the installation SARC can work with the IOC staff for review of the SIR and release of the EXSUM to TRADOC and HQDA G1.

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### **8. RESTRICTED REPORTING.**

Restricted Reporting allows a Soldier or Family member who is a victim of sexual assault, on a confidential basis, to disclose the details of his/her assault to specifically identified individuals and receive medical treatment, a SAFE and counseling, without triggering the official investigative process. Victims who are sexually assaulted and desire restricted reporting under this policy should report the assault to the SARC/VA, chaplain or a military healthcare provider. SARC/VA will have the victim complete the restricted reporting portions of DD Form 2910 (Victim Reporting Preference Statement) IAW AR 600-20, Chapter 8, see Annex B, Tab H Sexual Assault process chart.

### **9. UNRESTRICTED REPORTING.**

Unrestricted Reporting allows a Soldier or Family Member who is sexually assaulted and desires medical treatment, counseling, and an official investigation of his/her allegation. Unrestricted reports can be made through current reporting channels (e.g., chain of command, law enforcement, or he/she may report the incident to the SARC/VA). Upon notification of a reported sexual assault, the SARC will immediately notify and assign a VA. Upon the victim's consent, he/she may be transported to a designated medical facility/hospital for a SAFE, 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. SARC/VA will complete the unrestricted reporting portions of DD Form 2910 IAW AR 600-20, Chapter 8, Annex B, Tab H Sexual Assault process chart.

a. DoD Civilian employee Sexual Assault is reported and processed through civilian and/or military law enforcement channels. Civilian employees are entitled to some DoD SHARP program services.

b. Non-Participating Victim. For victims choosing either Restricted or Unrestricted Reporting, the following guidelines apply: Details regarding the incident will be limited to only those personnel who have an official need to know. The victim's decision to decline to participate in an investigation or prosecution should be honored by all personnel charged with the investigation and prosecution of sexual assault cases, including, but not limited to, commanders, DoD law enforcement officials, and personnel in the victim's chain of command. If at any time, the victim who originally chose the Unrestricted Reporting option declines to participate in an investigation or prosecution, that decision should be honored IAW this subparagraph. However, the victim cannot change from an Unrestricted to a Restricted Report. The victim should be informed by the SARC or SAPR VA that the investigation may continue regardless of whether the victim participates.

c. Victim Confiding in another Person. In establishing the Restricted Reporting option, DoD recognizes that a victim may tell someone (e.g., roommate, friend, Family member) that a sexual assault has occurred before considering whether to file a Restricted or Unrestricted Report.

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(1) A victim's communication with another person (e.g., roommate, friend, Family member) does not, in and of itself, prevent the victim from later electing to make a Restricted Report. Restricted Reporting is confidential, not anonymous, reporting. However, if the person to whom the victim confided the information (e.g., roommate, friend, Family member) is in the victim's officer or non-commissioned officer chain of command or DoD law enforcement, there can be no Restricted Report.

(2) Communications between the victim and a person other than the SARC, SAPR VA, or healthcare personnel are NOT confidential and do not receive the protections of Restricted Reporting.

d. Independent Investigations. Are not initiated by the victim. If information about a sexual assault comes to a commander's attention from a source other than a victim who has elected Restricted Reporting or where no election has been made by the victim, that commander shall report the matter to a Military Criminal Investigation Organization (MCIO) and an official (independent) investigation may be initiated based on that independently acquired information.

(1) If there is an ongoing independent investigation, the sexual assault victim will no longer have the option of Restricted Reporting when:

(a) DoD law enforcement informs the SARC of the investigation, and

(b) The victim has not already elected Restricted Reporting.

(2) The timing of filing a Restricted Report is crucial. The victim MUST take advantage of the Restricted Reporting option BEFORE the SARC is informed of the investigation. The SARC then shall inform the victim of an ongoing independent investigation of the sexual assault. If an independent investigation begins AFTER the victim has formally elected Restricted Reporting, the independent investigation has NO impact on the victim's Restricted Report and the victim's communications and SAFE Kit remain confidential, to the extent authorized by law.

g. Notification for Sexual Assault Incidences. Initial reporting of sexual assault can be done in a variety of ways and to anyone. Personnel who become aware of a sexual assault shall immediately contact the SARC. The Fort Gordon Hotline, (706) 791-6297, is available 24 hours a day, 7 days a week.

(1) Fort Gordon SARCs, Victim Advocates, Medical Health Providers or Chaplains can be a first responder for either restricted or unrestricted reporting. Medical Providers and Chaplains will contact SAPR/SHARP personnel to process the reporting paperwork.

(2) Fort Gordon Military Police (MP), CID, or Unit Commander will notify the SARC upon responding to a sexual assault, the report is automatically considered an unrestricted report when MP, CID or Unit Commander is the first responder.

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(3) Fort Gordon Installation SARC will notify the Senior Commander and Garrison Commander within 24 hours of a restricted or unrestricted sexual assault report involving incidents on Fort Gordon and/or during training activities. If it is a restricted report, only non-identifying personal information will be provided.

(4) Installation SARC will notify the Fort Gordon CID office on any unrestricted report of sexual assault obtained from commands within Fort Gordon for investigative guidance and disposition.

(5) Fort Gordon Tenant Command SARCs and Fort Gordon Tenant Agencies and Organizations will coordinate with the Fort Gordon Installation SARC on any sexual assault incidents within their respective commands, agencies, or organizations for their notification and reporting.

(6) Each command will comply with Command Critical Information Reporting (CCIR) and/or Serious Incident Reporting (SIR) and the Sexual Assault Incident Response Oversight (SAIRO) IAW regulatory and chain of command policies and protocols involving the use of non-identifying personal information for restricted reporting.

(7) Victims who report to a SARC or VA that their spouse sexually assaulted them, or intimate partner will be immediately referred to a Family Advocacy Responder. FAP Responders can be reached at (706) 787-3656 (0730-1600 M-F) or (706) 787-5811 (after hours, weekends and holidays). For all questions or concerns regarding FAP, please contact Ms. Gail Bennett, Clinical Chief, Family Advocacy Program.

