



DEPARTMENT OF THE ARMY
U.S. ARMY INSTALLATION MANAGEMENT COMMAND-PACIFIC
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AMIM-HWG-SP

MEMORANDUM FOR All Military Personnel and Department of the Army (DA) 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. DoDI 1020.03 (Harassment Prevention and Response in the Armed Forces) 29 Dec 20.

b. DoDI 6495.02 (Sexual Assault Prevention and Response (SAPR): Program Procedures Volume I), 28 Mar 13, Incorporating Change 7, Effective 06 Sep 22.

c. DoDI 6495.02 (Sexual Assault Prevention and Response: Education and Training Volume II), 9 Apr 21.

d. DoDI 6495.03 (Sexual Assault Prevention and Response: Retaliation Response for Adult Sexual Assault Cases), 24 Jun 22.

e. AR 350-1 (Army Training and Leader Development, Table F-1, Mandatory Training Requirements for all Personnel) 10 Dec 17.

f. AR 600-20 (Army Command Policy, Chapter 7, Para 7-5 o-s), 24 Jul 20.

g. AR 690-600 (Equal Employment Opportunity Discrimination Complaints), 09 Feb 04.

h. Army Directive 2018-23 (Improving Essentials Programs), 8 Nov 18.

2. Applicability. This policy applies to all Soldiers, Department of the Army Civilians (DAC), Family members, contractors, and other personnel who work on, reside on, or visit any U.S. 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 harassment and sexual assault without fear of retribution, intimidation, or retaliation. Soldiers and Civilians are the cornerstone of our

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combat readiness in Hawaii. Providing a safe and inclusive environment is essential to the USAG-HI mission.

4. Policy.

a. AR 600-20, Chapter 7, Sexual Harassment/Assault Prevention and Response Program (SHARP), 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 sexual assault through a comprehensive program centering on awareness, prevention, training, education, victim advocacy, response, reporting, accountability, and inclusivity. 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 sexual assault are punishable under the Uniform Code of Military Justice (UCMJ) and other federal and local laws. We will hold ourselves accountable.

b. This is a commitment by all, Soldiers, Family Members and DA Civilians, serving as a call to action and strongly encourages bystander intervention to prevent sexual harassment and sexual assault. Three common ways to intervene are for you to act directly, to distract persons involved to alter the situation, or to encourage someone better equipped to intervene in an inappropriate or dangerous situation.

5. Sexual harassment and sexual assault are unacceptable, and contradict the values of the Army and our organization. As Garrison Commander, I am fully committed to the Garrison SHARP Program, and to ensuring a safe living and working environment for the entire Garrison Ohana (Soldiers, Civilian employees, and Family members). Ultimately, the Garrison team must understand and ensure that incidents of sexual harassment or sexual assault or associated retaliatory behaviors will not be tolerated, condoned or ignored. Sexual harassment and sexual assault destroy teamwork and negatively affect combat readiness and are punishable under UCMJ and federal and civilian laws. Everyone must be treated with dignity and respect; consider all allegations of inappropriate behavior with the utmost seriousness, protect the privacy of victims, motivate bystanders to intervene, and hold offenders accountable.

6. Preventing sexual harassment and sexual 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. Anyone subjected to sexual harassment or sexual assault should report the incident to the SHARP office. I expect leaders to respond within 24-hours for all allegations of sexual harassment, sexual assault, and retaliation. In addition, leaders will

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examine all allegations of sexual assault, sexual harassment and retaliation and ensure these incidents are reported to their unit Sexual Assault Response Coordinators (SARC). For DA Civilians experiencing sexual harassment, procedures for reporting are available through your local Equal Employment Opportunity Office. Sexual harassment and sexual assault are punishable under the Uniform Code of Military Justice (UCMJ) for the military and under federal and local law for DA Civilians.

7. Sexual harassment isolates and marginalizes valuable members of the Garrison 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. DoD Civilian employees that want to pursue administrative actions must file complaints through their management officials, or the Equal Employment Office (EEO). Commanders at all levels, along with the complainants, will follow the procedures for filing anonymous, informal, or formal complaints outlined in AR 600-20, Army Command Policy and AR 690-600, Equal Employment Opportunity Discrimination Complaints.

Reference 1g defines "sexual harassment" as conduct that involves:

- Unwelcomed sexual advances or requests for sexual favors; or
- Deliberate or repeated offensive comments of a general nature when submission to such conduct is either explicitly or implicitly a term or condition of a person's job, pay or career; or
- Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person; or
- Conduct that has the purpose or effect of unreasonably interfering with an individual's work performance; or
- Conduct that creates an intimidating, hostile, or offensive working environment, and is so severe or pervasive that a reasonable person would perceive the environment as hostile or offensive.

There are three types of complaints:

a. An anonymous complaint is a complaint that is made from an unknown source, the individual is not required to divulge any personally-identifiable information. All anonymous complaints are referred to the subjects' Brigade Commander for evaluation.

