



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

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

Academic Program Year 2011–2012

December 2012





PERSONNEL AND
READINESS

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

DEC 21 2012

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

Dear Mr. Chairman:

Section 532 of Public Law 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, training, and procedures of each Military Service Academy with respect to sexual harassment and violence involving Academy personnel.

The enclosed "Academic Program Year 2011-2012 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, 2011 and May 31, 2012. Also, enclosed with this year's report are the Defense Manpower Data Center's "2012 Service Academy Gender Relations Survey" and each Academy's sexual harassment and violence self-assessment report.

The report shows that while all three Academies are in compliance with Department policies, sexual assault and harassment remain a problem. Further reductions in sexual harassment and violence will require continued persistence and innovative measures to foster cultural change at each institution. To this end, Secretary Panetta has directed the Secretaries of the Military Departments to enhance their respective Academy programs by identifying new ways to advance a climate of dignity and respect and by more completely integrating sexual assault and harassment prevention into the full spectrum of Academy life and learning. Reports from the Military Departments on their plans and progress are due back to Secretary Panetta by 29 March 2013.

The Department is committed to its goal of improving military readiness by fostering a culture free of sexual harassment and violence. I am sending a similar letter, with the Department's report, to the Chairman and Ranking Member of the House Committee on Armed Services.


Jessica L. Wright
Acting Principal Deputy

Enclosure:
As stated

cc:
The Honorable John McCain
Ranking Member



PERSONNEL AND
READINESS

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

DEC 21 2012

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

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Jessica L. Wright
Acting Principal Deputy

Enclosure:
As stated

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 2011-2012**

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

The estimated cost of report or study for the Department of Defense is approximately \$800,000 in Fiscal Years 2012 - 2013. This includes \$720,000 in expenses and \$79,000 in DoD labor.

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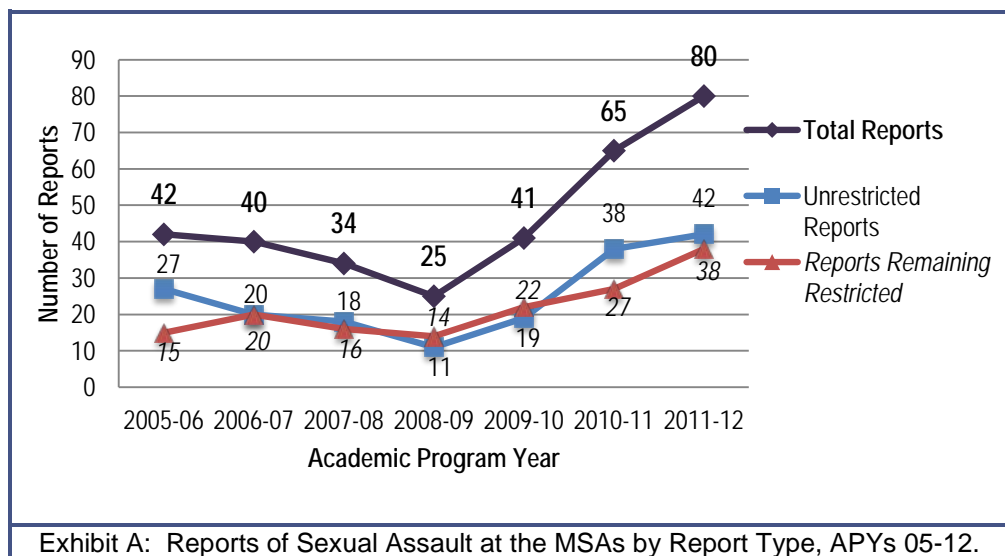
EXECUTIVE SUMMARY

Section 532 of Public Law Number 109-364, the John Warner National Defense Authorization Act for Fiscal Year (FY) 2007, requires the Department to conduct an annual assessment of the Military Service Academies (MSA) to determine the effectiveness of policies, training, and procedures with respect to sexual harassment and sexual violence involving Academy personnel. For Academic Program Years (APY) that begin in odd-numbered years, as is the case this year (e.g., APY 11-12), the assessment consists of a survey of the cadets and midshipmen conducted by the Defense Manpower Data Center (DMDC) and each Academy's sexual harassment and violence self-assessment report.

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 and compliance tool to monitor improvement of the MSAs' 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.

The MSA self-assessments describe institutionalized and evolving training programs for prevention and response to sexual harassment and assault. For cadets and midshipmen, this training begins at accession and continues throughout their four years at the academy. Each MSA's effort to improve its policies and training demonstrates a commitment to prevention and support for a climate where victims may confidently report the crime and receive needed assistance. As with prior years, the MSAs employed leaders in the field of sexual violence prevention to inform their programming and educate cadets and midshipmen.

This year, there were a total of 80 reports of sexual assault, comprised of 42 Unrestricted Reports and 38 Reports remaining Restricted.^{1,2} Initially, the



¹ An Unrestricted Report of sexual assault is a report that is provided to command and/or law enforcement for investigation.

² Restricted Reporting allows victims to confidentially access medical care and advocacy services without triggering an investigation.

MSAs received a total of 42 Restricted Reports, but four converted to Unrestricted Reports at the victims' request. Thirteen of the 80 reports were for incidents that occurred prior to the victims' entering military service. The 80 reports represent a 23% increase from APY 10-11. In prior year assessments, the Department recommended that the academies take steps to bring more victims forward to report. Sexual assault is one of the most underreported crimes in the United States. Thus, a strategic priority for the Department is to increase the number of sexual assault reports made to authorities by victims in order to provide them with needed support and services and to hold those who commit sexual assault appropriately accountable.

The DMDC conducted the strictly voluntary *2012 Service Academy Gender Relations (SAGR) Survey* in spring 2012. Response rates to this year's survey ranged from 67% to 88% among female and male cadets and midshipmen. According to the survey, more than 91% of cadets and midshipmen understood key training concepts on how to make a sexual harassment or assault report.

In the 12 months prior to the survey, 12.4% of women and 2.0% of men indicated experiencing unwanted sexual contact, which are statistically no different than the rates of unwanted sexual contact measured in the 2010 SAGR survey. Also in the 12 months prior to being surveyed, 51% of women and 10% of men indicated experiencing sexual harassment.³ Overall, the rate of sexual harassment for academy women has decreased from the 56% measured in the 2010 SAGR survey; there was no statistically significant change in the overall rate for academy men. While the number of reports of sexual assault by victims may never equal what is reported on anonymous surveys, the Department's dual goals are to use prevention interventions to reduce the number of incidents of sexual assault, and at the same time, encourage reporting of the crime, so that the Restricted and Unrestricted Reports to DoD account for a greater proportion of the survey-estimated number of victims.

In APY 10-11, the MSAs had not completed all the recommendations from the APY 08-09 Report. Therefore, the Department requested the academies provide an update on implementation before the end of APY 11-12 to ensure that the remaining recommendations from APY 08-09 Report and the action items put forth in the APY 10-11 Report are completed. During APY 11-12, the United States Military Academy (USMA) had 39 recommendations and action items to complete; USMA completed 32 of these and as of 3 August 2012, 7 remained in progress; as of 1 August 2012, the United States Naval Academy (USNA) completed 17 and 5 remained in progress. The United States Air Force Academy (USAFA) had 28 recommendations and action items to complete in APY 11-12; as of 1 August 2012, USAFA had completed 23 and 5 remained in progress. During APY 12-13, the Department will conduct follow-up during the on-site assessment at each of the academies to ensure that the remaining open recommendations and action items are completed.

³ Unwanted sexual contact is the survey term for the crimes in the Uniform Code of Military Justice (UCMJ) that constitute sexual assault, which range from rape to abusive sexual contact.

In APY 10-11, the USAFA and the USNA were found to be in compliance with Department policies regarding sexual harassment and assault. However, the USMA was overall found to be in partial compliance with the Department's policies. During APY 11-12, USMA undertook actions to ensure compliance with Department policy for sexual harassment and assault and enhance its SAPR and POSH Programs. The USMA trained all cadets and Sexual Assault Response Coordinators (SARC) in accordance with the Department's policies; ensured reporting options were clear and publicized accurately; and provided effective oversight of the SAPR and POSH Programs. The Department conducted a follow-up on-site assessment at the USMA at the end of APY 11-12 to document actions taken by the academy and improvements in its programs. The follow-up assessment showed the USMA to be in overall compliance with the Department's policies.

During APY 12-13, SAPRO, ODMEO, and MSA leadership will work collaboratively to develop new methods to improve MSA prevention of and response to sexual assault and harassment. Further details about these actions can be found in the Assessment of MSAs section of this Report.

INTRODUCTION

Section 532 of Public Law Number 109-364, the John Warner National Defense Authorization Act for Fiscal Year (FY) 2007, requires an assessment, described below, at the Military Service Academies (MSA) during each Academic Program Year (APY). 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 and compliance tool to monitor improvement and determine the effectiveness of the policies, training, and procedures of the Department's Sexual Assault Prevention and Response (SAPR) and Prevention of Sexual Harassment (POSH) Programs at the Academies with respect to sexual harassment and violence involving Academy personnel. To that end, the assessment of the SAPR and POSH Programs 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 the Climate of Victim Confidence Associated with Reporting
3. Improve Sexual Assault Response
4. Improve System Accountability
5. Improve Knowledge and Understanding of SAPR

In APYs beginning in odd-numbered years (e.g., APY 11-12), the annual assessment is comprised of an academy self-assessment and an anonymous survey of cadets and midshipmen. This bi-annual *2012 Service Academy Gender Relations (SAGR) Survey* administered by the Defense Manpower Data Center (DMDC) covers topics such as incidents of unwanted sexual contact and harassment, reporting and training, and characteristics of unwanted sexual and gender-related behaviors. In addition to the academy self-assessments and *2012 SAGR Survey*, this year's Report includes six-month status updates from the MSAs on action items and recommendations from previous APY Reports.

The Department consolidates and summarizes the reports from each academy, the aggregate reports of sexual assault, the results from the *2012 SAGR Survey*, and the six-month status updates. This summary serves as the Department's *Annual Report on Sexual Harassment and Violence at the Military Service Academies* covering APY 1 June 2011 through 31 May 2012. Appendix C contains the consolidated data matrices. Enclosures 1, 2, and 3 of this Report are the self-assessments from the United States Military Academy (USMA), the United States Naval Academy (USNA), and the United States Air Force Academy (USAFA), respectively. Also included with this year's report is the DMDC's *2012 SAGR Survey*.⁴

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

⁴ The *2012 Service Academy Gender Relations Survey* Report is provided in its entirety as a separate document and posted at <http://www.sapr.mil/index.php/research>.

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. Sexual assault includes rape, forcible sodomy (forced oral or anal sex), and other unwanted sexual contact that is aggravated, abusive, or wrongful (including unwanted and inappropriate sexual contact), 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 or the manner of dress of the person involved with the accused in the sexual conduct at issue shall not constitute consent. There is no consent where the person is sleeping or incapacitated, such as due to age, alcohol or drugs, or mental incapacity.⁵

The term "unwanted sexual contact," referred to in the *DMDC 2012 SAGR Survey*, includes a measure of unwanted sexual contact (i.e. sexual assault). Although this term does not appear in the Uniform Code of Military Justice (UCMJ), it is used to refer to a range of activities that the UCMJ prohibits. For purposes of the *SAGR Survey*, the term "unwanted sexual contact" means intentional sexual contact that was against a person's will or which occurred when the person did not or could not consent, and includes completed or attempted sexual intercourse, sodomy (oral or anal sex), penetration by an object, and the unwanted touching of genitalia and other sexually-related areas of the body. Cadets and midshipmen were asked questions related to personal experiences of unwanted sexual contact between June 2011 and the time they took the survey.

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 in the prevalence of sexual assault and sexual harassment in the military population. A key feature of sexual harassment and assault prevention is education and training. Throughout APY 11-12, the MSAs conducted extensive training for all cadets and midshipmen and

⁵ Department of Defense. (2012). *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>.

continued to implement prevention and education at all levels to address the policies covering sexual harassment and sexual assault, consent, reporting options, support resources, and bystander intervention.

The USMA continued to foster a culture of prevention through aggressive training efforts, with the United States Corps of Cadets (USCC) undertaking the most significant initiatives. The USCC's force protection initiative required additional presence patrols and checks for cadets in duty officer positions over the weekends. Bystander intervention training sessions focused on case studies outlining the background, incident, outcome, and lessons learned from sexual assault or harassment cases. A cadet-produced video also contributed to the prevention program by highlighting bystander intervention and the responsibilities of cadets in duty officer positions. Cadet representatives from the Respect Program authored monthly Sexual Harassment/Assault Response and Prevention (SHARP) newsletters that were posted in public areas to increase awareness of prevention strategies throughout the academy.

