



Annual Unit Refresher/ Pre- & Post-Deployment Training



SHARP Program: I AM THE FORCE BEHIND THE FIGHT



Action

Demonstrate behavior consistent with the Army's Sexual Harassment/Assault Response and Prevention (SHARP) Program

Condition

In a classroom environment, with facilitated group discussions, student handouts, videos, and simulated real-life scenarios involving potential and actual sexual harassment and sexual assault.

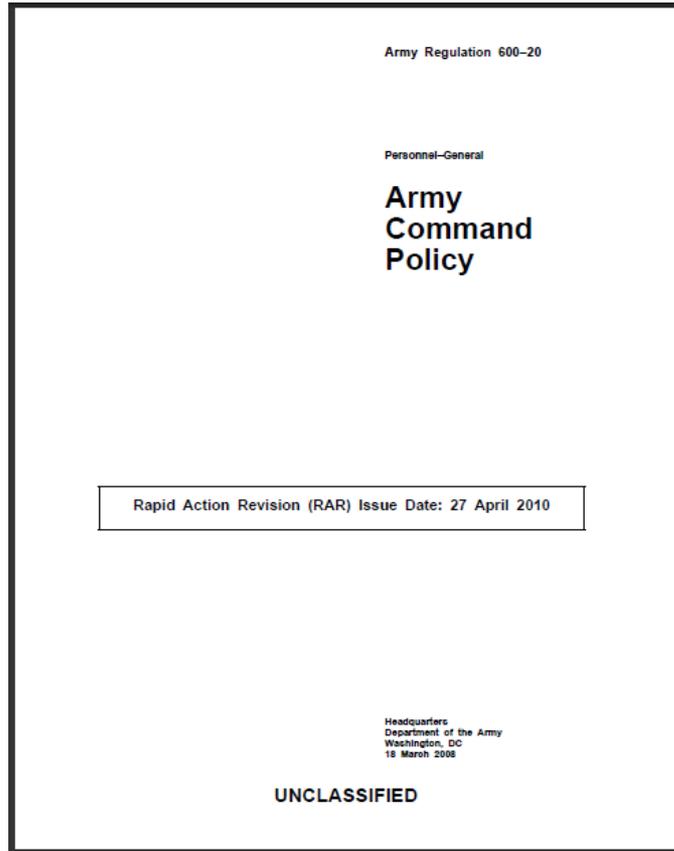
Standard

Describe the impact of sexual harassment and sexual assault on the Army, examine strategies to prevent sexual harassment and sexual assault, discuss support resources available to complainants of sexual harassment and victims of sexual assault, penalties for sexual harassment and sexual assault offenders, and DOD Sexual Assault Prevention and Response (SAPR) and Army SHARP Program. Participate in all discussions and complete practical exercises with 100 percent accuracy.



Definition of Sexual Harassment

What is Sexual Harassment?



- **Sexual harassment is a form of gender discrimination**
- **Sexual harassment includes unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:**
 - **Submission to or rejection of is made a term or condition of a person's job, pay, career;**
 - **Submission to or rejection of is used as a basis for career or employment decisions;**
 - **Conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive work environment**



SHARPTM
SEXUAL HARASSMENT/ASSAULT RESPONSE & PREVENTION

Definition of Sexual Assault

What is Sexual Assault?

- **Sexual assault is a crime.**
- **Sexual assault is defined as: Intentional sexual contact characterized by the use of force, threats, intimidation or abuse of authority or when the victim does not or cannot consent.**
- **The term includes a broad category of sexual offenses of the following specific UCMJ offenses: rape, sexual assault, aggravated sexual contact, abusive sexual contact, forcible sodomy (forced oral or anal sex), or attempts to commit these offenses.**



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What is the difference between sexual harassment and sexual assault?



