



DEPARTMENT OF THE ARMY
US ARMY INSTALLATION MANAGEMENT COMMAND
DIRECTORATE – SUSTAINMENT
UNITED STATES ARMY GARRISON-MIAMI
9301 NW 33RD STREET
DORAL, FLORIDA 33172-1202

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28 August 2020

MEMORANDUM FOR All U.S. Army Garrison (USAG) Miami Personnel

SUBJECT: Command Policy Memorandum #6, Prevention of Sexual Harassment/Sexual Assault

1. REFERENCES.

- a. 29 Code of Federal Regulation Part 1614 Federal Sector Equal Employment Opportunity.
- b. Department of Defense Directive 6495.01, Subject: Sexual Assault Prevention and Response (SAPR) Program.
- c. Army Regulation 690-600, Equal Employment Opportunity Discrimination Complaints, 9 February 2004.
- d. Army Regulation 690-12, Equal Employment Opportunity and Diversity, 12 December 2019.
- e. Army Regulation 600-20, Army Command Policy, 24 July 2020.
- f. Army Directive 2015-40, Implementing Procedures for Anti-Harassment Policy, 30 October 2015.
- g. U.S. Army Management Installation Command Memorandum, Subject: Command Policy #3, Prevention of Sexual Harassment (POSH), 14 April 2014.
- h. U.S. Army Installation Management Directorate-Sustainment Command Policy #3, Prevention of Sexual Harassment (POSH), 1 November 2016.

2. PURPOSE. To establish the Garrison Manager's policy on the prevention of sexual harassment/sexual assault.

3. APPLICABILITY. This policy applies to all civilian personnel, appropriated fund (APF) or non-appropriated fund (NAF), assigned to and/or under the operational control of the U.S. Army Garrison-Miami (USAG-Miami). These requirements also apply to applicants and employees in full-time, part-time, term, and temporary positions.

IMAG-ZA

SUBJECT: Command Policy Memorandum #6, Prevention of Sexual Harassment/Sexual Assault

4. POLICY.

a. The policy of the Department of the Army (DA) 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. 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 between the same or opposite genders. 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.

d. 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. Hence, this necessitates zero tolerance for sexual harassment. Supervisors and managers – both civilian and military supervisors of DA employees – have the responsibility to maintain a workplace free of harassment. Supervisors must show a reasonable effort to promptly prevent, respond to and correct harassing behavior in the workplace.

e. 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 operating environment is safe while promoting an environment free of sexual harassment/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

IMAG-ZA

SUBJECT: Command Policy Memorandum #6, Prevention of Sexual Harassment/Sexual Assault

annually. Newly appointed supervisors and new federal civilian employees are required to receive an initial 3 hours classroom training within 120 days of their appointment. Employees require annual SHARP Refresher Training.

f. Civilian employees (APF/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 (EEO) Office at (305) 437-1826. DA civilians who are victims of sexual assault may report the offense to local law enforcement and medical professionals.

g. If an employee believes he/she has been the victim of sexual harassment, they may submit their allegation through the EEO Office beginning with the informal/pre-complaint timeline at 305-437-1826.

h. 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 United States Code Section 2105(a), or a non-appropriated fund employee described at §2105(c). The EEO Officer 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 should provide the address and telephone number of the nearest EEO Commission field office. If the worker wants to file a complaint against the Army, the EEO Officer should assign a counselor and process initially in accordance with 29 Code of Federal Regulations Part 1614 and Army Regulation 690-600. The EEO Officer 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 anti-discrimination laws.

i. 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 Officer shall advise the aggrieved that there are two statutes applicable to him or her (that is, Title VII and 10 United States Code Section 1561) and that processes established under those statutes can be used simultaneously.

j. Supervisors and managers of DA employees are responsible for ensuring that employees successfully complete the Army's mandatory "EEO, Anti-Harassment, and No-FEAR Act Training" for non-supervisory personnel annually, and that they are aware of the anti-harassment policy and procedures and their role in the complaint process. Furthermore, supervisors must complete the same training for supervisors.

IMAG-ZA

SUBJECT: Command Policy Memorandum #6, Prevention of Sexual Harassment/Sexual Assault

k. A supervisor or management official who receives a notice of an allegation or witnesses harassing conduct will immediately; make sure they conduct a prompt, thorough, impartial and appropriate inquiry even in the absence of a complaint. Contact the EEO Office, Civilian Personnel Advisory Center (CPAC), and Installation Legal Office within one business day for consultation and guidance, as appropriate; document the efforts to promptly address and resolve the matters at issue. After consulting with EEO, CPAC, and Legal, the supervisor will promptly take appropriate corrective action.

5. PROPONENT. The USAG-Miami EEO Office is the proponent for this policy. Point of contact is the EEO Officer at (305) 437-1826.

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



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Garrison Manager