



DEPARTMENT OF THE ARMY
HEADQUARTERS, EIGHTH ARMY
UNIT #15236
APO AP 96271-5236

EACG (600)

20 September 2024

MEMORANDUM FOR All Eighth Army Soldiers, Civilians and Family Members

SUBJECT: Eighth Army Command Policy Letter #12, Sexual Harassment/Assault Response and Prevention (SHARP) Program

1. References:

a. Department of Defense Directive (DoDD) 6495.01, Sexual Assault Prevention and Response (SAPR) Program, 23 January 2012 (incorporating Change 5, effective 10 November 2021).

b. Department of Defense Instruction (DoDI) 6495.02, vol 1, Sexual Assault Prevention and Response: Program Procedures, 28 March 2013 (incorporating Change 6, effective 10 November 2021).

c. DoDI 6495.02, vol 2, Sexual Assault Prevention and Response: Education and Training, 9 April 2021.

d. DoDI 6495.03, Defense Sexual Assault Advocate Certification Program (D-SAACP), 28 February 2020.

e. DoDI 6400.09 DoD Policy on Integrated Primary Prevention of Self-Directed Harm and Prohibited Abuse or Harm, 11 September 2020.

f. Army Regulation (AR) 27-10, Military Justice, 20 March 2024.

g. AR 600-20, Army Command Policy, 24 July 2020.

h. AR 690-600, Equal Employment Opportunity Discrimination Complaints, 09 February 2004.

i. ALARACT 047/2023 Additional Sexual Harassment/Assault Response and Prevention Program Guidance: Expedited Transfers, 24-month Sexual Assault Response Coordinator and Victim Advocate Stabilization, and SHARP personnel incentives, dated 21 June 2023.

j. Army Directive 2022-10, Subject: Safe-to-report for Victims of Sexual Assault, dated 06 July 2022.

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k. Army Directive 2021-30, Subject: Sexual Harassment/Assault Response and Prevention Services for Department of the Army Civilians, dated 02 September 2021.

l. United States Forces Korea Command Policy Letter #2, Sexual Assault Prevention and Response (SAPR), 24 February 2022.

m. US Army Pacific Sexual Harassment/Assault Response and Prevention – Policy Memorandum, dated 29 October 2021.

o. USFK Instruction (USFKI) 1400.01, Civilian Personnel Policies and Procedures - Korean Nationals, 1 July 2017.

2. Purpose. Eighth Army (8A) is committed to providing a safe environment for all personnel assigned to support this command. This policy promotes a command climate that encourages survivors to report incidents of sexual harassment and sexual assault without fear of retribution, retaliation, or intimidation. Sexual harassment and sexual assault are not in keeping with Army Values. The SHARP Program enhances the safety, well-being, and readiness of 8A by fostering a culture free of sexual harassment and sexual assault through prevention, education and training, response capability, survivor support, reporting procedures, and appropriate accountability.

3. Background. Behaviors associated with sexual harassment and sexual assault continues to erode the trust between Soldiers, Department of Army (DA) Civilians, and Family members as well as between the leader and the led. This is a sacred trust that should not be broken. Incidents of sexual harassment and sexual assault tear the fabric of our Army community. These actions undermine the trust necessary for a highly functioning organization and jeopardize our readiness for the “Fight Tonight” mission in Korea. 8A does not tolerate or condone sexual harassment, sexual assault, or associated retaliatory behaviors. The Chain of Command at all echelons will take this direct threat to our readiness very seriously and do all within their power to eliminate it from our formation.

4. Discussion

a. **Sexual Harassment** is a form of gender discrimination. It involves unwelcomed sexual advances, requests for sexual favors, and deliberate or repeated offensive comments or gestures of a sexual nature when 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. It is categorically prohibited when submission to or rejection of such conduct by a person is used as a basis for career employment decisions affecting that person; or

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such conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive environment.

(1) Military personnel have the right to present a sexual harassment complaint to the command through the SHARP Program without fear of intimidation, reprisal, retaliation, or further harassment. Concerns about sexual harassment issues ought to be resolved at the lowest possible level within the organization.

