

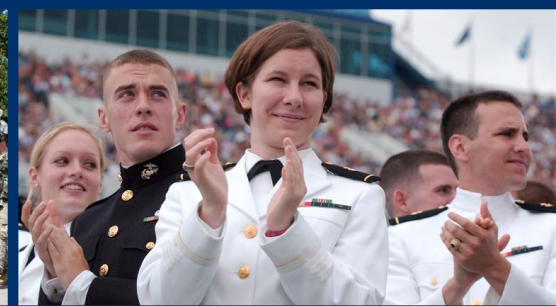


**DEPARTMENT OF DEFENSE
SEXUAL ASSAULT PREVENTION
AND RESPONSE**

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

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

Dear Mr. Chairman:

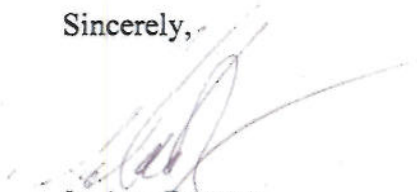
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Sincerely,



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.¹

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

¹ 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*.² 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

² 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 reported³ 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.⁴

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

³ Three civilians made a sexual assault report against a cadet or midshipman.

⁴ 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.

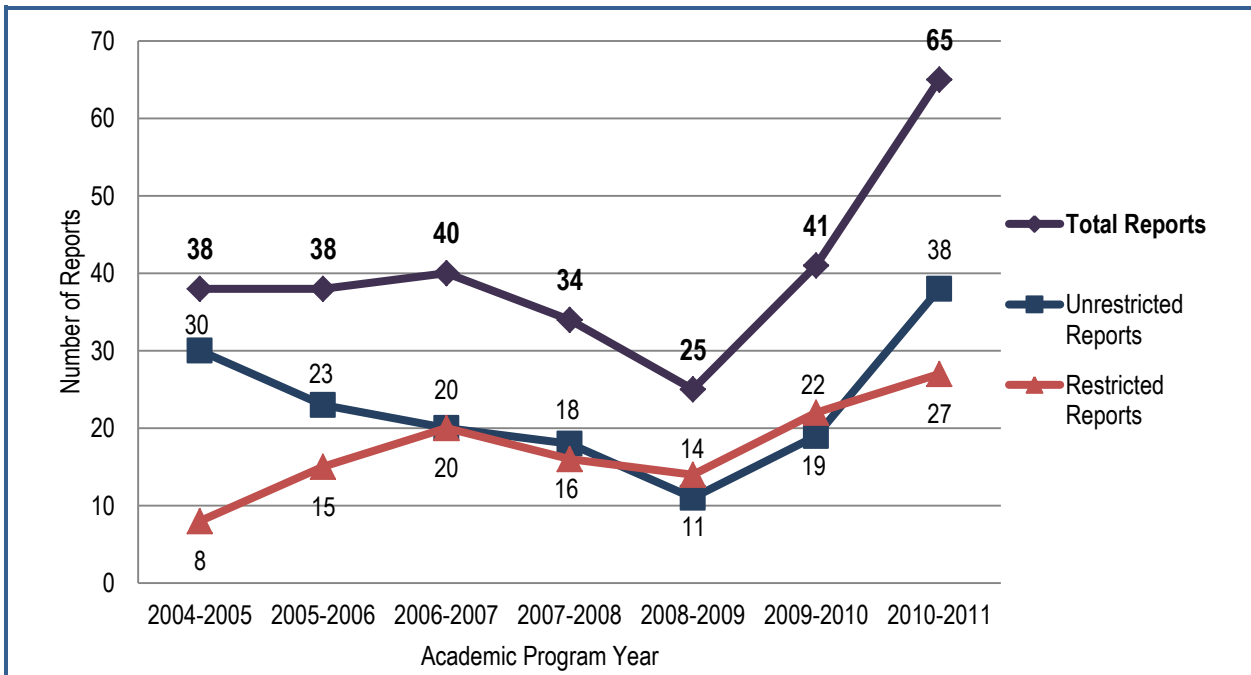


Exhibit 1: Total Reports of Sexual Assault Made to the MSAs—
 Unrestricted Reports and Restricted Reports, APY 04-05 to APY 10-11.