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b. An informal complaint is one that a complainant does not wish to file in writing. It is not subject to a timeline, and the complainant and/or the full-time Brigade SARC address resolution at the lowest level. The Brigade Commander will be made aware of the informal complaint and it will be documented in the database known as Incident Case Reporting System (ICRS).

c. 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 DA 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 commander. When the Brigade Commander initiates an investigation, disposition and resolution are addressed at the command level, and complaint processing is documented in the database known as Incident Case Reporting System (ICRS).

8. The definition for sexual assault is “intentional physical sexual contact, characterized by use of force, threats, intimidation, or abuse of authority or when the victim does not or cannot consent.” A civilian employee who has been sexually assaulted should report the assault to law enforcement, the Equal Employment Opportunity office (if there is a connection to the workplace), or ask the SHARP office for a referral to available civilian resources to supplement SHARP services open to non-military personnel. All victims who contact SHARP professionals for assistance will receive all necessary assistance using the “No Wrong Door” approach to victim advocacy, support, and access to resources permitted by law and policy.

Children under the age of 18 should report to the Family Advocacy Program. Children under the age of 18 do not have restricted reporting options. A Soldier and active duty eligible Family Members 18 years or older who contact SHARP professionals for assistance will receive all necessary assistance, support, and access to resources permitted by law and policy. Soldiers and eligible Family Members, who have been sexually assaulted have two distinct reporting options:

a. **Restricted reporting:** Restricted reporting allows Soldiers and active duty eligible Family Members 18 years old or older who are sexual assault victims to disclose the details of their assault to specifically identified individuals on a confidential basis, and to receive medical treatment and counseling without triggering an official investigation. Soldiers and active duty eligible Family Members who are sexually assaulted and desire restricted reporting should report the assault to their Sexual Assault Response Coordinator (SARC), Victim Advocate (VA) or a healthcare provider. DA Civilians and contractors do not have this restricted reporting option. The victim will be able to receive a Sexual Assault Forensics Examination (SAFE) whether the report is restricted or unrestricted.

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b. **Unrestricted reporting:** Unrestricted reporting allows Soldiers and active duty eligible Family Members 18 years old or older who are sexually assaulted and desire medical treatment, counseling, and an official investigation of allegations to use current reporting channels (the chain of command or law enforcement) or to report the incident to the SARC or the on-call VA. In addition, the Criminal Investigation Division (CID) will initiate an investigation. Soldiers and active duty eligible Family Members who are sexually assaulted and desire unrestricted reporting can report the assault to their SARC, VA, healthcare provider, CID, Judge Advocate General, Inspector General, or Commander. 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.

This command will follow the guidelines listed below to treat all victims of sexual assault and sexual harassment with dignity, fairness, privacy, and respect. We will treat every report of sexual assault, sexual harassment, and related retaliatory behaviors seriously and expeditiously:

9. This command will treat all victims of sexual assault and sexual harassment with dignity, fairness, and respect. We will treat every reported sexual assault, sexual harassment, and retaliation incident seriously and follow the guidelines listed below:

a. As soon as commanders, directors and leaders are notified of an allegation of sexual assault, they will immediately contact their local SARC for guidance, and notify CID. Leaders will protect the rights of both the victim and the accused. All reports of sexual assault will be reported within 24-hours in accordance with IMCOM Policy Letter #06, Sexual Harassment-Assault Response and Prevention (SHARP) Program. SHARP personnel will provide victim's rights using DD Form 2701, Initial Information for Victims, and Witnesses of a Crime. 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. Leaders will hold offenders accountable for substantiated misconduct, provide compassionate care for victims and protect the rights and privacy of all concerned. Commanders, Directors and Office Chiefs will not conduct any internal inquiries or investigations of sexual assaults or delay immediately contacting CID to assess the credibility of the report themselves. Allegations of sexual assault, sexual harassment or retaliation will be thoroughly and professionally investigated.

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c. All personnel will contribute to a culture of trust in which everyone can thrive and achieve their full potential. Commanders, Directors, and supervisors must support annual Sexual Assault Awareness and Prevention Month (SAAPM) events in April and the SHARP campaign lines of effort. This SHARP policy letter and a list of victim resources are to be posted on all organizational bulletin boards throughout the Garrison. Commanders, Directors, and supervisors must ensure that the USARHAW 24/7 SHARP Hotline, the Garrison SHARP Office, and the DoD Safe Helpline are well publicized throughout the organization (websites, social media, bulletin boards, training areas, break areas, etc.).

d. All Commanders, Directors, Office Chiefs, 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.

10. Per reference 1c, all commanders and senior enlisted advisors will meet with the SARC for a one-on-one SHARP briefing within 30 days of taking command or change of responsibility. The briefing will include a trend analysis brief for the unit and area of responsibility, confidentiality, and "official need-to-know" requirements for both unrestricted and restricted reporting, and the requirements of the SAIRO report. Commanders will also use the Defense Equal Opportunity Climate Survey to identify SHARP issues and take immediate action on items identified as amber or red. Commanders will also participate in the local monthly Sexual Assault Review Board (SARB) meetings held by the installation senior commander and use it as a tool to support their SHARP programs. A Garrison SHARP representative can be contacted at (808) 655-9433.

