



DEPARTMENT OF THE ARMY  
HEADQUARTERS, 65<sup>TH</sup> BRIGADE ENGINEER BATTALION  
2D BRIGADE COMBAT TEAM, 25TH INFANTRY DIVISION  
SCHOFIELD BARRACKS, HAWAII 96857-50000

APTS-ENG-CDR

6 June 2023

MEMORANDUM FOR RECORD

SUBJECT: Battalion Command Policy Letter #2 Sexual Harassment/Assault Response and Prevention (SHARP) Program.

1. References:

- a. Army Regulation (AR) 600-20, Army Command Policy, dated 5 March 2019.
- b. USARHAW, Commanding General's (SHARP) Program Policy Letter #6 (02 November 2022)
- c. Message, ALARACT 188/2014, HQDA, ASA (M&RA)/DCS G1, 2602422 Jul 14  
Subject: (FOUO) HQDA EXORD 193-14 Screening of Sexual Harassment/Assault Response and Prevention Program Personnel and Others in Identified Positions of Significant Trust.
- d. DODI 6495.02 (Sexual Assault Prevention and Response (SAPR) Program Procedures), 24 May 2017

2. Purpose.

- a. All Commanders, officers, and noncommissioned officers are responsible for Ensuring units meet, maintain, and comply with this memorandum. Sexual harassment and assault violates our Army's values and standards. Leaders will take an active role in eliminating sexual harassment and assault. Leaders will provide a safe and secure environment to ensure victims know their concerns are being addressed while protecting the rights of the accused. Commanders will meet with the brigade SARC victim advocate within 30 days of assumption of command for one-on-one SHARP training IAW DoDI 6495.02, Enclosure 5, paragraph 3b.
- b. All Commanders, officers, and noncommissioned officers are committed to ensure all Soldiers, Department of the Army Civilians (DACs), and Family members live and work in an environment free of sexual harassment and sexual assault. Sexual harassment and sexual assault destroys unit cohesion and degrades combat readiness by affecting our

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ability to effectively work as a team. Sexual harassment and sexual assault will not be tolerated in the 65th BEB, 2nd IBCT. Soldiers or DACs who participate in or condone misconduct (to include online) may be subject to criminal, disciplinary, and/or administrative action under the Uniformed Code of Military Justice (UCMJ) and other federal or local civilian laws.

### 3. PROCEDURES

a. Sexual Harassment: All Soldiers and DACs are responsible for preventing sexual harassment and taking appropriate corrective action when it occurs. Sexual harassment is defined under Title 10 USC 1561 as conduct that involves unwelcomed 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:

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

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

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

(2) 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 civilian employee of the DoD.

(3) Any deliberate or repeated unwelcome verbal comments or gestures of a sexual nature by any member of the Armed Forces or civilian employee of the DoD.

(4) Commanders will take allegations of sexual harassment seriously and investigate them promptly. Soldiers or their Family members may file complaints through the chain of command, next higher echelon commander, or brigade SARC. Listed below are the three complaints options for sexual harassment.

(a) Informal Complaint. An informal complaint is any complaint that a Soldier or

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Family member does not wish to file in writing. It is not subject to timelines and may be resolved directly by the individual, with the help of another unit member, the commander, or other person in the complainant's chain of command.

(b) Formal Complaint. A formal complaint is filed in writing using DA Form 7746 (Sexual Harassment Complaint Form) and requires specific actions and timelines. Soldiers have 60 calendar days from the date of the alleged incident in which to file a formal complaint. It is the commander's discretion to conduct an investigation into allegations received after 60 calendar days. In these situations, the commander will consider the reason for the delay, the availability of witnesses, and whether a full and fair inquiry or investigation can be conducted. Commanders will follow the complaint processing procedures outlined in AR 600-20, Appendix C.

(c) Anonymous Complaint. 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 Personal Identifying Information. All anonymous complaints, even those that cannot be investigated, will be referred to the respective brigade commander of the subject named in the complaint.

(d) Sexual harassment complaints by civilian employees are handled in accordance with AR 690-600 (Equal Employment Opportunity Discrimination Complaints). Civilian employees have 45 calendar days from the date of the incident to file a complaint. Civilian employees who desire to file a sexual harassment complaint should contact the Equal Employment Office at 808-835-4011.

b. Sexual Assault. Sexual assault is a crime defined as intentional sexual contact characterized by the use of force, physical threat or abuse of authority or when the victim does not or cannot consent. Sexual assault includes rape, nonconsensual sodomy (oral or anal sex), indecent assault, (unwanted, inappropriate sexual contact or fondling), or attempts to commit these acts.