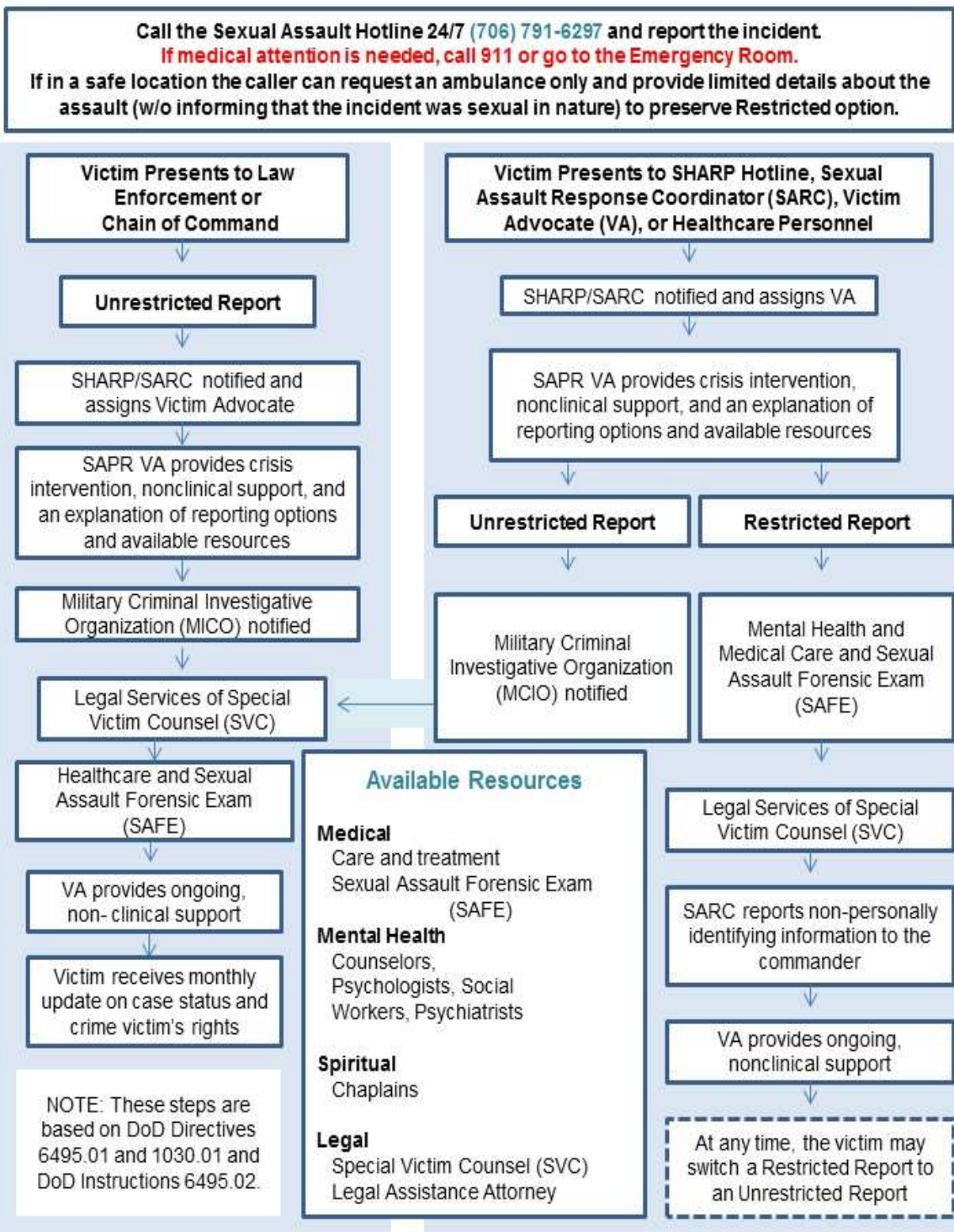
(8) Victims who are eligible for medical care at Dwight D. Eisenhower Army Medical Center (DDEAMC) on Fort Gordon, or who present as a patient for Emergency Medical Care will be offered a victim advocate. If they are not eligible for victim advocacy services through Family Advocacy Domestic Violence (DAVA) located in Army Community Service - 706-791-7867 or for victim advocacy services through SAPR/SHARP – 706-791-6297, they will be offered victim advocacy services through Rape Crisis Services of Augusta – 706-724-5200.



## Sexual Harassment/Assault Response And Prevention Sexual Assault Reporting Process



If you or someone you know has received unwanted or abusive sexual experiences (sexually assaulted),



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### 7. CONFIDENTIAL COMMUNICATION.

Regardless of whether the victim chooses restricted or unrestricted reporting, confidentiality of medical information will be maintained in accordance with guidelines on health information privacy. Information pertaining to a sexual assault will be shared on a need-to-know basis. The SARC, assigned VA or victim will coordinate or provide access any medical and/or psychological care beyond immediate/emergency care.

(a) Covered communications are oral, written, or electronic communications of personally identifiable information made by a victim to the SARC, the assigned VA, or a healthcare provider in relation to the sexual assault. (See M.R.E 514 in Definitions section). If a victim chooses the Restricted reporting option, the SARC, assigned VA (whether military or civilian), and healthcare providers may not disclose covered communications to law enforcement or command authorities, either within or outside DoD. Improper disclosure of covered communication is prohibited and may result in disciplinary actions.

(b) For purposes of public safety and command responsibility, the SARC is responsible for reporting information concerning **Restricted** cases of sexual assault, without Personally Identifiable Information (PII) that could reasonably lead to the personal identification of the victim, to command officials within 24 hours after the incident (DoDI 6495.02, 24 MAY 17-paragraph s, page 7).

(c) If information about a sexual assault is disclosed to the commander from a source independent of the restricted reporting, the commander may report the matter to law enforcement officials. In this case, law enforcement officials are authorized to initiate an independent investigation of the matter. In addition, a victim's disclosure of his or her sexual assault to persons outside the protective circle of the persons covered by this policy may result in an investigation of the allegations.

(d) This policy does not create any actionable rights for the alleged offender or the victim, nor does it constitute a grant of immunity for any actionable conduct by the alleged offender or the victim. Covered communication that have been disclosed may be used in disciplinary proceedings against the alleged offender or the victim, even if such communications were improperly disclosed.

### 8. EXCEPTIONS TO CONFIDENTIALITY.

Per the Victim Reporting Preference Statement (DD2910), if a victim chooses the restricted reporting option, the prohibition of disclosing covered communications may be waived to permit disclosure to the following persons or entities for the following reasons:

(a) To command or law enforcement officials when the disclosure is authorized by the victim in writing.

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(b) To command or law enforcement officials when the disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of the victim or another individual.

(c) To disability-retirement boards and officials, when disclosure by a healthcare provider is required for fitness for duty for disability retirement determinations. Note: Disclosure under these circumstances is limited to information that is necessary to process disability retirement determination.

(d) To a SARC, VA, or healthcare provider when disclosure is required for the supervision of direct victim services.

(e) To military or civilian courts of competent jurisdiction when disclosure is ordered by a judge or is required by federal or state statute. Note: Before disclosing any information, SARCs, SAPR VAs, and healthcare personnel will first consult with the servicing legal office. The legal office will determine if any of the above exceptions apply, if there is a duty to disclose the information, and who will make the disclosure when required. Until a determination is made, only non-identifying information will be disclosed.