Every USMA cadet received sexual harassment and sexual assault prevention training at one or more points during APY 11-12. Each class viewed a cadet-produced SHARP film, which was followed by small group discussions. The USMA leveraged nationally recognized guest speakers and facilitators to address prevention of sexual harassment and assault, cultural awareness, and diversity.⁶ Fourth, Second, and First Class cadets received a SHARP Program overview from the USCC Sexual Assault Response Team (SART), which attended the 80-hour SHARP Program Training Course, as well as a seminar at Fort Drum, New York, and semi-annual training with West Point First Responders. Ms. Veraunda Jackson, a nationally recognized speaker and rape survivor, lectured First Class cadets.⁷ Fourth Class cadets participated in a presentation by Russell Strand on sexual predatory behaviors.⁸ Additionally, for APY 11-12, Third Class cadets participated in Sex Signals, an educational live performance program on issues surrounding dating, sex, and consent.

The USNA continued to increase prevention efforts related to sexual harassment and assault in a greater variety of forums, such as summer training briefs, the Alcohol and Substance Abuse Officer in the Sexual Assault Case Management Group (SACMG), and outreach to faculty and staff, Company Officers, and Senior Enlisted Leaders. During APY 11-12, the USNA sustained program continuity by ensuring all sexual assault and harassment support personnel maintained current training and qualification standards. The Sexual Harassment and Assault Prevention Education (SHAPE) Program continued to provide relevant sexual harassment and assault information to both midshipmen peer educators and the Brigade at large. The SHAPE Program specifically included education on risk reduction, myth deconstruction, bystander intervention, leadership responsibilities, and legal aspects of sexual harassment and

⁶ Any reference to any non-federal entity is not intended to be an endorsement of that entity by the DoD.

⁷ Veraunda Jackson is the founder and Chief Executive Officer of EHAP (Everything Has a Price) Inc., a professional and personal development company. She previously was a prosecutor in the specialized sex crimes and child abuse unit in Florida.

⁸ Russell Strand is the US Army Family Advocacy Programs Criminal Division Training Director who specializes in offender behavior.

assault. All midshipmen received SHAPE instruction, appropriate to their class, to ensure full exposure to the program.

Throughout APY 11-12, the USNA maintained productive relationships and information exchanges with SAPR experts and local sexual assault organizations in order to enhance the academy's education efforts from both leadership and cultural perspectives. The USNA improved the academy's SAPRO website by providing better clarity and ease of use, additional information, and an "Ask the SARC" function for midshipmen seeking sexual assault- and harassment-related guidance. USNA SAPRO also provided consultation in support of various POSH- and SAPR-related articles published in the USNA electronic newspaper, *The Trident*.

During APY 11-12, USAFA SAPR and POSH training continued to be a proactive and comprehensive endeavor focused on maintaining positive shifts in culture and nurturing healthy gender relationships. POSH and SAPR prevention training for cadets at the USAFA began immediately upon arrival at Basic Cadet Training and continued throughout the cadets' first year at the academy. Each class year expanded and built on previous POSH and SAPR training. Training efforts promoted a culture of sexual assault and harassment prevention and provided education initiatives associated with bystander intervention and appropriate risk reduction that does not blame victims. Third, Second, and First Class cadets all received annual Air Force SAPR policy and services training during APY 11-12. The USAFA invited a number of guest speakers to present on a variety of topics related to sexual assault and harassment awareness, prevention, and response.

New USAFA training initiatives for APY 11-12 included a "Spring Break information table," which was used as an early kick-off of Sexual Assault Awareness Month and focused on appropriate risk reduction and program visibility. A Character and Leadership Development course entitled "Respect and Responsibility" was initiated for all Fourth Class cadets. An additional change implemented in APY 11-12 resulted in a senior female Cadet co-teaching and facilitating part of the Basic Cadet Training for the female basic Cadets. The USAFA is currently developing a program assessment methodology to measure the effectiveness of SAPR-related training, which is expected to be implemented mid APY 12-13.

The *2012 SAGR Survey* asked cadets and midshipmen if they received sexual harassment and assault program training in the last year.⁹ At all three academies, 97 to 99% of cadets and midshipmen indicated receiving sexual harassment and sexual assault training in the past year. Overall, well over half of respondents rated the training as at least moderately to very effective in actually reducing or preventing sexual assault or harassment. However, there has been a general decrease in "very effective" ratings and increase in "not at all effective" ratings over the survey years. The Department plans to target this finding in focus groups to be held during APY 12-13.

⁹ Please see Enclosure 4 for the complete *2012 SAGR Survey* results.

Overall, the *2012 SAGR Survey* showed that since 2010, the past year prevalence of sexual harassment among MSA women decreased. However, further analysis showed that this significant decrease occurred only at the USAFA. Sexual harassment prevalence remained the same at the USMA and the USNA between 2010 and 2012. The prevalence of sexual harassment among men decreased only at the USNA and remained the same at the USMA and the USAFA from 2010 to 2012. The prevalence of unwanted sexual contact among women increased slightly at the USMA since 2010, but remained statistically the same at the USNA and the USAFA. There was no statistically significant change at any of the Academies for the rate of unwanted sexual contact among men since 2010.

Reducing the prevalence (occurrence) of sexual harassment and sexual assault are the ultimate goals of any prevention program. However, one unexpected result of prevention programming is that education about a problem may enable individuals to better recognize it when it occurs. As a result, increases in surveyed prevalence rates may reflect more accurate identification of problem behaviors. Nevertheless, the MSAs must focus attention on improving prevention outcomes by reducing the prevalence of unwanted sexual contact.

Additionally, the Department noted some concerning survey trends involving unwanted sexual contact (USC) experienced by women. Survey respondents are asked to characterize the USC they experienced. These experiences generally take the form of unwanted sexual touching, unwanted attempted penetration, and unwanted completed penetration.¹⁰ Unwanted sexual touching increased at the USMA by 19 percentage points and decreased by 10 percentage points at the USNA since the *2010 SAGR Survey*. Unwanted attempted penetration decreased at the USNA by 15 percentage points and at the USAFA by 11 percentage points since 2010. Unwanted completed penetration increased by 13 percentage points at the USNA and by 15 percentage points at the USAFA since 2010.

Data from the *2012 SAGR Survey* also showed that 16 to 23% of female cadets and midshipmen had been victims of unwanted sexual contact prior to entering the academies; 4 to 5% of male cadets and midshipmen indicated they had been victims of unwanted sexual contact prior to entering the academies. Cadets and midshipmen with a history of unwanted sexual contact prior to entering the academies experienced past-year unwanted sexual contact and sexual harassment at disproportionately larger rates than cadets and midshipmen without such a history. This finding could represent a primary intervention point for prevention services. However, given most victims' desire for confidentiality, services for these cadets and midshipmen must be delivered in a sensitive, compassionate, and confidential way. The Department will explore how best to address this during its MSA focus groups to be held in APY 12-13.

¹⁰ Penetration refers to oral, anal and/or vaginal penetration. Based on how respondents can answer the survey items, attempted and completed penetration may or may not also include unwanted sexual touching.

2. INCREASE THE CLIMATE OF VICTIM CONFIDENCE ASSOCIATED WITH REPORTING

The second DoD-wide strategic priority is to increase the climate of victim confidence associated with reporting. This priority focuses on increasing the number and percentage of sexual assaults that are reported, with additional emphasis on increasing the proportion of Unrestricted Reporting.

The Department seeks to increase reporting to ensure that victims come forward to receive needed support and services and thus offers two sexual assault reporting options: Restricted and Unrestricted Reporting. Restricted Reporting allows victims to confidentially access medical care and advocacy services without triggering an investigation. Cadets and midshipmen who experience sexual harassment can make a formal or informal complaint.

The total numbers of sexual assault reports for all MSAs during APY 11-12 are as follows:¹¹

TOTAL APY 2011-2012 REPORTS OF SEXUAL ASSAULT	
NUMBER OF UNRESTRICTED REPORTS OF SEXUAL ASSAULT	42
NUMBER OF REPORTS OF SEXUAL ASSAULT REMAINING RESTRICTED	38
NUMBER OF TOTAL REPORTS OF SEXUAL ASSAULT - UNRESTRICTED AND RESTRICTED	80

During APY 11-12, sexual assault reporting increased by 23% from APY 10-11. The USMA and the USAFA experienced reporting increases of five and 19, respectively. The USNA experienced a decline in reporting by nine.

Unrestricted Reports among the Academies during APY 11-12:

- USMA: 12 Unrestricted Reports filed
- USNA: 9 Unrestricted Reports filed
- USAFA: 21 Unrestricted Reports filed

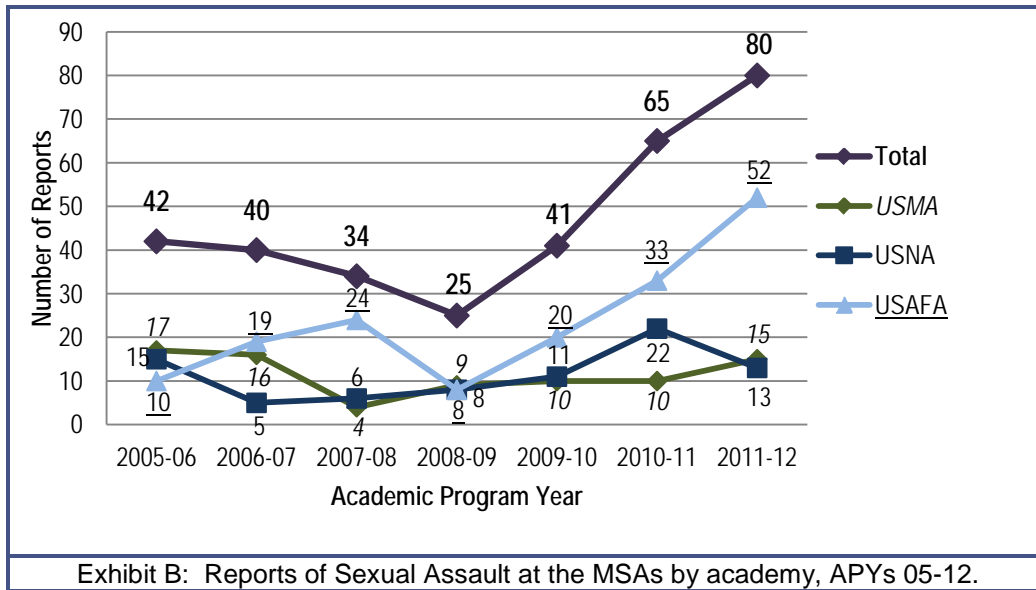
Initial Restricted Reports among the MSAs during APY 11-12:

- USMA: 3 Restricted Reports filed
- USNA: 6 Restricted Reports filed
- USAFA: 33 Restricted Reports filed

Conversions from Restricted Reports to Unrestricted Reports in APY 11-12:

- USMA: 0 Restricted Reports converted
- USNA: 2 Restricted Reports converted
- USAFA: 2 Restricted Reports converted

¹¹ 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. Sexual assault includes rape, forcible sodomy (forced oral or anal sex), and other unwanted sexual contact that is aggravated, abusive, or wrongful (including unwanted and inappropriate sexual contact), or attempts to commit these acts.



There were two formal and 17 informal sexual harassment complaints made at the Academies during APY 11-12.¹²

At the USMA, the USCC began taking ownership of the SHARP Program to increase victim confidence in reporting. In APY 11-12, they produced a video, published newsletters, and participated in a Sexual Assault Awareness Month “Walk-a-Mile” to demonstrate their commitment to preventing sexual harassment and assault. Consistent messaging from senior leaders down to cadets reinforced the lessons of bystander intervention, reporting options, and access to assistance. SHARP training sessions informed staff, faculty, and cadets of the common reasons for not reporting sexual assault and not submitting complaints of sexual harassment, and attendees were encouraged to take an active role in stopping inappropriate behaviors.

At the USNA, confidentiality continued to be a priority and was successfully maintained within the USNA SAPRO organization and chain of command during APY 11-12. The USNA initiated a new program, “SAPR Safe Space,” which provided trained and qualified first responders with a plaque indicating their office area as a place where midshipmen can receive confidential sexual harassment or assault assistance and be guided to the POSH and/or SAPR Program appropriately. Available reporting and care options continued to be publicized through the USNA SAPRO website, SHAPE program, and briefings to a variety of audiences.

The USAFA encouraged the reporting of sexual assault and harassment by continuing to provide a SARC that is available 24/7 to discuss reporting and victim care options. The USAFA SAPR program worked to decrease the stigma associated with reporting

¹² Response to sexual harassment uses a different process to report sexual assault. While neither behavior is acceptable, sexual assault is a crime and may require law enforcement response and victim assistance. Sexual harassment response encourages resolution of inappropriate gender-related behaviors at the lowest level. Those experiencing such behavior may report the matter formally or informally for command involvement and assistance.

sexual assault and harassment, but also reinforced and publicized the types of care and support available for victims. Over the course of APY 11-12, the USAFA found that the average delay in reporting decreased from 8 to 10 months to less than 4 months from the date of the incident. USAFA will continue to emphasize the importance of expedient reporting of incidents via SARC for both reporting options. At the same time, the USAFA noted several Restricted Reports of sexual assault had been inadvertently discovered during investigations of other crimes. To help protect victim confidentiality, the USAFA SARC began to emphasize to victims the importance of limiting the number of confidants to whom victims disclose their sexual assault. The USAFA SAPR program will emphasize this during training as a major teaching point.

