



**Department of Defense
Annual Report on Sexual Harassment and
Violence at the U.S. Military Service Academies:
Academic Program Year 2006-2007**

Table of Contents

Executive Summary	5
Introduction.....	8
Legislative Origin and Requirements	8
Methodology	8
Relevant Reports Regarding Sexual Harassment and Violence at the Service Academies.....	9
U.S. Military Service Academies Programs and Assessments.....	11
United States Military Academy.....	13
United States Naval Academy	41
United States Air Force Academy	71
Report Conclusion.....	97
Appendices	99
Laws Related to Sexual Assault Prevention and Response in the Military....	101
Under Secretary of Defense (Personnel & Readiness) Memorandum: Annual Report of the U.S. Military Service Academies.....	127
Defense Manpower Data Center Service Academy 2007 Gender Relations Focus Groups Report.....	131
Sexual Harassment Reporting Charts	279
Law, Policy and Report References	282
Department of Defense Definitions	286
Abbreviations	288

Executive Summary

Overview

This Report is the Secretary of Defense's Annual Report to Congress on sexual harassment and sexual violence at the United States Military Service Academies covering academic program year (APY) June 1, 2006 through May 31, 2007. The Department of Defense Sexual Assault Prevention and Response Office (SAPRO) prepared an assessment of the effectiveness of the Academies' policies, training, and procedures with respect to sexual harassment and sexual violence involving cadets and midshipmen. This annual report includes information from cadet and midshipman focus groups conducted by the Defense Manpower Data Center (DMDC).

All three Military Service Academies (MSAs) have made great progress in establishing robust and effective prevention and response programs for both sexual assault and sexual harassment. As implemented by the MSAs, Department of Defense (DoD) policy, training, and prevention practices provide a comprehensive and consistent response structure to support and care for victims of sexual harassment and violence. Each Academy's educational program ensures every cadet and midshipman receives sexual assault prevention and response (SAPR) and prevention of sexual harassment (POSH) training that is later reinforced by MSA curricula. There is substantial evidence that the Academies are institutionalizing prevention strategies that demonstrate a commitment to end sexual harassment and violence in the Armed Forces.

Assessment Highlights

Sexual Assault

- All Military Service Academy sexual assault prevention and response programs were measured against Department of Defense policy contained in DoD Directive 6495.01, *Sexual Assault Prevention and Response (SAPR) Program*, 6 October 2005, and DoD Instruction 6495.02, *Sexual Assault Prevention and Response Program Procedures*, 23 June 2006.
- Overall, SAPR Programs have been successfully and permanently implemented at the Academies. Each school has integrated SAPR information seamlessly into its curriculum. The programs are thorough and well-constructed. The Academies are clearly in compliance with the SAPR policy. However, the assessment identified a few areas where improved training and cooperation between key stakeholders could increase the effectiveness of these robust programs.
- When allegations of sexual assault were reported, all three Academies had the infrastructure in place to effectively address the needs of the victims. Some cadets and midshipmen elected to make a Restricted Report, indicating the protections afforded under this option have credibility with victims of sexual assault. The Unrestricted

Reports were addressed by the military justice system or administrative adverse actions. The Academies were able to exercise the full range of disciplinary and administrative options available to them. Where appropriate, offenders that were not tried by courts-martial instead received non-judicial punishment, administrative adverse action, and/or were involuntarily separated from the military academy.

- As referenced earlier, DoD’s policy is new and consequently trend analysis is not possible at this time. The total numbers are as follows:

APY 2006/2007 REPORTS OF SEXUAL ASSAULT (Rape, sodomy, indecent assault, and attempts to commit these offenses) INVOLVING CADETS/MIDSHIPMEN	APY 2006/2007 Totals
# REPORTS OF SEXUAL ASSAULT (Total reported sexual assaults INVOLVING CADETS/MIDSHIPMEN) - TOTAL UNRESTRICTED AND RESTRICTED	40
# UNRESTRICTED REPORTS OF SEXUAL ASSAULT (Total reported sexual assaults BY or AGAINST Cadets/Midshipmen)	20
# Total Restricted Reports	27
# Converted from Restricted Report to Unrestricted Report	7
# 2007 RESTRICTED REPORTS REMAINING RESTRICTED	20

No interpretation of these statistics can be made at this time, and to do so would be pure speculation. The cases identified above only reflect the number of sexual assault cases **reported** to Academy officials and cannot be used for comparison or to estimate incidence and prevalence of sexual assault.

Sexual Harassment

- All Military Service Academies’ sexual harassment policies are in compliance with DoD Directive 1350.2, *DoD Military Equal Opportunity (MEO) Program*, and their respective Service policies. Cadets and midshipmen receive annual training throughout their four-year programs.
- The Military Service Academies’ MEO programs are operating as designed. However, it is our recommendation that DoD extend SAPR reporting policies to MEO functions. If DoD allowed limited confidential reporting in cases of sexual assault to equal opportunity personnel, victims would avoid losing the Restricted Reporting option simply because they reported the matter to the wrong office. Currently, MEO personnel do not act in a confidential capacity for crime, and are required to report all crimes to the command upon receipt of an allegation. As the difference between sexual harassment and sexual assault may not always be clear, victims of sexual assault, including cadets and midshipmen, would benefit from this additional protection.

Academy Focus Groups

- At all three Academies, focus group participants discussed both sexual assault and sexual harassment. However, the bulk of the discussions centered on sexual harassment and the difficulty the participants had in establishing a universally accepted definition for

offensive behavior. Focus group participants indicated that they received a significant amount of training on the issues of sexual harassment and sexual assault.

- Despite the difficulty noted above, focus group participants indicated that most concepts related to sexual assault are well understood. Participants indicated the crime was taken seriously by everyone. They also indicated that sexual assault at MSAs occurred infrequently and at a rate lower than civilian colleges. Focus group participants indicated that they felt safe in the dorms and at most locations on Academy grounds.
- Generally speaking, the distinct difference between Restricted Reporting and Unrestricted Reporting for sexual assaults was well understood by participants.
- There was a consensus that alcohol often plays a role in situations involving sexual assault.

Sexual Assault Prevention and Response involves a complex interaction of risk factors, protective factors, beliefs, and social norms. While the Military Services as a whole have implemented policy to address the problem of sexual assault, the Military Service Academies are uniquely positioned to shape our future military leaders to appreciate those complexities. They have taken on this task, and have demonstrated a commitment to eliminating sexual harassment and sexual assault from the Military Services by providing consistent policy, removing barriers to victim reporting, ensuring accessible care, and providing comprehensive training and education to all cadets and midshipmen.

Introduction

This is the Secretary of Defense Annual Report to Congress on the assessment of the Department of Defense Military Academies' Sexual Assault Prevention and Response and Prevention of Sexual Harassment programs covering academic program year June 1, 2006 through May 31, 2007, by the Department of Defense, Sexual Assault Prevention and Response Office. Findings from cadet and midshipman focus groups are included in the year's assessment.

Legislative Origin and Requirements

The National Defense Authorization Act for Fiscal Year 2007, Public Law 109-364, Section 532 (Appendix 1) requires the Secretary of Defense to submit an annual report to Congress regarding sexual harassment and sexual violence at the United States Service Academies. In odd-numbered years, the Academies prepare the report, which is informed in part by surveys conducted by DMDC. In even-numbered years, DoD SAPRO prepares the report, which is based in part on focus groups conducted by DMDC. The Secretary of Defense submits all reports to Congress.

Methodology

In assessing the Academies' programs, SAPRO gathered information by performing site visits with Academy personnel, reviewing Academy policies and procedures, conducting an extensive data-call for related documentation (including reports, policies, memoranda, and investigative files), and holding focus groups with cadets and midshipmen.

In accordance with The National Defense Authorization Act for Fiscal Year 2007, Public Law 109-364, Section 532, the *Service Academy 2007 Gender Relations Focus Groups (SAGR2007)* were conducted at all three Academies. Separate sessions were conducted for male and female cadets and midshipmen in each of the four class years. Data from the focus groups were analyzed qualitatively for major themes and ideas conveyed across the sessions. Analysts used a combination of topical coding and repeated reviews to gather specific comments into the emerging themes. Where students differed in their opinions on a topic, both perspectives are presented in separate findings. Although focus group results are not generalizable to all students at each of the Academies, the themes serve as illustrations of situations and attitudes for consideration by Academy officials as they assess their programs. Results are presented in separate chapters for each Academy. Within chapters, the major themes are presented with supporting comments from the cadets and midshipmen. Each comment identifies the gender of the focus group participant. Although there are commonalities in the results from each Academy, no attempt was made to compare or generalize findings across Academies (Appendix 3).