Sexual harassment involves verbal, nonverbal, and physical behaviors



Sexual assault involves “sexual contact” as defined in Article 120 of the Uniform Code of Military Justice (UCMJ)



Army Policy on Sexual Harassment

- **Sexual harassment is unacceptable and will not be tolerated**
- **Sexual harassment destroys teamwork and negatively affects combat readiness**
- **Army leadership at all levels will be committed to creating an environment conducive to maximum productivity and respect for human dignity**
- **The success of the mission can be achieved only in an environment free of sexual harassment for all personnel**
- **The prevention of sexual harassment is the responsibility of every Soldier and Department of the Army (DA) Civilian and Family members; leaders set the standard for Soldiers and DA Civilians to follow**

Ref: AR 600-20

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- Is the behavior sexual in nature?
- Is the behavior unwelcomed?
 - The harasser's intent is NOT the determining factor
- Would a reasonable person find the behavior to be inappropriate?
 - Apply the “Reasonable Person Standard”



One or more of the following:

- Do the elements of power, control, or influence exist?
- Does the behavior create a hostile or offensive environment?



Verbal

- Telling sexual jokes
- Using sexually explicit profanity or threats, sexually oriented cadences, or sexual comments
- Whistling in a sexually suggestive manner
- Describing certain attributes of one's physical appearance in a sexual manner
- Using terms of endearment in referring to Soldiers, DA Civilians, or Family members

Nonverbal

- Staring at someone, blowing kisses, winking, or licking one's lips in a suggestive manner
- Displaying inappropriate printed material (e.g., sexually oriented pictures or cartoons)
- Using sexually oriented screen savers on one's computer
- Sending sexually oriented notes, letters, faxes, or e-mail

Physical contact

- Touching, patting, pinching, bumping, or grabbing
- Cornering or blocking a passageway
- Kissing
- Providing unsolicited back or neck rubs



Quid Pro Quo/Sexual Coercion (“This for That”)

- Demanding sexual favors in exchange for a promotion, award, or favorable assignment
- Disciplining or relieving a subordinate who refuses sexual advances
- Threatening a poor job evaluation for refusing sexual advances

Hostile Environment

- Subjected to offensive, unwanted, and unsolicited comments or behaviors of a sexual nature. If these behaviors unreasonably interfere with an individual’s performance, then the environment is classified as hostile
 - Derogatory, gender-biased terms
 - Sexually suggestive pictures or jokes
 - Unwanted touching

Remember, a third party—not just the object of the attention—can also view behaviors as sexually harassing!



Sexual Harassment Policy Distinctions

Military

- Policy applies on and off duty hours
- The workplace is all the time (including off duty) and everywhere (including barracks, etc.)
- Victims do not have the right to sue the offender
- Victims are encouraged to confront offenders; however, supervisors/ managers are responsible for confronting offenders once they know of the harassment.
- Formal complaints are managed by the commander.
- Soldiers have 60 calendar days from the date of the alleged incident in which to file a formal complaint.
- Family members are eligible to file complaints

DA Civilians

- Policy only applies while on duty.
- The workplace is more narrowly defined to the actual office/workplace and areas associated with working.
- Victims have the right to sue through the administrative process provided in 29 Code of Federal Regulations (CFR) Part 1614.
- Victims are encouraged to confront the offender also; however, supervisors/ managers are responsible for confronting offenders once they know of the harassment.
- Formal complaints are managed by Equal Employment Opportunity (EEO) personnel.
- DA Civilians must contact the EEO Office within 45 days of the harassment.

REF: AR 690-600



Responses to Sexual Harassment

- **Direct approach**
 - Confront the harasser and inform the person that the behavior is not appreciated or welcomed and that it must stop
 - Focus on behavior and its impact—offer behavior-centered feedback
- **Indirect approach**
 - Address the harasser without a face-to-face conversation (e.g., send a letter)
- **Third-party assistance**
 - Ask someone else to talk to the harasser, to accompany the complainant, or to intervene on behalf of the complainant to resolve the conflict
- **Chain of command**
 - Report the behavior to your immediate supervisor or others in the chain of command and ask for assistance in resolving the situation
- **File a formal complaint**



