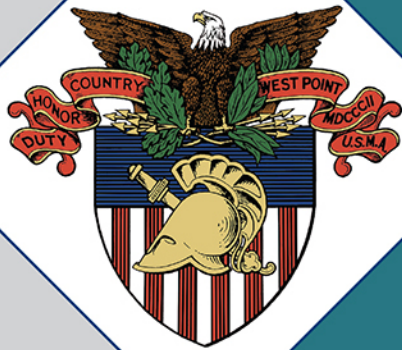


# Appendix A: DoD Assessment of the United States Military Academy



# Appendix A: U.S. Military Academy Assessment



In the following section, the Department provides an update on the status of all of the United States Military Academy's (USMA) pending action items entering into Academic Program Year (APY) 2015-2016. These action items include Secretary of Defense initiatives, suggested enhancements identified in the previous APY 14-15 Report, and previously identified action items from prior years. The Department will assess the effectiveness of the Academy's sexual harassment and sexual assault prevention and response program and determine compliance with policy during an on-site assessment in the next APY.

Of USMA's 16 pending items, ten were completed this year.

- Six items are in progress:
  - One Secretary of Defense Initiative remains in progress.
  - Three of the seven action items identified for all three Military Service Academies (MSA) in the APY 14-15 Report remain in progress.
  - Two of the four action items specific to USMA from the APY 14-15 and earlier reports remain in progress.
  - None of the four suggested enhancements from the APY 14-15 Report remain in progress.

## Implementation Progress: Secretary of Defense Initiatives Common for All MSAs

The following section provides the actions that USMA has taken to implement its open Secretary of Defense initiative. The initiative listed below was considered "in progress" by the Department in the APY 14-15 Report. This initiative remains in progress.

### Improving Sexual Assault Reporting

**Requirement:** Academies were to assess their individual Academy climates and develop a plan to promote greater reporting of sexual assault by cadets and midshipmen.

**USMA Action:** The results of the organizational climate survey conducted by the Defense Equal Opportunity Management Institute (DEOMI), were used by commanders at all levels. Findings were evaluated by each Command who administered the surveys and actions were taken to address key findings. These surveys are built for commanders' internal use and application.

#### Secretary of Defense Initiatives USMA Progress at a Glance

##### Status

Improving Sexual Assault Reporting	→ In Progress
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● Complete    → In Progress    ✖ No Progress

**Status: In Progress.** Reporting of sexual assault at USMA reached a high of 26 reports this year. However, USMA described no additional progress on this initiative in its self-assessment report. USMA originally provided an action memorandum in APY 14-15,

outlining specific actions directed by the Superintendent to encourage greater reporting. To complete this initiative, USMA must provide the Department with follow up documentation describing execution of the activities directed by the Superintendent.

# Assessment of Action Items Common to All MSAs in the APY 14-15 Report

The Department assessed USMA's efforts to complete the action items identified for all three MSAs in the APY 14-15 Report. Action items are initiatives the MSAs were to adopt to address areas of improvement as a result of findings from the Department's on-site assessment. The Department found sufficient evidence to close four action items, with three remaining open.

## APY 14-15 Action Items Common to all MSAs USMA Progress at a Glance

	Status
Superintendents Directly Supervise EO Office and Sexual Harassment Training/Education Efforts	● Complete
Strengthen Sexual Harassment Prevention and Response Efforts	→ In Progress
Continue Efforts to Improve Sexual Assault Reporting by Cadets and Midshipmen	→ In Progress
Make Available and Require use of Government-Provided Means to Communicate With and Transport Victims to the Hospital and Other Appointments	● Complete
Enhance Feedback to Cadets and Midshipmen by Using Case Studies that Represent the Broad Range of SAPR Case Outcomes	● Complete
Provide Military Officers, in the Chain of Command Overseeing Cadets and Midshipmen, a Clear Case Status During CMG Meetings to Fulfill Their Responsibility of Updating the Victim	● Complete
Adapt the Department's SAPR Metrics to Create Academy Program Metrics	✘ No Progress

● Complete    → In Progress    ✘ No Progress

## Superintendents Directly Supervise EO Office and Sexual Harassment Training/Education Efforts

**Requirement:** Academy Superintendents were to provide more direct supervision over their Equal Opportunity (EO) offices. More attention from the Superintendents will emphasize the important role that the sexual harassment programs play in establishing climates of dignity and respect at the Academies.