Relevant Reports Regarding Sexual Harassment and Violence at the Service Academies

As part of the assessment of the Academies, the following reports were reviewed:

- *Report of The Defense Task Force on Sexual Harassment and Violence at the Military Service Academies*, June 2005¹
- *Report of the Panel to Review Sexual Misconduct Allegations at the U.S. Air Force Academy*, September 2003²

Congress directed the Defense Task Force on Sexual Harassment and Violence at the Military Service Academies to make recommendations concerning how the Departments of the Army and the Navy may more effectively address sexual harassment and sexual assault at the U.S. Military Academy and U.S. Naval Academy, respectively. The Task Force made 44 recommendations for the U.S. Military Academy and U.S. Naval Academy to consider while executing their sexual harassment and assault programs.³

The following reflects the progress made by each Academy in implementing the recommendations and other significant program change highlights:

1. The United States Military Academy (USMA)

USMA developed 110 actions to implement those recommendations within their authority.⁴ One hundred and four actions have been implemented and six are underway.

Highlights include:

- The publishing of the USMA-level Sexual Assault Prevention and Response Policy.
- Partnerships with community resources for training and response.
- Short- and long-term renovation plans for the cadet living areas.
- Increasing goals for female representation on the staff and faculty to 20 percent, and 16 percent for cadet admissions.

¹ Out of concern about potentially similar problems at the U.S. Military Academy and the U.S. Naval Academy, Congress mandated the establishment of the Defense Task Force on Sexual Harassment and Violence at the Military Service Academies by Public Law 108-136, Section 526.

² Public Law 108-11, 2003, *Emergency War Time Supplemental Appropriations Act of 2003*, Title 5 §§ 501-503, established a panel known as the Fowler Commission to review sexual misconduct allegations at the U.S. Air Force Academy. Section 502 of the statute required the panel to study the policies, management and organizational practices, and cultural elements of the Academy that were conducive to allowing sexual misconduct (including sexual assaults and rape) to occur at the Academy.

³ Pursuant to the *National Defense Authorization Act for Fiscal Year 2004*, Section 526 of Public Law 108-136.

⁴ Some of the 44 recommendations were for Congress and the Department of Defense.

2. The United States Naval Academy (USNA)

USNA assigned each finding and recommendation to a senior level commander for accountability and oversight. Of the 44 recommendations, 40 have been completed or are on-going.⁵

Highlights include:

- Adding midshipman education on sexual harassment and assault into mandatory academic graded curriculum.⁶
- Funding of a billet in FY08 for a Program Manager.⁷
- Improved community collaboration.

3. The United States Air Force Academy (USAFA)

Recommendations from the Fowler Commission's *Report of the Panel to Review Sexual Misconduct Allegations at the U.S. Air Force Academy*, dated September 2003, have guided the strategic changes seen at USAFA.

All twenty-one recommendations spanning accountability, oversight, organizational culture, intervention and response to sexual assault have been addressed.

When The Defense Task Force on Sexual Harassment and Violence at the Military Service Academies Report was released in June 2005, the Air Force Academy was already in compliance or acting on 41 of 44 primary level recommendations. These 44 recommendations mirrored the recommendations already implemented by USAFA from the *Agenda for Change*,⁸ Fowler Commission, and others.

There were three new recommendations that required action.⁹

Highlights include:

- A nationally-certified Personal Ethics and Education Representative (PEER) program.¹⁰

⁵ Of the four remaining, one is not applicable to USNA, one requires structural changes, one data-collection element is pending and one recommendation was directed to Congress.

⁶ Added NL 110, NE203, NL310 and NL 400 Courses.

⁷ As outlined in recommendation 35B.

⁸ United States Air Force Academy, *Agenda for Change*, 2003.

⁹ Value of women (#2): Included as one aspect of an overall human relations course of instruction that discusses the benefits of diversity and the corrosive effects of sexism and racism in accomplishing the mission. Alcohol conference (#7): USAFA attended an alcohol conference and gathered information on what the other academies are doing to combat alcohol abuse/underage drinking. Private bathrooms (#36): No action has been taken on this recommendation as it would require significant demolition and reconstruction of the cadet dormitories.

- Adding the Sexual Assault Response Coordinator to the Academy Response Team (ART).
- Improving integration of the Four-Year Developmental Training Plan for Sexual Assault Prevention and Response, Human Relations, and other USAFA climate and culture issues.
- Strengthened community collaborations through formal MOAs with local sexual assault response agencies.

U.S. Military Service Academies Programs and Assessments

- 1. U.S. Military Academy**
Sexual Assault Prevention and Response Program
Sexual Harassment Program
DMDC Focus Groups
- 2. U.S. Naval Academy**
Sexual Assault Prevention and Response Program
Sexual Harassment Program
DMDC Focus Groups
- 3. U.S. Air Force Academy**
Sexual Assault Prevention and Response Program
Sexual Harassment Program
DMDC Focus Groups

¹⁰ USAFA PEERs are certified by the nationally renowned BACCHUS and GAMMA peer education network. PEERs are trained on a variety of issues to include sexual assault response.

United States Military Academy

Sexual Assault Prevention and Response Program Assessment15

A. Sexual Assault Prevention and Response Program	15
B. Resources for Victims	18
C. Training and Prevention	22
D. Oversight	24
E. Military Justice	25
F. Chain of Command.....	28
G. Addressing Victim Collateral Misconduct	28
H. Academic Program Year 2007-2008 Plan of Action.....	29

Sexual Harassment Program Assessment.....31

A. Definition of Sexual Harassment.....	31
B. Sexual Harassment Policy	31
C. Program Overview.....	32
D. Program Organization.....	32
E. Professional Military Ethic Education (PME2).....	33
F. Incident Reporting and Investigations	34
G. Assessment Results.....	35
H. Recommendations	35

DMDC Focus Group Overview37

A. Sexual Assault and Sexual Harassment.....	37
B. Safety.....	37
C. Mechanics of Reporting and Reasons for Not Reporting.....	38
D. Training.....	38
E. Future Leader Preparation	38
F. Communication from the Academy	38
G. Use of Alcohol.....	39

United States Military Academy Sexual Assault Prevention and Response Program Assessment

The United States Military Academy (USMA) leadership has clearly demonstrated commitment to their Sexual Assault Prevention and Response Program through sustained and dedicated efforts. USMA has done an outstanding job developing and continuously improving policies, procedures, and processes designed to prevent and respond to sexual violence in accordance with Department of Defense policies. An overview of the U.S. Military Academy's Sexual Assault Prevention and Response Program and our assessment of its effectiveness along with recommendations are detailed below. Policy compliance was measured against Department of Defense, Sexual Assault Prevention and Response Policy DoDD 6495.01, October 6, 2005 and DoDI 6495.02, June 23, 2006.

A. Sexual Assault Prevention and Response Program

1. Overview

The USMA Sexual Assault Response Policy (SARP)¹¹ for the Corps of Cadets is centered on the Sexual Assault Response Team (SART),¹² headed by the Special Assistant to the Superintendent for Human Relations (SAS-HR) for the United States Corps of Cadets (USCC).¹³ The Academy has a Victim Advocate (VA) program that provides 24 hours a day, 7 days a week (24/7) access for cadets who are victims of sexual assault in garrison or in a deployed/field training environment. The USMA policy outlines reporting procedures for cadets and employs numerous resources for preventing and responding to sexual assault.

Reporting

Once a report is made, the SAS-HR assigns a VA to the case.¹⁴ Unless a victim declines assistance from the VA, the VA provides the victim with accurate information on the sexual assault response process, including the options of Unrestricted and Restricted Reporting. It is mandatory that sexual assault victim assistance services are available. The VA also provides information on available healthcare, including a forensic medical examination for the collection of evidence. The VA reports directly to the Sexual Assault Response Coordinator (SARC) and

¹¹ *Sexual Assault Response Policy Memorandum 39-03*, dated 07 January 2007.

¹² The Sexual Assault Response Team consists of the victim's company Tactical Officer, the Victim Advocate (VA), the United States Corps of Cadets (USCC) Legal Advisor, a Public Affairs Office representative, and a Criminal Investigation Command (CID) Agent for Unrestricted Reports, and the Sexual Assault Response Coordinator, VA, and USCC Legal Advisor for Restricted Reports.

¹³ The Special Assistant to the Commandant for Human Relations performs all duties required as the Sexual Assault Response Program Manager.

