



DEPARTMENT OF THE ARMY
LANDSTUHL REGIONAL MEDICAL CENTER
UNIT 33100
APO AE 09180-3100

MCEU-LSH-ARP

11 February 2022

MEMORANDUM FOR ALL LANDSTUHL REGIONAL MEDICAL CENTER (LRMC)
PERSONNEL

SUBJECT: LRMC Command Policy Letter 4 - Sexual Harassment/Assault Response and Prevention (SHARP) Program

1. References.

- a. Department of Defense (DoD) Instruction 6495.01, Sexual Assault Prevention and Response (SAPR) Program, 23 January 2012, Incorporating Change 4, 11 September 2020
- b. DoD Instruction 6495.02, Sexual Assault Prevention and Response (SAPR) Program Procedures, 28 March 2013, Incorporating Change 4, 11 September 2020
- c. AR 600-20, Army Command Policy, 24 July 2020
- d. AR 40-400, Patient Administration, 8 July 2014
- e. OTSG/MEDCOM Policy Memo 20-047, Sexual Harassment/Assault Response and Prevention (SHARP) Program, 28 August 2020
- f. Regional Health Command Europe (RHCE) OPORD 20328-02 Commander's Serious Incident Report (SIR) and Commander's Critical Information Requirements (CCIR), 23 November 2020

2. Purpose. To establish expectations for LRMC personnel on the prevention of sexual harassment and sexual assault. LRMC is committed to safeguarding an environment free from sexual harassment and sexual assault for all Service Members and Civilians. Such acts destroy teamwork and negatively affect readiness. 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 environment that promotes dignity and respect.

3. Punitive. This command policy imposes a duty to comply. Sexual assault is a crime that is incompatible with the Army values, violates other Federal and local laws, and is punishable under the Uniform Code of Military Justice (UCMJ) under Article 92. Violations may result in punitive action against Service members and adverse administrative and personnel actions for Civilian employees.

4. APPLICABILITY. This policy letter applies to all Service Members, Civilians and Contractors assigned to, attached to, or employed at Landstuhl Regional Medical Center (LRMC).

*This memorandum supersedes LRMC Policy Letter 4, dated 29 May 2019.

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5. Policy for sexual harassment.

a. Title 10 USC 1561 defines the term "sexual harassment" to mean any of the following:

(1) Conduct 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; and

(d) Such conduct is so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the environment as hostile or offensive:

(2) Any use or condonation by any person in a supervisory or command position of any form of sexual behavior to control, influence, or affect the career, pay, or job of a member of the Armed Forces or a Civilian employee of the DoD.

(3) Any deliberate or repeated unwelcome verbal comment or gesture of a sexual nature by any member of the Armed Forces or Civilian employee of the DoD.

b. There is no requirement for concrete psychological harm to the complainant for behavior to constitute sexual harassment. Behavior is sufficient to constitute sexual harassment if it is so severe or pervasive, that a reasonable person would perceive and the complainant does perceive, the environment as hostile or offensive.

c. Sexual harassment can occur through electronic communications (including social media), other forms of communication, and in person.

d. The use of disparaging and/or sexualized terms may contribute to an unlawful hostile environment and will not be tolerated. Leaders at all levels will protect their teams against sexual harassment and proactively ensure that their environments are free from all forms of sexual harassment.

e. Violations may be punished under UCMJ, Art. 92. Leaders who fail to address complaints or document sexual harassment may also be subject to punitive and/or adverse administrative action. (AR 600-20, para 7-7e)

(1) Allegations of sexual harassment must be taken seriously and investigated promptly.

(a) Individuals who perceive they are being sexually harassed by superiors, co-workers, peers, or non-employees should attempt to handle the situation at the lowest level using an

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intervention technique or a blend of intervention techniques that is appropriate to his/her comfort level.

(b) If the behavior is not corrected, the individual is encouraged to report the harassment to an appropriate authority or through the chain of command.

(c) It is the responsibility of every leader, military or Civilian, to examine allegations of sexual harassment and take the necessary actions to ensure these matters are addressed expeditiously, fairly, and effectively.

(2) If an individual feels that he or she is being sexually harassed, he/she should report the harassment immediately to the chain of command, Sexual Assault Response Coordinator (SARC), Victim Advocate (VA), Victim Representative (VR), Equal Employment Office, 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 retaliation and reprisal.

(3) Within 24 hours of receipt of a formal sexual harassment complaint, commanders will provide an initial SIR to the LPMC Commander and LPMC Sexual Harassment/Assault Response and Prevention (SHARP) SARC. Incidents of sexual harassment are categorized as an SIR 3J.