(f) In accordance with DoD Regulation 6025.18, healthcare providers may also advise the command of any possible adverse impact a victim's medical condition and prognosis will have on the victim's ability to perform his or her duties. However, the specific details of the sexual assault must still be treated as a covered communication and may not be disclosed.

(g) Improper disclosure of covered communications, improper release of medical information, and other violations of this policy are prohibited and may result in disciplinary actions under the Uniform Code of Military Justice, loss of credentials, or other adverse personnel or administrative actions.



## Chapter 5: REPORTING AND INVESTIGATION PROCESS

### 1. PURPOSE.

To outline the different reporting options and establish the SHARP investigation process.

### 2. GENERAL.

Current research shows that many criminal acts/misconduct involving sexual harassment and sexual assault in the Army are going unreported. It is imperative that leadership is committed and engaged with the SHARP program. Leadership must earn trust by fostering a culture where Soldiers feel safe to report incidents without fear of retaliation or personal humiliation.

### 3. REPORTING.

(1) Restricted Reporting: This option applies to Service members and their military dependents 17 years of age and older. The Restricted Reporting option does not apply to chains of command or other mandatory reporters. There are four protected **spheres** that can ensure a report remains Restricted: the SARC, VA, Chaplain and/or health care provider. Victims may also confide in a friend, battle buddy, or family member and still possibly be able to maintain the Restricted Reporting option (refer to DoDI 6495.02, 24 MAY 17, paragraph e, page 37). Military members who disclose an incident of sexual assault to anyone other than those individuals will lose the right to Restricted reporting.

a. Restricted reporting allows a sexual assault victim to confidentially disclose the details of the assault to the SARC or a healthcare provider and to receive medical treatment, counseling, and victim advocacy, without triggering the official investigative process. As a general rule, the SARC, the assigned VA, and healthcare providers may not disclose confidential communications from a sexual assault victim who desires Restricted reporting. However, the Installation SARC must still report general information concerning the incident, without information that could reasonably lead to the personal identification of the victim, to the commanding general within 24 hours after the incident is reported as outlined in AR 600-20, Chapter 8.

b. In addition, the SARC, the assigned VA, and healthcare providers may disclose confidential information to specific individuals for specific purposes as outlined in AR 600-20, Chapter 8, Appendix 1-6.

(2) Unrestricted Reporting: This option is for SA victims who also desire chain of command notification and an official investigation, in addition to the services available to Restricted Reports, such as medical care, treatment, counseling, SVC services, and advocacy services.

a. Sexual assaults reported to the Chain of Command (to include Staff Duty Officers, Staff Duty NCOs, Charge of Quarters, Cadre Instructors, Platoon Sergeants,

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TAC NCOs, Commanders, First Sergeants or Command/Staff Sergeants Major) will be reported to the SARC and MCIO. Serious Incident Report (SIR) will be generated and the command informed.

b. A Soldier's request to see the Brigade or Battalion SARC/VA does not constitute command notification of a sexual assault and is not grounds for the launching of an independent investigation by the command.

(3) Serious Incident Report (SIR): SIRs are required to be submitted to the Installation IOC within 24 hours of a report of sexual assault. Allegations of sexual assault are extremely sensitive. Commanders must be particularly careful to limit distribution to those who have a true "need to know." This does not include operations/orderly room personnel, S-3 or other staff. Routing should be limited to Command, legal and SHARP personnel. Additionally, Per AR 190-40, an "Add-on" SIR is to be submitted to provide additional information not available at the time of the original report or when more pertinent information, such as but not limited to the, identification of subject, or the findings of the case.

(4) Sexual Assault Incident Response Oversight (SAIRO). The immediate commander must submit a Sexual Assault Incident Response Oversight (SAIRO) report within eight calendar days of an unrestricted Report. The eight-day timeframe begins when an unrestricted Report is made to a SARC or VA, and the SARC or fills out a DD Form 2910. If the victim accepts advocacy services, the SARC must provide a description of any circumstances in the response that adversely affected the command's ability to address the victim's needs (e.g., timeliness; sensitivity; obstacles to care; coercion, retaliation, or reprisal). The SARC will include any victim input provided with documented victim consent for disclosure of privileged communications. The SARC will confirm that the victim was informed of the ability to speak to a SVC/VLC before providing consent for release of privileged information. Further guidance on the SAIRO requirements can be found in Directive Type Memorandum (DTM) 14-007, "Sexual Assault Incident Response Oversight (SAIRO) Report." The SAIRO report format 15 JAN 16 is included in appendix B.

### 4. INVESTIGATION

(1) MCIO promptly investigates all Unrestricted Reports of Sexual Assault. All Service members assigned or attached to CCoE and FGGA, excluding personnel authorized to receive Restricted Reports, are required to report SA incidents. MCIO has the exclusive authority to investigate SA incidents; however, Commanders are authorized to conduct follow-up inquiries, to mitigate risks to Soldiers following the completion of and without impeding MCIO investigations. Commanders are encouraged to seek guidance from their Trial Counsel, particularly when questioning an Accused represented by TDS counsel or a Victim represented by an SVC.

(2) Responsibilities: The care and safety of SA victims is the utmost important responsibility of leaders and SHARP representatives.

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a. Commanders at all levels are responsible for providing a safe and healthy environment for Soldiers and must take action to prevent SA incidents. They must protect and support victims, and hold offenders accountable by taking all appropriate administrative or judicial actions based on the facts and circumstances of each case. Legal assistance is available to victims who are sexually assaulted. Commanders are authorized to collaborate with SHARP representatives, health care personnel (HCPs), Chaplains, legal representatives, and other service providers to ensure timely, coordinated, and appropriate responses to the victim's issues and concerns. Command teams will ensure protective measures are in place to aid in ensuring the victim's safety.

b. If a military member reports to the Chain of Command that he/she needs medical attention, the chain of command will **NOT** require that the service member disclose the nature of the medical need. A victim is not required to report a sexual assault to the Chain of Command.

c. SHARP representatives will ensure military and civilian healthcare professionals are accessible to victims. SHARP representatives will closely monitor each case to ensure the victim's legal rights are maintained and to ensure the victim's legal concerns are addressed by either the victim's Special Victim's Counselor (SVC) or the Government attorneys prosecuting the case, to include the Special Victim Prosecutor (SVP) and the Trial Counsel.

d. It is the responsibility of MCIO or local law enforcement to investigate SA crimes when these crimes are reported.

e. Protection from Retaliation. All leaders have a responsibility to ensure effective and consistent communication in regards to all actions directly or indirectly associated with a sexual assault case. Victims are to be protected from coercion, ostracism, discrimination, or reprisals in person, through electronic communications, or through social media. SARCs and VAs, witnesses and first responders are to be protected from coercion, ostracism, discrimination, or reprisals related to the execution of their advocacy duties and responsibilities. In the event of coercion, ostracism, discrimination, or reprisal, notify the Inspector General or Military Equal Opportunity as appropriate. Commanders are encouraged to develop a Commander's SHARP Retaliation and Reprisal Prevention Plan (appendix A) to ensure that victims or anyone else involved as a witness, first responder or advocate are aware of the different types of retaliation and who they should be reported to.