¹⁴ Victim Advocates at the USMA are psychotherapists from the Center for Personal Development. This arrangement will be addressed later in the report.

both monitor cases through final disposition and resolution, while ensuring the victim's well-being and health concerns are addressed. The role of the SARC and the VA is to explain available options and resources and support the victim through the reporting process regardless of which option they choose.¹⁵

*Restricted Reporting*¹⁶

Restricted Reporting is an option for victims to confidentially disclose the occurrence of sexual assault without triggering an official investigation, and without being personally identified in the subsequent command notification. Restricted Reporting offers victims access to medical treatment, advocacy, and support. It is available to military victims who report to a SARC, VA, or healthcare provider.¹⁷ A report may also be made to a chaplain. A report made to a chaplain is not a Restricted Report under DoD SAPR policy, but is a communication that may be protected under the Military Rules of Evidence or applicable statutes and regulations. Only non-identifying information about a Restricted Report is provided to Commanders, who may in turn use the information to enhance preventive measures, improve education and training of their personnel, and closely scrutinize their organization's climate and culture for factors that may have contributed to the sexual assault. However, commanders may not investigate the sexual assault incident reported based on this information.

Unrestricted Reporting

An Unrestricted Report is any report of a sexual assault made through normal reporting channels, including the victim's chain of command, law enforcement, the U.S. Army Criminal Investigation Command (CID) or other criminal investigative service, and a SARC or healthcare provider wherein the individual does not elect Restricted Reporting. Even in Unrestricted Reporting situations, should a report of a sexual assault be initially made to someone other than the SARC or VA, the SARC and SAS-HR are immediately notified.

For Unrestricted Reports, specific information is disclosed only to those with an official need to know. The SARC notifies the Superintendent within 24 hours of an Unrestricted Report.

2. Assessment

COMPLIANCE: USMA is in compliance with DoD SAPR policy.

¹⁵ DoDD 6495.01, Section 4.5, 6 October 2005. It is DoD policy to encourage Unrestricted Reports through a systemic approach that supports the victim from the moment of the initial report through the military justice process.

¹⁶ USMA implemented a Restricted Reporting option in APY 2005/2006.

¹⁷ Mental health professionals are located at the Center for Personal Development (CPD) and Keller Army Community Hospital Community Mental Health. Medical providers are located at KACH and the Cadet Health Clinic.

The procedures that a USMA cadet should follow for reporting a sexual assault comply with DoD SAPR policy. Current procedures identify to whom a report can be made, the appropriate contact information, and an explanation of the option for Restricted Reporting. USMA maintains a 24/7 response capability for victims of sexual assault.

Currently, perceptions exist that there is a negative stigma associated with reporting sexual assault at the Academy,¹⁸ thereby causing this crime to be under reported.¹⁹ Additionally, focus group participants expressed concern that some women could use the reporting system to avoid being punished for consensual sex in the dormitories.²⁰ Some Academy personnel believe that publishing case outcome information would help control the rumor mill and counter-act the perception that false accusations of sexual assault are a problem at the Academy. Publishing case outcomes and related policies may also build confidence in the system.

- **It is recommended that the Academy continue to emphasize their policies on privacy, collateral misconduct, victim care, procedures for reporting, and support that is available for victims proceeding through the criminal justice system.²¹ It is also recommended that the USMA educate Academy personnel on the collateral misconduct policy, as well as the fact that victims do not typically receive immunity for collateral misconduct by simply reporting a sexual assault.²²**

¹⁸ Focus group participants suggested that if either sexual assault or harassment went unreported it might be due to a fear of attaining a bad reputation or calling undue attention to themselves in a highly competitive environment, as described in the DMDC overview, Section C.

¹⁹ Per interviews with Academy personnel.

²⁰ Although focus group participants expressed this concern, our review of APY 2006-2007 Unrestricted Reports of sexual assault cases at USMA did not suggest fabricated allegations. The perception that false accusations of sexual assault are a problem at the Academies was also not supported by the *Report of The Defense Task Force on Sexual Harassment and Violence at the Military Service Academies*, June 2005. Finding 20B in the report noted the following: "Despite the concerns of some cadets and midshipmen, the data does not show a significant incidence of fraudulent reporting. During a review of over 85 reported sexual assault cases at the two Academies over the past ten years, only two suggested fabricated allegations. There were cases where the victim recanted; however, those usually involved victims who decided they did not want to endure the investigative and judicial process."

²¹ DoDI 6495.02, Subsection 5.7.3 states that the Secretaries of the Military Departments shall "publicize policies and procedures for reporting a sexual assault and provide information regarding the availability of medical treatment, advocacy, and referral services."

²² DoDI 6495.02, 23 June 2006, Enclosure 3 Subsection E3.2.12 states, "Ensure commanders understand that taking action on victim collateral misconduct may be delayed until final disposition of the sexual assault case. Military Services will also ensure procedures are established that do not penalize commanders or organizations for delaying actions for collateral misconduct by the victim. Commanders must also be mindful of any potential trial and/or statute of limitations concerns when determining whether to defer action."

B. Resources for Victims**1. Overview***Medical and Mental Health*²³

The SART coordinates with medical personnel to ensure that appropriate care is provided to victims of sexual assault. The Mologne Cadet Health Center (MCHC) may provide initial examination and follow-up treatment for cadet victims not having a sexual assault forensic exam (SAFE). When a victim consents to have a SAFE, he or she is escorted to Keller Army Community Hospital (KACH) for the procedure, which is performed by a qualified medical provider. For Restricted Reports, the SAFE kit is obtained by the SARC then transferred via chain of custody to the Provost Marshal's evidence room for anonymous storage. For Unrestricted Reports, evidence is transferred via chain of custody to U.S. Army Criminal Investigation Command (CID) for storage.

The Center for Professional Development is the primary mental health facility with psychotherapists²⁴ available to assist cadets, and Community Mental Health Services (CMHS) are also available at KACH. Additionally, a Cadet Health Promotion and Wellness Council (CHPWC) examines relevant issues to adopt best practices for treatment of victims.

Legal

A Legal Assistance Attorney is available to provide cadets with personal, non-criminal legal assistance.

Under the Victim-Witness Assistance Program,²⁵ the Victim-Witness Liaison (VWL) typically ensures that victims' and witnesses' legal rights²⁶ are afforded them from the start of an investigation and throughout the criminal justice process. A United States Corps of Cadets (USCC) Legal Advisor, who reports to the Staff Judge Advocate, consults with the victim to

²³ Per Department of Army, Medical Department Activity, West Point, NY, *Identification and Medical Management of Alleged Victims of Sexual Assault*, 2 February 2006 MEDDAC Regulation No. 40-430, Medical Management of Sexual Assault, December 2004.

²⁴ The Center for Professional Development has four trained psychotherapists on staff.

²⁵ DODI 1030.2, 4 June 2004 and DODD 1030.1, 13 April 2004. The Staff Judge Advocate's office is the proponent for the Victim-Witness Assistance Program per AR 27-10, Chapter 18-2-6, 16 November 2005.

²⁶ DD Form 2701, May 2004: (1) The right to be treated with fairness and with respect for your dignity and privacy; (2) The right to be reasonably protected from the accused offender; (3) The right to be notified of court proceedings; (4) The right to be present at all public court proceedings related to the offense, unless the court determines that your testimony would be materially affected if you as the victim heard other testimony at trial; (5) The right to confer with the attorney for the government in the case; (6) The right to available restitution; (7) The right to information about the conviction, sentencing, imprisonment, and release of the offender.

ensure he or she has been offered the services of the VWL, and that the victim has been advised of their federally-mandated rights.²⁷

Chaplains

Chaplains have authority under military law to have privileged, confidential communications with victims of sexual assault. Under Military Rule of Evidence (MRE) 503, a communication from a victim to a chaplain is a confidential communication if disclosed to a clergyman or a clergyman's assistant in his or her official capacity as a formal act of religion or as a matter of conscience. There are 10 chaplains available to cadets.

Community Collaboration

A Memorandum of Understanding (MOU)²⁸ currently exists between USMA and the Mental Health Association in Orange County, which includes their rape crisis services. The MOU has established procedures that coordinate sexual assault response efforts and related services, training, and data sharing.²⁹

Case Management Committee

The SAS-HR convenes a monthly meeting of the USCC SART members to review actions taken with recent cases. This meeting monitors ongoing Unrestricted Reported cases and SAPR processes. The SAS-HR participates in the monthly USMA Sexual Assault Review Board Meeting as well, and compiles USCC inputs on cases and case management. The SAS-HR submits a report to the USCC Chief of Staff that details actions taken on all open cases of sexual assault. The report includes recommendations for improvement to USCC's responsiveness.³⁰

2. Assessment

COMPLIANCE: USMA is in compliance with DoD SAPR policy.