- **Sexual assault is a criminal offense.**
- **It degrades mission readiness.**
- **Soldiers who are aware of a sexual assault incident should report it immediately (within 24 hours).**
- **Sexual assault is incompatible with Army Values and is punishable under the UCMJ and other federal and local civilian laws.**
- **All victims of sexual assault will be treated with dignity, fairness, and respect.**

Applies 24/7 On and Off Post



| Restricted Report | Unrestricted Report |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Who can file a report:</p> <ul style="list-style-type: none">• SARC/SHARP Specialist• VA/SHARP Specialist• Healthcare Provider | <p>Who can file a report:</p> <ul style="list-style-type: none">• SARC/SHARP Specialist• VA/SHARP Specialist• Healthcare Provider• CID• Commander• JAG• IG |
| <p>Limitations</p> <ul style="list-style-type: none">• Chaplains – can not file a report, but remains confidential | <p>Limitations</p> <ul style="list-style-type: none">• More people will know about the sexual assault• Investigation may be intrusive and difficult• Cannot change to Restricted Report |



What is Consent?

- **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.**
- **A person cannot consent to sexual activity if he or she is substantially incapable due to:**
 - **Mental impairment or unconsciousness resulting from consumption of alcohol, drugs, or a similar substance**
 - **Mental disease or defect which renders the person unable to understand the nature of the sexual conduct at issue**
 - **Physically declining participation in the sexual conduct at issue**
 - **Physically communicating unwillingness to engage in the sexual conduct at issue**



- **Nonstranger**
 - Most common type of sexual assault; includes acquaintance rape, drug-facilitated rape, and marital rape
- **Stranger**
 - Stranger rape is less likely to occur than nonstranger rape
- **Gang and multiple rapes**
 - Victim usually knows or has been acquainted with at least one member of the group
- **Drug-facilitated sexual assault**
 - Believed to be increasing





1. Notice the event along a continuum of behaviors



2. Interpret the event or behavior as a problem



3. Feel responsible for solving the problem



4. Choose how to intervene



5. Build the culture to eliminate the problem



Civilian & UCMJ Sex Offense Penalties

U.S. Code 18, Chapter 109 (Civilian) Penalties

| Offense | Section | Maximum Penalties |
|---------------------------------|---------|-----------------------|
| Aggravated Sexual Abuse | 2241 | 20 years in prison |
| Sexual Abuse | 2242 | 20 years in prison |
| Sexual Abuse of a Minor or Ward | 2243 | 15 years in prison |
| Abusive Sexual Contact | 2244 | 10 years in prison |
| Sexual Abuse Resulting in Death | 2245 | Death, life in prison |

UCMJ Penalties

| Offense | Article | Maximum Penalties |
|---------------------------|---------|---------------------------------------------------------------------------------------------------|
| Rape | 120 | Death |
| Sexual Assault | 120 | Dishonorable Discharge, forfeiture of all pay and allowances, 30 years confinement |
| Aggravated Sexual Assault | 120 | 20 years + Dishonorable Discharge and forfeiture of all pay and allowances |
| Abusive Sexual Assault | 120 | Forfeiture of all pay and allowances, 7 years + Dishonorable Discharge |
| Sodomy | 125 | Dishonorable Discharge, forfeiture of all pay and allowances, confinement for life without parole |



U.S. ARMY

Campaign Lines of Effort & SHARP Initiatives

Objective

Initiatives

Prevention

Mutual respect/trust, professional values, reinforced to create environment where sexual assault is not tolerated.

- ❖ Special emphasis Pre-commissioning Training, Future Soldiers Training, and IMT
- ❖ I. A. M. Strong SHARP Training integrated into all aspects of Soldier/Civilian 'Life-cycle' training
- ❖ Publish Commander's SHARP Guidebook to implement and maintain program
- ❖ Revitalizing the Sponsorship Program through Command emphasis
- ❖ Reviewing linkage of SHARP and increasing opportunities to women due to repeal of DGCAR

Investigation

Investigative resources yield timely and accurate results.

