



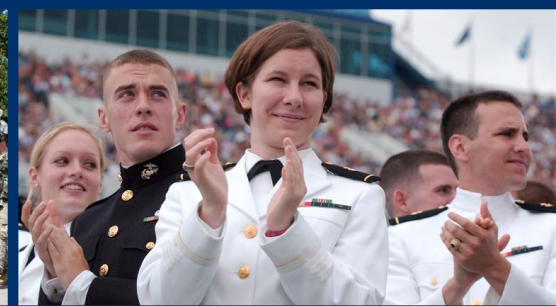
# DEPARTMENT OF DEFENSE SEXUAL ASSAULT PREVENTION AND RESPONSE

## Annual Report on Sexual Harassment and Violence at the Military Service Academies

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Academic Program Year 2010–2011

December 2011







UNDER SECRETARY OF DEFENSE  
4000 DEFENSE PENTAGON  
WASHINGTON, D.C. 20301-4000

PERSONNEL AND  
READINESS

DEC 27 2011

The Honorable Carl Levin  
Chairman  
Committee on Armed Services  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:


Section 532 of Public Law Number 109-364, the John Warner National Defense Authorization Act for Fiscal Year 2007, requires an annual report during each Academic Program Year on the effectiveness of the policies, trainings, and procedures of each Academy with respect to sexual harassment and violence involving Academy personnel. This matter falls under the purview of the Under Secretary of Personnel and Readiness, and I have been asked to respond.

The enclosed "Academic Program Year 2010-2011 Report on Sexual Harassment and Violence at the Military Service Academies" provides an assessment of the Academies in the areas of prevention and response to sexual harassment and assault, as well as data and analysis on reported cases of sexual harassment and assault involving Academy personnel occurring between June 1, 2010 and May 31, 2011. Also, enclosed with this year's report is the Defense Manpower Data Center's "2011 Service Academy Gender Relations Focus Groups Report."

One sexual assault is one too many. Promises to improve have to be accompanied by action to make that happen, and I am committed to taking action. To that end, the Department is announcing the following two new policies effective immediately; expedited transfer and document retention. The expedited transfer policy allows a service member who reports being sexually assaulted and files an Unrestricted Report to have the ability to request a transfer from their unit or installation and to have a decision on that request within 72 hours. If the request is denied, the service member may obtain review of the decision within 72 hours. Under the new document retention policy, specified documents in Unrestricted cases will be retained for fifty years and in Restricted cases for five years.

We will continue improving military readiness by fostering a culture free of sexual harassment and violence. I am sending a similar letter and the Department's report to the Chairman and Ranking Member of the Senate Committee on Armed Services, and I look forward to close consultation with you moving forward.

Sincerely,



Jo Ann Rooney  
Acting

cc:  
The Honorable John McCain  
Ranking Member



UNDER SECRETARY OF DEFENSE  
4000 DEFENSE PENTAGON  
WASHINGTON, D.C. 20301-4000

PERSONNEL AND  
READINESS

DEC 27 2011

The Honorable Howard P. "Buck" McKeon  
Chairman  
Committee on Armed Services  
U.S. House of Representatives  
Washington, DC 20515

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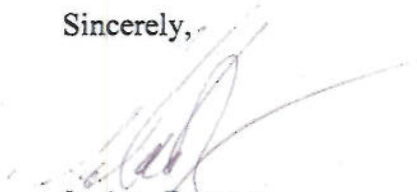
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We will continue improving military readiness by fostering a culture free of sexual harassment and violence. I am sending a similar letter and the Department's report to the Chairman and Ranking Member of the Senate Committee on Armed Services, and I look forward to close consultation with you moving forward.

Sincerely,



Jo Ann Rooney  
Acting

cc:  
The Honorable Adam Smith  
Ranking Member



**Department of Defense  
Annual Report on Sexual Harassment and  
Violence at the Military Service Academies  
Academic Program Year 2010-2011**

**Report to the Committee on Armed Services of the Senate  
and the Committee on Armed Services of the House of  
Representatives**

***Section 532 of Public Law Number 109-364,  
the John Warner National Defense Authorization Act for  
Fiscal Year 2007***

Preparation of this report/study cost the  
Department of Defense a total of  
approximately \$577,000 in Fiscal Years  
2010 - 2011.



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## EXECUTIVE SUMMARY

Section 532 of Public Law Number 109-364, the John Warner National Defense Authorization Act for Fiscal Year 2007, requires an assessment at the Military Service Academies (MSA) during each Academic Program Year (APY). This assessment is to determine the effectiveness of the policies, training, and procedures of the academy with respect to sexual harassment and assault involving academy personnel. In APYs beginning in even-numbered years (e.g., APY 10-11), the Report is comprised of the Department's assessment, statistical data on sexual assault, and results of focus groups of cadets and midshipmen conducted by the Defense Manpower Data Center (DMDC).

The Department of Defense (DoD) Sexual Assault Prevention and Response Office (SAPRO) and the Office of Diversity Management and Equal Opportunity (ODMEO) use this annual assessment as an oversight tool to monitor improvement of the Department's Sexual Assault Prevention and Response (SAPR) and Prevention of Sexual Harassment (POSH) Programs. To that end, the assessment of the SAPR and POSH Programs was organized by the priorities established in the *DoD-wide SAPR Strategic Plan* approved in December 2009.

For APY 10-11, the United States Military Academy (USMA) at West Point is overall partially in compliance with the Department's policies regarding sexual harassment and assault. Actions undertaken by USMA will ensure compliance with Department Policy for sexual harassment and assault, as well as enhance the program. USMA will ensure all cadets and Sexual Assault Response Coordinators are trained in accordance with the Department's policies; reporting options are clear and in line with Policy; and provide effective oversight of the SAPR and POSH Programs. USMA did demonstrate one commendable practice that should be considered for replication by other MSAs. The Department will reassess USMA before the next Report to Congress in order to document improvement in the program.

Overall, the United States Naval Academy (USNA) is in compliance with the Department's policies regarding sexual harassment and assault for APY 10-11. USNA put considerable time and effort into the Sexual Harassment and Assault Prevention and Education training program to prevent sexual harassment and assault. Additionally, USNA has a well-organized SAPR staff to train midshipmen and support victims. However, there are areas for improvement to USNA's program and initiatives pertaining to training effectiveness. Additionally, USNA demonstrated four commendable practices that should be considered for replication by other MSAs.

The United States Air Force Academy (USAFA) is in compliance with the Department's policies regarding sexual harassment and assault for APY 10-11. USAFA's SAPR and POSH Programs are mature and robust. These programs were taken seriously and given the appropriate attention at the Academy. USAFA has implemented innovative and unique ideas to draw awareness to this issue and provided support to victims. However, there are areas for continued improvement of USAFA's program.



Additionally, USAFA demonstrated nine commendable practices that should be considered for replication by other MSAs.

One of the Department's strategic priorities is to build a climate of confidence that brings more victims forward to report sexual assault and to obtain needed support and services. During APY 10-11, there were a total of 65 reports of sexual assault; 38 Unrestricted Reports and 27 Restricted Reports. Initially, the MSAs received a total of 37 Restricted Reports, but 10 converted to Unrestricted Reports at the victims' request. The 65 reports represent an increase from the 41 reports made in APY 09-10. The Department does not have the ability to conclusively identify the reasons for this increase in reporting behavior. However, in prior years' assessments, the Department identified steps the academies could take to encourage more victims to report. Some of the increased reporting of sexual assault may be attributed to these efforts as well as many other factors.

DMDC conducted focus groups at all three MSAs in the Spring of APY 10-11 covering topics such as sexual assault, sexual harassment, reporting, leadership response, training, and bystander intervention. Although focus group results are not able to be generalized to all students at each of the MSAs, the themes serve as illustrations of situations and attitudes for consideration in the assessment of the SAPR and POSH Programs. The academies should analyze focus group responses to improve SAPR and POSH Programs. Areas include reasons for not reporting a sexual assault, training improvements and the issue of sexual assault victim collateral misconduct.

The MSAs did not complete all the recommendations from the APY 08-09 Report. The academies must implement the remaining 18 recommendations from the APY 08-09 Report, and the necessary actions items put forth in the APY 10-11 Report in a timely manner. Additionally, the academies will provide an update on implementation before the end of the APY. The Department will follow up with the academies every 6 months thereafter to ensure all actions are completed.

While a number of challenges remain, the Department believes the greatest of these pertain to the prevention and reporting of sexual assault. Using survey and focus group data, the Department encourages the academies to employ their considerable academic and programmatic resources to implement meaningful, evidence-based prevention and reporting interventions. In addition, identifying and tracking key measurements over time will be critical to demonstrate to stakeholders the efforts underway at the MSAs.

Preventing sexual harassment and assault at the MSAs, as well as in all aspects of military service, remains a top priority for the Department. The APY 10-11 report demonstrates some progress towards that goal. However, more can be done in the prevention of and response to sexual misconduct.

## INTRODUCTION

Section 532 of Public Law Number 109-364, the John Warner National Defense Authorization Act for Fiscal Year 2007, requires an assessment at the Military Service Academies (MSA) during each Academic Program Year (APY). This assessment is to determine the effectiveness of the policies, training, and procedures of the academy with respect to sexual harassment and violence involving academy personnel at the:

- United States Military Academy (USMA);
- United States Naval Academy (USNA); and
- United States Air Force Academy (USFA).

Department of Defense (DoD) Policy defines the term “sexual harassment” as a form of sex discrimination that:

involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to or rejection of 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 interferes with an individual’s performance or creates an intimidating, hostile or offensive environment.

The term “sexual violence,” herein referred to as “sexual assault,” is defined as: intentional sexual contact, characterized by use of force, threats, intimidation, abuse of authority, or when the victim does not or cannot consent. The crime of sexual assault includes rape, forcible sodomy, and other unwanted sexual contact that is aggravated, abusive, or wrongful, or attempts to commit these acts. “Consent” means words or overt acts indicating a freely given agreement to the sexual conduct at issue by a competent person. An expression of lack of consent through words or conduct means there is no consent. Lack of verbal or physical resistance or submission resulting from the accused’s use of force, threat of force or placing another person in fear does not constitute consent. A current or previous dating relationship by itself or the manner of dress of the person involved with the accused in the sexual conduct at issue shall not constitute consent.<sup>1</sup>

In APYs beginning in odd-numbered years (e.g., APY 09-10), the annual assessment consists of an academy’s self-assessment and an anonymous survey of cadets and midshipmen. This survey, the bi-annual Defense Manpower Data Center (DMDC) *Service Academy Gender Relations (SAGR) Survey* covers topics such as incidence of unwanted sexual contact and harassment, reporting and training, and characteristics of the unwanted sexual and gender-related behaviors.

In APYs beginning in even-numbered years (e.g., APY 10-11), the DoD Sexual Assault Prevention and Response Office (SAPRO) and the Office of Diversity Management and

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<sup>1</sup> Department of Defense. (2008). *Department of Defense Directive 6495.01 Sexual Assault Prevention and Response (SAPR) Program*. Retrieved from <http://www.dtic.mil/whs/directives/corres/pdf/649501p.pdf>

Equal Opportunity (ODMEO) review the academy's self-assessment the previous year, jointly conduct site visits to each MSA, and analyze a data call consisting of the MSA's policies, trainings, and outreach materials. Also included in even numbered APY Reports are the results of the bi-annual DMDC *SAGR Focus Groups* covering topics such as sexual assault, sexual harassment, reporting, leadership response, training, and bystander intervention.

From this, the Department wrote a report for each academy, which includes:

- An assessment of the academy's policies, training and procedures regarding sexual harassment and assault involving cadets and midshipmen;
- An evaluation of program effectiveness;
- The number of reports of sexual harassment and assault;
- *2011 SAGR Focus Group* findings; and
- An analysis of progress made from previous Reports;

This report also includes an analysis of the aggregate sexual assault statistics and the full *2011 SAGR Focus Group Report*.<sup>2</sup> This serves as the Department's *Annual Report on Sexual Harassment and Violence at the Military Service Academies* covering APY June 1, 2010 through May 31, 2011.

The Department uses this report as an oversight tool to monitor improvement of the Department's Sexual Assault Prevention and Response (SAPR) and Prevention of Sexual Harassment (POSH) Programs at the MSAs. To that end, the Report is organized by the priorities established in the *DoD-wide SAPR Strategic Plan* approved in December 2009. These priorities are:

1. Institutionalize Prevention Strategies in the Military Community;
2. Increase Climate of Victim Confidence Associated with Reporting;
3. Improve Sexual Assault Response;
4. Improve System Accountability; and
5. Improve Knowledge and Understanding of SAPR.

The Department applied these same priorities to POSH at the academies. The first four priorities address the Department's Policy. To that end, the Report provides an overall *Status of Compliance* with the Department's Policy by academy in APY 10-11 and for the first four priorities. For all five priorities, the Report notes *Commendations*, to highlight areas where the academy exceeds or to note as a best practice, and *Action Items*, to identify areas to adjust implementation of the Policy or enhance the Programs at the academies in APY 11-12.

DMDC conducted focus groups at all three MSAs in the Spring of APY10-11. Separate sessions were conducted for male and female cadets and midshipmen in each of the four class years and a single mixed-gender session of upper classmen was conducted at each academy. Data from the focus groups were analyzed qualitatively for major themes and ideas conveyed across the sessions. Where students differed in their opinions on a topic, both perspectives are presented in separate findings. Although

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<sup>2</sup> The 2011 Service Academy Gender Relations Focus Groups Report is provided in its entirety as a separate document and posted at <http://www.sapr.mil/index.php/research>

focus group results are not able to be generalized to all students at each of the MSAs, the themes serve as illustrations of situations and attitudes for consideration in the assessment of the SAPR & POSH Programs. These themes are presented, where applicable, for each priority. Although there are commonalities in the results from each MSA, no attempt was made to compare or generalize findings across all three MSAs.

## **AGGREGATE STATISTICAL DATA ON SEXUAL HARASSMENT AND ASSAULT**

### **SEXUAL ASSAULT**

The Department's sexual assault statistics include all sexual contact crimes by adults against adults, as defined in the Uniform Code of Military Justice (UCMJ). Since October 1, 2007, these crimes have included rape, aggravated sexual assault, nonconsensual sodomy, aggravated sexual contact, abusive sexual contact, wrongful sexual contact, and attempts to commit these offenses.

In APY 10-11, cadets and midshipmen were involved in a total of 65 reports of sexual assault, which represents an increase in both Unrestricted and Restricted reporting from APY 09-10.

- The MSAs received 38 Unrestricted Reports involving cadets and midshipmen as either the subject or victim of sexual assault.
- The academies initially received 37 Restricted Reports involving cadets and midshipmen as victims of sexual assault.
  - Ten of the initial 37 Restricted Reports (or 27 percent) later converted to Unrestricted Reports, leaving 27 Restricted Reports remaining at the end of APY 10-11.
- In the 65 reports of sexual assault, 62 cadets and midshipmen reported<sup>3</sup> they had been the victim of a sexual assault. Thirty-five cadets and midshipmen made (25) or converted to (10) an Unrestricted Report; 27 made and maintained Restricted Reports.

Sexual assault is one of the most underreported crimes in the United States. Research indicates that only a fraction of sexual assaults that occur each year are ever reported to law enforcement by victims. This reporting behavior is mirrored at the academies and in the Armed Forces as a whole. Research shows that reporting the crime is most victims' primary link to getting medical treatment and other forms of assistance.<sup>4</sup>

The Department's 2005 Policy on this subject directs greater sexual assault prevention, encourages increased reporting of sexual assault, improves response capabilities for victims, and encourages victims to participate in military justice actions, if they so desire. This policy influenced the development of the Department's strategic plan and

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<sup>3</sup> Three civilians made a sexual assault report against a cadet or midshipman.

<sup>4</sup> Department of Justice. (2002). *Rape and Sexual Assault: Reporting to Police and Medical Attention, 1992-2000*. Washington, DC: Rennison, Callie Marie.



five priorities in 2008, noted previously. As there is no civilian model to guide Department efforts, the development of this plan, its application to the field, and the identification of meaningful metrics has been an iterative process.

The Department began associating certain metrics with its strategic priorities as a means to conduct oversight of the SAPR program. The following section describes aggregate data about sexual assault at the academies. However, it should be noted that the metrics identified for each strategic priority do not imply a cause and effect relationship. In other words, data does not conclusively identify the factors behind the increase or decrease in any particular data point.

Despite this shortcoming in explanatory capability, the Department believes that it, the Services, and the academies have the ability to make helpful change using the strategic priorities to guide the efforts of all involved. The fruits of these efforts or the need for different approaches may influence the outcomes in data discussed below. The Department will continue work to improve the quality and explanatory capability of the metrics it tracks.

While reports of sexual assault have fluctuated since the Department started keeping track of MSA data in APY 04-05, the MSAs show an overall upward trend in victim reports of sexual assault since APY 08-09. Although one sexual assault is too many, the overall increase in victim reporting behavior since APY 08-09 is encouraging, as it is consistent with the Department's goal to bring more victims forward to report the crime. When Service members report sexual assaults, the Department is better positioned to provide resources to victims and hold those who commit sexual assault accountable, as appropriate. This reporting increase is illustrated in Exhibit 1, which shows the total number of sexual assault reports made to the MSAs over the past seven APYs.

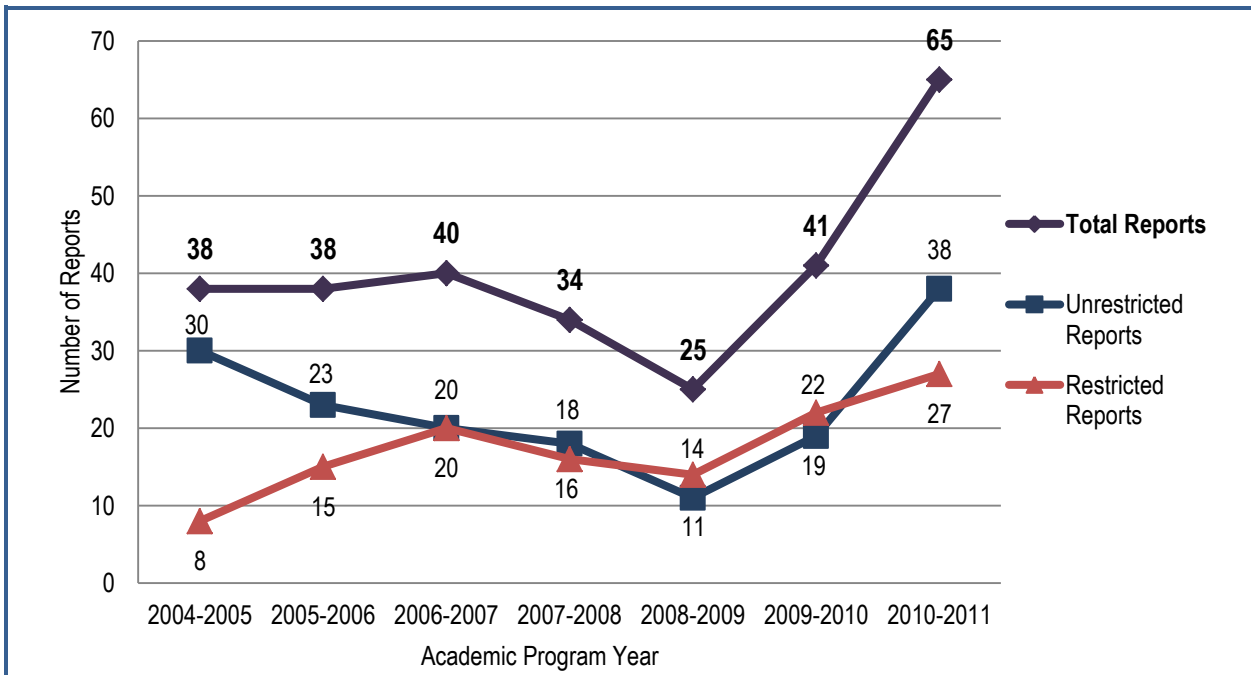


Exhibit 1: Total Reports of Sexual Assault Made to the MSAs—  
 Unrestricted Reports and Restricted Reports, APY 04-05 to APY 10-11.

Exhibit 2 shows that most of the increase in reporting since APY 08-09 has been occurring at USNA and USAFA.

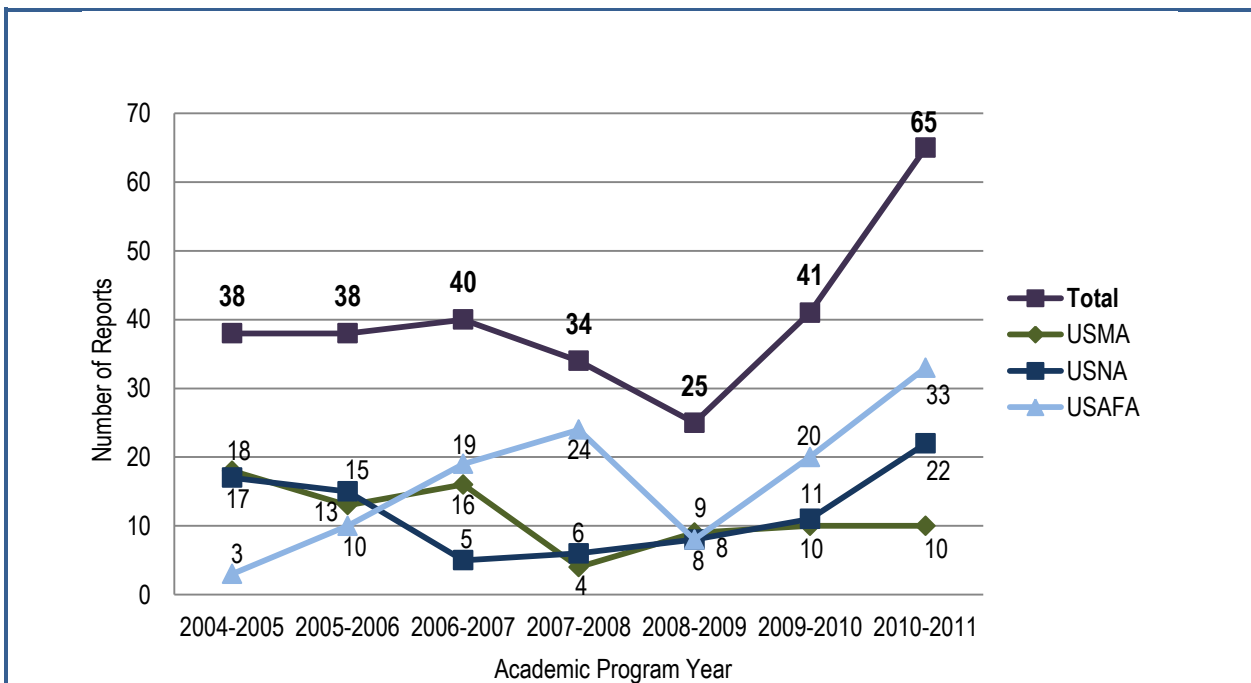
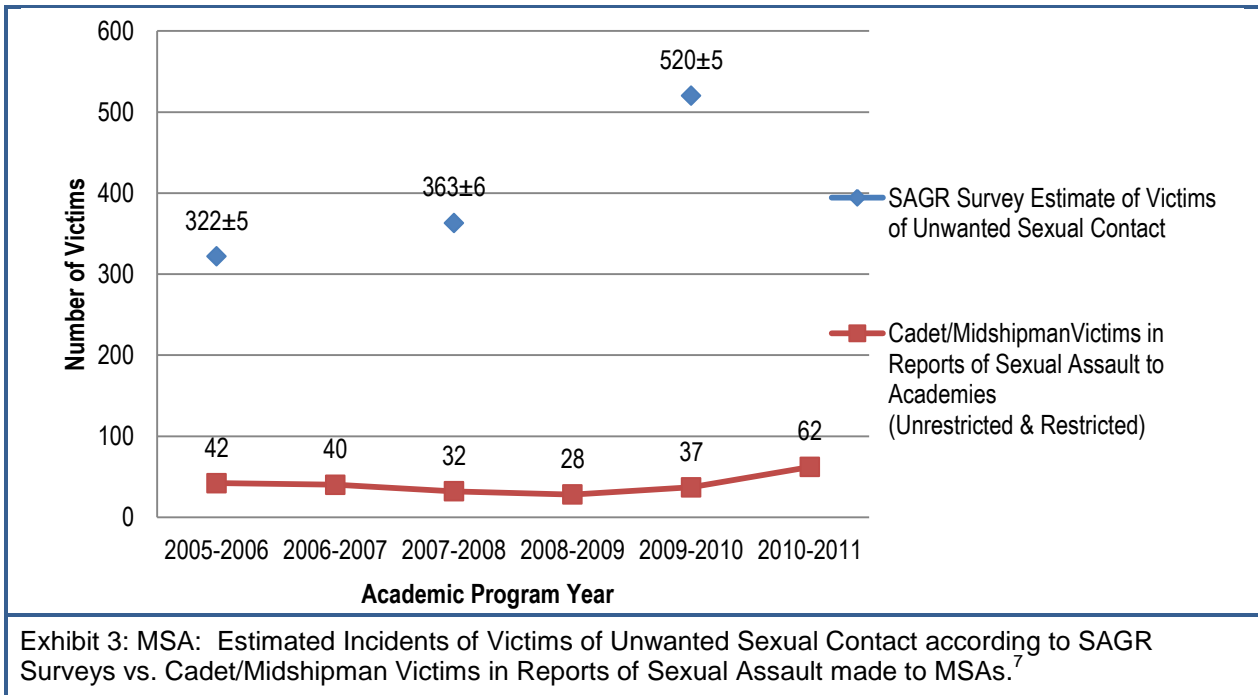


Exhibit 2: Reports of Sexual Assault by Service Academy, APY 04-05 to APY 10-11.

Reports of sexual assault made to Department authorities provide limited insight into the overall phenomenon of sexual assault at the academies. As previously mentioned, sexual assault in the United States and military society is underreported, meaning that reports to authorities are outnumbered by the sexual assaults estimated to occur using surveys of a given population.

At the MSAs, SAGR Survey is conducted every two years to estimate the annual incidence rate of sexual assault in the MSA population. The SAGR Survey will be conducted again in APY 11-12 and reported in next year's assessment. The Department uses the SAGR Survey estimates to track progress on the DoD-wide SAPR Strategic Plan Priority 1, which institutionalizes prevention efforts. Exhibit 3 displays how past SAGR survey estimates of sexual assault known on the survey as "unwanted sexual contact"<sup>5</sup> compare to the Unrestricted and Restricted Reports received by the academies.<sup>6</sup>



<sup>5</sup> Although this term does not appear in the Uniform Code of Military Justice (UCMJ), for the purposes of this report it is used to refer to a range of activities that the UCMJ prohibits, including uninvited and unwelcome completed or attempted sexual intercourse, nonconsensual sodomy (oral or anal sex), penetration by an object, and the unwanted touching of genitalia and other sexually related areas of the body.

<sup>6</sup> The estimated number of victims is developed using the SAGR survey estimated unwanted sexual contact incidence rates multiplied by the academy cadet/midshipmen population at the time of the survey. It should be noted that the timeframe covered by the SAGR Survey question pertaining to unwanted sexual contact experienced in the year prior to when the survey was conducted and does not always align exactly with the APY. As a result, the SAGR Survey victim numbers are only estimates, due to the sampling error associated with survey data and the slightly different timeframes. Nevertheless, the Department uses these estimates as an indicator of problem severity at each of the academies.

<sup>7</sup> Note this graph does not include cadets and midshipmen who were identified as subjects in reports of sexual assault made to MSAs.

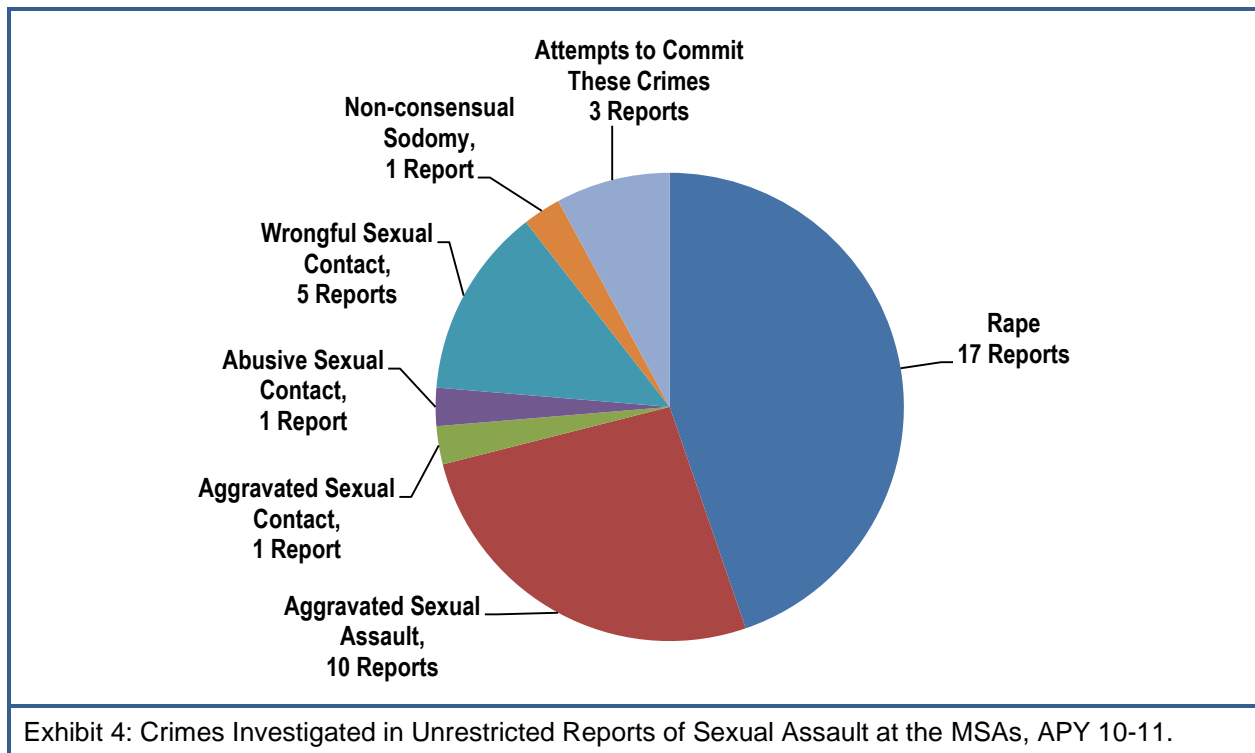
### *APY 10-11 Unrestricted Reports of Sexual Assault*

Data from Unrestricted Reports is collected and reported to the Department by the Military Criminal Investigative Organizations (MCIO) (Army Criminal Investigations Command, Naval Criminal Investigative Service, and Air Force Office of Special Investigations).<sup>8</sup>

In APY 10-11, there were 38 Unrestricted Reports of sexual assault involving cadets and midshipmen as either the subject or victim of a sexual assault (see Exhibit 1).<sup>9</sup>

- 35 (92 percent) of the 38 Unrestricted Reports involved cadets and midshipmen as victims.
- No cadet or midshipman made an Unrestricted Report for an incident that occurred prior to entry into service. Five USAFA cadets made Restricted Reports for coping with incidents that occurred prior to entry at the academy; no such Restricted Reports were made by USMA cadets or USNA midshipmen this year.
- 38 criminal investigations were initiated and 22 of those criminal investigations initiated were completed in APY 10-11.

The offenses reported in the 38 Unrestricted Reports are illustrated in Exhibit 4.



<sup>8</sup> An Unrestricted Report of sexual assault is provided to law enforcement for investigation.

<sup>9</sup> The term "subject" is used in the Military Services to denote the alleged perpetrator of an offense.



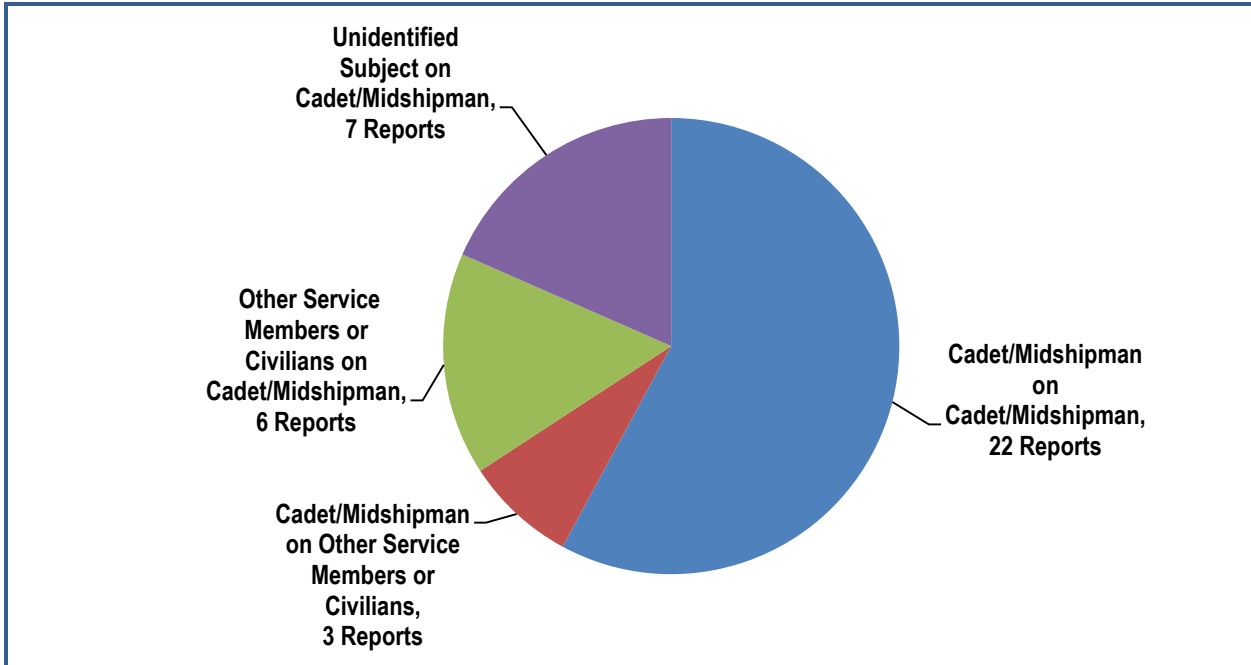


Exhibit 5: Unrestricted Reports of Sexual Assault by Category at the Military Service Academies, APY 10-11.

Each year, the majority of Unrestricted Reports received by the MCIOs involve the victimization of cadets and midshipmen by other cadets and midshipmen. In APY 10-11, 22 Unrestricted Reports involved allegations of cadet/midshipman-on-cadet/midshipman sexual assault. Exhibit 5 illustrates how cadets and midshipmen are involved in sexual assault reports.

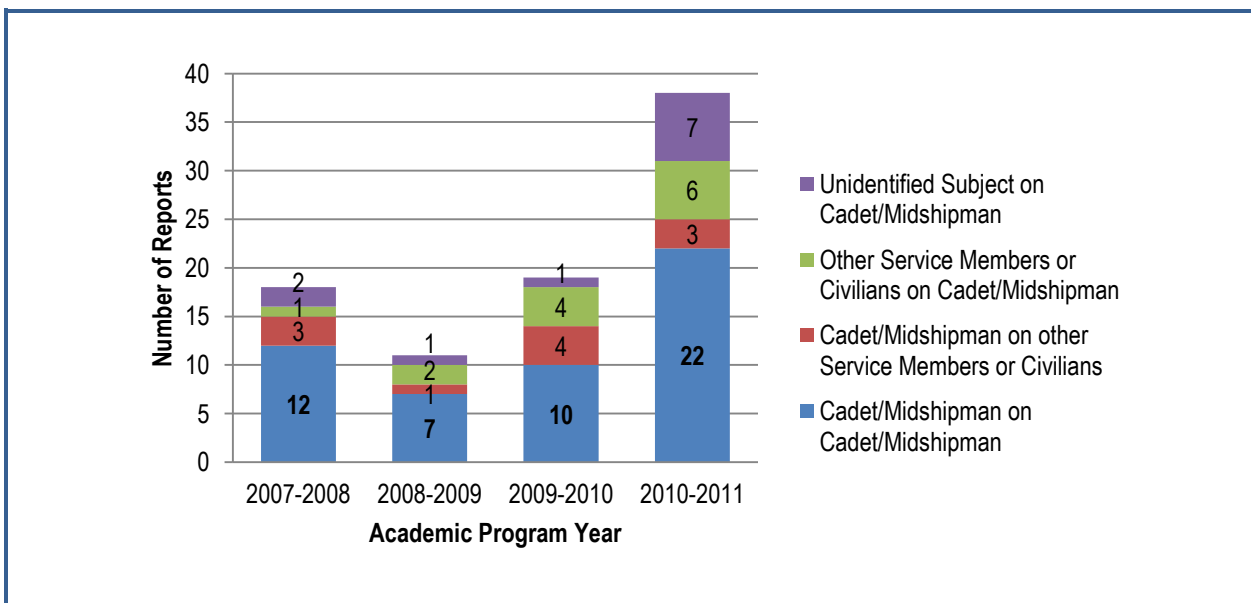


Exhibit 6: Unrestricted Reports of Sexual Assault by Category at the MSAs, APY 07-08 to APY 10-11.

