



DEPARTMENT OF THE ARMY
UNITED STATES ARMY INSTALLATION MANAGEMENT COMMAND
HEADQUARTERS, US ARMY GARRISON, PRESIDIO OF MONTEREY
1759 LEWIS ROAD, SUITE 210
MONTEREY, CA 93944-3223

AUG 14 2020

IMPM-ZA

MEMORANDUM FOR U.S. Army Garrison, Presidio of Monterey Personnel

SUBJECT: Command Policy #40, Prevention of Sexual Harassment and Sexual Assault

1. References:

- a. AR 600-20, Army Command Policy, 24 July, 2020.
- b. Sections 581-586, National Defense Authorization Act for Fiscal Year 2012.
- c. Department of Defense Instruction 6495.02, Sexual Assault Prevention and Response Program Procedures, May 24, 2017.

2. Purpose: This policy establishes the United States Army Garrison, Presidio of Monterey (USAG POM) Sexual Harassment/Assault Response and Prevention Program.

3. Applicability: This policy applies to all civilian employees, military personnel and their Family members, assigned or attached to USAG POM.

4. Proponent: The proponent for this policy is the USAG Sexual Assault Response Coordinator's Office, IMPM-SARC, (831) 242-3442. This policy supersedes the previous Command Policy Letter #40 on Prevention of Sexual Harassment and Sexual Assault, dated 18 Dec 2019.

5. Preventing sexual harassment and assault is everyone's responsibility. Acts of sexual harassment and sexual assault are unacceptable, destroy individual and unit morale, and negatively affect mission readiness. Such behaviors will not be tolerated. The objective is to achieve an environment free from sexual harassment and sexual assault, an environment where each individual within the USAG POM team is respected, valued, supported, and protected. Commanders, leaders, supervisors, and managers at all levels will:

- a. Directly and actively promote a positive culture which fosters and maintains mutual respect, dignity, trust, and an environment free of sexual harassment and sexual assault.
- b. Ensure that every Soldier and Civilian Professional in this command understands what sexual harassment and sexual assault are, and what reporting options are available to them.

c. Establish and sustain an environment where Service Members and Civilian Professionals can report incidents of sexual harassment or sexual assault without fear of harassment or reprisal.

d. Address allegations of sexual harassment and sexual assault with the utmost gravity, timeliness, and discretion while protecting the privacy of survivors, and preventing re-victimization/traumatization.

e. Ensure investigations of allegations of sexual harassment, or sexual assault, are timely, thorough, and professional.

f. Enforce standards and hold people accountable for their behavior, actions and inactions.

6. A Service Member or Civilian Professional who believes that he or she have been subjected to sexual harassment should report informal and formal allegations to the Sexual Harassment/Assault Response and Prevention (SHARP) office or an appropriate supervisor. A Service Member or Civilian Professional who believes he or she have been sexually assaulted should report the incident directly to a Sexual Assault Response Coordinator (SARC) or Victim Advocate (VA).

7. An explanations of sexual harassment and sexual assault and their associated reporting options are as follows:

a. **Sexual Harassment** is a form of sex discrimination involving unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Any person, especially one in a supervisory or command position, who uses or condones implicit or explicit sexual behavior to control, influence, or affect the job, pay, or career of a Service Member or Civilian Professional, is engaging in sexual harassment. Complaints of sexual harassment by Service Members or their Family members may be filed through the Chain of Command, next higher echelon commander, a SHARP representative, or the Inspector General (IG). Civilian employees may file complaints through their management officials, IG, or the Equal Employment Opportunity (EEO) office. There are two types of complaints:

(1) **Informal complaints** are not subject to a time suspense. The Chain of Command, supervisors, or management officials normally handle the resolution process. Informal complaints, which involve an Army perpetrator, will be documented in a Memorandum for Record and submitted to the SARC.

(2) **Formal complaints** are subject to a time suspense. The complainant files in writing and swears to the accuracy of the statement. Service Members have 60 calendar days from the date of the incident to file a complaint with the SHARP Office. Civilian Professionals have 45 calendar days to file with the EEO office.

IMPM-ZA

SUBJECT: Command Policy #40, Prevention of Sexual Harassment and Sexual Assault

a. **Sexual Assault** is a crime defined by 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 can occur without regard to gender, spousal relationship, or age of the victim. Sexual assault is punishable under UCMJ and other federal and local civilian laws.

b. **Consent** is words or overt acts indicating a freely given agreement to the sexual conduct at issue by a competent person. A sleeping, unconscious, or incompetent person cannot consent to a sexual act. Minors cannot legally give consent. The Family Advocacy Program has the responsibility for handling crimes of abuse against minors.

c. There are two types of reporting options for adult survivors of sexual assault:

(1) **Unrestricted Reporting:** Service Members or Family members, age 18 and older, who have been sexually assaulted and who desire an official investigation in addition to SHARP services may report the assault to their Chain of Command, Criminal Investigative Division, IG, or Provost Marshal in addition to a SARC or VA. Civilian Professionals who wish to report a sexual assault may contact the SHARP office for guidance and referrals to appropriate civilian agencies and available services.

(2) **Restricted Reporting:** Service Members or Family members, age 18 and older, who have been sexually assaulted and who want to receive guidance, medical treatment, counseling, or other services on a confidential basis, without triggering an official investigation, must report to a SARC or VA. The SARC or VA will ensure the victim is aware of any state or local mandatory reporting requirements (*California Health care providers are mandatory reporters*) and help the victim navigate the system while maintaining confidentiality. Survivors may report to a chaplain, but that report will not initiate services. an official.

8. Every Service Member and Civilian Professional will complete annual SHARP training, and apply it in their daily lives. They must exercise the personal courage to intervene to the best of their ability, no matter the time or place; to act decisively to protect members of the USAG POM community; to be a constant force in the fight to eradicate sexual harassment and sexual assault.



VARMAN S. CHHOEUNG
Colonel, SF
Commanding