Training on reporting procedures is an important part of encouraging reporting. The 2012 SAGR Survey assesses cadet and midshipman perceptions of the training they receive on the definitions of and the differences between sexual harassment and sexual assault, as well as the sexual assault reporting options.

Drawn from the 2012 SAGR Survey, the tables below contain the top three reasons female respondents endorsed for reporting and for not reporting unwanted sexual contact at each Academy. There were too few male respondents to report these reasons for men.

TOP THREE REASONS FOR REPORTING UNWANTED SEXUAL CONTACT – WOMEN					
USMA		USNA		USAFA	
It was the right thing to do	82%	Seek closure on the incident	83%	Seek help dealing with an emotional incident	82%
Stop the offender from hurting others	73%	Seek help dealing with an emotional incident	74%	Stop the offender from hurting others	74%
Stop the offender from hurting you again & Seek help dealing with an emotional incident	65%	It was the right thing to do	72%	Seek justice & It was the right thing to do	64%

TOP THREE REASONS FOR NOT REPORTING UNWANTED SEXUAL CONTACT – WOMEN					
USMA		USNA		USAFA	
I thought it was not important enough to report	75%	I took care of it myself	77%	I took care of it myself	66%
I did not want people gossiping about me	74%	I did not want people gossiping about me	71%	I did not want anyone to know	63%
I did not want anyone to know	70%	I did not want anyone to know	68%	I did not want people gossiping about me	62%

Also drawn from the 2012 SAGR Survey, the following tables provide the top three reasons female respondents endorsed for reporting and not reporting sexual harassment at each academy. Within their respective gender groupings, women and men at each academy identified the same top three reasons for not reporting sexual harassment.

TOP THREE REASONS FOR <u>NOT</u> REPORTING SEXUAL HARASSMENT – WOMEN					
USMA		USNA		USAFA	
I thought it was not important enough to report	84%	I thought it was not important enough to report	82%	I thought it was not important enough to report	81%
I took care of the problem myself	71%	I took care of the problem myself	73%	I took care of the problem myself	70%
I did not want people gossiping about me	38%	I did not want people gossiping about me	48%	I did not want people gossiping about me	35%

TOP THREE REASONS FOR <u>NOT</u> REPORTING SEXUAL HARASSMENT – MEN					
USMA		USNA		USAFA	
I thought it was not important enough to report	80%	I thought it was not important enough to report	78%	I thought it was not important enough to report	84%
I took care of the problem myself	60%	I took care of the problem myself	57%	I took care of the problem myself	63%
I thought reporting would take too much time and effort	23%	I thought reporting would take too much time and effort	20%	I thought reporting would take too much time and effort	22%

3. IMPROVE SEXUAL ASSAULT RESPONSE

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

The USMA made advances in its ability to respond to allegations of sexual harassment and assault through a variety of cadet-led efforts. The SHARP Program at the USMA highlighted the availability of victim care services, both on and off-post, and informed staff, faculty, and cadets on the top reasons for not reporting sexual assaults or making complaints of sexual harassment. Early in APY 11-12, 15 first responders received their SHARP certification. In addition to 80 hours of SHARP Course Certification, first responders were required to attend the Army’s online situational training program entitled “Team Bound.” The USMA’s Criminal Investigation Command (CID) office received continual training on sexual assault response policies, victimology, understanding sex offenders, interview techniques, investigating difficult cases, and working with SARCs and SAPR Victim Advocates (VA). The USMA leadership also established a procedure for immediate movement of alleged subjects upon receipt of a credible Unrestricted Report of sexual assault from a cadet.

Throughout APY 11-12, the USNA continued training efforts to improve overall sexual assault and harassment response at the academy. The USNA provides 24/7 on-call

sexual response through Sexual Assault Response (SAR) Guidance, Understanding, Information, Direction, Education (GUIDE), SAPR VAs, and SARCs, and trained more than 60 individuals to be qualified in victim response. In preparation for the arrival of the Freshmen Class, the USNA SAPRO provided one hour of first responder training to all Midshipmen Plebe Summer Detailers. Midshipmen Liaison Officers were also provided with one hour of first responder training in case an incident of sexual harassment or assault occurred during the summer training period. During their initial “Plebe” summer, all midshipmen were provided with plastic cards with relevant USNA SAPRO phone numbers and information on the available reporting options. The USNA also advertised planned dates for SAPR VA training, interviewed applicants, and facilitated course registration.

USAFA provided ongoing training to all first responders. The USAFA SARC was available 24/7 throughout APY 11-12 and all SAPR VAs were encouraged to remain as accessible as possible. The SARC and SAPR VAs completed mandatory 40-hour victim advocacy training and also received training from a variety of persons such as including Mr. Mike Domitrz, Ms. Anne Munch, and Ms. Veraunda Jackson. The USAFA trained a total of 317 first responders during APY 11-12 on topics such as victimology, common offender behaviors, collateral misconduct, how to work with victims, and reporting strategies. The training utilized scenarios, role play, and discussion. The USAFA also increased communication with off-base support agencies to increase quality of care and enhance the timeliness of sexual assault response.

Each of the Service academy assessments reflect coordinated working relationships between the MSA Sexual Assault Prevention Response Offices and Military Equal Opportunity Offices in efforts, initiatives, and training to prevent sexual harassment. Research has found a strong, positive correlation between sexual harassment and sexual assault in military units.¹³ This premise is clearly understood and demonstrated in the close staff collaboration, initiatives, and training executed by each of the Service academy POSH and SAPR Programs.

Throughout APY 11-12, the MSAs demonstrated close staff collaboration, initiatives, and training executed by each of the academy POSH and SAPR Programs to address the continuum of behavior associated with sexual harassment and assault.

4. IMPROVING SYSTEM ACCOUNTABILITY

The Department’s fourth strategic priority is to improve system accountability. This priority focuses on improving the reliability and sustainment of POSH and SAPR services, and ensuring those services function in the way they were designed. Each Academy provides oversight of its POSH and SAPR programs.

¹³ Harned, M., Ormerod, A., Palmieri, P, Collinsworth, L.; and Reed, M. (2002). Sexual assault and other types of sexual harassment by workplace personnel: A comparison of antecedents and consequences. *Journal of Occupational Health Psychology*, 7, 174-188.

The USMA used monthly Sexual Assault Review Board (SARB) meetings chaired by the Superintendent to provide oversight of its SHARP program. SARB meetings covered the review of the program's progress, upcoming events, and recently closed and open sexual assault cases. During the quarterly Family Advocacy Committee meetings in APY 11-12, the Installation SARC provided a brief report on SAPR prevention and outreach activities during the previous quarter. The USCC Commandant conducted a monthly Human Relations/Center for Personal Development update, which provided the Commandant with information on open sexual assault cases, victim service trends, and other observations on current cadet life. The USCC SART met quarterly to identify possible areas of improvement in the team's response to incidents of sexual assault.

The USNA's SAPR and Command Managed Equal Opportunity (CMEO) offices, which report directly to the Superintendent, provided oversight of programs supporting the prevention and response of sexual harassment and sexual assault at the academy. Throughout APY 11-12, the USNA's SAPRO was headed by a senior officer who served as the SARC for the entire command. In addition, a full-time professor of sociology from the Department of Leadership, Ethics and Law assisted the SAPR staff with education program assessments and academic research related to the culture of sexual assault. The USNA also employed surveys throughout APY 11-12 to assess the effectiveness of sexual harassment and prevention education in order to improve the SHAPE program and assist with overall strategic communications from the SAPR and CMEO offices. The academy conducted a voluntary baseline survey of all incoming freshman on their views of sexual harassment and assault and also provided Fourth Class midshipmen with the opportunity to participate in a questionnaire to measure rape myth acceptance. Throughout APY 11-12, the USNA conducted monthly multi-disciplinary meetings to ensure program accountability and victim access to services.

Several programs at the USAFA provided oversight of POSH and SAPR programs throughout APY 11-12 through the use of DoD and Air Force instructions, inspections, surveys, and focus groups. The Academy Response Team (ART) is a multi-disciplinary sexual assault case management team that conducted case reviews and met twice each month. The USAFA also implemented pre- and post-event data collection efforts to evaluate and exercise oversight of SAPR training and educational programs. In addition to internal groups, the USAFA relied on several external assessments in order to improve system accountability. The Inspector General of the Air Force found the USAFA SAPR program in compliance with policy and rewarded the program with a team excellence award.

5. IMPROVE KNOWLEDGE AND UNDERSTANDING OF POSH AND SAPR

The fifth DoD-wide priority is to improve knowledge and understanding of the POSH and SAPR programs. This priority focuses on improving proactive communication of SAPR and POSH information to stakeholders.

Throughout APY 11-12, the USMA maintained strong internal and external stakeholder engagement with USCC Candidates, staff, faculty, support personnel, the academy leadership team, and on-post organizations that provide victim care. The USMA also continued to partner with the Mental Health Associates of Orange County, Inc., and began partnering with the local colleges' sexual assault response providers to share lessons learned and educational resources. The USMA's Superintendent briefed members of Congress on the academy's SHARP Program, and several members of Congress sent staff delegations on visits to inquire about the Program. The staff delegations that visited the USMA appeared to have positive experiences, which were reinforced by their interactions with cadets and viewing the cadet-produced video.

The USNA continued to increase awareness of sexual harassment and assault across the stakeholder spectrum, including the Superintendent, Commandant of Midshipmen, Brigade of Midshipmen, faculty, staff, Congress, USNA Board of Visitors, alumni, parents and guardians, and sponsor families. The USNA provided training and increased access to SAPR material through the USNA intranet and Internet, increased outreach to various groups, and updated information on sexual harassment and assault and associated policies. In APY 11-12, the USNA provided an overview of the academy's SAPR Program to all freshmen within the first 14 days of reporting for duty, which was followed by a presentation by USNA SAPRO staff to reinforce prevention and response information and respond to any questions. The USNA also increased the SAPR refresher training that targeted Company Officers and Senior Enlisted Leaders.

The USAFA engaged internal and external stakeholders, including faculty, athletic staff, Cadet Wing leadership, preparatory school, 10th Air Base Wing, USAFA Board of Visitors, Colorado Springs' Memorial Hospital Sexual Assault Forensic Exam nursing staff in-service, and local high schools and universities. The USAFA maintained an informative relationship with them through a variety of programs. Significant highlights from APY 11-12 include the provision of a detailed case status update regarding all open ART cases to the Superintendent on a monthly basis, as well as weekly updates to the Commandant and Vice Commandants. Although they are not counselors, all Cadet Personal Ethics and Education Representatives are certified to serve as a first contact point of referral for cadets dealing with a range of issues, including sexual assault. The USAFA also provided briefings to the Athletic Department's staff and coaches on training, policies, and procedures related to sexual harassment and assault.

Identifying and tracking key measurements over time will be critical to demonstrate to stakeholders the efforts underway at the MSAs. Additionally, collaboration among the academies to share effective practices and new initiatives will contribute to the enhancement of SAPR and POSH Programs.

SUMMARY OF THE MILITARY SERVICE ACADEMY PLANS FOR APY 12-13

The academies identified plans to continue to improve their POSH and SAPR Programs during APY 12-13. Additionally, the Department requested a status update on

incomplete or pending recommendations and action items from the APY 08-09 and APY 10-11 Reports, respectively. Though not all recommendations and action items from previous APY Reports have been completed, they are in progress, and the academies plan to complete them within APY 12-13.

The USMA plans to incorporate the Cadets Against Sexual Harassment/Assault (CASH/A) Program into the academy's already-existing POSH and SAPR Programs. CASH/A cadets are expected to serve as in-house, knowledgeable residents of the barracks who are able to explain the sexual assault and harassment reporting processes. The USMA expects that in APY 13-14, CASH/A cadets will have the opportunity for a Military Individual Advanced Development in order to attend the SHARP Program Training Course, which would allow cadets to provide an initial provision of victim advocacy. The USMA also plans to establish civilian full-time positions for the academy SARC and SAPR VA, in addition to updating its SAPR policy and improving lateral interaction with the other MSA response teams. The USMA expects these efforts to improve the sharing of best practices and resources across the MSAs.

The Department followed up with the USMA regarding outstanding action items from the APY 10-11 Report and recommendations from the APY 08-09 Report. The USMA completed 32 items and is in the planning or implementing stages of the remaining seven. The action items listed below are those that the USMA is working to complete during APY 12-13.

1. **Action:** Develop outcome-based metrics for prevention and efforts and trend analysis around changes to the SAPR Program.
Status: In progress, estimated completion date is May 2013. Metrics have been established and the USMA is awaiting data and trend analysis.
2. **Action:** Develop a comprehensive sexual assault prevention curriculum.
Status: In progress. The USMA is using this curriculum in APY 12-13, and the Department will re-evaluate at the next on-site assessment.
3. **Action:** Address collateral misconduct misperceptions in training.
Status: In progress. The USMA established the policy and plans to include it in Cadet handbook for the Class of 2017.
4. **Action:** Implement the APY 08-09 recommendation to provide at least one full-time SAPR VA for cadets so that the psychotherapists on staff can exclusively focus their specialized skills on providing mental health services.
Status: In progress, estimated on board date is December 2012. The USMA is converting two civilian positions into hiring actions for full-time SARC/SHARP Specialist and VA/SHARP Specialist personnel.
5. **Action:** The 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.