Exhibit 6 illustrates that, over the past four years, the largest proportion of Unrestricted Reports of sexual assault occur between cadets/midshipmen and other cadets/midshipmen.

Disposition of Completed Investigations

An Unrestricted Report of sexual assault is referred for investigation. Depending on the complexity of the allegation, the investigation can take a few weeks to several months to complete. Consequently, sexual assault investigations and their outcomes can cross reporting periods. Table 1 includes data about investigations of sexual assault that were opened and completed in APY 10-11, investigations that were opened in prior years and completed in APY 10-11, and data about pending investigations from APY 10-11. Twenty-four investigations involving 26 subjects of sexual assault were completed and/or received final disposition during APY 10-11.

Investigations Completed in APY 10-11	Reports Made Prior to APY 10-11	Reports Made During APY 10-11	Total APY 10-11
Investigations of Unrestricted Reports of Sexual Assault Opened in APY 10-11 or Pending From Prior Years	2	38	40
<b>Investigations Completed as of 30-Sep-10 (involving one or more subjects)</b>	<b>2</b>	<b>22</b>	<b>24</b>
Investigations Still Pending as of 30-Sep-10	0	16	16

Table 1: Investigations Opened in APY 10-11 and Prior Years That Were Completed in APY 10-11.

The goals of a criminal investigation are to identify what crimes have been committed, who has been victimized, and who may be held accountable for the crime. The Department holds those who have committed sexual assault appropriately accountable based on the available evidence. The 24 criminal investigations that were completed and/or received final disposition in APY 10-11 involved 26 subjects.<sup>10</sup> Although most of these 26 subjects were cadets, midshipmen, or other Service members under the legal authority of the Department, three subjects were civilians or foreign nationals not subject to military law. In addition, three subjects could not be identified. An MCIO also determined the allegation against one of the subjects was unfounded.

In the APY 09-10 Report, the Department implemented new disposition categories to better account for the outcomes of investigations and actions taken against those who committed sexual assault at the academies. Exhibit 7 shows the flow of sexual assault reports from initial allegation through final disposition. These categories assist the Department in identifying areas for additional research and oversight.

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<sup>10</sup> Some of the reports involved more than one subject.

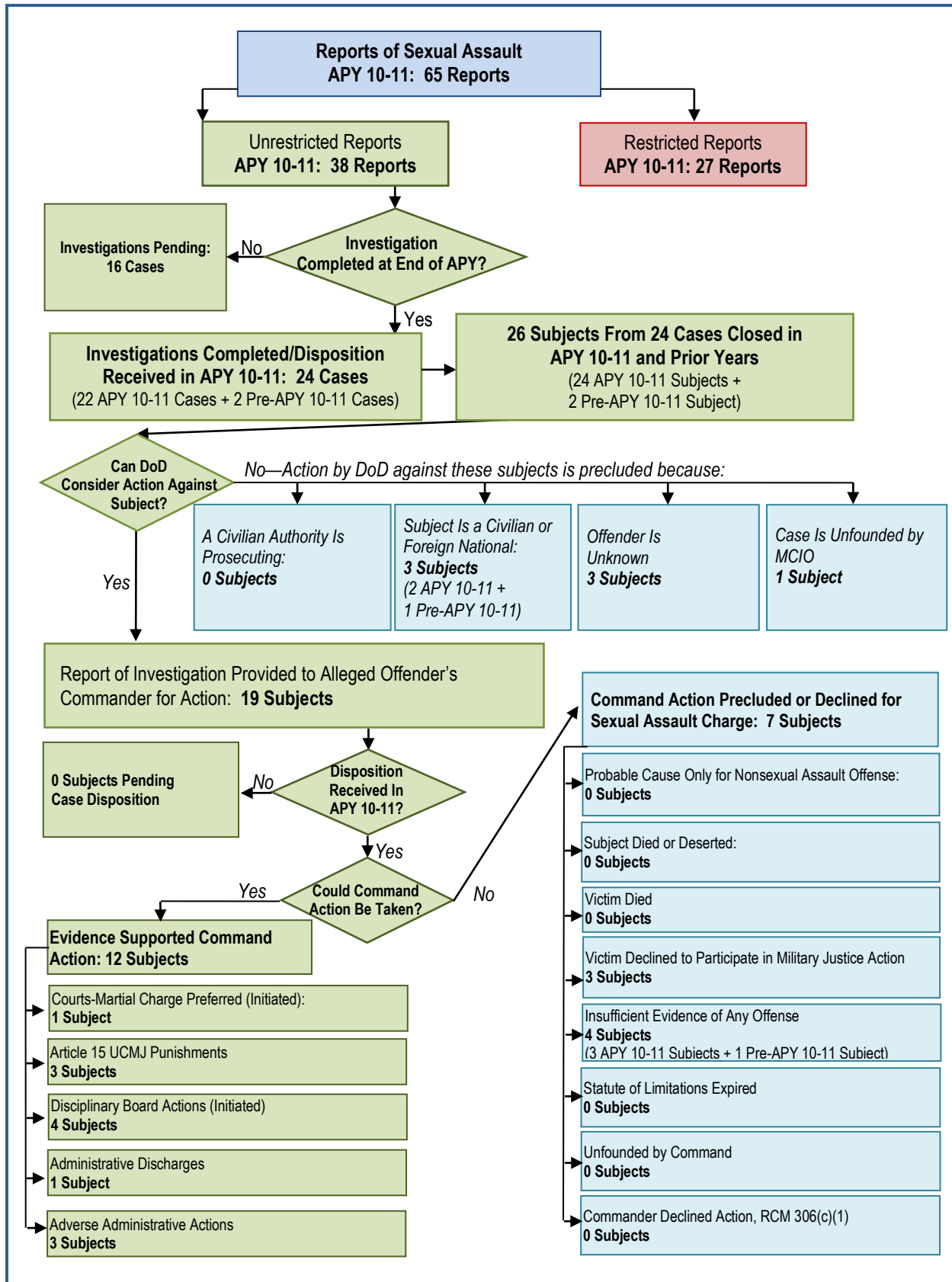


Exhibit 7: Flow of Cases From Initial Report Through Final Disposition, APY 10-11.

The Department's goal is to hold those who have committed sexual assault appropriately accountable based upon available evidence. Reports of investigation on 19 subjects were provided to military commanders for action in APY 10-11.

Commanders had jurisdiction and sufficient evidence of a crime to support taking disciplinary action against 12 subjects. The actions taken are as follows:

- One courts-martial charge preferred (initiated);
- Three nonjudicial punishments (Article 15, UCMJ);
- Four disciplinary board actions;
- One administrative discharge; and
- Three adverse administrative actions (Reprimand, Admonishment, Counseling or other such action).

For seven subjects command action for sexual assault charges was precluded or declined for the following reasons:

- Victims declined to participate in military justice actions against three subjects.
- Investigation of the allegations against four subjects disclosed insufficient evidence.

#### [Demographics of Unrestricted Reports Initiated and Completed During APY 10-11](#)

The following demographic information was gathered from the 22 investigations of sexual assault that were initiated and completed during APY 10-11. These investigations involved 22 victims and 24 subjects. One investigation involved more than one subject.

#### Victims

In APY 10-11, all 22 victims in Unrestricted Reports were female. Exhibit 8 shows the victims' grade or status.

#### Subjects

In APY 10-11, all 24 subjects in Unrestricted Reports were male, including the unknown subjects. Exhibit 9 shows the subjects' grade or status. Of the five unknown subjects listed in Exhibit 9, three subjects could not be identified during the course of a criminal investigation. The identities of the two other subjects could not be determined because the victim declined to participate in an investigation.



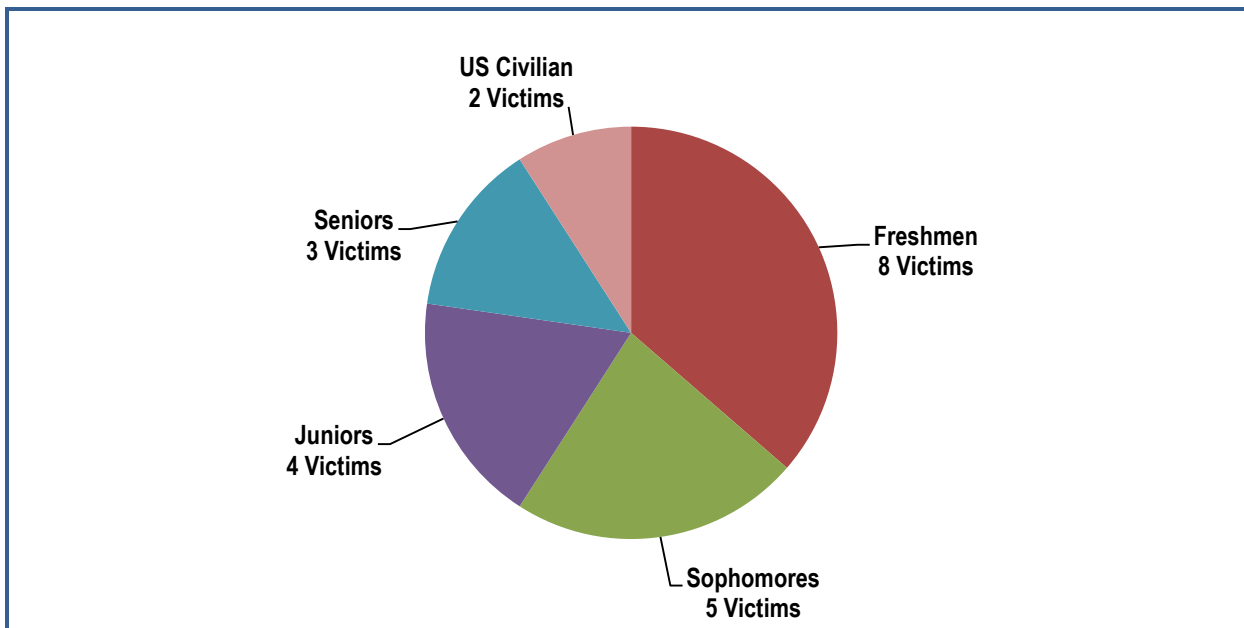


Exhibit 8: Grade/Status of Victims in Completed Investigations of Unrestricted Reports, APY 10-11.

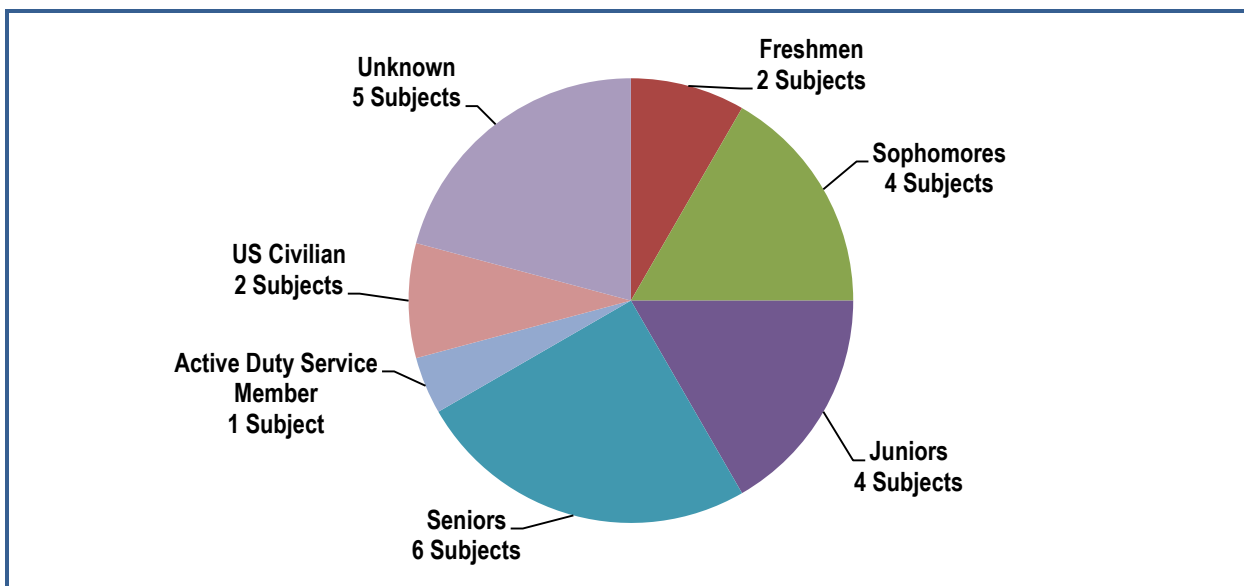


Exhibit 9: Grade/Status of Subjects in Completed Investigations of Unrestricted Reports, APY 10-11.

Exhibit 10 shows the relationship between the subject's academic class year and the victim's academic class year for sexual assaults involving cadets and midshipmen as both subject and victims for APY 10-11 completed Unrestricted Report cases.

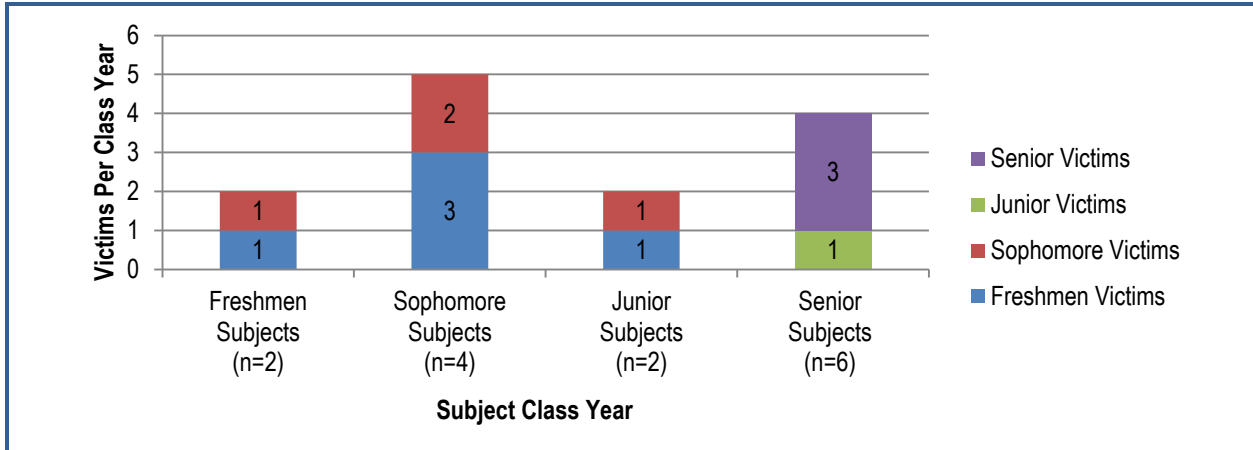


Exhibit 10: Victims and Subjects by Academic Class Year in APY 10-11 Completed Unrestricted Report Cases Involving Cadets and Midshipmen as both Subject and Victim. Data is only provided in this graph for investigations where *both* victim(s) and subject(s) were cadets/midshipmen.

### APY 10-11 Restricted Reports of Sexual Assault

Sexual Assault Response Coordinators (SARC) and SAPR Victim Advocates (VA) ordinarily collect information about Restricted Reports. Because Restricted Reports are confidential, covered communications as defined by Department Policy, SAPR personnel only collect limited data about the victim and the allegation being made. As with Unrestricted Reports, Restricted Reports can be made for incidents that occurred in prior reporting periods and incidents that occurred prior to military service.

In APY 10-11, there were 37 initial Restricted Reports of sexual assault.

- Of the 37 reports, 10 converted to Unrestricted Reports at the request of the victim.<sup>11</sup>
- At the close of APY 10-11, 27 reports remained Restricted.<sup>12</sup>

<sup>11</sup> The 10 Restricted Reports that converted to Unrestricted Reports in APY 10-11 are included in the 38 total Unrestricted Reports cited earlier.

<sup>12</sup> As previously mentioned in this report, Five USAFA cadets made Restricted Reports for coping with incidents that occurred prior to entry at the Academy; no such Restricted Reports were made by USMA cadets or USNA midshipmen this year.

The percentage of victims desiring to convert their Restricted Reports to Unrestricted Reports at the MSAs has fluctuated from year to year. Exhibit 11 shows the Restricted Reports and conversion rates for the past four APYs.

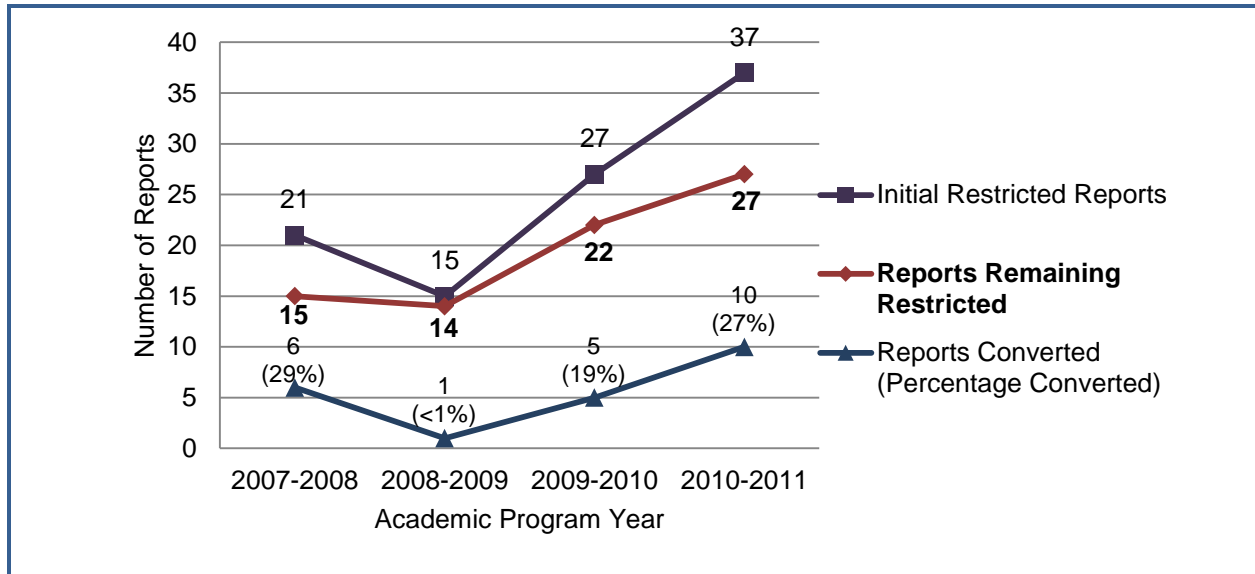


Exhibit 11: Reports that Were Initially Made as Restricted, the Reports Remaining Restricted, and the Restricted Reports that Converted to Unrestricted, APY 07-08 to APY 10-11.

Demographics of Restricted Reports of Sexual Assault

The following information pertains to cadets and midshipmen who made a Restricted Report of sexual assault. Exhibit 12 shows the categories of Restricted Reports reported to the MSAs and Exhibits 13 and 14 provide the victim gender and grade data, respectively.

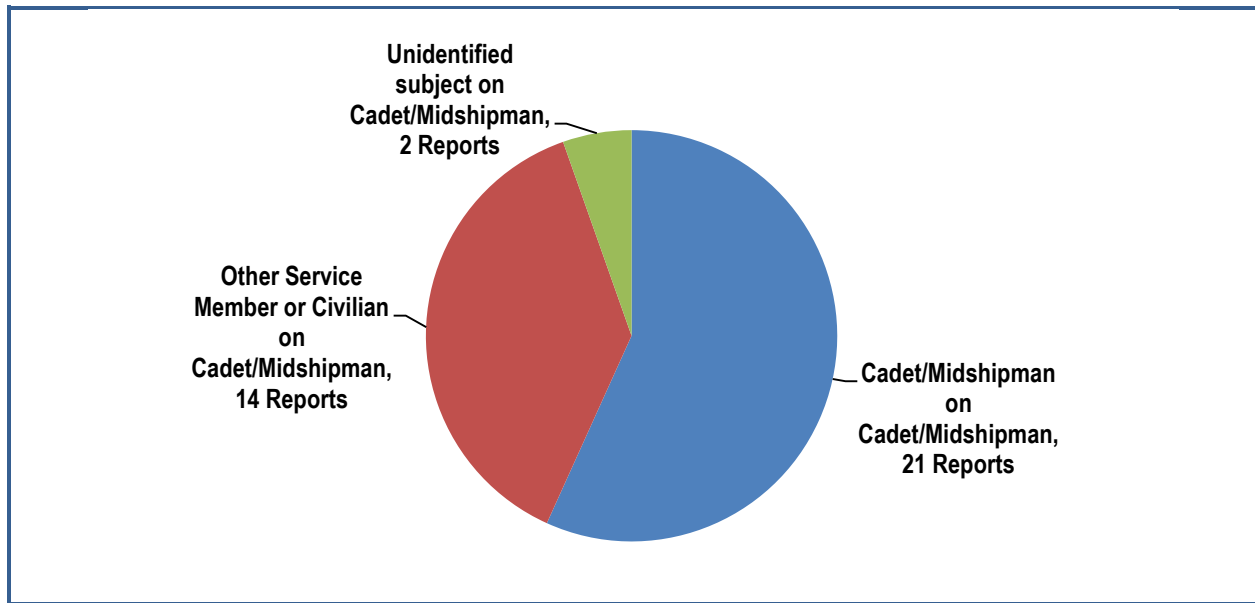


Exhibit 12: Categories of Restricted Reports of Sexual Assault, APY 10-11.

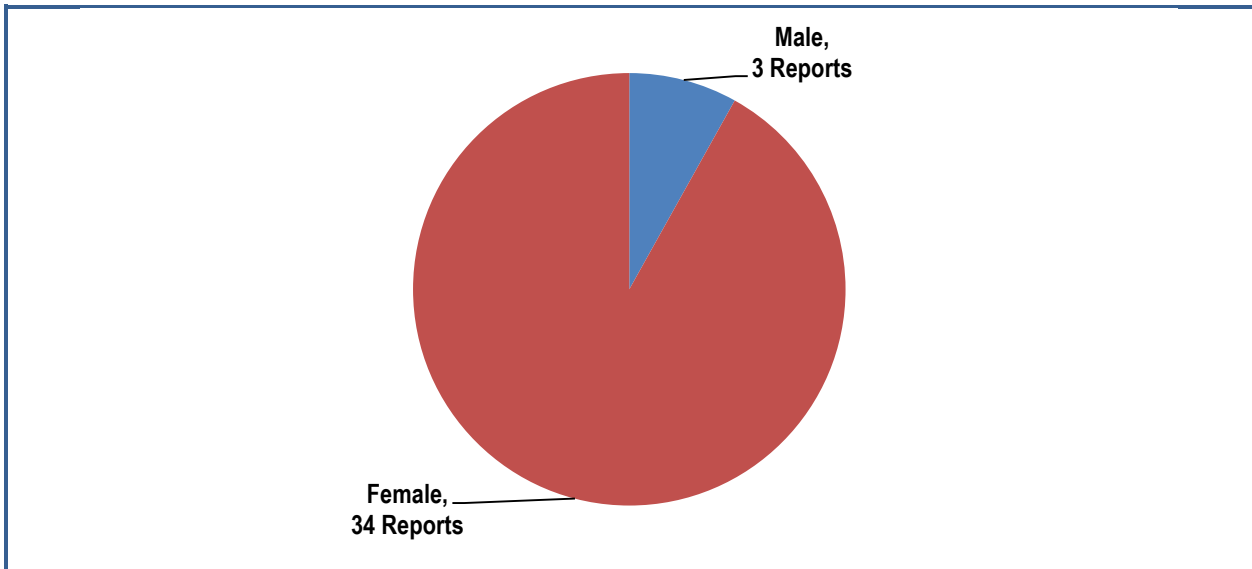


Exhibit 13: Gender of victims in Restricted Reports of Sexual Assault, APY 10-11.

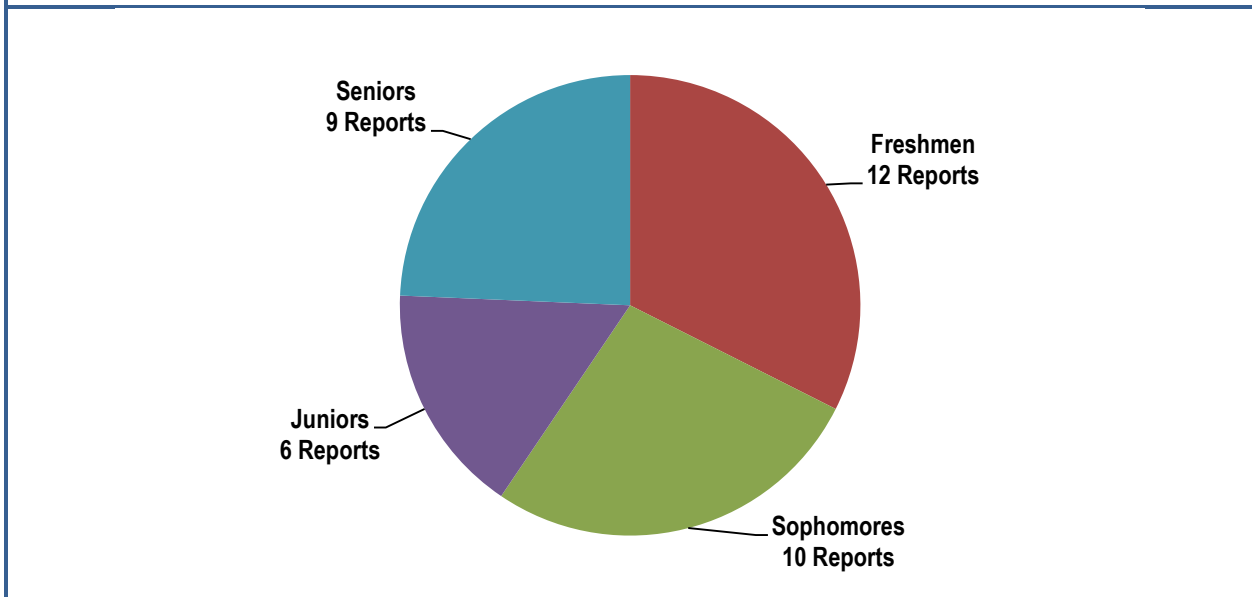


Exhibit 14: Grade of Victims Making Restricted Reports, APY 10-11.

### ***APY 10-11 Service Referral Information***

SARCs and SAPR VAs are responsible for ensuring victims have access to medical treatment, counseling, and legal advice. Referrals for these services are made to both military and civilian sources. A referral for service can happen at any time while the victim is receiving assistance from a SARC or SAPR VA and may happen several times throughout the military justice process. This year, SARCs and SAPR VAs at the MSAs made an average of 2.5 service referrals to victims making Unrestricted Reports. For victims making Restricted Reports, SARCs and SAPR VAs provided an average of 1.8 service referrals per report.



Department Policy requires that a Sexual Assault Forensic Examination (SAFE) be made available to victims of sexual assault. A SAFE is conducted only with the victim's consent. In APY 10-11, nine victims making Unrestricted Reports and one victim making a Restricted Report elected to undergo a SAFE.

## SEXUAL HARASSMENT

Reporting of sexual harassment is approached differently than the reporting of sexual assault. While both behaviors are equally unacceptable, sexual harassment is a human relations issue that requires a different response than the crime of sexual assault. As a result, Department Policy<sup>13</sup> encourages resolution of sexual harassment at the lowest interpersonal level. However, Service members are not mandated to confront harassment personally and may elect to resolve the matter by making an informal or formal report. In APY 10-11, there was one formal complaint of sexual harassment reported to the MSAs, at USAFA, and a total of 13 informal complaints of sexual harassment:

- One informal complaint at USMA
- Four informal complaints at USNA
- Eight informal complaints at USAFA

## CONCLUSION

This document represents the fifth assessment of the sexual harassment and assault programs at the academies and the second MSA assessment to employ the *DoD-wide SAPR Strategic Plan* as a framework for evaluation. Overall, the MSAs have applied considerable resources to design and implement policies, programs, and services to prevent and respond to sexual harassment and assault. Many of these programs extend well beyond simple activities that heighten awareness of the problem.

While awareness programs serve an important purpose, effective prevention and response involve extensive education, training, organization, evaluation, and oversight. As evidenced by the following report, program infrastructure is well established at most of the MSAs. The academies have a well-organized response structure that also incorporates sexual harassment and assault learning objectives into leadership and academic curricula. The MSAs have also employed many of the nation's leading experts to help them construct their programs and participate as guest lecturers.

However, the MSAs did not complete all the recommendations from the APY 08-09 Report. The academies must implement the remaining 18 recommendations from the APY 08-09 Report, as well as the necessary action items put forth in the APY

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### **Action Item:**

*Implement the APY 10-11 and remaining APY 08-09 recommendations.*

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<sup>13</sup> DoD Directive 1020.2, *Diversity Management and Equal Opportunity in the Department of Defense*, 5 February 2009

10-11 Report in a timely manner. Each academy is encouraged to assess the feasibility of implementing the commendations of the other academies. Additionally, the academies will provide an update on implementation before the end of the APY. The Department will follow up with the academies every 6 months thereafter to ensure all actions are completed.

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**Action Item:**

*Assess the feasibility of implementing the commendations of the other academies.*

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During APY 10-11, USAFA hosted the first SAPR MSA Conference that was also attended by USNA and USMA. Additionally, USMA was the only academy to include their MCIO. This type of collaboration is encouraged for the academies' POSH Programs and for the MCIOs. The academies should continue to hold this conference annually. Additionally, the academies should establish a quarterly conference call to share best practices and work together to advance their SAPR and POSH Programs.

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**Action Item:**

*Continue to hold the SAPR MSA Conference and include sexual harassment and academy MCIOs.*

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While a number of challenges remain, the Department believes the greatest of these pertain to the prevention and reporting of sexual assault. Using the survey and focus group data, the Department encourages the academies to employ their considerable academic and programmatic resources to implement meaningful, evidence-based prevention and reporting interventions. In addition, identifying and tracking key measurements over time will be critical to demonstrate to stakeholders the efforts underway at the MSAs. Collaboration among the academies to share best practices and work together will contribute to the enhancement of SAPR and POSH programs.

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**Action Item:**

*Establish a quarterly conference call with MSA SAPR and POSH Program personnel.*

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Preventing sexual harassment and assault at the MSAs, as well as in all aspects of military service, remains our top priority for the Department. The APY 10-11 Report demonstrates some progress towards that goal. However, more can be done in the prevention of and response to sexual misconduct.

## UNITED STATES MILITARY ACADEMY

### INTRODUCTION

The Department of Defense (DoD) assessed the United States Military Academy's (USMA) policies, training, and procedures for Sexual Assault Prevention and Response (SAPR) and Prevention of Sexual Harassment (POSH) Programs during Academic Program Year (APY) 2010-2011. The Department's SAPR and POSH Programs assessment is organized by the DoD-wide strategic priorities. Policy compliance was measured against:

- DoD Directive 6495.01, *Sexual Assault Prevention and Response Program*, dated November 7, 2008;
- DoD Instruction 6495.02, *Sexual Assault Prevention and Response Program Procedures*, dated November 13, 2008;
- DoD Directive 1350.2 *Department of Defense Military Equal Opportunity Program*, dated November 21, 2003; and
- DoD Directive 1020.02 *Diversity Management and Equal Opportunity in the Department of Defense*, dated February 5, 2009.

Additionally, the Department looked at Service and Academy sexual harassment and assault policies outlined in Appendix C.

Overall, USMA is in partial compliance with the Department's policies regarding sexual harassment and assault. Actions undertaken by USMA will ensure compliance with Department Policy for sexual harassment and assault, as well as enhance the program. USMA did demonstrate a commendable practice that should be considered for replication by the other Military Service Academies (MSAs).

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#### ***Overall Status of Compliance:***

*Partially in Compliance.*

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### PRIORITY 1: INSTITUTIONALIZE PREVENTION STRATEGIES IN THE MILITARY COMMUNITY

The first DoD-wide strategic priority is to institutionalize prevention strategies in the military community. This priority focuses on the overall reduction of sexual harassment and assault involving cadets in the academy environment. A key feature of sexual harassment and assault prevention is education and training. USMA is not in compliance with the Department's Policy in regards to Priority One for not providing SAPR training to all cadets in APY 10-11 and not providing POSH training in standalone classes as required by Department Policy.

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#### ***Status of Compliance Priority One:***

*Not in Compliance*

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### *Sexual Assault Prevention and Response*

At Cadet Basic Training (CBT), USMA's Sexual Assault Response Coordinator (SARC) delivered the Gender Relations and Sexual Harassment/Assault Response and Prevention (SHARP) training, providing an overview of healthy relationships, positive command climate, the Army's I. A.M. Strong program, and the reporting process and options in accordance with Army Policy.

USMA's Professional Military Ethic Education (PME<sup>2</sup>) Program is intended to educate, train and inspire leaders of character. This program encompasses officership, respect and honor and is developmental in nature. SAPR training falls under the respect section of the PME<sup>2</sup> program to reinforce the training received during CBT. PME<sup>2</sup> lessons were presented or facilitated by a First or Second class cadet (senior and junior) with a PME<sup>2</sup> or Tactical Officer or Non Commissioned Officer (NCO) Team Faculty Member. The TAC's involvement in training is designed to reinforce the message that preventing sexual assault is a command issue. The Tactical Officer and NCO attend the train-the trainer sessions along with the cadets and other faculty member instructors. The Tactical Officer and NCOs provide the company-level oversight of PME<sup>2</sup> respect training by Respect Cadets. Additional oversight is provided by the Simon Center for Professional Military Ethic (SCPME) staff on the day of training. The SCPME team evaluates both the conduct of training and the facilities used for training. Cadet feedback is welcomed and received via online evaluations of PME<sup>2</sup> classes, in addition to informal exit interviews with attendees. Feedback provided during the on-site assessment indicated that the quality of the training was dependent upon the interest of the Tactical Officer and NCO even though there is oversight in place. USMA should enhance oversight of the PME<sup>2</sup> training to ensure the Tactical Officers and NCOs give the training consistently and in the manner intended.

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***Action Item:***

*Enhance oversight of the PME<sup>2</sup> training.*

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Veraunda Jackson<sup>14</sup>, a rape survivor and nationally recognized speaker, held a session for Fourth class cadets (freshman) entitled "What About You?" Third class cadets (sophomores) participated in small-group discussions about how to identify sexual assault, contributing factors to the crime, and the importance of bystander intervention. Second class cadets received Sex Signals, a 90-minute live audience-interactive program that includes skits dealing with dating, rape, consent, and other associated topics, such as paying attention to body language, alcohol use,

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***Action Item:***

*Conduct annual SAPR training at a minimum and embed additional SAPR prevention training into PME<sup>2</sup>.*

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<sup>14</sup> Veraunda Jackson is the founder and CEO of EHAP Inc., a professional and personal development company. She previously was a prosecutor in the specialized sex crimes and child abuse unit in Florida.

and safe bystander intervention. First class cadets were not trained during APY 10-11. At a minimum, USMA must provide SAPR training annually to be consistent with the Department's Policy. SAPR training, with a focus on bystander intervention should be provided in addition to mandatory annual SAPR Training. This additional training should be embedded into PME<sup>2</sup> to institutionalize the training. Additionally the absence of training for first class cadets during APY 10-11 underscores the need for enhanced oversight of PME<sup>2</sup> training.

