



DEPARTMENT OF THE ARMY  
HEADQUARTERS, 2ND INFANTRY DIVISION  
UNIT #15041  
APO AP 96258-5041

10 DEC. 2015.

EAID-CG

MEMORANDUM FOR All 2d Infantry Division Assigned Soldiers and Civilians

SUBJECT: Policy Letter #1-3 Sexual Harassment/Sexual Assault Response and Prevention (SHARP)

1. This policy letter supersedes 2d Infantry Division Policy Letter #1-3, Sexual Harassment, and Sexual Assault Response and Prevention (SHARP), dated 23 January 2012, and rescinds Policy Letter #12-1 Prevention of Sexual Harassment (POSH), dated 28 February 2012. This policy applies to all military members, civilian employees, invited contractors, technical representatives, and family members assigned to the 2d Infantry Division (Combined).

2. REFERENCES:

a. DOD Instruction 6495.02, Sexual Assault Prevention and Response (SAPR) Program, dated 28 March 2013.

b. Army Directive 2013-21, Initiating Separation Proceedings and Prohibiting Overseas Assignment for Soldiers Convicted of Sex Offenses, 07 November 2013.

c. Army Directive 2013-20, Assessing Officers and Noncommissioned Officers on Fostering Climates of Dignity and Respect and on adhering to the Sexual Harassment/Assault Response and Prevention Program, 27 September 2013.

d. Army Directive 2011-19, Expedited Transfer or Reassignment Procedures for Victims of Sexual Assault, 03 October 2011.

e. Army Regulation 27-10, Military Justice, 03 October 2011.

f. Army Regulation (AR) 600-20, Army Command Policy, Chapter 7, Sexual Harassment, Chapter 8, Sexual Assault Prevention and Response (SAPR) Program, Rapid Action Revision (RAR): 20 September 2012.

g. 29 Code of Federal Regulations 1614, Federal Sector Equal Employment Opportunity 1 July 2012.

h. USFK Regulation (USFK) 600-20, Sexual Assault Prevention and Response (SAPR) Program, 24 October 2012.

i. USFK Command Policy Letter #1 Sexual Assault Prevention and Response

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17 October 2011.

j. USFK 190-50, Law Enforcement Procedures in Korea, 9 February 2012.

k. EUSA Policy Letter# 6, Prevention of Sexual Harassment, 15 March 2011.

l. EUSA Policy Letter #10, Sexual Assault Prevention and Response (SAPR) 26 September 2011.

m. 8A Policy Letter #11, Sexual Harassment/Assault Response and Prevention (SHARP) Program, 09 December 2013.

3. Purpose. The 2d Infantry Division is committed to safeguarding an environment free of sexual harassment and sexual assault for all service members, civilian employees, and family members. Sexual harassment and sexual assault destroy teamwork, negatively impact readiness, and are incompatible with the Army values. Providing a safe environment is critical to unit cohesion and successful mission execution. Commanders and leaders at every level must be committed to creating and maintaining an environments that promote dignity and respect.

#### 4. Background.

a. AR 600-20, paragraph 7-4 defines sexual harassment as “a form of gender discrimination that includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of sexual nature.”

b. Sexual assault is a criminal offense that is punishable under the UCMJ and other federal and local civilian laws. AR 600-20, paragraph 8-4a defines sexual assault as “intentional sexual contact, characterized by the use of force, physical threat or abuse of authority or when the victim does not or cannot consent. Sexual assault includes rape, nonconsensual sodomy (oral or anal sex), indecent assault (unwanted, inappropriate sexual contact or fondling), or attempts to commit these acts. Sexual assault can occur without regard to gender, spousal relationship, or age of victim.” “Consent” is not deemed or construed to mean the failure by the victim to offer physical resistance. Consent is not given when a person uses force, threat of force, or coercion, or when the victim is asleep, incapacitated, or unconscious.

5. Sexual Harassment. Allegations of sexual harassment must be taken seriously and investigated promptly. All 2d Infantry Division personnel will address and report instances of sexual harassment. Individuals who perceive they are being sexually harassed by supervisors, co-workers, peers, or non-employees will make it clear that such behavior is unacceptable and report the harassment to an appropriate authority or Chain of Command. It is the responsibility of every leader – military and civilian – to examine allegations of sexual harassment and take the necessary action to ensure that these matters are addressed expeditiously, fairly, and effectively.

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a. If an individual feels that he or she is being sexually harassed, he or she should immediately report the harassment to his or her chain of command, SARC, VA, Equal Opportunity Office, Equal Employment Office, and/or Inspector General. Attempts should always be made to solve the problem at the lowest possible level within an organization. All complainants will be protected from acts or threats of reprisal.

b. Prevention is the best tool for the elimination of sexual harassment. Leaders will take immediate steps to eliminate any real or perceived allegations of sexual harassment brought to their attention. Leaders will focus training on changing the climate to ensure all Soldiers fully understand what constitutes sexual harassment and the measures necessary to prevent and report it.