(4) Civilian employees should report any instance of sexual harassment to the Equal Employment Opportunity (EEO) Office, in accordance with AR 690-600. The RHCE EEO can be reached at DSN 590-2261 and the Rheinland-Pfalz EEO can be reached at DSN 541-2202.

(5) Prevention is the best tool for the elimination of sexual harassment. Leaders will take immediate steps to eliminate any sexual harassment brought to their attention, whether real or perceived.

(a) Leaders will focus training on changing the climate to ensure all Service members and Civilian employees fully understand what constitutes sexual harassment and the measures necessary to prevent and report it.

(b) Annual SHARP training will be conducted face-to-face for military and Civilian employees using the approved Department of the Army SHARP Annual Training Support Package available on the Army Training Network. Commanders will determine the duration, location, and means for conducting training. Unit leaders will lead the training with the assistance of certified SHARP professionals.

6. Policy for sexual assault.

a. Sexual assault is a crime defined as "intentional sexual contact, characterized by use of force, threats, intimidation or abuse of authority or when the victim does not or cannot consent" (AR 600-20, para 7-9).

(1) Sexual assault includes rape, sexual assault, aggravated sexual contact abusive sexual contact, or attempts to commit these acts. Sexual assault can occur without regard to gender, spousal relationship, or age of the victim.

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(2) 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, threatens force or coercion, or when the victim is asleep, incapacitated, or unconscious.

(3) Sexual assault is a criminal offense that is punishable under the UCMJ and other federal and local civilian laws.

b. Leaders at all levels are responsible for providing a safe and healthy environment. They must take appropriate administrative and judicial actions (while considering all facts and circumstances) in each case to: prevent sexual assault, protect and support victims, and hold offenders accountable.

(1) Commanders will ensure that all personnel who seek medical care at a military treatment facility with an allegation of sexual assault will receive a uniform standard of care, which is monitored and tracked until the provision of healthcare related to the sexual assault is complete. Medical care is monitored and tracked by the Sexual Assault Medical Management Office by the Sexual Assault Care Provider and/or the Sexual Assault Care Coordinator.

(2) Leaders will ensure victims of sexual assault have access to comprehensive, professional, and compassionate care. All victims of sexual assault will be treated fairly, and with dignity and respect. Leaders must ensure that the needs of victims are compassionately met, and that they are aware of their rights, options, and available support resources.

(3) Every effort will be made to protect individual privacy to avoid instances of secondary victimization during medical treatment, investigation, and legal adjudication.

(4) Leaders at all levels will be held accountable for the prompt investigation and reporting of any such allegations. All leaders must become familiar with the SHARP Program regulations, and the duties and responsibilities of the SARC, VA, VR, and the Army Victim Witness Liaison Assistance Program.

(5) The United States Army Europe and Africa (USAREUR-AF) SHARP Helpline is the quickest way to report a sexual assault. Leaders will ensure that this phone number is included in all newcomers' briefs, posted in common areas, and is widely disseminated to all personnel. USAREUR-AF 24/7 53-SHARP Helpline can be reached at DSN: 314-537-4277 or Commercial: 0611-143-53-74277.

(6) Within 24 hours of receipt of a reported incident of sexual assault, commanders will provide an initial SIR to the LRMC Commander and LRMC SHARP. SARC. Incidents of sexual assault are categorized as an SIR 3H.

c. Sexual assault reporting options.

(1) Restricted reporting allows sexual assault victims confidential disclosure of the assault to specified entities (SARC, VA, or healthcare personnel), and to receive healthcare treatment, including emergency care, counseling, and assignment of a SARC and VA, without triggering an official investigation.

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(a) When a sexual assault is reported through restricted reporting, a SARC shall be notified as soon as possible, respond to the victim, assign a VA, and offer the victim healthcare treatment and a Sexual Assault forensic Exam (SAFE).

(b) Neither the victim's report nor information acquired from the SAFE will be reported to law enforcement or to the victim's chain of command, unless the victim consents to initiate the official investigative process or an established exception applies in accordance with Reference 1(a).

(2) Unrestricted reporting allows sexual assault victims access to healthcare treatment, including emergency care, counseling, and assignment of a SARC and VA, and to request an official investigation of the incident using existing reporting channels (e.g., chain of command, law enforcement, healthcare personnel, the SARC, etc.).

(a) This option affords the victim an opportunity to request an expedited transfer, a Military Protective Order, and a Civilian Protective Order.