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

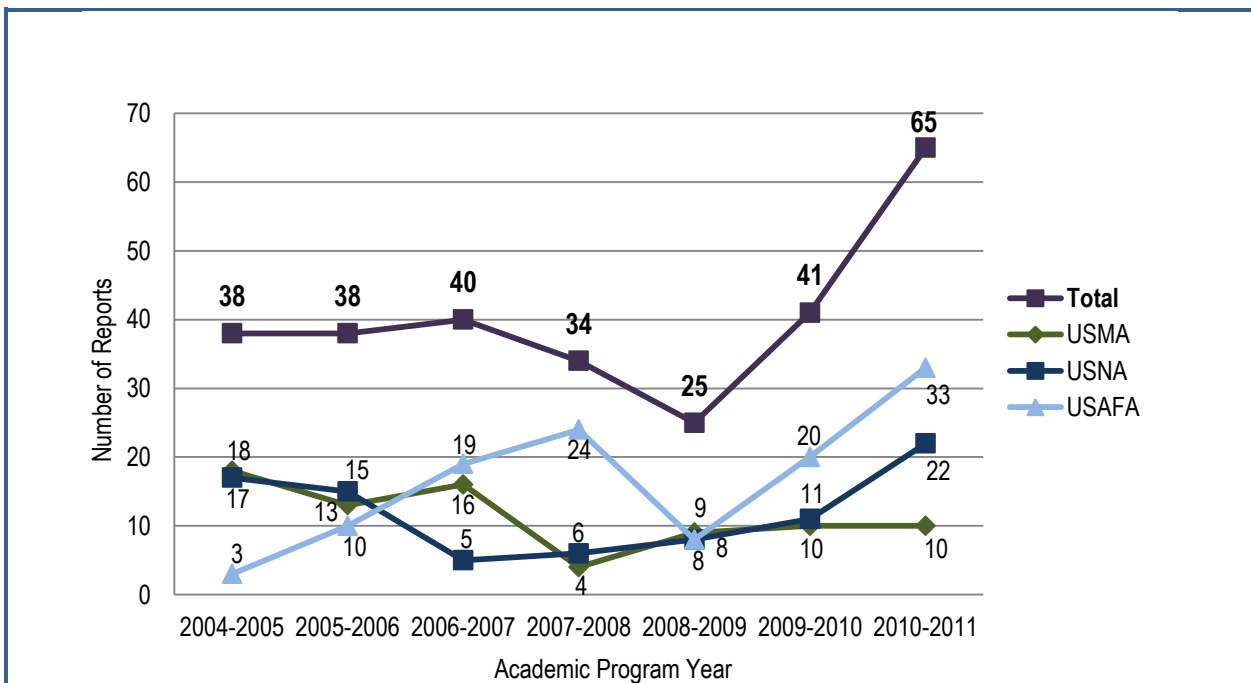
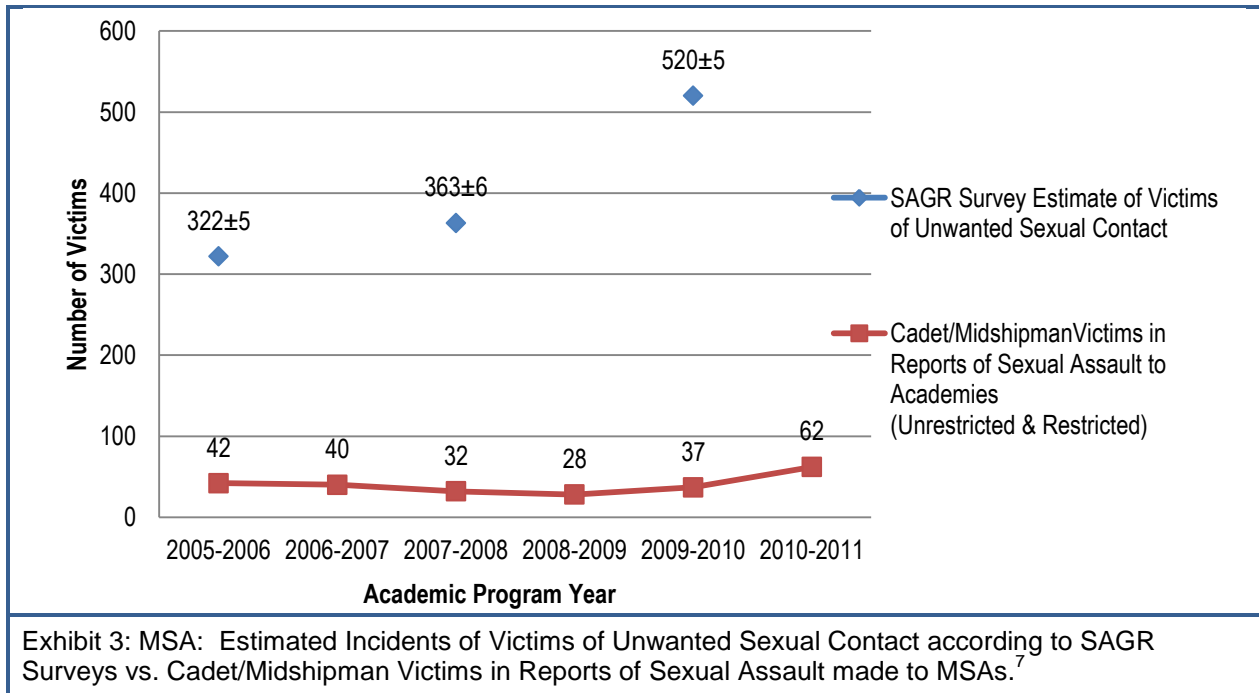


Exhibit 2: Reports of Sexual Assault by Service Academy, APY 04-05 to APY 10-11.

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"⁵ compare to the Unrestricted and Restricted Reports received by the academies.⁶



⁵ 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.

⁶ 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.

