



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY INSTALLATION MANAGEMENT COMMAND, PACIFIC REGION
HEADQUARTERS, UNITED STATES ARMY GARRISON, HAWAII
745 WRIGHT AVENUE, BUILDING 107, WHEELER ARMY AIRFIELD
SCHOFIELD BARRACKS, HAWAII 96857-5000

IMHW-ZA

24 Aug 16

MEMORANDUM FOR All Military Personnel and Department of Defense (DoD) Civilian Employees within United States Army Garrison, Hawaii (USAG-HI)

SUBJECT: Policy Memorandum USAG-HI-20, Sexual Harassment/Assault Response and Prevention (SHARP) Program

1. References.

- a. AR 600-20 Chapter 8, The Army Sexual Assault Prevention and Response Program (SAPR), 6 Nov 14.
- b. ALARACT 188/2014 HQDA EXORD 193-14, Screening of Sexual Harassment/Assault Response and Prevention Program Personnel And Others in Identified Positions Of Significant Trust, 12 Jul 14.
- c. DoD Instruction 6495.02 Sexual Assault Prevention and Response Program (SAPR), 28 Mar 13, Incorporating Change 1, effective 12 Feb 14.
- d. DoD Directive 6495.01 Sexual Assault Prevention and Response Program (SAPR), 23 Jan 12 Incorporating Change 1, effective 30 Apr 13.
- e. HQDA EXORD 221-12 2012 Sexual Harassment/Assault Response and Prevention SHARP Program Synchronization Order, 23 Jun 12.
- f. Army Directive 2015-10 (Sexual Assault Incident Response Oversight Report (SAIRO)), 24 Feb 15.
- g. Army Directive 2015-16 Command Engagement to Prevent Retaliation, 4 Mar 15.

2. Applicability. This policy applies to all Soldiers, Civilians, Family members, contractors, and other personnel who work on, reside on or visit any US Army installations, facilities, or work sites in Hawaii.

3. Purpose. USAG-HI provides 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 assault and harassment without fear of retribution, intimidation, or retaliation. Soldiers and Civilians are the cornerstone of our combat readiness in Hawaii. Providing a safe environment is essential to the USAG-HI mission.

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4. Policy.

a. AR 600-20, Chapters 7 and 8, Prevention of Sexual Harassment and Sexual Assault Prevention and Response Program (SAPR), establishes Army policy for this program. The policy is designed to reinforce the Army's and USAG-HI's leadership commitment to eliminate incidents of sexual harassment or assault through a comprehensive program centering on awareness, prevention, training, education, victim advocacy, response, reporting, and accountability. Leaders at every level must be committed to creating and maintaining an environment promoting productivity and respect for human dignity. These unacceptable actions erode trust, destroy teamwork, and negatively affect combat readiness. Sexual harassment and assault are punishable under the Uniform Code of Military Justice (UCMJ) and other federal and local laws. We will hold ourselves accountable.

b. Sexual Assault:

(1) AR 600-20, paragraph 8-4a states: "Sexual assault is a crime defined as an 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 will not be tolerated. Sexual assault violates basic human dignity and the standards of decency. Such conduct is incompatible with Army Values, the Soldier's Creed and the Warrior Ethos. This policy promotes sensitive care and confidential reporting for victims of sexual assault and accountability for offenders. Confidential reporting is defined as allowing a Soldier, Family member or dependent 18 years or older to report a sexual assault to specified individuals and to receive access to medical care, counseling and victim advocacy, with or without initiating the investigative process. (See appendix H of AR 600-20 for a full discussion of the confidentiality policy for victims of sexual assault.) Every service member who is aware of sexual assault must report this criminal misconduct within 24 hours.

(2) Military personnel and adult Family members (18 years and older), who are sexually assaulted have the choice of two reporting options; restricted or unrestricted reporting. Civilian employees (OCONUS) only have the unrestricted reporting option.

(a) Restricted reporting is kept confidential; this allows the victim to receive medical care and behavioral health services without notifying the command or law enforcement. No official investigation is possible if the report remains restricted. Only SHARP Specialists, medical and behavioral health care professionals, and Chaplains can be notified if the victim wishes to keep the sexual assault report restricted.

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(b) Unrestricted reporting allows the victim to receive medical and behavioral health care; in addition, the Criminal Investigation Division (CID) will initiate an investigation. The command will also be notified. The victim may request an expedited transfer if it is in their best interests. The victim will be able to receive a Sexual Assault Forensics Examination (SAFE) whether the report is restricted or unrestricted. With an unrestricted report, details regarding the incident are limited to only those personnel with a legitimate need to know.

c. Sexual Harassment.

(1) AR 600-20, para 7-4 defines sexual harassment as a form of gender discrimination that includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

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

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

(c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance and creates an intimidating, hostile or offensive work environment.

(2) Any person in a supervisory or command position, who uses or condones implicit or explicit sexual behavior to control, influence or affect the career, pay or the job of subordinate personnel is engaging in sexual harassment. Similarly, anyone who makes deliberate or repeated unwelcome verbal comments, gestures, or other overtures of a sexual nature is engaging in sexual harassment.

(3) Personnel have the right to present a complaint to the command through the SHARP program without fear of intimidation, reprisal, retaliation, or further harassment. Attempts to resolve sexual harassment issues should always be made at the lowest possible level within the organization.

