

START HERE
Commander receives notification of complaint that has a sexual component

Determine action/s that occurred which had sexual component

Physical Contact or Attempts:
 Penetration, touching, or attempts to touch a person or commit these acts.

Visual, Audible, Non-verbal: Pictures, magazines, sounds, music, emails, texts, gestures, expressions. This will be **Sexual Harassment**.
Note: Exposure of oneself can fall under Sexual Harassment and/or other sex crimes.

Verbal Only:
 Examples: Pet names, jokes, relating sexual escapades, etc. This will be **Sexual Harassment**

Note:
 If victim states they feel they were sexually assaulted, then the case needs to be referred to the JFHQ SAPR/SHARP Office immediately regardless of circumstances surrounding the case.

Touching, or attempts to touch areas other than the "Hotspots"

Hotspots: Any touching or attempts to touch directly or through clothing of genitalia, anus, groin, breast, inner thigh, or buttocks. This can be done by any part of the body or by any object. This is a **Sexual Assault**.

NOTE: It is possible that the case can result in either or both a Sexual Harassment complaint and/or a Sexual Assault report.

No perceived intent for sexual gratification:
 This would be **Sexual Harassment**

Intent is perceived as being for sexual gratification by victim, commander, or investigator: This is a **Sexual Assault**

Sexual Harassment

Sexual Assault

Contact the State Equal Employment Manager

Contact the JFHQ SAPR/SHARP Office

Complete NGB Form 333 for ALL Sexual Harassment Complaints

Refer to Commander's Desktop reference for responding to Sexual Assaults

Ensure Administrative Flag (code "L") is placed in all Soldiers records that are the subject of the investigation / inquiry

Ensure Administrative Flag (code "M") is placed in all Soldiers records that are the subject of the investigation

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

Sexual Assault is:
 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 offenses: rape, Sexual Assault, aggravated sexual contact, abusive sexual contact, forcible sodomy (forced oral or anal sex), or attempts to commit these offenses.