



REPLY TO THE  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
**INSTALLATION MANAGEMENT COMMAND**  
**UNITED STATES ARMY GARRISON-MIAMI**  
9301 NW 33<sup>rd</sup> STREET  
DORAL, FL 33172-1202

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MEMORANDUM FOR SEE DISTRIBUTION

SEP 08 2015

SUBJECT: Policy Memorandum # 3 - Prevention of Sexual Harassment/Sexual Assault

1. REFERENCE.

- a. Army Regulation 690-600, Equal Employment Opportunity Discrimination Complaints, dated 9 February 2004.
- b. Army Regulation 690-12, Equal Employment Opportunity and Affirmative Action, dated 4 March 1988.
- c. Army Regulation 600-20, Army Command Policy, dated 4 Aug 2011 and Rapid Action Revision (RAR) dated: 20 September 2012
- d. U.S. Army Installation Management Command Policy # 3 – Prevention of Sexual Harassment, dated 27 June 2006.
- e. 29 Code of Federal Regulation Part 1614 Federal Sector Equal Employment Opportunity
- f. Defense (DoD) Directive 6495.01, Sexual Assault Prevention and Response (SAPR) Program

2. PURPOSE. To establish the Garrison Manager's Policy on Prevention of Sexual Harassment.

3. APPLICABILITY. This policy applies to all civilians personnel assigned to and/or under the operational control of the U.S. Army Garrison-Miami to include non-appropriated fund (NAF) employees.

4. POLICY

a. The policy of the Army is that sexual harassment is unacceptable conduct and will not be tolerated. Army leadership at all levels will be committed to creating and maintaining an environment conducive to maximum productivity and respect for human dignity. Sexual harassment destroys teamwork and negatively affects combat readiness. The Army bases its success on mission accomplishment. Successful mission accomplishment can be achieved only in an environment free of sexual harassment for all personnel. The prevention of sexual harassment/sexual assault is the responsibility of every service member and DA civilian. Leaders set the standard for service members and DA civilians to follow.

b. Sexual harassment is a form of gender discrimination. Sexual harassment is defined by law and regulation as unwelcome sexual advances, request for special favors, and other verbal, non-verbal or physical conduct of a sexual nature when such conduct is made a term or condition of a

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person's job, pay or used as a basis for employment/career decisions affecting that person, creates a hostile or abusive environment, or interferes with the performance of an employee. It is detrimental to productivity, defeats individual rights and violates the law. I will not condone nor tolerate any form of discrimination within this command.

c. Sexual Assault is defined as follows; Intentional sexual contact characterized by use of force, threats, intimidation, or abuse of authority or when the victim does not or cannot consent. Sexual assault includes rape, forcible sodomy (oral or anal sex), and other unwanted sexual contact that is aggravated, abusive, or wrongful (including unwanted and inappropriate sexual contact), or attempts to commit these acts. Sexual assault can occur without regard to gender, spousal relationship, or age of victim.

d. The workforce must understand the importance of this policy and adhere to its principle. All employees will take personal responsibility in the prevention of sexual harassment/sexual assault by encouraging appropriate behavior and setting the highest standard of conduct in the workplace.

e. Persons who believe they are a victim of sexual harassment should make it clear to the offenders that the behavior is unwelcome and offensive. Allegations of sexual harassment will be examined and resolved promptly at the lowest level possible, by formal, disciplinary or administrative action. Managers and supervisors will take prompt and decisive action when such harassment is substantiated. Hence, this necessitates zero tolerance for sexual harassment

f. Sexual Harassment/Assault Response and Prevention (SHARP) Refresher Training stresses the seriousness of sexual harassment and sexual assault and the importance of ensuring the Army's contemporary operating environment are safe and promote an environment free of sexual harassment and sexual assault. It will enhance your knowledge on sexual harassment/sexual assault behaviors and provide prevention techniques that you can apply to your daily activities. Garrison employees will receive SHARP training that gives guidance on what constitutes sexual harassment and sexual assault, and the avenues available for reporting such incident. Newly appointed supervisors and new employees of federal civilian employees are required to receive initial three (3) hours classroom training within 120 days of their appointment, and all employees are required annual SHARP Refresher Training.

g. Civilian Employees (AF/NAF) who perceive they are victims of sexual harassment, or individuals who witness inappropriate workplace behavior should report it immediately through their supervisory chain of command, SHARP specialist or contact the USAG-Miami Equal Employment Opportunity Office at (305) 437-1826. DA civilians, who become victims of sexual assault, must report the offence within their prospective communities as they will be handled by local law enforcement and medical professionals. If an employee believe he/she has been the victim of sexual harassment, they must submit their allegation through the EEO Office beginning with the informal/pre-complaint timeline process below;

(1) An informal or pre-complaint complaint is a matter of alleged discrimination which an aggrieved person brings to the attention of an EEO official/counselor before a formal discrimination complaint is filed. The aggrieved must initiate contact with an EEO official within 45 calendar days of the action or practice alleged to be discriminatory; in the case of a personnel action, within 45 calendar days of the effective date of the action.

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(2) A formal complaint is one that has gone through the informal process and is provided in writing, preferably on a DA Form 2590 (Formal Complaint of Discrimination), filed under AR690-600, alleging that a specific act or acts of discrimination or reprisal has taken place that is personal to the individual. A formal complaint should include as a minimum the basis(es), claim(s), and date(s) of alleged discriminatory matters.

(3) Procedures for processing complaints filed by contingent workers (contract employees) are considerably different as Contingent workers are civilian workers who are outside of the Army's "core" work force, and not on the activity's payroll or meeting the definition of a civil service employee under 5 USC Section 2105(a) or a non-appropriated fund employee described at §2105(c). Although the 45 calendar days rule still applies, inquiries to EEO counselors from employees who are not civil service employees should be referred directly to the EEO officer/manager. The EEO officer/manager will advise the worker to immediately report the allegations to his or her non-Federal employer. If the worker wants to file a complaint against the contractor, the EEO officer/manager should provide the address and telephone number of the nearest EEOC field office. If the worker wants to file a complaint against the Army, the EEO officer/manager should assign a counselor and process initially in accordance with 29 CFR Part 1614 and AR690-600. The EEO officer/manager will advise the aggrieved that, depending on the facts and circumstances surrounding the employment relationship, the Army may not be his or her employer under Title VII or any other antidiscrimination laws.

(4) When sexual harassment is one of the claims raised under the EEO process and the aggrieved is directly supervised by a military commanding officer or a military officer in charge; the EEO official shall advise the aggrieved that there are two statutes applicable to him or her (that is, Title VII and 10 USC Section 1561) and that processes established under those statutes can be used simultaneously.

5. PROPONENT. The United States Army Garrison-Miami Equal Employment Opportunity Office is the proponent for this policy. Point of contact is the EEO Manager at commercial (305) 437-1826.

6. EXPIRATION. This policy memorandum supersedes previous policy issued by the Garrison Manager and will remain in effect until superseded or rescinded.



DONALD A. BIRD  
Garrison Manager

CF:  
USAG-Miami Personnel