**USMA Action:** The Superintendent's special staff includes both the Sexual Harassment/Assault Response and Prevention (SHARP) Program Manager and the Diversity Officer, who is the direct supervisor of the Equal Opportunity Staff members. Both of these offices have open door access to the Superintendent to discuss issues or program concerns.

**Status:** Complete.

## Strengthen Sexual Harassment Prevention and Response Efforts

**Requirement:** The MSAs were to review their sexual assault prevention efforts, including training, to find appropriate venues to integrate sexual harassment prevention.

**USMA Action:** USMA uses the Army SHARP Training Support package when conducting Annual and recurring SHARP Training for all audiences. Included in that material is the continuum of harm that is used to discuss the impact of escalating inappropriate behaviors that can lead to sexual harassment, as well as a discussion about ways in which individuals can intervene, why one should intervene, and the impact that the inappropriate behavior has on

individuals, units, and the community at large. The Gold Book also describes the integration of sexual harassment training into USMA efforts to improve character. These briefings discuss the types of sexual harassment, as well as the methods available to address issues through the SHARP Program for military personnel and through Equal Employment Opportunity (EEO) for civilian personnel.

**Status:** **In Progress.** The Department notes USMA's progress to create a comprehensive prevention program that addresses sexual harassment and assault. However, the self-assessment provided no documentation to address how USMA tailors the Army's sexual harassment material for each cadet class year, whether it's provided at a sufficient frequency throughout the academic experience, and how it assesses sexual harassment prevention effectiveness.

### Continue Efforts to Improve Sexual Assault Reporting by Cadets and Midshipmen

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**Requirement:** The MSAs were to continue developing plans to further increase cadet and midshipman reporting.

**USMA Action:** All direct service providers are credentialed and USMA has an internal tracking system used by the SHARP PM to ensure that as the recertification windows open for each SHARP Professional the required documents are submitted to the Credentialing Boards. Additionally, actions have been taken from a policy standpoint to adjust the parties to which a victim may disclose a sexual assault. USMA intends to have this policy revision in place before the beginning of APY 16-17.

USMA has identified the location of the United States Corp of Cadets (USCC) Sexual Assault Response Coordinator (SARC) and SAPR Victim Advocate (VA) as a key issue in its overall support for victims. The current location in Nininger Hall is highly visible in the

cadet area and is typically associated with Honor Code violations. There also is no waiting area if the USCC SARC is meeting with another cadet, causing cadets to have to wait outside the SARC office in the hallway. Additionally, the current location creates logistical challenges for cadets to move through the reporting and investigative process following an Unrestricted Report of sexual assault. Cadets must be transported to the Criminal Investigation Command (CID) location. The amount of time a cadet has to set aside for these interviews is challenging with the limited time and complicated schedules under which cadets operate. A new location has been identified for APY 16-17.

USMA believes that these seemingly simple program adjustments will resonate as deepening the institutional resolve to provide caring, efficient, private, and expeditious support when an incident of sexual violence is reported.

**Status:** **In Progress.** The Department considers this to be in progress as efforts to improve reporting and ensure confidentiality and privacy are still ongoing.

### Make Available and Require use of Government-Provided Means to Communicate With and Transport Victims to the Hospital and Other Appointments

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**Requirement:** All SARCs and SAPR VAs were to be provided with and required to use government means to communicate with and transport victims in order to maintain the level of professional behavior that is outlined in the Defense Sexual Assault Advocate Certification Program (D-SAACP) Code of Ethics.