During Sexual Assault Awareness Month (SAAM), Kelly and Becca<sup>15</sup>, presented "Let's Talk About IT," to teach cadets a three-step model that is intended to reduce sexual violence. This voluntary event was poorly attended by cadets due to scheduling conflicts and bad weather. Bringing in nationally known experts as guest speakers to reinforce SAPR training is a best practice that should be continued at USMA. Guest speakers should be targeted for each cadet year and incorporated into required cadet training and education programs.

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**Action Item:**

*Target guest speakers for each cadet year and incorporate them into required cadet training and education programs.*

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SAPR prevention materials were present in some cadet high traffic areas and missing from others such as the library and dining hall. USMA should increase the usage and placement of DoD and Army social marketing materials to continually reinforce the SAPR message and provide contact information for cadets to reach the SARC.

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**Action Item:**

*Increase usage and placement of DoD and Army I.A.M. STRONG social marketing materials.*

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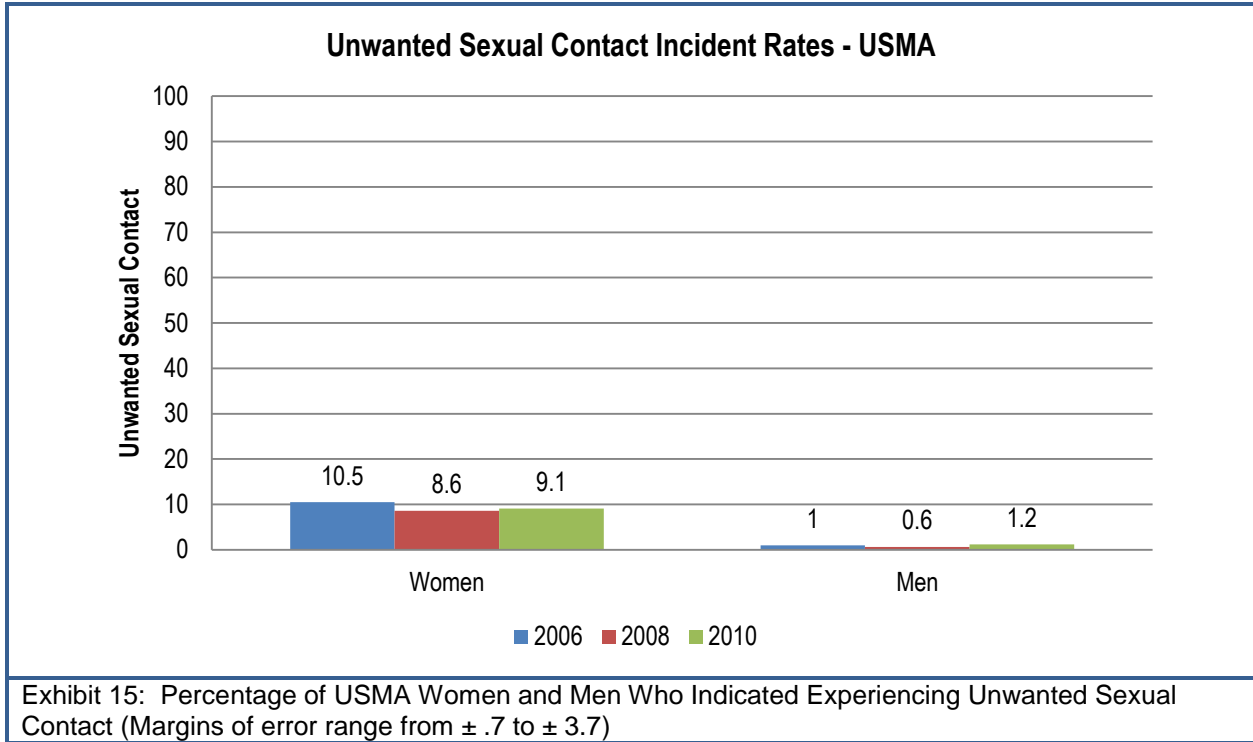
Reducing the occurrence of sexual assault is the ultimate goal of any prevention program. As noted in last year's report, there has been no statistically significant change in the rate of unwanted sexual contact incidents at USMA, as estimated by the 2010 Service Academy Gender Relations (SAGR) Survey<sup>16</sup>. Exhibit 15 provides the unwanted sexual contact incident rates for the last three SAGR Surveys.

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<sup>15</sup> Kelly Addington and Becca Tieder are experts on sexual assault awareness and prevention and sexual empowerment. They founded the Unite for Change Campaign and One Student, created Sexversations and acquired the No Woman Left Behind Campaign.

<sup>16</sup> Defense Manpower Data Center. (2010). *The 2010 Service Academy Gender Relations Survey*. Retrieved from [http://www.sapr.mil/media/pdf/reports/FINAL\\_SAGR\\_2010\\_Overview\\_Report.pdf](http://www.sapr.mil/media/pdf/reports/FINAL_SAGR_2010_Overview_Report.pdf). Differences in incidence rates are evaluated at the .05 level of significance.





USMA must consider the findings of the 2011 SAGR Focus Groups, and other related research to improve prevention outcomes. To shape future prevention training efforts, USMA needs to develop outcome-based metrics that capture program knowledge, comprehension, and application. Outcome data must then be incorporated into prevention training and education, and studied with regularity to identify trends and opportunities for program refinement.

**Action Item:**

*Develop outcome-based metrics for prevention and efforts and trend analysis around changes to the SAPR Program.*

The 2011 SAGR Focus Groups delved deeper into the 2010 SAGR Survey responses, including cadets' views on various aspects of sexual assault and the incidence rates of sexual assault. These views do not reflect actual SAGR survey research findings. Rather, the views reflect the cadets' own independent opinions. Focus group participants indicated that the 2010 SAGR Survey incidence rates of sexual assault were about what they expected for their Academy. According to the 2010 SAGR Survey, the unwanted sexual contact incidence rate is greatest for sophomore women.<sup>17</sup> Cadets indicated that the rate for sophomore women might be higher due to the lifting of restrictions on relationships during that class year.

<sup>17</sup> Defense Manpower Data Center. (2010). *The 2010 Service Academy Gender Relations Survey*. Retrieved from [http://www.sapr.mil/media/pdf/reports/FINAL\\_SAGR\\_2010\\_Overview\\_Report.pdf](http://www.sapr.mil/media/pdf/reports/FINAL_SAGR_2010_Overview_Report.pdf)

Alcohol and/or drug involvement in unwanted sexual contact increased to 51 percent in 2010 from 38 percent in 2008 according to the 2010 SAGR Survey.<sup>18</sup> Cadet focus group participants commented that 51 percent seemed low. Responsible drinking and the impact of alcohol on consent are addressed in Sex Signals. However, it should also be addressed in SAPR training. USMA also needs to include the Alcohol and Substance Abuse Program as part of the prevention training and education program development.

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**Action Item:**

*Include Alcohol and Substance Abuse Program in prevention training.*

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Overall, USMA's prevention training is deficient. It does not meet the Department's minimum standard of annual training for each class of cadets. It is also lacking an institutionalized comprehensive SAPR curriculum. USMA must develop a comprehensive curriculum and ensure it is included in the cadet training schedule. This comprehensive curriculum should be developmental in nature, utilize a variety of formats to include instructor lead, peer lead, small-group and guest lectures/presentations. Additionally, USMA should assess the feasibility of utilizing an expert for sexual assault prevention curriculum development. Expertise may be available in USMA's psychology department.

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**Action Item:**

*Develop a comprehensive sexual assault prevention curriculum.*

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**Prevention of Sexual Harassment**

As part of PME<sup>2</sup>, each class of USMA cadets received 3-4 hours of developmental, respect training on sexual harassment each year. POSH training is infused in other respect classes, such as "Building the Team," "Respect as a Combat Multiplier," and "Gender Relations Training."

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**Action Item:**

*Assess the feasibility of utilizing an expert to develop sexual assault prevention curriculum.*

---

Some First and Second class cadets, who are selected to serve as cadre for CBT and Cadet Field Training, received additional respect classes in preparation for their leadership roles prior to their subordinates' arrival. This additional training includes information on gender relations, appropriate on- and off-duty behavior, and reiterates policies and procedures regarding sexual harassment and the formal and informal complaint processing.

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<sup>18</sup> Defense Manpower Data Center. (2010). *The 2010 Service Academy Gender Relations Survey*. Retrieved from [http://www.sapr.mil/media/pdf/reports/FINAL\\_SAGR\\_2010\\_Overview\\_Report.pdf](http://www.sapr.mil/media/pdf/reports/FINAL_SAGR_2010_Overview_Report.pdf)

As previously mentioned, new cadets received an introduction to the SHARP Program during CBT, which includes definitions of sexual harassment, reporting options, and points of contact. The USMA Diversity Officer/Equal Opportunity (EO) Program was responsible for integrating SHARP training into the cadet training schedule at the time of the assessment. The United States Corps of Cadets (USCC) SARC is now responsible to the Commandant for integrating SHARP training into the cadet training schedule.

After CBT, cadets did not receive training in stand-alone, dedicated topic classes per Army Policy. During APY10-11, USMA should have conducted stand-alone sexual harassment training for cadets. Army Policy was changed in April 2011 to conduct SHARP training in place of stand-alone POSH training.

The 2011 SAGR Focus Groups also provided insight into POSH. Most cadet focus group participants acknowledged that crude and offensive behavior, such as sexual jokes and locker room talk is pervasive, but is not regarded as sexual harassment. According to the focus group participants, USMA leadership is serious about sexual harassment prevention.

There is also little outcome data to show the training given at USMA has imparted the desired skills and the education has imparted the desired knowledge. Ideally, USMA should identify cadet baseline knowledge and skills upon matriculation and then use metrics to demonstrate changes in skills and knowledge over time.

## **PRIORITY 2: INCREASE CLIMATE OF VICTIM CONFIDENCE ASSOCIATED WITH REPORTING**

The second DoD-wide strategic priority is to increase the climate of victim confidence associated with reporting. While one incident of sexual harassment or assault is too many, the Department works to increase sexual assault reporting to ensure that victims come forward to receive needed support and services and to hold those who commit sexual assault appropriately accountable, as appropriate.

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*Status of Compliance Priority Two:  
Partially in Compliance*

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### ***Sexual Assault Prevention and Response***

For sexual assault, this priority focuses on increasing the number and proportion of sexual assaults that are reported. USMA is partially in compliance with the Department's Policy in regards to Priority Two. Table 2 provides the total number of sexual assault<sup>19</sup> reports at USMA during APY 10-11 are as follows:

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<sup>19</sup> The term sexual assault in DoD includes the crimes of rape, aggravated sexual assault, aggravated sexual contact, abusive sexual contact, wrongful sexual contact, nonconsensual sodomy, and attempts to commit these offenses.

TOTAL APY 2010-2011 REPORTS OF SEXUAL ASSAULT AT USMA	
NUMBER OF UNRESTRICTED REPORTS OF SEXUAL ASSAULT	7
NUMBER OF REPORTS OF SEXUAL ASSAULT REMAINING RESTRICTED	3
<b>NUMBER OF TOTAL REPORTS OF SEXUAL ASSAULT - UNRESTRICTED AND RESTRICTED</b>	<b>10</b>

Table 2: Total Number of Sexual Assault Reports Made to USMA Authorities in APY 10-11.

During APY 10-11, USMA received five Restricted Reports, two of which converted to an Unrestricted Report at the victims' request. The three reports remaining Restricted at the end of the current APY represent a decrease from the five reports remaining Restricted at the end of APY 09-10.

Overall sexual assault reporting by victims at USMA remained unchanged from APY 09-10 to APY 10-11. The Department's goal is to bring more victims forward to report the crime. However, reporting at USMA has remained stagnant for the last two APYs. USMA must work to increase cadet's confidence in the USMA SAPR Program and increase reporting to ensure that victims of sexual assault receive needed services and those who commit sexual assault can be held responsible. Reporting by case type is in Table 3.

**Action Item:**  
*Increase reporting of sexual assaults.*

APY 2010-2011 REPORTS OF SEXUAL ASSAULT AT USMA	APY 09-10	APY 10-11
NUMBER OF UNRESTRICTED REPORTS OF SEXUAL ASSAULT	5	7
NUMBER OF INITIAL RESTRICTED REPORTS OF SEXUAL ASSAULT	6	5
NUMBER OF CONVERSIONS FROM RESTRICTED REPORT TO UNRESTRICTED REPORT	1	2
<b>TOTAL NUMBER OF REPORTS</b>	<b>10</b>	<b>10</b>

Table 3: Comparison Between APY 09-10 and APY 10-11 of Sexual Assault Reports by Case Type.

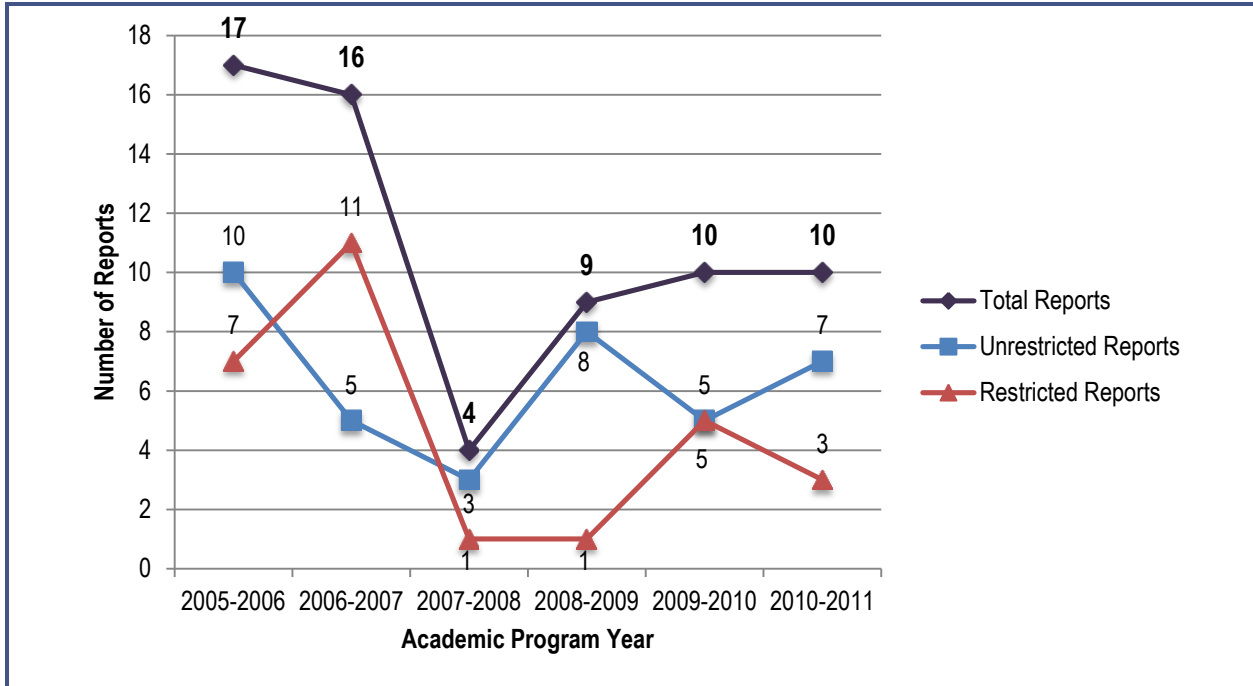
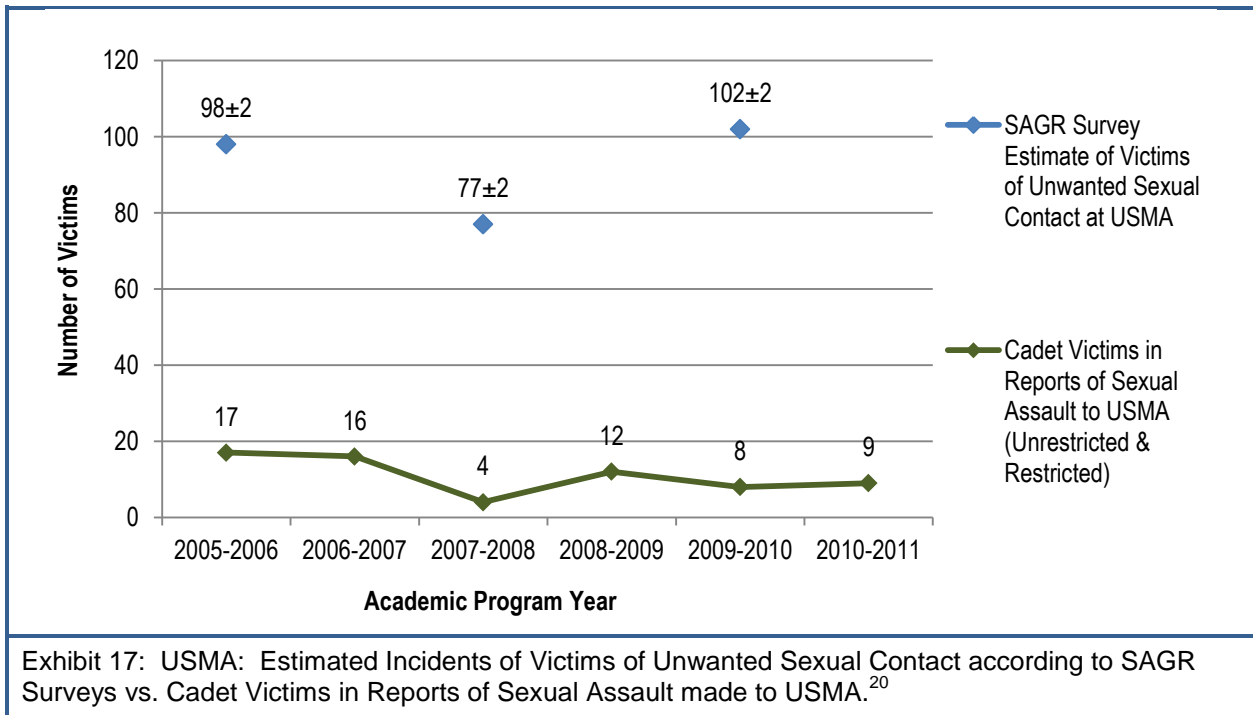


Exhibit 16: Total Reports of Sexual Assault Made to USMA — Unrestricted Reports and Restricted Reports, APY 05-06 to APY 10-11.

Exhibit 16 provides the total number of reports, as well as Unrestricted and Restricted Reports, made at USMA for APYs 05-06 through 10-11.



Reports of sexual assault made to Department authorities provide limited insight into the overall phenomenon of sexual assault at the MSAs. As previously mentioned, sexual assault in the United States and military society is underreported, meaning that reports to authorities are outnumbered by the sexual assaults estimated to occur using surveys of a given population. At the MSAs, the SAGR Survey is conducted every two years to estimate the annual incidence rate of sexual assault in the MSA population. The Department uses the SAGR Survey estimates to track progress on the DoD-wide SAPR Strategic Plan Priority 1, which institutionalizes prevention efforts.

Exhibit 17 displays how past SAGR survey estimates of sexual assault incidents known on the survey as “unwanted sexual contact” at USMA compare to the Unrestricted and Restricted Reports received by USMA.<sup>21</sup>

USMA worked to increase awareness of the SAPR Program and reporting options. The SAPR resource page on USMA’s intranet provides information on reporting options and contact information to make a report. However, this information needs to be updated and clarified to be consistent with DoD SAPR Policy. Unrestricted and Restricted

<sup>20</sup> Note this graph does not include cadets and midshipmen who were identified as subjects in reports of sexual assault made to USMA.

<sup>21</sup> The estimated number of victims is developed using the SAGR survey estimated unwanted sexual contact incidence rates multiplied by the USMA cadet population at the time of the survey. It should be noted that the timeframe covered by the SAGR Survey question pertaining to unwanted sexual contact experienced in the year prior to when the survey was conducted and does not always align exactly with the APY. As a result, the SAGR Survey victim numbers are only estimates, due to the sampling error associated with survey data and the slightly different timeframes. Nevertheless, the Department uses these estimates as an indicator of problem severity at each of the academies.



Reporting points of contact need to be updated. The intranet content should be clear to state:

- Legal assistance attorneys cannot take Restricted Reports and are not mandated to contact the SARC. However, legal assistance attorneys are listed as a channel to make a Restricted Report on USMA's intranet page.
- SAPR Victim Advocates (VA) were omitted as a party who may accept Restricted Reports and should be included as a resource.
- Individuals in the chain of command may not accept a Restricted Report. When a member of the cadet's chain of command is made aware of a sexual assault, he or she must report it as an Unrestricted Report through the proper channels. At this time, Department's Policy does not allow someone in the chain of command to ask a victim for his or her reporting preference, as indicated on USMA's resource page.

Additionally, USMA publicized that immunity for collateral misconduct may be granted on a case-by-case basis on the SAPR Resource intranet page. The Department does not condone this practice and it should not be advertised as a feature to promote sexual assault reporting. Since the time of the assessment, USMA has updated reporting information and removed immunity information from the SAPR Resource intranet page.

From the first day at USMA, cadets are required to learn the sexual assault reporting process. The New Cadet Required Knowledge Circular 351-2, which must be memorized by all cadets in CBT, details the process, encourages reporting, and provides a list of reporting channels for both Unrestricted and Restricted Reports. However, Circular 351-2 needs to be updated and clarified to be consistent with DoD SAPR Policy:

- The document did not clearly define Unrestricted and Restricted Reports, and used the terms non-confidential and confidential instead.
- While the channels listed for initial reporting will help a cadet reach the SARC and SAPR VAs, Circular 351-2 does not specifically state that a cadet should reach to the SARC or SAPR VAs to file a Restricted or Unrestricted Report in accordance with DoD SAPR Policy.
- The SARC and SAPR VA should be listed under both Restricted and Unrestricted Reporting channels in the circular.

In addition, during the cadets' first week at the Academy, they received a wallet card on reporting options. This card provides contact information for the SARC on both sides of the wallet card, as well as contact information for other support resources such as the SAPR VA, chaplains, and Keller Hospital. The wallet card should be updated to include a brief description of the reporting options.

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***Action Item:***

*Update and clarify the sexual assault reporting process and points of contact on USMA's intranet, in Circular 351-2, and on the wallet card.*

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While it is important to provide cadets with information on reporting, this information should be clear and use the terms and processes outlined by the Department's Policy to prepare cadets as future military leaders. Additionally, USMA needs to provide cadets information on reporting options and reinforce it regularly and consistently.

The regimental chaplains are conveniently located in the barracks area and are a trusted resource for cadets. USMA's USCC SARC worked closely with the chaplains, especially the female chaplain, to ensure that the chaplains were trained on the SAPR Program and reporting options. The chaplains explained the reporting options to empower the cadet sexual assault victims to make an informed decision. With the consent of the cadet, the chaplains helped cadets reach additional resources including the hospital and the SARC.

The 2011 SAGR Focus Groups sought to better understand from the cadets' perspectives the motivation behind reporting and non-reporting of sexual assault. Between APY 08-09 and 09-10, reports made to USMA authorities increased by a single report. When provided this information, cadet focus group participants indicated that most incidents are not reported due to the bureaucracy involved and overreaction, as well as the attention it generates.

Cadet focus group participants indicated several reasons why a victim of sexual assault would make a report at USMA. Reasons include to:

- Remove an offender from the Army;
- Stop the offender from hurting them or others;
- Seek justice or because it's the right thing to do; and
- Seek help dealing with an emotional incident.

Participants noted that there is a pervasive assumption at USMA that women report sexual assault to get out of trouble. While the Department's Policy does allow a commander the discretion to delay punishment for collateral misconduct, it does not condone immunity for collateral misconduct for victims of sexual assault. This perception may have been advanced by the advertisement of immunity for collateral misconduct on the SAPR Program page on USMA's intranet during APY 10-11. USMA should devise materials to address misperceptions regarding collateral misconduct in training.

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***Action Item:***

*Address collateral misconduct misperceptions in training.*

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USMA should carefully devise, establish, and publicize a policy to address victim collateral misconduct. Such policy must consider the difficult balance between SAPR Program credibility and the strategic priority of establishing a climate of confidence associated with sexual assault.

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***Action Item:***

*Evaluate all reasons for not reporting and address in training.*

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Messaging to cadets must encourage reporting, while addressing the perception that the SAPR Program is a “free pass” to get out of trouble.

According to the 2010 SAGR Survey, there were several reasons why most USMA women chose not to report their unwanted sexual contact incident.<sup>22</sup> Cadet focus group participants also discussed the potential negative effects of someone making a report of sexual assault and offered suggestions to encourage reporting.

Making the SAPR posters more gender neutral and less victim focused, as well as placing them in locations to reach both men and women, not just women, might encourage reporting. Cadets also believe that continuing to provide the necessary information on how to report if one chooses is also helpful. USMA should evaluate all reasons given for not reporting and devise materials to address them in training and education. USMA should also consider creating new SAPR posters, ensure the posters are placed in high traffic cadet areas, and are targeted at both male and female cadets.

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**Action Item:**

*Create new posters, place in high traffic areas and target to both male and female cadets.*

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**Prevention of Sexual Harassment**

During APY 10-11, there were no formal complaints and one informal complaint of sexual harassment at USMA. This is a decrease in both formal and informal complaints.

In accordance with DoD and Army Policy, USMA encouraged cadets to resolve sexual harassment issues at the lowest level. Cadets receive ongoing training through the SHARP and Respect Programs on the formal and informal complaint resolution processes for sexual harassment.

Additionally, USMA leadership used the Respect Mentorship Program to provide corrective training to cadets who have engaged in inappropriate behavior to include sexual harassment. A cadet assigned to the Respect Mentorship Program meets regularly with a TAC and performs a series of learning exercises to facilitate introspection and intrapersonal change, including writing essays, journal entries, and preparing a case study. USMA has worked to implement the APY 06-07

recommendation to enhance the stature of the Respect Mentorship Program.

However, USMA must provide greater program oversight to ensure cadets do not repeat the program for not completing the assignments the first time.

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**Action Item:**

*Ensure greater program oversight to the Respect Mentorship Program.*

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<sup>22</sup> Defense Manpower Data Center. (2010). *The 2010 Service Academy Gender Relations Survey*. Retrieved from [http://www.sapr.mil/media/pdf/reports/FINAL\\_SAGR\\_2010\\_Overview\\_Report.pdf](http://www.sapr.mil/media/pdf/reports/FINAL_SAGR_2010_Overview_Report.pdf)

USMA plans to include sexual harassment prevention and response education in the next Cadet Handbook. A draft of the Cadet Handbook includes: definition, examples, reporting options, and contact information.

### **PRIORITY 3: IMPROVE RESPONSE**

#### ***Sexual Assault Prevention and Response***

The Department's third priority is to improve sexual assault response. This priority focuses on increasing the availability, access and quality of response for victims of sexual assault. USMA implemented and

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#### ***Status of Compliance Priority Three:***

*Partially in Compliance*

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advanced policies, training, procedures, and initiatives to improve its response to allegations of sexual harassment and assault. However, USMA is partially in compliance with the Department's Policy in regards to Priority Three.

As part of the SHARP training at CBT, the USCC SARC briefs first year cadets on how to obtain assistance if sexually assaulted and the services available to cadets. USMA's SAPR Intranet webpage also provides a list of support resources with links to access that support. Resources include the Center for Personal Development (CPD), the Mologne Cadet Clinic, Keller Memorial Hospital, and USMA's SAPR Resource intranet pages.

USMA's SAPR intranet pages provided reporting option information but at times substitutes the Restricted and Unrestricted with the terms "confidential" and "non-confidential." It also does not list the SARC as a party who may receive an Unrestricted Report and does not list the SAPR VAs as a party who may receive any type of sexual assault report. Also previously noted in this report, USMA should ensure the terms Restricted Report and Unrestricted Report are used consistently throughout all mediums and publicized information and should identify the SARC and SAPR VAs as the primary parties available to receive Restricted and Unrestricted reports.

The SARC serves as the single point of contact for integrating and coordinating sexual assault victim care from an initial report of sexual assault, through disposition and resolution of issues related to the victim's health and well-being. The SARC is responsible for ensuring a victim support system that provides a 24 hours a day, seven days a week sexual assault response capability. Initial role specific training is designed to equip SAPR personnel with the knowledge and skills required to provide victims of sexual assault with quality care. As the focal point for sexual assault matters, it is essential that SARCs receive initial training prior to assuming the position. At USMA, the USCC SARC served in this role for a year before receiving SARC training. The USCC SARC completed SHARP Specialist training in June 2011.

USMA must ensure that the SARC and SAPR VAs receive mandatory SAPR training prior to assuming the responsibilities for their SAPR roles. USMA should develop a plan to ensure that initial training for SARCs and SAPR VAs be conducted before duties are performed. This will assist USMA in early identification of program gaps. Criminal Investigations Division (CID) Agents, the Staff Judge Advocates (SJA), the Victim Witness Coordinator, and the Defense Counsel all reported having the requisite SAPR Program training and experience. The chaplains have not received their SAPR first responder training at the time of the assessment. The Department will work with the Services to clarify roles and responsibilities for first responder training and to ensure that all first responder training is conducted in accordance with Department policy.

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**Action Item:**

*Develop a plan to ensure that future SARCs and SAPR VA receive training prior to assuming role.*

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The responsibility of maintaining the 24 hours a day, seven days a week response capability resides almost exclusively with the SARC. With this knowledge, USMA is encouraged to review the APY 08-09 Report recommendation that the Academy consider allocating additional resources or personnel to fill any gaps in service that may occur should the USCC SARC be on leave or otherwise unavailable to attend to SAPR issues at any given time. USMA's Garrison SARC has received the initial and ongoing training for the SARC position. Therefore, USMA should leverage the Garrison SAPR assets to support cadets, and devise a plan for assigning the Garrison SARC as a backfill for the USCC SARC and increase the utilization of the installation SAPR VA.

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**Action Item:**

*Implement the APY 08-09 recommendation to assess the feasibility of leveraging the Garrison SAPR assets to support the cadets.*

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Additionally, the SARC needs a private space to speak with sexual assault victims to ensure their privacy and ability to file a Restricted Report is maintained. At the time of the on-site assessment, the USCC SARC did not have a private space. USMA must provide a private space for the USCC SARC in order to have trusted conversations with sexual assault victims.

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**Action Item:**

*Implement the APY 08-09 recommendation to provide at least one full-time SAPR VA for cadets.*

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As previously identified, USMA's cadet victim advocacy responsibilities reside with the psychotherapists within the CPD. Based upon feedback from CPD, this causes a dilemma for the victim. As noted in previous reports, specifically, the APY 08-09 Report, the Department



recommended that USMA request resources to support the employment of one or more full-time SAPR VA(s) who will exclusively focus on providing advocacy services to the cadet population. USMA should hire one or more full-time SAPR VAs so that the psychotherapists on staff can exclusively focus their specialized skills on providing mental health services. Increasing the utilization of the installation SAPR VA may also be a viable option to explore. The Installation SAPR VA received the initial and ongoing training necessary to provide services to victims of sexual assault.

The director of CPD was not aware of the duty to report sexual assaults disclosed during treatment to the SARC nor was it included on the intake form to inform victims of this disclosure. The omission from the intake documentation indicates that none of the mental health providers are aware of the duty to inform the SARC. CPD should update their local operating procedures and intake documentation to reflect the Department requirement to report sexual assaults to the SARC disclosed in treatment. Additionally, the Department of the Army should review training provided at mental health internship programs throughout the Service to ensure that providers are made aware of their affirmative duty to report sexual assaults disclosed during treatment to the SARC.

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***Action Item:***

*Update CPD local operating procedures and intake documentation.*

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Victims who disclose a sexual assault during treatment must be made aware of the full spectrum of care and support, to include the SARC and SAPR VA. Giving the victim multiple avenues to receive additional care creates a strong victim centered SAPR Program. When sexual assaults are not reported to the SARC, the victim risks not being provided the full amount of information regarding medical care, the option of having a SAPR VA assigned, or the opportunity to begin an official investigation into the allegation of an assault with law enforcement.

To provide additional support to victims of sexual assault, the SARC and one of the chaplains were in the process of developing a support group. Due to the potential for re-traumatization, they are not advised unless they are run by a licensed mental health provider who is trained to treat victims of sexual assault. In addition, group membership needs to be carefully screened. Participant confidentiality is not guaranteed and victim statements are subject to legal discovery prior to case disposition. As a result, participants should not discuss ongoing cases, especially Restricted Reports. Since the time of the assessment, the USCC SARC, in collaboration with the Installation SARC, started exploring the possibility of creating a victim support group supported by a licensed social worker from the Mental Health

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***Action Item:***

*Ensure support group is led by a trained medical professional and has protocols to ensure the confidentiality of victims.*

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Associates of Orange County. Prior to forming such a group, USMA should obtain advice from the SAPR therapist at the United States Naval Academy (USNA) on their support group that minimizes or eliminates these issues.<sup>23</sup>

Sexual Assault Forensic Examination (SAFE) kits are completed at either the Mologne Cadet Clinic or the Keller Army Community Hospital. There have been no problems to date with this arrangement. Additionally, if a problem did arise, USMA has a Memorandum of Understanding with the Orange Country Rape Crisis Center to assist with SAFE kits.

### *Prevention of Sexual Harassment*

The USCC Equal Opportunity Advisor (EOA) responded to a complaint of sexual harassment in a timely manner. Additionally, the USCC EOA followed up with the complainant to ensure that the issue was resolved. Because USMA is transitioning to the Army SHARP Program, complaints of sexual harassment will become the responsibility of the SHARP Specialist in the next APY. To that end, the USCC EOA was trained as a SHARP Specialist in June 2011.

## **PRIORITY 4: IMPROVE SYSTEM ACCOUNTABILITY**

The Department's fourth DoD-wide strategic priority is to improve system accountability. This priority focuses on improving the reliability and sustainment of SAPR and POSH services, and ensuring those services function in the way they were designed. The basis for this year's report is an on-site assessment of each academy, the results from the 2011 SAGR Focus Groups, and a review of previous reports submitted by the academy Superintendents, as well as the recommendations to the MSAs from the APY 08-09 report.

Over the course of the APY 10-11, USMA continued to make progress on the prevention of sexual harassment and assault. A review of policies and program elements found USMA to be in compliance with the Department's Policy regarding system accountability.

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### *Status of Compliance Priority Four:*

*In Compliance*

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<sup>23</sup> See USNA's Priority 3 section of this report on page 57

### *Sexual Assault Prevention and Response*

Appropriate mechanisms are in place both at Army headquarters and at USMA to ensure oversight of the effectiveness of USMA's SAPR Program<sup>24</sup>. In addition to the Department's policies, USMA's SAPR Program is governed by:

- Army Regulation 600-20, *Army Command Policy*, dated April 27, 2010;
- USMA Policy Memorandum 127-10, *Sexual Assault Prevention and Response (SAPR) Program*, dated June 2010; and
- USCC Circular 351-2, *New Cadet Handbook*.

The Assistant Secretary of the Army for Manpower and Reserve Affairs has the principal responsibility for setting the strategic direction and providing for the overall supervision of the Department of the Army's SAPR and POSH policies and Programs to include the Academy. The Army Deputy Chief of Staff for G-1 is responsible for the overall implementation, evaluation, and assessment of the programs. In addition, USMA's leadership briefs the USMA Board of Visitors on SAPR related trends and program improvements.

In accordance with Department of the Army Policy, USMA's SAPR Program converted to the SHARP program in April 2011. The Superintendent and the USCC Commandant has oversight of the USCC SHARP Program. The USCC SARC is a Major who attended the 80-SHARP training course in June 2011. The staff principal for USMA's SHARP program is a Lieutenant Colonel who is both SHARP certified and a graduate of the Defense Equal Opportunity Management Institute (DEOMI) There are also three part-time SAPR VA assigned to the program, but these are clinicians whose primary duties involve mental health treatment at the CPD.

USMA's SAPR Program is also supported by the Installation SARC and Installation SAPR VA. There are no contracted personnel serving as a SARC or SAPR VA. Therefore, USMA is in compliance with the Defense Task Force on Sexual Assault in the Military Services recommendation<sup>25</sup> requiring SARCs be full-time Service members or DoD civilian employees.

USMA used monthly Sexual Assault Review Board (SARB) meetings chaired by the Superintendent to provide oversight of its SHARP Program. Having the Superintendent personally chair the SARB provided greater visibility and oversight of the SAPR Program and is a best practice. The SARB meetings provide the

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#### *Commendation:*

*The Superintendent personally chairs the SARB.*

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<sup>24</sup> In 2008, the Army leadership directed the integration of the sexual assault and sexual harassment programs. This initiative is referred to as Sexual Harassment/Assault Response & Prevention (SHARP) Program.