Resources for victim care are available and accessible on post and comply with DoD SAPR policy. Information outlining the SAPR Program and available resources is displayed in cadet public areas and on the Academy's Intranet.

VA services are uniquely configured at USMA in that they are performed by psychotherapists.³¹ Should the victim require mental health treatment as well, he or she is typically referred to a

²⁷ AR 27-10, Chapter 18, 16 November 2005.

²⁸ Memorandum of Understanding (MOU) between USMA and Mental Health Association in Orange County, Inc. *Sexual Assault Prevention and Response Program*, dated 15 February 2005.

²⁹ MOU between USMA and Mental Health Association in Orange County, Inc. *Sexual Assault Prevention and Response Program*, 15 February 2007.

³⁰ USMA Memorandum. *Sexual Assault Review Board (SARB)*, 10 January 2007.

³¹ Based on on-site interviews. Psychotherapists are located at the Center for Personnel Development. They have four trained psychotherapists on staff.

different counselor. This is done to avoid any confusion of roles between psychotherapist and victim advocate.³²

Medical and Mental Health

The Restricted Reporting option has made it easier for the medical staff to treat victims confidentially. Given the number of restricted reports, it is perceived as a trusted resource by academy personnel.³³ Full medical care, including sexual assault forensic exams (SAFEs), is available on post at KACH and conforms to DoD SAPR policy.³⁴ Data is collected and tracked through medical channels, and SARCs are contacted in every case.

Sexual assault forensic exams are available 24/7 and performed on-post by a qualified medical provider, and off-post by trained Sexual Assault Nurse Examiners (SANEs). SANEs and Victim Advocacy services are also available off-post through the Orange County Mental Health Association. A Memorandum of Understanding (MOU) exists between USMA and Orange County Mental Health Association, and details services and procedures.³⁵

Chaplains

Chaplains are a valued resource for victims of sexual assault. USMA emphasizes their ability to have confidential communications³⁶ when making their services known to the cadets. USMA is utilizing chaplains appropriately.

Legal

Legal Assistance Attorneys are a valuable resource to cadets.³⁷ A sexual assault victim in the military may benefit from having this source of legal advice.³⁸

³² Based on on-site interviews.

³³ Assessment based on site-visit with medical personnel. The cadet clinic is an entry point for cadets to receive medical care and report sexual assaults.

³⁴ DoDI 6495.02, Enclosure 4, 23 June 2006.

³⁵ MOU is dated February 2007. Services provided include SANE, education and prevention, and advocacy.

³⁶ Under Military Rules of Evidence 503, a communication from a victim to a chaplain is a confidential communication if disclosed to a clergyman or a clergyman's assistant in his or her official capacity as a formal act of religion or as a matter of conscience.

³⁷ Based on review of the data-call, April 2007.

³⁸ Legal Assistance Attorneys are not authorized to enter into an attorney-client relationship with a victim for the purpose of discussing the military justice aspects, including collateral misconduct, of a sexual assault. Victim statements involving a previously unreported sexual assault or collateral misconduct involved in a sexual assault would not be confidential or considered as confidential reporting. An Area Defense Counsel and sexual assault victim can enter a confidential, attorney-client relationship for the purpose of discussing collateral misconduct associated with the sexual assault.

- **It is recommended that SARCs, VAs, and VWAP Victim Liaisons provide victims with Legal Assistance Attorney contact information and a brief explanation of the service they can provide.**³⁹

VWLs play a critical role in assisting sexual assault victims with navigating the military justice system. VWL assistance has a positive impact on victim cooperation with the military justice system.⁴⁰ VWL functions are performed by a paralegal in the military justice office as a collateral duty. It was noted that the VWL was not immediately contacted on at least one occasion when an Unrestricted Report was filed. The VWL has not consistently met with sexual assault victims from the outset of the criminal investigations.⁴¹

- **It is recommended that the SARC work with the Staff Judge Advocate to monitor victim access to and support by the VWL, in order to ensure that victims of sexual assault understand their rights and how to exercise them throughout the justice process.**⁴²

Case Management Committee

There is a process in place to review the care of a victim and the overall response to sexual assault allegations. The committee enables leadership to effectively evaluate its responsiveness to victim needs and make recommendations for change, as needed.

Community Collaboration

Off-post resources are available and advertised along with Academy resources. However, accessing off-post resources is a challenge due to the distance from USMA. Cadets who seek counseling or medical services off-post need transportation and an adequate amount of time away from USMA class and their cadet corps responsibilities. Even though an MOU exists, and

³⁹ DoDI 6495.02, Subsection 5.7.3 states that the Secretaries of the Military Departments shall “publicize policies and procedures for reporting a sexual assault and provide information regarding the availability of medical treatment, advocacy, and referral services.”

⁴⁰ Army Regulation 27-10, Chapter 18, Section 2 outlines the Victim Witness Assistance Program policy.

⁴¹ Based on on-site interviews. Under 6495.02, 23 June 2006, Subsection E10.1, Attachment 1 to Enclosure 10, “VA Sexual Assault Response Protocol Checklist.” This states that the VA should provide ongoing assistance by assisting the victim in gaining access to service providers and victim support resources that can help the victim explore future options and prioritize actions; assist the victim in contacting appropriate military and civilian legal offices for personal legal advice and assistance specific to the victim’s circumstances or cases; consult and work with the assigned VWL as applicable, and accompany the victim to appointments and civilian and military court proceedings, as appropriate and when requested by the victim.

⁴² As envisioned by the Victim-Witness Assistance Program, Army Regulation 27-10, Chapter 18, Sections 8 and 9 which outlines the requirements to identify victims and initiation of liaison service. Additional guidance is provided in Subsections E6.3.2, E6.3.2.3, E6.3.52.6 states that the VA shall receive training on knowledge of the military justice system, overview of the criminal investigative process and military judicial and evidentiary requirements, and Victim Rights and the role of the victim in accountability actions and limitations on accountability actions created by Restricted Reports.

while the Academy continues to share training experiences with the Orange County Mental Health Association and Rape Crisis Advocates,⁴³ there does not appear to be consistent communication or coordination between Academy personnel and these civilian agencies.

- **It is recommended that USMA continue to strengthen relationships with off-post resources and improve communications.**⁴⁴

C. Training and Prevention

1. Overview

Ongoing prevention and education has been implemented throughout the USMA at all levels. Education, training, and awareness are used to address the crime of sexual assault, promote the sensitive handling of victims, offer victim assistance and counseling, hold offenders accountable, provide confidential avenues for reporting, and reinforce a commitment to Army values.

USMA requires periodic, mandatory education for sexual assault prevention and response. Training is required for all military service members and civilian personnel who supervise service members. The training content includes the definition of sexual assault, reporting options, exceptions and limitations, and crimes that violate the Uniform Code of Military Justice (UCMJ). The content and format for sexual assault awareness training includes the nature of sexual assaults in the military environment, the use of realistic, scenario-based situations (demonstrating the cycle of reporting, response, and accountability procedures), and group participation and interaction.

Training is also conducted on protocols for the use of SAFE kits and chain of custody procedures. Cadet Field Training specifically addresses “negative elements” which include sexist behavior, alcohol use, and “Buckner” love (male/female attraction due to closeness). Under the Simon Center for The Professional Military Ethic (SCPME), the Respect Program Advisory Council (RPAC) serves as the liaison between the Corps of Cadets and the Commandant for issues of character development. RPAC has included comprehensive sexual assault prevention and reporting education as part of a Professional Military Ethics course.

2. Assessment

COMPLIANCE: USMA is in compliance with SAPR policy.

⁴³ As reported in the *Quarterly Report on USMA Actions regarding the Sexual Assault Prevention and Response Program* dated 23 May 2007.

⁴⁴ Orange County Rape Crisis Center, during on-site interview relayed that they do not like fielding media inquiries for the Academy and believe collaboration needs to be improved. DoDI 6495.02, 23 June 2006, Subsection E3.2.10.1-5 provides guidance for maintaining liaison with civilian sexual assault victim resources through MOU's.

In accordance with DoD SAPR policy, USMA requires periodic mandatory education for sexual assault prevention and response. All assigned personnel receive initial and annual SAPR education and training.⁴⁵ Medical and mental health personnel receive initial and annual SAPR education and training, in accordance with Army regulation.⁴⁶

There is confusion⁴⁷ about the roles of the VA and the VWL, and which position assists victims with the exercise of their legal rights. Victim rights assistance falls within the Victim Witness Assistance Program,⁴⁸ and should not be deferred to the VA during the criminal investigation of sexual assaults.

