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02 Sep 2016

**MEMORANDUM FOR SEE DISTRIBUTION**

**SUBJECT: US Army Support Activity, Fort Dix Command Policy Memorandum #5 - Sexual Harassment/Assault Response and Prevention (SHARP) Policy**

1. This policy memorandum supersedes US Army Support Activity (USASA), Fort Dix Command Policy Memorandum #5 – Sexual Harassment/Assault Response and Prevention (SHARP), dated 14 August 2015.
2. References:
  - a. Army Regulation 600-20 (Army Command Policy), Chapters 7 and 8, dated 06 November 2014.
  - b. ALARACT 299/2013 dtd 08 Nov 13; SUBJ: Army Responsibilities, Roles, Procedures, and Authorities for Responding to Sexual Assault Allegations (U).
  - c. HQDA EXORD 221-12 Sexual Harassment/Assault Response and Prevention Synchronization Order, CTG: 230025Z Jun 12.
3. **PURPOSE:** To establish the United States Army Support Activity (USASA), Fort Dix and Devens Reserve Forces Training Area (DRFTA) policy for Sexual Harassment/Assault Response and Prevention (SHARP).
4. **APPLICABILITY:** This policy letter applies to all military and civilian personnel assigned, attached, or otherwise physically present on USASA, Fort Dix and DRFTA.
5. **POLICY.**
  - a. The prevention and elimination of sexual harassment and sexual assault is my number one priority. I am committed to ensuring all Service Members, Civilian employees, contractors and their Family members are safe and in an environment free of sexual harassment and sexual assault. The Army's policy is that sexual harassment and sexual assault is unacceptable conduct and will not be condoned or tolerated. Army leadership at all levels will be committed to creating and maintaining an environment conducive to maximum productivity and respect for human dignity. Sexual harassment and sexual assault destroys teamwork and negatively affects combat

IMDI-ZA

SUBJECT: US Army Support Activity, Fort Dix Command Policy Memorandum #5 - Sexual Harassment/Assault Response and Prevention (SHARP) Policy

readiness. Successful mission accomplishment can be achieved only in an environment free of sexual harassment and sexual assault.

b. AR 600-20, paragraph 7-4 defines sexual harassment as a form of gender discrimination, which includes unwelcome 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 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; or

(3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive work environment.

(4) Any person in a supervisory or command position, who uses or condones implicit or explicit sexual behavior to control, influence or affect the career, pay or job of personnel is engaging in sexual harassment. Similarly, anyone who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature is engaging in sexual harassment.

c. Personnel have the right to present a complaint to the command without fear of intimidation, reprisal, or harassment. Any acts of reprisal or retaliation will be taken seriously and dealt with immediately.

d. Attempts to resolve sexual harassment should always be made at the lowest level possible within an organization. In accordance with AR 600-20, Appendix C, sexual harassment complaint options include informal and formal:

(1) An informal complaint is not in writing and may be voiced to the offending person, to a supervisor, or to both. The intention is that the offending behavior will stop with no further action required. The Sexual Assault Response Coordinator (SARC) will provide a memorandum of record on resolution for all military complaints and any made by their dependents. It is highly recommended that a memorandum of record be completed by the person resolving the complaint for all personnel.

IMDI-ZA

SUBJECT: US Army Support Activity, Fort Dix Command Policy Memorandum #5 - Sexual Harassment/Assault Response and Prevention (SHARP) Policy

(2) A formal complaint is a written statement of the behavior and is submitted to the proper authority and/or a certified SARC for processing through the official complaint process on a DA Form 7279. All formal complaints will be reported within three calendar days to the first General Courts-Martial Convening Authority (GCMCA) in the chain of command.