<sup>25</sup> Department of Defense. (2009). *Report of The Defense Task Force on Sexual Assault in the Military Services, December 2009*. Retrieved from [http://www.sapr.mil/media/pdf/research/DTFsAMS-Rept\\_Dec09.pdf](http://www.sapr.mil/media/pdf/research/DTFsAMS-Rept_Dec09.pdf) Recommendation 6a1.

opportunity to assess the current state of the program, and provide procedural guidance and feedback to others in the Academy leadership.

SARB attendees include: the Commandant, the Dean of the Academic Board, Chief of Staff, the Garrison Commander, the Director of Intercollegiate Athletics (DIA), and the DIA Senior Women's Administrator. It is equally important in Unrestricted cases that a victim's commander keep abreast of the details and status of his or her open cases, in order to provide updates to the victim. Currently, the victim's commander does not attend the SARB or provide the victim with updates. The victim's commander must fulfill these responsibilities in accordance with the Department's Policy.

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**Action Item:**

*Ensure the victim's commander attends the SARB and provides the victim with regular updates.*

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As previously noted in this report in Priority One, the 2010 SAGR survey indicated an increase in the involvement of alcohol and/or drug involvement in unwanted sexual contact. Therefore, the Army Substance Abuse Program representative should attend the SARB as an additional conduit for identifying trends and providing awareness of alcohol and drug related issues.

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**Action Item:**

*Include the Army Substance Abuse Program in the SARB.*

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Oversight of the SHARP program can only occur if the SARB members know the SHARP program, understand their roles, and participate regularly. The February 2011 SARB met to discuss member participation and responsibilities. Efforts are well underway to improve the effectiveness of SARB members by ensuring they participate in training, determine their training needs, and communicate training requirements to the SARB. USMA's efforts may increase the integrity and confidentiality of the SARB meetings.

Another way USMA leadership provided oversight of their program during APY 10-11 was to review the data derived from the 2010 SAGR Survey.<sup>26</sup> In addition, the Commandant personally conducted five sensing sessions, one of which was directly related to the results of the 2010 SAGR Survey. Also, the Respect Representatives conducted climate surveys every semester within their units. These surveys were conducted using a web-based survey tool.

USMA was unable to compile data in order to conduct trend analysis. Therefore, USMA contacted the DEOMI's Research Directorate about the ability to edit the Defense Equal Opportunity Climate Survey (DEOCS) to accommodate use for cadets at USMA. At a

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<sup>26</sup> Defense Manpower Data Center. (2010). *The 2010 Service Academy Gender Relations Survey*. Retrieved from [http://www.sapr.mil/media/pdf/reports/FINAL\\_SAGR\\_2010\\_Overview\\_Report.pdf](http://www.sapr.mil/media/pdf/reports/FINAL_SAGR_2010_Overview_Report.pdf)

minimum, this request requires the editing of the first three questions of the DEOCS to include cadets and their ranks to the current choice selections. Use of the standardized DEOCS questions will allow USMA to conduct trend analysis and enhance oversight of the SAPR Program and the survey should be shared with the other MSAs. USMA should work with DEOMI to create a cadet version of the DEOCS that can also be shared with the other MSAs. USMA should also continue use of USMA's Cadet Command Climate Survey. USMA reported that the survey questions were revised to reflect the Department's Policy.

The USMA SAPR Program's strategic planning efforts are lacking. This includes areas such as consolidating programmatic data, analyzing data for future program enhancements and developing a comprehensive curriculum. USMA's academic environment has the resources for research and curriculum development already in place. The SAPR Program should maximize these resources to advance the program.

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**Action Item:**

*Utilize existing resources to create strategic planning efforts for USMA's SAPR Program.*

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USMA's leadership also requested an inspection of the Garrison SAPR Program by the Academy's Inspector General. The Chief of Inspections found the Garrison SAPR Program is conducting operations in accordance with all applicable polices. However, no such inspection has occurred of the USCC SAPR Program. USMA's leadership should request an inspection of the USCC SAPR Program.

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**Action Item:**

*Conduct inspection of the USCC SAPR Program.*

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Part of system accountability is holding those who commit sexual assault appropriately accountable based on the available evidence. USMA showed a robust, thorough, and responsive investigative organization supporting USMA leadership. Army CID demonstrated effective investigative practices and thorough documentation. Additionally, the Chief of Military Justice, the Victim Witness Program Coordinator, and USMA's Defense Counsel all had proper training.

The CID Special Agent in Charge (SAC) reported that victim collateral misconduct, such as underage drinking, usually falls beneath his agency's offense titling threshold. As a result, USMA CID agents typically do not address this misconduct as part of their investigations. However, age of victims and subjects are part of the CID reports. Commanders are made aware of collateral misconduct and USMA's practice is to adjudicate the sexual assault first and the collateral misconduct second. While this practice can certainly help foster a good working relationship with victims, it may also

inadvertently contribute to perceptions that the SAPR Program is a means to avoid disciplinary action, previously mentioned in this report.

### *Prevention of Sexual Harassment*

The USCC Commandant has oversight of sexual harassment prevention, training, and complaint processing. The USCC EOA reports to the Commandant whenever a formal or informal sexual harassment complaint is lodged.

The POSH mission continues to be fragmented with the USCC EOA reporting to the Special Assistant to the Commandant for Respect Matters, and the Installation EOA reporting to the Diversity Officer/Installation EOA Program Manager. As previously identified, in the APY 08-09 Report, USMA should realign the POSH mission under one office at the Installation level.

## **PRIORITY 5: IMPROVE KNOWLEDGE AND UNDERSTANDING**

The fifth DoD-wide priority is to improve knowledge and understanding of the SAPR and POSH Programs. This priority focuses on improving pro-active communication of SAPR information to stakeholders. This priority is not governed by the Department's Policy and therefore, there is no status of compliance.

Strong relationships with external stakeholders are necessary in order to provide a full menu of resources to victims of sexual assault. Forging relationships and collaboration with such resources as the Orange County Rape Crisis Center provided the opportunity to further strengthen USMA's SAPR Program. USMA is encouraged to build on this relationship and test the response procedures established within the Memorandum of Understanding.

USMA and Orange County Rape Crisis Center teamed up to co-sponsor the Walk a Mile event, a 2011 SAAM initiative. The event provided an opportunity for information and resource sharing demonstrating USMA's commitment to strong relationships with the civilian resources available to provide sexual assault prevention and response services to cadets, as well as an opportunity to increase stakeholder knowledge and understanding of the Department's SAPR policies and procedures.

By request, USMA provided a presentation to external stakeholders educating them on the Army's SAPR Program. The briefing discussed the reporting options, sources to whom a report can be made, confidentiality, the difference between sexual harassment and sexual assault, and SAPR contact information. This outreach is encouraged to continue and be further developed. The installation paper has also been a conduit for information on sexual assault to be communicated with the West Point community. SAPR personnel penned several articles on wide-ranging topics such as safety and stalking, sexual assault prevention, bystander intervention, and response.

## ASSESSMENT OF RECOMMENDATIONS FROM THE APY 08-09 REPORT

In the APY 08-09 Report, the Department provided 14 recommendations to USMA. During the on-site assessment and analysis of the data call, the Department found sufficient evidence of progress to close the following four recommendations.

**Recommendation:** The current Special Assistant to the Superintendent for Human Relations (SAS-HR) position must be filled as quickly as possible in order to ensure USMA's sustained SAPR capability.

The SAS-HR position has been filled by a lieutenant colonel since June 2010. USMA renamed this position Diversity Officer.

**Recommendation:** USMA's Office of the SJA should ensure that refresher victim witness training is available for the Victim Witness Liaison (VWL).

The VWL attended National Center for Victims of Crime and Army training since the last on-site assessment in APY 08-09.

**Recommendation:** USMA should institutionalize the SAPR guest lecture program to ensure its sustainability.

USMA included Veraunda Jackson and Sex Signals in PME<sup>2</sup>. Additionally, in APY 10-11, USMA brought Kelly and Becca to present to USMA cadets.

**Recommendation:** USMA should develop a plan to improve cadet victims' knowledge of and access to the services offered by the Mental Health Association in Orange County. Doing so would further augment the impressive array of services that USMA offers to cadets who are victims of sexual assault.

The Rape Crisis Center offered by the Mental Health Association in Orange County has not supported a single cadet victim to date due to cadets not electing to receive services. USMA does advertise their services in the form of a brochure and the Rape Crisis Center co-sponsored a walk during SAAM. However, the Rape Crisis Center works more closely with the Installation SARC and VA.

The Department did not find sufficient evidence of progress to close the following 10 recommendations at the time of the on-site assessment.

**Recommendation:** USMA should confer with SAPR personnel at USNA and the United States Air Force Academy (USAFA) regarding their current strategies for program effectiveness measurement and outcome evaluation development and consider leveraging approaches that are appropriate for use at USMA.

USMA attended a SAPR Military Service Academy Conference that was also attended by USNA and USAFA. Additionally, USMA CID was the only investigation body that



attended the conference. While, USMA attendees briefed the SARB, USMA has not leveraged any new approaches from the Conference to date.

**Recommendation:** USMA SAPR personnel should balance the dual Department goals of holding offenders accountable with the importance of allowing victims to choose between Restricted and Unrestricted Reporting.

While there was some improvement in Restricted Reporting in APY 09-10, there was a slight decrease in APY 10-11. The balance between Restricted and Unrestricted Reporting needs to be observed over an extended period of time before this recommendation can be closed.

**Recommendation:** USMA Sexual Assault Response Team (SART) members should continue to explore and innovate ways to support sexual assault victims who are suspected of engaging in collateral misconduct.

There was no evidence that the SART explored innovative ways to support sexual assault victims who are suspected of engaging in collateral misconduct. Additionally, the SAPR resource page on USMA's intranet provides information regarding immunity for collateral misconduct involved in a sexual assault. The Department does not condone the practice of providing immunity for collateral misconduct to increase reporting of sexual assault.

**Recommendation:** USMA leadership should ensure cross-training with responders on each other's roles occurs, as recommended in the *DoD Annual Report on Sexual Harassment and Violence at the Military Service Academies: APY 2006-2007*.

**Recommendation:** USMA leadership should ensure cross-training among the SARC, SAPR VAs, and off-post service providers to increase awareness of roles, responsibilities, resources, and jurisdictional issues. USMA should revise its current style and conduct of training to incorporate smaller groups and adult learning theory, which includes group participation and interaction.

USMA has not conducted any cross-training with the SARCs, SAPR VAs, other first responders, and off-post resources.

**Recommendation:** USMA should consider allocating additional resources or personnel to fill any gaps in service that may occur should the SARC be on leave or otherwise unavailable at any given time

The USCC SARC did not have a backup in place at the time of the on-site assessment. It is recommended that USMA implement this recommendation, utilizing the Garrison SARC as a backup for the USCC SARC.

**Recommendation:** USMA should request resources to support the employment of one or more full-time SAPR VA(s) who will exclusively focus on providing advocacy services to the cadet population. The level of confidentiality a SAPR VA would have under this arrangement will need to be explored.

The cadet SAPR VAs are still part time SAPR VAs that are also therapists in the CPD. This dual hatted role prevents the individual from fully providing therapy at the CPD and supporting the victim.

**Recommendation:** Although cadet attendance and participation is mandatory, PME<sup>2</sup> classes are not graded, thus it is recommended that USMA review and assess this practice for effectiveness.

USMA's PME<sup>2</sup> classes are not graded, nor are there other measures of effectiveness in place to meet the spirit and intent behind this recommendation.

**Recommendation:** Realign the EO mission under one office at the Installation Level in order to maximize the skill sets of all EOAs trained by DEOMI. With oversight from the Installation EO Office and Program Manager, EOAs could continue to support the USCC and provide assistance to mission and tenant units on the Installation.

The installation and cadet EOAs at USMA are DEOMI trained. However, they have not been realigned under one office at the Installation level. Additionally, the Program Manager is scheduled for DEOMI training but had not completed the training at the time of the assessment.

USMA must implement the remaining recommendations from the APY 08-09 Report, as well as the necessary action items put forth in the APY 10-11 Report in a timely manner. Additionally, USMA will provide an update on the implementation before the end of the APY 11-12.

## CONCLUSION

USMA's SAPR and POSH Programs have been in place for several years. However, the quality of the programs has declined since the last assessment in APY 08-09. Overall, USMA is partially in compliance with the Department's policies. USMA must become compliant with Department Policy for sexual harassment and assault.

The Department will review updates provided by USMA and, if necessary, conduct a second site visit to determine what action have been implemented to the Department's standard. At that time, additional action items may be provided to USMA.

While several challenges remain, the Department believes the greatest of these pertain to the prevention and reporting of sexual assault. Using the survey and focus group data, the Department encourages USMA to employ their considerable academic and programmatic resources to implement meaningful, inspiring, evidence-based prevention

and reporting interventions. This will help take the USMA SAPR and POSH Programs to the next level.

## UNITED STATES NAVAL ACADEMY

### INTRODUCTION

The Department of Defense (DoD) assessed the United States Naval Academy's (USNA) policies, training, and procedures for Sexual Assault Prevention and Response (SAPR) and Prevention of Sexual Harassment (POSH) Programs during Academic Program Year (APY) 2010-2011. The Department's SAPR and POSH Programs assessment is organized by the DoD-wide strategic priorities. Policy compliance was measured against:

- DoD Directive 6495.01, *Sexual Assault Prevention and Response Program*, dated November 7, 2008;
- DoD Instruction 6495.02, *Sexual Assault Prevention and Response Program Procedures*, dated November 13, 2008;
- DoD Directive 1350.2 *Department of Defense Military Equal Opportunity Program*, dated November 21, 2003; and
- DoD Directive 1020.02 *Diversity Management and Equal Opportunity in the Department of Defense*, dated February 5, 2009.

Additionally, the Department looked at Service and Academy sexual harassment and assault policies outlined in Appendix C.

Overall, USNA is in compliance with the Department's policies regarding sexual harassment and assault. However, there are areas for continued improvement of USNA's program. Additionally, USNA demonstrates commendable practices that should be considered for replication by other Military Service Academies (MSAs).

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#### **Overall Status of Compliance:**

*In Compliance*

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### PRIORITY 1: INSTITUTIONALIZE PREVENTION STRATEGIES IN THE MILITARY COMMUNITY

The first DoD-wide strategic priority is to institutionalize prevention strategies in the military community. At USNA, this priority focuses on the overall reduction of sexual harassment and assault incidents involving midshipmen in the academy environment. A key feature of sexual harassment and assault prevention is education and training. USNA is in compliance with the Department's Policy in regards to Priority One.

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#### **Status of Compliance Priority One:**

*In Compliance*

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Throughout APY 10-11, USNA conducted extensive training for all midshipmen. Ongoing prevention and education continue to be implemented at all levels to address the policies covering sexual harassment and assault, consent, sexual assault reporting options, support resources, and bystander intervention techniques.

### *Sexual Assault Prevention and Response*

Midshipmen received extensive SAPR training at USNA. In 2006, USNA developed the Sexual Harassment and Assault Prevention Education (SHAPE) curriculum utilizing SAPR experts, Gail Stern<sup>27</sup>, Dr. John Foubert<sup>28</sup> and Dr. Christopher Kilmartin<sup>29</sup>. SHAPE focuses on broadening midshipmen awareness of sexual harassment and assault, emphasizing and fostering their role as active bystanders, and approaching the subject matter as both a cultural issue and a leadership issue.

SHAPE is developmental in nature, with each APY having a focus that is explicitly aligned with the four-year USNA leadership curriculum. The Class of 2011 was the first class to receive all four years of SHAPE Training. USNA used small-group, discussion-based format, led by SHAPE Peer Educators. Peer Educators are hand-picked using a thorough interview and selection process, and trained extensively. In addition to the training, the SHAPE program incorporated guest speakers specific for each class and then reinforced the message in follow-on peer education sessions.

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#### *Commendation:*

*USNA developed an extensive and developmental SAPR training program with experts in the field.*

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At USNA, in the Fourth class year (freshman), midshipmen received four sessions of SHAPE training with a focus on being a good follower, which is the focus of all military education for the Fourth class year. Topics addressed in the first year of training included an introduction to the prevention program and language, sex offender behavior, and risk reduction. Midshipmen attended the “1 in 4 Program,”<sup>30</sup> a sexual assault prevention training. This was followed up with discussion groups on bystander intervention and how to help a survivor.

In the Third class year (sophomore), midshipmen received four sessions of SHAPE training with a focus on being a mentor, which is the focus of all military education for

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<sup>27</sup> Gail Stern is the co-founder of Sex Signals and the co-founder and director of consulting, education and training for Catharsis Productions.

<sup>28</sup> Dr. John Foubert is an associate professor of College Student Development at Oklahoma State University and the founder of One in Four, a non-profit dedicated to ending rape through means shown to be most effective in scientific research.

<sup>29</sup> Dr. Christopher Kilmartin is a professor of Psychology at the University of Mary Washington and an expert in the prevention of gender-based violence and sexual harassment.

<sup>30</sup> One in Four, Inc designed a sexual assault prevention program focusing on bystander intervention.

the Third class year. Areas covered in the second year included social conformity and gender socialization. Midshipmen also attended Sex Signals, a 90-minute live audience-interactive program that addresses dating, rape, consent, and other associated topics, such as paying attention to body language, alcohol use, and safe bystander intervention.

In the Second class year (junior), midshipmen received two sessions of SHAPE training with a focus on being a trainer, which is the focus of all military education for the Second class year. This training year reinforced bystander intervention and leadership issues involved in sexual harassment and assault through the Joe Erhmann<sup>31</sup> “Bystander Intervention and Leaders of Character” presentation. The second session dove into a sexual harassment case study and the leadership issues involved with dealing with sexual harassment.

In the First class year (senior), midshipmen also received two sessions of SHAPE training with a focus on being a leader, which is the focus of all military education for the First class year. The first session was provided by Anne Munch, Esq<sup>32</sup>, discussing the prosecution of sexual assault cases and societal bias to help midshipmen understand the impact on survivors. The second session focused on preparing midshipmen for their future roles as officers, including how to establish a proper command climate, and dealing with sexual harassment and assault cases as a commander.

The SHAPE program demonstrates a large investment of time and resources by USNA to train peers as leaders in SAPR. USNA is to be commended for this innovative approach, which is based on best practices established by scientific research.

However, feedback from USNA’s focus groups indicates SHAPE may benefit from naval officer participation. Focus group participants indicated training would be more effective if it were not led by midshipman peers, largely because peers lack the “real world” experience desired by midshipmen. While there is a realized

benefit from peer-based programs, the Academy should review SHAPE training to identify one or more areas that would benefit from input from experienced naval officers.

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***Action Item:***

*Review SHAPE training to identify areas for naval officer incorporation.*

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In addition to the SHAPE curriculum, USNA developed targeted briefs for specific populations to address new experiences and different levels of freedom. USNA also developed a bystander intervention training targeted for the football team. Additionally,

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<sup>31</sup> Joe Erhmann is the co-founder of Building Men and Women for Others and is a Frederick Douglas National Man of the Year for empowering youth to prevent rape and other forms of male violence.

<sup>32</sup> Anne Munch is an attorney with twenty-two years of experience as a career prosecutor and advocate for victims of domestic violence, sexual assault and stalking. She has worked extensively on the development of the Sexual Assault Prevention and Response programs in the military for the Army, Navy and Air Force.



USNA developed trainings for USNA midshipmen events such as Plebe Summer Detailer Review, Summer Cruise, and Spring Reform for Plebes.

To support the institutionalization of the SHAPE Program, USNA hired additional staff for their Sexual Assault Prevention and Response Office (SAPRO). A director oversees programming and is involved in curriculum development, train-the-trainer instruction, programming issues, and program evaluation. The training specialist is responsible for managing the SHAPE program and Peer Educators, curriculum development and train-the-trainer instruction. USNA's SAPRO worked with the Leadership Ethics and Law (LEL) Department. A LEL professor is dedicated to SAPRO 20 percent of the time to advise on the development of curriculum and train-the-trainer duties, evaluate the program, and incorporate outcome data into larger research projects. The LEL professor also liaised between USNA's SAPRO and academic departments and advised the program on current research in sexual harassment and assault.

USNA developed and administered a voluntary and anonymous survey to obtain midshipman attitudes with respect to sexual harassment and assault since 2008. This feedback was used to improve the SHAPE curriculum. To better understand the success of the SHAPE program, USNA measured comprehension through scenario-based questions.

To encourage the responsible use of alcohol, USNA's Alcohol and Drug Education program held a 21<sup>st</sup> Birthday Celebration in conjunction with USNA installation police. A formal dinner is held for midshipmen who have recently turned 21 to demonstrate responsible drinking and limit setting. During the dinner, male midshipmen are allowed to consume three drinks and female midshipmen are allowed to consume two drinks. At the end of the night, the police held a presentation and conducted breathalyzers and field sobriety tests. USNA SAPRO should be incorporated into this event to discuss alcohol's impact on consent, as well as its use as a weapon by those who commit sexual assault. Additionally, the limit on the number of drinks consumed by

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**Action Item:**

*Incorporate USNA SAPRO into 21<sup>st</sup> Birthday Celebration and have gender-neutral limits on drinks.*

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Reducing the occurrence of sexual assault is the ultimate goal of any prevention program. As noted in last year's report, the rate of unwanted sexual contact incidents at USNA increased according to the 2010 Service Academy Gender Relations (SAGR) Survey.<sup>33</sup> For women, the 2010

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**Action Item:**

*Develop outcome-based metrics for prevention training.*

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<sup>33</sup> Defense Manpower Data Center. (2010). *The 2010 Service Academy Gender Relations Survey*. Retrieved from [http://www.sapr.mil/media/pdf/reports/FINAL\\_SAGR\\_2010\\_Overview\\_Report.pdf](http://www.sapr.mil/media/pdf/reports/FINAL_SAGR_2010_Overview_Report.pdf)

past year rate of unwanted sexual contact increased from 8.3 percent to 16.5 percent. For men, the past year rate of unwanted sexual contact increased from 2.4 percent to 3.4 percent. Exhibit 18 provides the unwanted sexual contact incident rates for the last three SAGR Surveys.

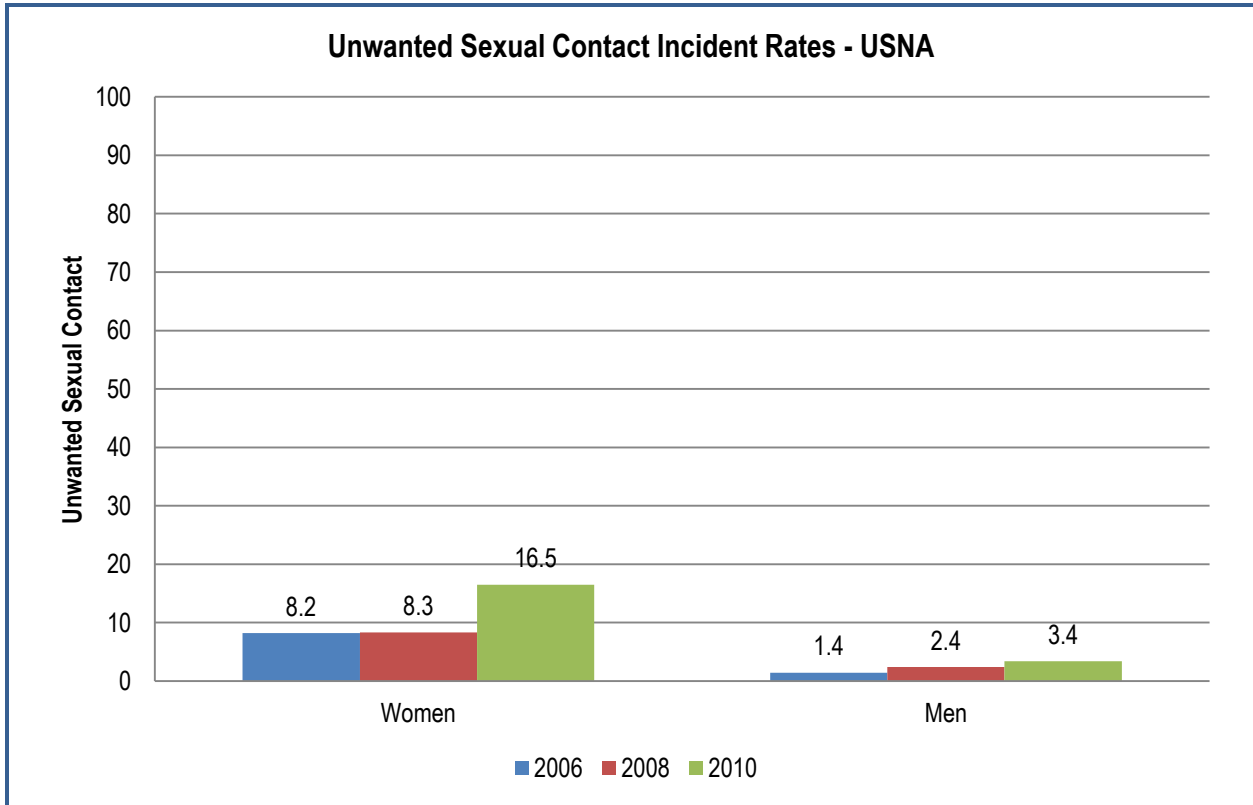


Exhibit 18: Percentage of USNA Women and Men Who Indicated Experiencing Unwanted Sexual Contact (Margins of error range from  $\pm .5$  to  $\pm 3.7$ )

While some of this increase may be attributed to more informed midshipmen taking the survey,<sup>34</sup> the rate of unwanted sexual contact for both women and men is far beyond prior measurements at USNA and what is seen at the other two MSAs. USNA must apply the findings of the 2010 SAGR Survey to better focus its prevention programming and address the large increase in the rate of unwanted sexual contact. USNA needs to develop outcome-based metrics for prevention training efforts that capture program knowledge, comprehension, and application to shape future prevention training efforts.

The 2011 SAGR Focus Groups delved deeper into midshipmen's views on various aspects of sexual assault and the incidence rates of sexual assault. These views do not reflect actual SAGR survey research findings. Rather, the views reflect the midshipmen's own independent opinions. Midshipman focus group participants were surprised by the 2010 SAGR Survey incidence rates of sexual assault, indicating that

<sup>34</sup> One unexpected result of prevention programming is that education about a problem may enable individuals to better recognize it when it occurs.

the rate was higher than expected for their Academy. Midshipmen provided several reasons why the rate might be higher at USNA including:

- Increased awareness of sexual assault;
- A greater understanding of the behaviors that constitute sexual assault; and
- Increased emphasis being placed on prevention and response.

According to the 2010 SAGR Survey, the unwanted sexual contact incidence rate is greatest for sophomore women.<sup>35</sup> Midshipmen indicated that the rate for sophomore women might be higher due to:

- Greater vulnerability;
- The novelty of alcohol;
- The lifting of restrictions on relationships; and
- Inexperience in handling new found freedom.

Alcohol and/or drug involvement in unwanted sexual contact increased to 65 percent in 2010 from 44 percent in 2008 at USNA.<sup>36</sup> Midshipman focus group participants commented that 65 percent seemed low. Additionally, midshipmen offered suggestions to instill responsible drinking behaviors, including:

- Increase enforcement of alcohol policies;
- More liberty to help lessen the novelty of drinking; and
- Encouragement by the upper class to drink responsibly.

### ***Prevention of Sexual Harassment***

In addition to the sexual harassment prevention training included in the SHAPE program, the Brigade Command Managed Equal Opportunity (CMEO) Manager provided annual training to all midshipmen in the Fall in class-specific groups covering sexual harassment, USNA policies, and the formal and informal complaint resolution processes.

Additionally, USNA utilized peer-based “train-the-trainer” education. The Brigade CMEO Manager trained the midshipman CMEO staff, a group of 37 First class midshipmen, who then provided ongoing training to other midshipmen. Formal and informal training modalities are utilized, including: presentations, e-mail reminders, company formations, and information sheets. The peer-based education is designed so that the midshipman CMEO staff led the development of fellow midshipmen who are trained and invested in the key leadership issues of sexual harassment. However, midshipman focus group feedback indicates that this training may be more effective if it were not led by peers. USNA should also reevaluate POSH training to determine when naval officers can be inserted into the training to provide real Fleet/Marine Corps experience on POSH issues.

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<sup>35</sup> Defense Manpower Data Center. (2010). *The 2010 Service Academy Gender Relations Survey*. Retrieved from [http://www.sapr.mil/media/pdf/reports/FINAL\\_SAGR\\_2010\\_Overview\\_Report.pdf](http://www.sapr.mil/media/pdf/reports/FINAL_SAGR_2010_Overview_Report.pdf)

<sup>36</sup> Defense Manpower Data Center. (2010). *The 2010 Service Academy Gender Relations Survey*. Retrieved from [http://www.sapr.mil/media/pdf/reports/FINAL\\_SAGR\\_2010\\_Overview\\_Report.pdf](http://www.sapr.mil/media/pdf/reports/FINAL_SAGR_2010_Overview_Report.pdf)

The 2011 SAGR Focus Groups also provided insight into POSH. Most midshipman focus group participants acknowledged that crude and offensive behavior, such as sexual jokes and locker room talk is pervasive, but is not regarded as sexual harassment. Midshipman focus group participants also indicated that their training helps them understand the behaviors associated with sexual harassment. According to the focus group participants, USNA leadership is serious about sexual harassment prevention.

Overall, there is a great deal of training and education for midshipmen at USNA addressing prevention of sexual harassment and assault. However, there is little outcome data to show the training has imparted the desired skills and the education has imparted the desired knowledge. Ideally, USNA should identify midshipman baseline knowledge and skills upon matriculation and then use metrics to demonstrate changes in skills and knowledge over time.

## **PRIORITY 2: INCREASE CLIMATE OF VICTIM CONFIDENCE ASSOCIATED WITH REPORTING**

The second DoD-wide strategic priority is to increase the climate of victim confidence associated with reporting. While one incident of sexual harassment or assault is too many, the Department works to increase sexual assault reporting to ensure that victims come forward to receive needed support and services and hold those who commit sexual assault accountable, as appropriate.

### ***Sexual Assault Prevention and Response***

For sexual assault, this priority focuses on increasing the number and percentage of sexual assaults that are reported. USNA is in compliance with the Department's Policy in regards to Priority Two.

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### ***Status of Compliance Priority Two:***

*In Compliance*

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Table 4 provides the total number of sexual assault<sup>37</sup> reports at USNA during APY 10-11.

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<sup>37</sup> The term sexual assault in the DoD includes the crimes of rape, aggravated sexual assault, aggravated sexual contact, abusive sexual contact, wrongful sexual contact, nonconsensual sodomy, and attempts to commit these offenses.

<b>TOTAL APY 2010-2011 REPORTS OF SEXUAL ASSAULT AT USNA</b>	
<b>NUMBER OF UNRESTRICTED REPORTS OF SEXUAL ASSAULT</b>	<b>15</b>
<b>NUMBER OF REPORTS OF SEXUAL ASSAULT REMAINING RESTRICTED</b>	<b>7</b>
<b>NUMBER OF TOTAL REPORTS OF SEXUAL ASSAULT - UNRESTRICTED AND RESTRICTED</b>	<b>22</b>

Table 4: Total Number of Sexual Assault Reports Made to USNA Authorities in APY 10-11

During APY 10-11, USNA received 12 Restricted Reports, five of which converted to an Unrestricted Report at the victims' request. The seven reports remaining Restricted at the end of the current APY represent an increase from the four reports remaining Restricted at the end of APY 09-10.

Overall sexual assault reporting by victims at USNA increased from APY 09-10 to APY 10-11. In prior years' assessments, the Department identified areas where USNA could take steps to bring more victims forward to report. Some of the increased reporting of sexual assault may be attributed to these efforts. However, DoD lacks the capability to identify all the factors that contributed to the increase in reports. Nevertheless, bringing more victims forward to report is consistent with the Department's strategic priority. Differences by reporting type are in Table 5.

<b>APY 2010-2011 REPORTS OF SEXUAL ASSAULT AT USNA</b>	<b>APY 09-10</b>	<b>APY 10-11</b>
<b>NUMBER OF UNRESTRICTED REPORTS OF SEXUAL ASSAULT</b>	7	15
<b>NUMBER OF INITIAL RESTRICTED REPORTS OF SEXUAL ASSAULT</b>	5	12
<b>NUMBER OF CONVERSIONS FROM RESTRICTED REPORT TO UNRESTRICTED REPORT</b>	1	5
<b>TOTAL NUMBER OF REPORTS</b>	<b>11</b>	<b>22</b>

Table 5: Comparison Between APY 09-10 and APY 10-11 of Sexual Assault Reports by Case Type

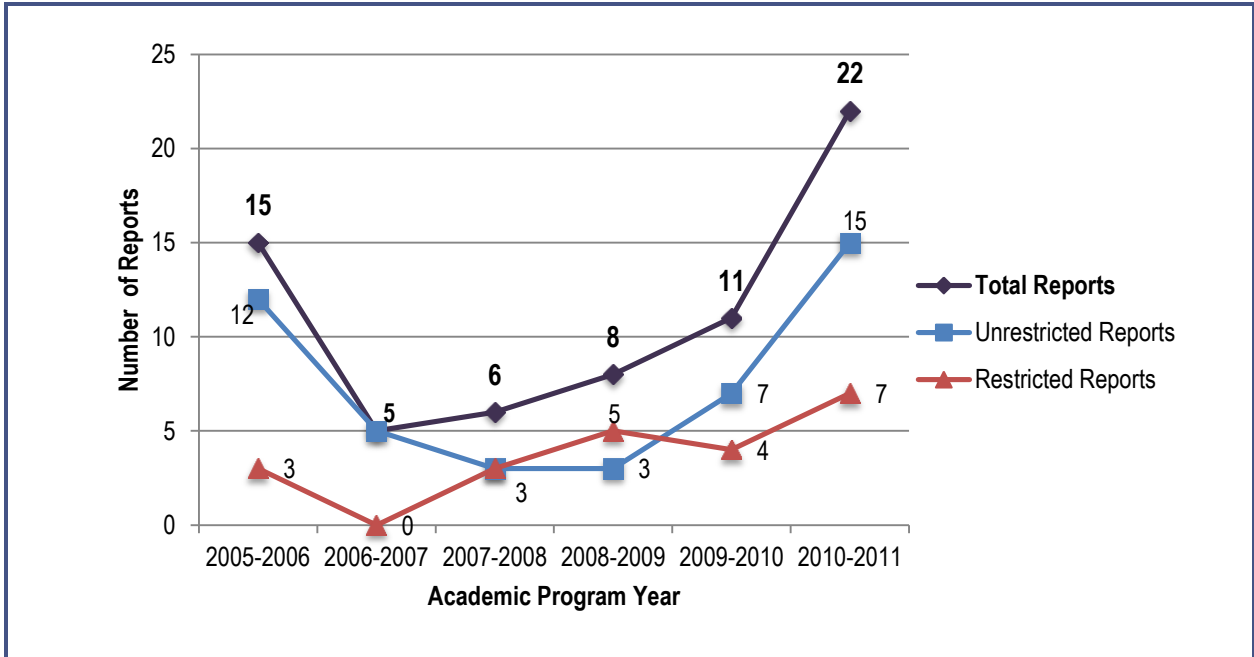
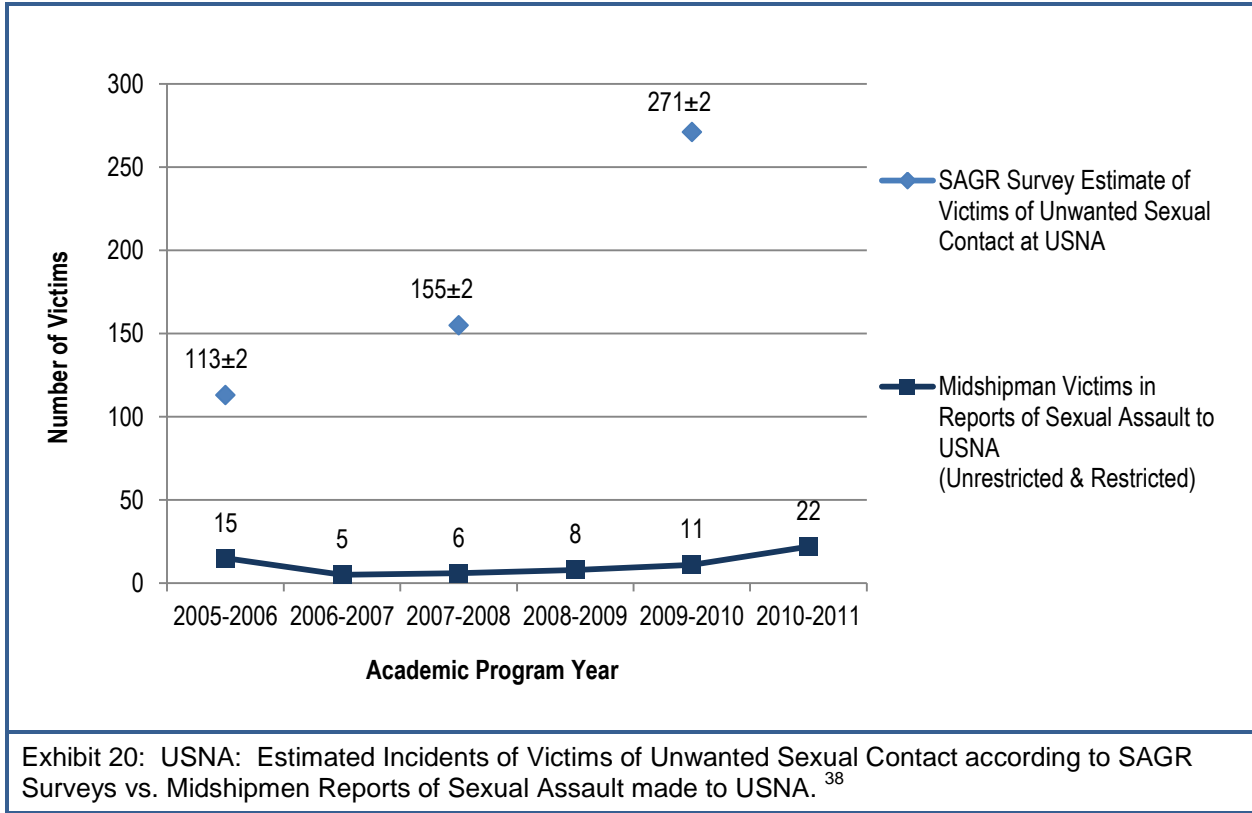


Exhibit 19: Total Reports of Sexual Assault Made to USNA — Unrestricted Reports and Restricted Reports, APY 05-06 to APY 10-11.

