

Appendix H: Sexual Harassment Data



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The Department of Defense (DoD) remains firmly committed to eliminating sexual harassment in the Armed Forces. Sexual harassment violates the responsibility of DoD military and civilian personnel to treat each other with dignity and respect. Sexual harassment jeopardizes combat readiness and mission accomplishment, weakens trust within the ranks, and erodes unit cohesion.

Oversight Responsibilities

The Office of Diversity Management and Equal Opportunity (ODMEO) has broad responsibility for the DoD Military Equal Opportunity program, which includes policy development and oversight, standardization of training and education, data collection, and analysis of military sexual harassment data.

Definition of Sexual Harassment

Section 548 of the National Defense Authorization Act for Fiscal Year (FY) 2017 changed the sexual harassment definition by removing sexual harassment as constituting a form of sex discrimination and changing “work environment” to “environment.” Thus, Title 10, United States Code, section 1561 now defines “sexual harassment” as a form of harassment that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to 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 has the purpose or effect of unreasonably interfering with an individual's work performance or creates

an intimidating, hostile, or offensive environment.

This definition emphasizes that conduct, to be actionable as “abusive work environment” harassment, need not result in concrete psychological harm to the victim, but rather need only be so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the work environment as hostile or offensive.

Any person in a supervisory or command position who uses or condones any form of sexual behavior to control, influence, or affect the career, pay, or job of a Service member or DoD civilian employee is engaging in sexual harassment. Similarly, any Service member or DoD civilian employee who makes deliberate or repeated unwelcome verbal comments, non-verbal or physical contact of a sexual nature, is also engaging in sexual harassment.

Overall Complaint Totals

In FY16, the Military Services and the National Guard Bureau (NGB) received and processed 601 sexual harassment complaints. Complaints are substantiated or unsubstantiated based on the results of an investigation or inquiry. At the close of FY16, 530 reports were resolved through an appropriate investigation and 71 reports remained open and pending resolution.

Substantiated sexual harassment complaints are complaints containing at least one founded allegation of sexual harassment as documented in a report of investigation or inquiry. Substantiated complaints comprised 62 percent (326) of the 530 complaints resolved in FY16.

Unsubstantiated sexual harassment complaints are complaints without any founded allegations of sexual harassment as

documented in a report of investigation or inquiry. Thirty-eight percent (204) of the 530 alleged complaints resolved in FY16 were unsubstantiated.

Pending sexual harassment complaints are complaints that are still awaiting a case resolution decision. Twelve percent (71) of the 601 total complaints filed in FY16 were pending resolution at the end of the FY. See Table 1 for case disposition by Service.

Top Line Results

The Military Services and the NGB continue to employ Service-specific information management systems to collect, store, and analyze sexual harassment complaint information; this information is submitted annually to the DoD for compilation and analysis.

Complainant Characteristics

There were 365 complainants associated with the 326 substantiated cases. Complainants were predominantly female (294 of 365; 81 percent). Males made up nineteen percent (68 of 365) of complainants. Three complaints (one percent) were filed anonymously.

Enlisted members comprised 92 percent of complainants (334 of 365). Officers represent four percent of complainants (16 of 365). The pay grade category was unknown for four percent of complainants (15 of 365).

Service members in pay grades E1-E4 account for 72 percent of all complainants (263 of 365). The largest single grouping of complainants by gender and pay grade was females in pay grades E1-E4 (214 of 365; 59 percent). Additionally, enlisted males in the pay grades of E1-E4 account for 13 percent (49 of 365) of complainants.

Officer complainants were all female, predominately in the grade of O1-O3 (12 of 16; 75 percent). See Table 2 for complainant characteristics.

Offender Characteristics

There were 415 alleged offenders reported for 326 substantiated complaints. These individuals were predominantly male (396 of 415; 95 percent). Alleged female offenders made up five percent (19 of 415) of all alleged offenders.

Enlisted members comprised 85 percent of alleged offenders (353 of 415). Forty-two percent of all identified offenders were in the pay grade of E5-E6 (174 of 415). The largest single grouping of alleged offenders by gender and pay grade was males in pay grade E5-E6 (170 of 174; 98 percent).

Officers represent seven percent of alleged offenders (29 of 415) in which 66 percent were male in the pay grade of O1-O3 (19 of 29). One female officer alleged offender in the pay grade of O4-O6 was reported. Eight percent (33 of 415) of all alleged offenders were either civilian personnel or the employment type was unknown. See Table 3 for alleged offender characteristics.