e. Sexual assault is a criminal offense that has no place in the Army. It degrades mission readiness by devastating the Army's ability to work effectively as a team. Sexual assault is incompatible with Army values and is punishable under the Uniform Code of Military Justice (UCMJ) and other Federal and state laws. Sexual assault is a crime defined as intentional sexual contact characterized by use of force, physical threat and/or abuse of authority or when the victim does not or cannot consent. Sexual assault can occur without regard to gender, spousal relationship, intimate partner, or age of the victim. See AR 600-20, paragraph 8-4.

f. There are two reporting options for sexual assault; restricted or unrestricted:

(1) Restricted reporting allows a Soldier who is a sexual assault victim, on a confidential basis, to disclose the details of their assault to specifically identified individuals and receive medical treatment and counseling, without triggering the official investigative process. Soldiers who are sexually assaulted and desire restricted reporting under this policy should report the assault to the SARC, Victim Advocate (VA), or a Healthcare Provider.

(2) Unrestricted reporting allows a Soldier who is sexually assaulted and desires medical treatment, counseling, and an official investigation of his/her allegation to use current reporting channels (for example, chain of command or law enforcement). The SARC, VA, Healthcare Provider, Criminal Investigative Command investigator (CID), Commander, Judge Advocate General officer (JAG), and Inspector General personnel (IG) can receive an unrestricted report of sexual assault. Upon notification of a reported sexual assault, the SARC will immediately notify the VA. Additionally, with the victim's consent the healthcare provider will conduct a forensic examination, which may include the collection of evidence. Details of the incident will be limited to only those personnel who have a legitimate need to know.

g. All unrestricted reports of sexual assault will be immediately referred to CID for investigation.

IMDI-ZA

SUBJECT: US Army Support Activity, Fort Dix Command Policy Memorandum #5 - Sexual Harassment/Assault Response and Prevention (SHARP) Policy

h. Commanders and supervisors must be familiar with the expedited transfer policy established in Army Directive 2011-18, ALARACT 007 2012 SHARP, and MILPER MSG 12-230.

i. Any allegation of rape, sexual assault, forcible sodomy, or any attempt to commit such an offense is withheld to the first O-6, the Special Court-martial Convening Authority (SPCMCA) in the chain of command for initial disposition. If the SPCMCA is below the grade of O-6, then the case is withheld to the General Court-martial Convening Authority (GCMCA).

j. All clients/victims eligible for legal assistance will be assigned a Special Victims Counsel, such services will be coordinated by the Staff Judge Advocate (SJA).

## 6. RESPONSIBILITIES.

a. SHARP is the responsibility of everyone. Anyone who witnesses or becomes aware of sexual harassment and/or sexual assault are required to act either by direct intervention or by encouraging the victim to take action to protect oneself. The Officer and NCO chain of command members must report a known incident of sexual harassment and/or sexual assault. Anyone who is aware of a sexual assault should immediately report the incident.

b. Victims of sexual harassment and sexual assault will be treated with dignity, fairness and respect at all times. The safety of the victim of sexual harassment and sexual assault is a primary consideration. Retaliation or reprisal against someone reporting or witnessing a sexual harassment or sexual assault will not be tolerated.

c. I fully expect every Soldier and Civilian to join me in confronting and eliminating all forms of workplace and discriminatory harassment and sexual assault. We will work together by strictly adhering to regulatory guidance and create and maintain an environment where everyone is treated professionally with dignity and respect while accomplishing our mission.

7. EXPIRATION: This policy is effective until superseded or rescinded.

IMDI-ZA

SUBJECT: US Army Support Activity, Fort Dix Command Policy Memorandum #5 - Sexual Harassment/Assault Response and Prevention (SHARP) Policy

8. Point of contact for this policy letter is Janis A. Doss, USASA, Fort Dix SARC at (609) 562-4375 and email at [janis.a.doss.civ@mail.mil](mailto:janis.a.doss.civ@mail.mil) or Roxanne McElroy-White, USASA, Fort Dix Victim Advocate at (609) 562-6343 and email at [roxanne.i.mcelroy-white.civ@mail.mil](mailto:roxanne.i.mcelroy-white.civ@mail.mil).



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