

SHARP Language

Sexual Assault and Sexual Harassment Policy. The Contractor shall ensure all employees comply with the Sexual Assault and Sexual Harassment Policy outlined in Attachment 1 of this document.

Sexual Harassment Policy Compliance: The Contractor shall certify that all employees performing work under this contract have been fully trained per the requirements in Attachment 1 and in their own language. The COR shall be provided with the following information at a minimum: employee's name, civil identification number and date trained. Proof of Sexual Harassment Policy Compliance is due within five (5) days after initial contract award and within 48 hours after arrival of new personnel on site.

The Contractor shall conduct training of all employees annually to prevent sexual assault and sexual harassment.

This training must, at a minimum, ensure that all the Contractor employees understand the definitions and policy outlined in Attachment 1.

Each employee shall be in compliance with the training requirement and shall be reported to the Contracting Officer Representative prior to the employee being allowed access to the worksite.

Specific information for CENTCOM AOR:

The Department of Defense has adopted a policy to prevent sexual assault and sexual harassment. Contractors and contractor employees in the Army Central Command (**ARCENT**) Area of Responsibility (AOR) shall not -

- (1) Commit acts of sexual assault against any person on any camp, post, installation, or other United States enclave within the ARCENT AOR; or
- (2) Sexually harass any person on any camp, post, installation, or other United States enclave within the ARCENT AOR.

Or

The Contractor shall enforce standards for discipline, appearance, conduct, and courtesy IAW the published **CENTCOM**, USFOR-A and/or Base Commander Standards. For Contractors at Bagram Airfield (BAF) or for contractors transiting BAF, they must abide by the Commander Bagram Airfield (COMBAF) Standards of Conduct while performing at any level (prime or subcontractor) on BAF and any other installation and facility for which COMBAF standards are applicable, and as designated applicable to contractor personnel. COMBAF Standards are available from the COR.

Attachment Language:

ATTACHMENT 1

"Sexual Assault and Sexual Harassment Policy

(a) **Definitions.** As used in this policy -

"Sexual Assault" means - 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. Sexual assault includes 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. "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.

"Sexual Harassment" is a form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

(1) Submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career, or

(2) Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, or

(3) 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. This definition emphasizes that workplace conduct, to be actionable as "abusive work environment" harassment, need not result in concrete psychological harm to the victim, but rather need only be so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the work environment as hostile or offensive. Any person in a supervisory or command position who uses or condones any form of sexual behavior to control, influence, or affect the career, pay, or job of an employee is engaging in sexual harassment. Similarly, any employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature in the workplace is also engaging in sexual harassment.

Categories of sexual harassment are:

(1) Verbal - Examples include telling sexual jokes; using sexually explicit profanity, threats, sexually oriented cadences, or sexual comments; whistling in a sexually suggestive manner; and describing certain attributes of one's physical appearance in a sexual manner.

(2) Nonverbal - Examples include staring at someone, blowing kisses, winking, or licking one's lips in a suggestive manner. The term may also include printed material (for example, displaying sexually oriented pictures or cartoons); using sexually oriented

screen savers on one's computer; or sending sexually oriented notes, letters, faxes or email.

(3) Physical Contact - Examples include touching, patting, pinching, bumping, grabbing, cornering, or blocking a passageway; kissing; and providing unsolicited back or neck rubs.

(b) **Policy.** The Department of Defense has adopted a policy to prevent sexual assault and sexual harassment.

Contractors and contractor employees in the Army Central Command (ARCENT) Area of Responsibility (AOR) shall not -

(1) Commit acts of sexual assault against any person on any camp, post, installation, or other United States enclave within the ARCENT AOR; or

(2) Sexually harass any person on any camp, post, installation, or other United States enclave within the ARCENT AOR.