Exhibit 19 provides the total number of reports, as well as Unrestricted and Restricted Reports, made at USNA for APYs 05-06 through 10-11.





Reports of sexual assault made to Department authorities provide limited insight into the overall phenomenon of sexual assault at the MSAs. As previously mentioned, sexual assault in the United States and military society is underreported, meaning that reports to authorities are outnumbered by the sexual assaults estimated to occur using surveys of a given population. At the MSAs, the SAGR survey is conducted every two years to estimate the annual incidence rate of sexual assault at each MSA. The Department uses the SAGR survey estimates to track progress on the DoD-wide SAPR Strategic Plan Priority 1, which institutionalizes prevention efforts.

Exhibit 20 displays how past SAGR survey estimates of sexual assault incidents known on the survey as “unwanted sexual contact” at USNA compare to the Unrestricted and Restricted Reports received by USNA.<sup>39</sup>

To increase the climate of confidence associated with reporting, USNA provided education and training about reporting options and increased the accessibility of first

<sup>38</sup> Note this graph does not include cadets and midshipmen who were identified as subjects in reports of sexual assault made to USNA

<sup>39</sup> The estimated number of victims is developed using the SAGR survey estimated unwanted sexual contact incidence rates multiplied by the academy cadet/midshipmen population at the time of the survey. It should be noted that the timeframe covered by the SAGR Survey question pertaining to unwanted sexual contact experienced in the year prior to when the survey was conducted and does not always align exactly with the APY. As a result, the SAGR Survey victim numbers are only estimates, due to the sampling error associated with survey data and the slightly different timeframes. Nevertheless, the Department uses these estimates as an indicator of problem severity at each of the academies.

responders who can receive both Unrestricted and Restricted Reports. SHAPE Peer Educators also reinforced reporting options throughout the year during SHAPE training and stressed the multiple resources available 24 hours a day, seven days a week to encourage midshipmen to report.

USNA has a Sexual Assault Response Coordinator (SARC), a Deputy SARC, and a Senior Victim Advocate (VA) available to receive sexual assault reports. Additionally, several company officers, senior enlisted leaders, and faculty volunteers are trained as SAPR VAs to support midshipmen. Additionally, the USNA SAPRO Director of Education and Clinical Services provided counseling to sexual assault victims in the Midshipman Development Center (MDC) as a specialist in sexual assault treatment, and is SAPR VA trained.

In addition to the traditional resources, USNA had 35 midshipman Sexual Assault Response (SAR) GUIDES (Guidance, Understanding, Information, Direction, Education), volunteer midshipmen that are trained to assist victims of sexual assault in making a report. Each company had a SAR GUIDE and a bulletin board with contact information and photos of the midshipman SAR GUIDES. Most sports teams had a SAR GUIDE as well. Since USNA's 2011 SAGR Focus Group data indicated that some midshipmen are more likely to turn to a friend to report a sexual assault, USNA should continue to recruit volunteer

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**Action Item:**

*Continue to recruit volunteer midshipman SAR GUIDE with goal of two per company, one male and one female.*

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midshipman SAR GUIDES with the goal of having two per company, one male and one female. Additionally, faculty and staff are trained as Faculty/Staff SAR GUIDES, including the faculty/staff liaison to all sports teams, to increase the number of resources available to midshipmen to assist with reporting.

USNA also had a SAPR resource page on its intranet with prominently placed links to get immediate assistance for a sexual assault, to help a friend that has been sexually assaulted, to obtain information on reporting options, and contact information and photos of first responders to assist midshipmen with making a report.

The 2011 SAGR Focus Groups sought to better understand from the midshipman's perspectives why someone who experienced sexual assault would report it or not. Between APY 08-09 and 09-10, reports made to Academy authorities increased at USNA. Midshipman focus group participants suggested a variety of reasons for the increase in reports, such as:

- Increased trust;
- Better knowledge of how to report; and
- Emphasis on reporting through the SHAPE and Sexual Assault Victim Intervention programs.

Even though there was a slight increase in the number of reports made to Academy authorities between APY 08-09 and 09-10, midshipman focus group participants indicated most incidents remain unreported.

Midshipman focus group participants knew who could take a Restricted Report of sexual assault and indicated several reasons why a victim of sexual assault would make a report at USNA. Reasons include:

- To stop the offender from hurting them or others again;
- To stop the offender from hurting anyone else;
- To seek justice or punish the offender;
- To discourage other incidents;
- To seek help dealing with an emotional incident; and
- It is the right thing to do.

Participants noted that there is an assumption at USNA that women report sexual assault to get out of trouble. While the Department's Policy does allow a commander the discretion to delay punishment for collateral misconduct, it does not condone immunity for collateral misconduct for victims of sexual assault. USNA must continue on the difficult path of balancing SAPR Program credibility with the strategic priority of establishing a climate of confidence associated with sexual assault reporting. Messaging to midshipmen must encourage reporting, while addressing the perception that the SAPR Program is a "free pass" out of trouble. USNA should devise materials to address misperceptions regarding collateral misconduct in training.

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**Action Item:**

*Address collateral misconduct misperceptions in training.*

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According to the 2010 SAGR Survey, there were several reasons why most USNA women chose not to report their unwanted sexual contact incident.<sup>40</sup> Midshipman focus group participants discussed the potential negative effects of someone making a report of sexual assault and offered suggestions to encourage reporting. Discussions with upper class midshipmen on topics of sexual assault might open lines of communication for future reporting, as well as continuing to provide the necessary information on how to report if one chooses. USNA should evaluate all reasons given for not reporting and devise education materials to address these in training.

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**Action Item:**

*Evaluate all reasons for not reporting and address in training and education materials.*

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<sup>40</sup> Defense Manpower Data Center. (2010). *The 2010 Service Academy Gender Relations Survey*. Retrieved from [http://www.sapr.mil/media/pdf/reports/FINAL\\_SAGR\\_2010\\_Overview\\_Report.pdf](http://www.sapr.mil/media/pdf/reports/FINAL_SAGR_2010_Overview_Report.pdf)

### *Prevention of Sexual Harassment*

During APY 10-11, there were no formal complaints and four informal complaints of sexual harassment at USNA. This is an increase from the one informal complaint in APY 09-10.

In accordance with DoD and Navy Policy, USNA encourages midshipmen to resolve sexual harassment issues at the lowest level. Midshipmen receive ongoing training on the formal and informal complaint resolution processes for sexual harassment. Additionally, midshipman leadership resolved some issues of sexual harassment through the midshipman chain-of-command.

### **PRIORITY 3: IMPROVE RESPONSE**

The third DoD-wide strategic priority is to improve sexual assault response. This priority focuses on increasing the availability, access, and quality of response for victims of sexual assault. USNA implemented and advanced policies, training, procedures, and initiatives to improve its response to allegations of sexual harassment and assault. USNA is partially in compliance with the Department's Policy in regards to Priority Three.

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#### *Status of Compliance Priority Three:*

*Partially in Compliance*

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### *Sexual Assault Prevention and Response*

USNA has a dynamic SAPR staff who encourages reporting of sexual assault. The SAPR staff is assisted by a team of SAR GUIDEs, midshipman volunteers who provide prevention, intervention, educational, and advocacy services for victims of sexual assault.

Resource options were communicated to midshipmen throughout their four-year educational experience in annual training as well as in leadership curricula. Resource options were also advertised through the USNA intranet, which provides clear guidance as to whom to report a sexual assault and resources available for advocacy and support. Users needing immediate assistance could click on the "*Need Help Now*" tab to be routed to the appropriate resource. Users may also obtain advice on assisting a friend or colleague by clicking on the "*How to Help a Friend*" tab. The USNA SAPR Program also publicizes its services via a SAPR reporting wallet-card and Sexual Assault Awareness Month events to include the 5K run event.

In addition to providing prevention training, the SHAPE curriculum provided clear guidance to midshipmen on the resources available for advocacy and support. The SHAPE Peer Educators were well trained to ensure that all midshipmen understand the support and resources available for both Restricted and Unrestricted Reporting options.

USNA developed the SAR GUIDE program as another tool to provide discreet, sensitive, advocacy and educational services for victims of sexual assault. The 38 SAR Guides often served as the entry point in the company for midshipman victims of sexual assault. The SAR GUIDE training educated the volunteer midshipmen on the reporting options and appropriate support for victims. SAR GUIDES, a peer point of contact available to provide initial victim support and information to the victim, then refers the case to the SARC or Senior VA for appropriate care. During Fall and Spring semesters, a duty midshipman SAR GUIDE, with a duty cell phone, is available 24 hours a day, 7 days a week, to provide assistance to midshipman victims of sexual assault.

A new program was launched for faculty and staff members who could reach out from their positions as instructors and staffers. The Faculty and Staff GUIDE program is similar to the Midshipman SAR GUIDE program in that all receive the same Department of the Navy certified 40-hour SAPR VA course content. However, they are not expected to “stand watch” or respond to off campus emergencies. These faculty, staff, and midshipman volunteers use their training to provide information and encourage reporting. Three inaugural Faculty GUIDE members were trained this APY. USNA does not specifically train criminal investigators, law enforcement or medical personnel as these individuals receive their training from the Naval Station Annapolis SARC with whom the USNA SARC maintains close cooperation. The criminal investigators, attorneys, and victim witness program coordinator all reported having the requisite first responder training in accordance with the Department’s Policy.

Department Policy requires first responder training to ensure that SARCs, SAPR VAs, law enforcement personnel, MCIOs, judge advocates, chaplains, and healthcare providers are prepared for dealing with a victim of sexual assault. While most first responders at USNA had received SAPR training specific for their role from their functional career field, the chaplains had not received this training. The Department will work with the Services to clarify roles and responsibilities for first responder training and to ensure that all first responder training is conducted in accordance with Department policy.

USNA has a well-organized SAPRO team for response. The SARC and Deputy SARC are naval officers. The SARC is a Captain select and the Deputy is a Lieutenant Commander. The Senior VA is a full time civilian and the Director of Education and Clinical Services is a full time SAPRO staff member that also conducted counseling through MDC as a Licensed Clinical Social Worker (LCSW). Members of the SAPRO staff receive annual training conducted by a variety of methods to include outside guest speakers, conferences, and intra-team training from each staff member based upon their respective areas of expertise. USNA continues to advertise for replacement SAPR VA volunteers to ensure they continually maintain a cadre of 12 to 20 SAPR VAs.

The operation of victim support groups in the Department presents special challenges due to the limitations associated with Restricted Reporting, patient confidentiality, and the potential for re-traumatization. In creating its therapist-led support group, USNA has found a means to address these challenges and provide meaningful, therapeutic assistance in a group setting. USNA is commended for the careful, considerate approach to victim support.

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***Commendation:***

*USNA developed a model therapist-led victim support group.*

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Mental health providers at MDC reported that they have had SAPR Program training as required by Department Policy. Most sexual assault related care is provided by a specially trained LCSW, who also has a law degree and an extensive background in victim advocacy and sexual assault.

The Commanding Officer at Naval Health Clinic Annapolis (NHCA) has informed MDC that midshipmen who visit MDC more than 10 times must receive a peer review between the provider and the MDC Director, a Lieutenant Commander, to determine if they should be referred to NHCA mental health clinic for additional evaluation and possible treatment. This additional evaluation is entered into the midshipman's permanent medical record. Midshipmen are also now required to disclose all past counseling experiences on pre-commissioning and special duty physicals. Some service communities, such as Aviation, Nuclear Surface and Submarines, require midshipmen to request their counseling records from all treatment sources in full. Based on the reason for seeking treatment, a physician charged with assisting the communities in their decision to grant a waiver may require the midshipmen to undergo an additional psychological evaluation at the NHCA mental health clinic. In this evaluation, because a review of the MDC notes is not required, and no consultation with the treating provider is sought, the midshipmen may have to recount their entire sexual assault and treatment history, potentially causing them undue distress.

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***Action Item:***

*Allow MDC licensed providers to submit a treatment summary and/or enter into consultation with Naval Health Clinic personnel prior to discussing their sexual assault history with Naval Health Clinic providers.*

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While far from fragile, most victims of sexual assault do not find recounting their assault and post-treatment history a pleasant or helpful experience. Given the potential for re-traumatization, the licensed MDC providers should be allowed to first submit a treatment summary and/or enter into consultation with the Naval Health Clinic personnel conducting physicals and suitability evaluations to discuss the patient's history. Should



additional questions exist about the midshipman's suitability, the patient may then be scheduled for a follow-up appointment with Naval Health Clinic providers to discuss the sexual assault history. This system is in effect at the United States Air Force Academy, appears to work well, and likely minimizes the potential for re-traumatization.

MDC providers were not aware of their duty to report sexual assaults disclosed during treatment to the SARC. MDC should update their local operating procedures and intake documentation to reflect the Department requirement to report sexual assaults disclosed during treatment to the SARC. Additionally, the Department of the Navy should review training provided at mental health internship programs throughout the Service to ensure that providers are made aware of their affirmative duty to report sexual assaults disclosed during treatment to the SARC.

***Action Item:***

*Update MDC local operating procedures and intake documentation.*

Victims who disclose a sexual assault during treatment must be made aware of the full spectrum of care and support, to include the SARC and SAPR VA. Giving the victim multiple avenues to receive additional care creates a strong victim centered SAPR Program. When sexual assaults are not reported to the SARC, the victim risks not being provided the full amount of information regarding medical care, the option of having a SAPR VA assigned, or the opportunity to begin an official investigation into the allegation of an assault with law enforcement.

Sexual assault victims received assistance with the legal process. However, the Victim Witness Liaison Officer (VWLO) position was vacant and the program was too reliant on the SARC for this service. USNA should appoint a VWLO and use him or her as the primary source of delivery for this service. As previously identified, in the APY 08-09 report, USNA should add VWLO contact information as a resource for victims on all published SAPR materials, and ensure that the VWLO receive SAPR and VWLO training as soon as possible. Also, the Naval Criminal Investigative Service (NCIS) should provide the VWLO with sexual assault victim contact information in order to engage the victim as soon as possible after the report is received.

***Action Item:***

*Appoint a VWLO and implement VWLO recommendations from the APY 08-09 Report.*

The SARC and NCIS both reported that obtaining Sexual Assault Forensic Examinations (SAFE) in the surrounding community is a challenging and time-consuming process. In fact, on one occasion, a sexual assault victim went to a local hospital, was made to wait for approximately four hours, and then told that no provider could respond to conduct the SAFE. Prior years' reports documented that waits of nine

hours with visits to multiple locations were required to finally obtain a suitable SAFE. Given recent budget cuts in the civilian community, USNA must identify a solution for reliable, expedient resources for SAFEs.

There are several possible solutions for reliable and expedient resources for SAFE Kits. Identifying more than one solution and establishing Memoranda of Understanding (MOU) are key to ensuring that a midshipman can obtain a SAFE Kit expeditiously. USNA should update the MOU with Anne Arundel Medical Center to ensure that the Department's Policy regarding SAFE Kits is implemented. An alternative to Anne Arundel Medical Center is essential, as a Sexual Assault Nurse Examiner (SANE) may not always be available. Therefore, USNA should look for a new off-base provider or work with the Naval Health Clinic Annapolis to arrange for an on-call, contract provider to conduct the SAFEs at the USNA medical facility. All solutions should consider SANE availability, ensure victim confidentiality, and follow chain of custody procedures. USNA should also identify a method for transporting both victims and evidence recovered from SAFE Kits that does not involve use of personal vehicles.

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**Action Item:**

*Identify a solution for reliable, expedient resources for SAFEs and transportation for victims to receive SAFEs.*

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**Prevention of Sexual Harassment**

The USNA Brigade CMEO received the requisite training in accordance with the Department's Policy and responded to complaints of sexual harassment in a timely manner. Additionally, the Brigade CMEO followed up with each complainant to ensure that the issue was resolved.

Commandant of Midshipman Instruction 1610.2E, *Administrative Performance and Conduct System*, dated March 31, 2011, identifies specific conduct offenses, administrative procedure for adjudication, and adjudication outcomes. USNA classifies sexual harassment as a "major" violation of the Administrative Performance and Conduct System. Therefore, incidents of sexual harassment result in consequences consistent with other major violations of the standards of behavior.

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**Commendation:**

*USNA identifies sexual harassment as a major violation of the Administrative Performance and Conduct System.*

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Major violations may be punished by up to 90 demerits, up to 45 days restriction, up to 20 disciplinary tours, and/or reduction in rank. The Table of Authorized Punishment Ranges provides guidance to awarding authorities for the administration of discipline.

USNA's Brigade CMEO works closely with the SARC. There have been situations where the Brigade CMEO has referred a midshipman to the SARC to determine if the incident constituted sexual assault, rather than sexual harassment, thereby protecting the midshipman's option to file a Restricted Report of sexual assault. There have also been situations where the SARC has referred a midshipman to the Brigade CMEO when the incident, initially considered sexual assault, was determined to be sexual harassment.

#### **PRIORITY 4: IMPROVE SYSTEM ACCOUNTABILITY**

The Department's fourth DoD-wide strategic priority is to improve system accountability. This priority focuses on improving the reliability and sustainment of SAPR and POSH services, and ensuring those services function in the way they were designed.

Part of oversight at the MSAs is this annual Report to Congress, which included an on-site assessment of each academy, the results from the 2011 SAGR Focus Groups, and a review of previous reports submitted by the academy Superintendents, as well as the recommendations to the MSAs from the APY 08-09 report. USNA is in compliance with the Department's Policy in regards to Priority Four.

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#### ***Status of Compliance Priority Four:***

*In Compliance*

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#### ***Sexual Assault Prevention and Response***

Appropriate mechanisms are in place at the Department of the Navy Sexual Assault Prevention and Response Office, Chief of Naval Personnel and USNA to ensure oversight of the effectiveness of the USNA SAPR Program. In addition to the Department's Policy, the USNA SAPR Program is governed by:

- USNA Instruction 5354.5C, *Prevention and Deterrence of Sexual Harassment, Misconduct and Assault*, dated June 23, 2011; and
- USNA Instruction 1752.2B, *Sexual Assault Prevention and Response (SAPR) Program*, dated June 23, 2011.

The Director, Department of the Navy SAPRO continues to provide guidance, direction, and oversight for all matters pertaining to the formulation, review, and execution of plans, programs, and budgets addressing sexual assault for the Navy to include the Academy. USNA's leadership also briefs the USNA Board of Visitors, an oversight body with membership selected by the President and Vice President of the United States, Speaker of the House of Representatives, the Senate Armed Services Committee and the House Committee on National Security on SAPR-related trends and program improvements.

USNA maintains a comprehensive policy and a prevention and response program that closely parallels the Navy's service-wide program. The primary point of contact for the SAPR Program at USNA is the SARC who reports directly to the Superintendent

through the Chief of Staff. The SARC administers and has oversight responsibility for the SAPR Program including coordination of victim care, case management, and ensuring that training requirements are met for midshipmen. The SARC responds to all allegations of sexual assault involving USNA midshipmen and ensures appropriate agencies are notified for suitable action.

SARC and SAPR VA services were available 24 hours a day, seven days a week via the sexual assault response hotline (443) 336-2637. The SARC is responsible for notifying the Superintendent and preparing USNA's sexual assault incident reports within 24 hours of incident notification. If the victim files a Restricted Report, the Superintendent is only notified of the filing and no additional information is shared. In addition to the full-time trained SAPRO staff, the SARC is further supported by USNA staff that volunteer to be SAPR VAs and numerous SAR GUIDEs. In addition, a full-time Professor of Sociology augments the SAPR staff to assist with educational program assessments and research. There are no contracted personnel serving as SARCs or SAPR VAs. Therefore, USNA is in compliance with the Defense Task Force on Sexual Assault in the Military Services recommendation requiring SARCs be full-time Service members or DoD civilian employees.<sup>41</sup>

The SARC also supervised the monthly USNA Sexual Assault Case Management Group (SACMG), a multi-disciplinary sexual assault case management group made up of the Deputy SARC, NCIS, Medical personnel (including the Naval Health Clinic Annapolis), chaplains, legal and other appropriate representatives. The SACMG responsibilities include execution and oversight of the USNA SAPR Program requirements, maintain and increase stakeholder awareness on current SAPR issues, and management of active cases. The group also made recommendations for program improvements and identified trends for USNA leadership.

While Department of the Navy Policy allows a representative of the victim's commander to attend the SACMG and provide updates to the victims, the commander is ultimately responsible for the safety and welfare of the midshipmen assigned to them. Therefore, the victim's commander must keep abreast of the details and status of the open Unrestricted cases and personally attend the SACMG as outlined in the Department's

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**Action Item:**

*Ensure victim's commander personally attends the SACMG.*

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**Action Item:**

*Include the Alcohol and Substance Abuse Officer in the SACMG.*

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<sup>41</sup> Department of Defense. (2009). *Report of The Defense Task Force on Sexual Assault in the Military Services, December 2009*. Retrieved from [http://www.sapr.mil/media/pdf/research/DTFsAMS-Rept\\_Dec09.pdf](http://www.sapr.mil/media/pdf/research/DTFsAMS-Rept_Dec09.pdf) Recommendation 6a1.

Policy<sup>42</sup> in lieu of the commander's representative. Personal attendance assists the commander in fulfilling the requirement in DoD Policy to ensure the victim receives monthly reports regarding the status of the sexual assault investigation and prosecution throughout the life of the case.

As previously reported, the number of alcohol related sexual assaults has increased according to the 2010 SAGR Survey. This was recognized as a major concern by USNA's senior leadership, as well as by the Department in the APY 09-10 Report. As a result, USNA's leadership has identified responsible alcohol use as a focal point for several programs. Given the relationship between alcohol use and sexual assault, USNA's Alcohol and Substance Abuse Officer should also attend the SACMG to assist with identifying behavioral trends and opportunities for sharing program resources.

To measure the effectiveness of the SAPR Program, USNA uses various instruments and results are routinely briefed to USNA's leadership. Instruments include:

- Midshipman SHAPE Surveys used to measure the effectiveness and improve SHAPE Program – administered annually;
- Exit interviews conducted with female midshipmen who disenroll from USNA for all reasons prior to graduation;
- SAR GUIDE drills and response evaluations;
- Commander, Navy Installations Command<sup>43</sup> random monthly checks of 24 hours a day, seven days a week response requirement for Duty SAPR VA; and
- SHAPE Peer Educator self and peer evaluations.

The Department recognizes USNA's initiatives to expand measurement of the effectiveness of the SAPR Program. USNA is expanding the focus of exit interviews to include all midshipmen disenrolling from the Academy beginning with the fall semester 2011. Additionally, USNA is establishing a mechanism for victims of sexual assault to provide program feedback on case disposition and/or at other key points in the military justice process that can provide insight towards process and program improvement from the people it is designed to support.

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Evaluation is essential for continual self-assessment and program improvement. It was noted in discussion with USNA's leadership that there were difficulties in getting midshipmen to participate in surveys because of the multiple demands on their schedules. USNA must continue to solicit program feedback, and use evaluation

***Action Item:***

*Consolidate all POSH and SAPR outcome data and metrics into a single product organized by the Department's strategic priorities.*

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<sup>42</sup> Department of Defense. (2008). *Department of Defense Instruction 6495.02, Sexual Assault Prevention and Response Program Procedures*. Retrieved from [www.dtic.mil/whs/directives/corres/pdf/649502p.pdf](http://www.dtic.mil/whs/directives/corres/pdf/649502p.pdf)

<sup>43</sup> Commander, Navy Installations Command is the authority responsible for shore installation management under the US Navy and is responsible to the Chief of Naval Operations.



methods employed for continual self-assessment and program improvement. In order to better understand and communicate program progress, USNA should consolidate all outcome data and metrics into a single product that addresses SAPR and POSH Program progress against the Department's strategic priorities. These results should be presented to USNA's leadership and the SACMG.

Part of system accountability is holding those who commit sexual assault appropriately accountable based on the available evidence. NCIS provides investigative support to USNA and also acts as liaison to local law enforcement agencies. The Resident Agent in Charge (RAC) is a former local police officer and well connected to law enforcement agencies surrounding the Academy. In addition, the RAC spent nearly all of her operational time on Family and Sexual Violence cases, for which she has the required training. A review of the closed investigations on file at the NCIS office showed competent investigations of criminal complaints, efforts to establish effective working relationships with victims, and clear documentation of case dispositions. In addition, there also appeared to be good communication between NCIS, the SARC, and the Academy's Judge Advocates. The RAC reported no substantive delays in obtaining evidence examinations from the US Army Criminal Investigation Laboratory.

The RAC reported that many of the cases she investigated involved victim collateral misconduct, such as underage drinking. The RAC stated that NCIS policy does not require her to read the victim his or her rights for minor collateral misconduct. The Superintendent's Staff Judge Advocate's (SJA) office helped USNA's leadership address victim collateral misconduct on a case-by-case basis, but usually action is held until after the sexual assault complaint against the subject is resolved. The SJA provided legal advice to NCIS whenever requested.

The Superintendent's SJA office provided advice to the convening authority for the disposition of sexual assault cases. The SJA considered the facts and evidence of the matter and made recommendations for case disposition. USNA employed the full range of punishments and actions available to address criminal misconduct. In addition to courts-martial, nonjudicial punishment and administrative actions, USNA can also address midshipman behavior with the midshipman disciplinary process outlined in Title 10 of the United States Code. Most courts-martial are tried at the Washington Navy Yard because USNA does not have a facility of sufficient size for courts-martial with members.

Finally, USNA leadership's approach to the SAPR and POSH Programs appeared to be very proactive, given the steps taken to uncover and address the root causes of sexual harassment and assault. USNA believed sexual harassment and assault problems stem from a lack of respect. In response, the Commandant issued Standing Order Number One outlining his

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***Commendation:***

*USNA included sexual harassment into the SAPR Program.*

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four-pronged philosophy of respect: education, empowerment, inspiration, and accountability. USNA's SAPR Program worked closely in conjunction with the EO staff responsible for the sexual harassment program, and sexual harassment is addressed in all SAPR training. Although not required by DoD Policy, including sexual harassment prevention into the USNA SAPR Program training is a best practice and should be considered for implementation by the other academies.

### ***Prevention of Sexual Harassment***

Appropriate mechanisms are in place both at Headquarters Navy and USNA to ensure oversight of the effectiveness of the USNA POSH Program. The USNA POSH Program is governed by USNA Instruction 5354.5C *Prevention and Deterrence of Sexual Harassment, Misconduct & Assault*, dated June 23, 2011, and USNA Instruction 5354.1A, *Command Managed Equal Opportunity Program*, dated February 9, 2009.

USNA's Commandant has direct oversight of sexual harassment prevention training and complaint processing. USNA's Brigade CMEO reports directly to the Commandant, who reviewed proposed POSH annual training. The Brigade CMEO provided the Commandant immediate notification whenever a formal or informal sexual harassment complaint was made and regular updates until complaint resolution.

At the time of the on-site assessment, USNA had a Brigade CMEO, an O-4 commissioned officer, who is also the Alcohol, Drug Education Officer. The Brigade CMEO trains First class midshipmen to provide peer-based sexual harassment prevention and response training. Another group of First class midshipmen are trained to provide alcohol and drug abuse prevention training to midshipmen. USNA's approach appears to effectively meet the needs of midshipmen and USNA.

Additionally, USNA is expecting a full-time, senior non-commissioned officer CMEO to arrive in Fall 2011, who will report directly to the Superintendent, and serve as an advisor to the Brigade CMEO. The senior non-commissioned officer CMEO will be a graduate of the Defense Equal Opportunity Management Institute's Equal Opportunity Advisor Course.

### **PRIORITY 5: IMPROVE KNOWLEDGE AND UNDERSTANDING**

The fifth DoD-wide priority is to improve knowledge and understanding of the SAPR and POSH Programs. This priority focuses on improving pro-active communication of SAPR information to stakeholders. This priority is not governed by the Department's Policy and therefore, there is no status of compliance.

USNA's APY 11-12 plans to improve and educate stakeholder's knowledge about sexual harassment and assault are attainable. USNA has reinstated mandatory SAPR general military training for military staff and faculty. Leveraging the monthly case management group, members are provided opportunity to share information, schedule training, as well as review and track progress on open cases. Plans are underway to require civilian faculty and staff to receive SAPR training in the Fall. USNA SAPR

personnel will work to recruit and train more Leadership Responsibility Counselors, Faculty and Staff Liaisons, and SAPR VA.

Organizations outside the campus are important components of the response team and USNA continues to build on those relationships. To increase the Anne Arundel Medical Center's knowledge of the SAPR Program, policies, and processes, the Navy Bureau of Medicine and Surgery is scheduled to conduct training with the SANEs who provide service to the midshipmen.

## ASSESSMENT OF RECOMMENDATIONS FROM THE APY 08-09 REPORT

In the APY 08-09 Report, the Department provided eight recommendations to USNA. During the on-site assessment and analysis of the background data provided by USNA, the Department found sufficient evidence to close the following three recommendations.

**Recommendation:** Since individuals who seek counseling at the MDC rarely immediately disclose that he or she has experienced a sexual assault on the intake form, it is recommended that all counselors are trained to treat sexual assault so that they are prepared to do so when midshipmen present at the MDC for other reasons (i.e., eating disorders, academic difficulties, etc.).

The MDC has a counselor with specialized training and experience in treating sexual assault. Specifically, this counselor has rape crisis center experience and is a trained SAPR VA. She is a LCSW with a certificate in trauma treatment and continuing education units on sexual assault and trauma. The sexual assault specialist conducts annual training for all counselors at MDC each Fall on identifying sexual assault trauma and how to approach and treat. This training is reinforced at clinical meetings throughout the year. While most victims of sexual assault are referred to her, all providers are licensed and can provide care to victims of sexual assault.

**Recommendation:** USNA should consider the development of a training module on healthy relationships for midshipmen that respects the traditions of USNA, provides guidance on healthy relationships, and illustrates how to set effective boundaries.

In the second year of the SHAPE Program, two sessions are devoted to consent and healthy relationships. The first session is the Sex Signals presentation and the second session is a follow-up small group discussion on consent and communication.

**Recommendation:** Identify full-time replacements for the Equal Opportunity Advisor and CMEO positions as soon as possible.

These positions were filled at the time of the assessment and in place for two years.

The Department did not find sufficient evidence to close the following five recommendations at the time of the on-site assessment.

**Recommendation:** The VWLO contact information should be listed as a resource to victims on all published SAPR materials.

**Recommendation:** The current VWLO should receive SAPR and VWLO training as soon as possible. The VWLO is new to his current position and has yet to receive victim witness assistance training or formal SAPR training.

**Recommendation:** The NCIS should provide the VWLO with sexual assault victim contact information in order to engage the victim as soon as possible after the report is received.

USNA does not have a VWLO, only a Victim Witness Coordinator. The Victim Witness Coordinator was trained and performing the duties of this role. USNA relies on the SAPR Program to educate the victim about the legal process, to exercise rights, and to get the victim to meetings with attorneys, etc. While it appears that the three main legal offices (USNA's SJA's Office, the Commandant's Legal Officer, and the Superintendent's Legal Officer) have good communication with each other and the SAPR Program, USNA lacks a single point of contact for victims in the military justice process. USNA believes that the Navy Yard provides the VWLO function. However, this position should be established at USNA.

**Recommendation:** The USNA SARC should train appropriate off-base hospital personnel on the correct procedures for mailing SAFE kits to the NCIS Consolidated Evidence Facility in Norfolk, Virginia.

**Recommendation:** USNA must provide the Anne Arundel Medical Center with DoD SAFE kits and protocols. They are currently using SAFE kits provided by the state of Maryland, which are different and may not meet DoD standards.

At the time of the on-site assessment, off-site hospital resources were not up to Department and USNA standards. As previously recommended in this report, USNA must identify solutions for reliable and expedient resources for SAFE Kits and implement these recommendations with the identified solutions.

USNA will implement the remaining recommendations from the APY 08-09 Report, as well as the necessary action items put forth in the APY 10-11 Report in a timely manner. Additionally, USNA will provide an update on implementation before the end of the APY 11-12.

## CONCLUSION

USNA's SAPR and POSH Programs are mature and robust. These programs were taken seriously and given the appropriate attention at the Academy. The overall USNA command climate and treatment of sexual assault victims represent is solid. USNA put considerable time in effort in the SHAPE training to prevent sexual harassment and assault.

All working in the USNA and POSH SAPR Programs appeared dedicated and motivated to accomplish their mission. While a number of challenges remain, the Department believes the greatest of these pertain to the prevention and reporting of sexual assault. Using the survey and focus group data, the Department encourages USNA to employ their considerable academic and programmatic resources to implement meaningful, inspiring, evidence-based prevention and reporting interventions that are resistant to message fatigue. In addition, identifying and tracking key measurements over time will be critical to demonstrating to stakeholders the exemplary work underway at USNA.

## UNITED STATES AIR FORCE ACADEMY

### INTRODUCTION

The Department of Defense (DoD) assessed the United States Air Force Academy's (USAFA) policies, training and procedures for Sexual Assault Prevention and Response (SAPR) and Prevention of Sexual Harassment (POSH) Programs during Academic Program Year (APY) 2010-2011. The Department's SAPR and POSH Programs assessment is organized by the DoD-wide strategic priorities. Policy compliance was measured against:

- DoD Directive 6495.01, *Sexual Assault Prevention and Response Program*, dated November 7, 2008;
- DoD Instruction 6495.02, *Sexual Assault Prevention and Response Program Procedures*, dated November 13, 2008;
- DoD Directive 1350.2 *Department of Defense Military Equal Opportunity Program*, dated November 21, 2003; and
- DoD Directive 1020.02 *Diversity Management and Equal Opportunity in the Department of Defense*, dated February 5, 2009.

Additionally, the Department looked at Service and Academy sexual harassment and assault policies outlined in Appendix C.

Overall, USAFA is in compliance with the Department's policies regarding sexual harassment and assault. However, there are areas for continued improvement of USAFA's program. Additionally, USAFA demonstrated commendable practices that should be considered for replication by other Military Service Academies (MSAs).