(2) Sexual harassment complaint options include anonymous, informal, and formal complaints:

(a) An *anonymous* complaint is a report of sexual harassment from an unknown or unidentified source. The individual reporting the information is not required to divulge any personally identifying information. Commanders will publicize and enable anonymous reporting through 8A SHARP hotline, or official telephone lines. All anonymous complaints, even those that cannot be investigated, will be referred to the alleged Subject's Brigade (BDE) Commander for evaluation.

(b) An *informal* complaint is any complaint that a Soldier or Family member of the Service Member does not wish to file in writing. Informal complaints may be resolved directly by the individual, with the help of another unit member, the Sexual Assault Response Coordinators (SARCs) or the Victim Advocates (VAs), the commander, or other person in the complainant's chain of command. The SARCs who receive or discuss informal resolution of sexual harassment complaints will maintain a memorandum of record (MFR) regarding the complaint and resolution actions taken. The SARC will ensure that the complainant understands that if a commander is informed of a complaint of sexual harassment, by the complainant or another party, the Commander will inquire into the matter.

(c) A *formal* complaint is any complaint that a complainant files in writing and swears to the accuracy of the information. Formal complaints require specific actions, are subject to timelines, and require documentation of the actions taken. An individual files a formal complaint using a DA Form 7746 (Sexual Harassment Complaint) with the assistance of a BDE SARC. The complainant has 60 calendar days from the date of the alleged incident to file a formal complaint. If sufficient information exists to permit the initiation of an investigation, commanders will appoint investigating officers (IOs) from outside the subject's assigned brigade-sized element. The responsible BDE commander will report all formal sexual harassment complaints to the first General Court-Martial Convening Authority (GCMCA) within three calendar days (72 hours).

(d) Military Protective Orders (MPOs). For all sexual harassment and sexual assault complaints, the first O-6 in the subject's chain of command will implement

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mechanisms to protect complaints of sexual harassment and victims of sexual assault. As soon as possible, but no later than 6 hours after determining an MPO is warranted (such as the presence of a threat of physical harm), the first O-6 commander in the subject's chain of command will ensure that the subject's commander has issued and served a DD Form 2873 (Military Protective Order) to the subject Soldier, that it has been submitted to the appropriate installation Directorate of Emergency Service or Provost Marshall Office (DES/PMO), and that a copy has been provided to the protected individual(s).

(e) Disposition and Status Disclosure to sexual assault victims. In addition to the requirement in AR 600-20, paragraph 7-5t, to provide status updates to victims within 72 hours of each recurring Sexual Assault Review Board (SARB), brigade commanders (or brigade-equivalent commanders) will also notify the Soldier-complainant within 2 business days of receiving the final outcome of any judicial, non-judicial, or administrative proceedings. This duty is not delegable. This policy does not change the responsibilities requiring VAs and SARCs to provide information to victims in their care.

(3) DA civilian employees should report any instance of sexual harassment to the Equal Employment Opportunity (EEO) Office, in accordance with AR 690-600. DA Civilian employees may contact the 8A EEO at DSN: (315) 755-0320 or commercial 0503-355-0320.

(4) Korean Employees should report any instance of sexual harassment to their supervisor or management, following the Grievance process outlined in USFKI 1400.01, Enclosure M.

b. **Sexual Assault** is a crime defined as intentional sexual contact, characterized by use of force, physical threat, or abuse of authority or when the survivor does not or cannot consent. The term sexual assault includes a broad category of sexual offenses including, but not limited to 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 or spousal relationship or age of survivor. Failure by the survivor to offer physical resistance is not "Consent." Sexual assault is incompatible with the Army Values and is punishable under the Uniform Code of Military Justice (UCMJ) and other federal and local civilian laws.

(1) Soldiers and adult dependents of Service Members who are survivors of sexual assault have two reporting options: Restricted and Unrestricted reporting.

