



**DEPARTMENT OF THE ARMY
HEADQUARTERS, 25TH INFANTRY DIVISION SUSTAINMENT BRIGADE
181 SUTTON STREET, BUILDING 868
SCHOFIELD BARRACKS, HAWAII 96857**

APVG-DSB-CO

10 June 2021

MEMORANDUM FOR RECORD

SUBJECT: Policy Letter #7- Prevention of Sexual Harassment and Sexual Assault

1. References:

- a. DoD Directive 6495.01, *Sexual Assault Prevention and Response (SAPR) Program*, dated 23 January 2012, Incorporating Change 1, Effective 30 April 2013.
- b. DoD Instruction 6495.02, *Sexual Assault Prevention and Response Program Procedures*, dated 28 March 2013, Incorporating Change 3, Effective 24 May 2017.
- c. DoD Instruction 1020.03, *Harassment Prevention and Response in the Armed Forces*, Effective 8 February 2018.
- d. DoD Instruction 6495.03, *Defense Sexual Assault Advocate Certification program (D-SAACP)*, Effective 28 February 2020.
- e. Army Regulation (AR) 600-20, *Army Command Policy*, dated 24 July 2020.
- f. HQDA EXORD 221-12 *Sexual Harassment/Assault Response and Prevention (SHARP) Program Synchronization Order*, dated 23 June 2012.
- g. ALARACT 299-2013 *Army Responsibilities, Roles, Procedures, and Authorities for Responding to Sexual Assault Allegations*, dated 16 January 2012.
- h. Army Directive 2015-16, *Command Engagement to Prevent Retaliation*, 4 March 2015.
- i. Department of the Army Memorandum, *Guidelines and Process for Commander's Critical Information Requirements (CCIR) Regarding Sexual Assault and Sexual Harassment Incidents*, dated 11 April 2018.

2. Purpose: To establish the Command Policy on the Sexual Harassment and Assault Response and Prevention (SHARP) Program within 25th Division Sustainment Brigade (DSB)

3. Commanders Intent. Continue to foster a culture of committed professionals that treat everyone with dignity and respect. The foundation of our formation is trust. Trust throughout our formation - vertically with leaders and subordinates; and laterally among

APVG-DSB-CO

SUBJECT: Policy Letter #7- Prevention of Sexual Harassment and Sexual Assault

all Soldiers, Civilians, Family Members and our Community. All Soldiers should have complete trust and confidence in their chain of command to professionally and judiciously adjudicate every sexual harassment and sexual assault incident.

a. Sexual harassment and sexual assault related incidents erode trust within our ranks and have a direct negative impact on the lethality and readiness of our force. Sexual harassment and sexual assault are offenses contrary to Army values and the warrior ethos.

b. As the commander for the 25th Division Sustainment Brigade (DSB) I am committed to the SHARP program. Leaders will report all SHARP allegations. Retaliation against a victim, an alleged victim, or another member of the Armed Forces based on that individual's report of a criminal offense will not be tolerated. Soldiers or Civilian employees who participate in or condone misconduct, whether in person or online, may be subject to criminal, disciplinary, and/or administrative action under the Uniform Code of Military Justice, other state and federal laws.

4. Sexual Harassment: All Soldiers and Civilian employees have a responsibility to help resolve acts of sexual harassment. Sexual harassment is defined as:

a. Conduct that involves unwelcome sexual advances, requests for sexual favors, and deliberate or repeated offensive comments or gestures 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;

(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; and

(4) Is so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the environment as hostile or offensive.

b. Any use or condonation by any person in a supervisory or command position, of any form of sexual behavior to control, influence, or affect the career, pay, or job of a member of the Armed Forces or a Department of Defense Civilian employee.

c. Any deliberate or repeated unwelcome verbal comment or gesture of a sexual nature by any member of the Armed Forces or Department of Defense Civilian employee.