#### **Overall Status of Compliance:**

*In Compliance*

### PRIORITY 1: INSTITUTIONALIZE PREVENTION STRATEGIES IN THE MILITARY COMMUNITY

The first DoD-wide strategic priority is to institutionalize prevention strategies in the military community. This priority focuses on the overall reduction of sexual harassment and assault involving cadets in the academy environment. A key feature of sexual harassment and assault prevention is education and training.

Throughout APY 10-11, USAFA conducted extensive training for all cadets. Ongoing prevention and education continue to be implemented at all levels to address the policies covering sexual harassment and sexual assault, consent, sexual assault reporting options, support resources, and

#### **Status of Compliance Priority One:**

*In Compliance*

bystander intervention. USAFA is in compliance with the Department's Policy in regards to Priority One.

### *Sexual Assault Prevention and Response Program*

Cadets received extensive SAPR training from the outset of the school year. Prior to Basic Cadet Training (BCT), the Cadet Cadre received SAPR Training, which provided specialized information designed to enable cadets to recognize behaviors that might lead to a sexual assault during BCT and to learn reporting options and points of contact to accept Restricted and Unrestricted Reports at USAFA.

SAPR training continues throughout a cadet's four years at USAFA. Fourth class cadets (freshmen) received Sex Signals, a 90-minute live audience-interactive program. The program includes skits dealing with dating, rape, consent, and other associated topics, such as paying attention to body language, alcohol use, and safe bystander intervention. USAFA uses pre and post-presentation evaluation for Sex Signals. Fourth class cadets also received Air Force SAPR Accessions Training, a mandatory SAPR training conducted at all Air Force accession points.

As cadets progress at USAFA, SAPR training is developmental, reinforcing SAPR training from the previous year and building upon it. It is also customized to the military skills emphasized in the core curriculum of that cadet year and is co-led by the squadron Personal Ethics and Education Representatives (PEER). Third class cadet (sophomore) annual SAPR training re-emphasized Air Force Policy, definitions, and services using developmental scenarios and case studies. Second class cadet (junior) annual SAPR training continued to re-emphasize Air Force Policy, definitions, and services. Additional training for Second class cadets focused on leadership through example, team support, and legal issues surrounding sexual assault.

First class cadet (senior) annual SAPR training provided an overview of Air Force Policy, definitions and services focusing on preparing cadets for their futures as Second Lieutenants. This training incorporated real-world scenarios featuring their future role as a mandatory reporter of sexual assaults to the SARC, deployments, interactions with joint forces, and dealing with investigators and legal issues surrounding sexual assault.

In addition to the mandatory, annual SAPR training, USAFA also incorporated guest speakers for additional developmental training to reinforce the messages of the annual training. Many of these guest speakers presented during Sexual Assault Awareness Month (SAAM). Veraunda Jackson,<sup>44</sup> a rape survivor and nationally recognized speaker, held gender separate sessions for Fourth class cadets underlining the importance of reporting sexual assaults, victim support, and help-seeking behavior. She presented "You Belong Here" to the female cadets, which focused on self-confidence and looking out for and supporting fellow cadets. For the male cadets, she presented "Why Are You Here," discussing focused on combating victim-blaming

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<sup>44</sup> Veraunda Jackson is the founder and CEO of EHAP Inc., a professional and personal development company. She previously was a prosecutor in the specialized sex crimes and child abuse unit in Florida.



behavior. Mike Domitrz<sup>45</sup> presented “May I Kiss You?” to Third class cadets, teaching them prevention and education concepts of mutual respect, respectful communication, consent, critical thinking, and effective decision-making.

Second class cadets participated in an interactive training with Brett Sokolow’s<sup>46</sup> “Drunk Sex or Rape: You Decide.” Cadets acted as a “jury” to better understand the misuse of alcohol in relationship to sexual assault, especially in regard to legal consent. Lastly, Russell Strand<sup>47</sup> addressed First class cadets on “The Third Persona: Perpetrators and You.” This training focused on preparing cadets for difficult leadership situations, such as victim and perpetrator relationship dynamics, the effect on the squadron or unit, and legal and investigative issues for a supervisor.

In addition to training and guest speakers, USAFA held many SAAM activities to raise awareness about the issue of sexual assault and the role that each cadet has to prevent a sexual assault. The Air Force Wingman concept, to step in and do something if you see a friend or co-worker in a questionable situation, was highlighted throughout SAAM activities encouraging cadets to intervene if a fellow cadet is in danger of a sexual assault. The entire month of April was filled with events promoting improved awareness and prevention of the problems of, sexual harassment and assault, as well as alcohol abuse and the role it plays in sexual assault.

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***Commendation:***

*USAFA executed an extensive SAAM campaign to reinforce prevention training, especially bystander intervention.*

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Also during SAAM, USAFA launched the Green Dot Campaign, with a “fireside chat” created and executed by the Cadet Wing Commander. The fireside chat explained how the Green Dot Competition works and the prizes for the top three squadrons that were announced at the end of the month. The Green Dot Campaign is based upon Dr. Dorothy Edwards’<sup>48</sup> Green Dot Violence and Prevention Strategy, a comprehensive approach to violence prevention that capitalizes on the power of peer and cultural influence. Dr. Edwards also spoke to cadets as part of a new SAAM Workshop, to reinforce the Green Dot Campaign’s intervention strategies. This SAAM workshop also

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<sup>45</sup> Mike Domitrz is the founder of The Date Safe Project, Inc., and a healthy relationships and sexual assault, expert, author and speaker.

<sup>46</sup> Brett Sokolow, JD, is the founder, president and managing partner of the National Center for Higher Education Risk Management, a national multidisciplinary risk management consulting firm. He is an expert in preventive law and risk management.

<sup>47</sup> Russell Strand is currently the Chief of the U.S. Army Military Police School Family Advocacy Law Enforcement Training Division with specialized expertise, experience and training in the area of domestic violence intervention, critical incident peer support, and sexual assault, trafficking in persons and child abuse investigations.

<sup>48</sup> Dr. Dorothy Edwards is the executive director of the Green Dot, etc, and the founder of the University of Kentucky Violence Intervention and Prevention Center. She also holds a Ph.D. in Counseling Psychology.

included a Colorado Springs Community Resource panel, to provide cadets with awareness of additional support resources.

In order to help cadets understand the range of disrespectful and destructive behaviors involved in sexual harassment and assault, USAFA placed a “Continuum of Harm” display in a high traffic area for cadets. The first half of the month, the display had an education emphasis. The display was updated for the second half of the month to focus on empathy building. In another high traffic area, USAFA displayed the results from a SAAM kickoff event poll on the number one reason to stop or report sexual harassment, as well as what cadets believed were the most aggravating and/or offending sexual behaviors.

In addition to the SAPR specific prevention training, USAFA also reinforced SAPR themes and bystander intervention messaging into other mandatory courses for graduation. As part of the Air Force’s warrior ethos, all cadets take a two-part physical education course on unarmed combat. In addition to teaching them physical combat skills, USAFA added an education piece on safety, situational awareness to avoid a potential conflict, and self-empowerment building self-confidence and teaching risk avoidance.

Identifying Spring Break as a high-risk time for cadets, USAFA began SAAM activities before spring break. One activity, Target Hardening, is a self-defense curriculum focusing on how to respond to a traumatic situation, bystander intervention, and the impact of alcohol on intervention, preparing cadets for situations they may encounter on Spring Break. PEERs manned a table in a cadet high traffic area to encourage cadets to stop by and learn more about Target Hardening and receive sexual harassment and assault prevention materials.

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**Commendation:**

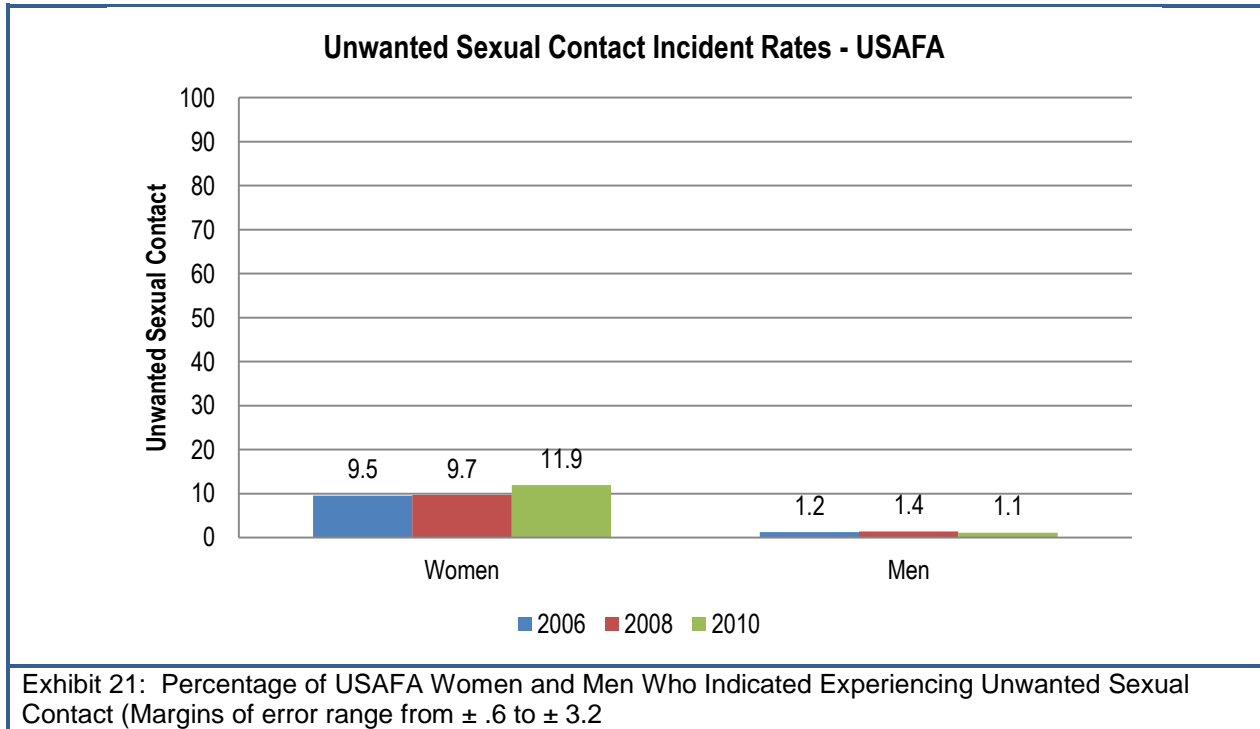
*USAFA identified Spring Break as a high-risk time for cadets and begins SAAM events prior to Spring Break.*

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USAFA’s SAPR Program continued its social norming/marketing campaign as reported in the APY 09-10 report. This approach provided baseline SAPR Policy information intended to increase the likelihood that a victim of sexual assault will access the assistance offered by the SAPR Program. The social norming activity also addressed false or mistaken beliefs about sexual assault. The SARC’s contact information is displayed on messaging materials and giveaway items, as is the 24 hours a day, seven days a week availability of personnel.

Reducing the occurrence of sexual assault is the ultimate goal of any prevention program. As noted in last year’s report, there has been a statistically significant increase in the rate of unwanted sexual contact incidents reported by female USAFA

cadets, as estimated by the 2010 Service Academy Gender Relations (SAGR) Survey.<sup>49</sup> For female cadets, the past year rate of unwanted sexual contact increased from 9.7 percent in 2008 to 11.9 percent in 2010. There was no such change in the rate of unwanted sexual contact reported by male cadets. Exhibit 21 provides the unwanted sexual contact incident rates for the last three SAGR Surveys.



While some of the increase may be attributed to better-educated cadets on sexual assault behaviors, taking the survey,<sup>50</sup> USAFA must focus attention to improving prevention outcomes to decrease the incidence of unwanted sexual contact. To shape future prevention training efforts, USAFA should build upon the pre and post guest speaker presentations measures and develop outcome-based metrics for all their current prevention efforts. The outcome data should be applied to program development and revision, and identify data points for trend analysis.

**Action Item:**

*Develop outcome-based metrics to address all prevention efforts and further develop trend analysis around changes to the SAPR Program.*

<sup>49</sup> Defense Manpower Data Center. (2010). The 2010 Service Academy Gender Relations Survey. Retrieved from [http://www.sapr.mil/media/pdf/reports/FINAL\\_SAGR\\_2010\\_Overview\\_Report.pdf](http://www.sapr.mil/media/pdf/reports/FINAL_SAGR_2010_Overview_Report.pdf). Statistical significance on the SAGR is calculated at the .05 confidence level.

<sup>50</sup> One unexpected result of prevention programming is that education about a problem may enable individuals to better recognize it when it occurs.

Additionally, USAFA should assess the feasibility of utilizing an expert for sexual assault prevention curriculum development

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**Action Item:**

*Access the feasibility of utilizing an expert for sexual assault prevention curriculum development.*

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The 2011 SAGR Focus Groups delved deeper into cadets' views on various aspects of sexual assault and the incidence rates of sexual assault. These views do not reflect actual SAGR survey research findings. Rather, the views reflect the cadets' own independent opinions. Some focus group participants indicated that the 2010 SAGR Survey incidence rates of unwanted sexual contact were higher than expected for their Academy, while for others it was what they expected for their Academy. Cadets provided several reasons why they believed the incident rate for women increased at USAFA between 2008 and 2010 including:

- Increased emphasis being placed on prevention and response;
- Greater availability of reporting channels;
- Greater understanding of the behaviors that constitute sexual assault; and
- An artifact of the culture or generation in general.

According to the 2010 SAGR Survey, the unwanted sexual contact incidence rate is greatest for sophomore women.<sup>51</sup> Cadets indicated that the rate for sophomore women might be higher due to:

- The lifting of restrictions on relationships;
- New opportunities for relationships when they change squadrons;
- Lifting of restrictions as freshmen and fewer responsibilities than the upper class years;
- Attempts to fit in or impress others; and
- Inexperience handling new found freedom.

According to the 2010 SAGR Survey, 48 percent of incidents of unwanted sexual contact involved alcohol and/or drugs.<sup>52</sup> Cadet focus group participants commented that 48 percent seemed low. Additionally, cadets offered suggestions to instill responsible drinking behaviors, including:

- Improve training on alcohol use; and
- Shift the focus on policies regarding alcohol use.

USAFA should evaluate all suggestions given to instill responsible drinking

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**Action Item:**

*Evaluate suggestions given to instill responsible drinking behaviors and address them in training and education.*

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<sup>51</sup> Defense Manpower Data Center. (2010). The 2010 Service Academy Gender Relations Survey. Retrieved from [http://www.sapr.mil/media/pdf/reports/FINAL\\_SAGR\\_2010\\_Overview\\_Report.pdf](http://www.sapr.mil/media/pdf/reports/FINAL_SAGR_2010_Overview_Report.pdf)

<sup>52</sup> Defense Manpower Data Center. (2010). The 2010 Service Academy Gender Relations Survey. Retrieved from [http://www.sapr.mil/media/pdf/reports/FINAL\\_SAGR\\_2010\\_Overview\\_Report.pdf](http://www.sapr.mil/media/pdf/reports/FINAL_SAGR_2010_Overview_Report.pdf)

behaviors address them in training and education.

### ***Prevention of Sexual Harassment Program***

Throughout their four years at the USAFA, all cadets receive POSH training that is class-specific and developmental. Initial training for cadets began on day two of their arrival at BCT when the Equal Opportunity (EO) Specialists present the EO Policy, including sexual harassment and complaint procedures as part of the “Helping Agencies Brief.” Later in BCT, the EO specialists provided POSH training using a combination of platform instruction, followed by small-group discussion facilitated by trained Air Force EO specialists.

During BCT, cadets received the USAFA Education Lesson Plan within 30 duty days of arrival, in accordance with Air Force Policy. The training is developed by USAFA's Human Resource Training and Education Office to address Air Force Policy, consent, and bystander intervention. Fourth and Third year cadets received the “Gender Role and Socialization and Sexism” training which emphasizes sexual harassment prevention.

Second year cadets received a scenario-based training, “The Supervisor’s Role in Equal Opportunity and Treatment.” These lessons include supervisory-level discussions of leadership across the diversity spectrum, including gender-related issues. First year cadets received “Addressing Human Relations Issues,” a class taught by Air Officers Commanding and Academy Military Training Instructors, which presented in-depth discussions of actual case studies and how leaders of character should respond. This class also informed cadets about available support resources and helping agencies.

Air Officer Commanding and Academy Military Training Instructors provided POSH training at the squadron level. The EO Specialists trained the Air Officer Commanding and Academy Military Training Instructors to teach and facilitate these training modules. Although cadet attendance and participation is mandatory at these training, the classes are not immediately graded, which may diminish their perceived relevance and importance to cadets. USAFA should assess the effectiveness of training that is not graded. However, it should be noted that the material presented at these training events is included in the Commissioning Education exam given at the end of the APY.

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#### ***Action Item:***

*Assess the effectiveness of training that is not graded.*

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#### ***Commendation:***

*USAFA incorporated POSH into SAAM events.*

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During SAAM, the EO Specialists collaborated with the SARC to develop a quiz and bulletin board display. The quiz

included questions designed to increase awareness of sexual harassment and assault. The bulletin board displayed the “Continuum of Harm” which showed the relationships between sexual harassment and assault, including the misuse of alcohol. The display also included posters and information about the emotional impact of sexual harassment and assault, alternatives for complaint processing, and reporting options.

USAFA continued to use a “social norming/marketing” campaign using cadet-generated data to inform poster campaign to increase awareness and address reporting of sexual harassment and discrimination. Additionally, the two EO specialists sat in on the “Women’s Forum,” where female cadets met to discuss issues uniquely affecting them.

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**Commendation:**

*USAFA implemented a cadet data driven social norming/marketing campaign.*

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The 2011 SAGR Focus Groups also provided insight into POSH. Most cadet focus group participants acknowledged that crude and offensive behavior, such as sexual jokes and locker room talk, is pervasive, but is not regarded as sexual harassment. Oftentimes sexual harassment behaviors resulted from poor judgment and the maturing process. Cadet focus group participants indicated that their training helps them understand the behaviors associated with sexual harassment. According to the focus group participants, USAFA command staff is serious about sexual harassment prevention. However, cadets leading the student wing might not be as serious about sexual harassment prevention as USAFA command staff.

Overall, there is a great deal of training and education for cadets at USAFA addressing prevention of sexual harassment and assault. However, there is little outcome data to show the training and education has imparted the desired skills and knowledge. Ideally, USAFA should identify cadet baseline knowledge and skills upon matriculation and then use metrics to demonstrate changes in skills and knowledge over time.

## **PRIORITY 2: INCREASE CLIMATE OF VICTIM CONFIDENCE ASSOCIATED WITH REPORTING**

The second DoD-wide strategic priority is to increase the climate of victim confidence associated with reporting. While one incident of sexual harassment or assault is too many, the Department works to increase sexual assault reporting to ensure that victims come forward to receive needed support and services and hold those who commit sexual assault accountable, as appropriate.

### ***Sexual Assault Prevention and Response Program***

For sexual assault, this priority focuses on increasing the number and percentage of sexual assaults that are reported. USAFA

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**Status of Compliance Priority Two:**

*In Compliance*

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is in compliance with the Department’s Policy in regards to Priority Two.

Table 6 provides the total number of sexual assault<sup>53</sup> reports at USAFA during APY 10-11.

TOTAL APY 2010-2011 REPORTS OF SEXUAL ASSAULT AT USAFA	
NUMBER OF UNRESTRICTED REPORTS OF SEXUAL ASSAULT	<b>16</b>
NUMBER OF REPORTS OF SEXUAL ASSAULT REMAINING RESTRICTED	<b>17</b>
<b>NUMBER OF TOTAL REPORTS OF SEXUAL ASSAULT – UNRESTRICTED AND RESTRICTED</b>	<b>33</b>

Table 6: Total Number of Sexual Assault Reports Made to USAFA Authorities in APY 10-11.

During APY 10-11, USAFA received 20 Restricted Reports, three of which converted to an Unrestricted Report at the victims’ request. The 17 remaining Restricted Reports at the end of the APY represent an increase from the four reports remaining Restricted at the end of APY 09-10.

Overall, sexual assault reporting by victims at USAFA increased from APY 09-10 to APY 10-11. In prior years’ assessments, the Department identified areas where USAFA could take steps to bring more victims forward to report. Some of the increased reporting of sexual assault may be attributed to these efforts. However, the Department lacks the capability to identify all the factors that contributed to the increase in reports. Nevertheless, bringing more victims forward to report is consistent with the Department’s strategic priority. Differences by reporting type are in Table 7.

COMPARISON OF REPORTS OF SEXUAL ASSAULT AT USAFA	APY 09-10	APY 10-11
NUMBER OF UNRESTRICTED REPORTS OF SEXUAL ASSAULT	7	16
NUMBER OF INITIAL RESTRICTED REPORTS OF SEXUAL ASSAULT	16	20
NUMBER OF CONVERSIONS FROM RESTRICTED REPORT TO UNRESTRICTED REPORT	3	3
<b>TOTAL NUMBER OF REPORTS</b>	<b>20</b>	<b>33</b>

Table 7: Comparison Between APY 09-10 and APY 10-11 of Sexual Assault Reports by Case Type.

Exhibit 22 shows the differences in reporting types over time. Exhibit 23 breaks out the USAFA cadets who made a Restricted Report for coping with incidents that occurred prior to entry at the Academy and is represented by the purple dotted line.

<sup>53</sup> The term sexual assault in the DoD includes the crimes of rape, aggravated sexual assault, aggravated sexual contact, abusive sexual contact, wrongful sexual contact, nonconsensual sodomy, and attempts to commit these offenses.

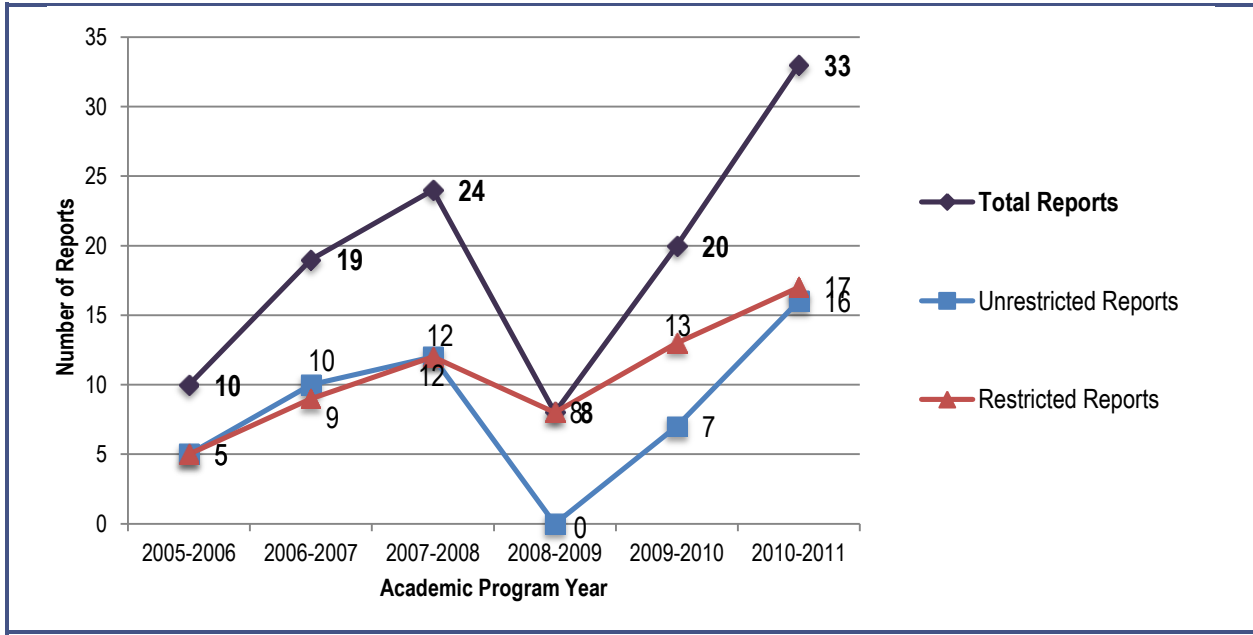


Exhibit 22: Total Reports of Sexual Assault Made to USAFA — Unrestricted Reports and Restricted Reports, APY 05-06 to APY 10-11.

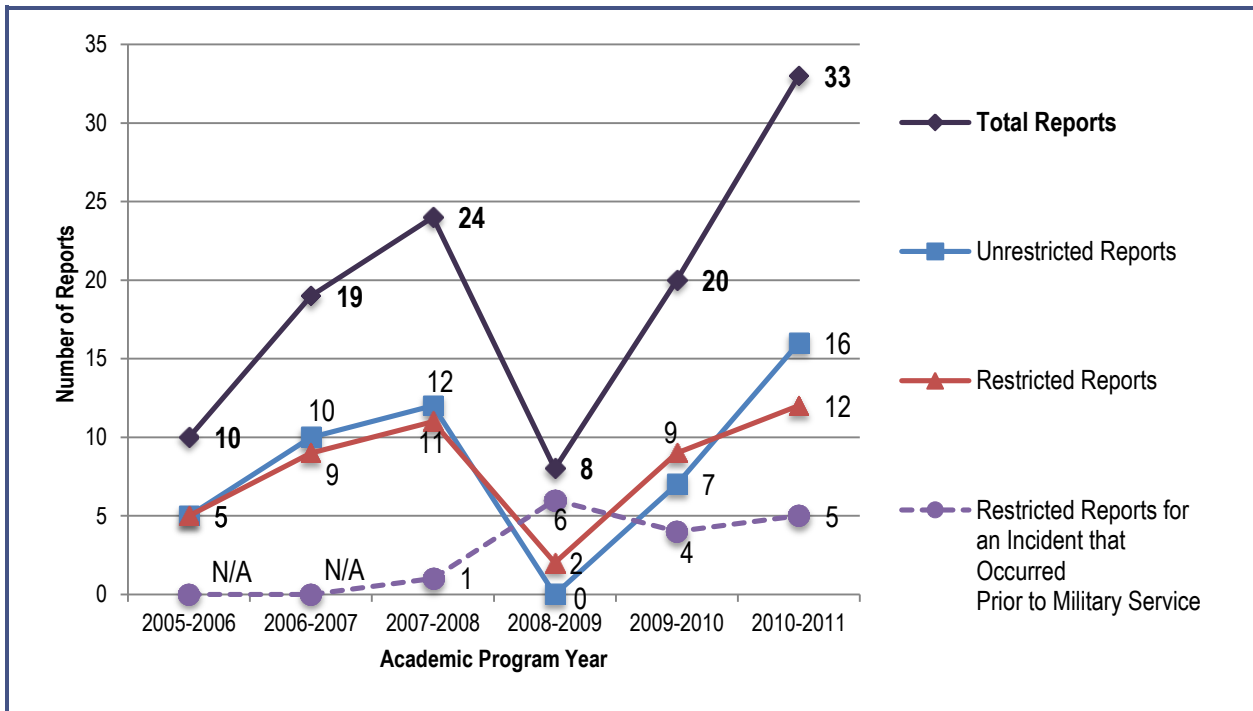
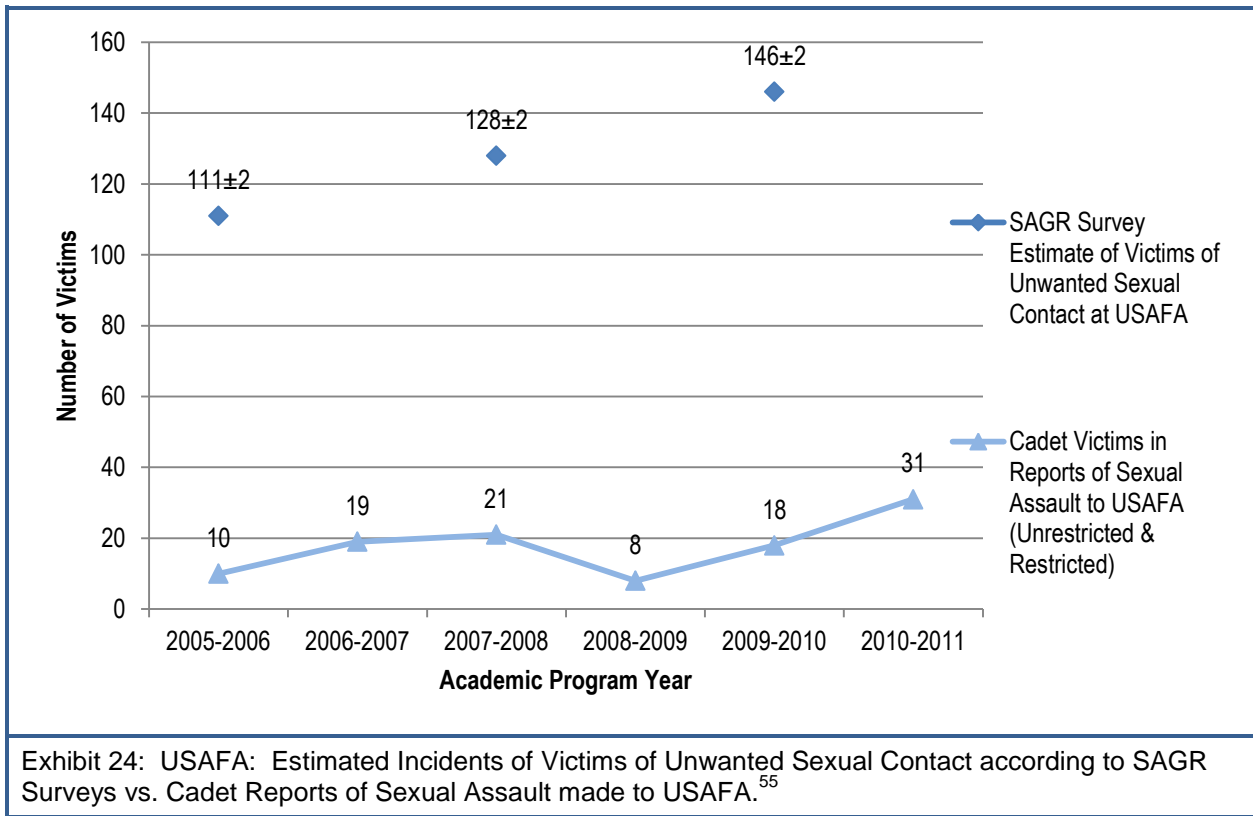


Exhibit 23: Total Reports of Sexual Assault Made to USAFA — Unrestricted Reports, Restricted Reports, and Restricted Reports Made for an Incident Prior to Military Service, APY 05-06 to APY 10-11.<sup>54</sup>

<sup>54</sup> This graph includes reports of sexual assault for incidents that occurred prior to military service.



Reports of sexual assault made to Department authorities provide limited insight into the overall phenomenon of sexual assault at the MSAs. As previously mentioned, sexual assault in the United States and military society is underreported, meaning that reports to authorities are outnumbered by the sexual assaults estimated to occur using surveys of a given population. At the MSAs, the SAGR Survey is conducted every two years to estimate the annual incidence rate of sexual assault in the MSA population. The Department uses the SAGR Survey estimates to track progress on the DoD-wide SAPR Strategic Plan Priority 1, which institutionalizes prevention efforts.

Exhibit 24 displays how past SAGR survey estimates of sexual assault incidents known on the survey as “unwanted sexual contact” at USAFA compare to the Unrestricted and Restricted Reports received by USAFA.<sup>56</sup>

<sup>55</sup> Note this graph does not include cadets and midshipmen who were identified as subjects in reports of sexual assault made to

<sup>56</sup> The estimated number of victims is developed using the SAGR survey estimated unwanted sexual contact incidence rates multiplied by the academy cadet/midshipmen population at the time of the survey. It should be noted that the timeframe covered by the SAGR Survey question pertaining to unwanted sexual contact experienced in the year prior to when the survey was conducted and does not always align exactly with the APY. As a result, the SAGR Survey victim numbers are only estimates, due to the sampling error associated with survey data and the slightly different timeframes. Nevertheless, the Department uses these estimates as an indicator of problem severity at each of the academies.

To increase the climate of confidence associated with reporting, USAFA provided education and training about reporting options and increased the accessibility of first responders who can receive both Unrestricted and Restricted Reports.

Based on conversations with a number of cadets, it appeared that many cadets knew the SARC and how to contact the SARC and SAPR VAs. This information is provided extensively at trainings and added to social marketing prevention posters in all cadet high traffic areas on campus. While the message is currently reaching cadets successfully, it is essential to make the training applicable to cadets and to vary mediums for delivery in order to prevent message fatigue.

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**Action Item:**

*Ensure training is applicable for cadets and vary mediums to prevent message fatigue*

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USAFA also instituted an eSARC program, a single email address that reaches the SARC, Deputy SARC, and the two full-time SAPR VAs. Additionally, USAFA provided the recipients of the eSARC emails with a smart phone to enhance the 24 hours a day, seven days a week coverage provided by the individual on call.

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**Commendation:**

*USAFA instituted an eSARC program to enhance the 24 hours a day, seven days a week coverage.*

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Recognizing that it is often more comfortable for a cadet to reach out to another cadet, USAFA expanded the PEER Program. PEERs are highly respected cadets that are selected after thorough interviews, certified by the BACCHUS Network™<sup>57</sup> and trained monthly on issues affecting cadets, including but not limited to, sexual assault, stress, alcohol abuse, and performance improvement. Each cadet squadron had two PEERs for a total of 80 PEERs to serve as a resource for cadets. During APY 10-11, USAFA added 32 additional PEERs in the Athletic Department to provide more resources and support for cadets.

To better understand the climate of confidence associated with reporting, USAFA is in the early stages of incorporating trend analysis of reports of sexual assault into program development. USAFA is looking to identify trends by comparing reports of sexual assault for each APY to annual alcohol related offenses, the introduction of new training, and enhancements to the cadet disciplinary system to see if there is a connection and identify practices that should be continued or enhanced to improve reporting.

The 2011 SAGR Focus Groups sought to better understand from the cadets' perspectives the motives for reporting and non-reporting of sexual assault. Between APY 08-09 and 09-10, reports made to Academy authorities increased at USAFA.

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<sup>57</sup> The BACCHUS Network™ is an international university and community based network focusing on comprehensive health and safety initiatives.

Cadet focus group participants offered a variety of reasons for the increase in reports, such as:

- Increased comfort in reporting;
- Because the Academy has become more encouraging and less reactive;
- Better knowledge of what constitutes inappropriate;
- Better knowledge of how to report; and
- Increased confidence in the reporting process.

Despite the increase in the number of reports made in 2010, cadet focus group participants indicated most incidents remain unreported.

Cadet focus group participants indicated several reasons why a victim of sexual assault would make a report at USAFA. Reasons include to:

- Stop the offender from hurting anyone else;
- Seek justice or punish the offender;
- Seek help dealing with an emotional incident;
- Raise awareness that it occurs at the Academy; and
- Identify a fellow cadet who is acting inappropriately.

Participants noted that there is an assumption at USAFA that women report sexual assault to get out of trouble. While the Department's Policy does allow a commander the discretion to delay punishment for collateral misconduct, it does not condone immunity for collateral misconduct for victims of sexual assault. USAFA should devise materials to address misperceptions regarding collateral misconduct in training.

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**Action Item:**

*Address collateral misconduct misperceptions in training.*

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According to the 2010 SAGR Survey, there were several reasons why most USAFA women chose not to report their unwanted sexual contact incident.<sup>58</sup> The top three reasons were dealing with the incident themselves, fearing gossip, and feeling the incident was not important enough to report. Additionally, cadet focus group participants discussed the potential negative effects of someone making a report of sexual assault and offered suggestions to encourage reporting. Providing statistics about repeat offenders and sharing "success stories" from the investigation outcomes might enhance the climate of confidence and encourage reporting, as well as continuing to provide the necessary information on how to report if one chooses. USAFA should evaluate all

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**Action Item:**

*Evaluate all reasons for not reporting and address them appropriately in training and educational materials.*

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<sup>58</sup> Defense Manpower Data Center. (2010). The 2010 Service Academy Gender Relations Survey. Retrieved from [http://www.sapr.mil/media/pdf/reports/FINAL\\_SAGR\\_2010\\_Overview\\_Report.pdf](http://www.sapr.mil/media/pdf/reports/FINAL_SAGR_2010_Overview_Report.pdf)

reasons given for not reporting and devise materials to address them in training and education.