(3) Collateral Misconduct: Collateral misconduct by the victim of a sexual assault is one of the most significant barriers to reporting assault because of the victim's fear of punishment. Some reported sexual assaults involve circumstances where the victim may have engaged in some form of misconduct (e.g., underage drinking or other related alcohol offenses, adultery, fraternization, or other violations of certain regulations or orders). Commanders shall have discretion to defer action on alleged collateral misconduct by the sexual assault victims (and shall not be penalized for such a deferral decision), until final disposition of the sexual assault case, taking into account the trauma

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to the victim and responding appropriately so as to encourage reporting of sexual assault and continued victim cooperation, while also bearing in mind any potential speedy trial and statute of limitations concerns. Therefore, the decision to take action and/or flag victims should be analyzed on a case-by-case basis with the intent to encourage victim cooperation. Company and BN Commanders should consult their Trial Counsel (TC), the victim's Special Victim Counsel (SVC), if any, and Trial Defense Services (TDS) counsel and the Brigade SARC in order to determine the proper course of action based on the circumstances prior to taking any disciplinary action.

(4) Victim Witness Liaison: The victim witness liaison is the primary point of contact (POC) at Staff Judge Advocate (SJA) offices. Victims and witnesses may obtain information and help with obtaining available victim/witness services, including where victims may receive emergency medical care and social service support; programs that are available to provide treatment, counseling, and other support to the victim; and an explanation of the military criminal justice system, the role of victims and witnesses in the process, and additional information concerning the legal process or a case in general. The victim/witness liaison provides information to the VA on legal matters and ongoing legal action related to the sexual assault.

(5) Special Victim Counsel (SVC): An SVC is a legal assistance attorney designated as an SVC by his or her Staff Judge Advocate (SJA), received special training, and is certified by the Judge Advocate General of the Army. SVCs shall provide zealous advocacy for victims of sexual assault throughout the military justice and administrative process. An SVC's primary duty is to his or her client and no other person, organization, or entity. Thus, the SVC will represent the best interests of the client as appropriate, even when the client's interests do not align with those of the U.S. Government.

(6) Line of Duty Investigations (LOD). LOD investigations must be performed for any allegation of sexual assault on an individual in Reserve (Army, or otherwise) or National Guard status. LOD investigations for Restricted cases should be immediately referred through SHARP channels to the Reserve/National Guard liaison office. These offices have the capability to provide SHARP trained individuals to conduct this investigation and preserve rights of victim/survivors to file Restricted reports. The LOD will ensure the availability of treatment and advocacy services to the individual once they return to their home unit. Without this investigation and paperwork, the VA and/or DOD may deny any claims for services related to the sexual assault.

(7) Safety Assessment. Ensure that a safety assessment is conducted with all Service members, adult military dependents, and civilians who are eligible for SAPR services, even if the victim is not physically located on the installation (IAW DoDi 6495.02, 25 MAY 17, page 121). The safety assessment must be conducted. Trained personnel perform an assessment regardless of whether the victim has filed a Restricted or unrestricted Report. Trained and credentialed BDE SARC and BDE VA will meet with and/or talk to with the utilize the DoD SAPR Safety Assessment Tool (appendix D) utilizing the Safety Plan Reference A-I (appendix E) and may work with the victim to utilize the Sexual Assault Safety Plan Worksheet (appendix F). Victims should be told

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that their responses to the safety assessment are voluntary and confidential. A copy of the completed safety assessment should be placed in the victim file. A safety assessment can be conducted more than once, and victims should be periodically checked for warning signs of suicide, self-harm/abuse or harming others. If a victim is assessed to be in imminent danger (high risk of harm) then the High Risk Response Team should be established.

(8) High Risk Response Team (HRRT). If the victim's safety is in jeopardy, immediately notify the victim's commander of the need to establish a multi-disciplinary High-Risk Response Team (HRRT). The HRRT will continually monitor the victim's safety, by assessing danger and developing a plan to manage the situation (in accordance with DoDI 6495.02, 24 MAY 17, Enclosure 9, page 80-81). The HRRT shall be chaired by the victim's commander and, at a minimum, include the subject's commander; the victim's SARC and VA; the MCIO, the judge advocate, if applicable and the Victim/Witness Assistance Provider (VWAP) assigned to the case, the victim's healthcare provider or mental health and counseling services provider; and the personnel who conducted the safety assessment.

(9) Expedited Victim Transfer Requests are available at the victim/survivor's request and can be used to move an individual within the same unit or from one installation to another, (refer to MILPER 16-005, Transfer of Reassignment Procedures for Victims of Sexual Assault, 06 JAN 16).

(a) Although the victim's expedited transfer can be requested through the immediate Commander, the Expedited Transfer should be referred to the Brigade or the Installation SARC for additional oversight and processing. This is to ensure expedited and accuracy of the processing of the paperwork.

(b) Commanders will take reasonable steps to prevent a transfer from negatively affecting the Soldier's career to the extent practical. There is a presumption in favor of the transfer (if initiated by the Soldier). Prior to approving a request, the command will ensure that the Soldier is fully informed regarding foreseeable impacts on his/her career, the potential impact of the transfer on the investigation and potential prosecution or initiation of other adverse actions against the alleged offender, or any other possible consequences of granting the request. The commander shall request and take into consideration the Soldier's input before making a decision involving a temporary or permanent transfer and the location of the transfer.

## **Chapter 6: PREVENTION**

### **1. PURPOSE.**

To outline the importance of establishing a positive climate of prevent Sexual Harassment and Sexual Assault.

### **2. GENERAL.**

Prevention is key to eliminating Sexual Harassment and Sexual Assault within our formations and workplaces. Establishing a positive climate is everyone's responsibility and commander's and directors should lead by example.

### **3. CLIMATE OF PREVENTION.**

Everyone is responsible for establishing and maintaining a culture of prevention. Neither the U.S. Army nor CCoE and FGGA will tolerate SH/SA or such behavior. Everyone shares responsibility in preserving the Army values and in ensuring each Soldier, Family member, retiree, contractor, guest and DoD Civilian is treated with dignity and respect.

