



DEPARTMENT OF THE ARMY
THE NONCOMMISSIONED OFFICER LEADERSHIP CENTER OF EXCELLENCE
11291 SGT E. CHURCHILL STREET
FORT BLISS, TEXAS 79918-8002

ATSS-CD

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: NCOLCoE Policy # 8 - Sexual Harassment/Assault Response and Prevention (SHARP) for Military and Civilian Personnel

1. References.

- a. AR 600-20, Army Command Policy Chapter 7, Sexual Harassment/Assault Response and Prevention Program, 24 July 2020.
- b. DoD Directive (DoDD) 6495.01, Sexual Assault Prevention and Response (SAPR) Program, 23 January 2012, Incorporating Change 5, 10 November 2021.
- c. DoD Directive (DoDD) 6495.03, Defense Sexual Assault Advocate Certification Program, 28 FEB 2020.
- d. DoD Instruction (DoDI) 6495.02, Sexual Assault Prevention and Response (SARP) Program, 28 March 2013, Incorporation Change 7, 6 September 2022.
- e. DoD Instruction (DoDI) 1020.03, Harassment Prevention and Responses in the Armed Forces, Incorporation Change 1, 29 December 2020.
- f. DoD Instruction (DoDI) 1020.04, Harassment Prevention and Responses for DoD Civilian Employees, 30 June 2020.
- g. Army Directive 2018-23, Improving the Effectiveness of Essential and Important Army Programs: Sexual Harassment/Assault Response and Prevention, Equal Opportunity, Suicide Prevention, Alcohol and Drug Abuse Prevention, and Resilience, 8 November 2018.
- h. Army Directive 2022-13, Reforms To Counter Sexual Harassment/Sexual Assault in the Army, 20 September 2022.
- i. TRADOC Policy Letter No. 4 Military Equal Opportunity (MEO), Sexual Harassment/Assault Response and Prevention (SHARP) Program, and Treatment of Persons, 14 September 2022.

ATSS-CD

SUBJECT: NCOLCoE Policy # 8 - Sexual Harassment/Assault Response and Prevention (SHARP) for Military and Civilian Personnel

2. Purpose. To establish the Noncommissioned Officer Leadership Center of Excellence (NCOLCoE) policy on the SHARP program.

3. Scope. This policy applies to all Military Personnel and Department of the Army (DA) Civilian employees and their Family members who are assigned, attached, or on Temporary Duty (TDY) to NCOLCoE, including all subordinate commands, units, directorates, and special staff offices. This policy applies both on- and off-post and during duty and non-duty hours.

4. General.

a. This memorandum reinforces NCOLCoE commitment to provide a safe environment for all members of the command. This policy promotes a command climate that encourage victims to report incidents of sexual harassment and sexual assault without fear, retribution, intimidation, or retaliation. People are our most valuable asset and the cornerstone to our readiness. Sexual harassment and sexual assault will not be tolerated.

b. The SHARP program reinforces our commitment to eliminate behaviors which might contribute to sexual assault or sexual harassment. Sexual assault and sexual harassment have no place in the Army, they degrade mission readiness and are incompatible with the Army Values. NCOLCoE is fully committed to the SHARP program. This requires all leaders to take personal responsibility in preventing sexual harassment and sexual assault within this command. Each unit will display a copy of this command policy on unit bulletin boards, and issue to all new employees during in-processing.

5. Responsibilities.

a. There is zero tolerance of sexual harassment and/or sexual assault in the Army and in this command. The prevention of sexual harassment and sexual assault is everyone's responsibility. Soldiers, DA Civilian, and their Family members possess the right to work and live in an environment free from sexual harassment and sexual assault. Leaders set the standard and must be fully committed to creating and maintaining an environment free of sexual harassment and sexual assault. Anyone who is subject to acts of sexual harassment by supervisors or co-workers should make it clear such behavior is offensive and unwelcome and should report the incident to the chain of command or through the appropriate complaint process. Victims of sexual assault should feel empowered to report these incidents and must receive support from their chain of command. Every Leader, Soldier, and DA Civilian must actively participate in, and adhere to our comprehensive efforts to enhance awareness, prevention, education, victim advocacy, response, reporting, and accountability.

b. Directorates and Leaders are reminded to continuously assess their command

ATSS-CD

SUBJECT: NCOLCoE Policy # 8 - Sexual Harassment/Assault Response and Prevention (SHARP) for Military and Civilian Personnel

climates, educate personnel annually on both sexual harassment and sexual assault, and review and revise current policies (i.e., Lodging in Kind (LIK), group TDY's, etc.) to ensure we are not creating conditions that might foster sexual harassment, sexual assault, and/or other criminal or inappropriate behaviors.

c. Commandant will identify one Sexual Assault Response Coordinator (SARC) and one Victim Advocate (VA). The same person cannot simultaneously fill the SARC and VA positions.