Status: In progress, estimated on board date is December 2012. The USMA is converting two civilian positions into hiring actions for full-time SARC/SHARP Specialist and VA/SHARP Specialist personnel.

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

Status: In progress, estimated completion date is January 2013. The USMA requested an example from USAFA.

7. **Action:** Conduct inspection of the USCC SAPR Program.

Status: In progress. The Department of the Army's Inspector General is expected to inspect the USMA's USCC SAPR Program in the first quarter of FY13.

Courses of action for the USNA for APY 12-13 include reviewing recommendations and best practices from the *2012 SAGR Survey* and implementing recommendations and action items from past years' Reports. The USNA will continue to meet with SARCs, SAPR VAs, and law enforcement personnel from other service academies to share ideas, resolve common issues, discuss lessons learned, and target potential practices for inclusion into the USNA's SAPR and POSH Programs. The USNA will incorporate midshipmen CMEOs into the SHAPE Peer Education Program to ensure equal training across functionality with respect to sexual harassment. The USNA will also incorporate a section on "healthy relationships" into the already-existing SHAPE curriculum.

The Department followed up with the USNA regarding outstanding action items from the APY 10-11 Report and recommendations from the APY 08-09 Report. The USNA completed 17 items and is in the planning or implementing stages of the remaining five. The action items listed below are those that the USNA is working to complete during APY 12-13.

1. **Action:** Develop outcome based metrics for prevention training.
Status: Planned. The metric development is in progress and anticipated implementation is in the spring of APY 12-13 during regularly scheduled SHAPE training.
2. **Action:** Continue to recruit volunteer Midshipmen SAR GUIDEs with the goal of two per company, one male, one female.
Status: In progress. Recruitment efforts for APY 12-13 resulted in 51 qualified Midshipmen SAR GUIDEs, and the USNA will continue the process of recruiting volunteers across future APYs until the academy has reached the recommended goal.
3. **Action:** Consolidate all POSH and SAPR outcome data and metrics into a single product organized by the Department's strategic priorities.
Status: Implementing. Basic statistics and exit interview information are currently provided to the USNA Chain of Command and presented at the SACMG. The USNA SAPRO will continue to use the DMDC survey and focus group information for trend analysis.
4. **Action:** The current Victim Witness Liaison Officer (VWLO) should receive SAPR and VWLO training as soon as possible. The VWLO is new to his current

position and has yet to receive victim witness assistance training or formal SAPR training.

Status: In progress. The individual temporarily acting as Victim Witness Assistant Coordinator (VWAC) has completed SAPR training and local VWAC training. The incoming VWAC replacement will receive proper training prior to assuming duties.

5. **Action:** The USNA SARC should train appropriate off-base hospital personnel on the correct procedures for mailing Sexual Assault Forensic Exam kits to the Navy Criminal Investigative Service Consolidated Evidence Facility in Norfolk, Virginia.

Status: In progress. Initial guidance was provided and future training is pending.

The USAFA plans to continue to reinforce the “Zero Tolerance” policy in order to achieve better prevention of sexual harassment and assault. The USAFA intends to focus on effective bystander intervention, alcohol use and its influence on sexual assault, and related appropriate prevention education. The “Green Dot” Program, a USAFA bystander intervention tool, will complete its two-year implementation period in the fall of 2013. In addition to continuing the implementation of many programs already in place, the USAFA hopes to begin setting up a secure email system and website that will offer confidential reporting between the victim and SARC, and a secure web-based program that will act as a virtual support group for victims to anonymously interact with each other for support.

The Department followed up with the USAFA regarding outstanding action items from the APY 10-11 Report and recommendations from the APY 08-09 Report. The USAFA completed 23 items and is in the planning or implementing stages of the remaining five. The action items listed below are those that the USAFA is working to complete during APY 12-13.

1. **Action:** Establish a quarterly conference call with MSA SAPR and POSH Program personnel.
Status: The USAFA committed to establishing a quarterly conference call during the summer of 2012. The USAFA planned for the Equal Opportunity program to partner with SAPR program in establishing a call to integrate resources as applicable toward reducing sexual harassment in any form. In addition to this call, MSAs can contact each other as needed. The Department will follow up during the on-site assessment to ensure the formal quarterly call has been established.
2. **Action:** Develop outcome-based metrics to address all prevention efforts and further develop trend analysis around changes to the SAPR Program.
Status: The USAFA is developing a comprehensive set of outcome-based metrics and a feedback/testing strategy for trend analysis with the projected completion during the middle of APY 12-13.
3. **Action:** Address collateral misconduct misperceptions in training.

Status: The USAFA is awaiting the Air Force's rewrite of new DoD SAPR guidance regarding definitions, changes to collateral misconduct, procedures, and policy.

4. **Action:** Establish a second SARC to support other units.

Status: The USAFA SAPR has written a training specialist core document and is working with leadership to establish and fund the position. The USAFA SAPR also recently upgraded the Administrative Assistant position to a SAPR Specialist and has submitted a waiver request to permit this individual to act as the alternate SARC.

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

Status: The USAFA leadership met in late APY 11-12 to assess the feasibility of adding additional SAPR staff. Simultaneously, the Air Force is attempting to add a full-time VA position to each installation. No timeframe has been established for the SAPR VA position, but the Department will follow up during the on-site assessment.

STATISTICAL DATA ON SEXUAL ASSAULT: BACKGROUND

WHAT IT CAPTURES:

Reports of Sexual Assault

- DoD sexual assault data captures the Unrestricted and Restricted Reports of sexual assault made to the MSAs during APY 11-12.
- In the context of the DoD statistics that follow, an Unrestricted Report of sexual assault is an allegation by one or more victims against one or more suspects (referred to in the Department as “subjects of investigation” or “subjects”) that are referred to and investigated by a Military Criminal Investigation Organization (MCIO), which could include Army CID, Naval Criminal Investigative Service (NCIS), or Air Force Office of Special Investigations (AFOSI).
- Data on Restricted Reports is limited because these are reports of sexual assault made to specified parties within the Department (i.e., SARC, SAPR VA, or healthcare provider) that allow the report to remain confidential and allow the victim to seek care and services. Given the victim’s desire for confidentiality, these reports are not investigated. Victims are not required to provide many details about these sexual assaults. As a result, only data about the victim and very limited data about the offense are recorded. Subject identities in Restricted Reports are not requested or maintained by the Department.
- The Department’s sexual assault reporting statistics include data about contact sexual crimes by adults against adults, and attempts to commit these acts, as defined in Articles 120, 125 and Article 80 of the UCMJ. The data in this document involves only cadets and midshipmen as either a victim or a subject of a sexual assault investigation. Data about sexual assault reports in the US Armed Forces in general is released each April, and available at <http://www.sapr.mil/index.php/annual-reports>.
- The DoD uses the descriptive term “sexual assault” to refer to a range of offenses defined by the UCMJ, including rape, aggravated sexual assault, nonconsensual sodomy, aggravated sexual contact, abusive sexual contact, wrongful sexual contact, and attempts to commit these offenses. On June 28, 2012, following the close of APY 11-12, modifications to the UCMJ took effect. These modifications replaced the crime of “Aggravated Sexual Assault” with the crime of “Sexual Assault” (a specific crime under the UCMJ as well as a descriptive term) and eliminated the crime of “Wrongful Sexual Contact.”
 - When a report is listed under a crime category, it means the crime was the most serious of the allegations reported by the victim or investigated by investigators. It does not necessarily reflect the crime(s) used to support court-martial charges or some other form of disciplinary action against a subject.

- The number of sexual assaults reported to MSA authorities in APY11-12 *does not* necessarily reflect the number of sexual assaults that may have occurred in that APY.
- Civilian research indicates victims only report a small fraction of sexual assaults to law enforcement. For example, of the 1.1 million U.S. civilian women estimated to have experienced nonconsensual vaginal, oral or anal penetration in 2005, only about 173,800 (16%) ever reported the matter to police. For the estimated 673,000 U.S. civilian college-aged women who experienced nonconsensual vaginal, oral, or anal penetration, only about 77,395 (11.5%) reported it to the police.¹⁴
- This reporting behavior is mirrored in the U.S. Armed Forces. As noted in the FY10 Annual Report on Sexual Assault in the Military, the Department estimates that 2,617 (14%) of the 19,000 Service members who are estimated to have experienced one of the various offenses captured in the DoD definition of sexual assault reported the matter to a DoD official in FY10. For more information, refer to the FY10 Report, available at <http://www.sapr.mil/index.php/annual-reports>.

Subject Dispositions

- Once the investigation of an Unrestricted Report is complete, the Department requires the MSAs to provide the outcome of the cases against each subject named in an investigation. These are called “subject dispositions.”
- The Department holds those Service members who have committed sexual assault appropriately accountable based on the available evidence.
- Legal authority for the Department is limited to Service members who are subject to the UCMJ and, therefore, its military justice jurisdiction. Cadets and Midshipmen are Service members and are under the legal authority of the UCMJ. Except in rare circumstances, a civilian is not subject to the UCMJ for the purpose of court-martial jurisdiction or other military justice discipline.
- If a Service Member violates the UCMJ, the criminal law of a state, a criminal law of the United States, or any combination thereof, the determination of which agency shall exercise jurisdiction is normally made through consultation or prior agreement between appropriate military officials and civilian authorities. Under the Constitution, a person may not be tried for the same misconduct by both a court-martial and another federal court. Although constitutionally permissible to try a person by court-martial and by a State for the same act, as a matter of policy, a person who is pending trial or has been tried by a State court is not ordinarily tried by court-martial for the same act.
- Each year, the Department lacks jurisdiction over some subjects in its investigations. These are the civilians, foreign nationals (who are not subject to

¹⁴ Kilpatrick, D., Resnick, H., Ruggiero, K., Conoscenti, L., and McCauley, J. (2007). *Drug-facilitated, incapacitated, and forcible rape: A national study*. Washington, DC: U.S. Department of Justice.

UCMJ), and unidentified subjects who are reported to have sexually assaulted Service members.

- When the DoD has jurisdiction over the subject (person), the subject's military commander is responsible for reviewing the investigation and making appropriate initial disposition decisions when supported by sufficient evidence. In June 2012, the Secretary of Defense directed that subject initial disposition decisions for the crimes of Rape, Sexual Assault, and Nonconsensual Sodomy be made at the Special Court Martial Convening Authority level (typically a Colonel or Navy Captain). At the MSAs, the Superintendent (a Lieutenant General or a Vice Admiral) is the case initial disposition authority.
 - Commanders do not make such decisions by themselves. Military attorneys assist commanders in identifying the charges that can be made, the appropriate means of addressing such charges, and punishments that can be administered if supported by the evidence.
 - There are many cases each year when disciplinary action is precluded (i.e., not possible) due to legal issues or evidentiary problems with a case. For example, when the investigation fails to show sufficient evidence of an offense to prosecute or when the victim declines to participate in the justice process, a commander may be precluded from taking action against a subject.
- In the data that follows, when more than one initial disposition decision for action is involved (e.g., when nonjudicial punishment is followed by an administrative discharge), subject disposition is only reported once per subject. This is done according to the most serious decision taken by the commander, which in descending order is preferral of court-martial charges, nonjudicial punishment, administrative discharge, and other adverse administrative actions. At the MSAs, adverse administrative actions include the cadet/midshipman disciplinary system.

WHOM IT DESCRIBES:

- Unrestricted and Restricted Reports capture sexual assaults committed by or against Service members. In this document, sexual assault reports primarily involve cadets and midshipmen. However, people outside of the U.S. Armed Forces sometimes victimize a Service member or can be victimized by a Service member. Information describing these victims and subjects is also included in the following statistics, as are reports of pre-service sexual assault incidents.
- An Unrestricted Report of sexual assault can include one or more victims, one or more subjects, and one or more crimes. **Therefore, the number of reports does not equal the number of victims or the number of subjects.**
- Restricted Reports, by policy, only involve one victim per reported incident. In Restricted Reports, no personally identifiable information is maintained for alleged subjects.

- Demographics information on victims and subjects is only drawn from *completed investigations* of Unrestricted Reports and from SARC records of victims in Restricted Reports.

WHEN IT HAPPENED:

- The information in this report is drawn from sexual assault reports made to the MSA authorities during APY 11-12 (1 June 2011 to 31 May 2012).
- The data that follows is a snapshot in time. In other words, the following information describes the status of sexual assault reports, investigations, and subject dispositions on 31 May 2012—the last day of APY 11-12.
- Some investigations extend across APYs. For example, it often takes several months to investigate a report of sexual assault. As a result, those investigations that were opened toward the end of the APY typically carry over to the next APY. Therefore, the information presented in this report is not linear, meaning that the number of sexual assault reports received during the year will not be equal to the number of completed investigations during the year.
- Subject disposition decisions can also extend across APYs. As a result, a portion of dispositions are “pending” or not yet reported at the end of the year. The Department tracks these pending dispositions and requires the Military Services to report on them in subsequent years’ reports.
- Under the Department’s SAPR Policy, there is no time limit as to when someone can report a sexual assault to a SARC or MCIO. Thus, in any given year, the Department may not only receive reports about incidents that occurred during the current year, but also incidents that occurred in previous years or prior to a Service member’s enlistment or commissioning that were not reported until the current year.