(a) *Restricted* reporting option allows a Soldier or Family member over the age of 18 who is a sexual assault survivor, on a confidential basis, to disclose the

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details of the assault to a SARC, VA or Healthcare Provider, without immediately triggering an investigation. If an investigation into a victim's sexual assault begins after the victim has signed a DD Form 2910 selecting the restricted reporting option, the investigation has no impact on the victim's restricted report and the victim's communications and SAFE kit remain confidential, to the extent provided by law. The survivor who elects the restricted reporting option will have access to victim advocacy services, medical treatment, counseling, optional Sexual Assault Forensic Examination (SAFE) and special victim counsel legal services.

i. Survivor may elect to make a Restricted report of sexual assault at all times, EXCEPT IN cases where the victim: personally reported the incident to law enforcement (including Military Criminal Investigation Organizations (MCIOs)); or previously filed an unrestricted report with a signed DD Form 2910 for the same incident. The survivor can file a restricted report even if the allegation has been inadvertently or previously disclosed to command by the victim, suspect, or third party, the matter has been reported to law enforcement, to include MCIOs, by anyone other than the victim, or an investigation is initiated, in progress, or closed.

iii. Commander Responsibility: A survivor's election to make a Restricted Report does not preclude the MCIO from conducting an investigation of sexual assault. Once the victim's commander becomes aware that the victim of an Independent Investigation has later filed a Restricted Report, he/she will not ask the SARC/VA any details about the Restricted Report, nor will the commander seek to speak to the victim about the reported sexual assault incident.

(b) *Unrestricted* reporting option allows a sexual assault survivor to request an official investigation of his/her sexual assault incident. The survivor will have access to victim advocacy services, medical treatment, counseling, special victim counsel legal services, optional SAFE and consideration for military protection orders and Expedited Transfers. Details regarding the incident will be limited to only those personnel with a legitimate need to know.

(2) All sexual assault survivors have the right to speak to a Special Victim Counsel (SVC) and a SHARP Professional (SARCs and VAs). Communication between the survivor and SHARP Professional is confidential and protected under Military Rule of Evidence (MRE) 514.

(3) Service Members and the adult dependent sexual assault survivors of non-domestic abuse are eligible to request Expedited Transfers.

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(4) Expedited Transfer request for a change of station or unit transfer must be approved or disapproved by the BDE Commander within 5 CALENDAR DAYS of the submission of the request.

(5) When an Expedited Transfer is approved by HRC, the losing Commander (O-6) will conduct a warm hand-off to the gaining Commander (O-6) prior to the Survivor's departure. This procedure applies to any sexual assault survivor reassignment (e.g., permanent change of station either on or before the member's normal rotation date, temporary duty inside or outside of the local area).

c. Commanders, supervisors, and leaders at every level are responsible for providing a safe environment for those in their charge. Leaders at all levels must take action to eliminate risk factors for sexual harassment and sexual assault from all work areas, living quarters, and recreational facilities throughout the command.

d. 8A SHARP Hotline (DSN: 158 or 763-5700 or cell/land line: 0503-363-5700) is available 24 hours a day, 7 days a week. It is the immediate way to seek assistance for a sexual assault survivor or sexual harassment complainant. The automated message will instruct the caller to press the number correlating to their assigned Area and a credentialed on-call SHARP professional will answer and respond.

e. Command teams will protect individuals who file sexual harassment complaints or sexual assault reports from actual or perceived intimidation, harassment, retaliation or reprisal. Soldiers and civilian employees are encouraged to use their Chain of Command for any issues, allegations, or requests for assistance. This command will not tolerate retaliation or reprisal against an individual who makes a protected SHARP-related communication. The definition of retaliation is as follows: when any person subject to the UCMJ or Federal law wrongfully takes or threatens to take an adverse personnel action; or wrongfully withholds or threatens to withhold a favorable personnel action with the intent to discourage; or retaliate against any person for reporting or planning to report a criminal offense; or making or planning to make a protected communication. A Soldier or civilian employee has the option to report acts or threats of retaliation to SARCs, 8A SHARP Lead Supervisory SARC (Principal) at (315) 755-2751, and 8A Inspector General (IG) at DSN: (315) 755-2000 or the Department of Defense IG Hotline at DSN 312-664-8779, commercial 1-800-424-9098 when invoking whistleblower protections.

f. Sexual Assault survivors are afforded Victim's Rights, such as but not limited to, reasonable protection from the accused, to be treated with fairness and with respect for the victim's dignity and privacy, proceedings free from unreasonable delay, and other

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rights. More information can be located in DD Form 2701 (Initial Information for Victims and Witnesses of Crime).

5. Display this policy on all official bulletin boards along with a list of victim resources and circulate among all Eighth Army personnel.

6. Proponent. The proponent for this policy is 8A Lead Supervisory SARC (Principal) at DSN 315-755-2751 or commercial 0503-355-2751.



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Commanding