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29 JUL 2018

MEMORANDUM FOR RECORD

SUBJECT: 25th Infantry Division and United States Army Hawaii Policy Letter #8 - Prevention of Sexual Harassment and Sexual Assault

1. References.

- a. DoD Instruction 6495.02, Sexual Assault Prevention and Response Program Procedures, dated 28 March 2013, Incorporating Change 3, Effective 24 May 2017.
- b. Army Regulation (AR) 600-20, Army Command Policy, 6 November 2014. 24 May 2017.
- c. HQDA EXORD 221-12 Sexual Harassment/Assault Response and Prevention (SHARP) Program Synchronization Order, dated 23 June 2012.
- d. Army Directive 2015-16, Command Engagement to Prevent Retaliation, 4 March 2015.
- e. 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. As the Senior Commander for 25th Infantry Division (25 ID) and U.S. Army Hawaii (USARHAW), I am committed to ensuring that Soldiers, Civilian employees, and Family members have the right to live and work in an environment free of sexual harassment and sexual assault. Sexual harassment and sexual assault are offenses contrary to Army values and the warrior ethos. Sexual harassment and sexual assault SHARP related incidents erode trust within our ranks and have a direct negative impact on the lethality and readiness of our force. Army leadership at all levels are committed to creating and maintaining an environment conducive to maximum productivity and respect for human dignity. To that end, leaders will report all allegations of sexual assault to the appropriate authorities as defined below. In addition, leaders will examine all allegations of sexual harassment, ensure these incidents are reported to their unit Sexual Assault Response Coordinator (SARC), and address them in a swift and fair manner. Retaliation against a survivor, an alleged survivor, 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 Uniformed Code of Military Justice and other state and federal laws.

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

- a. Involves unwelcome sexual advances, requests for sexual favors, and deliberate or repeated offensive comments or gestures of a sexual nature when:

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(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

b. Is so severe or pervasive that a reasonable person would perceive, and the survivor does perceive, the environment as hostile or offensive.

c. 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 Civilian employee of the Department of Defense.

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

e. Sexual harassment isolates and marginalizes valuable members of the 25 ID and USARHAW team eroding trust and cohesion and inhibiting unit readiness. Complaints of sexual harassment by service members or their Family members may be filed through the chain of command, next higher echelon command, or SHARP representative. 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 Appendix C of AR 600-20, Army Command Policy. There are two types of complaints:

(1) 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.

(2) A formal complaint is one that a complainant files in writing 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.

4. Sexual Assault: Sexual assault is a broad category of offenses that have no place in the Army. Army policy promotes sensitive care and confidential reporting for survivors of sexual assault and accountability for those who commit these crimes. Sexual assault is defined as sexual contact characterized by the use of force, threats, intimidation, or abuse of authority or when the survivor does not or cannot consent. The term sexual assault includes a broad category of sexual offenses consisting of the following specific UCMJ offenses: rape, sexual

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assault, aggravated sexual contact, abusive sexual contact, forcible sodomy (forced oral or anal sex), or attempts to commit these offenses. There are two reporting options for sexual assault survivors:

a. Restricted reporting: This option is recommended for survivors 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. Survivors who desire restricted reporting under this policy must report the assault to a SARC, Survivor Advocate (SA), or a healthcare provider.

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

5. Commanders 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 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 the CID and then call their brigade/organization's SARC. Leaders will account for the rights of both the survivor and the accused. All report of sexual assaults will be reported within 24 hours in accordance with reference A. Reports meeting criteria outlined in reference F, will be reported as a Serious Incident Report using the CCIR format. Commanders will submit a Sexual Assault Incident Response Oversight report (SAIRO) for unrestricted reports of sexual assault within eight calendar days of the incident report.

b. Ensure all eligible Soldiers, Family members and Civilian employees have access to professional, timely SHARP resources. Our program depends on ensuring that we select the right personnel for the job. Commanders should personally interview and select SHARP candidates. Selected personnel should be of the highest moral, ethical and professional character.

c. Encourage sexual assault survivors, witnesses, intervening bystanders, SARCs, SAs, 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, SA, Inspector General, Special Victims Counsel, or law enforcement. O-5 and higher Commanders or Department of the Army Civilian equivalent will develop a plan to immediately address the allegations of reprisal or retaliation and forward the plan to the Commander, 25 ID and USARHAW, and the USARHAW SHARP program.

d. Creating an environment of dignity and respect is imperative to changing the culture that prevents and combats sexual assault within our ranks. Commanders must support annual

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Sexual Assault Awareness Prevention Month (SAAPM) events and SHARP campaign lines of effort.

e. Commanders at all levels will conduct annual SHARP training with the assistance of a Department of Defense Sexual Assault Advocate Certification Program (D-SAACP) SARC or SA, appointed in writing, for all Soldiers and Civilian employees within their command.

6. Prevention of sexual harassment and sexual assault are everyone's responsibility.

7. Proponent: The 25 ID and USARHAW SHARP Office is the staff agency for this policy. Questions concerning this policy can be addressed to the SHARP program manager, at 655-1603.

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



RONALD P. CLARK
Major General, USA
Commanding