### *Prevention of Sexual Harassment Program*

During APY 10-11, there were one formal and eight informal complaints of sexual harassment at USAFA. USAFA's formal complaints remained constant from the previous APY and there was a slight increase in informal complaints.

In accordance with DoD and Air Force Policy, USAFA encouraged cadets to resolve sexual harassment issues at the lowest level possible. Cadets receive ongoing training on the formal and informal complaint resolution processes for sexual harassment. Additionally, cadet leadership resolved some issues of sexual harassment through the cadet chain-of-command.

Contact information to report sexual harassment is posted throughout the installation in high traffic areas and in all squadrons. Cadets who believe they have been sexually harassed may report to their chain-of-command, the USAFA EO Office near the cadet area, or the 10<sup>th</sup> Air Base Wing EO Office. USAFA placed an EO Specialist in a satellite office in the cadet area. This provided the EO specialist with high visibility of the cadets and their leadership. Additionally, it provided the cadets easier access to the EO specialist. This is especially important since the USAFA is spread out over a large geographic area.

Additionally, Air Officers Commanding and Academy Military Training Instructors addressed allegations of unlawful discrimination or sexual harassment within their squadrons. Air Officers Commanding and Academy Military Training Instructors provided the 10<sup>th</sup> Air Base Wing EO office a written memorandum regarding military sexual harassment issues worked within the unit. These commander-worked issues are documented, and included in the 10<sup>th</sup> Air Base Wing EO office's report of informal complaints. USAFA's report of sexual harassment complaints is higher than the other academies. This may be due to the reporting of commander-worked issues as informal complaints, which is unique to the Air Force.

### **PRIORITY 3: IMPROVE RESPONSE**

The Department's third priority is to improve sexual assault response. This priority focuses on increasing the availability, access, and quality of response for victims of sexual assault. USAFA implemented and advanced policies, training, procedures, and initiatives to improve its response to allegations of sexual harassment and assault. However, USAFA is partially in compliance with the Department's Policy in regards to Priority Three.

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#### *Status of Compliance Priority Three:*

*Partially in Compliance*

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### *Sexual Assault Prevention and Response Program*

USAFA has a robust program and hard-working SAPR personnel that take an aggressive approach to response. As the Department's Policy directs, USAFA maintains a full-time SARC dedicated solely to the SAPR Program. USAFA's SAPR Office also includes a Deputy SARC and two full-time SAPR VAs, which is a response benchmark for the MSAs. The Department encourages continued support of this staffing model by USAFA leadership.

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***Commendation:***

*USAFA has two full-time SAPR VAs to support cadets.*

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The USAFA SARC is also responsible for support to the 10<sup>th</sup> Air Base Wing, the USAFA Preparatory School, and a geographically separated unit in Pueblo, Colorado. Due to the size of the population served and distances involved -- even on the USAFA grounds -- the Academy should establish a second SARC dedicated to some or all of these other units so as to not diminish the services provided to USAFA cadets.

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***Action Item:***

*Establish a second SARC to support other units.*

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The SAPR VAs provided a full range of support to sexual assault victims including assistance in participation in hearings and trials, services typically rendered by the Victim Witness Liaison (VWL). Given current staffing levels, SAPR VAs should allow the VWL to serve as the single point of contact for sexual assault victims in the military justice process, especially during hearing and trials. The SAPR VAs should continue to provide victim advocacy as long as the victim requires.

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***Action Item:***

*Utilize VWL as the single point of contact for sexual assault victims in the military justice process.*

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For future trainings, the SAPR staff should receive refresher training with the Chief of Military Justice to ensure that all parties understand the advocacy support that can and cannot be offered to victims of sexual assault within the constraints of the military justice system.

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***Action Item:***

*Conduct refresher training for the SAPR Staff with the Chief of Military Justice.*

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The SARC and SAPR staff collectively have many years of experience in victim assistance at USAFA. The SARC and SAPR VAs have all received the requisite training required by the Department's Policy. The SARC and SAPR VAs continued their

education by attending courses and seminars on a wide range of topics such as, working with sexual assault victims, trauma victims, and military families, and self-care.

Department Policy requires first responder training to ensure a standardized response to sexual assault throughout the Department. Mental health providers, the Peak Performance Center (PPC) personnel, Air Force Office of Special Investigations (AFOSI) agents, and judge advocates received SAPR Program training as required by the Department's Policy. USAFA chaplains have not received first responder training. The Department will work with the Services to clarify roles and responsibilities for first responder training and to ensure that all first responder training is conducted in accordance with Department policy.

In addition to first responder training, the USAFA SARC conducted trainings for SAPR VAs, AFOSI, healthcare providers, and judge advocates. Despite not receiving first responder training, the chaplains did receive the annual training from the SARC. Also, security forces attended a Specialized Security Forces 2010 training, which discussed Restricted Reporting and the SARC's role in safety planning for sexual assault victims.

USAFA faculty and staff received the appropriate response-related USAFA SAPR Program training, which reinforces the SAPR Program and addresses the response differences for sexual harassment and assault. As part of this training, the participants explore the entire cycle of an assault, the reporting options available, the exceptions and limitations of those options, response and associated services, and accountability.

However, during interviews it was mentioned that some Air Officers Commanding did not understand their role as an Unrestricted Report recipient and as a mandatory reporter to the SARC. Strategic messaging should be used to reinforce the different reporting options and the commander's role as a mandatory reporter to the SARC as part of the Unrestricted Reporting process.

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**Action Item:**

*Reinforce messaging to Air Officers Commanding on reporting options and their role in the Unrestricted Reporting process.*

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Mental health providers and the PPC provided support to victims of sexual assault. In addition, experienced mental health providers were available for consultation by the Flight Surgeon's office to answer questions about cadet suitability in pre-commissioning physicals. This practice likely minimizes the potential for re-victimization by preventing a sexual assault victim from having to recount their history to multiple new providers. However, PPC and mental health providers were not aware of their duty to report sexual assaults to the SARC, disclosed during treatment. PPC and mental health providers should update their

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**Action Item:**

*Update PPC and mental health providers' local operating procedures and intake documentation.*

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local operating procedures and intake documentation to reflect this requirement. Additionally, the Department of the Air Force should review the training given to mental health providers throughout the Service to ensure that providers are made aware of their affirmative duty to report to the SARC sexual assaults disclosed during treatment.

Victims who disclose a sexual assault during treatment must be made aware of the full spectrum of care and support, to include the SARC and SAPR VA. Giving the victim multiple avenues to receive additional care creates a strong victim centered SAPR Program. When sexual assaults are not reported to the SARC, the victim risks not being provided the full amount of information regarding medical care, the option of having a SAPR VA assigned, or the opportunity to begin an official investigation into the allegation of an assault with law enforcement.

Sexual Assault Forensic Exams (SAFE) are conducted at Memorial Hospital in Colorado Springs and USAFA had a Memorandum of Understanding (MOU) with Colorado Spring's Memorial Hospital in place. USAFA needs to build on the relationship with Memorial Hospital ensuring the SARC's personal engagement with Sexual Assault Nurse Examiners (SANE) to shore up knowledge of the SAPR program policies and procedures. Additionally, USAFA should address concerns regarding the maintenance of patient confidentiality.

During the interview with Memorial Hospital the SANE expressed that the military community should have a better understanding of patient confidentiality and should be made aware that patient information is not available to be shared without written consent or court order. For example, commanders of cadets should not call the hospital for information about the cadet.

In addition to implementing the APY 08-09 recommendations regarding Memorial Hospital that were not completed at the time of assessment, the SARC and Deputy SARC should meet every six months with Memorial Hospital's SANE Manager to review the MOU, procedures that have changed, address how cases have been handled, and to make recommendations for improvement to ensure quality care for sexual assault.

A USAFA physician with a specialty in adolescent medicine conducts medical treatment and screening for sexual assault. Upon assignment to USAFA, the physician developed and initiated a standard of care checklist especially designed for the adolescent age, 18-25 years old, of cadets. This checklist uses a developmental

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**Action Item:**

*The SARC and Deputy SARC should meet every six months with Memorial Hospital's SANE Manager to review the MOU, procedures that have changed, address how cases have been handled, and to make recommendations for improvement.*

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**Commendation:**

*USAFA has a physician with a specialty in adolescent medicine that developed a standard of care checklist.*

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approach to cadet health. As part of an overall health assessment, the medical providers used this approach to screen patients for a history of non-consensual sexual activity such as abuse, rape, assault, molestations, and assessed the patient's knowledge of available resources to help with such issues. This provided another avenue to introduce SAPR services to individuals who may need them or know someone who needs them. The assignment of an adolescent physician, who provides an exceptional approach to care for the cadet population, is a best practice suggested for consideration by the United States Military Academy and the United States Naval Academy.

Part of response for Unrestricted Reports of sexual assault is an investigation of the crime. To enhance the investigative capabilities of its personnel, AFOSI 8<sup>th</sup> Field Investigations Region at Peterson Air Force Base in Colorado Springs, Colorado has hosted a Sexual Assault Investigations Training Conference each March for the past several years.

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***Commendation:***

*USAFA first responders attend the annual Sexual Assault Investigations Training Conference.*

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While primarily for criminal investigators, AFOSI invited other first responders in the Colorado Springs area to participate. The training covered interviews, interrogations, alcohol-facilitated sexual assault, crime scene processing, military law, SAPR Policy, improving victim collaboration skills, and many other important topics. USAFA AFOSI special agents, judge advocates, area defense counsel, and SAPR personnel all reported attending or participating in this training. USAFA first responders should continue to participate in this conference and USAFA should include Security Forces investigators as well.

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***Action Item:***

*Allow Security Forces to attend the annual Sexual Assault Investigations Training Conference.*

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***Prevention of Sexual Harassment Program***

The EO Superintendent in the cadet area responded to complaints of sexual harassment in a timely manner. Additionally, the EO Superintendent followed up with each complainant to ensure that the issue was resolved.

All the EO and Human Relations Training and Education staff were graduates of the Defense Equal Opportunity Management Institute's Equal Opportunity Advisor Course. Additionally, they had received additional service-specific training through the Air Force.

USAFA EO Specialists work closely with the USAFA SARC. There have been situations where the EO Specialist has referred a cadet to the SARC to determine if the

incident constituted sexual assault, rather than sexual harassment, thereby protecting the cadet's options to file a Restricted or Unrestricted Report of sexual assault. There have also been situations where the SARC has referred a cadet to the EO Specialist when the incident, initially considered sexual assault, was determined to be sexual harassment.

#### **PRIORITY 4: IMPROVE SYSTEM ACCOUNTABILITY**

The Department's fourth DoD-wide strategic priority is to improve system accountability. This priority focuses on improving the reliability and sustainment of SAPR and POSH services, and ensuring those services function in the way they were designed. Part of oversight at the MSAs is this annual Report to Congress, which included an on-site assessment of each academy, the results from the 2011 SAGR Focus Groups, and a review of previous reports submitted by the academy Superintendents, as well as the recommendations to the MSAs from the APY 08-09 report. USAFA is in compliance with the Department's Policy in regards to Priority Four.

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#### ***Status of Compliance Priority Four:***

*In Compliance*

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#### ***Sexual Assault Prevention and Response Program***

Appropriate mechanisms are in place both at Headquarters Air Force and USAFA to ensure oversight of the effectiveness of the USAFA SAPR Program. In addition to the Department's Policy, the USAFA SAPR Program is governed by the Air Force Instruction 36-6001, *Sexual Assault Prevention and Response Program*, dated September 30, 2009.

The Assistant Secretary of the Air Force for Manpower and Reserve Affairs continues to provide guidance, direction, and oversight for all matters pertaining to the formulation, review, and execution of plans, programs, and budgets addressing sexual assault for the Air Force to include the Academy.

USAFA's leadership briefed the USAFA Board of Visitors on SAPR related trends and program improvements. The Air Force Inspector General conducted a bi-annual Unit Compliance Inspection of SAPR and EO using a SAPR Inspection Checklist developed by Air Force SAPR. USAFA's SAPR office also used the new SAPR Inspection Checklist during unit self-inspections.

USAFA's Superintendent and Commandant provided direct oversight of the SAPR Program, while the program is administered by the USAFA Vice Commandant of Cadets for Culture and Climate (CWP). The Vice Commandant of Cadets for CWP was functionally responsible for the USAFA SAPR Program and ensured resources were available. USAFA CWP included SAPR in its quarterly unit self-inspections



The primary point of contact for the SAPR Program at the USAFA was the SARC who reports directly to the Vice Commandant for CWP. The SARC responded to allegations of sexual assault involving USAFA cadets and ensured appropriate agencies were notified for appropriate action. SARC services are available 24 hours a day, seven days a week via the sexual assault response hotline 719-333-SARC (7272). The SARC is further supported by a full-time trained staff consisting of a Deputy SARC and two SAPR VAs. There are no contracted personnel serving as a SARC or SAPR VA. Therefore, USAFA is in compliance with the Defense Task Force on Sexual Assault in the Military Services recommendation<sup>59</sup> requiring SARCs be full-time Service members or DoD civilian employees.

USAFA developed and implemented a SARC victim feedback form. Feedback provided has been used by the Academy to make program adjustments where needed. USAFA should continue to use the SARC victim feedback form as a mechanism for oversight and program improvement. USAFA should consolidate all outcome data and metrics into a single product that addresses SAPR and POSH Program progress against the Department's strategic priorities. These results should be presented to USAFA's leadership and the Academy Response Team (ART).

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**Action Item:**

*Consolidate all POSH and SAPR outcome data and metrics into a single product organized by the Department's strategic priorities.*

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The SARC also supervised the ART, a multi-disciplinary sexual assault case management team made up of AFOSI, Security Forces, Medical personnel (including the PPC), chaplains, and judge advocate communities and each reporting victim's commander, as required.<sup>60</sup> The ART's support ranged from immediate victim care to extended support throughout the investigative and legal process. The ART reported monthly to the USAFA leadership and made recommendations for program improvements and provided trends identified.

The ART consists of two tiers. Tier One members are first responders to reports of sexual assault. Tier One worked in conjunction with AFOSI, answering victims' questions while agents gathered important details of the alleged incident. The second tier includes chaplains, medical personnel and counselors. After the initial response provided in Tier One, the ART conducted long-term care management. The ART also

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<sup>59</sup> Department of Defense. (2009) *Report of The Defense Task Force on Sexual Assault in the Military Services, December 2009*. Retrieved from [http://www.sapr.mil/media/pdf/research/DTFSAMS-Rept\\_Dec09.pdf](http://www.sapr.mil/media/pdf/research/DTFSAMS-Rept_Dec09.pdf) recommendation 6.a.1.

<sup>60</sup> It is noted under Priority 3 of this report that USAFA must ensure all first responders are trained according to DoD Instruction 6495.02, enclosure 6. Mental health providers and the PPC personnel are to be trained to be mandatory reporters to the SARC in accordance with DoD Instruction 6495.02 and Air Force Instruction 36-6001.



functioned as the case management group, which met twice each month to conduct case reviews.

Part of system accountability is holding those who commit sexual assault appropriately accountable based upon available evidence. Under the supervision of the 8<sup>th</sup> Field Investigative Squadron, the USAFA AFOSI office can augment its capabilities with personnel from nearby AFOSI units to ensure timely investigations of criminal activity. Continued use of this AFOSI agent surge capability will enhance USAFA's investigative capacity and on-the-job training opportunities.

AFOSI conducted a debrief after each sexual assault investigation to identify any gaps and related trends. This initiative is a best practice. Additionally, AFOSI should include the SARC's input as part of their efforts to maintain and improve a quality investigative response. AFOSI should continue its efforts to collaborate with and report/record the dispositions and sentences of security forces investigations of wrongful sexual contact allegations.

To enhance the capabilities of the USAFA SAPR Program, the incoming USAFA Chief of Military Justice should attend, as appropriate and as determined by the Air Force Judge Advocate General, a specialized sexual assault prosecution course prior to or upon assumption of duties.

A review of USAFA sexual assault reports of investigation showed competent investigations of criminal complaints and evidence of efforts to establish effective working relationships with victims of sexual assault. However, for two cases, case disposition information, including sentences imposed, was not in the AFOSI computer system or case file. The AFOSI 8th Field

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**Commendation:**

*AFOSI can surge capability for investigations of sexual assault at USAFA.*

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**Action Item:**

*Include SARC feedback in AFOSI debriefs.*

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**Action Item:**

*Collaborate with and report the dispositions and sentences for wrongful sexual contact allegations*

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**Action Item:**

*Coordinate with the Air Force Judge Advocate General to ensure, as appropriate, the incoming Chief of Military Justice attends a specialized sexual assault prosecution course.*

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**Action Item:**

*Document completely and consistently the case disposition and offender sentencing in case records.*

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Investigations Region responded quickly with this information when queried. USAFA AFOSI should document consistently and completely the case disposition and offender sentencing information in case records.

If a victim of sexual assault reported collateral misconduct as part of the allegation, AFOSI advised they immediately seek legal advice from a judge advocate and then proceed accordingly. The Chief of Military Justice reported that victim collateral misconduct is addressed by holding victims appropriately accountable, usually after action has been taken against an offender.

USAFA's Priority One section described an extensive Cadet Development Plan for SAPR and POSH training. To measure the effectiveness of the Cadet Development Plan, USAFA implemented an oversight tool using pre and post-test measures for SAPR presentations by staff and guest lecturers using immediate data collection devices. These results are routinely briefed to USAFA leadership. These pre and post-test measures should be part of the consolidated outcome metrics previously advised.

Finally, it should be noted that throughout the visit, the Assessment Team received numerous comments on the commitment demonstrated by the USAFA leadership to aggressive sexual assault response, active SAPR Program participation, and forceful championship of the SAPR Program. One such example of this commitment was USAFA's leadership in to facilitating continuous SAPR Program improvement by including sexual assault as a "high institutional interest" item within the Institutional Effectiveness Program.<sup>61</sup> The other Service Academies should include SAPR within their respective institutional effectiveness/assessment programs

### ***Prevention of Sexual Harassment Program***

Appropriate mechanisms are in place both at Headquarters Air Force and USAFA to ensure oversight of the effectiveness of the USAFA POSH Program. The USAFA POSH Program is governed by:

- Air Force Policy Directive 36-27, *Equal Opportunity*, dated May 22, 2009;
- Air Force Instruction 36-2706, *Equal Opportunity Program Military and Civilian*, dated October 5, 2010;
- The 10<sup>th</sup> Air Base Wing Memorandum, *Policy on Equal Opportunity Treatment and Employment*, dated October 8, 2009; and
- The *USAFA Memorandum Policy on Sexual Harassment*, dated November 4, 2009.

USAFA has established cadet standards of behavior and consequences for sexual harassment offenses in the Air Force Cadet Wing Manual, 36-3501, and indicates that it

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#### ***Action Item:***

*Monitor EO staffing to prevent extended vacancies or shortages.*

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<sup>61</sup> United States Air Force Academy. (2011). *The United States Air Force Academy Instruction 36-350, Institutional Effectiveness*. Retrieved from <http://www.af.mil/shared/media/epubs/USAFAI36-3502.pdf>

may be punished under the Uniform Code of Military Justice.

At the time of the site visit, the 10<sup>th</sup> Air Base Wing EO office was fully staffed by a civilian EO Director and four EO specialists, two military and two civilian. There was an additional civilian position in the EO office, which was eliminated during APY 10-11. The EO office provided EO services in two USAFA locations. The EO staff expressed confidence in their ability to meet the needs of cadets with their current staffing. Prevention of extended staffing vacancies or shortages is currently closely monitored to ensure a continuity of quality services and support to the USAFA. This monitoring should be continued to prevent extended staffing vacancies or shortages that could impact the quality of service and support provided to the USAFA and Cadet Wing Program.

USAFA performed an anonymous Cadet Climate Survey biennially. The survey covered issues affecting cadets, including: religious proselytizing, gender relations, discrimination, and sexual harassment. Summarized results are briefed to leadership, providing an ongoing tool to assess the organizational climate and track trends against successive years.

#### **PRIORITY 5: IMPROVE KNOWLEDGE AND UNDERSTANDING**

The fifth DoD-wide priority is to improve knowledge and understanding of the SAPR and POSH Programs. This priority focuses on improving pro-active communication of information to stakeholders. This priority is not governed by the Department's Policy and therefore, there is no status of compliance.

USAFA SAPR is a member of the Colorado Coalition Against Sexual Assault (CCASA), an organization that works to improve coordination of state resources, provide education and training to sexual assault service providers.

USAFA is also member of the Colorado Springs Advocacy Resource Team, which is comprised of Memorial Hospital, Shriver and Peterson Air Force Bases, CCASA, TESSA, and Memorial Hospital. This group developed a SAAM Workshop where they discussed a new approach to violence prevention. The event included a Community Resource Panel, and hosted guest speaker Dr. Dorothy Edwards. These relationships allowed USAFA the opportunity to educate stakeholders on DoD and USAFA SAPR policies and procedures. USAFA is encouraged to continue outreach efforts to stakeholders.

#### **ASSESSMENT OF RECOMMENDATIONS FROM THE APY 08-09 REPORT**

In the APY 08-09 Report, the Department provided nine recommendations to USAFA. During the on-site assessment and analysis of the background data provided by USAFA, the Department found sufficient evidence to close the following five recommendations.

**Recommendation:** USAFA Command should continue to proactively release messages to the Cadet Wing via training venues that strongly advise all cadets to treat each other with dignity and respect. This would include both cadets who are outside observers of sexual assault cases within the military criminal justice process as well as those who participate in the process as either defendants or victims.

**Recommendation:** USAFA personnel should strategize how best to educate the Cadet Wing on the fact that a “not guilty” verdict means that the burden of proof of the accused’s guilt beyond a reasonable doubt was not met.

USAFA leadership has taken a proactive stance in communicating the importance of the SAPR Program and sexual assault related issues to cadets. USAFA leadership, from the Superintendent on down, attends SAPR trainings and often makes the introduction.

**Recommendation:** USAFA should continue to strategize ways to reduce the stigma perceived by cadets who seek counseling services from the PPC. This might involve the revision of procedures for visiting the counseling center, or increasing cadet education regarding the benefits and services the PPC provides. USAFA leadership should continue to encourage all cadets to use the Center’s services.

USAFA worked to reduce the stigma associated with using the PPC. Because the PPC does not treat mental health disorders, they are not required to disclose information about their cadet patients. This arrangement has led to the PPC being known as “the place” to go when cadets need assistance. The PPC provides on average about 125 appointments per month.

**Recommendation:** It is recommended that USAFA’s ART team members continue to explore and innovate ways to support and act as a source of information for victims who are suspected of engaging in collateral misconduct.

USAFA implemented the Cadet Helping Agency Team, chaired by the USAFA Vice Commandant of Cadets for CWP. It is comprised of medical, mental health and counseling, SAPR, and cadet leadership with the intent to monitor and have “eyes on” all cadets placed on the Cadets At Risk List. The Cadet Helping Agency Team meets monthly or on an as needed basis.

**Recommendation:** The 10<sup>th</sup> Air Base Wing EO staffing should be monitored closely to prevent extended staffing vacancies or shortages that could impact the quality of service and support provided to the USAFA and Cadet Wing Program.

At the time of the assessment, the 10<sup>th</sup> Air Base Wing EO was fully staffed. Additionally, the EO office has a satellite office in the cadet area to better support cadets.

The Department did not find sufficient evidence to close the following three recommendations at the time of the on-site assessment.

**Recommendation:** USAFA should improve its efforts to communicate and coordinate with its community partners to leverage these resources more effectively. Inclusion of these relevant community members in USAFA SAPR functions and initiatives may improve overall communication and increase service usage among cadets.

**Recommendation:** USAFA should continue to strengthen its cross-training with local community resources on each other's roles, the roles of command, the Military Justice process, the military's policies and procedures respecting the USAFA SAPR Program as well as pertinent aspects of military culture and customs.

USAFA hosted a Colorado Springs Advocacy Resource Team workshop during 2011 SAAM. This team is comprised of TESSA, Memorial Hospital, Shriever Air Force Base, Peterson Air Force Base, and the CCASA Campus Coalition. However, greater communication, coordination and training are required. Additionally, USAFA should expand training with local resources to include the SAPR Programs at other military installations in the Colorado Springs area.

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**Action Item:**

*Expand training with local resources to include other military installations in the Colorado Springs area.*

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**Recommendation:** USAFA leadership should consider training volunteer SAPR VAs and/or additional full-time staff to work with victims originating within the Air Base Wing, the Preparatory School, and the Pueblo populations. At least two full-time SAPR VAs should continue to concentrate on the cadets.

While the Preparatory School has volunteer SAPR VAs, the 10<sup>th</sup> Air Base Wing should train volunteer SAPR VAs to support a second SARC for these additional populations.

USAFA must implement the remaining recommendations from the APY 08-09 Report, as well as the necessary action items put forth in the APY 10-11 Report in a timely manner. Additionally, USAFA will provide an update on implementation before the end of the APY 11-12.

## CONCLUSION

USAFA's SAPR and POSH Programs are mature and robust. These programs were taken seriously and given the appropriate attention at the Academy. The overall USAFA command climate and treatment of sexual assault victims represent a fundamental change from what was observed by the Fowler Commission in 2004.

All working in the USAFA SAPR Program appeared dedicated and motivated to accomplish their mission. While a number of challenges remain, the Department believes the greatest of these pertain to the prevention and reporting of sexual assault. Using the survey and focus group data, the Department encourages USAFA to employ their considerable academic and programmatic resources to implement meaningful, inspiring, evidence-based prevention and reporting interventions that are resistant to message fatigue. In addition, identifying and tracking key measurements over time will be critical to demonstrating to stakeholders the exemplary work underway at USAFA.



## APPENDIX

### APPENDIX A: ACRONYM DICTIONARY

AFOSI	Air Force Office of Special Investigations
APY	Academic Program Year
ART	Academy Response Team
BCT	Basic Cadet Training
CBT	Cadet Basic Training
CCASA	Colorado Coalition Against Sexual Assault
CID	Criminal Investigations Division
CMEO	Command Management Equal Opportunity
CPD	Center for Personal Development
CWP	Culture and Climate
DEOCS	Defense Equal Opportunity Climate Survey
DEOMI	Defense Equal Opportunity Management Institute
DIA	Director of Intercollegiate Athletics
DMDC	Defense Manpower Data Center
DoD	Department of Defense
EO	Equal Opportunity
EOA	Equal Opportunity Advisor
GUIDE	Guidance, Understanding, Information, Direction, Education
LCSW	Licensed Clinical Social Worker
LEL	Leadership Ethics and Law
MDC	Midshipman Development Center
MOU	Memorandum of Understanding
MSA	Military Service Academy
NCIS	Naval Criminal Investigations Service
PEER	Personal Ethics and Education Representatives
PME <sup>2</sup>	Professional Military Ethic Education
POSH	Prevention and Sexual Harassment
PPC	Peak Performance Center
RAC	Resident Agent in Charge
SAAM	Sexual Assault Awareness Month
SAC	Special Agent in Charge
SACMG	Sexual Assault Case Management Group
SAGR	Service Academy Gender Relations
SAFE	Sexual Assault Forensic Exam

SANE	Sexual Assault Nurse Examiner
SAPR	Sexual Assault Prevention and Response
SAPRO	Sexual Assault Prevention and Response Office
SAR	Sexual Assault Response
SARB	Sexual Assault Review Board
SARC	Sexual Assault Response Coordinator
SART	Sexual Assault Response Team
SAS-HR	Special Assistant to the Superintendent for Human Relations
SCPME	Simon Center for Professional Military Ethic
SHAPE	Sexual Harassment and Assault Prevention Education
SHARP	Sexual Harassment/Assault Response and Prevention
SJA	Staff Judge Advocate
UCMJ	Uniform Code of Military Justice
USAFA	United States Air Force Academy
USCC	United States Corps of Cadets
USMA	United States Military Academy
USNA	United States Naval Academy
VA	Victim Advocate
VWL	Victim Witness Liaison
VWLO	Victim Witness Liaison Officer

## APPENDIX B: LAW REQUESTING REPORT

### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007 PUBLIC LAW 109-364

#### SEC. 532. REVISION AND CLARIFICATION OF REQUIREMENTS WITH RESPECT TO SURVEYS AND REPORTS CONCERNING SEXUAL HARASSMENT AND SEXUAL VIOLENCE AT THE SERVICE ACADEMIES.

##### (a) Codification and Revision to Existing Requirement for Service Academy Policy on Sexual Harassment and Sexual Violence.--

(1) United states military academy.--Chapter 403 of title 10, United States Code, is amended by adding at the end the following new section:

##### Sec. 4361. Policy on sexual harassment and sexual violence

(a) Required Policy.--Under guidance prescribed by the Secretary of Defense, the Secretary of the Army shall direct the Superintendent of the Academy to prescribe a policy on sexual harassment and sexual violence applicable to the cadets and other personnel of the Academy.

(b) Matters To Be Specified in Policy.--The policy on sexual harassment and sexual violence prescribed under this section shall include specification of the following:

(1) Programs to promote awareness of the incidence of rape, acquaintance rape, and other sexual offenses of a criminal nature that involve cadets or other Academy personnel.

(2) Procedures that a cadet should follow in the case of an occurrence of sexual harassment or sexual violence, including--

(A) if the cadet chooses to report an occurrence of sexual harassment or sexual violence, a specification of the person or persons to whom the alleged offense should be reported and the options for confidential reporting;

(B) a specification of any other person whom the victim should contact; and

(C) procedures on the preservation of evidence potentially necessary for proof of criminal sexual assault.

(3) Procedures for disciplinary action in cases of alleged criminal sexual assault involving a cadet or other Academy personnel.

(4) Any other sanction authorized to be imposed in a substantiated case of sexual harassment or sexual violence involving a cadet or other Academy personnel in rape, acquaintance rape, or any other criminal sexual offense, whether forcible or nonforcible.

(5) Required training on the policy for all cadets and other Academy personnel, including the specific training required for personnel who process allegations of sexual harassment or sexual violence involving Academy personnel.

**(c) Annual Assessment.--**(1) The Secretary of Defense, through the Secretary of the Army, shall direct the Superintendent to conduct at the Academy during each Academy program year an assessment, to be administered by the Department of Defense, to determine the effectiveness of the policies, training, and procedures of the Academy with respect to sexual harassment and sexual violence involving Academy personnel.

(2) For the assessment at the Academy under paragraph (1) with respect to an Academy program year that begins in an odd-numbered calendar year, the Secretary of the Army shall conduct a survey, to be administered by the Department of Defense, of Academy personnel--

(A) to measure--

(i) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have been reported to officials of the Academy; and

(ii) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have not been reported to officials of the Academy; and

(B) to assess the perceptions of Academy personnel of--

(i) the policies, training, and procedures on sexual harassment and sexual violence involving Academy personnel;

(ii) the enforcement of such policies;

(iii) the incidence of sexual harassment and sexual violence involving Academy personnel; and

(iv) any other issues relating to sexual harassment and sexual violence involving Academy personnel.

**(d) Annual Report.--**(1) The Secretary of the Army shall direct the Superintendent of the Academy to submit to the Secretary a report on sexual harassment and sexual violence involving cadets or other personnel at the Academy for each Academy program year.

(2) Each report under paragraph (1) shall include, for the Academy program year covered by the report, the following:

(A) The number of sexual assaults, rapes, and other sexual offenses involving cadets or other Academy personnel that have been reported to Academy officials during the program year and, of those reported cases, the number that have been substantiated.

(B) The policies, procedures, and processes implemented by the Secretary of the Army and the leadership of the Academy in response to sexual harassment and sexual violence involving cadets or other Academy personnel during the program year.

(C) A plan for the actions that are to be taken in the following Academy program year regarding prevention of and response to sexual harassment and sexual violence involving cadets or other Academy personnel.

(3) Each report under paragraph (1) for an Academy program year that begins in an odd-numbered calendar year shall include the results of the survey conducted in that program year under subsection (c)(2).

(4)(A) The Secretary of the Army shall transmit to the Secretary of Defense, and to the Board of Visitors of the Academy, each report received by the Secretary under this subsection, together with the Secretary's comments on the report.

(B) The Secretary of Defense shall transmit each such report, together with the Secretary's comments on the report, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

**(2) United States Naval Academy.**--Chapter 603 of title 10, United States Code, is amended by adding at the end the following new section:

**Sec. 6980. Policy on sexual harassment and sexual violence**

**(a) Required Policy.**--Under guidance prescribed by the Secretary of Defense, the Secretary of the Navy shall direct the Superintendent of the Naval Academy to prescribe a policy on sexual harassment and sexual violence applicable to the midshipmen and other personnel of the Naval Academy.

(b) Matters To Be Specified in Policy.--The policy on sexual harassment and sexual violence prescribed under this section shall include specification of the following:

(1) Programs to promote awareness of the incidence of rape, acquaintance rape, and other sexual offenses of a criminal nature that involve midshipmen or other Academy personnel.

(2) Procedures that a midshipman should follow in the case of an occurrence of sexual harassment or sexual violence, including--

(A) if the midshipman chooses to report an occurrence of sexual harassment or sexual violence, a specification of the person or persons to whom the alleged offense should be reported and the options for confidential reporting;

(B) a specification of any other person whom the victim should contact; and

(C) procedures on the preservation of evidence potentially necessary for proof of criminal sexual assault.

(3) Procedures for disciplinary action in cases of alleged criminal sexual assault involving a midshipman or other Academy personnel.

(4) Any other sanction authorized to be imposed in a substantiated case of sexual harassment or sexual violence involving a midshipman or other Academy personnel in rape,

acquaintance rape, or any other criminal sexual offense, whether forcible or nonforcible.

(5) Required training on the policy for all midshipmen and other Academy personnel, including the specific training required for personnel who process allegations of sexual harassment or sexual violence involving Academy personnel.

**(c) Annual Assessment.**--(1) The Secretary of Defense, through the Secretary of the Navy, shall direct the Superintendent to conduct at the Academy during each Academy program year an assessment, to be administered by the Department of Defense, to determine the effectiveness of the policies, training, and procedures of the Academy with respect to sexual harassment and sexual violence involving Academy personnel.

(2) For the assessment at the Academy under paragraph (1) with respect to an Academy program year that begins in an odd-numbered calendar year, the Secretary of the Navy shall conduct a survey, to be administered by the Department of Defense, of Academy personnel--

(A) to measure--

(i) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have been reported to officials of the Academy; and

(ii) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have not been reported to officials of the Academy; and

(B) to assess the perceptions of Academy personnel of--

(i) the policies, training, and procedures on sexual harassment and sexual violence involving Academy personnel;

(ii) the enforcement of such policies;

(iii) the incidence of sexual harassment and sexual violence involving Academy personnel; and

(iv) any other issues relating to sexual harassment and sexual violence involving Academy personnel.

**(d) Annual Report.**--(1) The Secretary of the Navy shall direct the Superintendent of the Naval Academy to submit to the Secretary a report on sexual harassment and sexual violence involving midshipmen or other personnel at the Academy for each Academy program year.

(2) Each report under paragraph (1) shall include, for the Academy program year covered by the report, the following:

(A) The number of sexual assaults, rapes, and other sexual offenses involving midshipmen or other Academy personnel that have been reported to Naval Academy officials during the program year and, of those reported cases, the number that have been substantiated.

(B) The policies, procedures, and processes implemented by the Secretary of the Navy and the leadership of the Naval Academy in response to sexual harassment and sexual violence involving midshipmen or other Academy personnel during the program year.

(C) A plan for the actions that are to be taken in the following Academy program year regarding prevention of and response to sexual harassment and sexual violence involving midshipmen or other Academy personnel.

(3) Each report under paragraph (1) for an Academy program year that begins in an odd-numbered calendar year shall include the results of the survey conducted in that program year under subsection (c)(2).

(4)(A) The Secretary of the Navy shall transmit to the Secretary of Defense, and to the Board of Visitors of the Naval Academy, each report received by the Secretary under this subsection, together with the Secretary's comments on the report.



(B) The Secretary of Defense shall transmit each such report, together with the Secretary's comments on the report, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

**(3) United States Air Force Academy.**--Chapter 903 of title 10, United States Code, is amended by adding at the end the following new section:

**Sec. 9361. Policy on sexual harassment and sexual violence**

(a) Required Policy.--Under guidance prescribed by the Secretary of Defense, the Secretary of the Air Force shall direct the Superintendent of the Academy to prescribe a policy on sexual harassment and sexual violence applicable to the cadets and other personnel of the Academy.