11. Per reference 1c, commanders will determine the duration, location, and means for conducting SHARP annual refresher training. Leaders will lead annual training with the assistance of credentialed SHARP professionals. Leaders will facilitate the discussion as directed, not just participate in training. A leader is anyone in a supervisory position. Contractors are optional, but highly encouraged to attend training, but not required to report as mandatory training. Commanders will offer this training to military Family Members ages 18 and over. IMCOM's goal is to have 90% of all DA Civilians (APF and NAF full-time employees) and military trained by 01 August and 100% trained by 01 September. Contractors may attend training if the government and contractor supervisor have agreed on the training and time management, or the training is otherwise required under the contract. Commanders will offer training monthly; the training is valid for one year.

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In addition, all First Responder personnel (DES, RSO, SJA, FAP, and Commanders) will receive annual SHARP first responder training that covers how to respond to a sexual assault and how to offer resources to victim. Additionally, Senior Leaders will receive additional training annually in correlation to their duty position. All Commanders, Directors, Office Chiefs, and leaders will ensure that all Soldiers and DA Civilians are trained annually IAW Ref 1c and document their attendance on Defense Training Management System (DTMS) and the Nonappropriated Fund Training System for the Directorate of Family Morale, Welfare, and Recreation (DFMWR) employees. A Garrison SHARP representative can be contacted at (808) 655-9433.

12. This command will not tolerate retaliation or reprisal (any act of retaliation) against an individual who makes a protected SHARP-related communication. The definition of retaliation is as follows:

- When any person subject to the Uniform Code of Military Justice (UCMJ) or Federal law wrongfully takes or threatens to take an adverse personnel action; or
- Wrongfully withholds or threatens to withhold a favorable personnel action with the intent to discourage; or
- Retaliate against a person reporting or planning to report a criminal offense; or
- Making or planning to make a protected communication

Every DoD employee and military member has the right to report criminal offenses with a protected communication. The Inspector General will investigate all reports of retaliation.

13. The Department of Defense Sexual Assault Prevention and Response Office (SAPRO) has established a Safe Helpline so members of the DoD community impacted by sexual assault can discuss their situation and concerns freely without worry that their information will be shared with the DoD or their chain of command. If individuals need immediate assistance, call the local SARC or Victim Advocate. Individuals can also call the DoD Safe Helpline at (877) 995-5247; go online at <https://safehelpline.org/> to get confidential help, or download the DoD approved Safe Helpline application on their phone for immediate anonymous and confidential support. All Safe Helpline services are anonymous, confidential, and tailored to support members of the DoD community and their loved ones affected by sexual assault. Anonymous means that individuals can access the Safe Helpline without sharing any personal information. Confidentiality means that in most cases the personal information shared will receive protection from disclosure.

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14. All full-time SHARP personnel will be appointed in writing, trained, certified and prepared to perform installation-wide advocacy duties as soon as possible. Once credentialed, all SARCs will be appointed by their ID Director (SES level or O6 Acting Director) and VAs will be appointed by the first O6/GS-15 in the chain of command. SHARP appointments will not be delegated lower. The IMCOM SHARP Program Manager, upon request, will provide an approval recommendation for every appointment action verifying that the individual has never had credentials revoked or suspended and validate background documentation from their local Civilian Personnel Advisory Center.

15. In training and in combat, our lives are frequently in the hands of others. Trust is imperative; it is the foundation for teamwork, cohesion, and disciplined execution of the mission. The bedrock of trust is the Golden Rule – treat others as we expect to be treated – together with adherence to the seven Army Values, the Warrior Ethos, and the Soldier’s and Civilian’s Creeds. I expect everyone, at all times to treat to others with dignity and respect. I will not tolerate unlawful discrimination or unfair treatment (e.g. sexual harassment, sexual assault, retaliation) against fellow Soldiers, Family Members and our Civilian teammates. Those that commit these egregious actions that are incompatible with the Army values will be held accountable under the UCMJ, other Federal and local civilian laws.

Every Garrison employee must have the personal courage to intervene, act, and motivate others to “Take A Stand” in order to eradicate sexual assault, sexual harassment, and discrimination. If you need immediate assistance, call the U.S. Army Hawaii SHARP Hotline at (833) 727-2808.

16. This policy memorandum supersedes Policy Memorandum USAG-HI 20 SAB, dated 15 Dec 20 and remains in effect until superseded or rescinded in writing.

17. Point of contact for this policy is Mr. Nelson M. Martinez, USAG-HI SHARP SARC, nelson.m.martinez.civ@army.mil, (808) 655-9433 or cell (808) 927-6609.

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