**USMA Action:** USMA has a single 24/7 Sexual Assault Hotline and a back-up phone. Each phone is carried by a different member of the SHARP team. The protocol for phones is that if the hotline rings three times and is

not answered, it automatically rolls to the back-up phone. This is in place due to the fact that there are times when the person carrying the hotline may be in an area that has a low cell signal, and rather than have the phone go to voicemail, USMA has a system in place to ensure that anyone calling the hotline will be answered by a member of the SHARP team. SHARP teammates also have government email accounts to manage communication with their clients. There is a government vehicle available for the SARC and SAPR VA to use if they need to transport a victim to any appointment having to do with a reported incident of sexual assault.

**Status:** **Complete.**

### **Enhance Feedback to Cadets and Midshipmen by Using Case Studies that Represent the Broad Range of SAPR Case Outcomes**

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**Requirement:** The MSAs were to discuss possible outcomes to allegations, in order to set reasonable expectations of the strengths and limitations of the military justice system and assist with meeting requirements outlined in Enclosure 10 of DoDI 6495.02.

**USMA Action:** The USMA leadership shares information with the community as a way of maintaining transparency on cadet life and USMA standards. The Superintendent included class-specific slides in his briefings to each class that discussed “Pitfields and Mines” at the start of the academic year. These statistics informed the class of misconduct on the part of the class ahead of them.

Real cases are sanitized of personal information and turned into “X/Y Cases” that are used in periodic training and to assist the chain of command in generating discussion.

West Point and the Center for the Army Profession and Ethic (CAPE) produced a case study training package with interviews

and in-depth materials to document a crime that occurred at West Point within USCC.

**Status:** **Complete.** The materials produced by USMA's CAPE are a benchmark for the other MSAs. Case studies can be reviewed at: <http://cape.army.mil/case-studies/>

### **Provide Military Officers, in the Chain of Command Overseeing Cadets and Midshipmen, a Clear Case Status During CMG Meetings to Fulfill Their Responsibility of Updating the Victim**

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**Requirement:** Military officers in the chain of command overseeing cadets and midshipmen were to receive a clear, concise case status update at the Case Management Group (CMG) to share with victims. The commanders must be invited to the CMGs and receive updates from all attendees, whenever possible.

**USMA Action:** The monthly Sexual Assault Review Board (SARB) meeting is arranged to provide only commanders and other “need-to-know” persons with case specific information on investigative status, judiciary status, and other matters related to the cases within their command or directorate. Case updates to victims are typically provided by either the SARC, SAPR VA, or the Special Victims Counsel (SVC), as they have the most detailed set of information. Victim services and connection to the SHARP Program Professionals is also a point of discussion in the SARB.

**Status:** **Complete.** However, the Department would like to see additional information to document that victims’ tactical officers are being regularly included in the SARB.

## Adapt the Department's SAPR Metrics to Create Academy Program Metrics

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**Requirement:** The MSAs were to adapt DoD's SAPR metrics as part of a larger metrics effort to capture and communicate progress in addressing both sexual assault and sexual harassment.

**USMA Action:** USMA leverages the *Sexual Assault and Gender Relations (SAGR)* Survey results in its ongoing efforts to assess the effectiveness of the SHARP Program. Currently the issues of concern to the Superintendent are the unwanted sexual contact (USC) numbers, the incidences of sexual harassment, and the prevalence of gender discrimination. These elements of the

culture are integrally connected to the efforts to foster behavior change through facilitated and structured discussions throughout the academic year. Internal surveys on culture augment these metrics with additional data to better understand where subcultures exist and trend over time. Future work with internal surveys will focus on gathering data that can be used to assess a class aggregate of change in behavior and attitudes over time.

