

## 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.*

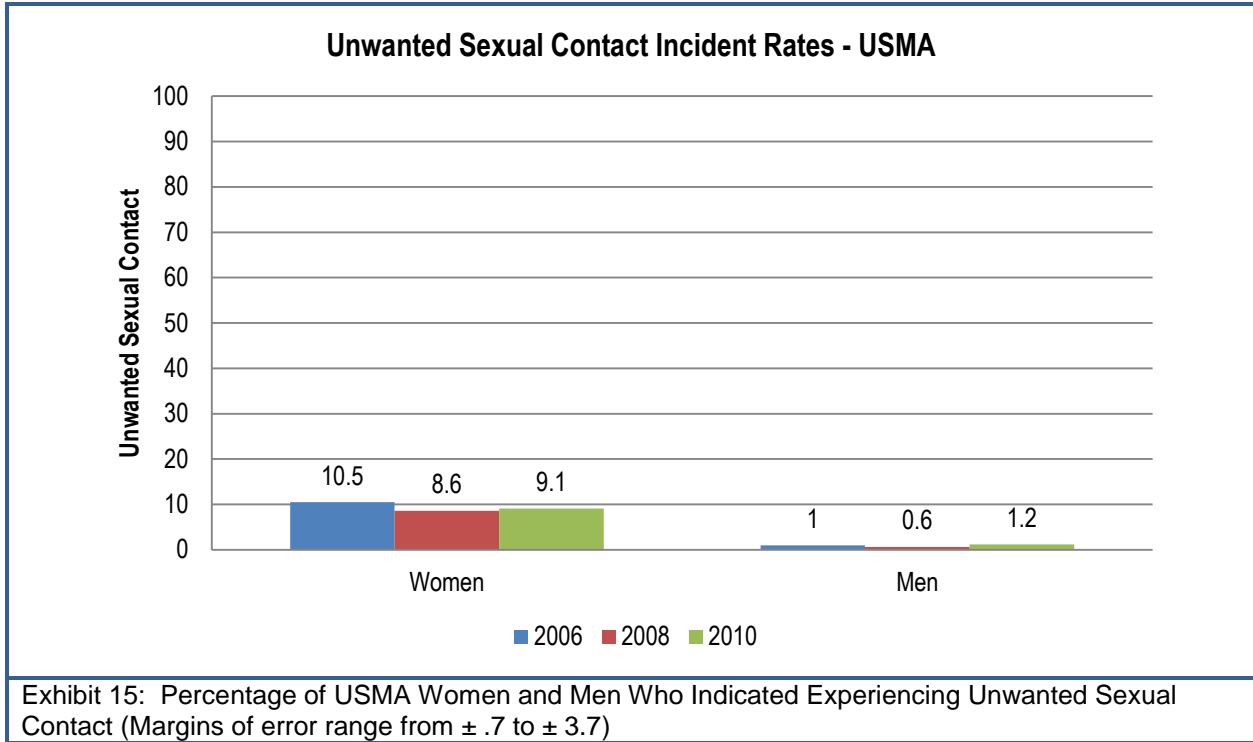
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Reducing the occurrence of sexual assault is the ultimate goal of any prevention program. As noted in last year's report, there has been no statistically significant change in the rate of unwanted sexual contact incidents at USMA, as estimated by the 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.*

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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.

