



DEPARTMENT OF THE ARMY
JOINT FORCES HEADQUARTERS-PUERTO RICO
THE ADJUTANT GENERAL'S OFFICE
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NGPR-AGZ

7 January 2016

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Policy Memorandum Number 06-16, Sexual Harassment/Assault Response and Prevention (SHARP)

1. This memorandum supersedes Policy Number # 05-14, Subject: Prevention of Sexual Harassment (POSH) Policy
2. References:
 - a. Army Regulation (AR) 600-20, Army Command Policy, dated 6 November 2014.
 - b. ALARACT 007/2012-Sexual Harassment/Assault Response and Prevention (SHARP) Program Implementation Guidance.
 - c. DoDI 6495.01 Sexual Assault Prevention and Response (SAPR) Program dated January 23, 2012, Incorporating Change 2, Effective January 20, 2015.
 - d. DoDI 6495.02 Sexual Assault Prevention and Response (SAPR) Program Procedures dated March 28, 2013, Incorporating Change 2, Effective July 7, 2015.
3. Applicability: This policy applies to all Soldiers and Civilian employees assigned or attached to the Puerto Rico National Guard.
4. Policy: I am fully committed to maintaining an environment free from sexual harassment and sexual assault. All commanders, managers, and supervisors must actively and energetically work to prevent and eliminate any form of sexual harassment and sexual assault from their respective area of responsibility and work to strengthen a positive command climate. Army policy promotes sensitive care and confidential reporting for victims of sexual harassment/sexual assault and accountability for those who commit these crimes. I expect no less in our organization.
 - a. Sexual harassment is an unacceptable form of behavior and a form of discrimination which violates acceptable standards of integrity and impartiality. Sexual harassment is a form of **gender discrimination** that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature between the same or opposite genders when submission to, or rejection of, such conduct explicitly or implicitly affects an individual's employment, work performance, or creates a hostile or intimidating work environment. Any person in a supervisory or command position who uses or condones implicit or explicit sexual behavior to control, influence, or affect the career, pay, or job of a Soldier or civilian employee is engaging in sexual harassment. Similarly, any Soldier or civilian employee who makes

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deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature is engaging in sexual harassment.

b. Sexual assault is a **crime** defined as intentional sexual contact, characterized by use of force, physical threat or abuse of authority or when 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. Sexual assault can occur without regard for gender, spouse relationship, or age of victim. "Consent" will not be deemed or construed to mean the failure by the victim to offer physical resistance. Consent is not given when a person uses force, threat of force, or coercion, or when the victim is asleep, incapacitated or unconscious. Other sex-related offenses are defined as all other sexual acts or acts in violation of the UCMJ that do not meet the above definition of sexual assault, or the definition of sexual harassment as promulgated in the Department of Defense Directive 1350.2. Example of other sex-related offenses could include: Article 120, Rape, Aggravated Sexual Contact and Abusive Sexual Contact; Article 120a, Stalking; and Article 125, Sodomy.

5. Sexual harassment and sexual assault degrades mission readiness by devastating the Army's ability to work effectively as a team and are unacceptable. All Soldiers must feel free to report instances of sexual harassment and sexual assault and be confident a reported incident will be promptly investigated and corrected. We must also maintain an environment free from the fear of reprisal or retaliation for presenting complaints (Army Directive 2015-16).

6. **I will not tolerate** any form of sexual harassment/assault within my organization and will personally hold accountable anyone who violates Sexual Harassment/Assault Response and Prevention Program's policies. Violators of this policy may face adverse administrative action or punishment under the Uniform Code of Military Justice.

7. Leaders are the critical factor in creating, maintaining, and enforcing an environment of dignity and respect in our command. We must eliminate any sexual harassment and sexual assault within our organization. Commanders have the responsibility to make this expectation a reality. I expect all commanders to take the following steps:

a. Create a climate that minimizes sexual harassment and sexual assault incidents. If this should occur, ensure that victims and subjects are treated according to Army policy.

b. Report sexual harassment and assault complaints to the JFHQ Sexual Assault Response Coordinator (SARC) and/or the State Equal Employment Manager immediately. The SARC shall serve as the single point of contact for coordinating care to ensure that sexual assault victims receive appropriate and responsive care and the State Equal Employment Manager will address the Sexual Harassment allegations.

c. Create a climate that encourages victims to report incidents of sexual harassment and assault without fear reprisal, retribution, or intimidation. Our Soldiers and civilian employees are our most valuable assets and the cornerstones to our combat readiness.

d. Conduct sexual harassment and assault prevention training and awareness program to educate Soldiers (e.g., I.A.M. STRONG) in accordance with (IAW) guidance provided by the National Guard Bureau.

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e. Leaders must understand their roles and responsibilities in responding to sexual harassment and assault complaints and properly treating victims and subjects, as well as taking appropriate administrative and disciplinary action.

f. I direct all commanders to thoroughly familiarize themselves with: Chapter 7, Prevention of Sexual Harassment; Chapter 8, Sexual Assault Prevention and Response Program; and Appendixes C through J of AR 600-20.


g. OERs and NCOERs must reflect mandatory assessment/bullets IAW Army Directive 2013-20, Assessing Officers and Noncommissioned Officers on Fostering Climates of Dignity and Respect and on Adhering to the Sexual Harassment/ Assault Response and Prevention Program.

h. Obtain guidance from the JFHQ-SARC in all matters pertaining to selection, training, and appointment of Victim Advocates (VA's) at the unit level.

8. The PRNG Sexual Assault Response 24/7 Helpline is: (787) 667-0742.

9. The proponent for this policy memorandum is the Puerto Rico National Guard, SHARP Program. The JFHQ-Sexual Assault Response Coordinator (SARC) is SFC Vanessa Colón Martínez and can be reached at (787) 289-1400 Ext. 1637/1638 or vanessa.colonmartinez.mil@mail.mil.

10. **A copy of this policy statement must be permanently posted on all bulletin boards and briefed to all personnel from the PRNG.**


MARTA CARCANA
Major General (PR), PRNG
The Adjutant General

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