HOW IT’S GATHERED:

- Data about Unrestricted Reports of sexual assault reports is drawn from official investigations conducted by the MCIOs. Academy SARCs collect data about Restricted Reports of sexual assault.
- Each APY, the Under Secretary of Defense for Personnel and Readiness submits a data call to the MSAs to collect the required statistical and case synopsis data. DoD SAPRO aggregates and analyzes this data.

WHY IT’S COLLECTED:

- Congress requires data about the number of sexual harassment and sexual assault reports and the outcome of the allegations made against each subject.
- The Department also collects this data to inform SAPR policy, program development, and oversight.

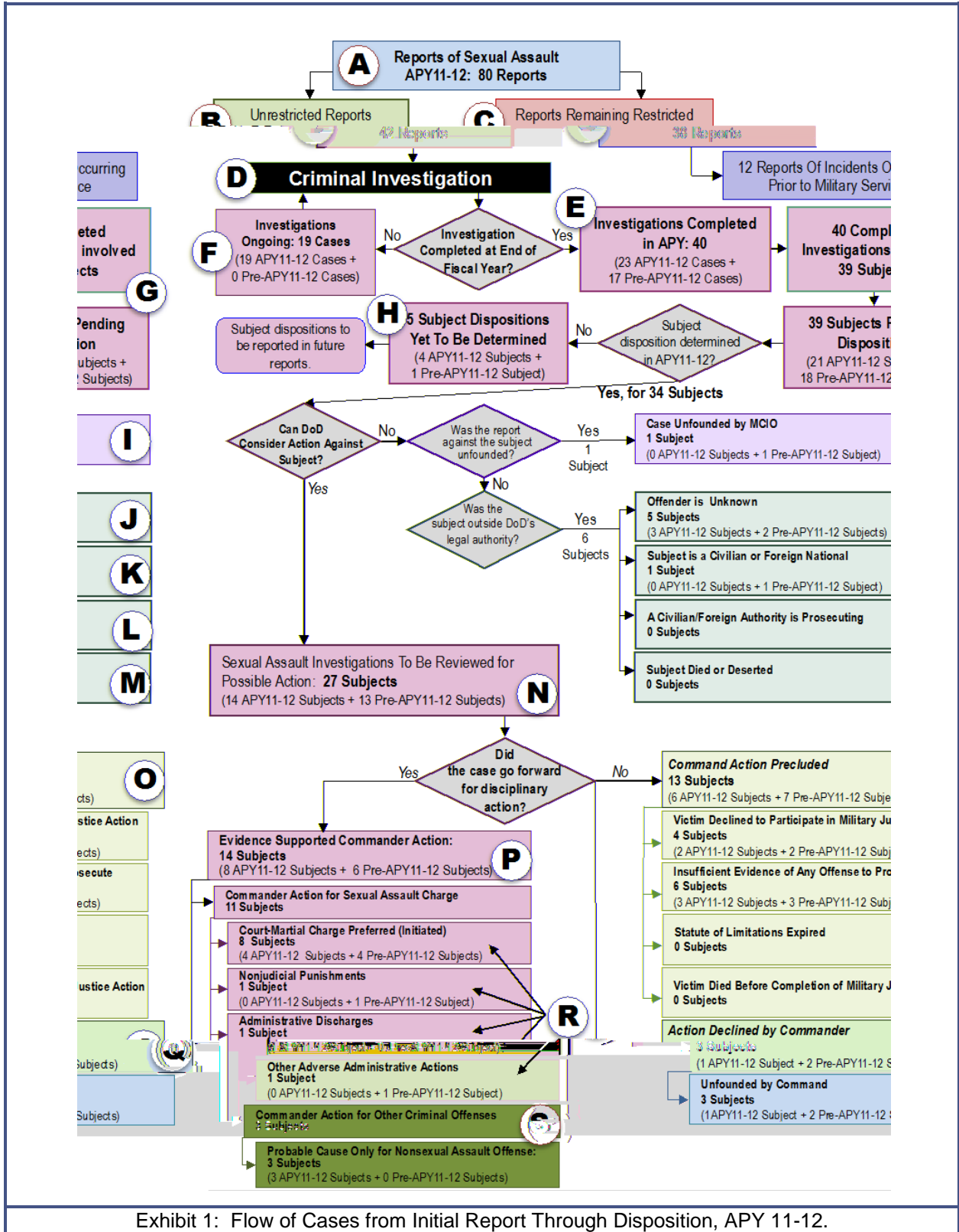


Exhibit 1: Flow of Cases from Initial Report Through Disposition, APY 11-12.

AGGREGATE REPORTS OF SEXUAL ASSAULT

This section closely follows the flow chart shown in Exhibit 1. Points in the flow chart have been labeled with a letter that corresponds to the information in the text that follows.

In APY 11-12, cadets and midshipmen were involved in a total of 80 reports of sexual assault made to the MSAs (Exhibit 1, Point A), representing an increase of 15 reports from APY 10-11.

- The MSAs received 42 Unrestricted Reports involving cadets and midshipmen as either the victim or subject of a sexual assault investigation (Exhibit 1, Point B).
- The MSAs initially received 42 Restricted Reports involving cadets and midshipmen as victims of sexual assault.
 - Four of the Restricted Reports later converted to Unrestricted Reports and are included in the 42 unrestricted reports referenced above, leaving 38 Restricted Reports remaining at the end of APY 11-12 (Exhibit 1, Point C).
 - Of the 38 Restricted Reports, 12 reports were for an incident of sexual assault that occurred prior to the cadet or midshipman entering military Service. The remaining 26 Restricted Reports were for incidents that occurred during military service.
- In the 80 reports to MSA authorities this year, 71 cadets and midshipmen reported they had been the victim of some form of sexual assault, ranging from rape to unwanted sexual touching.¹⁵
 - 33 cadets and midshipmen made or converted to an Unrestricted Report
 - 38 cadets and midshipmen made and maintained Restricted Reports

Sexual assault is one of the most underreported crimes in the United States. Estimates suggest that fewer than 15% of sexual assaults in a college environment are ever reported to the police.^{16,17} This reporting behavior is mirrored at the MSAs. According to the *2012 SAGR Survey*, only about 11% of cadets and midshipmen who experienced unwanted sexual contact indicated on the survey that they brought the matter to a military authority. Research shows that victims who report the crime are more likely to seek and receive medical treatment and other forms of assistance.^{18,19}

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

¹⁵ One cadet was reported as the victim in two separate, unrelated investigations. The remaining reports did not involve cadets or midshipmen as victims.

¹⁶ Kilpatrick, et. al., (2007).

¹⁷ Krebs, C., Lindquist, C., Warner, T., Fisher, B., Martin, S. (2007). *The Campus Sexual Assault Study*. Washington, DC: US Department of Justice, National Criminal Justice Research Service. Document Nr. 221153.

¹⁸ Unwanted sexual contact is the survey term for the crime of sexual assault, which includes rape to abusive sexual contact.

¹⁹ Rand, M., Rennison, C., & DOJ. (2002). *Rape and Sexual Assault: Reporting to Police and Medical Attention, 1992-2000* [Online]. Available: <http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=1133>.

five priorities in 2009. 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 2a, which shows the total number of sexual assault reports made to the MSAs over the past seven APYs.

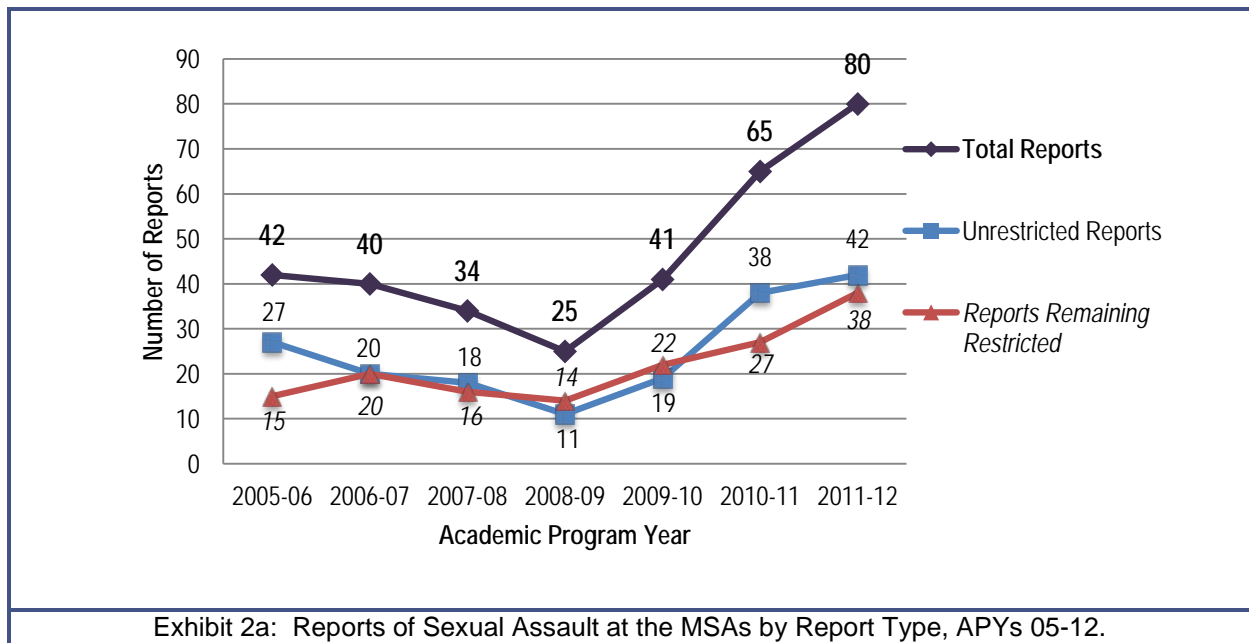


Exhibit 2b breaks out the cadets and midshipmen who made a report of sexual assault for coping with incidents that occurred prior to entry at their Academy and is

represented by the dotted lines. In APY 11-12, twelve cadets/midshipmen made Restricted Reports and one cadet made an Unrestricted Report for an incident that occurred prior to their entry into a Academy.

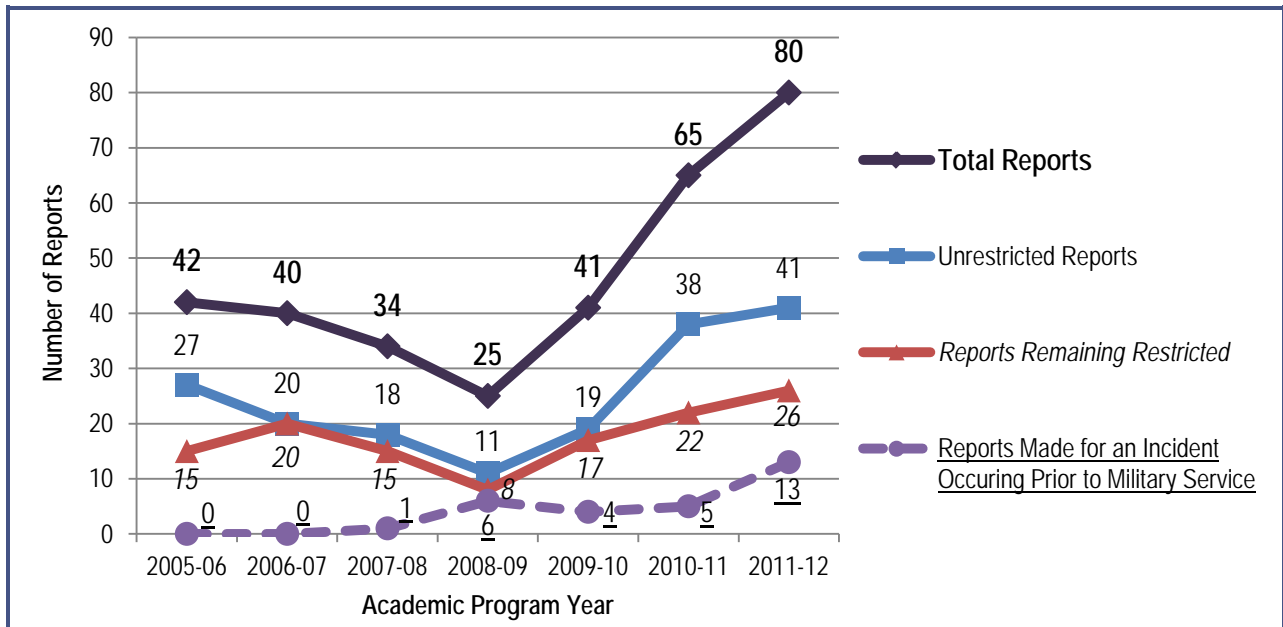


Exhibit 2b: Reports of Sexual Assault at the MSAs by Report Type and by Number of Reports of Sexual Assault that Occurred Prior to Military Service, APYs 05-12.

