



**DEPARTMENT OF THE ARMY**

HEADQUARTERS, EIGHTH ARMY

UNIT #15236

APO AP 96205-5236

EACG

101 APR. 2016.

MEMORANDUM FOR All Eighth Army Assigned Soldiers and Family Members

SUBJECT: Eighth Army Command Policy Letter #8, Sexual Harassment/Assault Response and Prevention (SHARP) Program

1. References:

- a. United States Army Region – Pacific SHARP Policy Memorandum #15-01, 12 January 2015.
- b. United States Forces Korea Command Policy Letter #9, 2 January 2014.
- c. Army Regulation (AR) 600-20, Army Command Policy, 6 November 2014.
- d. Army Regulation 27-10, Military Justice, 3 October 2011.
- e. United States Forces Korea Regulation 600-20, Sexual Assault Prevention and Response Program, 16 July 2015.
- f. Department of Defense Directive (DoDD) 6495.01, Sexual Assault Prevention and Response (SAPR) Program, 23 January 2012 (incorporating Change 2, effective 20 January 2015).
- g. Department of Defense Instruction (DoDI) 6495.02, Sexual Assault Prevention and Response (SAPR) Program Procedures, 28 March 2013 (incorporating Change 2, effective 7 July 2015).
- h. HQDA EXORD 221-12, 2012 Sexual Harassment/Assault Response and Prevention (SHARP) Program Synchronization Order, 23 June 2012.
- i. ALARACT 188/2014, HQDA EXORD 193-14, Screening of SHARP Program Personnel and Others in Identified Positions of Significant Trust, 25 July 2014.
- j. ALARACT 344/2013, HQDA EXORD 052-14, Army Installation and Below Website Information for Sexual Assault Related Phone Numbers to Reach a SHARP Sexual Assault Response Coordinator (SHARP/SARC) or Victim Advocate (SHARP/VA), 31 December 2013.

2. Purpose. Eighth Army (8A) is committed to providing a safe environment for all personnel assigned to or supporting this command. This policy promotes a command climate that encourages victims to report incidents of sexual harassment and assault without fear of retribution, retaliation, or intimidation. Soldiers are the cornerstones to our combat readiness in Korea, and providing a safe environment is essential to the successful execution of Eighth Army's mission.

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3. Background. Behaviors associated with sexual harassment and sexual assault continues to erode the trust between Soldiers, DA Civilians, and Family members that is essential for a resilient and combat ready force. Incidents of sexual harassment and sexual assault tear at 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. Sexual harassment and sexual assault are not in keeping with Army Values and Eighth Army has no tolerance for such acts.

4. Discussion.

a. Sexual harassment is any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct 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. Also when submission to or rejection of such conduct by a person is used as a basis for career employment decisions affecting that person; or such conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive environment.

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 victim 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 victim. Failure by the victim to offer physical resistance is not "Consent." Sexual assault is punishable under the UCMJ and other federal and local civilian laws.

c. Commanders, supervisors, and leaders at every level are responsible for providing a safe environment for those in their charge. Our leaders are in the best position to mentor their subordinates in an effort to prevent incidents of sexual harassment and assault before they occur. Eighth Army leaders can make a difference by positively influencing the behavior of those in their commands.

d. Personnel in command, supervisors, and leaders at all levels must take action to eliminate risk factors for sexual harassment and assault from all work areas, living quarters, and recreational facilities throughout the command. Leaders must brief their Soldiers and Civilian employees regarding the command's commitment to eliminate sexual harassment and assault. Where prevention fails, commanders and leaders must ensure victims have access to prompt, professional, compassionate care that includes dignity, fairness, and respect. Commanders, supervisors, and leaders must be familiar with the Sexual Harassment/Assault Response and Prevention (SHARP) Program regulations, the duties and responsibilities of the Area Lead Sexual Assault Response Coordinator (SARC), Brigade and Battalion SHARP SARCs, Victim Advocates (VAs), and the Army Victim Witness (Liaison) Assistance Program (VWAP, see AR 27-10, Chapter 18).

e. The USFK Sexual Assault Hotline is the quickest way to report a sexual assault. To call the sexual assault hotline from any DSN line in Korea, dial the number "158" or to call from a

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commercial line, dial the number "0503-364-5700." The automated message will instruct the victim to press the number correlating to their assigned Area and the on-call Brigade SHARP SARC will answer the telephone.

f. Service members who are victims of sexual assault have two reporting options from which to choose. These options are restricted and unrestricted reporting.

(1) Restricted reporting allows a Soldier who is a sexual assault victim, on a confidential basis, to disclose the details of his/her assault to specifically identified individuals and receive medical treatment and counseling, without triggering the official investigative process. Soldiers and military dependents over the age of 18 desire restricted reporting under this policy should report the assault to a SHARP SARC or SHARP VA.

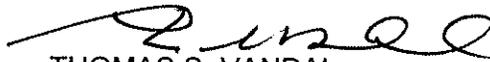
(2) Unrestricted reporting allows a Soldier who is sexually assaulted and desires medical treatment, counseling, and an official investigation of his/her allegation to use current reporting channels (for example, the chain of command or law enforcement), or he/she may report the incident to the SHARP SARC or SHARP VA. Upon notification of a reported sexual assault, the SHARP SARC will immediately notify a SHARP VA. Additionally, with the victim's consent, the healthcare provider will conduct a forensic examination, which may include the collection of evidence. Details regarding the incident will be limited to only those personnel who have a legitimate need to know.

(3) For both restricted and unrestricted reporting purposes, personnel can report to healthcare personnel, but healthcare personnel will then immediately contact the SHARP SARC or SHARP VA to fill out the DD Form 2910, Victim Reporting Preference Statement. Chaplains and military attorneys cannot take official reports. A report to a Chaplain or military attorney may not result in the rendering of SHARP services or investigative action because of the privileges associated with speaking to these individuals, unless a SHARP SARC files a DD Form 2910 on behalf of the victim.

(4) With either reporting option victims have the right to speak to a special victim's counsel (SVC), have their confidentiality protected under Military Rules of Evidence (MRE) 514, receive medical treatment, and receive counseling. In cases of a credible unrestricted report of sexual, the victim has the right to request an expedited transfer.

5. Display this policy on all official bulletin boards and circulate among all Eighth Army personnel.

6. Proponent. The proponent for this policy is Eighth Army G1 SHARP Program at commercial 011-82-2-7914-6095 or DSN 315-724-6095.



THOMAS S. VANDAL  
Lieutenant General, USA  
Commanding