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

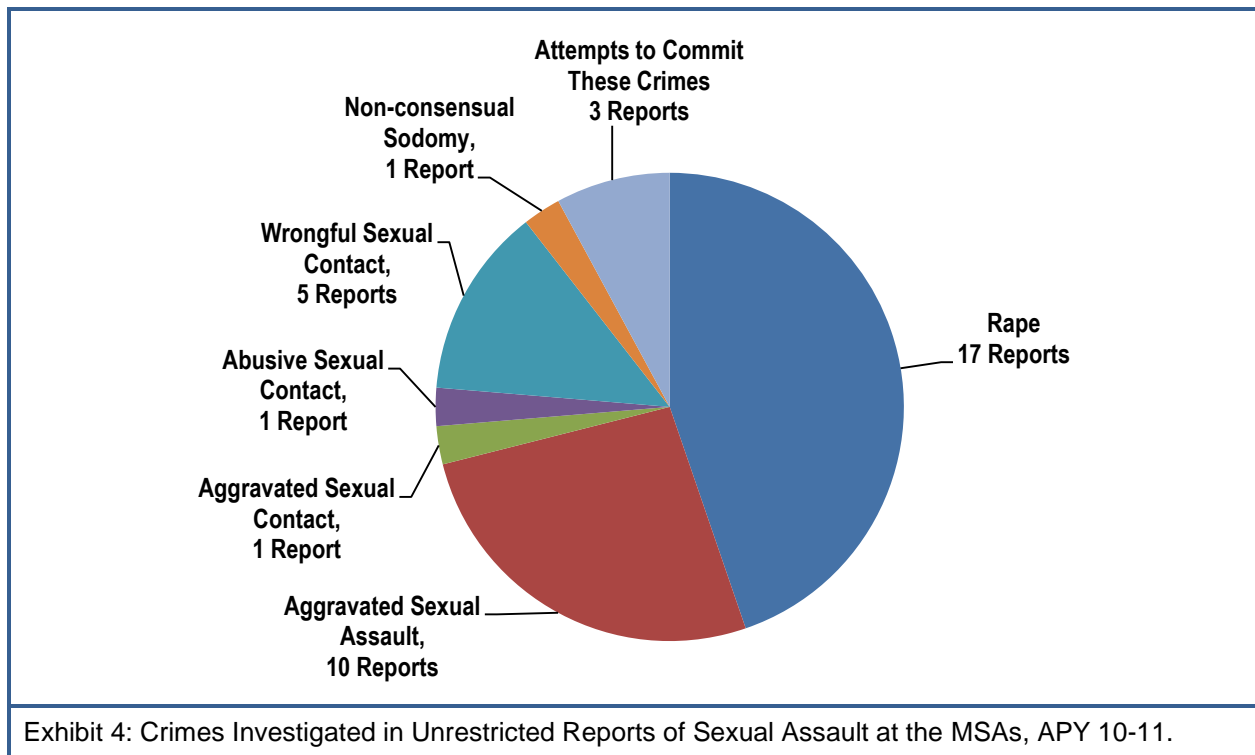
APY 10-11 Unrestricted Reports of Sexual Assault

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).⁸

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).⁹

- 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.



⁸ An Unrestricted Report of sexual assault is provided to law enforcement for investigation.

