DEPARTMENT OF THE ARMY
UNITED STATES ARMY GARRISON RHEINLAND-PFALZ
UNIT 23152
APO AE 09054-3152

IMRP-ZA 25 June 2014

MEMORANDUM FOR All Members of the United States Army Garrison Rheinland-Pfalz (USAG RP) Community

SUBJECT: USAG RP Command Policy Letter # 2, Sexual Harassment/Assault Response and Prevention

1. References:

a. Army Regulation 27-10, Military Justice, 3 October 2011.

b. Army Regulation 600-20, Army Command Policy, 18 March 2008 (RAR 20 September 2012).

2. Purpose: To establish the USAG RP Command policy on sexual harassment and assault as well as to maintain an environment free of sexual harassment and assault.

3. Scope and Punitive Effect: This policy applies to all civilians, military personnel, Family Members, government employees, and contractors assigned, attached to, or living in the USAG-RP community. Violators of this policy and leaders who fail to take appropriate action may be subject to administrative action or punishment under the Uniform Code of Military Justice (UCMJ).

4. Sexual harassment is a form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and deliberate or repeated offensive comments or gestures of a sexual nature when:

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

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

c. 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.

5. Any individual in an authoritative position who engages in or condones any form of sexual behavior to control, influence or affect the career, pay or job of a military member or civilian employee is engaging in sexual harassment. Similarly, any military member or

Civilian employee who makes deliberate, repeated, and unwelcome conduct of a sexual nature is engaging in sexual harassment.

6. The negative consequences of sexual harassment and assault on the Garrison are many and must be measured in more than direct costs associated with complaints and reports. Less obvious and longer lasting is the damage that can come from increased stress, strained personal relationships, decreased work effectiveness, absenteeism higher employee turnover, lower morale, and overall loss of credibility for those involved.

7. Any individual who feels sexually harassed should report the harassment to the appropriate supervisor and/or chain of command, the Equal Employment Opportunity Office, Equal Opportunity Office, the Office of the Staff Judge Advocate, the Office of the Inspector General, their chaplain, medical provider, or provost marshal. Allegations of sexual harassment will be treated at all levels of command with the seriousness it deserves.

8. Sexual assault is a crime. It is a punishable offense under the Uniform Code of Military Justice (UCMJ). It is defined by the Department of the Army as intentional sexual contact, characterized by use of force, physical threat or abuse of authority, or when the victim does not or cannot consent. Sexual assault can occur without regard to gender, spousal relationship, or age of the victim. "Consent" will not be 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.

9. All Active Duty and dependent Family members over the age of 18 who have been sexually assaulted should report the assault to Sexual Harassment/Assault Response and Prevention (SHARP) Sexual Assault Response Coordinator (SARC), SHARP Victim Advocate (VA), healthcare provider, or chaplain if they choose to not have the assault investigated. If they want to have the case investigated, and possibly hold the offender accountable, they should also report the assault to law enforcement, Criminal Investigation Division (CID), or their chain of command. There are two options available for the reporting of sexual assault. Both options allow the individual to access medical, behavioral health and advocacy services. These options apply to personnel associated with the USAG-RP and are outlined at http://preventsexualassault.army.mil/policy_restricted_reporting.cfm, you can also discuss these options with a SHARP SARC or VA.

10. Commanders, Supervisors, and Leader Responsibilities:

a. Maintain an environment free from sexual harassment and assault.

b. Ensure newly arriving Soldiers are assigned a sponsor and receive SHARP program briefings, to include orientation with the VA.

c. Respond immediately to any incidents of sexual assault and inform the SARC, the Office of the Provost Marshal, the Military Police, or the Criminal Investigation Division.

d. Establish and post a command policy letter regarding "zero tolerance" of any incidents resulting in sexual assault. Include consequences for violations such as adverse administrative actions or Uniform Code of Military Justice (UCMJ).

e. Emphasize sexual assault risks, prevention and response in all holiday briefings.

f. Become familiar with the Commander's Sexual Assault Victim Assistance Checklist and utilize it when an sexual assault incident is reported. The checklist is available at www.sexualassault.army.mil under the "Leader's" tab.

g. Contact the SARC or VA Within 45 days of assuming command to conduct a unit specific commander's briefing.

h. Implement the United States Army Europe (USAREUR) Commander's guidance contained in Command Policy 24 and visit unaccompanied personnel housing and single Soldier's barracks in order to promote a safe environment.

i. Ensure all personnel attend mandatory sexual harassment/assault prevention training. This training may be conducted by the SARC or VA. The SARC/VA is responsible for all SHARP training.

11. Point of contact for this policy is the USAG RP SARC at DSN 493-4203.

G. SHAWN WELLS, JR.
COL, SC
Commanding