



DEPARTMENT OF THE ARMY
US ARMY INSTALLATION MANAGEMENT COMMAND
HEADQUARTERS, UNITED STATES ARMY GARRISON
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13 Oct 2020

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Policy 20-30 Prevention of Sexual Harassment and Sexual Assault

1. References:

- a. DOD Instruction 6495.02, Sexual Assault Prevention and Response (SAPR) Program Procedures, dated 28 March 2013 incorporating change 4, September 11, 2020.
- b. AR 600-20, Army Command Policy, dated 24 July 2020
- c. USAICoE Policy 20-07 – Prevention of Sexual Harassment and Sexual Assault, dated 06 October 2020.
- d. AR 690-600, Equal Employment Opportunity Discrimination Complaints, dated 9 February 2004.

2. APPLICABILITY: This policy applies to all United States Army Garrison Fort Huachuca Service Members, Department of Defense (DoD) personnel, and Family Members assigned, attached to, or employed by the United States Army Garrison.

3. POLICY. I am committed to the Army's policy of prevention of sexual harassment, sexual assault, and the appropriate treatment of victims. Sexual harassment, sexual assault, and retaliatory behavior is incompatible with the Army Values and will not be tolerated. My intention is to eliminate these acts through a comprehensive program of awareness and prevention, training and education, victim advocacy, accountability and support through the Sexual Harassment Assault Response Prevention (SHARP) Program. I expect all Garrison Soldiers and Department of the Army (DA) Civilians, to act professionally and consistent with Army Values. Loyalty, Duty, Respect, Selfless Service, Honor, Integrity and Personal Courage. I expect full leadership involvement at all levels in implementing this policy.

4. Sexual assault is a crime of intentional sexual contact characterized by use of forces, threats, intimidation, or abuse of authority, or when the victim does not or cannot consent. The term includes a broad category of sexual offenses,

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consisting of the following UCMJ offenses: rape, sexual assault, aggravated sexual contact, abusive sexual contact, or attempts to commit these acts.

5. Sexual harassment is a form of gender discrimination that involves unwelcomed sexual advances, requests for sexual favors and deliberate or repeated offensive comments or gestures of a sexual nature when submission to such conduct is made 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 such conduct has the purpose or effect of unreasonable interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment; and is so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the environment as hostile or offensive. 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 DoD. 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 DoD.

6. PROCEDURES. The SHARP policy provides two options to report sexual assault. If someone believes they are a victim of a sexual offense and wants to utilize restricted reporting channels, he or she must report to one of the officials listed in para 6.(1)(a) below. Any report to any individual who is not one of those so listed is unrestricted and will be investigated appropriately.

(1) Restricted reporting allows a victim to confidentially disclose the details of the assault to specifically identified individuals, and receive medical care, and counseling without triggering an official investigation.

(a) Soldiers and Family Members aged 18 or older, who believe they have been sexually assaulted and desire restricted reporting must report the assault to a (1) SARC/SHARP or a (2) VA/SHARP. Reports made to any of those individuals will remain confidential and will not be forwarded to the command or law enforcement.

(b) If the victim tells someone outside of the restricted reporting chain, then they can still elect to submit a restricted report; however, if the person to whom the victim confided the information is in the victim's chain of command or military law enforcement, the report cannot be restricted and an official investigation will be initiated.

7. Unrestricted reporting allows a victim desiring an official investigation into the allegation to use current reporting channels such as law enforcement and the chain of command. Victims desiring unrestricted reporting may still contact the SARC/SHARP, VA/SHARP, or Medical Treatment Provider. Details regarding the incident will be limited to those personnel who have a legitimate need to know of the information, as well as those agencies which UCMJ, policies, or applicable laws dictate be notified of such a report.

c. The chain of command, to include commanders, will refrain from questioning victims as to the specifics of the alleged sexual assault; this risks compromising the criminal investigation. Personnel will treat all victims of sexual assault with dignity, fairness, and respect. The privacy of the victim and the accused will be respected.

d. As soon as the victim seeks assistance from a SARC, VA, military criminal investigator, victim witness liaison, or trial counsel, he or she shall be informed of the right to military legal assistance provided by a Special Victim Counsel, assistance provided by a SARC, and assistance provided by a Sexual Assault Victim Advocate.