**Status: No Progress.** The Department recognizes USMA's efforts to apply the findings of the *SAGR* and other surveys to its program. However, USMA provided no documentation to demonstrate it created a suite of metrics to periodically communicate SHARP program health to the Superintendent and USMA stakeholders.

# Assessment of Action Items Specific to USMA from Previous Reports

The Department assessed the action items identified specifically for USMA in the APY 14-15 Report and the open action items USMA had from prior assessments and found sufficient evidence to close two action items, with two remaining open.

Previous Action Items USMA Progress at a Glance	
	Status
Ensure Cadets Know Where to File a Sexual Harassment Complaint	● Complete
Update MOU with Westchester Hospital to Address Procedures for SAFEs	→ In Progress
Submit Sexual Harassment Training for Approval	● Complete
Develop, Implement, and Track Metrics	✘ No Progress
● Complete    → In Progress    ✘ No Progress	

## Ensure Cadets Know Where to File a Sexual Harassment Complaint

**Requirement:** USMA was to clarify its training and messaging to identify the SARC as the point of contact for complaints of sexual harassment.

**USMA Action:** The SHARP Office personnel throughout APY 15-16 received most of the cases of sexual harassment as a first report. The transition from EO to SHARP handling sexual harassment cases was messaged throughout the year in training venues.

**Status:** Complete.

## Update MOU with Westchester Hospital to Address Procedures for SAFEs

**Requirement:** USMA was to update the Memorandum of Understanding (MOU) with

Westchester Hospital with more specific information for sexual assault nurse examiners conducting a Sexual Assault Forensic Exam (SAFE) for a military member. The procedures for obtaining and storing evidence collected during a SAFE in Restricted Report cases also needed to be reflected in the MOU.

**USMA Action:** Due to regulations and HIPPA, if a cadet reports to Westchester Hospital without going through Keller Army Community Hospital (KACH) only the patient can authorize any release of information, unless the patient gives written consent. The appropriate contact information for all of the West Point SARCs and SAPR VAs is provided to the units at each of the local facilities.

The proposed MOU with Westchester Hospital, will address the process for contacting the appropriate DoD agency to take custody of evidence collected during the SAFE procedures, and the process for obtaining and storing evidence collected during a SAFE in Restricted Report cases. SAFE exam kits will be given to the responding SAPR VA for transport to the Provost Marshal Office in Restricted Reports. For an Unrestricted Report the SAFE exam kit will be given to the responding CID agent.

**Status:** In Progress. The Department considers this to be in progress as USMA is still developing the MOUs with local area hospitals. MOUs should reflect Army guidance for information release, evidence preservation, and chain of custody requirements.



## Submit Sexual Harassment Training for Approval

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**Requirement:** The Academies were directed to comply with DoD policy by submitting their sexual harassment training programs to the DEOMI for approval.

**USMA Action:** USMA submitted its sexual harassment training slides to DEOMI for approval on 1 June 2015.

**Status:** Complete.

## Develop, Implement, and Track Metrics

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**Requirement:** Appoint an office of primary responsibility at USMA to develop, implement, and track metrics.

**USMA Action:** A research Psychologist works with the SHARP Program Manger to

track metrics and assess the overall effectiveness of USMA's program. Internal culture and honor surveys that are created by the research office at the Academy will be created in coordination with the SHARP Office to ensure that USMA is working to capture useful culture trends that can be used to continue to inform the work being done to generate and foster climate and culture change among the Corps of Cadets.

**Status:** **No Progress.** The Department recognizes USMA's efforts to develop the Periodic Development Review (PDR) to track sexual assault and harassment prevention and response metrics. However, USMA provided no documentation to demonstrate it created a suite of metrics within the PDR or other appropriate means to periodically communicate SHARP program health to the Superintendent and USMA stakeholders.

# Assessment of Suggested Enhancements from APY 14-15 Report

Suggested enhancements are promising practices that the Academies were encouraged to consider adopting in the APY 14-15 Report. The Department found sufficient evidence to close all four suggested enhancements.