1. A climate for preventing SH/SA requires personnel to act according to Army standards throughout our formations, and to vigorously enforce those standards when not met. Potential offenders will no longer be able to claim ignorance as an excuse, and offenders will no longer be able to hide within our formations.

2. Command Teams will assess their unit's climate and develop action plans to address any identified concerns. SHARP representatives will assist command teams by providing insight from observations, records, training events and surveys.

3. Leaders will recognize and reward ethical behavior. Everyone will strive to correct unethical behavior through informal and formal means. Prevention involves developing, implementing, and supporting SH/SA prevention campaigns at unit levels.

4. Prevention responsibilities include:

(a) Planning, resourcing, and participating in training and outreach events.

(b) Advising commands, Soldiers, and Civilians of what they can do to create a climate of prevention.

(c) Developing and executing campaigns to raise awareness, prevent SH/SA incidents and foster bystander intervention.

5. Command Teams are responsible for ensuring every Soldier knows who their SHARP representatives are. SHARP representatives will post their photos and contact information in unit headquarters and common areas at their levels of command and one

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level below. For example, Brigade SHARP representatives will post their photos in brigade headquarters and common areas and in subordinate battalion headquarters and common areas.

## Chapter 7: PROGRAM MANAGEMENT

### 1. PURPOSE.

To outline prescribed measures of SHARP Program Management. The intent of the chapter is not to dictate how units conduct their SHARP program and implement prevention methods but rather to address the importance of fostering a climate of prevention.

### 2. GENERAL.

Program management will center on eliminating SH/SA within our formations; reducing the number of SH/SA affecting our Soldiers, Civilians, and Family members; and increasing the propensity to report SH/SA to foster a positive climate for our Soldiers to serve honorably

### 3. PROGRAM MANAGEMENT.

1. Program management will include the following:

(a) Coordinating with Equal Opportunity Advisors and commands to develop and interpret surveys and focus groups related to SH/SA. These surveys and focus groups will lead to action plans to address any identified SH/SA concerns.

(b) Ensuring confidential and secure databases are maintained to track SH/SA cases; ensuring SH/SA files are kept IAW Headquarters, Department of the Army (HQDA) policy.

(c) Collaborating with command and law enforcement authorities to ensure accurate and timely reporting of SH/SA incidents as appropriate.

(d) Developing SH/SA policies consistent with HQDA regulations, assisting units to remain compliant.

(e) Managing SHARP requirements, resources, training and promotional materials.

(f) Briefing and advising Command Teams on SHARP Program implementation and concerns resulting from SH complaints and SA cases.

(g) Serving as a member of and coordinating monthly Sexual Assault Review Board (SARB) meetings.



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### **4. SEXUAL ASSAULT REVIEW BOARD (SARB).**

The SARB is a multidisciplinary board that provides executive oversight, procedural guidance, and feedback concerning the SHARP program. The SARB is convened monthly and chaired by the Commanding General of the CCoE and FGGA. The SARB will review cases and procedures to improve processes, system accountability, and victim access to quality services. Selected SHARP partners and BDE SHARP representatives will attend the Pre-SARB/SARB according to the Commanding General's directives. As the SARB entails all sexual assaults, all participants will ensure information is properly restricted, shared, and protected as required to inform and by applicable regulation or statute. AR 600-20, Appendix E, provides additional information on SARB.

### **5. STAFF AND SART MEETINGS AND POC.**

The Installation SHARP office personnel will conduct weekly staff meetings as required discussing SHARP issues and continually seeking to refine procedures to better accomplish the stated goals of the SHARP Program by focusing on prevention efforts, policies, procedures and execution. Additionally, Sexual Assault Response Team (SART) will conduct Pre-SARB collaboration meetings that focus on specific cases with the emphasis rotating between SHARP cases that will be briefed at the SARB and other cases where SHARP services are not available.

### **6. SARC/VA SYNC.**

The SARC / VA Synchronization is a mandatory meeting between the Installation and BDE SHARP representatives (SARCs/VAs). The purpose of the Sync is to coordinate current and upcoming initiatives, share information or guidance on new and updated processes, identify and address concerns, trends, or issues, and develops resolutions and courses of action. The Installation SHARP team convenes and leads the sync monthly. Additional topics of discussion could include manning, training, credentialing requirements, background screening requirements, duty appointments, inspections, or special projects, such as Sexual Assault Awareness and Prevention Month activities and events. Both the BDE SARC and BDE VA should attend or should arrange for an alternate for both personnel to attend.

### **7. STAFF ASSISTED VISITS.**

The CCoE and Ft Gordon SHARP Team will assist the BDE SHARP Teams with conducting a "teaching and training" opportunity in order to "assist, teach and train" each other on how to meet the standards required to operate effectively within the functional area of SHARP. The visit may also consist of several focus group sessions in order to provide both Teams an opportunity to receive information regarding perception of the current health and condition of the command climate and SHARP program. Staff Assisted Visits will always be scheduled through a coordinating TASKORDER and in

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conjunction with the BDE SARC/VA. The SHARP Organizational Inspection Program (OIP) Assessment and Training Checklist listed in appendix G will be utilized.

## Chapter 8: SHARP PERSONNEL REQUIREMENT

### 1.. PURPOSE.

To outline the requirements to become a VA/SHARP.

### 2. GENERAL.

Commanders will ensure they have the best-qualified individuals to hold the position of a SARC or victim advocate.

### 3. SHARP PERSONNEL REQUIREMENTS.

SHARP is a Commander's program. SHARP representatives who are appointed to SHARP duties serve on behalf of the Command Team. Installation, Brigade (BDE) and Battalion (BN) must carefully select SHARP candidates based on their leadership and moral standing by ensuring each is personally screened IAW MEMO DTG 19 JAN 2017, Sexual Harassment/Assault Response & Prevention (SHARP) Department of Defense Sexual Assault Advocate Certification Program (D-SAACP), Background Screening, SHARP Training, and Additional Skill Identifier (ASI) 1B and 1H Procedures and ALARACT 188/2014, ANNEX B (Type I and Type II offenses) prior to attending SHARP training.

1. The commander's role in preventing sexual assault is to establish a climate that confronts the beliefs and values that cause and reinforce sexual assault, to establish clear standards for personal behavior, establish a strong SHARP program and hold offenders accountable. As leaders, commanders must be keenly aware of and sensitive to the climate of their units. Commanders must continuously educate their Soldiers on how to prevent incidents of sexual assault while encouraging victims and witnesses to report these incidents when they occur. Leaders must also be aware that Soldiers who are sexually assaulted may be physically, mentally, and emotionally traumatized and wounded and should be provided full care and support.