8. RESPONSIBILITIES. All personnel have the right to be treated with dignity and respect. Crime victims have the following additional rights (ENCL 1): to be reasonably protected from the accused, to be notified of court proceedings, to be present at public court proceedings, to confer with the government attorney on the case, available restitution, and to information about the conviction, sentencing, imprisonment, and release of the offended. This list is not all-inclusive but outlines some of the rights of the victim.

7. Offenders for SHARP related offenses will be held accountable as determined by military and/or civilian authorities. Sexual Assault is a criminal offense that is punishable under UCMJ, other Federal and local civilian laws. Sexual harassment and other retaliatory behaviors are incompatible with Army values.

8. Safety for the victim is the primary consideration, particularly in cases of sexual violence. Individuals who are sexually harassed or assaulted can file complaints or report the crime without fear of intimidation, harassment or reprisal. Retaliation and retribution towards the victim is strictly not allowed. This is true with the chain of command or with peer interaction. Any incident of reprisal against a sexual harassment or sexual assault victim must be immediately brought to the attention of the Garrison Commander.

9. Garrison leaders and employees are accountable for the climate they promote. If direct intervention is not a viable option to address unacceptable behavior, I expect an alternative solution such as consulting with SHARP, informing leadership, calling 911, getting assistance from a co-worker or several co-workers, or simply creating a distraction to stop the behavior. Doing nothing is not an acceptable option.

10. All Soldiers, Family Members and DA Civilians can receive assistance from the SHARP Program. Information and assistance provided will be specific to the eligibility of the individual seeking services. All individuals seeking assistance will be able to do so without fear of retaliation. To reach an advocate 24 hours a day, 7 days a week, please call the Fort Huachuca SHARP Hotline at 520.732.3736 or the DoD Safe Helpline at 1.877.995.5247.

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11. For DA Civilians experiencing sexual harassment, specific procedures and courses of action are available through the Equal Employment Opportunity Office, which can be reached at 520.533.2028.

12. All Garrison Soldiers and DA Civilians, will attend SHARP training in person by 30 June each fiscal year. New Soldiers and employees hired after 30 June, and individuals with extenuating circumstances must complete the training by 30 September.

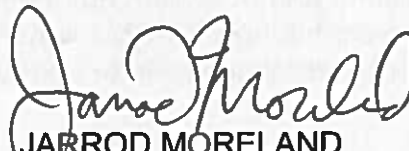
13. Sexual harassment/assault impacts victims in different ways. In order to ensure the safety of the victim all Leaders will be trained on Suicide Awareness and Suicide warning signs. Leaders will contact Behavioral Health at 520.533.5161 if they believe that the victim maybe suicidal.

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

15. This memorandum supersedes USAG, Policy 19-40, SHARP.

16. The point of contact for all SHARP related matters is the Garrison SHARP office, 520.538.2238.

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JARROD MORELAND
Colonel, MI
Commanding

Distribution: E

Enclosure 1

Victims' Bill of Rights

DoD law enforcement and legal personnel directly engaged in the detection, investigation or prosecution of crimes are responsible for ensuring that victims of military-related crime are accorded the following rights:

- The right to be treated with fairness and respect for your dignity and privacy;
- The right to be reasonably protected from the accused offender;
- The right to reasonable, accurate, and timely notice of public preliminary hearings, pretrial confinement hearings, court proceedings, and clemency and parole hearings related to the offense;
- 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;
- The right to reasonably confer with the prosecutor/Trial Counsel in the case;
- The right to receive available restitution;
- The right to be reasonably heard at:
 - 1) A public hearing concerning the continuation of any pretrial 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;
- The right to submit a written statement for the consideration of the Convening Authority prior to taking action on findings and sentence;
- The right to proceedings free from unreasonable delay;
- The right to be provided information, if applicable, about the conviction, sentencing, imprisonment, Convening Authority's action, appellate review, and release of the offender.

Additionally, court-martial convening authorities, as well as clemency and parole boards, are directed to consider making restitution to the victim a condition of pretrial agreements, sentence reduction, clemency and parole. They may consider victim statements on the impact of crime when reviewing a case.