(4) Sexual harassment options include informal and formal complaints:

(a) An informal complaint is an unwritten complaint and has no timeline for completion. An informal complaint is not made in writing, and the complainant may speak to the offender, to a supervisor, or both, with the intention that the offending

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behavior would stop with no further action required. If the Sexual Assault Response Coordinator (SARC) or a Victim Advocate (VA) is approached with a complaint of sexual harassment, they should listen to the complainant and discuss the options of informal or formal processing. A memorandum for record (MFR) detailing the action that resolved the complaint is highly recommended, and an MFR is mandatory should a SHARP representative become involved. The SARC will retain the informal complaint MFR double-locked on file until both the complainant and the offender have PCSd from this duty station.

(b) A formal complaint is a written statement submitted on DA Form 7279 (Equal Opportunity Complaint Form) to the SARC. Upon receipt of a complaint by the responsible commander, the formal sexual harassment complaint will be reported to the first General Courts-Martial Convening Authority within three calendar days by the responsible commander.

d. Commanders and leaders will protect individuals who file complaints from actual or perceived intimidation, harassment, retaliation or reprisal. Commanders and leaders will ensure that rated Soldiers or family members or dependents are assessed on fostering climates of dignity and respect and adhering to the SHARP program as part of their Army Values on evaluation reports.

e. The Commander of the 25th Infantry Division/US Army Hawaii (25th ID/USARHAW) is the designated Senior Commander. 25th ID/USARHAW has primary responsibility for coordinating the overall SHARP Program within Hawaii, providing access to 24/7 victim advocacy, and establishing and chairing the Sexual Assault Review Board.

f. The commander of Tripler Army Medical Center (TAMC) has primary responsibility for medical treatment services for victims of sexual assault.

g. All commanders and leaders will recognize that victims of sexual assault have the right to be treated with fairness, respect, dignity, and privacy. They have the right to be provided with a confidential avenue for reporting incidents, reasonably protected from the offender and to receive advocacy services, legal services, medical treatment, and counseling.

h. All commanders at Brigade level or higher will appoint a full-time SHARP Sexual Assault Response Coordinator (SARC) who must be an NCO (SFC or higher), Officer (MAJ/CW3 or higher), or civilian (GS-11 or higher) and a SHARP Victim Advocate (VA), who must be an NCO (SSG or higher), Officer (1LT/CW2 or higher), or a Civilian (GS-9 or higher).

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i. All leaders must be knowledgeable about the Sexual Harassment/Assault Response and Prevention (SHARP) Program. Commanders will coordinate with SHARP representatives to ensure comprehensive mandated unit and civilian awareness and prevention training is completed in accordance with AR 600-20. All leaders are required to attend leader awareness and prevention training. Awareness and prevention training should be incorporated into pre- and post-deployment briefings and newcomer's briefings for all incoming Soldiers and Civilians. All new commanders and first sergeants will be briefed on SHARP within 30 days of assumption of command. Commanders will ensure that all Soldiers are briefed annually. The SHARP representative can be contacted at (808) 655-0701.

j. All commanders and leaders are expected to adhere to confidentiality standards when dealing with sexual harassment/assault cases. All cases of sexual assault are on a need-to-know basis.

k. Commanders must be familiar with SHARP policies for confidentiality, treatment, and support for victims of sexual assault. Therefore, all units of company or higher level within USAG-HI will retain an up-to-date reference copy of DoDI 6495.01, DoDI 6495.02, AR 600-20, and this memorandum on file.

l. The immediate commander will prepare the Sexual Assault Incident Response Oversight (SAIRO) report within eight calendar days of the unrestricted report of an adult sexual assault involving a victim or subject who is a service member. The report will include input from the assigned Sexual Assault Response Coordinator (SARC), U.S. Army Criminal Investigation Command (CID) or other military criminal investigative organization, legal, medical, and/or other appropriate agencies.

m. To assist in preventing sexual assault before, during and after major deployments, commanders will ensure that pre- and post-deployment briefings for Soldiers are presented.

n. It is imperative that all personnel in USAG-HI trust the SHARP program and trust the command team to look out for their rights. We must earn this by continuing to build upon the climate of trust within our organization. We will do this by consistent messaging, persistent SHARP awareness, and zero tolerance for SHARP violations.

o. We must urgently address allegations of sexual harassment or assault. All allegations of sexual harassment/assault must be taken seriously and investigated promptly. SHARP personnel will assist individuals who experience sexual harassment to resolve the issue at the lowest level possible with an informal complaint or through the formal complaint process. DoD and DA (DoD/DA) civilian complaints of sexual

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harassment will be investigated and processed IAW EEO program AR 600-900. Every service member who is aware of a sexual assault should immediately report it (within 24 hours) to a responsible party. The US Army Criminal Investigation Command (CID) will promptly and thoroughly investigate all allegations of sexual assault of which they become aware and that are within their jurisdiction.

p. Prevention of sexual harassment/assault is everyone's responsibility. Leaders at every level will set the example and are responsible for providing a safe environment for those in their charge. Leaders are in the best position to mentor their subordinates in an effort to prevent incidents of sexual harassment and assault before they occur. Personnel in Command or supervisory positions will not use or condone such behavior to influence the career, pay or job of a service member, Family member, dependent or DOD Civilian. Leaders will encourage individuals who are subject to behavior of this nature to report it. Leaders can make a difference by positively influencing the behavior of those in their command or supervision.

5. This policy memorandum supersedes policy memorandum USAG-HI-15, SAB, dated 7 Apr 15, and remains in effect until rescinded or superseded in writing.

6. Proponent. The proponent for this policy is the Garrison SHARP office. Direct questions concerning this policy to the Garrison Sexual Assault Response Coordinator (SARC) at (808) 655-0701.



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