- **It is recommended that the SARC, VAs, and off-post service providers' cross-train to ensure proper understanding of roles, responsibilities, and resources in the criminal justice system. The SARC and VAs should refer victims to the VWL as early as possible in the investigative process.**⁴⁹

There is also confusion about the specific roles and responsibilities among the key players in the criminal justice system.⁵⁰ SAPR, VWAP, investigators, legal staff, and command all play different roles in serving victims. Consequently, responders from each program will have different goals in how they provide assistance to victims, and how they interact in the criminal justice process.

- **It is recommended that command, investigator, legal staff, SARC, and VWAP training highlight the specific roles and responsibilities that each agency plays in the sexual assault response process.**⁵¹

The Academy has made great improvements in its institutional prevention plan by incorporating innovative ideas and accountability into long-term strategy. As part of the Social Maturation Plan of the Cadet Leadership Development System, the Directorate of Cadet Activities has completed renovations of the Cadet First Class Club, written a guidebook for Cadet Club Officers, given classes to cadets on military etiquette, and opened Grant Hall's "Chock Full of Nuts" Coffee Shop.⁵² These highlight some creative examples of how the Academy is increasing

⁴⁵As required by AR 600-20.

⁴⁶MEDCOM Regulation 40-36, Medical Facility Management of Sexual Assault, 23 December 2004.

⁴⁷Based on on-site interviews with Academy personnel.

⁴⁸AR 27-10 Chapter 18-4c.

⁴⁹DoDI 6495.02, June 23, 2006, Subsection E6.3.1 requires training for the SARC and Subsection E6.3.2 requires training for the VAs.

⁵⁰Based on on-site interviews and review of data-call.

⁵¹DoDI 6495.01, June 23, 2006, Subsection E6.3.1 requires training for the SARC; Subsections, E6.3.4-2, E6.3.4.4 E6.3.4.5, require training for Law Enforcement; Subsections E6.2.5.1, E6.3.5.2, E6.3.5.6, E6.3.5, require training for MCIO's; Subsection E6.3.6.1, requires training for all Judge Advocates (JAs); and Subsection E6.3.6.2 requires training for Judge Advocate Trial Counsel.

⁵²As reported in the *Quarterly Report on USMA Actions Regarding the Sexual Assault Prevention and Response Program*.

awareness among cadets and academy personnel as they continue to seek out new ways to provide information on sexual assault prevention.⁵³ Prevention topics include responsible drinking, risk-reduction, and personal safety.

The Academy has enhanced cadet safety by allowing the cadets to lock their room doors after 9:00 P.M.⁵⁴ Focus group participants indicated that, “the locked door policy has addressed past concerns about personal safety in the dorms.”⁵⁵

D. Oversight

1. Overview

The USMA Sexual Assault Review Board (SARB) is a multi-disciplinary case management group that meets on a monthly basis.⁵⁶ The SARB reviews individual cases, monitors victim progress, and ensures all parts of the SAPR system are coordinated and accountable. The SARB advises the Superintendent on sexual assault issues, assists in the management and oversight of SAPR Programs, reviews the handling and disposition of sexual assault incidents, and makes recommendations to strengthen Academy SAPR policy and procedures.

Multiple data points are evaluated to assess the effectiveness of the SAPR Program. These data points include the number of sexual assaults reported, the reporting channel selected by the victim, timeliness of the response, quality of the response, disposition of investigations, effectiveness of responder training, victim feedback, and SART after-action reports. At the USMA, attitudes on sexual assault, command climate, and the effectiveness of the SAPR Program are measured through the Service Academy Gender Relations Survey, the Quality of Life Survey, and the Values Surveys.

Criminal Investigation Command has independent oversight by the Army Inspector General, as well as the Office of the Investigative Policy and Oversight of the Department of Defense Inspector General. The Judge Advocate General of the Army exercises policy oversight of the USMA Staff Judge Advocate Office.

⁵³ Information is often provided through speakers, authors, and informal means, such as the Margret Corbin Forum.

⁵⁴ USCC Standard Operating Procedures, Chapter 2, Annex A, Barracks 212.

⁵⁵ *DMDC Service Academy Gender Relations Focus Groups Report*, USMA Focus Groups Overview, Subsection “Safety.”

⁵⁶ The purpose of the SARB is to provide executive oversight, procedural guidance, and feedback concerning the installation’s SAPR Program. The board reviews the installation prevention program and the response to any sexual assault incident occurring on the installation. There are approximately 24 members that meet to discuss the status of cases and care for victims making both Unrestricted and Restricted Reports. No personal identifying information is briefed in Restricted Report cases. USMA Policy Memorandum 192-07, dated 15 February 2007.

2. Assessment

Appropriate mechanisms are in place both at Headquarters Army and USMA to ensure oversight of the effectiveness of the sexual assault prevention and response program at USMA.

A key element to an effective oversight program is the ability of leadership to sustain a long-term focus. Academy leadership has appointed a senior officer - the SAS-HR - as the SAPR Program Manager. This ensures an appropriate level of authority to successfully implement SAPR policy. However, in order for the program manager to remain effective, it is also incumbent that the Superintendent and Commandant champion SAPR efforts at every opportunity.

- **It is recommended that the Superintendent, Commandant, and SAS-HR periodically meet to review SAPR Programs. The meetings should identify critical points in USMA operations where senior leadership can reiterate and expand its support of the program's progress at the Academy.⁵⁷**

E. Military Justice

1. Overview

When an Unrestricted Report is made about a sexual assault committed by a member of the military, a criminal investigation is initiated and command takes appropriate disciplinary action. The victim may participate in an investigation, but will not usually be compelled to do so. Allegations of sexual assault are investigated by CID, which maintains an office at USMA, but has a separate chain of command.

Reports of Sexual Assaults Involving Cadets: APY 2006-2007

USMA APY 2006/2007 REPORTS OF SEXUAL ASSAULT (Rape, sodomy, indecent assault, and attempts to commit these offenses) INVOLVING CADETS	Rape	Sodomy	Indecent Assault	Attempts	Unknown	APY 2006/2007 Totals
# REPORTS OF SEXUAL ASSAULT (Total reported sexual assaults INVOLVING CADETS) - UNRESTRICTED AND RESTRICTED	7	0	8	1	0	16
# UNRESTRICTED REPORTS OF SEXUAL ASSAULT (Total reported sexual assaults BY or AGAINST Cadets)	2	0	3	0	0	5
# Restricted Reports	6	0	5	1	0	12
# Converted from Restricted Report to Unrestricted Report	1	0	0	0	0	1
# 2007 RESTRICTED REPORTS REMAINING RESTRICTED	5	0	5	1	0	11

Cases identified above represent only those sexual assault cases reported to Academy officials. As such, there is insufficient data to interpret these statistics or to make comparisons or to estimate the incidence and prevalence of sexual assault.

⁵⁷ DoDI 6495.02, Subsection E3.2.5.2.12 states that SARCs shall “conduct an ongoing assessment of the consistency and effectiveness of the SAPR within the assigned area of responsibility.”

Case Dispositions

During APY 2006-2007, initially there were twelve Restricted Reports and four Unrestricted Reports. One Restricted Report converted to Unrestricted so that by the end of APY there were eleven Restricted Reports and five Unrestricted Reports.

Unrestricted Report Case Disposition

The two Unrestricted Report cases involving allegations of rape are pending.

The three Unrestricted Report cases involving allegations of indecent assault were substantiated and resolved through misconduct investigations. In two of these three cases the accused members were administratively separated from the Academy. The third case resulted in an administrative admonition.

2. Assessment

COMPLIANCE: *USMA is in compliance with DoD SAPR policy.*

APY 2006-2007 was the first full year in which cadets had the Restricted Reporting option. Eleven cadets chose to report and receive care under Restricted Reporting, which indicates the protections afforded under this option have credibility with victims of sexual assault. However, it is the goal of the DoD SAPR policy to build sufficient victim confidence in the military justice system such that all sexual assault reports will initially be Unrestricted Reports, or become Unrestricted Reports following a victim's initial decision to elect the Restricted Reporting option.⁵⁸ Consequently, DoD SAPR policy supports law enforcement and criminal justice procedures that hold people accountable for their actions.