Suggested Enhancement USMA Progress at a Glance	
	Status
Develop Sexual Assault Procedures for Representatives Leading Off-Campus Activities	● Complete
Adopt Code of Conduct Contract for Sports Teams, Clubs, and Their Coaches	● Complete
Use Sports Teams and Clubs as Agents of Change to promote Healthy Relationships	● Complete
Include CID in an Appropriate Block of SHARP Training	● Complete
● Complete    → In Progress    ✖ No Progress	

## Develop Sexual Assault Procedures for Representatives Leading Off-Campus Activities

**Suggested Enhancement:** The Department encouraged USMA to consider developing sexual assault procedures for Academy representatives leading off-campus activities so that victim care continues to meet the same standard regardless of where an incident occurs.

**USMA Action:** USMA’s Officer in Charge Trip Checklist includes procedures for off-campus activities.

**Status:** Complete.

## Adopt Code of Conduct Contract for Sports Teams, Clubs, and Their Coaches

**Suggested Enhancement:** The Department encouraged USMA to consider employing a code of conduct, similar to that used by USNA, to deter inappropriate behaviors. A code of conduct helps set appropriate expectations for all team members and enhances the MSAs’ ability to hold athletes and coaches appropriately accountable for unacceptable behavior.

**USMA Action:** The Directorate of Intercollegiate Athletics instituted a code of conduct that each cadet-athlete signs. Included in the code of conduct is the statement, “as a cadet-athlete at Army West Point, I will understand that I am the force behind the fight against sexual harassment and assault response and prevention. I will follow the USCC Standard Operating Procedure for situations involving sexual harassment or assault.”

**Status:** Complete.

## Use Sports Teams and Clubs as Agents of Change to Promote Healthy Relationships, both on and off the Field

**Suggested Enhancement:** Recognizing the potential contributions from sports teams and clubs, DoD encouraged the MSA Athletic Departments to consider engaging in efforts to promote healthy relationships, mutual respect, and appropriate boundaries among teammates. USMA was encouraged to review and adopt a practice that would be appropriate to its unique academy culture.

**USMA Action:** Men's Basketball, Women's Basketball and Women's Soccer participated in a One Love Foundation Escalation Workshop in August 2015. One Love works with young people across the country to raise awareness about the warning signs of abuse and activate communities to work to change the statistics around relationship violence. The Escalation Workshop teaches about healthy relationships, promotes peer-to-peer conversations on relationship violence, and provides information on how to seek support. Jenna McLaughlin, assistant coach for women's basketball, has been certified to be a facilitator for the One Love Escalation Workshop. The plan is to customize the workshop for cadets and present to other teams.

All teams participated in the Defensive Communications training. It equips athletes with the knowledge and awareness to communicate responsibly on the internet. With every post made on Twitter, Facebook, and the other social media platforms, they run the risk of compromising their standing on the team, as well as their academic and professional career. This training highlights inappropriate behavior in the world of social media and holds each cadet-athlete accountable for their behavior. Plebes will participate in this training throughout APY 16-17.

**Status:** Complete.

### **Include CID in an Appropriate Block of SHARP Training**

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**Suggested Enhancement:** The Department encouraged USMA to consider identifying where and how CID can best support the SHARP training program and integrate them accordingly.

**USMA Action:** USMA has created a Sexual Assault Report Subject Matter Expert (SME) Panel comprised of the Staff Judge Advocate (SJA), CID, and SVC who have conducted information briefs throughout the year. Specifically, this briefing was done during a Sexual Assault Awareness and Prevention Month (SAAPM) event, a screening of the movie, "The Hunting Ground." After the movie, the SME Panel discussed the process that CID and SJA go through when an Unrestricted Report of sexual assault is received. USMA presented this panel multiple times throughout the APY and it has been well received. The Academy plans on including it as an ongoing program.

**Status:** Complete.