6. Sexual assault. Commanders at all levels are responsible for providing a safe and healthy environment. Commanders must take action to prevent sexual assault, protect and support victims, and hold offenders accountable by taking all appropriate administrative and judicial actions based on facts and circumstances.

a. Commanders and leaders will ensure victims of sexual assault have access to prompt, professional, and compassionate care. All victims of sexual assault will be treated with fairness, dignity, and respect. Leaders must ensure that the needs of victims are compassionately met and that they are aware of their rights, options, and the resources available for their support. Care will be taken to protect individual privacy to avoid instances of secondary victimization during medical treatment, investigation, and legal adjudication. Commanders and Leaders at all levels will be held accountable for the prompt investigation and reporting of any such allegations. Commanders, supervisors, and Leaders must therefore be familiar with Sexual Harassment/Assault Response and Prevention (SHARP) program regulations, the duties and responsibilities of the Sexual Assault Response Coordinators (SARCs), Victim Advocates (VAs), and the Army Victim Witness Liaison Assistance Program (AR 27-10, Chapter 17).

b. Service members and adult dependents of service members who are victims of sexual assault have two reporting options from which to choose. These options are Restricted Reporting and Unrestricted Reporting.

(1) The Restricted Reporting option allows a service member (or adult dependent of a service member), who is a victim of sexual assault, to disclose the details of his/her assault on a confidential basis to specifically identified individuals and receive victim advocacy, medical treatment, and counseling, without triggering an official investigation. Command is not notified under the Restricted Reporting option. To exercise this option, the victim may only report the sexual assault to a SARC, Victim Advocate (VA), or Health Care Provider. A victim can convert a Restricted Report of sexual assault to an Unrestricted Report of sexual assault at a later time.

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(2) The Unrestricted Reporting option allows a victim of sexual assault the same services as Restricted Reporting, but allows for a full investigation, to include the possibility of a criminal prosecution. An Unrestricted Report requires official reporting through law enforcement and chain of command channels. A victim cannot convert an Unrestricted Report of sexual assault to a Restricted Report.

c. Victims electing either of the reporting options will be offered the services of a Victim Advocate (VA).

d. The USFK Sexual Assault Hotline is the quickest way to report a sexual assault. To call the sexual assault hotline from any DSN line in Korea, dial the number "158" or to call from a commercial line, dial the number "0503-364-5700." If calling from stateside, dial the number "011-82-53-470-5700." The automated message instructs the victim to press the number correlating to their Area and the on-call SARC answers the telephone 24/7.

7. Expedited Transfers. It is the 2d Infantry Division's policy that there is a presumption in favor of transferring or reassigning a sexual assault victim, at his/her request, following that victim's credible report of sexual assault. A transfer or reassignment includes, but is not limited to, the victim's temporary or permanent movement to a unit within the same battalion or brigade, to a unit within the same division, to a unit on the same installation, or to a unit at a different geographical location.

a. For the purpose of this policy, a report of sexual assault is credible when the commander (battalion or above), after considering all available evidence and the advice of supporting legal advisors, concludes that there are reasonable grounds to believe that an offense constituting sexual assault is committed against the person requesting the transfer or reassignment. A credible report is limited to Unrestricted Reports of sexual assault.

b. Victims of sexual assault may not wish to remain in their current unit or organization after the sexual assault incident. Requiring them to remain in their current units when they have a desire to leave may negatively affect their safety and emotional well-being, as well as the readiness of the unit/organization. Expediting review of, a victim's request is an important component of a leader's response to a credible report of sexual assault.

8. Training. An essential component the 2d Infantry Division SHARP program is quality SHARP training that increases awareness, promotes intervention and prevents sexual harassment and sexual assault before it occurs. The 2d Infantry Division conducts a variety of SHARP training events tailored to specific purposes and audiences. Like any quality training, leaders must be engaged and lead from the front by participating in SHARP training events to the maximum extent possible.

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a. A 1-hour block of sexual assault awareness and prevention training will be provided to all 2d Infantry Division personnel upon arrival to the command. Training will focus on risk-factor awareness, reporting procedures, how to avoid becoming a victim, appropriate barracks behavior, the correlation between alcohol abuse and sexual assault, and victim support. All newly arrived personnel must know the name of their unit Sexual Assault Response Coordinator (SARC) and Victim Advocate (VA). All new individual arrivals in theater will receive a 1-hour block of SHARP awareness training at the Warrior Readiness Center. Rotational units will conduct a 1-hour block of SHARP awareness training as part of their pre-deployment training IAW with AR 350-1.

b. Commanders and their NCO counterparts at all levels will receive SHARP desk-side briefings from MSC SARCs within 45 days of assuming their respective commands.

c. Senior leader training will be conducted for all commanders and senior leaders annually.

d. Commanders will ensure units at all levels conduct 4-hours of annual SHARP refresher training IAW AR 350-1. The training will demonstrate prevention, reporting, response, and accountability and will be tailored for each individual audience.

9. The 2d Infantry Division (Combined) is committed to preventing and eliminating sexual harassment and assault within its ranks. 2d Infantry Division Warriors will not tolerate behavior and acts of indiscipline that are detrimental to the Division's professional values, compromise the Division's mission readiness, and violates the trust of its fellow Soldiers.

10. Proponent. The proponent for this policy is the 2d Infantry Division Sexual Harassment/Assault Response and Prevention Program Manager, DSN 732-7874.



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