- **It is recommended that the SAS-HR through the SARC inquire into the reasons why victims are choosing not to convert to Unrestricted Reporting and report this information through appropriate Service channels to DoD SAPRO without disclosing particular information or details from which one could determine the identity of a victim at the end of this current academic program year.⁵⁹**

U.S. Army Criminal Investigation Command (CID)

Criminal investigators at USMA recognize that the new Restricted Reporting option allows victims to get care confidentially. Investigators agree that getting care is critical to victims of sexual assault. They also agree that, with prompt care and support, more victims are likely to cooperate with investigators, and choose the Unrestricted Reporting option, thus, enabling CID

⁵⁸ SAPR policy DoDD 6495.01, 6 October 2005, Section 4.5 states that it is DoD policy to encourage complete, unrestricted reporting of sexual assaults.

⁵⁹ Implementation of this recommendation should not put undo pressure on victims or cause them to be re-traumatized.

to investigate. However, investigators at USMA are concerned over CID not being able to immediately investigate an alleged sexual assault under the Restricted Reporting option.⁶⁰

CID works closely with the SARC. The SARC will contact CID when a victim wishes to make a statement, and VAs are allowed to accompany victims upon request during CID interviews at USMA. Also, cross-training on their respective roles has proven to be helpful to the agents, SARC, and VAs.⁶¹

CID provides all crime victims and witnesses with DD Form 2701, *Initial Information for Victims and Witnesses of Crime*, which explains the investigative process, lists victims' legal rights, and identifies points of contact. Currently, agents are deferring the responsibility of informing victims about their legal rights and assistance to VAs. According to DoD guidance, the VWAP is responsible for ensuring that crime victims are assisted from the outset of an investigation and throughout the justice process.⁶² VWLs have not met consistently with sexual assault victims at the beginning of an investigation.⁶³

- **It is recommended that training for SARCs, VAs, and investigators emphasize that the VWL should be contacted immediately in every Unrestricted Report. All parties should understand that the VWL assists victims in understanding and protecting their legal rights and navigating the criminal justice system.⁶⁴ It is further recommended that the SARC review each victim's access to and support from the VWLs, when the victim desires such services.⁶⁵**

CID and the Provost Marshal's Office have successfully coordinated with local law enforcement to ensure 911 calls placed on the installation are routed to USMA emergency services. Emergency calls from outside the Academy are quickly located with the use of triangulation software.

Prosecution

The Office of the Staff Judge Advocate (SJA) is in compliance with DoD SAPR policy and appears very engaged in the sexual assault judicial process.⁶⁶ Trial Counsel, the Legal Assistance Attorney, and the Victim Witness Liaison are assigned to the SJA Office. This office's support is critical in building victim confidence in the criminal justice system. However, the individual roles of each of the above did not appear to be clearly understood by the key

⁶⁰ Based on on-site interviews of Academy personnel in April 2007, agents receive special training on the unique aspects of investigating sexual assault cases.

⁶¹ Based on on-site interviews of Academy personnel in April 2007.

⁶² DoDD 1030.01, 13 April 2004 and DoDI 1030.2, 4 June 2004.

⁶³ Based on on-site interviews with Academy personnel.

⁶⁴ Under SAPR policy DoDI 6495.02, 23 June 2006, Enclosure 10, "VA Checklist," the VA consults and works with the assigned Victim/Witness Liaison as applicable.

⁶⁵ DoDI 6495.02, 23 June 2006, Subsection E6.3.1 outlines SARC training.

⁶⁶ Based on review of the case files and interviews of Academy personnel.

stakeholders, nor fully integrated into training materials.⁶⁷ For example, most did not understand that a Legal Assistance Attorney can provide cadets with valuable legal advice.

- **It is recommended that training curricula be updated to highlight the different roles performed by the Trial Counsel, Legal Assistance Attorney, and Victim Witness Liaison. It is further recommended that this training be used by the SJA office, commanders, and any other USMA entity that assists victims.**⁶⁸

F. Chain of Command

1. Overview

USMA policies guide command implementation of sexual assault prevention and response, and address victim care and offender accountability.⁶⁹

2. Assessment

COMPLIANCE: *USMA is in compliance with DoD SAPR policy.*

The chain of command at USMA is successfully following policy guidance.

G. Addressing Victim Collateral Misconduct

1. Overview

USMA does not employ an amnesty system when dealing with a victim's collateral misconduct that is discovered as a result of reporting a sexual assault.⁷⁰ The command considers a victim's interests when deciding whether or not to delay disposition of a disciplinary case. Transactional Immunity is granted on a case-by-case basis, and may only be granted by the Superintendent, as a general court-martial convening authority pursuant to the procedures described in the *Manual for Courts-Martial*, RCM 704.⁷¹

⁶⁷ Based on on-site interviews of Academy personnel and review of the data-call.

⁶⁸ DoDI 64950.02, 23 June 2006. E6.3.4; 3.5; 3.6 outlines training requirements for legal personnel.

⁶⁹ USCC Policy Memorandum 39-07, *USCC Sexual Assault Response Policy*, page 6.

⁷⁰ Collateral misconduct refers to behavior that violates the UCMJ or Service or Academy regulations. Self-reported violations, such as an alcohol offense or prior consensual sexual misconduct (sex in the barracks) are typical examples.

⁷¹ USCC Policy Memorandum 39-03.

Commanders consider whether it is possible and appropriate to delay punishment of a victim's collateral misconduct until resolution of the allegations against the accused. The victim's preference is taken into consideration.⁷²

2. Assessment

COMPLIANCE: USMA is in compliance with DoD SAPR policy.⁷³

By offering victims who commit misconduct the option to request a delay in the disposition of their disciplinary cases, USMA balances the need for individual discipline and the need to create an environment that will not deter reporting sexual assaults.

H. Academic Program Year 2007-2008 Plan of Action

1. Overview

The USMA has a plan of action for APY 2007-2008 regarding sexual harassment and sexual violence prevention and response. West Point will continue to institutionalize prevention strategies by maintaining consistent policy, removing barriers to victim reporting, ensuring accessible care, and providing comprehensive education and training to all personnel. Twelve action points have been identified and are under way. Highlights include:

- Transition from phase I to phase II of policy implementation. Phase I stemmed from the USMA action plan, which tasked out 110 actions based on the 2004 DoD Task Force Report's 44 recommendations. The phase II action plan provides for continuous review and update of key components of the SAPR Program.
- USCC will assess and refine SAPR components of the Professional Military Ethic Education (PME2) program with new guest lecturers and follow-on classes. Consideration will be given to conducting gender separate training on the topic of sexual assault prevention.
- USMA will continue to refine the Cadet Leadership Development System by solidifying the Structure of Development, the Process of Development, and Assessment of all academic instruction. The SAPR component will be imbedded within all components of instruction, but will center on the Social and Moral Ethical domains.
- The Commandant will continue to specifically address sexual violence and harassment through briefings to the Cadet Corps at the beginning of each semester.

⁷² Based on on-site interviews

⁷³ DoDI 6495.02, 23 June 2006, E3.2.11 and E3.2.12.

- USMA will continue to look for innovative ways for conducting training. One creative training approach engages all assigned athletic staff and faculty, coaches, and athletes. They will involve the Student Athlete Advisory Committee (comprised of athletic team captains) to support Sexual Assault Program initiatives within their respective athletic teams, and work with other members of the Patriot League and Service Academies to address education and awareness throughout the league.

2. Assessment

COMPLIANCE: USMA is in compliance with DoD SAPR policy.⁷⁴

The USMA leadership has clearly demonstrated commitment to their sexual assault prevention and response program through sustained and dedicated efforts. The USMA plan for next year expands upon an outstanding foundation for sexual harassment and sexual violence prevention and response. The plan reinforces the policies of both DoD and U.S. Army SAPR and POSH programs. Continued aggressive training and education on the prevention of sexual harassment, sexual violence, and the misuse of alcohol, coupled with the support of leadership, will provide the cadets with a climate that tolerates only responsible decision-making. The USMA faculty and staff are committed to the implementation and support of DoD policy. Their consideration of the recommendations in this assessment will further enhance their dynamic SAPR Program.

⁷⁴ DoDI 6495.02, 23 June 2006, E3.2.11 and E3.2.12.

United States Military Academy Sexual Harassment Program Assessment

A. Definition of Sexual Harassment

DoD and the Army define sexual harassment as:

- “Sexual harassment is a form of sexual discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 1. Submission to, or rejection of, such conduct is made either explicitly or implicitly a term or condition of a person’s job, pay, career, or
 2. Submission to, or rejection of, such conduct by a person is used as a basis for career or employment decisions affecting that person, or
 3. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creates an intimidating, hostile, or offensive working environment.
- Any person in a supervisory or command position who uses or condones implicit or explicit sexual behavior to control, influence, or affect the career, pay, or job of a soldier or civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature is engaging in sexual harassment.”