(c) **Contractor Requirements.** The Contractor shall -

(1) Written Sexual Assault/Sexual Harassment Policy

a. The contractor shall have a written sexual assault/sexual harassment policy published to all employees that addresses, at a minimum, the following: (i) the definitions of sexual assault and sexual harassment as defined above in paragraph 1a; (ii) a description of sexual harassment (iii) the Company's internal complaint process and the company's internal process for adjudication; (iv) the available channels through which an employee can report a sexual assault; and (v) protection against retaliation, coercion, and reprisal.

b. The policy shall address that victims of sexual assault shall be protected, treated with dignity and respect, and shall receive timely access to comprehensive healthcare (medical and mental health) treatment, including emergency care treatment and services. Emergency care consists of emergency healthcare and the offer of a sexual assault forensic examination (SAFE) consistent with the Department of Justice protocol. The victim shall be advised that even if a SAFE is declined, the victim is encouraged (but not mandated) to seek medical care. Contractor employees are only eligible to file an Unrestricted Report. Contractor employees will also be offered LIMITED Sexual Assault Prevention and Response or SAPR services, meaning the assistance of a Sexual Assault Response Coordinator (SARC) and a SAPR Victim Advocate (VA) while undergoing emergency care OCONUS. These limited emergency medical services (at a Military Treatment Facility) and SAPR services shall be provided at no cost by the USG to all DoD contractor personnel. Limited medical services are: a SAFE exam and consultation regarding further care in accordance with DoDI 6495.02.

c. The contractor shall designate an employee credentialed in Victim Advocacy as the company POC (for more information regarding credentialing as a

Victim Advocate visit the National Advocate Credentialing Program (NACP): <https://www.thenacp.org/>).

d. The Contractor shall provide a Sexual Assault/Sexual Harassment and Awareness Training Plan that includes a schedule for all training. The Plan shall identify the methods of training (e.g. classroom, on-line, etc), as well as intervals (e.g. quarterly) for refresher training, as applicable. The plan shall address (but not be limited to) such things as: procedures for training each employee, training record retention, method/mode of instruction, instructor accreditation, on-line/web-based resources/training aids. The Contractor's Training shall address, at a minimum, the following:

(i) Defining what constitutes sexual assault and sexual harassment.

(ii) Explaining sexual assault is a crime.

(iii) Defining the meaning of "consent" as defined in DoDD 6495.01 (Sexual Assault Prevention and Response Program, SAPR).

(iv) Addressing individual accountability and the potential for UCMJ violations.

(v) Explaining victims rights under the UCMJ (to include consideration of the victim's preference whether the office should be prosecuted by court-martial or in a civilian court).

(vi) Explaining the distinction between sexual harassment and sexual assault and that both are unacceptable forms of behavior even though they may have different penalties. Emphasizing the distinction between civil and criminal actions.

(vii) Explaining Unrestricted Reporting.

(viii) Providing an awareness of the SAPR program, as well as the roles and responsibilities of company managers, including all available resources for victims.

(2) Notify its employees of

a. The Department of Defense' policies regarding Sexual Assault/Sexual Harassment; and

b. The actions that will be taken against employees for violations of this policy. Such actions may include, but are not limited to, removal from the contract, reduction in benefits, or termination of employment;

(3) Take appropriate action, up to and including termination, against employees or Subcontractors that violate the policy in paragraph (b); and

(d) **Notification.** The Contractor shall inform the Contracting Officer immediately of -

(1) Any information it receives from any source (including host country law enforcement) that alleges a Contractor employee, Subcontractor, or Subcontractor employee has engaged in conduct that violates this policy; and

(2) Any actions taken against Contractor employees, Subcontractors, or Subcontractor employees pursuant to this policy.

(e) **Remedies.** In addition to other remedies available to the Government, the Contractor's failure to comply with the requirements of paragraphs (c), (d), or (f) of this policy may result in -

(1) Requiring the Contractor to remove a Contractor employee or employees from the performance of the contract;

(2) Requiring the Contractor to terminate a subcontract;

(3) Suspension of contract payments;

(4) Loss of award fee, consistent with the award fee plan, for the performance period in which the Government determined Contractor non-compliance;

(5) Termination of the contract for default or cause, in accordance with the termination clause of this contract; or

(6) Suspension or debarment.

(f) **Subcontracts.** The Contractor shall include the substance of this policy, including this paragraph (f), in all subcontracts.

(g) **Mitigating Factor.** The KO may consider whether the Contractor had a Sexual Assault Prevention and Response training program at the time of the violation as a mitigating factor when determining remedies. Additional information about Sexual Assault Prevention and Response training programs can be found at the Department of Defense Sexual Assault Prevention and Response Home Page, <http://www.sapr.mil>."