(1) The SARC will be screened, undergo a background check, and be recommended by the Commandant and Directorates. The Joint Modernization Commanding (JMC) General approves the NCOLCoE SARC recommendation and signs the SARC appointment memorandum upon being credentialed. The JMC Commander approves the Collateral Duty (CD) Battalion SARC recommendation and signs the CD Battalion SARC appointment memorandum once trained and credentialed. The grade requirement for a SARC is GS-11 or higher for DA Civilians, SFC or higher for Enlisted.

(2) The VA will be screened, undergo a background check, and be recommended by their chain of command. The JMC Commander will approve the VA recommendation and sign the VA appointment memorandum once trained and credentialed. The grade requirement for a VA is GS-9 or higher for DA Civilians, SSG or higher for Enlisted.

6. Policies and Procedures.

a. Sexual harassment conduct that involves unwelcome sexual advances, request for sexual favors, and deliberate or repeated offensive comments or gestures of a sexual nature when: submission to such conduct is either explicitly or implicitly a term or condition of a person's job, pay or career; or submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person; or such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidation, hostile, or offensive working environment. Any member of this command who believes he or she is experiencing sexual harassment or witness what they believe to be sexual harassment, on or off duty, will report the incident immediately to a credentialed SARC, VA, or the chain of command. An allegation of sexual harassment will be treated at all levels of command with the seriousness it deserves. Soldiers, DA Civilians and Family members have three options to resolve sexual harassment complaints.

(1) Informal complaint is a complaint where the complainant does not wish to file in writing. The complainant can use the direct approach and confront the harasser (in-person, email, text), use a third-party approach involving assistance from another person, or utilizing the chain of command.

(2) Formal complaint is a complaint where the complainant wishes to file in writing on a DA Form 7746 with the appointed and credentialed Brigade SARC. Soldiers

ATSS-CD

SUBJECT: NCOLCoE Policy # 8 - Sexual Harassment/Assault Response and Prevention (SHARP) for Military and Civilian Personnel

have 60 calendar days from the date of the last incident to file the complaint. Upon receipt of a complaint, the Commandant will follow procedures outlined in AR 600-20, Chapter 7. DA Civilians have 45 calendar days from the date of the last incident to file the sexual harassment complaint with the Equal Employment (EEO) Office.

(3) Anonymous Complaint is a report of sexual harassment, regardless of the means of transmission from an unknown or unidentified source. The individual reporting the information is not required to divulge personal identifiable information. All anonymous complaints will be referred to the subject's Brigade Commander. The Brigade Commander will initiate an inquiry or investigation if the complaint contains sufficient information. These complaints will be processed formally, documented on a DA Form 7746 and entered into the Integrated Case Reporting System (ICRS). If the complaint does not contain sufficient information to permit the initiation of the investigation, the NCOLCoE SARC will maintain a memorandum for record.

b. Sexual assault is a crime is defined as intentional sexual contact, characterized by use of force, threats, intimidation, abuse of authority, or when the victim does not or cannot consent. Sexual assault includes rape, forcible sodomy (oral or anal sex), and other unwanted sexual contact that is aggravated, abusive, or wrongful (including unwanted and inappropriate sexual contact) or attempts to commit these acts. Sexual assault is punishable under the UCMJ and other Federal and local civilian laws. Upon notification of an unrestricted sexual assault, unit Commanders will take immediate steps to ensure the victim's physical safety, emotional security, and medical treatment needs before notifying the next higher headquarters. The Commandant will immediately notify the appropriate law enforcement and or Criminal Investigative Division (CID). The Commandant will ensure all unrestricted sexual assaults are reported using the Sexual Assault Incident Response Oversight (SAIRO) report, and is routed to each reporting echelon Commander, Staff Judge Advocate (SJA), and major subordinate command. The SAIRO report must be completed within eight (8) calendar days of the unrestricted report being submitted to the NCOLCoE SARC.

c. In accordance with AR 600-20, Appendix J, SHARP Commander's Critical Information Requirement (CCIR), there are four incident categories that are CCIRs and reported within 24 hours to the GCMCA in writing.

(1) Category 1: Commanders O-5 (P) and above, E-9 Command Sergeants Major, or Senior Civilian Supervisors (GS-15 or SES).