B. Sexual Harassment Policy

United States Military Academy’s (USMA) policy on sexual harassment is spelled out in United States Corps of Cadets (USCC) Policy Memorandum Number 36-04.⁷⁵ The policy states:

“Any person affiliated with USCC who feels they are a victim of sexual harassment or observes an act of sexual harassment must take appropriate action. Whenever possible, confront the violator first. Immediately report repeat offenses or offenses that obviously cannot be resolved through individual clarification. All complainants have a responsibility to file only legitimate

⁷⁵ USCC Policy Memorandum Number 36-04, *Policy on Sexual Harassment*, 15 January 2007.

complaints and to allow the chain of command the opportunity to resolve the problem.”⁷⁶

C. Program Overview

USMA’s sexual harassment policy pertaining to the Corp of Cadets (USCC) is embedded within the Academy’s Respect Program. The purpose of the Respect Program is to foster the Corps’ development of and commitment to the fundamental principle that each individual has infinite dignity and worth. As such, the USMA maintains the Respect Program concept as an Army Value in order to ensure a healthy command climate and focus more succinctly on character development. The intent of the program is to engender a professional attitude that encompasses every aspect of cadet life, and foster the Corps’ development of and commitment to intrinsic characteristics necessary to effectively lead Soldiers in the 21st Century, including the fundamental principle that each individual intrinsically has infinite dignity and worth.

D. Program Organization

The USMA created the Center for the Professional Military Ethic in 1998. Later, in November 2000, USMA renamed the center the William E. Simon Center for the Professional Military Ethic (SCPME) in honor of the former US Treasury Secretary. SCPME’s mission is to: develop, coordinate, integrate, and assess programs and activities on the Professional Military Ethic in order to develop a professional self-concept of officership within cadets. SCPME’s functions include:

- USMA focal point for developing professional officership self-concept.
- Develop, coordinate, and integrate Professional Military Ethic Education (PME2) curricula and other activities within the Military Program.
- Supervise the Honor and Respect Committees.

SCPME is task organized in a manner which facilitates execution of assigned missions. The organization consists of one officer, one noncommissioned officer (NCO), and fifteen cadets on the Executive and Regimental Staff. Both the officer and NCO Equal Opportunity Advisor (EOA) assigned are graduates of the Defense Equal Opportunity Management Institute (DEOMI). The EOA serves both the USCC and the Commandant. The EOA’s responsibilities are outlined within the Respect Program standard operating procedures (SOP) and are consistent with Army policy. They include:

⁷⁶USCC Policy Memorandum Number 36-04, *Policy on Sexual Harassment*, 15 January 2007.

- Articulating DoD, Army, USMA, and USCC policy on sexual harassment.
- Assisting the USCC chain of command in implementing the policy.
- Recognizing and assessing indicators of institutional and individual discrimination and sexual harassment within the USCC.
- Recommending appropriate remedies to eliminate and prevent sexual harassment.
- Continuously assessing the command climate through formal surveys, interviews and sensing sessions.
- Assessing, planning, implementing and evaluate the USCC program.
- Organizing or assisting with training sessions addressing prevention of sexual harassment.
- Receiving and processing individual complaints of sexual harassment within USCC and conducting inquiries as required in accordance with Army Regulation 600-20.
- Serving as an advisor to commanders and investigating officers for issues pertaining to sexual harassment.
- Reviewing and commenting on investigative reports of sexual harassment complaints for compliance with DoD and Army policies.

E. Professional Military Ethic Education (PME2)

PME2 is a 4-year program consisting of 64 formal hours of instruction over the cadet's academic career. During the academic year, PME2 Company Teams, under the direction of the Education Officer, administer formal instruction designed to contribute to developing the moral-ethical character of each cadet in the company. Education begins during Cadet Basic Training. New cadets are taught the seven Army Values, reporting procedures, equal opportunity, sexual harassment, sexual assault, and conflict management. Annually-revised education guides, which include sexual harassment, are presented to cadets. Additional copies are made available through their Company Respect Representatives or by connecting to the internal Respect website: <http://www.internal.uscc.usma.edu/res> oth. Other resources include: Four Year Values Education Guide, Hip-Pocket Values Guide, the Cadet Basic Training, Cadet Field Training Guides, and Respect X/Y cases.

F. Incident Reporting and Investigations

Reporting procedures are addressed within both USCC Policy Memorandum Numbers 36-04 and 46-00 and the Respect Program Standard Operating Procedures (SOP). IAW Army policy, USCC offers two methods of reporting: informal and formal complaint procedures.

- Informal complaints enable a cadet who does not wish to file a formal complaint, to verbally report inappropriate behavior without requiring a full investigation by the chain of command. This process helps facilitate resolutions at the lowest possible level.
- In the formal complaint process, the cadet files in writing and swears to its accuracy using a DA Form 7279-R. USCC follows Army Regulation 600-20, which outlines the specific actions, timelines, and formal documentary requirements associated with the conduct of a formal investigation/report. The decision to file a formal complaint rests with the cadet. Cadets are encouraged to consult with the USCC EOA on the process. No formal sexual harassment complaints were filed during the designated timeframe. DA Poster 600-4 (Complaint Procedures Process) is embedded in the Respect Program SOP, posted on unit bulletin boards, and briefed to the classes during preparation for summer training.

Cadets also have the option to file sexual harassment complaints through the Inspector General, Chaplain's Office, Staff Judge Advocate, USMA EOA, or the Installation EO Assistance Line (845) 938-7082/2621. These options are consistent with Army policy and are addressed by the above mentioned USCC policy memorandums. Between June 1, 2006 through May 31, 2007, USMA processed no formal sexual harassment complaints, but did process five informal sexual harassment complaints through the Respect Program.

The USCC investigation process as detailed within the Respect Program SOP is as follows:

- Except complaints filed with IG, the Brigade Tactical Department (BTD) Chain of Command must act upon all formal complaints within three calendar days. The BTD Chain of Command must report all formal complaints to their next higher commander within 72 hours.
- The Commandant, or the investigating officer appointed by the Commandant, has 14 calendar days to investigate the allegations, meet the victim to discuss the outcome and results, and determine the final outcome. The Commandant must submit requests for any extension beyond the 14 days allocated to conduct the investigation, to the Superintendent.
- The complainant has seven days to appeal the Commandant's decision to the General Court-Martial Convening Authority (Superintendent) if he/she is dissatisfied with the investigation results or actions taken.

- The USCC EOA assesses all EO complaints (substantiated or unsubstantiated) to determine the effectiveness of any corrective actions taken and to detect and deter any incidents of reprisal. This assessment and recommendation, using a DA Form 7279-1-R, must be complete within 30-45 days of the Commandant's decision or the final appeal.

G. Assessment Results

- USMA sexual harassment policy is in compliance with DoD Directive 1350.2, DoD Military Equal Opportunity (MEO) Program, and Army Regulation 600-20, Army Command Policy, Chapter 7. A copy of the policy memorandum was posted in the permanent sections of the unit bulletin boards examined.
- The EOA assigned is a graduate of the DEOMI, IAW DoD and Army policy.
- The cadets are receiving initial and follow-up training pertaining to sexual harassment and complaint procedures.
- USMA follows guidance for filing and processing of sexual harassment complaints outlined in Army Regulation 600-20, Appendix D. However, the USMA Respect Program has modified the procedures slightly to account for the organizational structure of the USCC.
- The USCC investigation process as detailed within the Respect Program SOP is also consistent with Army policy.

H. Recommendations

- **Respect Mentorship Program:** A highlight of the assessment was a review of the Respect Mentorship Program (RMP). The RMP is designed to enable enrolled cadets to identify and address shortcomings in personal adherence to the Army Value of Respect and the unethical decisions that result in unprofessional behavior. At end-state, the cadet must demonstrate resolve to choose what is right without assistance or supervision. The program is similar in function and effect to the Honor Mentorship Program and is tied to a Special Leader Development Program. Cadets enrolled in the six month rehabilitative program must successfully complete all program requirements or face possible separation from the Corps of Cadets. In that the program is similar in effect to the Honor Mentorship Program, it is recommend that a Cadet Respect Code be developed and institutionalized similar to the Cadet Honor Code established in 1922, thus giving the Respect Program the same validity and visibility of the Honor Program.