2. Commanders shall immediately report all actual, suspected, or alleged sexual assaults to the Sexual Assault Response Coordinator, and then report to the nearest MCIO field office, or local civilian police authorities. If an investigation determines cause, commanders shall hold individuals accountable for their actions.

3. The Installation SHARP team will include a full-time program manager (MAJ and above or GS-12), one full-time deputy program manager (1LT or CPT), two full time SARCs (SFC or above, MAJ or above, GS-11 or above), one full-time VA representatives (SSG and above or GS-09). All Installation SHARP office personnel must be credentialed and appointed or removed by the first General Officer in the chain of command and must complete the same screening requirements as outlined in the brigade paragraph below (paragraph 4).

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(a) The Installation SHARP team will use training, education, and awareness to help prevent sexual assault, promote the sensitive handling of victims of sexual assault and reinforce Soldier commitment to Army Values and the Warrior Ethos. The Installation SHARP team will ensure that all units on the installation are familiar with this Standing Operating Procedure, and that the unit commander's sexual assault policy and Standard Operating Procedure is prominently displayed in their common areas.

4. Brigades will identify one full-time SARC (SFC or GS-11) and one full-time VA (SSG and above or GS-9). BDE SARCs and VAs must be appointed or removed by the first General Officer in the chain of command. BDE SARCs and VAs will complete the SHARP 80 hour course. BDE SARCs and VAs will attend Fort Leavenworth's 7-week SHARP course at the discretion of their BDE CDR, and within 6 months of appointment to the position. BDE SARCs and VAs (military only) must also undergo both a centralized background screening and local screening, including a behavioral health interview. Behavioral Health interviews do not apply to Civilians. The timeline for screening, training, behavioral health interviews and credentialing can be significant. BDE CDRs must allow up to six months following nomination before the new personnel may be qualified to serve as a SARC or VA. The standard tour length for SARCs and VAs is 24 months in position. Extension beyond two years is dependent upon renewal of credentialing; SARCs and VAs cannot serve in position if their credentials are expired, even if renewal is pending. BDE Commanders will ensure SARC coverage at all times. In the absence of the appointed BDE SARC, the Commander will temporarily appoint a collateral duty BN SARC to fulfil the role and responsibilities of the BDE SARC, and request support for case data input into DSAID or ICRS from the installation SARC.

5. Battalions will identify two collateral duty SHARP personnel (SARC and VA). BN SARCs and VAs must be appointed or removed by the first General Officer in the chain of command. BN SARCs and VAs will complete the SHARP 80 hour course. BN SARCs and VAs must undergo both a centralized background screening and local screening. The timeline for screening, training, and credentialing can be significant. CDRs must allow up to six months following nomination before the new personnel may be qualified to serve as a VA. Collateral duty positions do not have stabilization. BN SARCs and VAs cannot serve in position if their credentials are expired, even if renewal is pending.

## Chapter 9: SHARP TRAINING REQUIREMENTS

### 1. PURPOSE.

This chapter provides guidance and instruction for SHARP training.

### 2. GENERAL.

SHARP training will be part of the annual unit training, in processing, leader development, and professional military education programs, pre-deployment, and reintegration training. Training will be tailored to the target audience.

### 3. REQUIRED TRAINING TOPICS.

1. Scheduled training will utilize formal training support package on sexual harassment assault response and prevention developed by the Army G1. All trainings must cover the following areas:

- (a) The Army's policy on sexual assault.
- (b) Definitions and examples of sexual assault.
- (c) Resources to assist victims of sexual assault.
- (d) Sexual assault prevention and the appropriate responses.
- (e) Chain of command responsibilities for enforcing the Army's policy on sexual assault.
- (f) Risk factors and issues in the unit setting, including in deployed environments.
- (g) Timely reporting of sexual assault.
- (h) Privileged and confidential communications (restricted and unrestricted reporting).
- (i) Victim rights.
- (j) Potential first-responder POCs that will be contacted to initiate victim assistance, including healthcare personnel, law enforcement personnel, chaplains, the chain of command, legal services personnel, FAP personnel, the Equal Opportunity Advisor or program manager, the SARC, the VA or SHARP, and social work services personnel.

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### **4. UNIT LEVEL TRAINING.**

All Soldiers and DA civilians will attend and participate in unit-level Sexual Harassment and Assault Response and Prevention Program training annually. Contractors are highly encouraged to attend. The commander will incorporate sexual harassment and assault response and prevention program training into the overall unit-training plan. Training will be scenario-based and use real life situations to demonstrate the entire cycle of reporting, response, and accountability procedures. Training will include audience and group participation, and use the Consideration of Others format that encourages group discussion.

### **5. TRAINING FOR VICTIM ADVOCATES.**

Victim advocacy is a critical and perishable skill within our formations. All SHARP representatives will maintain proficiency in crisis intervention techniques, effective communication and listening techniques, coping mechanisms, resilience, advocacy services, medical and law enforcement procedures, and command policies. Appointed SHARP representatives will utilize every available opportunity and resource to further their victim advocacy skills and training.

### **6. TRAINING REPORTING REQUIREMENTS.**

Each level of the SHARP Program is required to report their training statistics to the next higher echelon. Company-level SHARP Victim Advocates are the primary trainers for their Company SHARP Program in conjunction with the Command Team. BN VAs collect company level data, monitor company level Victim Advocate(s) training, and forward data to the BDE SARC/VA. IAW Cyber COE TASKORD 18-101, BDE SHARP representatives are responsible for providing consolidated training information and After Action Review (AAR) comments to the Installation SHARP team on the first of each month and present both in the monthly SARB.

## Chapter 10: SHARP HOTLINE

### 1. PURPOSE.

It is imperative that victims be able to reach a trained victim advocate at any time.

### 2. GENERAL.

Trained VA/SARC will be available at all times, day or night, in order to assist victims of sexual assault.

### 3. SEXUAL ASSAULT HOTLINES AND DUTY PHONES.

IAW CCoE TASKORDER: SHARP Cyber CoE and FGGA will maintain one hotline for victims of sexual harassment or sexual assault to call. A credentialed SHARP representative will continuously operate the SHARP Hotline, 706-791-6267, 24 hours a day, 7 days a week. The on-call SHARP representatives must be prepared to respond during their shift. The chain of command will support each SHARP representative's ability to respond to a SHARP incident immediately. No official duty will supersede or take priority over response to a SHARP incident. Command Teams are highly encouraged to keep this in mind when assigning additional duties to SHARP representatives. BDE SHARP representatives will not be assigned collateral duties or perform staff duty.