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

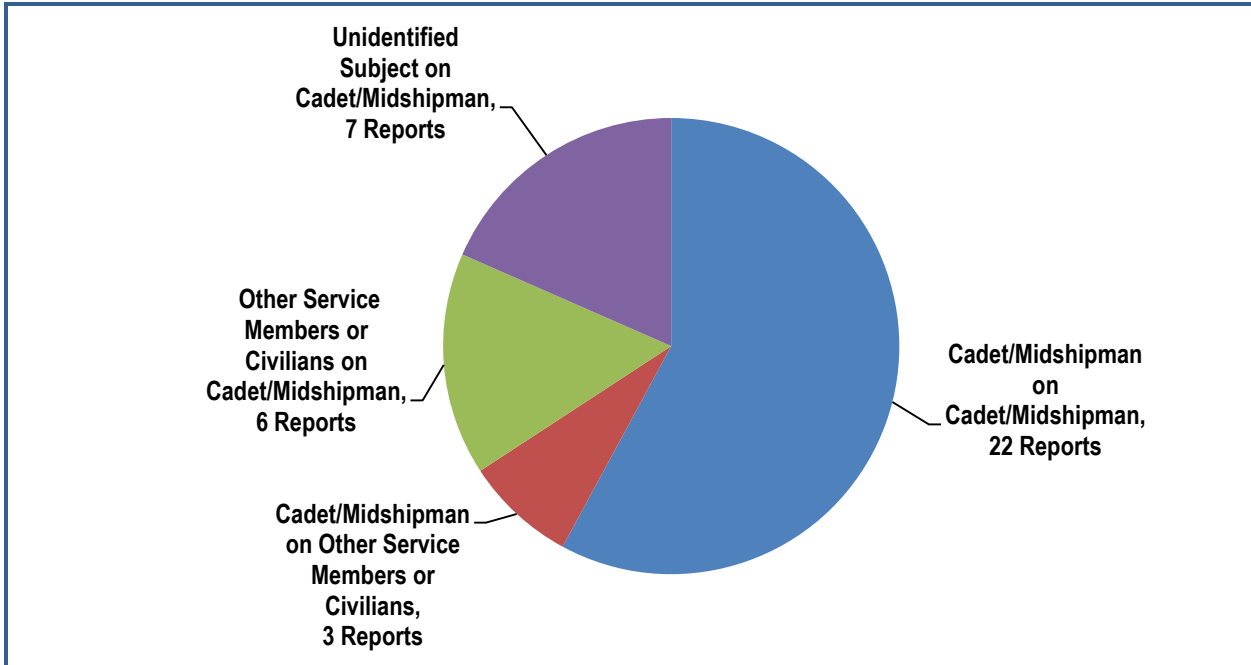


Exhibit 5: Unrestricted Reports of Sexual Assault by Category at the Military Service Academies, APY 10-11.

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.

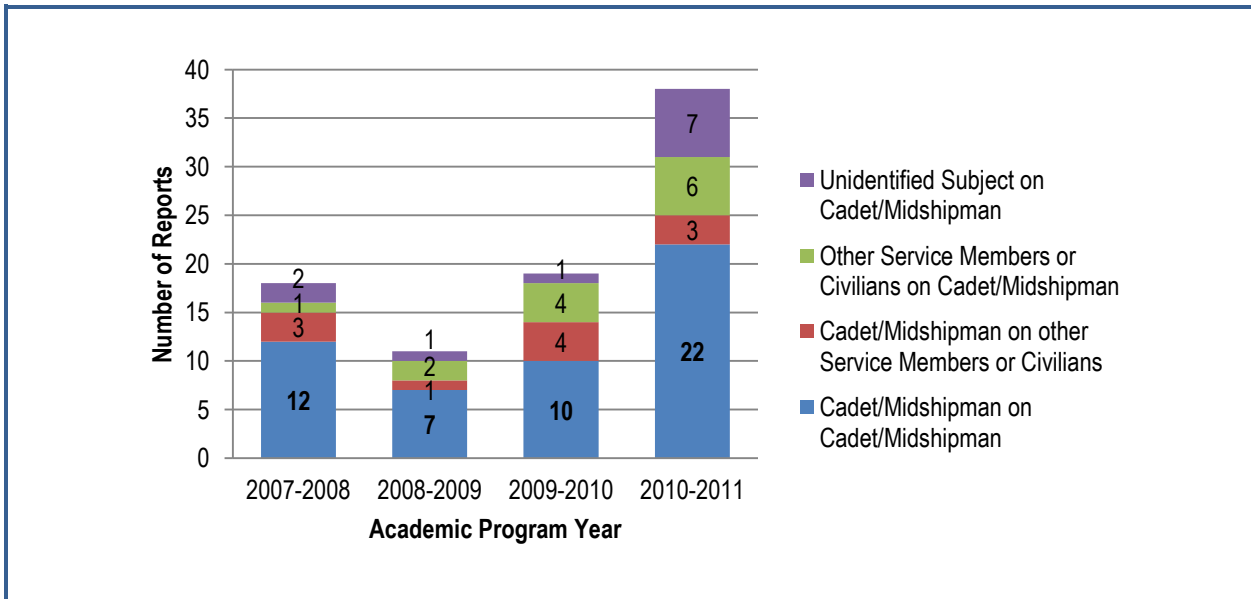


Exhibit 6: Unrestricted Reports of Sexual Assault by Category at the MSAs, APY 07-08 to APY 10-11.

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
Investigations Completed as of 30-Sep-10 (involving one or more subjects)	2	22	24
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.¹⁰ 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.

¹⁰ Some of the reports involved more than one subject.