Exhibit 3 shows reports by Academy.

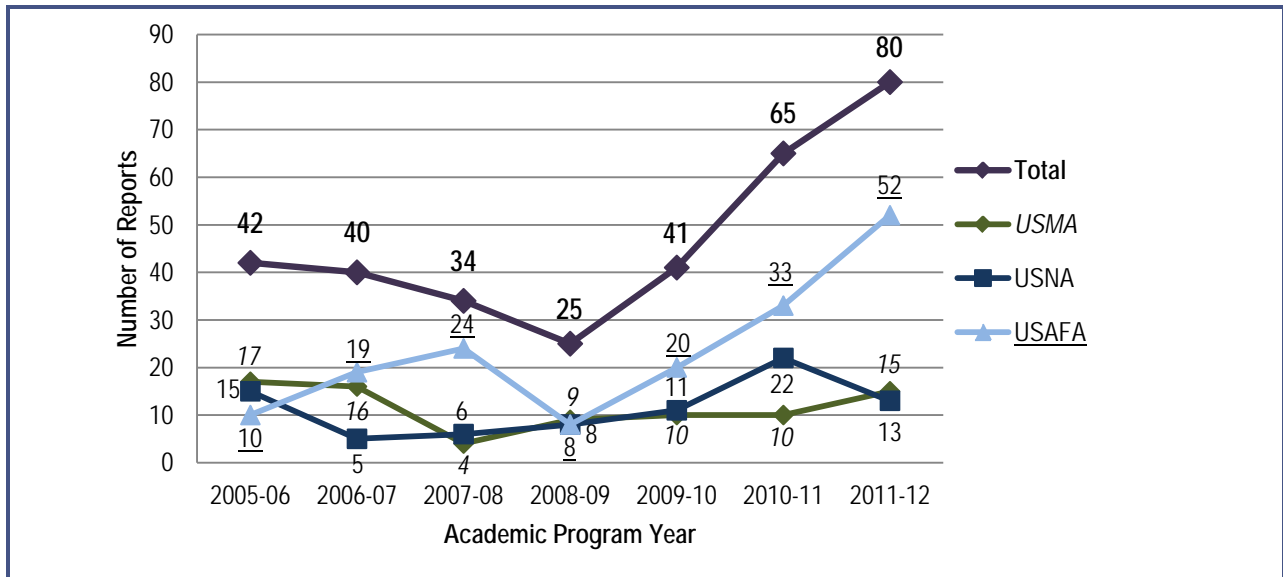
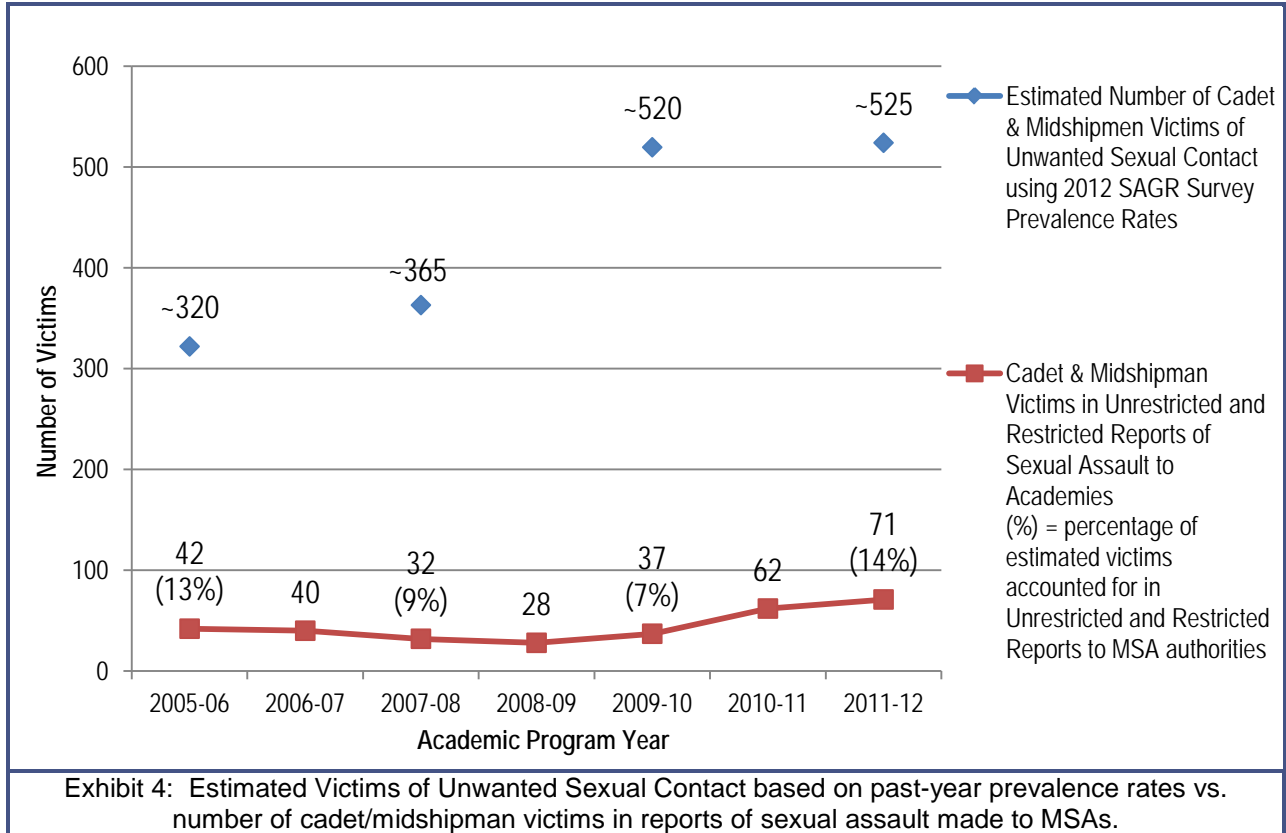


Exhibit 3: Reports of Sexual Assault at the MSAs by academy, APYs 05-12.

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 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 prevalence 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 4 displays how past SAGR Survey estimates of sexual assault (known on the survey as “unwanted sexual contact”) compare to the Unrestricted and Restricted Reports received by the academies.^{20,21}



APY 11-12 UNRESTRICTED REPORTS OF SEXUAL ASSAULT

In APY 11-12 there were 42 Unrestricted Reports of sexual assault involving cadets and midshipmen as either the subject and/or victim of a sexual assault investigation.

²⁰ Although this term does not appear in the UCMJ, for the purposes of the SAGR Survey, it is used to refer to a range of activities that the UCMJ prohibits, including 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.

²¹ The estimated number of victims is developed using the SAGR survey estimated unwanted sexual contact prevalence 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.

- 33 of the Unrestricted Reports involved cadets and midshipmen as victims
 - One cadet made an Unrestricted Report relating to a sexual assault that occurred prior to academy matriculation.

Once an Unrestricted Report of sexual assault is made, Department policy requires that the report be forwarded to an MCIO for investigation (Exhibit 1, Point D). Depending upon the complexity of the alleged crime, an investigation can take a few weeks to several months to complete. Not all of the reports made in a given year are completely investigated by the end of that year.

- Of the 42 criminal investigations initiated during APY 11-12, 23 investigations were completed in APY 11-12. The outcomes of the other 19 investigations will be reported in forthcoming years' reports (Exhibit 1, Point F).
 - 17 investigations of sexual assault from prior reporting periods (APY 10-11) were also completed during APY 11-12.
 - In sum, 40 investigations of sexual assault (Exhibit 1, Point E) involving 39 subjects (Exhibit 1, Point G) were completed during APY11-12 (one subject was investigated twice for unrelated incidents).
 - By the end of APY 11-12, legal authority and disposition had yet to be determined for 5 subjects of investigations closed in APY11-12 (Exhibit 1, Point H). Disposition for these subjects will be documented in future reports.

When an Unrestricted Report of sexual assault is made, the MCIOs investigate all alleged violations of military law contained in the report. However, to comply with legislated reporting requirements, the Unrestricted Reports are categorized by the most serious sexual assault infraction alleged. Exhibit 5 shows the sexual assault crimes investigated for the 42 Unrestricted Reports made in APY 11-12. It should be noted that the crime investigated might not always result in the same crime being charged or addressed with disciplinary action. For example, if the crime of "Rape" is alleged and investigated, but only evidence for the crime of "Wrongful Sexual Contact" is substantiated during the investigation, then only the crime of "Wrongful Sexual Contact" can be charged.

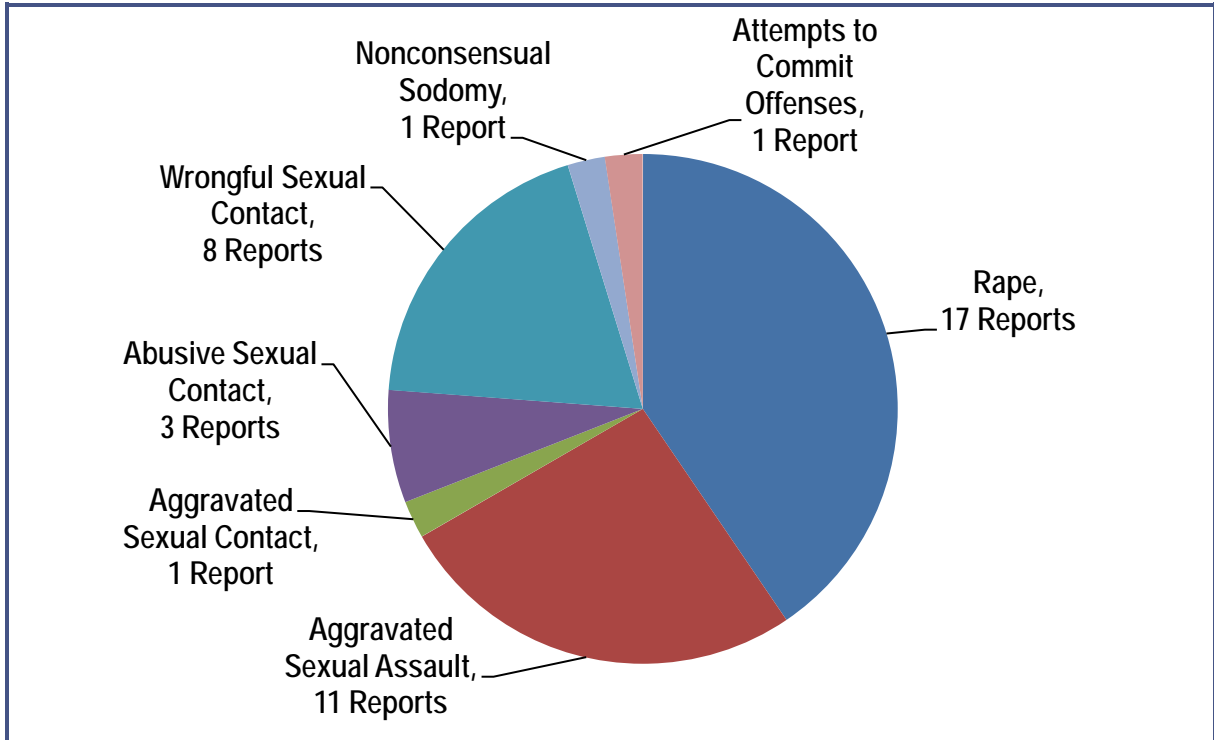


Exhibit 5: Sexual assault crimes investigated in Unrestricted Reports of sexual assault, APY 11-12.

In APY 11-12, 20 of the 42 Unrestricted Reports involved the victimization of a cadet or midshipman by another cadet or midshipman. Exhibit 6 illustrates how cadets and midshipmen were involved in sexual assault reports.