### 4. SAPR/SHARP HOTLINE RESPONDER REQUIREMENTS.

ALL Responding SARCs and VAs on the responder roster must have a complete packet on file at the Installation Office. Complete packet includes: Appointment Orders (SARC orders must be signed by CG and VA orders must be signed by the BDE Commander), Copy of D-SAACP Credential certificate or verifying email from NOVA, 80hr SHARP Training Certificate, HRC Cleared background check memo, Local Background Checks (ASAP), and **Fort Gordon SHARP First Responder Training Certificate**.

**Responders with incomplete files will not be allowed to perform the duty.** BDE SARCs will be held accountable for covering scheduled week of duty if errors prevent the scheduled responder from completing week of duty.

### 5. SAPR and SHARP Program Points of Contact:

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		<b>SHARP Useful Points of Contact</b>	
		<i>AS OF 20 DEC 2017</i>	
<b>Fort Gordon SA Agency Service Numbers</b>			
<b>SHARP Hotline: Primary / Alternate</b>		<b>706-791-6297 / 706-504-7319</b>	
<b>SHARP Office:</b>			
SHARP Program Manager (Mrs. Julia M. Armstrong) Office / Cell		706-791-9846 / 706-339-8149	
Deputy Program Manager (CPT Tabitha L. Sassor) Office / Cell		706-791-9556 / 706-910-9880	
Installation SARC (Primary) (SFC Sammy J. Nicholas) Office / Cell		706-791-4284 / 706-524-1687	
Installation SARC (Alternate) (SFC Tamala Sherard) Office		706-791-5427	
SHARP Victim Advocate (SSG Christina M. Greene) Office		706-791-5421	
<b>Dwight D. Eisenhower Army Medical Center:</b>			
On-Call Sexual Assault Medical Forensic Examiner (SAMFE)		706-830-6666	
Sexual Assault Care Provider (SAC-P) (Mrs. Victoria Franz)		706-787-2921	
Sexual Assault Care Coordinator (SAC-C) (Mrs. Anne Barlow)		706-787-0983	
<b>Family Advocacy Program (FAP) Medical:</b>			
During office hours		706-787-3656	
After office hours		706-787-5811	
<b>Chaplain Services: (Mon-Fri 0800-1600)</b>			
After hours call IOC		706-791-9747	
<b>Criminal Investigation Command Office:</b>			
Special Agent Larry Ervin		706-791-4611	
		706-791-6507 / 706-791-7571	
<b>Staff Judge Advocate (SJA) Office:</b>			
Special Victim Counsel (SVC) (CPT Robert Besier)		706-791-3015	
		706-791-3015 / 706-829-8318	
<b>Military Police:</b>			
Victim Witness Liaison Office (Mr. John Still)		706-791-1992	
<b>Community Behavioral Health (bldg 38720)</b>			
Walk-ins during duty hours / DDEAMC-ER after duty hours		706-787-8651 / 706-787-8650	
		706-787-6377	
<b>Family Advocacy Program (FAP) DOMESTIC VIOLENCE Hotline:</b>		<b>706-791-7867</b>	
<b>Local Civilian Agency Service Numbers</b>			
<b>Rape Crisis of Augusta:</b>		706-724-5200	
<b>Richmond County Sheriff's Office:</b>		706-821-1080	
<b>Columbia County Sheriff's Office:</b>		706-541-1043	
<b>City of Grovetown Police Department:</b>		706-541-2800	
<b>Fort Gordon Tenant SARCs / Vas</b>			
<b>15th SIG BDE:</b>	SARC (SFC Kellie Ashu) Cell	706-871-9511	
	VA (SSG Lynjondria Kitchen)	706-791-8609 / 706-589-3599	
<b>116th MI BDE:</b>	SARC (Ms. Michelle Armstead) Office / Cell	706-849-4715 / 706-305-7278	
	VA (SSG John Sydnor)	706-339-3716	
<b>35th SIG BDE:</b>	SARC (SFC Nancy Barnes)	706-791-7038 / 706-814-8024	
	VA (Mrs. Sandra Butler)	706-791-3578	
<b>513th MI BDE:</b>	SARC (SFC Michael Reynolds) Office / Cell	706-791-4189 / 706-834-0611	
	VA	VACANT	
<b>7th SIG CMD:</b>	SARC (SFC Michelle Davis)	706-945-8047	
	VA (SSG Larry Brand)	706-787-7858 / 706-787-7847	
<b>706th / 707th MI:</b>	SARC (Mr. Nathaniel Perry)	762-206-6757 / 706-945-7107	
	VA (SFC Richard Newell)	706-206-6738	
<b>782nd MI BN:</b>	SARC (Ms. Kimberly Henne) @ Ft. Meade	301-833-6407 / 410-693-4638	
	VA (SFC Ian Sabin)	706-849-4502	
<b>Cyber Protection:</b>	SARC (SFC Bradley Jenkins)	706-787-7594 / 706-834-2220	
	VA	VACANT	
<b>DDEAMC:</b>	SARC (Manford Pryear)	706-787-5010 / 706-888-5768	
	VA (SSG Shonda Tukes)	706-787-2545	
<b>Garrison:</b>	SARC (Ms. Connie Brent)	706-791-0020 / 706-840-0839	
	VA (Ms. Renee Brent)	706-791-8431	
<b>USAF:</b>	SARC (Capt Tiffany Woodman)	706-751-9880 / 706-840-8091	
	VA (1Lt Nicolas Ynostrza)	762-206-2070	
<b>USMC:</b>	SARC (Ms. Cherrone Hester) @ Quantico	703-784-3557	
	SARC (Ms. Yesenia Rodriguez-Hower) @ Quantico	703-784-3557	
<b>USMA Co D</b>	VA (SSgt Sara Carr)	831-238-7887	
	VA (SSgt West Tran)	760-689-8917	
	SARC (Ms. Jennifer Cauley) @ Pensacola	850-452-9460 / 850-530-9259	
<b>USMA Det.</b>	VA (GySgt Joshua Kelley)	706-399-1888	
<b>USN</b>	SARC (Ms. Anne Ballensinger)	904-542-5802	
	SARC (Ms. Yvonne Sharp)	762-206-9050 / 405-209-6630	
	US Navy On-call Victim Advocate	706-993-6201	
<b>NOTE:</b>			
<b>Note 1:</b> In the event the incidents involves any minor dependents age 17 and under, obtain victims information (Name, Age, Contant Number, and Location) and contact the Military Police or Local Law Enforcement Authorities (911) prior to contacting the Social Work Services Office at the number provided above.			
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<b>Note 2:</b> For incidents involving a married couple (spouse on spouse) or intimate partners in a mutual relationship, contact the Domestic Violence Hotline above.			
<b>Note 3:</b> For incidents involving civilians, direct them to contact the local law enforcement authorities and/or EEO. (If on Fort Gordon, call the Richmond County Sheriff's Office).			