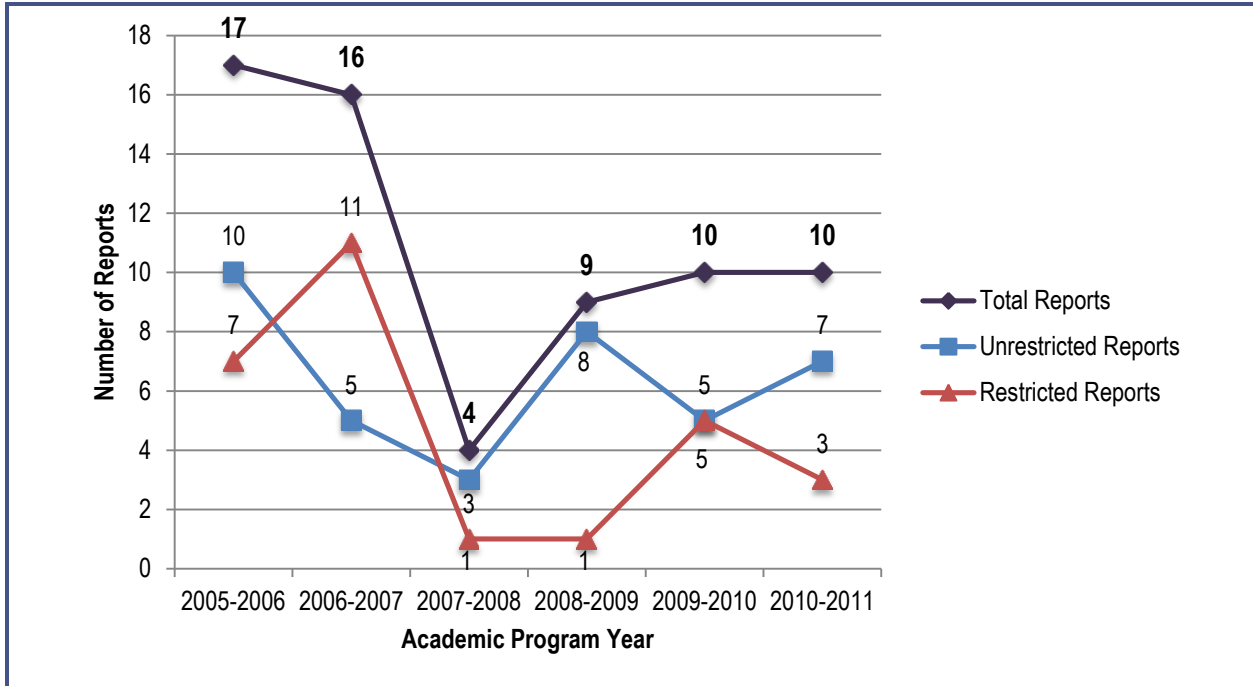
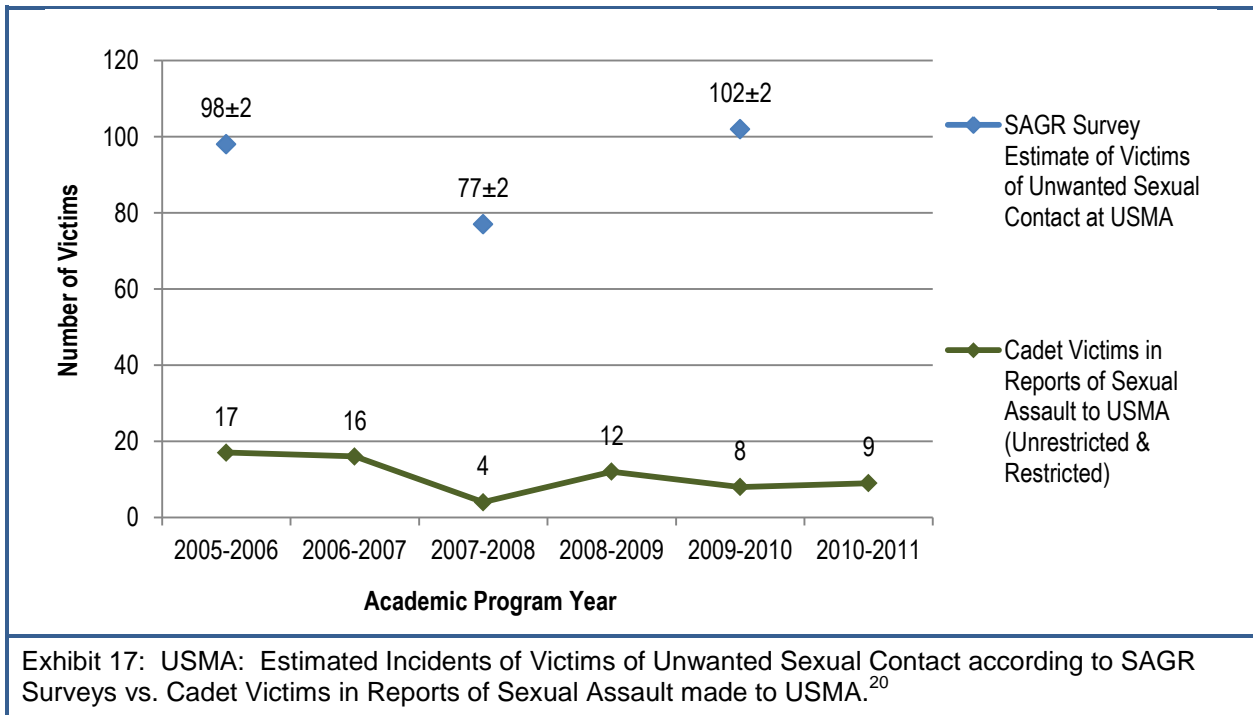


Exhibit 16: Total Reports of Sexual Assault Made to USMA — Unrestricted Reports and Restricted Reports, APY 05-06 to APY 10-11.

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.