(1) Restricted Reporting. This option allows a victim to confidentially report a sexual assault and receive medical treatment, counseling, and victim advocacy without triggering command notification or an official investigation. Victims who desire the Restricted Report option should only disclose the incident to a Sexual Assault Response Coordinator (SARC), SHARP Victim Advocate (VA), Health Care Provider, or a chaplain.

(2) Unrestricted Reporting. This option allows a victim to receive medical treatment, counseling, victim advocacy, and includes command notification and an official investigation. Victims who desire the Unrestricted Reporting option should use

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the current reporting (e.g. chain of command, CID, law enforcement, SARC, SHARP VA, or healthcare provider). Details regarding the incident will be limited to those personnel who have a legitimate need to know. Victims of sexual assault are encouraged to contact the USARHAW 24/7 Sexual Assault Hotline at 833-727-2808. The hotline is manned by credentialed SARCs. Information regarding the rights of victims are outlined in DD Form 2701 (Initial Information for Victims and Witnesses of Crime).

(3) Retaliation or Reprisal. All 65th BEB, 2nd IBCT personnel can report sexual harassment or sexual assault without fear of retaliation or reprisal.

(a) Retaliation encompasses illegal, impermissible, or hostile actions taken by the chain of command, peers, or co-workers as a result of making or being suspected of making a protected communication in accordance with DoDD 7050.06 (Military Whistleblower Protection).

(b) Reprisal is defined as taking or threatening to take an unfavorable personnel action, or withholding or threatening to withhold a favorable personnel action, for making, preparing to make, or being perceived as making or preparing to make a protected communication in accordance with DoDD 7050.06 (Military Whistleblower Protection).

(c) Anyone who feels they have experienced any type of retaliation or reprisal in relation to a sexual harassment complaint or report of sexual assault, should immediately contact the Inspector General (IG) at 808-655-0847 or 808-787-3170.

(d) Available Resources. A full listing of available victim service resources are available on the DoD Safe Helpline website at <https://www.safehelpline.org/>. Commanders will ensure a listing of the resources are posted on unit bulletin boards.

## 5. VICTIM RIGHTS.

- a. The right to be treated with fairness and respect for your dignity and privacy.
- b. The right to be reasonably protected from the accused offender.
- c. The right to reasonable, accurate, and timely notice of preliminary hearings, pre-trial confinement hearings, court proceedings, and clemency and parole hearings related to the offense.

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d. The right to be present at all public proceedings related to the offense unless the hearing officer or military judge determines that your testimony would be materially altered if you as the victim heard other testimony.

e. The right to reasonably confer with the prosecutor/trial counsel in the case.

f. The right to receive available restitution.

g. The right to be reasonably heard at:

(1) A public hearing concerning the continuation of any pre-trial confinement of the accused.

(2) A sentencing hearing related to the offense.

(3) A public Military Department Clemency and Parole Board hearing related to the offense.

h. The right to submit a written statement for the consideration of the Convening Authority prior to taking action on findings and sentence.

i. The right to proceedings free from unreasonable delay.

j. The right to be provided information, if applicable, about the conviction, sentencing, imprisonment, Convening Authority's action, appellate review, and release of the offender.

## 6. PREVENTION.

a. Prevention is the first defense against sexual harassment and assault. Commanders will use training, education, and awareness to minimize sexual harassment and assault. The Brigade will appoint on orders one SHARP Sexual Assault Response Coordinator (SARC) and one SHARP Victim Advocate (VA). Battalion Commanders will appoint one collateral SHARP Sexual Assault Response Coordinator (SARC) and one SHARP Victim Advocate (VA), using the criteria outlined in AR 600-20 and EXORD 221-12. SHARP SARCs and VAs must complete 80 hours of required training given by the Department of the Army SHARP Mobile Training Team Course, have a favorable criminal background investigation, screened against the National Sex Offender Registry.

b. The prevention of sexual harassment and assault is everyone's responsibility.

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Commanders and leaders will utilize training, education, and awareness to minimize incidents of sexual harassment and sexual assault as well as continue to enforce standards. Together we will continue to preserve our core Army values, protect the trust that bonds us together and ensure all members of the 65th Brigade Engineer Battalion team are treated with dignity and respect.

7. The proponent for this policy is the BN SARC SFC Arroyoestrada, Saul J. at 808-655-5245 or [saul.j.arroyoestrada.mil@army.mil](mailto:saul.j.arroyoestrada.mil@army.mil).

A handwritten signature in black ink, appearing to read 'Joe Owens', with a long horizontal flourish extending to the right.

JOSEPH E. OWENS  
LTC, EN  
Commanding