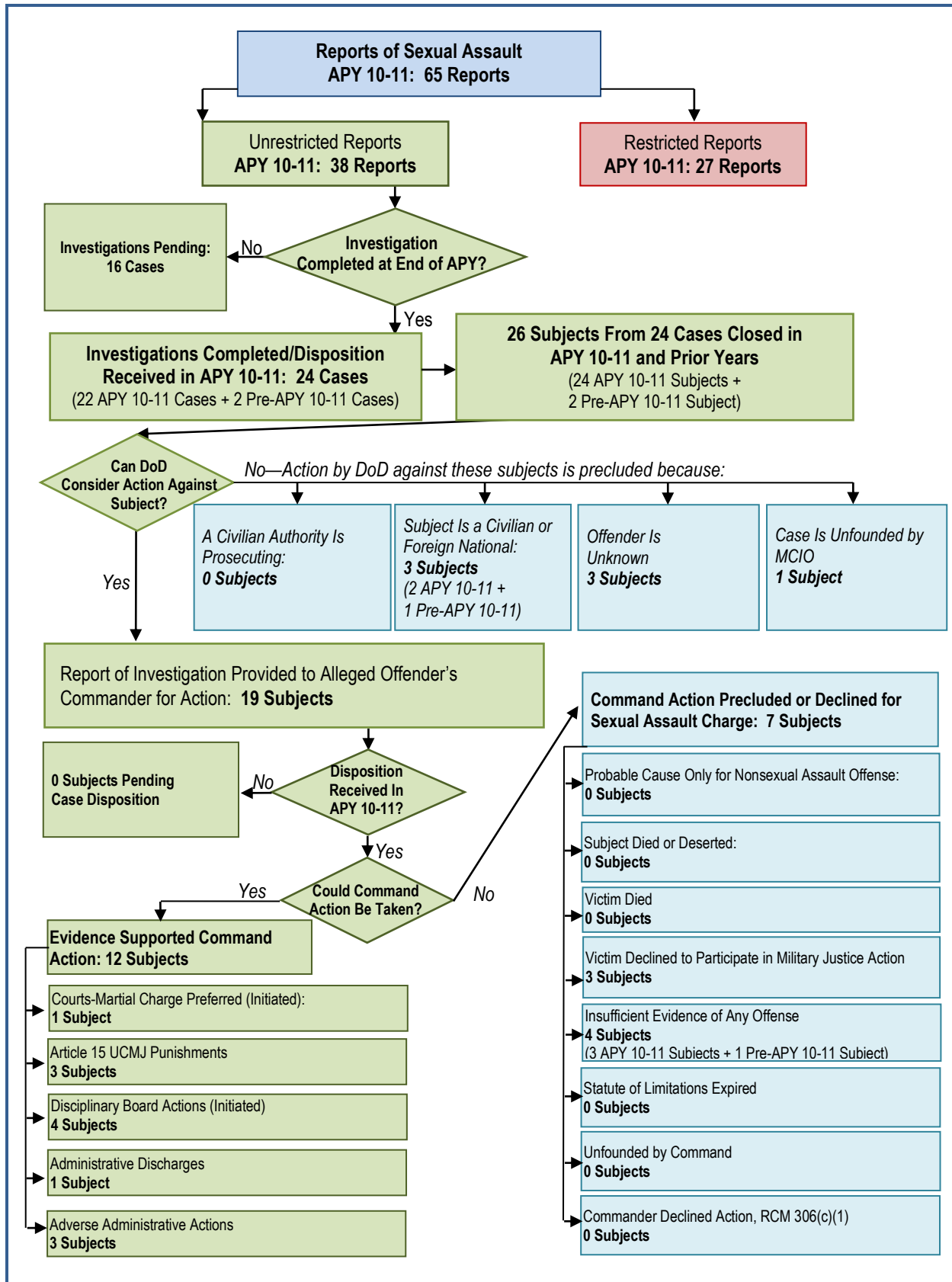


Exhibit 7: Flow of Cases From Initial Report Through Final Disposition, APY 10-11.

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.

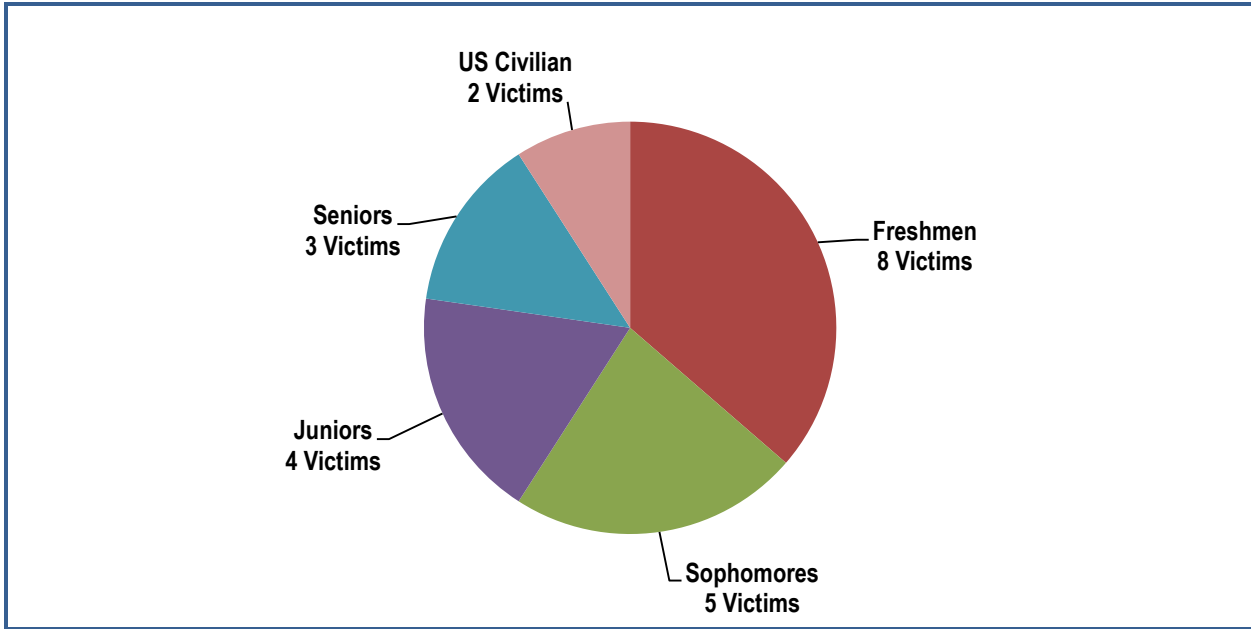


Exhibit 8: Grade/Status of Victims in Completed Investigations of Unrestricted Reports, APY 10-11.