5. Complaints of sexual harassment by Service Members or their Family Members may be filed through the chain of command, next higher echelon command, or Brigade SARC. Civilian employees that want to pursue administrative actions must file complaints through their management officials, or the Equal Employment Office. Commanders at all levels, along with the complainants, will follow the procedures for filing formal or informal complaints outlined in chapter 7, Army Command Policy. There are three types of complaints:

a. An informal complaint is one that a complainant does not wish to file in writing. It is not subject to a timeline and the immediate command officials normally handle the resolution process.

b. A formal complaint is one that a complainant files in writing utilizing the DA form 7746 and swears to the accuracy of the information. Active duty Soldiers have 60 calendar days and Civilian employees have 45 calendar days from the date of the incident to file a complaint of sexual harassment. To ensure strict impartiality, all formal sexual harassment complaints will be delivered to the brigade-level commander, who may delegate no further than the battalion-level commander to process, investigate, and adjudicate.

c. An anonymous complaint is defined as a report of sexual harassment, regardless of the means of transmission, from an unknown or unidentified source. The individual reporting the information is not required to divulge any PII. Commanders will publicize and enable anonymous reporting through the USARHAW SHARP hotline, unit websites, email, locked comment boxes, ICE system or official telephone lines. If an anonymous complaint contains sufficient information to permit the initiation of an investigation the commander will initiate an inquiry or investigation.

6. Sexual Assault: Sexual assault has no place in the Army and all Soldiers and Civilian employees have a responsibility to help resolve acts of sexual assault. Army policy promotes sensitive care and confidential reporting for victims of sexual assault and accountability for those who commit these crimes IAW the UCMJ article 6b victim rights.

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

b. Sexual Assault includes a broad category of sexual offenses consisting 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.

c. There are two reporting options for sexual assault victims:

APVG-DSB-CO

SUBJECT: Policy Letter #7- Prevention of Sexual Harassment and Sexual Assault

(1) Restricted reporting: This option is recommended for victims of sexual assault who wish to confidentially disclose the crime to specifically identified individuals and receive medical treatment and counseling without triggering the official investigation process. Victims who desire restricted reporting under this policy must report the assault to a Sexual Assault Response Coordinator (SARC), Victim Advocate (VA), or a healthcare provider.

(2) Unrestricted reporting: This option is recommended for victims of sexual assault who desire medical treatment, counseling, and an official investigation of their allegation. Unrestricted reports should be made to a SARC, VA, or the chain of command. All unrestricted reports will be referred to the Criminal Investigation Command (CID). Details regarding the incident will be limited to those personnel who have a legitimate need to know.

7. Commanders at all levels will establish an environment free of sexual harassment and sexual assault through education, discipline, and enforcement of standards. Commanders will incorporate the following initiatives to enhance their unit's SHARP program.

a. Reports of sexual harassment and assault will be addressed swiftly and fairly by military and civilian leaders. As soon as Commanders/Directors are notified of an allegation of sexual assault, they will immediately contact CID, the 25th DSB SARC and the 25th DSB legal office.

b. Encourage sexual assault victims, witnesses, intervening bystanders, SARCs, VAs, first responders, or other parties to the incident who experience any retaliation or reprisal stemming from the incident to report the matter to their SARC, VA, Inspector General, Special Victims Counsel, or law enforcement. O-5 and higher Commanders or Department of the Army Civilian equivalents will develop a plan to immediately address the allegations of reprisal or retaliation and forward the plan to the Commander, 25th DSB, 25th ID and USARHAW, and the USARHAW SHARP program.

8. Prevention of sexual harassment and sexual assault is everyone's responsibility.

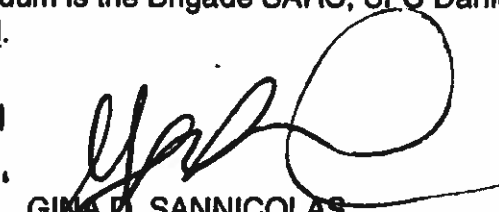
9. This policy will remain in effect until superseded or rescinded.

APVG-DSB-CO

SUBJECT: Policy Letter #7- Prevention of Sexual Harassment and Sexual Assault

10. The point of contact for this memorandum is the Brigade SARC, SFC Daniel Appleby, at Daniel.v.appleby.mil@mail.mil.

Lightning Support!



GINA D. SANNICOLAS
COL, LG
Commanding