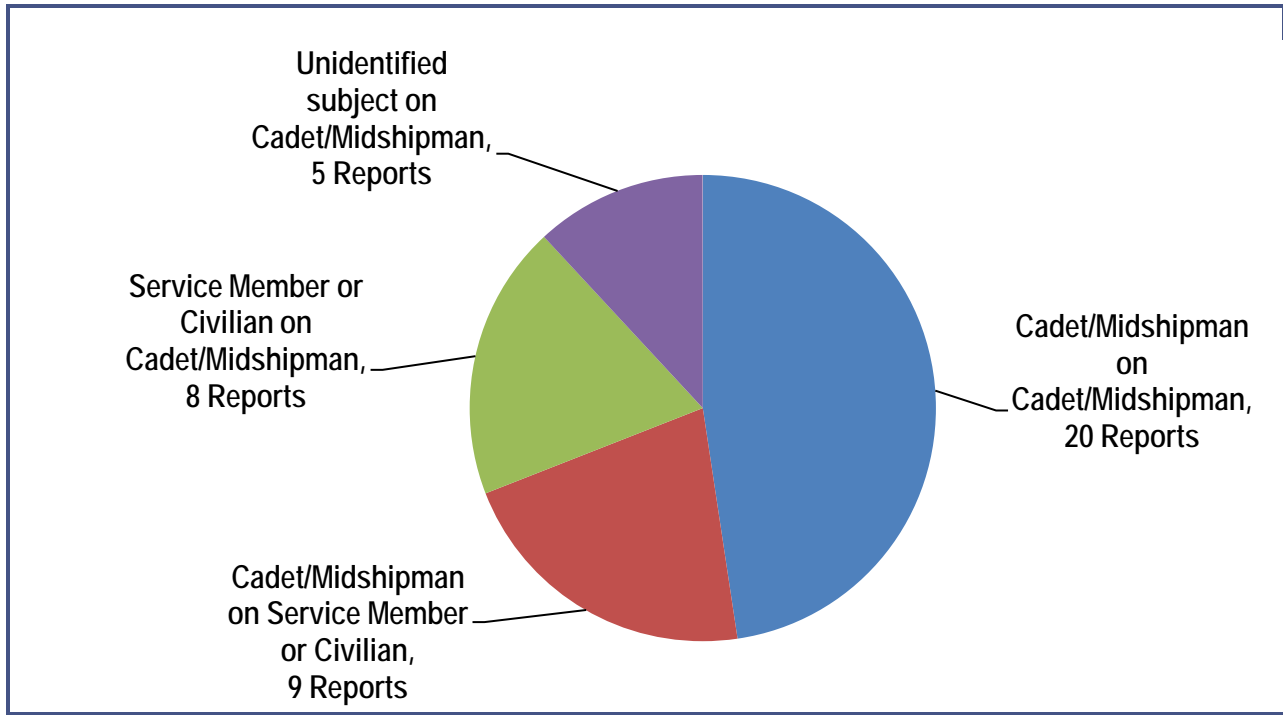


Exhibit 6: Unrestricted Reports of Sexual Assault by Victim and Subject Status, APY 11-12.

Disposition of Completed Investigations

When an Unrestricted Report is investigated, the goals of the investigation are to identify what crimes have been committed, who has been victimized, and who may be held appropriately accountable for the crime. It is the intent of the Department to hold offenders appropriately accountable when it has legal authority and available evidence supports such action. The 40 criminal investigations closed in APY 11-12 involved 39 subjects.²² By the end of the APY 11-12, the MSAs had outcome information for 34 of the 39 subjects.

Exhibit 1 shows the flow of sexual assault reports from initial allegation through final disposition. Seven subjects were outside the legal authority of the Department of Defense.

- Allegations against one subject were unfounded by the MCIO (Exhibit 1, Point I).
- Five subjects could not be identified, despite a thorough investigation (Exhibit 1, Point J).
- One subject was a civilian who was not subject to military law (Exhibit 1, Point K).

Reports of investigation on the 27 subjects within the legal authority of the DoD were provided to MSA authorities to consider for appropriate disciplinary action (Exhibit 1, Point N):

- Commanders had sufficient evidence of a crime to support taking disciplinary action against 14 subjects (Exhibit 1, Point P).
 - The actions taken for sexual assault crimes are as follows (Exhibit 1, Point R):

▪ Court-martial charges preferred (initiated):	8 subjects
▪ Nonjudicial punishments (Article 15, UCMJ):	1 subject
▪ Administrative discharges:	1 subject
▪ Other Adverse Administrative Action:	1 subject
 - The actions taken for other misconduct that was discovered during the course of the sexual assault investigation are as follows (Exhibit 1, Point S):

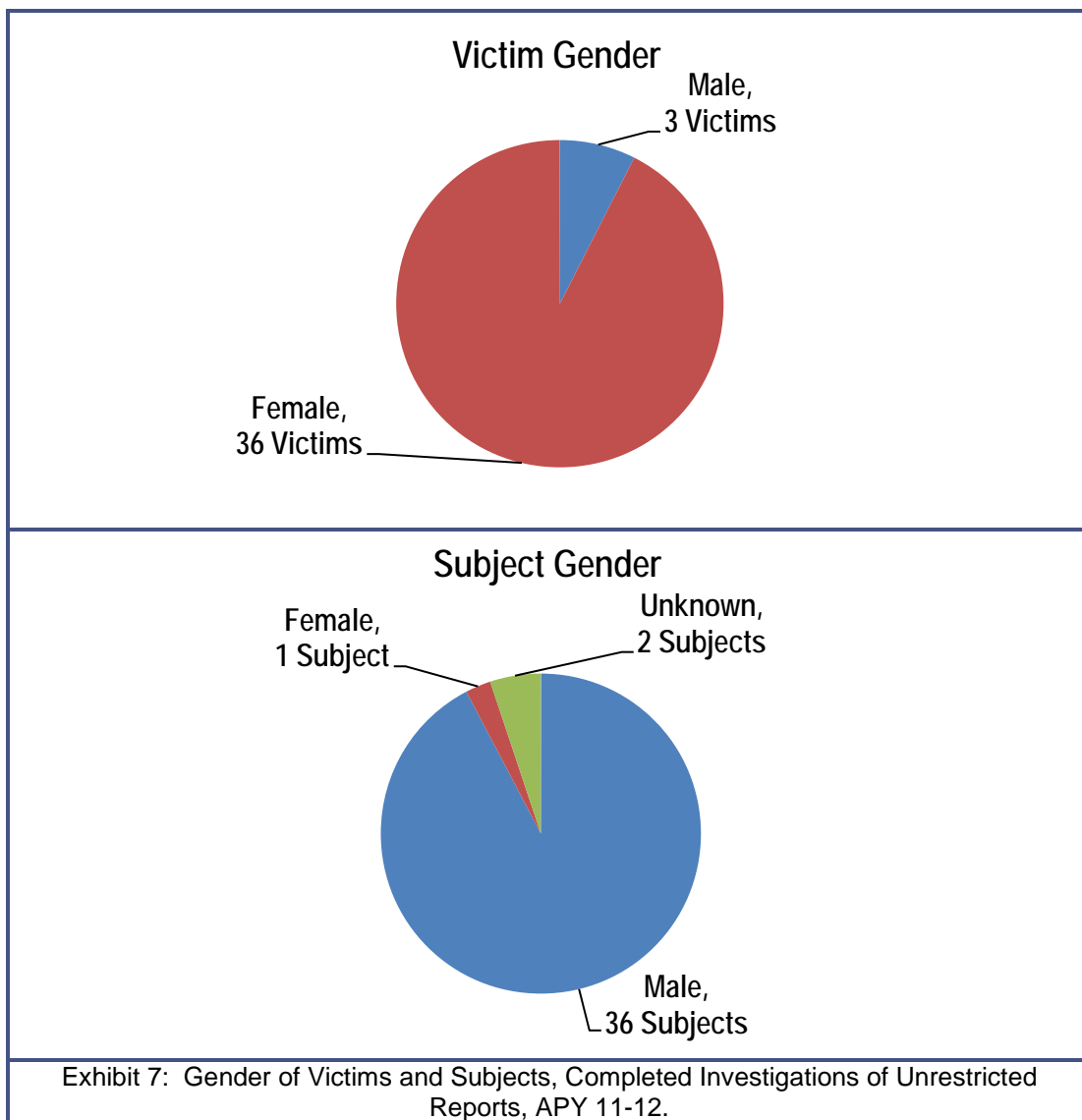
▪ Administrative discharges:	1 subject
▪ Other Adverse Administrative Action:	2 subjects
- Commanders could not take action against 13 subjects (Exhibit 1 Point O).
 - For 10 subjects, command action for sexual assault charges was precluded because:
 - The victim declined to participate in military justice actions against 4 subjects.
 - Investigation of the allegations against six subjects disclosed insufficient evidence of an offense to prosecute.
 - For three subjects, command action for sexual assault charges was declined because MSA authorities determined the allegations against the subjects were unfounded (Exhibit 1, Point Q).

²² One of the subjects was investigated more than once for a sexual assault crime.

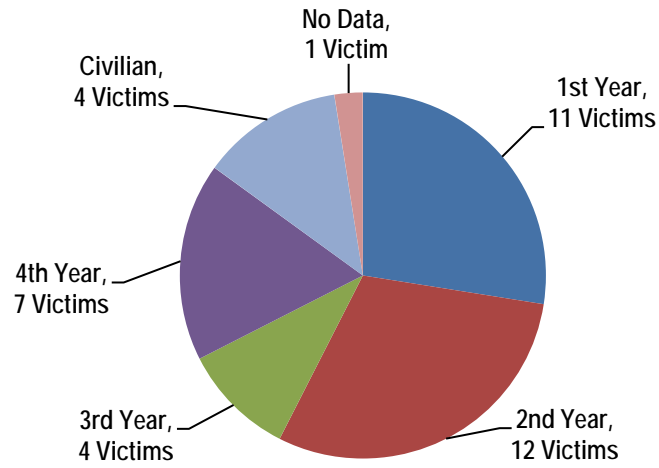
Demographics of Unrestricted Reports

The following demographic information is drawn from the 40 investigations of sexual assault that were initiated and completed during APY 11-12. These investigations involved 39 victims and 39 subjects. One subject and one victim were involved in multiple, unrelated investigations.

Exhibit 7 shows victim and subject gender. Exhibit 8 illustrates victim and subject status (year in school, active duty member, civilian, etc.). Cadets and Midshipmen in their first year of school are equivalent to college freshmen; fourth year cadets are college seniors.



Victim Status



Subject Status

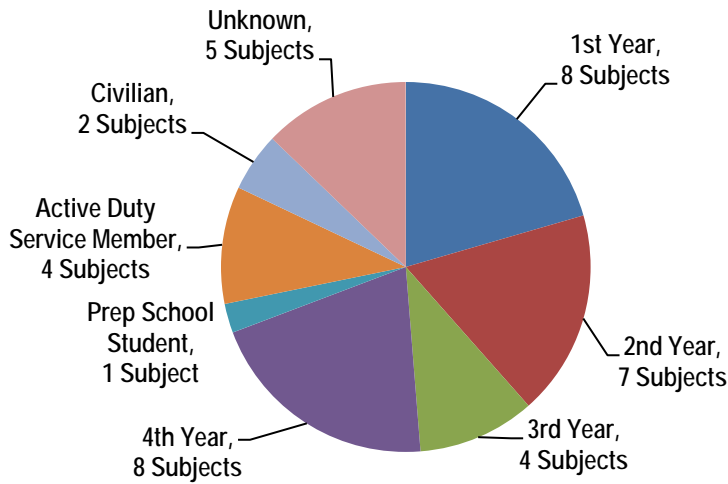


Exhibit 8: Status of Victims and Subjects in Completed Investigations of Unrestricted Reports, APY 11-12.

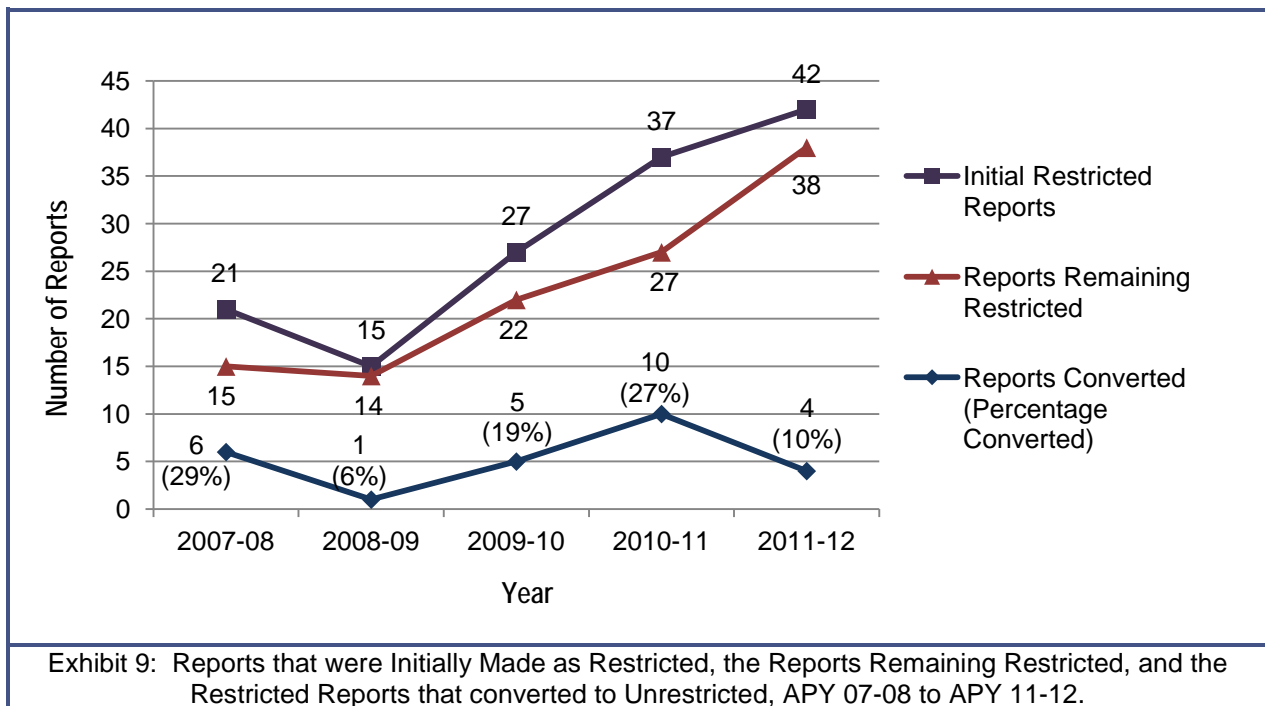
APY 11-12 RESTRICTED REPORTS OF SEXUAL ASSAULT

SARCs and SAPR VAs 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 11-12, there were 42 initial Restricted Reports of sexual assault.