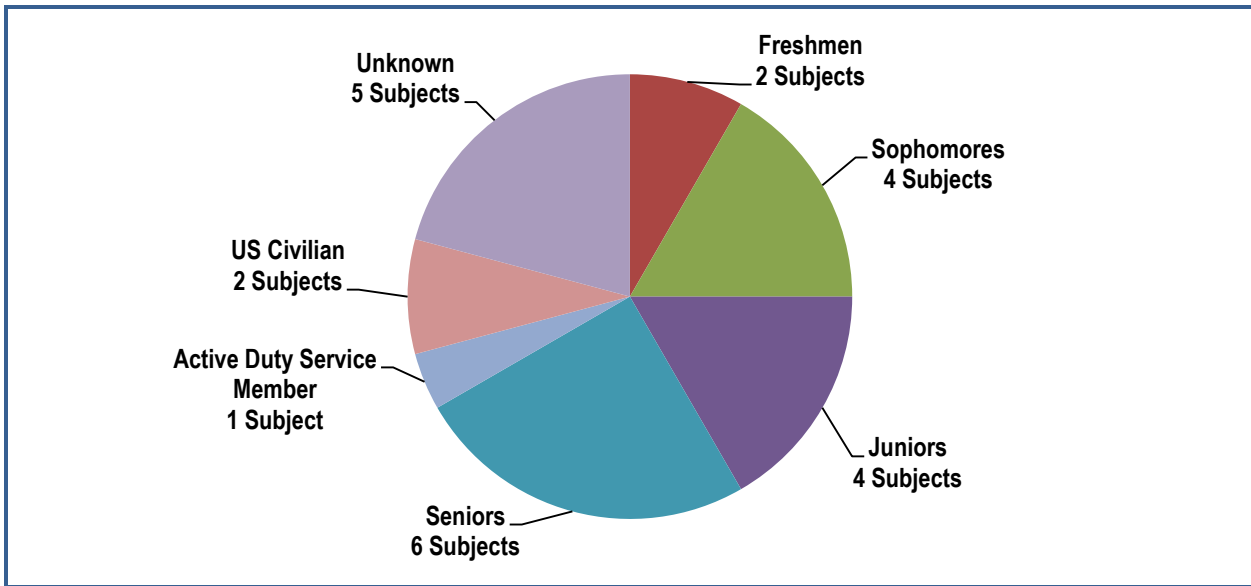


Exhibit 9: Grade/Status of Subjects in Completed Investigations of Unrestricted Reports, APY 10-11.

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.

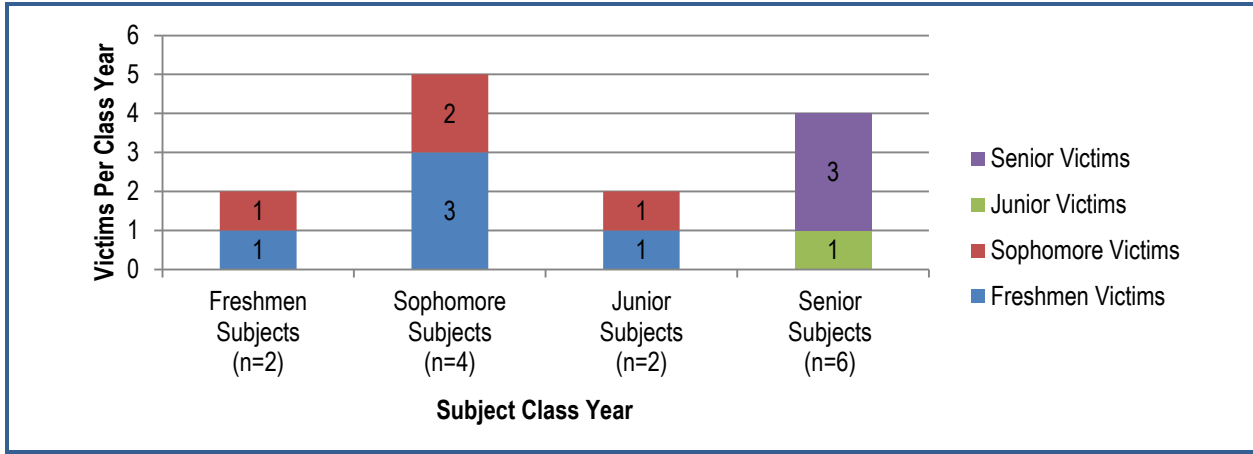


Exhibit 10: Victims and Subjects by Academic Class Year in APY 10-11 Completed Unrestricted Report Cases Involving Cadets and Midshipmen as both Subject and Victim. Data is only provided in this graph for investigations where *both* victim(s) and subject(s) were cadets/midshipmen.

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.¹¹
- At the close of APY 10-11, 27 reports remained Restricted.¹²

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

¹² 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.