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### Appendix A: References

- a) Memorandum, Secretary of the Army 4 MAR 15, Subject: Army Directive 2015-16 (Command Engagement to Prevent Retaliation)
- b) Department of Defense Directive 6495.01 Sexual Assault Prevention and Response (SAPR) Program (23 JAN 12 w/ Change 2, Effective 20 JAN 15)
- c) Army Regulation 600-20, Chapter Seven and Eight, 6 NOV 14
- d) Department of Defense Instruction 6495.02, Sexual Assault Prevention and Response (SAPR) Program Procedures (28 MAR 13 w/ Change 3, Effective 24 MAY 17)
- e) HQDA EXORD 193-14 2014, Screening of Sexual Harassment/Assault Response and Prevention Program Personnel and Others in Identified Positions of Significant Trust
- f) Memorandum, Deputy Chief of Staff, HQDA G1, 19 JAN 17, Subject: Sexual Harassment/Assault Response & Prevention (SHARP) Department of Defense Sexual Assault Advocate Certification Program (D-SAACP), Background Screening, SHARP Training, and Additional Skill Identifier (ASI) 1B and 1 H Procedures
- g) Department of Defense Directive 6495.01, Sexual Assault Prevention and Response (SAPR) Program (23 JAN 12, w/ Change 3, Effective 11 APR 17)
- h) HQDA EXORD 221-12 2012, Sexual Harassment/Assault Response and Prevention SHARP Program Synchronization Order
- i) Military Rules of Evidence 514, Victim Advocate-Victim Privilege, Manual for Courts Martial, DEC 2016, w/ Amendments, 19 JUL 17
- j) ALARACT 007/2012, 121650Z JAN 12, Subject: Sexual Harassment/Assault Response and Prevention (SHARP) Program Implementation Guidance
- k) Memorandum, Secretary of the Army 3 OCT 11, Subject: Army Directive 2011-19 (Expedited Transfer or Reassignment Procedures for Victims of Sexual Assault)
- l) MILPER Message 17-069, 17 FEB 17, Subject: Transfer or Reassignment Procedures for Victims of Sexual Assault
- m) Army Regulation 608-18, The Army Family Advocacy Program, 27 OCT 07, Rapid Action Revision (RAR), 13 SEP 11

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- n) ALARACT 089/2016, 061751Z OCT 16, Subject: Initiating Separation Proceedings and Prohibiting Overseas Assignment for Soldiers Convicted of Sex Offenders
- o) Memorandum, Secretary of the Army 24 FEB 15, Subject: Sexual Assault Incident Response Oversight Report
- p) o. Memorandum, Secretary of the Army 28 Oct 13, Subject: Sexual Assault Prevention and Response - Special Victims Advocacy Program

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## Appendix B: Commander's SHARP Retaliation and Reprisal Plan Sample

ATZH-SHARP

(Date)

MEMORANDUM FOR \_\_\_\_\_

SUBJECT: Commander's SHARP Retaliation and Reprisal Prevention Plan

1. Department of the Army personnel are prohibited from taking acts of retaliation or reprisal against any Soldier or another person of the Armed Forces for filing an unrestricted sexual assault, for filing a sexual harassment complaint, or being named as the subject of a sexual assault or a sexual harassment complaint, a bystander that intervened, Sexual Assault Response Coordinators, Victim Advocates, first responders, or other parties to the incident, or serving as a witness during the investigation of sexual harassment or sexual assault.

a. No person will restrict a member of the Armed Forces from making a protected communication with a member of Congress; an Inspector General; a member of a DoD audit, inspection, investigation or law enforcement organization; or any other person or organization (including any person in the chain of command) designated under this regulation or other administrative procedures to receive such communication.

b. Soldiers or a member of the Armed Forces will be free from retaliation or reprisal for making or preparing a protected communication.

c. No employee or Service Member may take or threaten to take an unfavorable personnel action, or to withhold or threaten to withhold a favorable personnel action, in retaliation or reprisal against any employee of Service Member for making or preparing a protected communication.

Retaliation is defined as taking or threatening to take an adverse or unfavorable personnel action, or withholding or threatening to withhold a favorable personnel action, with respect to a victim or other member of the Armed Forces because the individual reported a criminal offense or was believed to have reported a criminal offense:

(1) Personnel action is defined as any action taken against a member of the Armed Forces that affects, or has the potential to affect, that member's current position or career. Such actions include but are not limited to: a promotion; a disciplinary or other corrective action; a transfer or reassignment; a performance evaluation; a decision on pay, benefits, awards or training, relief and removal; separation; discharge; referral for mental health evaluations, and any other significant change in duties or responsibilities inconsistent with the member's grade.

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\*\*Allegations of retaliation of this type will be referred to, and investigated by, the appropriate Inspector General.

(2) Ostracism, which is defined as excluding from social acceptance, privilege or friendship a victim or other member of the Armed Forces because: (a) the individual reported a criminal offense; (b) the individual was believed to have reported a criminal offense; or (c) the ostracism was motivated by the intent to discourage reporting of a criminal offense or otherwise to discourage the due administration of justice; or

(3) Acts of cruelty, oppression or maltreatment (as these terms are described in paragraph 17c(2) of reference 1e), committed against a victim, an alleged victim or another member of the Armed Forces by peers or other persons, because the individual reported a criminal offense or was believed to have reported a criminal offense.

\*\*These allegations of retaliation described will be referred to a Battalion Commander or higher commander to develop a plan to immediately address the issue. In a sexual assault case, the commander will forward the plan to the SARB chair per Army Directive 2015-2016

2. The Chain of Command will ensure complainants are protected from reprisal or retaliation for filing an unrestricted sexual assault report. Should you be threatened with such an act, or should an act of reprisal occur, you should contact Inspector General. You are strongly encouraged to simultaneously report such threats or acts of reprisal to the appropriate chain of command, or speak with your SHARP SARC/VA or Special Victims Council. The DoD IG Hotline phone number is (800) 424-9098 or DSN 664-8799. You may reach the Fort Gordon Installation IG office at (706) 791- 4565

3. For additional information you are asked to contact the Installation SHARP Office (706) 791-9846.

Commander's Signature

I, (printed name), acknowledge having been counseled on the SHARP Retaliation and Reprisal Plan and my rights in making a protected disclosure. I understand I am protected from any/all acts of retaliation or reprisal for having made this protected disclosure.

I also understand that reprisal and retaliation may occur in the form of ostracism or acts of cruelty, oppression or maltreatment and I will contact my Chain of Command, BDE SHARP Office, Special Victim Council or Criminal Investigation Division to report perceived retaliation or reprisal occurrences.

Signature \_\_\_\_\_

Date \_\_\_\_\_