(b) Matters to Be Specified in Policy.--The policy on sexual harassment and sexual violence prescribed under this section shall include specification of the following:

(1) Programs to promote awareness of the incidence of rape, acquaintance rape, and other sexual offenses of a criminal nature that involve cadets or other Academy personnel.

(2) Procedures that a cadet should follow in the case of an occurrence of sexual harassment or sexual violence, including--

(A) if the cadet chooses to report an occurrence of sexual harassment or sexual violence, a specification of the person or persons to whom the alleged offense should be reported and the options for confidential reporting;

(B) a specification of any other person whom the victim should contact; and

(C) procedures on the preservation of evidence potentially necessary for proof of criminal sexual assault.

(3) Procedures for disciplinary action in cases of alleged criminal sexual assault involving a cadet or other Academy personnel.

(4) Any other sanction authorized to be imposed in a substantiated case of sexual harassment or sexual violence involving a cadet or other Academy personnel in rape, acquaintance rape, or any other criminal sexual offense, whether forcible or nonforcible.

(5) Required training on the policy for all cadets and other Academy personnel, including the specific training required for personnel who process allegations of sexual harassment or sexual violence involving Academy personnel.

**(c) Annual Assessment.**--(1) The Secretary of Defense, through the Secretary of the Air Force, shall direct the Superintendent to conduct at the Academy during each Academy program year an assessment, to be administered by the Department of Defense, to determine the effectiveness of the policies, training, and procedures of the Academy with respect to sexual harassment and sexual violence involving Academy personnel.

(2) For the assessment at the Academy under paragraph (1) with respect to an Academy program year that begins in an odd-numbered calendar year, the Secretary of

the Air Force shall conduct a survey, to be administered by the Department of Defense, of Academy personnel--

(A) to measure--

(i) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have been reported to officials of the Academy; and

(ii) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have not been reported to officials of the Academy; and

(B) to assess the perceptions of Academy personnel of--

(i) the policies, training, and procedures on sexual harassment and sexual violence involving Academy personnel;

(ii) the enforcement of such policies;

(iii) the incidence of sexual harassment and sexual violence involving Academy personnel; and

(iv) any other issues relating to sexual harassment and sexual violence involving Academy personnel.

**(d) Annual Report.**--(1) The Secretary of the Air Force shall direct the Superintendent of the Academy to submit to the Secretary a report on sexual harassment and sexual violence involving cadets or other personnel at the Academy for each Academy program year.

(2) Each report under paragraph (1) shall include, for the Academy program year covered by the report, the following:

(A) The number of sexual assaults, rapes, and other sexual offenses involving cadets or other Academy personnel that have been reported to Academy officials during the program year and, of those reported cases, the number that have been substantiated.

(B) The policies, procedures, and processes implemented by the Secretary of the Air Force and the leadership of the Academy in response to sexual harassment and sexual violence involving cadets or other Academy personnel during the program year.

(C) A plan for the actions that are to be taken in the following Academy program year regarding prevention of and response to sexual harassment and sexual violence involving cadets or other Academy personnel.

(3) Each report under paragraph (1) for an Academy program year that begins in an odd-numbered calendar year shall include the results of the survey conducted in that program year under subsection (c)(2).

(4)(A) The Secretary of the Air Force shall transmit to the Secretary of Defense, and to the Board of Visitors of the Academy, each report received by the Secretary under this subsection, together with the Secretary's comments on the report.

(B) The Secretary of Defense shall transmit each such report, together with the Secretary's comments on the report, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

**(b) Further Information From Cadets and Midshipmen at the Service Academies on Sexual Assault and Sexual Harassment Issues.--**

**(1) Use of focus groups for years when survey not required.--**In any year in which the Secretary of a military department is not required by law to conduct a survey at the service Academy under the Secretary's jurisdiction on matters relating to sexual assault and sexual harassment issues at that Academy, the Secretary shall provide for focus groups to be conducted at that Academy for the purposes of ascertaining information relating to sexual assault and sexual harassment issues at that Academy.

**(2) Inclusion in report.--**Information ascertained from a focus group conducted pursuant to paragraph (1) shall be included in the Secretary's annual report to Congress on sexual harassment and sexual violence at the service academies.

**(3) Service academies.--**For purposes of this subsection, the term service Academy means the following:

- (A) The United States Military Academy.
- (B) The United States Naval Academy.
- (C) The United States Air Force Academy.

**(c) Repeal of Prior Law.--**Section 527 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1469; 10 U.S.C. 4331 note) is repealed.

**(d) Clerical Amendments.--**

**(1)** The table of sections at the beginning of chapter 403 of title 10, United States Code, is amended by adding at the end the following new item:

4361. Policy on sexual harassment and sexual violence.

**(2)** The table of sections at the beginning of chapter 603 of such title is amended by adding at the end the following new item:

6980. Policy on sexual harassment and sexual violence.

**(3)** The table of sections at the beginning of chapter 903 of such title is amended by adding at the end the following new item:

9361. Policy on sexual harassment and sexual violence.

## APPENDIX C: LAW, POLICY AND REPORT REFERENCES

### *Department of Defense*

- 2010 *Service Academy Gender Relations Survey*, December 2010
- 2011 *Service Academy Gender Relations Focus Groups*, December 2011
- Report of the Defense Task Force on Sexual Assault in the Military Services Report*, December 2009
- Department of Defense Annual Report on Sexual Harassment and Violence at the U.S. Military Service Academies: Academic Program Year 2006-2007*, December 2007
- Department of Defense Annual Report on Sexual Harassment and Violence at the U.S. Military Service Academies: Academic Program Year 2008-2009*, December 2009
- Department of Defense Directive 1020.02 *Diversity Management and Equal Opportunity (EO) in the Department of Defense*, 5 February 2009
- Department of Defense Directive 1030.01, *Victim and Witness Assistance*, 13 April 2004
- Department of Defense Instruction 1030.2, *Victim and Witness Assistance Procedures*, 4 June 2004
- Department of Defense Directive 1350.2 *Department of Defense Military Equal Opportunity Program*, 21 November 2003
- Department of Defense Directive 6495.01, *Sexual Assault Prevention and Response (SAPR) Program*, 7 November 2008
- Department of Defense Instruction 6495.02, *Sexual Assault Prevention and Response Program Procedures*, 13 November 2008
- Manual for Courts-Martial United States*, 2008 Edition
- Report of the Defense Task Force on Sexual Assault in the Military Services Report*, December 2009

### *United States Military Academy*

- Army Regulation 600-20, *Army Command Policy*, 27 April 2010
- United States Military Academy Policy Memorandum 127-10, *Sexual Assault Prevention and Response (SAPR) Program*, June 2010
- United States Corps of Cadets Circular 351-2, *New Cadet Handbook*, 1 May 2010
- United States Corps of Cadets Policy Memorandum 11-09, *Equal Opportunity Policy*, 21 December 2009
- United States Corps of Cadets Policy Memorandum 36-09, *Policy on Sexual Harassment*, 21 December 2009
- United States Corps of Cadets Policy Memorandum 46-09, *Equal Opportunity Complaint Procedures*, December 21, 2009
- United States Military Academy Memorandum *Prevention of Sexual Harassment*, November 2009

### ***United States Naval Academy***

Chief of Naval Operations Instruction 5354.1F, *Navy Equal Opportunity (EO) Policy*, 25 July 2007

Chief of Naval Operations Instruction 5800.7A, *Victim and Witness Assistance Program*, 4 March 2008

Commandant of Midshipmen Instruction 1752.1E, *Sexual Assault Prevention and Response Program*, 11 July 2011

Commandant of Midshipmen Instruction 5354.1A, *Command Managed Equal Opportunity (CMEO) Program*, 9 February 2009

Commandant of Midshipmen Instruction 5400.6M, *Midshipman Regulations Manual*, August 17, 2010

Secretary of the Navy Instruction 5300.26D, *Department of the Navy (DON) Policy on Sexual Harassment*, 8 January 2005

United States Naval Academy Instruction (USNAINST) 1752.2B, *Sexual Assault Prevention and Response Program*, 23 June 2011

United States Naval Academy Instruction 5354.5C, *Prevention and Deterrence of Sexual Harassment, Misconduct & Assault*, 23 June 2011

United States Navy Regulations Article 1150, *Complaint of Wrong Committed by a Superior*, 1990

### ***United States Air Force Academy***

Air Force Instruction 36-6001, *Sexual Assault Prevention and Response Program*, 14 October 2010

Air Force Instruction 36-2706, *Equal Opportunity Program Military and Civilian*, 5 October 2010

Air Force Policy Directive 36-27, *Equal Opportunity (EO)*, 22 May 2009

Headquarters United States Air Force Academy Corps of Cadets (HQ USAFA/CC) *Policy on Sexual Harassment Memorandum*

10<sup>th</sup> Air Base Wing Memorandum, *Policy on Equal Opportunity Treatment and Employment*, 8 October 2009

United States Air Force Academy Memorandum, *Policy on Sexual Harassment*, 4 November 2009

Air Force Instruction 36-2014, *Commissioning Education Program*, 22 April 2008

Commandant of Cadets Instruction 36-270, *Human Relations Training and Education Program*, 12 February 12, 2008

United States Air Force Academy Instruction 36-350, *Institutional Effectiveness*, 21 October 2008





ACADEMIC PROGRAM YEAR 2010-2011  
REPORT ON SEXUAL HARASSMENT AND VIOLENCE AT THE MILITARY SERVICE ACADEMIES

**APPENDIX D: DATA MATRICES**

<b>Sexual Harassment and Violence at the US Military Service Academies APY10-11</b>	
<b>A. APY10-11 REPORTS OF SEXUAL ASSAULT (rape, aggravated sexual assault, aggravated sexual contact, abusive sexual contact, wrongful sexual contact, non-consensual sodomy, and attempts to commit these offenses) BY or AGAINST Cadets/Midshipmen</b>	<b>APY10-11 Totals</b>
<b># VICTIMS in APY10-11 Unrestricted Reports</b>	<b>38</b>
# Cadet/Midshipman victims	35
# Non-Cadet/Midshipman victims	3
<b># Unrestricted Reports in the following categories</b>	<b>38</b>
# Cadet/Midshipman on Cadet/Midshipman	22
# Cadet/Midshipman on Non-Cadet/Midshipman (includes other Service Members or Civilians)	3
# Non-Cadet/Midshipman (includes other Service Members or Civilians) on Cadet/Midshipman	6
# Unidentified Subject on Cadet/Midshipman	7
<b># Unrestricted Reports of sexual assault occurring</b>	<b>38</b>
# On Academy Grounds	18
# Off Academy Grounds	18
# Unidentified location	2
<b># Investigations Initiated (From APY2009-2010 Unrestricted Reports)</b>	<b>38</b>
# Investigations pending completion as of 31-May-11	16
# Completed Investigations as of 31-May-11	22
<b># Restricted Reports</b>	<b>37</b>
# Converted from Restricted Report to Unrestricted Report*	10
<b># APY10-11 RESTRICTED REPORTS REMAINING RESTRICTED</b>	<b>27</b>
<b>B. DETAILS OF UNRESTRICTED REPORTS IN APY10-11</b>	<b>APY10-11 Totals</b>
<b>Length of time between sexual assault and Unrestricted Report</b>	<b>38</b>
# Reports made within 3 days of sexual assault	16
# Reports made within 4 to 30 days after sexual assault	4
# Reports made within 31 to 365 days after sexual assault	12
# Reports made longer than 365 days after sexual assault	5
# Unknown	1
<b>Reported Time of sexual assault</b>	<b>38</b>
# Midnight to 6 am	20
# 6 am to 6 pm	3
# 6 pm to midnight	8
# Unknown	7
<b>Reported Day of sexual assault</b>	<b>38</b>
# Sunday	12
# Monday	2
# Tuesday	2
# Wednesday	2
# Thursday	3
# Friday	4
# Saturday	8
# Unknown	5
<b>C. SUMMARY OF INVESTIGATIONS OF UNRESTRICTED REPORTS (INITIATED AND COMPLETED IN APY10-11)</b>	<b>APY10-11 Totals</b>
<b># Investigations initiated and completed during APY10-11</b>	<b>22</b>
# Investigations with more than one victim, subject, or both	1
<b># SUBJECTS in the completed investigations</b>	<b>24</b>
# Cadet/Midshipman subjects	16
# Service Member subjects	1
# Non-Service Member subjects	2
# Unidentified subjects	5
<b># VICTIMS in the completed investigations</b>	<b>22</b>
# Cadet/Midshipman victims	20
# Service Member victims	0
# Non-Service Member victims	2
# Unknown	0

### Unrestricted Sexual Assault Reports (Continued)

D. FINAL DISPOSITIONS FOR SUBJECTS IN APY10-11 INVESTIGATIONS	APY10-11 Totals
<b># SUBJECTS in APY10-11 completed investigations</b>	<b>24</b>
<b>DoD Action Precluded:</b>	<b>6</b>
# Unknown Subjects	3
# Unfounded by Investigative Agency	1
# Civilian or Foreign Authority Prosecutions of Persons Subject to the UCMJ	0
# Civilian or Foreign Authority Prosecutions of Persons NOT Subject to the UCMJ	2
<b># Total Command Action Precluded or Declined for Sexual Assault</b>	<b>6</b>
# Probable cause for only non-sexual assault offense	0
# Subject deceased or deserted	0
# Victim deceased	0
# Victim declined to participate in the military justice action	3
# Insufficient evidence of any offense	3
# Statute of limitations had expired	0
# Unfounded by Command	0
# Commander declined action pursuant to UCMJ Rules of Courts-Martial 306(c)(1)	0
<b># Subjects awaiting completion of command action as of 31-May-11</b>	<b>0</b>
<b># Subjects for whom command action was completed as of 31-May-11</b>	<b>12</b>
<b># Evidence Supports Command Action for the following APY10-11 Sexual Assault Subjects</b>	<b>12</b>
# Court-martial charges preferred (Initiated)	1
# Disciplinary board actions (Initiated)	4
# Nonjudicial punishments (Article 15 UCMJ)	3
# Administrative discharges	1
# Adverse Administrative Actions	3
E. FINAL DISPOSITIONS FOR SUBJECTS IN Pre-APY10-11 INVESTIGATIONS	APY10-11 Totals
<b># Total Number of Investigations, from all reporting periods prior to current APY, pending completion at the end of APY10-11</b>	<b>2</b>
# Pre-APY10-11 Investigations STILL PENDING completion as of 31-May-11	0
# Pre-APY10-11 Investigations completed of 31-May-11	2
<b># SUBJECTS from Pre-APY10-11 investigations completed as of 31-May-11</b>	<b>2</b>
<b># Final APY10-11 DISPOSITIONS for SUBJECTS from Pre-APY10-11 investigations that were completed in APY10-11</b>	<b>2</b>
<b>DoD Action Precluded:</b>	<b>1</b>
# Unknown Subjects	0
# Unfounded by Investigative Agency	0
# Civilian or Foreign Authority Prosecutions of persons subject to the UCMJ	0
# Civilian or Foreign Authority Prosecutions of Persons NOT Subject to the UCMJ	1
<b># Total Command Action Precluded or Declined for Sexual Assault</b>	<b>1</b>
# Probable cause for only non-sexual assault offense	0
# Subject deceased or deserted	0
# Victim deceased	0
# Victim declined to participate in the military justice action	0
# Insufficient evidence of any offense	1
# Statute of limitations had expired	0
# Unfounded by Command	0
# Commander declined action pursuant to UCMJ Rules of Courts-Martial 306(c)(1)	0
<b># Pre-APY10-11 Subjects awaiting completion of command action as of 31-May-10</b>	<b>0</b>
<b># Pre-APY10-11 Subjects for whom command action was completed as of 31 May-10</b>	<b>0</b>
<b># Evidence Supports Command Action for the following Pre-APY10-11 Sexual Assault Subjects</b>	<b>0</b>
# Courts-martial charge preferred (Initiated)	0
# Disciplinary board actions (Initiated)	0
# Nonjudicial punishments (Article 15 UCMJ)	0
# Administrative discharges	0
# Other administrative actions	0
* The total number of reports that converted to Unrestricted Reports are included in the total number of Unrestricted Reports provided in Section A.	





## Restricted Sexual Assault Reports

RESTRICTED REPORTS OF SEXUAL ASSAULT - MILITARY SERVICE ACADEMIES, APY10-11	
<b>A. APY10-11 RESTRICTED REPORTS OF SEXUAL ASSAULT</b>	<b>APY10-11 TOTALS</b>
<b># Cadet/Midshipman VICTIMS in Restricted Reports</b>	<b>37</b>
<b># Converted from Restricted Report to Unrestricted Report*</b>	<b>10</b>
<b># APY10-11 RESTRICTED REPORTS REMAINING RESTRICTED</b>	<b>27</b>
<b># Reported sexual assaults AGAINST Cadet/Midshipman victims in the following categories</b>	<b>37</b>
# Cadet/Midshipman on Cadet/Midshipman	21
# Non-Cadet/Midshipman on Cadet/Midshipman	14
# Unidentified subject on Cadet/Midshipman	2
<b># Reported sexual assaults occurring</b>	<b>37</b>
# On Academy Grounds	12
# Off Academy Grounds	24
# Unidentified location	1
<b>B. INCIDENT DETAILS</b>	<b>APY10-11 TOTALS</b>
<b>Length of time between sexual assault and Restricted Report</b>	<b>37</b>
# Reports made within 3 days of sexual assault	9
# Reports made within 4 to 30 days after sexual assault	7
# Reports made within 31 to 365 days after sexual assault	13
# Reports made longer than 365 days after sexual assault	6
# Unknown	2
<b>Time of sexual assault incident</b>	<b>37</b>
# Midnight to 6 am	16
# 6 am to 6 pm	4
# 6 pm to midnight	13
# Unknown	4
<b>Day of sexual assault incident</b>	<b>37</b>
# Sunday	6
# Monday	3
# Tuesday	1
# Wednesday	0
# Thursday	2
# Friday	0
# Saturday	14
# Unknown	11
<b>C. DEMOGRAPHICS FOR APY10-11 RESTRICTED REPORTS OF SEXUAL ASSAULT</b>	<b>APY10-11 TOTALS</b>
<b>Gender of VICTIMS</b>	<b>37</b>
# Male	3
# Female	34
# Unknown	0
<b>Grade/Status of VICTIMS</b>	<b>37</b>
# Prep School	0
# 1st Year	12
# 2nd Year	10
# 3rd Year	6
# 4th Year	9
# Other Cadet Year	0
# Active Duty Service Members	0
* The Restricted Reports that converted to Unrestricted Reports are now included in the total number of Unrestricted Reports provided in Worksheet 1a. However, this page describes all Restricted Reports as received, before conversion.	

## Victim Services

<b>APY10-11 SUPPORT SERVICES FOR VICTIMS OF SEXUAL ASSAULT U.S. Military Service Academies</b>	
<i>NOTE: Totals of referrals and military protective orders are for all activities during the reporting period, regardless of when the sexual assault report was made .</i>	
<b>A. SUPPORT SERVICE REFERRALS TO MILITARY VICTIMS FROM UNRESTRICTED REPORTS:</b>	<b>APY10-11 TOTALS</b>
<b># Support service referrals for VICTIMS in the following categories</b>	
<b># MILITARY facilities</b>	<b>87</b>
# Medical	23
# Counseling	33
# Legal	31
<b># CIVILIAN facilities (Referred by DoD)</b>	<b>8</b>
# Medical	2
# Counseling	6
# Legal	0
<b># Unrestricted Reports where SAFEs were conducted</b>	9
<b># Unrestricted Reports where SAFE kits or other needed supplies were not available at time of victim's exam</b>	0
<b># Cadets/Midshipmen making an UR that received service referrals for an incident that occurred prior to military service</b>	0
<b>B. SUPPORT SERVICE REFERRALS FOR MILITARY VICTIMS IN RESTRICTED REPORTS:</b>	<b>APY10-11 TOTALS</b>
<b># Support service referrals for VICTIMS in the following categories</b>	
<b># MILITARY facilities</b>	<b>48</b>
# Medical	15
# Counseling	26
# Legal	7
<b># CIVILIAN facilities (Referred by DoD)</b>	<b>1</b>
# Medical	0
# Counseling	1
# Legal	0
<b># Restricted Reports where SAFEs were conducted</b>	1
<b># Restricted Reports where SAFE kits or other needed supplies were not available at time of victim's exam</b>	0
<b># Cadets/Midshipmen making a RR that received service referrals for an incident that occurred prior to military service</b>	5
<b>C. APY10-11 MILITARY PROTECTIVE ORDERS (MPO)*</b>	<b>APY10-11 TOTALS</b>
<b># Military Protective Orders issued due to an APY10-11 Unrestricted Report of Sexual Assault</b>	<b>5</b>
<b># Reported MPO Violations in APY10-11 Completed Investigations</b>	<b>1</b>
# Reported MPO Violations by Subjects	1
# Reported MPO Violations by Victims of Sexual Assault	0
<b>*In accordance with DoD Policy, Military Protective Orders are only issued in Unrestricted Reports. A Restricted Report cannot be made when there is a safety risk to the victim.</b>	

Sexual Assault Case Synopses

Combined Synopses of Unrestricted Reports of Sexual Assault Involving Cadets/Midshipmen, With Final Disposition in APT10-11																
No.	USMA Office Reported	Location	Subject Grade	Subject Gender	Victim Grade	Victim Gender	Quarter Disposition Completed	Case Disposition	Court Outcome	Confine (# Months)	Fines & Forfeits (\$ Amount)	Reduction (if Reduced)	Court-Mental Discharge Type	Adverse Action Type	Adverse Discharge Type	Case Synopses
USMA1	Rape	Off Academy Grounds	4th Year	Male	4th Year	Female	Q3	Court/Martial Charge Preferred (Initiated)	Conviction - Sexual Offender Registration Requirement		\$700.00			Other		The Cadet subject and Cadet/victim were participating in summer training at Fort Drum, NY. While off-duty from training, the alleged sexual assault took place in a friend of the subject's home. The subject received a court martial and was found guilty of committing a sexual act in public. He was required to pay a fine (in the amount of approximately \$700.00) and register as a sex offender. Subsequently, the subject was expelled from the Academy.
USMA2 A	Rape	On Academy Grounds	4th Year	Male	4th Year	Female	Q3	Disciplinary Board (Initiated)					Other		Three male Cadets and one female Cadet were drinking at an off post establishment. All four Cadets returned to post and continued to drink alcohol in the female Cadet's barracks room. The intoxicated female Cadet alleged that at least two of the male Cadets sexually assaulted her. The three male Cadets were found guilty of violating the Academy policies of being in a female Cadet's barracks room with the door closed after 7:30p, consuming alcohol in the barracks, and engaging in sexual intercourse. Two of the male Cadet subjects received Commandant's boards. Enrollment in the Respect Mentorship Program (RMP), with earliest possible graduation dates (pending successful completion of the RMP) being December 2011. The third male Cadet received a Brigade Board with subsequent enrollment in the Leadership Mentorship Program (LMP). Upon successful completion of the LMP, he may graduate in August 2011.	
USMA2 B	Rape	On Academy Grounds	4th Year	Male	4th Year	Female	Q3	Disciplinary Board (Initiated)					Other		Three male Cadets and one female Cadet were drinking at an off post establishment. All four Cadets returned to post and continued to drink alcohol in the female Cadet's barracks room. The intoxicated female Cadet alleged that at least two of the male Cadets sexually assaulted her. The three male Cadets were found guilty of violating the Academy policies of being in a female Cadet's barracks room with the door closed after 7:30p, consuming alcohol in the barracks, and engaging in sexual intercourse. Two of the male Cadet subjects received Commandant's boards. Enrollment in the Respect Mentorship Program (RMP), with earliest possible graduation dates (pending successful completion of the RMP) being December 2011. The third male Cadet received a Brigade Board with subsequent enrollment in the Leadership Mentorship Program (LMP). Upon successful completion of the LMP, he may graduate in August 2011.	
USMA2 C	Rape	On Academy Grounds	4th Year	Male	4th Year	Female	Q3	Disciplinary Board (Initiated)					Other		Three male Cadets and one female Cadet were drinking at an off post establishment. All four Cadets returned to post and continued to drink alcohol in the female Cadet's barracks room. The intoxicated female Cadet alleged that at least two of the male Cadets sexually assaulted her. The three male Cadets were found guilty of violating the Academy policies of being in a female Cadet's barracks room with the door closed after 7:30p, consuming alcohol in the barracks, and engaging in sexual intercourse. Two of the male Cadet subjects received Commandant's boards. Enrollment in the Respect Mentorship Program (RMP), with earliest possible graduation dates (pending successful completion of the RMP) being December 2011. The third male Cadet received a Brigade Board with subsequent enrollment in the Leadership Mentorship Program (LMP). Upon successful completion of the LMP, he may graduate in August 2011.	



ACADEMIC PROGRAM YEAR 2010-2011  
REPORT ON SEXUAL HARASSMENT AND VIOLENCE AT THE MILITARY SERVICE ACADEMIES

Sexual Assault Case Synopses (Continued)

No.	UCMJ Offense Reported	Location	Subject Grade	Subject Gender	Victim Grade	Victim Gender	Quarter Disposition Completed	Case Disposition	Court Case Outcome	Confine-ment (# Months)	Fines & Forfeitures (\$ Amount)	Reduction (In Rank # Reduced)	Court-Mental Discharge Type	Adverse Admin. Action Type	Admin. Discharge Type	Case Synopsis
USMA3	Rape	On Academy Grounds	2nd Year	Male	1st Year	Female	Q3	Insufficient Evidence of Any Offense								Female Cadet victim alleged to be sexually assaulted in the barracks after drinking an unspecified amount of alcohol. The victim could not specifically recall any details of the assault itself, but recalled events that occurred before the assault, followed by waking up in her barracks room with the knowledge that she had been sexually violated. She was unable to positively identify the subject.
USMA4	Rape	On Academy Grounds		Male	2nd Year	Female	Q2	Victim Declined to Participate in Military Justice Action								Cadet victim informed several Cadet friends that she had been sexually assaulted. She declined to make a statement to CID in order to assist in the investigation.
USMA5	Rape	Off Academy Grounds		Male	2nd Year	Female	Q3	Victim Declined to Participate in Military Justice Action								Cadet victim reported being sexually assaulted while visiting a friend in Gainesville, FL. She made an unrestricted report and provided information to CID. CID put the victim in contact with the Gainesville police department. She declined to make a statement to the police department.
USMA6	Wrongful Sexual Contact	On Academy Grounds	4th Year	Male	3rd Year	Female	Q3	Disciplinary Board (Initiated)						Other		The Cadet subject in this case greeted the buttocks of the Cadet victim following a chain of command meeting between the two (the cadet platoon leader and the cadet platoon sergeant). She reported the incident to her chain of command, the SARC and CID. The incident was founded by the CID Investigator, and the Cadet subject received a Brigade Board, enrollment in the Respect Mentorship Program (RMP). Upon successful completion of RMP, he is expected to graduate in August 2011.
USMA7	Rape	Off Academy Grounds	4th Year	Male	Civilian	Female	Q3	Victim Declined to Participate in Military Justice Action								The Cadet subject allegedly raped the civilian student victim while visiting her college. The civilian student reported the offense to local authorities in her community. Due to the slow progress of the case, the Cadet subject graduated from the Academy. The civilian victim declined to participate in the military justice system, when asked by CID to provide a statement.
USNA1	Aggravated Sexual Assault	Off Academy Grounds	1st Year	Male	2nd Year	Female	Q4	Administrative Discharge						Other	Dismissment	Midshipman suspect voluntarily resigned from Naval Academy, victim satisfied, no further action pursued.
USNA2	Rape	On Academy Grounds	4th Year	Male	4th Year	Female	Q4	Nonjudicial Punishment						Other	Dismissment	Suspect charged and found guilty on violation of UCMJ articles 134 (harping), 134 (communicating threats), 132 (failure to obey an order or other regulation) and 133 (conduct unbecomg). Suspect separated from the USNA on 08 Sep 10.
USNA3	Aggravated Sexual Assault	Off Academy Grounds	O-1	Male	3rd Year	Female	Q3	Nonjudicial Punishment						LOR		Suspect charged and found guilty of violation of UCMJ Art 133. Awarded Punitive Letter of Reprimand at NJP.
USNA4	Attempt to Commit Crime	On Academy Grounds		Male	3rd Year	Female	Q2	Unknown Subject								Victim assaulted in dark stairwell, unable to identify suspect.
USNA5	Aggravated Sexual Assault	On Academy Grounds		Male	1st Year	Female	Q2	Civilian Prosecution of Person Not Subject to UCMJ								Suspect prospective USNA applicant. Subject will not be considered for any future applications.
USNA6	Rape	On Academy Grounds		Male	4th Year	Female	Q3	Unknown Subject								Victim unable to remember event, suspect unknown.
USNA7	Rape	Off Academy Grounds	Civilian	Male	1st Year	Female	Q3	Civilian Prosecution of Person Not Subject to UCMJ								Victim declined to participate in investigation with Anne Arundel Police Department and NCS.

Sexual Assault Case Synopses (Continued)

No.	UCMJ Offense Reported	Location	Subject Grade	Subject Gender	Victim Grade	Victim Gender	Quarter Being Completed	Case Disposition	Court Outcome	Confine- (# Months)	Fines & (\$ Amount)	Reduction (# Reduction)	Court- Martial Discharge Type	Adverse Admin Action Type	Adverse Discharge Type	Case Synopsis
USAFA 1	Wrongful Sexual Contact	On Academy Grounds	2nd Year	Male	1st Year	Female	Q4	Nonjudicial Punishment			\$487.2 months				General	Subject returned to USAFA dorms intoxicated. He went into the victim's room and climbed into her bed while victim was sleeping and touched her rear, her vagina and buttocks over her clothes. Subject left the room immediately when victim woke up.
USAFA 2	Wrongful Sexual Contact	Off Academy Grounds	3rd Year	Male	1st Year	Female	Q3	Unfounded by Law/ Enforcement								Victim reported subject tried to get her to touch his penis while in an off base hotel. After coordinating with JA, OSI and SFS declined to investigate due to a lack of evidence and an unfounded allegation.
USAFA 3	Aggravated Sexual Contact	Off Academy Grounds	2nd Year	Female	2nd Year	Female	Q3	Unknown Subject								Victim reported she was in a parking garage off base when she was assaulted by the subject. OSI worked with the civilian authorities but did not find any evidence. The identity of the subject is unknown.
USAFA 4	Attempt to Commit Crime	On Academy Grounds	3rd Year	Male	2nd Year	Female	Q3	Adverse Administrative Action					LOR			Subject went into victim's room while she was sleeping. He climbed into her bed but never touched the victim. Subject has a pending disenrollment for this issue and unrelated misconduct.
USAFA 5	Aggravated Sexual Assault	On Academy Grounds	1st Year	Male	1st Year	Female	Q4	Insufficient Evidence of Any Offense								Victim reported going into the woods with subject to listen to music and that subject held her down and penetrated her vagina with his fingers and penis.
USAFA 6	Aggravated Sexual Assault	Off Academy Grounds	3rd Year	Male	Civilian	Female	Q2	Insufficient Evidence of Any Offense								Victim reported that she was off base with the subject in a hotel room and the subject sexually assaulted her. Victim became uncooperative with the investigation. Subject stated the sex was consensual and passed a polygraph examination.
USAFA 7	Wrongful Sexual Contact	On Academy Grounds	2nd Year	Male	2nd Year	Female	Q2	Adverse Administrative Action					Other			Victim reported that the subject was kissing her and tried to pull open her legs. Victim told subject no, and he left the room. The member received Cadet Discipline, CSA punishment, CAITL, 25 demerits, 15 confinement, and 2 weeks restriction for collateral misconduct.
USAFA 8	Aggravated Sexual Assault	Off Academy Grounds	2nd Year	Male	1st Year	Female	Q4	Adverse Administrative Action					LOR			Victim reported that subject penetrated her vagina with his fingers and penis. Victim reported blacking out during the incident. Victim declined to cooperate with prosecution. No alcohol was involved.
USAFA 9	Aggravated Sexual Assault	Off Academy Grounds	2nd Year	Male	2nd Year	Female	Q2	Insufficient Evidence of Any Offense								Case carried over from APV08-10. After an evening of underage drinking, the victim woke up in a hotel room with two unidentified males, believing she may have been sexually assaulted. The victim reported to hotel's front desk where police took her to the local hospital for SANE examination. One of the subjects was identified as a kidnapper, the other turned out to be a friend of the victim. The investigation disclosed no chargeable offenses. Both victim and subject submitted voluntary separations and left USNA.
USAFA 9	Aggravated Sexual Assault	Off Academy Grounds	2nd Year	Male	2nd Year	Female	Q2	Insufficient Evidence of Any Offense								Victim attended a party off base and was drinking. Victim reported subject stroke and victim woke up in a hotel room with two unidentified males. Subject pled guilty to sexual assault, a class 3 felony. Subject's sentence included registering as a sex offender, no contact with anyone under 18 until completion of sex offender program, and 20 years probation.

## Formal Sexual Harassment Reports

Formal Sexual Harassment Reports at the US Military Service Academies APY10-11	
<b>A form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:</b> a. Submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career, or b. Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, or c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment.	APY10-11 TOTALS
<b>A. Formal Sexual Harassment Complaints (total)</b>	<b>1</b>
# Cadet/Midshipman Complainants	1
# Non-Cadet/Midshipman Complainants	0
<b>B. Location of Incident</b>	<b>1</b>
# On Academy Grounds	1
# Off Academy Grounds	0
# Unidentified location	0
<b>C. # Total Sexual Harassment Investigations opened during APY10-11</b>	<b>1</b>
# Investigations pending completion as of 31 May 11	0
# Completed investigations as of 31 May 11	1
<b>D. Sexual Harassment Details - Length of time between incident and formal report</b>	<b>1</b>
# Reports made within 60 days of the sexual harassment	1
# Reports made more than 60 days following the sexual harassment	0
# Unknown	0
<b>E. # Reports forwarded to General Court Martial Convening Authority</b>	<b>1</b>
# Reports forwarded to GCMCA within 72 Hours	1
# Reports forwarded to GCMCA beyond 72 Hours	0
<b>F. Time of Sexual Harassment Incident</b>	<b>1</b>
# Midnight to 6 am	0
# 6 am to 6 pm	1
# 6 pm to midnight	0
# Unknown	0
<b>G. Day of Sexual Harassment Incident</b>	<b>1</b>
# Sunday	0
# Monday	1
# Tuesday	0
# Wednesday	0
# Thursday	0
# Friday	0
# Saturday	0
# Unknown	0
<b>H. # APY10-11 COMPLETED INVESTIGATIONS</b>	<b>1</b>
# Investigations with more than one complainant, more than one subject, or both	0
# of Subjects in Completed Investigations	1
<b>I. APY10-11 FINAL DISPOSITIONS FOR SUBJECTS IN COMPLETED INVESTIGATIONS</b>	<b>1</b>
# Subjects with Unsubstantiated Complaints	0
# Pending command action as of 31 May 11	0
# Subjects for whom command action was completed of 31 May 11	1
<b>J. # Commander Actions (APY10-11 Subjects)</b>	<b>1</b>
# Courts-martial	0
# Nonjudicial Punishments	0
# Discharges in lieu of courts-martial	0
# Discharges in lieu of disciplinary actions	0
# Honor board actions	0
# Other administrative actions	1

Sexual Harassment Case Synopsis

Number	Month Closed	Subject Status	Subject Gender	Complainant Status	Complainant Gender	Initial Allegation Reported	Misconduct Charged	Disposition	Brief Synopsis of Incident and Outcome
USAFA 1	Feb-11	3rd Year	Male	4th year	Female	Complainant overheard the offender discussing his sexual endeavors, in detail, with another cadet.	Sexual Harassment	Closed	The female cadet was walking behind the male cadet when the male cadet started discussing his sexual endeavors over the weekend with a cadet he was walking with. The female cadet asked the male cadet to stop his conversation. He refused and became louder with the discussion and gave more sexual details. Investigation substantiated sexual harassment.



Prepared by Department of Defense  
Sexual Assault Prevention and Response Office

[www.sapr.mil](http://www.sapr.mil) (For Program and Policy)  
[www.myduty.mil](http://www.myduty.mil) (For Victim Care)