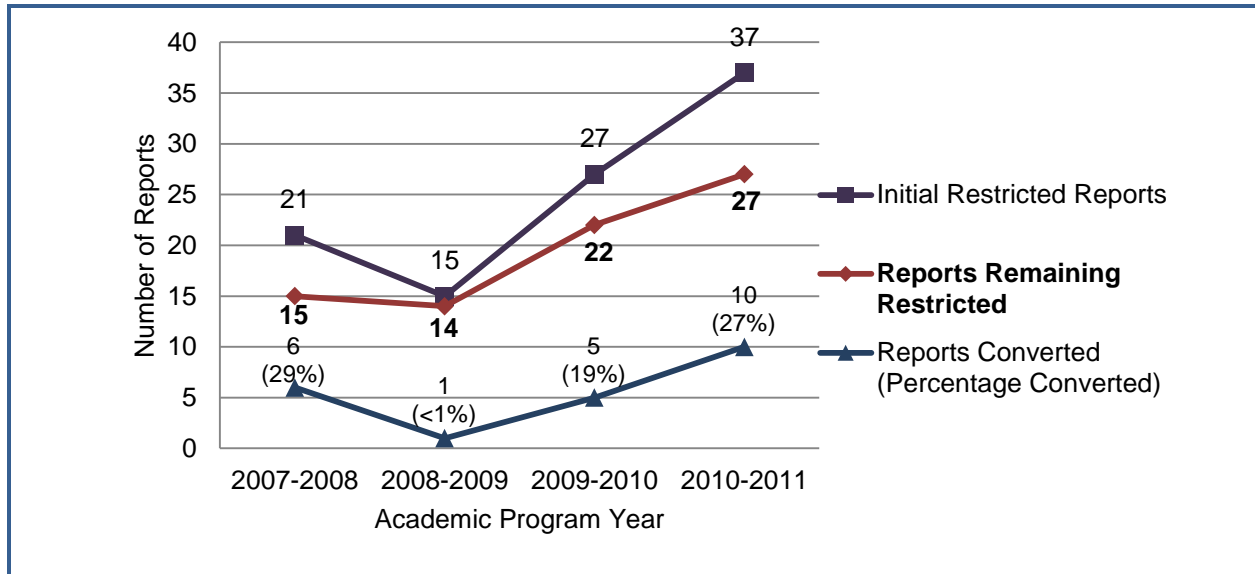


Exhibit 11: Reports that Were Initially Made as Restricted, the Reports Remaining Restricted, and the Restricted Reports that Converted to Unrestricted, APY 07-08 to APY 10-11.

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.

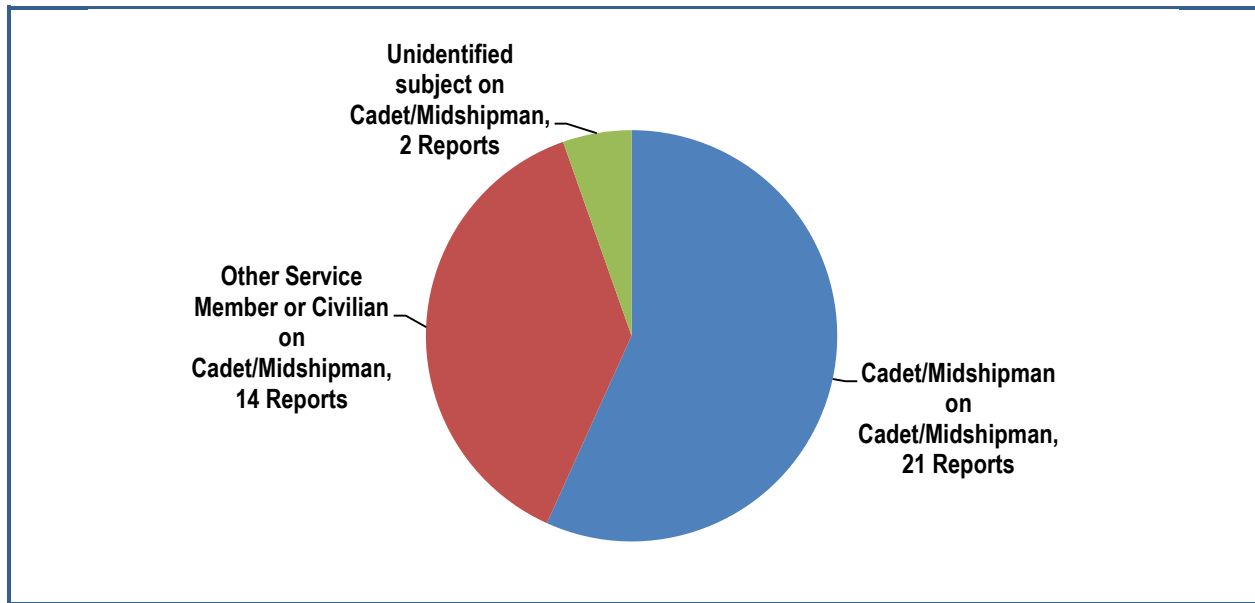


Exhibit 12: Categories of Restricted Reports of Sexual Assault, APY 10-11.