(2) Category 2: Subject fails within one of the following categories:

(a) SHARP Professionals, which includes SARCs, VAs, or Victim Representatives currently serving or with an active D-SAACP certification (regardless of if currently serving in the position).

ATSS-CD

SUBJECT: NCOLCoE Policy # 8 - Sexual Harassment/Assault Response and Prevention (SHARP) for Military and Civilian Personnel

(b) SHARP staff members, which includes Program Managers (PM), SHARP trainers, or members of the HQDA or Command SHARP Offices currently serving or with an active D-SAACP certification (regardless of if currently serving in the position).

(c) Special Victims Counsel (SVC), Special Victims Prosecutor (SVP), CID Sexual Assault Investigators, or Special Victims Witness Liaison.

(d) Drill Sergeants, Advanced Individual Training Platoon Sergeants, or Recruiters.

(e) Chaplains.

(f) Sexual Assault Nurse Examiners and Sexual Assault Medical Forensic Examiners.

(3) Category 3: Serious cases including, but not limited to the following:

(a) Multiple reports originating from a single unit or organization within a time period defined by a lead SARC or PM that would warrant informing the Army G-1 and/or Army Senior Leaders.

(b) A pattern of reports recognized by a Lead SARC or Program Manager that suggests a serial offender and would warrant informing the Army G-1 and/or Senior Leaders.

(c) Extreme violence (victim requires hospitalization, robbery, or murder, etc).

(d) Other abnormal situations that may warrant informing the Army G-1 and/or Army Senior Leaders.

(4) Category 4: Cases expected to attract high media or Congressional attention.

d. Commandant and Directorates will establish and enforce a comprehensive SHARP program with the following:

(1) The Army Regulation 600-20 Army Command Policy and Army Directive 2018-23 emphasizes Leaders to deliver quality training to Soldiers. This directive reasserts the importance of Leaders and the chain of command in providing quality, relevant training and education to improve and sustain positive organizational climates that emphasize Army Values and treat everyone with dignity and respect. Leaders are provided with the necessary skills and appropriate resources to conduct a valuable face to face SHARP Annual Refresher Training for all units and must be conducted in the presence of an appointed, credentialed SARC. Information on the approved SHARP Annual Refresher Training is available at <https://atn.army.mil>.

ATSS-CD

SUBJECT: NCOLCoE Policy # 8 - Sexual Harassment/Assault Response and Prevention (SHARP) for Military and Civilian Personnel

(2) Publish and post written policy statements, photos, and contact information of SARCs, VAs, chaplains, and military medical treatment facilities in their local areas on unit bulletin boards.

(3) Post victim reporting options on unit bulletin boards to educate and help eliminate violations of restricted and unrestricted victim reporting preferences.

(4) Post sexual harassment complaint process on unit bulletin boards to educate and assist complainants on the process of filing a formal or informal complaint.

(5) Enhance awareness and training to minimize incidents of sexual harassment and sexual assault to increase first responder actions for victims of sexual assault.

(6) Provide confidential avenues for reporting incidents of sexual harassment and sexual assault.

(7) Promote sensitive handling of sexual assault victims, to include assigning trained VAs focused on ensuring victims receive counseling and support (transportation, orders, etc.).

(8) Hold those who commit sexual harassment and sexual assault accountable by coordinating with the appropriate SJA office.

e. Victims' Rights:

(1) The right to be treated with fairness and respect for dignity and privacy.

(2) The right to be protected from the accused offender.

(3) The right to reasonable, accurate and timely notice of hearings, court proceedings, and clemency related to the offense.

(4) The right to be present at all public proceedings related to the offense.

(5) The right to reasonably confer with the prosecutor/Trial counsel in the case.

(6) The right to receive available restitution.

(7) The right to be reasonably heard.

(8) The right to submit a written statement for the consideration of the Convening Authority prior to acting on findings and sentence.

(9) The right to proceedings free from unreasonable delay.

ATSS-CD

SUBJECT: NCOLCoE Policy # 8 - Sexual Harassment/Assault Response and Prevention (SHARP) for Military and Civilian Personnel

(10) The right to be provided information, if applicable, about the conviction, sentencing, imprisonment, Convening Authority's action, appellate review, and release of the offender.

f. Every report must be treated seriously by following proper guidelines. Information and circumstances of the allegations will be disclosed on a need-to-know-basis only. Additionally, Commandant and Directorates must ensure all members of their command know and understand the two types of reporting procedures:

(1) Restricted Reporting: Restricted reporting is for victims of sexual assault who wish to confidentially disclose the crime to specifically identified individuals and receive medical treatment and counseling without triggering the official investigative process and prosecution of the alleged offender. Soldiers, DA Civilian, and Family members who are sexually assaulted and desire restricted reporting must report to a credentialed SARC, credentialed VA, healthcare provider, Chaplain, or a Special Victim Counsel (SVC).