- ❖ Special Victims Capability: Investigation/Prosecution training for CID agents and prosecutors
 - ❖ 23 Special Victim Prosecutors Army-wide
 - ❖ 22 Special Victim Investigators (Additional 7 X Investigators in FY14)
 - ❖ Team Approach: Coordination with CID & JAG on every SA case
 - ❖ Dedicated Paralegal Support (Directed Military Over strength) 2013
 - ❖ Victim Witness Liaison at every General Court-Martial Jurisdiction
 - ❖ Trial Counsel Assistance Program (TCAP) reach back assistance and direct support

Accountability

Perpetrators & CofCs are held appropriately accountable.

- ❖ Revised Command Climate Survey Policy to address SHARP & increase commander awareness
- ❖ Initiated BDE & BN Commander 360 Assessment Program
- ❖ Implemented Policy to require mandatory OER comments addressing unit's SHARP climate
- ❖ Recurring CSA-led SHARP Summits with senior Army leadership
- ❖ Developing rigorous screening and behavior health assessments for positions of trust
- ❖ Expanded Commander's legal courses
- ❖ Sex Offenders OCONUS Reassignment & Retainability Policy

Advocacy

Quality services, support to instill confidence, inspire victims to report, restore resilience.

- ❖ Recurring CSA-led SHARP Army Advisory Panel that includes victims
- ❖ Building a Professional Team: SARC/VA Schoolhouse pilot course JAN '14; FOC in 4th Qtr, FY14
- ❖ Increased role & presence of SARCs & VAs across our formations
- ❖ Special Victim Counsel Program: reporting triggers multidisciplinary team approach to victim advocacy; program covers entire 'life-cycle' of case

Assessment

Meaningful, and accurate systems of measurement and evaluation.

- ❖ Executed 'Red Team' Program in FY 2012-2013 to assess program effectiveness
- ❖ Commander Risk Reduction Dashboard and Strategic Management System "SMS" reporting
- ❖ ARI-led Field Focus Group Assessments, 1st & 2nd Qtr, FY14: Define perceptions of Army culture
- ❖ Metrics used to measure compliance with current regulatory standards
- ❖ Response Systems Panel support
- ❖ GAO Audits on Sexual Assault in IMT & Male-on-Male Sexual Assault Prevention



LOEs: Prevention, Investigation, Assessment, Advocacy, Accountability

Prevention

- Ensure the chain of command understands that its responsibility is to create a positive command climate and environment of trust, dignity, and respect in which every Soldier, Civilian, and Family member can thrive and achieve their full potential by eliminating sexual harassment and sexual assault and stopping offenders from committing crimes.

Investigation

- Ensure that every report is examined thoroughly, fairly, and competently to make a positive impact upon the culture, command climate and ensure that victims feel free to report without fear of reprisal.

Accountability

- Ensure that the chain of command is fully engaged, holding every individual, unit, organization, and commander appropriately responsible for behaviors, actions, and inactions, and that it takes appropriate actions based upon investigations.

Advocacy

- Provide compassionate, best-in-class care, support, and protection for victims, and protect the rights and privacy of survivors.

Assessment

- Analyze, evaluate, and improve the Army's strategy, methods, and techniques for eliminating sexual harassment and sexual assault in its ranks using Army research and evaluations, as well as input from national experts in the field of prevention, response, and advocacy.



In this lesson, we described the impact of sexual harassment and sexual assault on the Army, discussed support resources available to complainants of sexual harassment and victims of sexual assault, penalties for sexual harassment and sexual assault offenders, and DOD Sexual Assault Prevention and Response (SAPR) and Army SHARP Program.



SHARPTM
SEXUAL HARASSMENT/ASSAULT RESPONSE & PREVENTION

Reminder : If You Need Help

Installation 24/7 Helpline:

hr@dav-force.com

DoD Safe Helpline:

(877) 995-5247

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