Repeat alleged offenders, defined to have more than one complaint substantiated for sexual harassment, represent 11 percent of all alleged offenders (47 of 415).

Duty Status and Nature of Substantiated Incidents

Eighty-eight percent of substantiated incidents occurred on duty (287 of 326). Because substantiated complaints may involve multiple allegations of sexually harassing behavior, 475 types of allegations were reported. The most frequently reported allegations involved crude and/or offensive behavior (269 of 475; 57 percent). All other reported allegations were characterized as unwanted sexual attention (187 of 475; 39 percent) and sexual coercion (19 of 475; 4 percent).

Timeliness of Reporting and Investigation

DoD policy requires that, to the extent practicable, commanders will forward sexual harassment complaint information or allegations to a general court-martial convening authority (GCMCA) within 72 hours of receipt. Ninety-nine percent of all complaints (576 of 578) were forwarded to the GCMCA; 89 percent of these (514 of 578) were appropriately forwarded within 72 hours.

Accountability

Of the 415 alleged offenders, 52 alleged offenders were pending disciplinary actions at

the close of FY16. The remaining 363 alleged offenders received 369 corrective actions; offenders may receive more than one type of corrective action. For example, an alleged offender may receive a letter of reprimand, administrative actions, and non-judicial punishment. Out of 369 total corrective actions, 62 percent (228 of 369) were non-judicial punishments, 36 percent (134 of 369) were adverse or administrative actions (e.g., chapter discharge or letters of reprimand) and two percent (7 of 369) were punitive and included four courts-martial and three discharges in lieu of courts-martial.

Table 1: FY16 Sexual Harassment Complaints by Disposition and Service

2016 Formal Complaints	Substantiated Complaints	Unsubstantiated Complaints	Pending Complaints	Total Complaints
DoD	54%	34%	12%	601
Army	53%	38%	9%	391
Navy	53%	25%	22%	134
Air Force	28%	61%	11%	18
Marine Corps	74%	23%	3%	25
National Guard Bureau	65%	22%	13%	23

Table 2: FY16 Sexual Harassment Complainants by Pay Grade

Service/Component	Female	% Female	Male	% Male
Complainants by Pay Grade	294	81%	68	19%
E1-E4	214	59%	49	14%
E5-E6	50	14%	14	4%
E7-E9	5	1%	2	1%
WO1-WO5	1	<1%	0	0%
O1-O3	12	3%	0	0%
O4-O6	3	1%	0	0%
O7-O10	0	0%	0	0%
Other	5	1%	2	1%
Unknown	4	1%	1	<1%

Table 3: FY16 Sexual Harassment Alleged Offenders by Pay Grade and Employment

Service/Component	Female	% Female	Male	% Male
Alleged Offenders by Pay Grade and Employment	19	5%	396	95%
E1-E4	10	2%	83	20%
E5-E6	4	1%	170	41%
E7-E9	2	<1%	84	20%
WO1-WO5	0	0%	7	2%
O1-O3	0	0%	19	5%
O4-O6	1	<1%	2	<1%
O7-O10	0	0%	0	0%
Civilian Employee	1	<1%	3	1%
Contractor	0	0%	6	1%
Other	1	<1%	6	1%
Unknown	0	0%	16	4%

Way Forward

Oversight Framework Enhancements

Recognizing the need for greater leadership commitment and accountability to promote, support, and enforce sexual harassment prevention and response policies and programs, the Department is updating its policy and oversight framework, to include problematic behaviors associated with social media and/or online misconduct. Enhancements include: clear definitions, standardized reporting procedures, and clear guidance for addressing incidents in joint environments, to incorporate best practices in prevention and training programs. Particular emphasis will be placed on enhancing prevention and response training and education, and standardizing data collection and tracking.

Training and Education

The Department continues to examine the efficacy of current sexual harassment prevention training and is engaged in collaborative efforts with the Services to emphasize sexual harassment prevention training during accessions and Professional Military Education, particularly for mid-tier enlisted Service members. Further, the Department will continue to investigate research opportunities to evaluate training currently being offered across the enterprise. This examination is expected to reveal how the training is received by the trainees, how it influences individual behaviors going forward, and the policy adjustments that are needed. The Department is developing a robust sexual harassment prevention strategy that will be informed by research, to address this problematic behavior; the strategy will also address social media and online misconduct.