(2) Unrestricted Reporting: Unrestricted reporting is for victims of sexual assault who desire medical treatment, counseling, consideration for protection and expedited (permanent or temporary) transfers, and an official investigation of the crime. When selecting unrestricted reporting, a Soldier, DA Civilian or a Family member, should use current reporting channels. Reporting channels include the chain of command, law enforcement, and the credentialed SARC or VA. The Chaplain or a Special Victim Counsel are options given to the Victim to speak with. DA Civilians are encouraged to file an unrestricted report and consult with SHARP personnel for assistance with locating local resources, especially when there is a nexus to the workplace.

(3) CATCH a Serial Offender (CATCH) Program: Victims of Sexual Assault who elect a restricted report OR an unrestricted report where the offender is not known to law enforcement, may elect to participate in the CATCH Program. The CATCH program gives victims the opportunity to anonymously submit suspect information to help the Department of Defense identify serial offenders. Participation in the CATCH Program is voluntary. Victims may decline to participate in the process at any time. For more information contact your SARC/VA or visit <https://www.sapr.mil/victim-assistance>.

g. Military and DA Civilians are advised against reporting sexual assault to any other person other than those listed above. Details regarding the incident must remain limited to those personnel who have a legitimate need to know.

7. Protection from Retaliation and Reprisal.

a. We must maintain an environment free from fear of reprisal. Reprisal refers to taking or threatening to take an unfavorable personnel action, withholding, threatening to withhold a favorable personnel action, or any other act of retaliation against a Soldier,

ATSS-CD

SUBJECT: NCOLCoE Policy # 8 - Sexual Harassment/Assault Response and Prevention (SHARP) for Military and Civilian Personnel

Family member, or Department of the Army Civilian for making or preparing a formal Military Equal Opportunity, Sexual Harassment, or Sexual Assault complaint; for engaging in activity in opposition to perceived discrimination, or against an alleged subject under investigation. Commandant will establish and implement a reprisal plan to protect complainants, any named witness, and subject from reprisal.

b. All Soldiers, DA Civilians and/or their dependents, SARCs, VAs, witnesses, healthcare providers, bystanders, and others associated with a report of sexual assault allegation, or a complaint of sexual harassment are protected from retaliation, reprisal, ostracism, and maltreatment.

c. In accordance with AR 600-20, Appendix H and DoDI 6495.02, all personnel in the victim's chain of command, are required to take appropriate measures to protect the victim when they become aware of allegations of retaliation, reprisal, ostracism, or maltreatment. SARCs and VAs must inform victims of the resources available to report instances of retaliation, reprisal, ostracism, maltreatment, sexual harassment, or to request a transfer or military protective order. Retaliatory behavior may be punishable under UCMJ and is incompatible with Army values.

8. For 24/7 assistance all Soldiers, DA Civilians, and Family members can contact:

- a. Fort Bliss SHARP 24-hour Helplines:
- b. NCOLCoE SARC: 915-955-0215
- c. NCOA VA: 915-744-2279
- d. NCOLCoE Chaplain: 915-744-6732
- e. 1AD Fort Bliss SHARP Hotline: 915-245-8991
- f. Department of Defense (DOD) Safe Helpline: 1-877-995-5247
- g. Military OneSource: 1-800-342-9647

9. This policy supersedes Policy Memorandum #8, dated 10 February 2023, Subject: Prevention of Sexual Harassment and Sexual Assault (SHARP).

ATSS-CD

SUBJECT: NCOLCoE Policy # 8 - Sexual Harassment/Assault Response and Prevention (SHARP) for Military and Civilian Personnel

10. The points of contact for this memorandum is NCOLCoE Sexual Assault Response Coordinator, SFC Artie Ortiz, at 915-744-1183 (office), 915-955-0215 (government cell) or at artie.ortiz2.mil@army.mil.



TAMMY M. EVERETTE
CSM, USA
Commandant

DISTRIBUTION:
NCOLCoE SARC/VA
Staff and Faculty, NCOLCoE
Sergeants Major Course, NCOLCoE
Noncommissioned Officer Academy, NCOA