



DEPARTMENT OF THE ARMY  
HEADQUARTERS, 442D SIGNAL BATTALION  
FORT GORDON GEORGIA 30905

COMMAND POLICY LETTER

ATZH-LCB

27 August 2015

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Commander's Policy Memorandum #2 - Sexual Harassment/Assault Response and Prevention (SHARP) Program

1. PURPOSE: This memorandum establishes policy for awareness, education, and prevention of sexual assault within the 442d Signal Battalion.

2. Sexual assault is a criminal offense that is punishable under the Uniform Code of Military Justice (UCMJ) and has no place in the Army. Allegations of sexual assault will be investigated promptly and impartially and resolved expeditiously. Leaders and all leaders at all levels are responsible for providing a safe and healthy environment for their subordinates. This responsibility requires leaders to take action to prevent sexual assault, protect and support victims, and hold offenders accountable by taking all appropriate administrative and judicial actions based on the facts and circumstances of each case.

3. The unit leadership is committed to training leaders and Soldiers in this highly sensitive area. Progressive, sequential, and tailored training is the key to eliminating a climate that fosters sexual assault and hinders reporting. In the 442d Signal Battalion, training on the prevention of sexual assault will be part of in-processing, annual unit training, leader development and professional military education programs. Company Commanders will ensure that these training programs are recorded on their Training Schedules and posted on their training calendars. In addition, rosters of training will be maintained in the unit training files along with training schedules. The 442d Signal Battalion has appointed two Victim Advocates (VA)/SHARPs. Commanders will ensure that all assigned members of their units know who the Battalion VA/SHARPs are.

4. Sexual assault and sexual harassment now fall within the parameters of Sexual Harassment/Assault Response & Prevention (SHARP) Program.

a. Sexual Assault is a crime defined as intentional sexual contact, characterized by use of force, threats, intimidation, abuse of authority, or when the victim does not or cannot consent.

b. Sexual Assault includes rape, forcible sodomy (oral or anal sex), and other unwanted sexual contact that is aggravated, abusive or wrongful (to include unwanted and inappropriate sexual contact), or attempts to commit these acts.

c. "Consent" means words indicating a freely given agreement to the sexual conduct at issue by a competent person. An expression of lack of consent through words or conduct means there is no consent.

(1) Lack of verbal or physical resistance or submission resulting from the accused use of force, threat of force, or placing another person in fear does not constitute consent.

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(2) A current or previous dating relationship by itself or the manner of dress of the person involved with the accused in the sexual conduct at issue shall not constitute consent.

5. Company Commanders will influence these factors through proactive preventive measures and education. Company Commanders will incorporate rape prevention and alcohol-awareness training, implement stringent barracks policy, and increase the presence of unit leadership during high-risk periods.

6. Company Commanders will understand and ensure that all leaders assigned in their units understand the inherent responsibility to respond compassionately but resolutely to allegations of sexual assault in their units. Persons alleging sexual assault will be considered victims and helped and protected, regardless of the final determination of the facts and circumstances in the case. This will be the approach across the Battalion and can be modified only after full examination of the facts and circumstances. Victims will be helped and protected immediately when allegations of assault occur. Victims need to know that they have the following rights:

- a. The right to be treated with fairness and respect for their dignity and privacy.
- b. The right to immediate and effective medical care and attention, including long term follow-up treatment, if eligible.
- c. The right to be reasonable protection from the accused offender.
- d. The right to be notified of court proceedings.
- e. The right to be present at all public court proceedings related to the offense (unless the court determines otherwise).
- f. The right to talk with the attorney for the Government in the case.
- g. The right to information about the conviction, sentencing, imprisonment, and release of the offender from custody.

7. Commanders will ensure that victims are aware of the support services available in the command and community to help them through this difficult ordeal. Victims, using restricted or unrestricted reporting: Will be paired with the VS/SHARP immediately. The Fort Gordon Sexual Assault Victim Advocate Hotline is available 24 hrs per day / 7 days per week, CONUS 706-791-6297, International Toll Free 800-3429-6477 (dial all 11 numbers), and International Collect 484-530-5947 for the purpose of victim support, information, and referrals.

8. All personnel will be familiar with the DoD Confidentiality Policy and the options of restricted versus unrestricted reporting.

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a. The DoD's Confidentiality Policy permits victims of sexual assault to report a crime to specified individuals who can then ensure the victim receives medical care, treatment, advocacy, and counseling without notifying command or law enforcement officials.

b. Covered individuals include:

(1) Sexual Assault Response Coordinators (SARC).

(2) Victim Advocates SHARPs (VA/SHARPs)

(3) Healthcare providers.

(4) Chaplains.

c. Leaders must educate Soldiers on how to access covered individuals without divulging information that might preclude their report from remaining restricted if that is the reporting options they prefer.

d. Leaders should encourage Soldiers to contact VAS and SARCs in order to ensure that Soldier make educated decisions regarding their options.

e. All members of this command will be protected from reprisal or retaliation for filing complaints. No employee or Soldier may take or threaten to take an unfavorable personnel action, or to withhold or threaten to withhold a favorable action, in reprisal against any person for filing a complaint.

9. This issue deserves our utmost attention. Everyone needs to understand our responsibilities and share my concern for the safety of the Soldiers, civilians, and family members who work in our Battalion. Our Battalion and Company level resources must be Ready- Rapid-Reliable to ensure the well-being of all our leaders, soldiers and civilians assigned to our Battalion.

10. EFFECTIVE DATE: This policy replaces Commander's Policy Memorandum #2, dated 8 January 2014.

*Ready Rapid Reliable*

**//ORIGINAL SIGNED//**

ERIC A. ANDERSON

LTC, SC

Commanding

DISTRIBUTION:

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