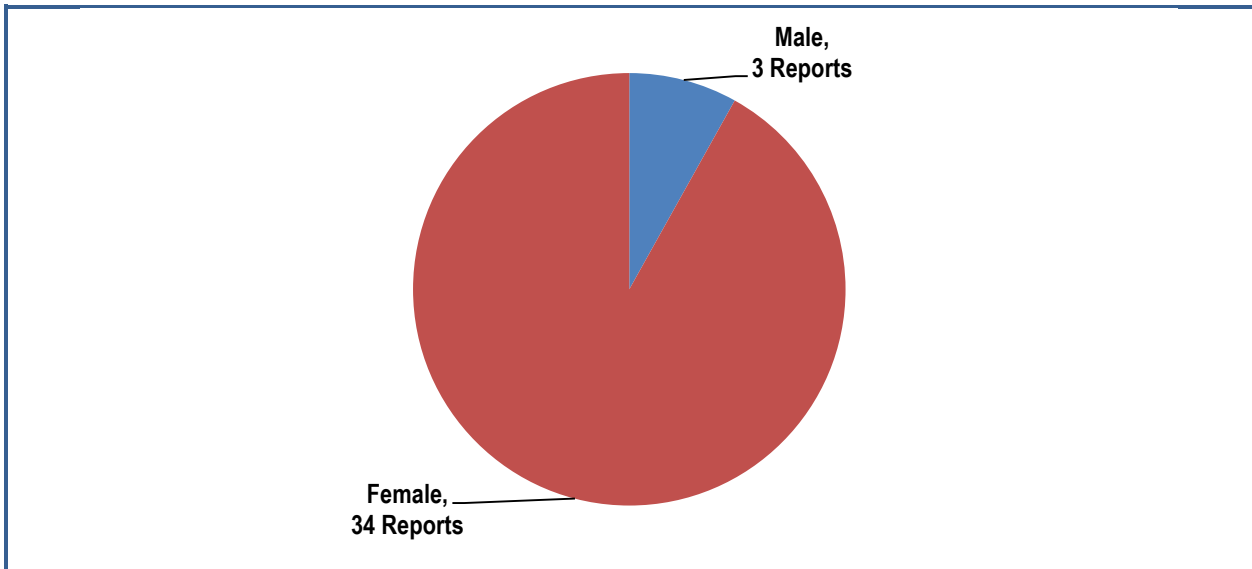


Exhibit 13: Gender of victims in Restricted Reports of Sexual Assault, APY 10-11.

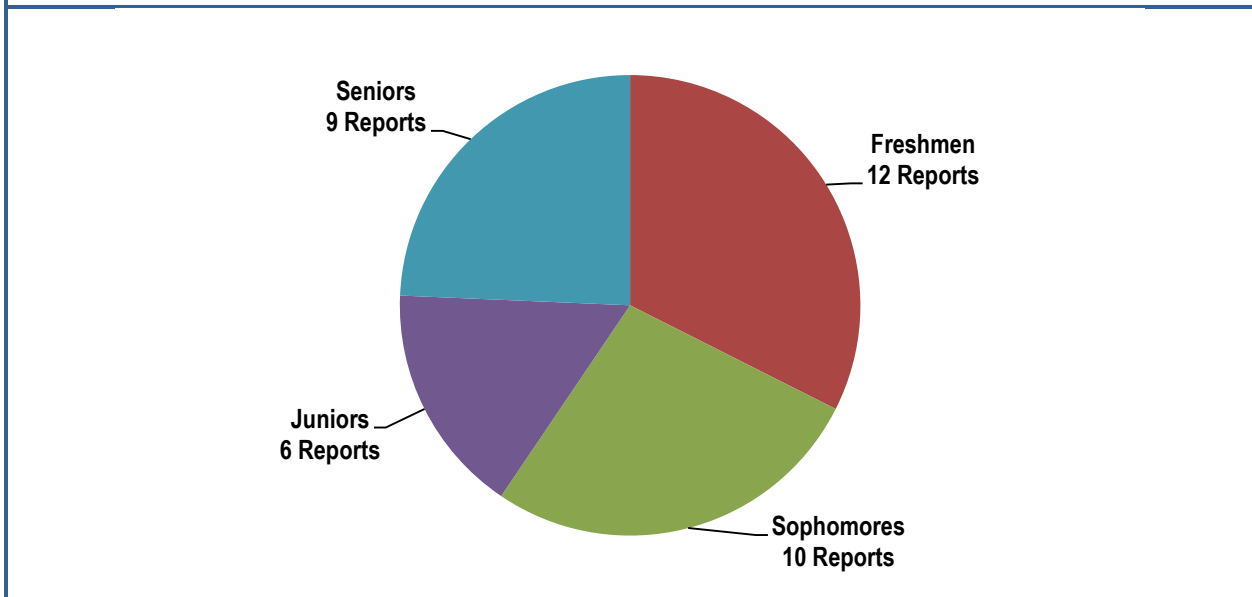


Exhibit 14: Grade of Victims Making Restricted Reports, APY 10-11.

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 Policy¹³ 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

Action Item:

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

¹³ 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.

Action Item:

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

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.

Action Item:

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

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.

Action Item:

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

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.