(b) When a sexual assault is reported through unrestricted reporting, a SARC shall be notified as soon as possible to respond to the victim, assign a VA, and to offer the victim healthcare treatment and a SAFE.

(3) Victims electing either of these reporting options shall be treated with fairness, dignity, and respect. It is paramount to protect individual privacy and avoid instances of secondary victimization. All sexual assault victims have the following rights:

(a) The right to be treated with fairness, and with dignity and respect.

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

(c) The right to be notified of court proceedings.

(d) The right to be present at all public court proceedings related to the offense, unless the court determines that the victim's testimony would be materially affected (e.g., if you, as the victim, heard other testimony during the trial).

(e) The right to confer with the attorney for the government in the case.

(f) The right to available restitution.

(g) The right to information about the conviction, sentencing, imprisonment, and release of the offender.

d. Sexual assault reporting eligibility criteria.

(1) Service members and their Family members 18 years of age or older are eligible for both restricted and unrestricted reporting options.

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(2) Civilian employees and their Family members 18 years of age and older, when stationed or performing duties OCONUS, are eligible for treatment in the military health system at military installations or facilities. However, they are only eligible for the unrestricted reporting option.

(3) Victims of sexual assault allegedly perpetrated by a spouse or intimate partner, or Family members under the age of 18, are covered under the Family Advocacy Program (FAP), as described in DOD Instruction 6400.1-M-1. FAP provides the full range of services to those individuals. When an alleged sexual assault occurs because of alleged domestic abuse or involves alleged child abuse, the installation SARC will direct the victim to the installation FAP Office.

e. Retaliation and reprisal. Commanders will establish procedures to protect all concerned (i.e., victims and complainants, alleged subjects, first responders, witnesses, and bystanders who intervened to prevent a sexual assault or act of sexual harassment) from retaliation, reprisal, ostracism, or maltreatment related to the execution of their duties and responsibilities.

(1) Retaliation is defined by AR 600-20 as "any person subject to the UCMJ who 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."

(2) Reprisal is defined by AR 600-20 as "taking or threatening to take an unfavorable personnel action, or withholding or threatening to withhold a favorable personnel action, or any other act of retaliation, against a Soldier or Family member, for making or preparing a formal Military Equal Opportunity (MEO) complaint, a DA Civilian for engaging in activity in opposition to perceived discrimination; or against an alleged subject under investigation."

f. Expedited transfers. There is a presumption in favor of transferring or reassigning a sexual assault victim, at his or her request, following the credible report of a sexual assault. A transfer or reassignment includes, but is not limited to, the victim's temporary or permanent move to a unit within LRMC, within USAREUR-AF, or outside of Europe.

(1) For the purpose of transfer consideration, a report of sexual assault is credible when the commander (battalion level or above), 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 was committed against the person requesting the transfer or reassignment.

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

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g. Training. An essential component of the SHARP Program is quality SHARP training that is interactive and engaging, increases awareness, promotes intervention, and prevents sexual harassment and sexual assault.

(1) Units will use the approved DA SHARP Annual Refresher Training Support Package available on the Army Training Network.

(2) Unit leaders will lead the training with the assistance of credentialed SHARP professionals. As part of the SHARP Face-to-Face training, SHARP professionals will ensure all personnel receive the First Responder and Healthcare Personnel Training - Initial and Annual Training provided by MEDCOM.

(3) Sexual assault awareness and prevention training will be provided to all LRMC personnel upon arrival to the command. Training will focus on defining sexual violence, risk-factor awareness, reporting procedures, recognizing predatory behavior, bystander intervention, developing intervention strategies, and victim support. All newly arrived personnel will be provided the name and contact information of their unit SARC and VA.

(4) Commanders and their Non-Commissioned Officer (NCO) counterparts at all levels will receive SHARP desk side briefings from the assigned brigade level SARC and VA within 30 days of assuming their respective positions.

(5) Senior leader training will be conducted for all commanders and their NCO counterparts, at all levels, annually.

(6) Commanders will ensure units conduct annual SHARP refresher training. The training will demonstrate prevention and intervention strategies, reporting, response, and accountability. Each training session will be tailored to the individual audience.

h. Sexual harassment and/or sexual assault will not be tolerated. Such behavior and acts are detrimental to professional values, compromise mission readiness, and violate the trust of fellow Service members, Civilian employees, and Family members.

7. The proponent is the LRMC SHARP Victim Advocate at DSN 314-590-7150 or at brandy.m.franklin.mil@mail.mil.



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