- Of the 42 reports, four converted to Unrestricted Reports at the request of the victim.
- At the close of APY 11-12, 38 reports remained Restricted.²³
 - 12 cadets/midshipmen made a Restricted Report and obtained services for a sexual assault that occurred prior to military service.
 - 26 cadets/midshipmen made a Restricted Report and obtained services for a sexual assault that occurred while in military service.

The percentage of victims desiring to convert their Restricted Reports to Unrestricted Reports at the MSAs has fluctuated from year to year. Exhibit 9 shows the Restricted Reports and conversion rates for the past five APYs.



²³ The Restricted Reports that converted to Unrestricted Reports are included in the Unrestricted Report data cited earlier.

Demographics of Restricted Reports of Sexual Assault

The following information pertains to cadets and midshipmen who made a Restricted Report of sexual assault. Exhibit 10 shows the categories of Restricted Reports reported to the MSAs and Exhibits 11 and 12 provide the victim gender and grade data, respectively.

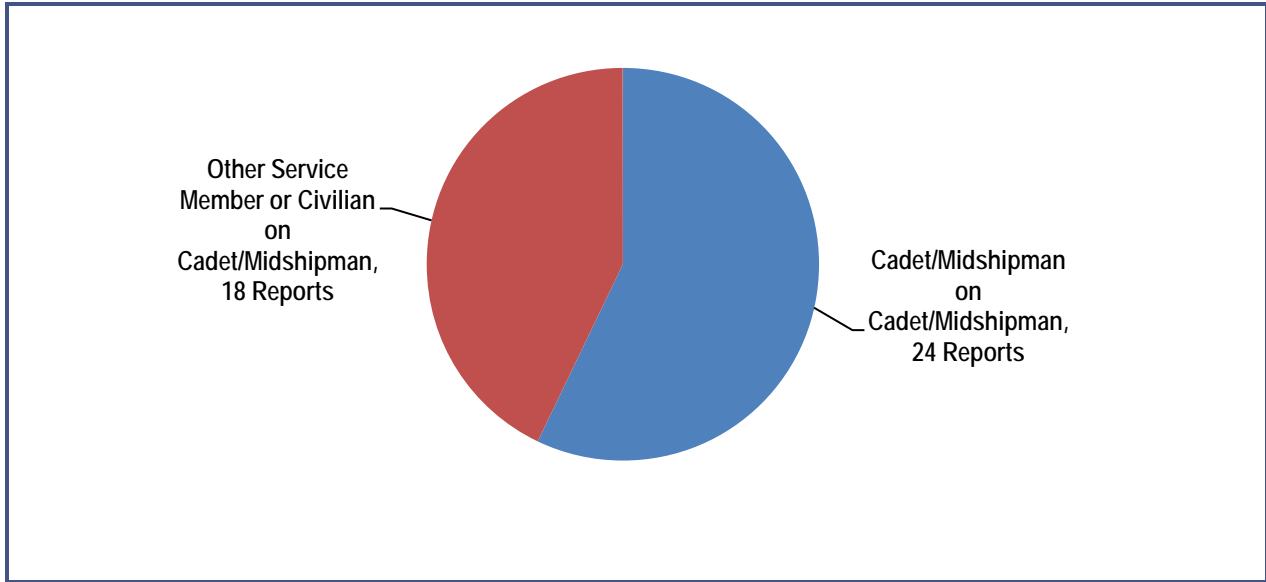


Exhibit 10: Categories of Restricted Reports of Sexual Assault, APY 11-12.

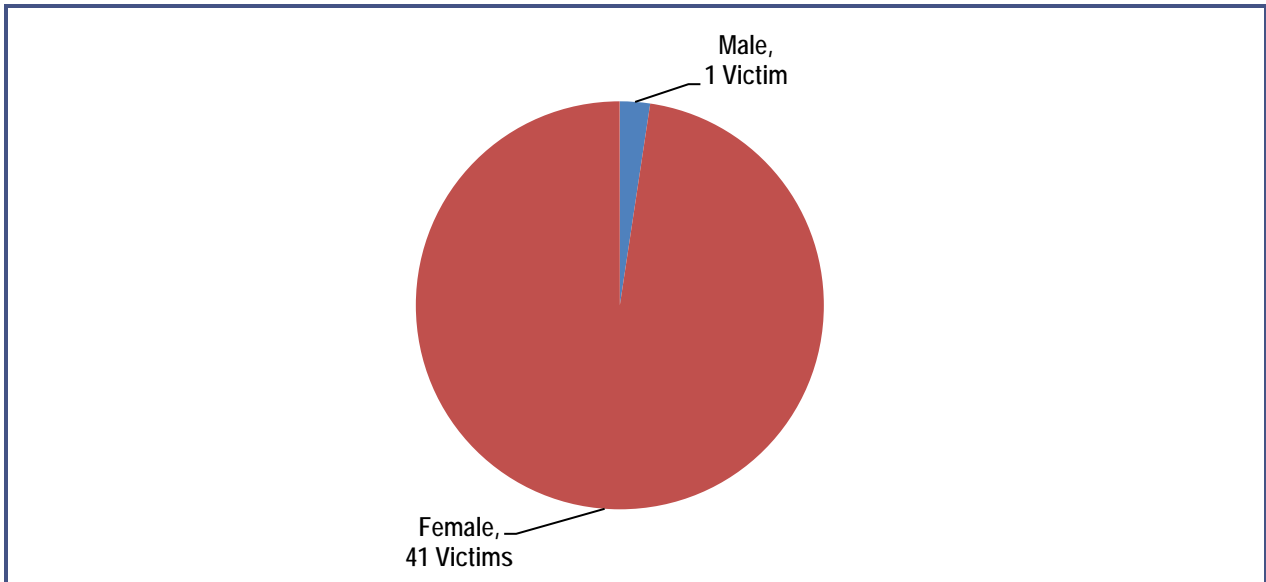
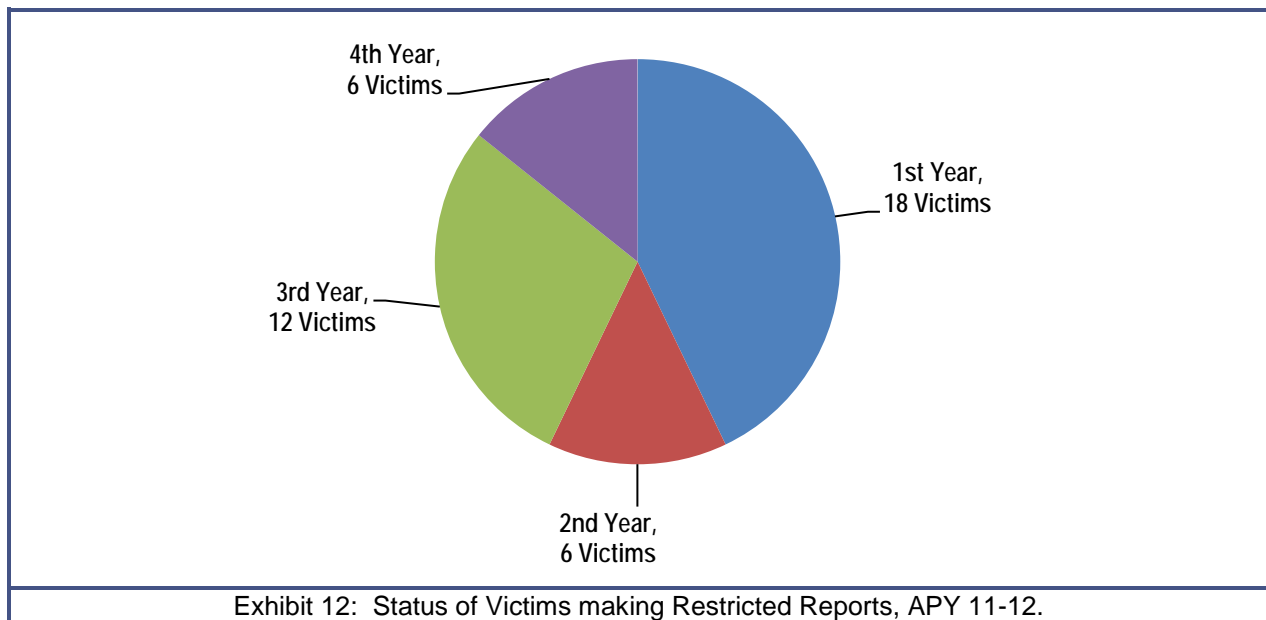


Exhibit 11: Gender of Victims making Restricted Reports, APY 11-12.



SEXUAL HARASSMENT

Reporting of sexual harassment is approached differently than the reporting of sexual assault. In APY 11-12, there were two formal complaints of sexual harassment reported to the MSAs, both at USMA, and a total of 17 informal complaints of sexual harassment.

- No informal complaints at USMA
- Ten informal complaints at USNA
- Seven informal complaints at USAFA

DATA REQUIRED BY NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

- The number of sexual assaults committed against members of the Armed Forces that were reported to military officials during the year covered by the report: 32.
 - The number of the cases so reported that were substantiated: 16.
- The number of sexual assaults committed by members of the Armed Forces that were reported to military officials during the year covered by the report: 23.
 - The number of the cases so reported that were substantiated: 14.

Pursuant to Section 1631 of Public Law Number 111-383, the Ike Skelton National Defense Authorization Act for FY 2011, substantiated reports of sexual assault are unrestricted reports that have been investigated and found to have sufficient evidence to take some form of punitive, corrective or discharge action against an alleged offender. In situations where the Department lacks jurisdiction or the ability to take action, reports may still be substantiated when there is credible evidence that an offense occurred against a specific victim.

ASSESSMENT OF MSA PROGRAMS

This document represents the sixth assessment of the sexual harassment and assault programs at the academies. This is the last MSA assessment to employ the 2009 *DoD-Wide SAPR Strategic Plan* with five priorities as a framework for evaluation. In future APY Reports, each MSA will organize its sexual harassment and assault program objectives and initiatives according to the Department's new *DoD-Wide SAPR Strategic Plan*, which is currently under development.

During the past few years, the MSAs have devoted considerable time and 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, monitoring, and evaluation. Each academy has a well-organized response structure in which sexual harassment and assault learning objectives are incorporated into leadership and military training 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, standing in contrast to the MSAs' extensive programmatic achievements is the data from the *2012 SAGR Survey*. The overall results show a persistent elevation in the prevalence of unwanted sexual contact and sexual harassment reported on the survey. Because it is the Department's goal to reduce the prevalence of sexual assault, it is now time for the MSAs to enhance the prevention and evaluation components of their SAPR and POSH programs. Effective prevention may take many forms, but must entail a sustained effort with targeted messaging that is constantly refreshed. To determine if prevention work is effective, the MSAs should continue development of outcome-based evaluative processes and metrics for their sexual harassment and assault program objectives and initiatives, as previously recommended by the Department. Evaluative components should be integrated into every new or continuing objective, initiative, and intervention. These metrics can be simple or complex, but should evaluate progress in concept comprehension, skill acquisition, behavioral intention, or any other programmatic goal.

In the spring of 2013, representatives from SAPRO, DMEO and the military Services will conduct on-site assessments of the academies' SAPR and POSH programs. In these forthcoming visits, the Department intends to identify best practices at each academy and turn them into common practices across all three institutions. In addition, the Department will be considering new ways to further integrate SAPR and POSH programs into academy culture, including providing specialized SAPR training for the Training, Advising, and Counseling (or equivalent) Officers at each of the academies; providing enhanced training to seniors at each of the academies; and engaging and leveraging cadet influencers, including coaches, alumni associations, faculty, and sponsors as force multipliers.

The Department will also work with experts in academia and advocacy groups to evaluate existing data and identify additional pathways for intervention and program enhancement. Given that the academies have well-established response systems in place, SAPRO plans to shift the focus of its on-site assessment visits from policy compliance to helping each MSA progress toward achieving a culture free from sexual harassment and violence.

CONCLUSION

Preventing sexual harassment and sexual assault at the MSAs, as well as across the Total Force, remains a priority for the Department. Throughout APY 11-12, the MSAs worked to address sexual harassment and assault by institutionalizing prevention, encouraging reporting, improving response, enhancing system accountability, and increasing SAPR understanding and awareness. We expect the academies to make further progress, complete outstanding action items and recommendations from previous APYs, and consider new solutions for addressing areas of concern identified through the *2012 SAGR Survey* during APY 12-13.

The Department and MSAs have taken steps to prevent and respond to sexual assault and harassment, but there is still much work to do. The Department is committed to ensuring the safety, dignity, and well-being of its future leaders at the MSAs and will continue to work towards achieving a climate free of sexual assault and harassment.