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APVG-CG

05 SEP 2023

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: United States Army Hawaii (USARHAW) Policy Letter # 4 – Harassment Prevention and Response Program

1. Reference: Army Regulation (AR) 600-20, Army Command Policy, 24 July 2020.
2. Applicability. This policy applies to all personnel within units based or assigned within USARHAW.
3. USARHAW is a values-based organization where members are expected to treat others with dignity and respect. Hazing, bullying, discriminatory harassment, online misconduct, and other acts of misconduct that violate the dignity and respect of others, undermine trust, violate our ethos, and negatively impact command climate and readiness. There is no room in our Army for these types of corrosive behaviors.
4. Commanders at all levels have four core responsibilities within the USARHAW Harassment Prevention and Response Program. First, commanders are responsible for ensuring Soldiers and DA Civilians are aware of, and follow, the harassment complaint processes. Third, commanders down to the company, troop, or battery level will publish a policy outlining their harassment prevention and response programs. Finally, on an annual basis, commanders will conduct harassment training in combination with their annual Military Equal Opportunity (MEO) training. This training will be conducted in accordance with AR 350-1 and local command guidance.
5. Defining Harassment. The intent of this paragraph is to describe what constitutes the corrosive behavior of harassment according to AR 600-20. Harassment is prohibited in all circumstances and environments, including off-duty and “unofficial” unit functions and settings. Harassment is not limited to superior-subordinate relationships. It may occur between peers or, under certain circumstances, may involve actions directed toward senior personnel by those junior in rank, grade, or position. Soldiers will be held responsible for an acts of harassment, even if there was actual or implied consent from the victim. There are essentially five types of harassment (non-sexual) – hazing, bullying, discriminatory harassment, online misconduct, and other acts of misconduct that violate the dignity and respect of others.
 - a. Hazing. A form of harassment that includes conduct through which Soldiers or DA Civilians (who haze Soldiers), without a proper military authority or other governmental purpose but with a nexus to military service, physically or psychologically injures or creates

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a risk of physical or psychological injury to Soldiers for the purpose of: initiation into, admission into, affiliation with, change in status or position within, or a condition for continued membership in any military or DA Civilian organization. Hazing can be conducted through the use of electronic devices or communications, and by other means including social media, as well as in person. Hazing is evaluated by a reasonable person standard and includes, but is not limited to, the following when performed without proper military authority or other governmental purposes:

(1) Any form of initiation or congratulatory act that involves physically striking, beating, paddling, whipping, or burning another person in any manner or threatening to do the same.

(2) Pressing any object into another person's skin, regardless of whether it pierces the skin, such as "pinning" or "tacking on" of rank, insignia, aviator wings, jump wings, diver insignia, badges, medals, or any other object.

(3) Oral or written berating of another person with the purpose of belittling or humiliating.

(4) Encouraging another person to engage in illegal, harmful, demeaning, or dangerous acts.

(5) Playing abusive or malicious tricks.

(6) Excessive physical exercise.

(7) Confinement to restricted areas, isolation, or sleep-deprivation.

(8) Immersion in noxious substances.

(9) Branding, handcuffing, duct taping, tattooing, shaving, greasing, or painting another person.

(10) Subjecting another person to excessive or abusive use of water.

(11) Forcing another person to consume food, alcohol, drugs, or any other substance.

b. Bullying. A form of harassment that includes acts of aggression by Soldiers or DA Civilian employees, with a nexus to military service, with the intent of harming a Soldier either physically or psychologically, without proper military authority or other governmental purpose. Bullying is the exposure of an individual or group to physical and/or emotional aggression with the intent to cause distress or harm. Bullying may involve the singling out of an individual from his or her coworkers, or unit, for ridicule because he or she is considered different or weak. It often is indirect or subtle in nature and involves an imbalance of power between the aggressor and the victim. Bullying is evaluated by a reasonable person

standard and includes, but is not limited to, the following when performed without a proper military authority or other governmental purpose such as:

- (1) Physically striking another person in any manner or threatening to do the same.
- (2) Intimidating, teasing, name calling, mockery, threats of violence, harassment, taunting, social exclusion, isolating, manipulating, blackmailing, and spreading rumors in which there is often a power differential, whether by rank, position, physical stature, social standing or other measures, between the aggressor (one or more) and the victim (one or more).
- (3) Oral or written berating of another person with the purpose of belittling or humiliating.
- (4) Encouraging another person to engage in illegal, harmful, demeaning, or dangerous acts.
- (5) Playing abusive or malicious tricks.
- (6) Branding, handcuffing, duct taping, tattooing, shaving, greasing, painting, hitting, spitting, or shoving another person.
- (7) Subjecting another person to excessive or abusive use of water.
- (8) Forcing another person to consume food, alcohol, drugs, or any other substance.
- (9) Degrading or damaging another's property or reputation.

c. Discriminatory harassment. A form of harassment that is unwelcome conduct based on race, color, religion, sex (including gender identity and pregnancy), national origin, or sexual orientation.

d. Online misconduct. The use of electronic communication to inflict harm. Electronic communication is the transfer of information (signs, writing, images, sounds, or data) transmitted by computer, phone, or other electronic device. Electronic communications include, but are not limited to: text messages, emails, chats, instant messaging, screensavers, blogs, social media sites, electronic device applications, and web/video conferencing. Examples of online misconduct include, but are not limited to: hazing, bullying, discriminatory harassment, stalking, retaliation, or any other types of misconduct that undermines dignity and respect.

e. Other acts of misconduct. Misconduct may or may not meet the definitions above for hazing or bullying, yet may violate the dignity and respect of others. Additionally, acts of reprisal or retaliation, as defined in paragraph 5-13 or other policy, regulation or law, and/or violations against persons as outlined in the Uniform Code of Military Justice (UCMJ) may violate the provisions of this paragraph.

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6. Complaint Process and Responsibilities. We are all responsible for reporting any type of harassment. Individuals should promptly report harassment (hazing, bullying, discriminatory harassment) to their commander/supervisor, the MEO Program, or law enforcement.

a. The primary method is to initiate a report with the chain of command or direct supervisor. Alternative methods for reporting include the MEO office, Equal Employment Opportunity office, Inspector General's office, leaders within the Sexual Harassment/ Assault Response and Prevention Program, and Army law enforcement. All harassment complaints will be processed through the command MEO and Harassment Complaint Processing System.

b. Commanders and supervisors at all levels will immediately report allegations of criminal behavior to law enforcement. All other hazing or bullying allegations reported to a commander will be investigated in accordance with the informal board procedures set forth in AR 15-6 or as a commander's inquiry.

7. Proponent. The USARHAW Equal Opportunity Office is the proponent for this policy. Questions should be directed to the USARHAW Equal Opportunity Office at 808-787-4424.



MARCUS S. EVANS
Major General, USA
Commanding

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Prevention and Response Program

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