- **Limited confidential reporting for EO:**⁷⁷ As reported in both the DoD Task Force Report on Care for Victims of Sexual Assault and the Army's Task Force Report on Sexual Assault Policies, confusion in the field remains on what behaviors are defined as sexual assault versus harassment. While the EO and Sexual Assault Response personnel understand the difference, many cadets do not, despite the level or amount of training conducted. As a consequence, cadets may inadvertently report a case of sexual assault to the EO Advisor, who does not currently act in a confidential capacity for crime and is required to report all crimes to command as soon as they are presented. This requirement to report could void the opportunity for sexual assault victims to select Restricted Reporting under the established sexual assault policy. As with the other Academies, it is recommended that each of the Military Departments and DoD examine granting limited confidential reporting (pertaining only to incidents of sexual assault) to EO Advisors. Under such policy, EO Advisors would be required to notify the Sexual Assault Response Coordinator instead of command, thus allowing the victim to be properly counseled on Restricted versus Unrestricted Reporting options. Until such confidentiality issues can be fully addressed at DoD level, it is recommended that the Academy EO office, prior to receiving any complaint, warn cadets that EO Advisors have a responsibility to report all matters relating to sexual assault to law enforcement and to the commander. An example of such a warning is as follows:

"I handle sexual harassment, not sexual assault issues. If you disclose something to me about a sexual assault, I must report it to the commander and law enforcement. If you want to talk about a sexual assault, or you're not sure what the difference is between sexual harassment and sexual assault, I'll refer you to the Sexual Assault Response Coordinator to make sure you understand your options."

⁷⁷ Confidential Reporting is defined in DoD SAPR policy DODI 6495.02, June 23, 2006, E2.1.1. as Restricted Reporting.

United States Military Academy DMDC Focus Group Overview

Focus group sessions were conducted at the United States Military Academy (USMA) from April 10-13, 2007. Questions were asked dealing with eight issues: sexual assault and sexual harassment, safety, mechanics of reporting, reasons for not reporting, training, future leader preparation, communication from the Academy, and use of alcohol.⁷⁸ Sixteen focus group sessions were conducted at USMA. Each session was scheduled for a 45-minute period to accommodate scheduled class time constraints. There were two sessions held for each gender for each class year, each involving between eight and thirteen students. Caution must be applied to the review of the findings presented. The results are based on qualitative analysis—findings cannot be generalized to all students at USMA.

A. Sexual Assault and Sexual Harassment

When asked to define sexual assault and sexual harassment, the bulk of the discussion centered on issues dealing with sexual harassment. Participants in the focus groups understood sexual assault is a physical act, whereas sexual harassment is more difficult to define because specific actions and comments that offend one person do not necessarily offend another person. Participants in the focus groups indicated that they generally define sexual harassment to include situations when someone makes a statement that is offensive to someone else. Both male and female focus group participants indicated that sexual harassment is not an issue at the Academy because they have rarely seen it or heard of it happening. More senior focus group participants felt it happens even less now than it did in the past. For the most part, focus group participants agreed that sexual harassment is not tolerated at the Academy, although certain companies are somewhat more accepting of such behavior. They indicated that any amount of sexual assault would be a serious problem, but most did not worry about it on a day-to-day basis.

B. Safety

Focus group participants indicated that, although it is not an issue they worry about frequently, the climate for avoiding and responding to sexual assault is better now than it was a few years ago. Focus group participants indicated that they take care of each other, which makes them feel safer than their friends who attend other colleges. Participants also indicated that, in general, the locked door policy has addressed past concerns about personal safety in the dorms.

⁷⁸ For purposes of summarizing focus group findings, issues dealing with mechanics of reporting and reasons for not reporting are combined into one discussion section.

C. Mechanics of Reporting and Reasons for Not Reporting

Participants in the focus groups indicated that the Academy has given them all the information and/or resources they need in order to respond should they ever experience an incident of sexual assault or sexual harassment. They indicated they have many options to report, understand the difference between Restricted and Unrestricted Reporting of sexual assault, and know how to contact their Sexual Assault Response Coordinator or Victim Advocate (VA) if need be. Focus group participants indicated they would be more likely to report an incident of sexual assault than sexual harassment. They suggested that if either incident went unreported it might be due to a fear of attaining a bad reputation or calling undue attention to themselves in a highly competitive environment. Upperclassmen participants in the focus groups indicated mixed feelings about how well the reporting system works, especially when reporting sexual assault. One concern about the system indicated by focus group participants was that women can use it as a scapegoat if they get caught having consensual sex in the dormitories.

D. Training

Focus group participants indicated they receive ample training on sexual assault and sexual harassment and acknowledge the potential risk that the severity of these issues could be compromised due to the excessive and tedious training. Focus group participants indicated that discussions were more effective than lectures when it came to learning about sexual assault or sexual harassment in Professional Military Ethics Education (PMEE) classes, where the majority of such training occurs. Focus group participants indicated that speakers who presented real life experiences were the most effective method of training sessions and PowerPoint briefings were among the least effective. Additionally, targeting men as “the bad guys” or portraying women as helpless did not have a positive effect in training sessions. Focus group participants recommended separate training for sexual harassment because the linking of sexual harassment to sexual assault ignores that sexual harassment is the more common of the two and is addressed in their Respect program.

E. Future Leader Preparation

Most participants in the focus groups indicated that the wide range of experiences they receive at the Academy goes a long way toward preparing them for dealing with sexual assault or sexual harassment as leaders, although some still felt they would like additional training on the topic. Having officers discuss problems they have encountered as commanders was a preferred way of learning more on this issue.

F. Communication from the Academy

Participants in the focus groups indicated that they received general information from the Academy about sexual assault or sexual harassment, but had heard very little information about

specific cases. As a consequence, they tend to rely on the rumor mill for information. Receiving specific information about cases after the fact (to protect anonymity) would be useful to focus group participants, as long as they hear it before it gets out to their parents and the general public.

G. Use of Alcohol

Participants in the focus groups indicated that use of alcohol plays a significant role in situations involving sexual misconduct, especially sexual assault. Participants in the focus groups indicated that alcohol involvement creates problems in determining facts about the guilt or innocence of the people involved in a case of reported sexual assault. There was agreement that alcohol is never an excuse for unacceptable behavior. Some participants in the focus groups indicated that using alcohol is part of Academy culture. However, many believe the current alcohol policy is too restrictive and does not allow cadets to learn to drink responsibly. Additionally, they thought it would be beneficial if they could assist a friend in need without being punished themselves, even if the friend is drinking underage or inappropriately.

United States Naval Academy

Sexual Assault Prevention and Response Program Assessment43

A. Sexual Assault Victim Intervention (SAVI) Program.....	43
B. Resources for Victims	46
C. Training and Prevention	51
D. Oversight	53
E. Military Justice	54
F. Chain of Command.....	57
G. Addressing Victim Collateral Misconduct	58
H. Academic Program Year 2007-2008 Plan of Action.....	59

Sexual Harassment Program Assessment.....61

A. Definition of Sexual Harassment.....	61
B. Sexual Harassment Policy	61
C. Program Overview.....	62
D. Program Organization.....	62
E. Education.....	63
F. Incident Reporting and Investigations.....	63
G. Assessment Results.....	64
H. Recommendations	65

DMDC Focus Group Overview67

A. Sexual Assault and Sexual Harassment.....	67
B. Safety.....	67
C. Mechanics of Reporting and Reasons for Not Reporting.....	68
D. Training.....	68
E. Future Leader Preparation	68
F. Communication from the Academy	68
G. Use of Alcohol.....	69
H. Dating Relationships.....	69

United States Naval Academy Sexual Assault Prevention and Response Program Assessment

The United States Naval Academy (USNA) leadership has clearly demonstrated commitment to their Sexual Assault Prevention and Response Program through sustained and dedicated efforts. USNA has done an outstanding job developing and continuously improving policies, procedures, and processes designed to prevent and respond to sexual violence in accordance with Department of Defense policies. An overview of the U.S. Naval Academy's Sexual Assault Prevention and Response Program, an assessment of its effectiveness, and recommendations for improvement are detailed below. Policy compliance was measured against Department of Defense, Sexual Assault Prevention and Response policy described in DoDD 6495.01, October 6, 2005 and DoDI 6495.02, June 23, 2006.

A. Sexual Assault Victim Intervention (SAVI) Program

1. Overview

The Sexual Assault Response Coordinator (SARC)/Sexual Assault Prevention and Response Program Manager supervises the Sexual Assault Victim Intervention (SAVI) Program, including coordination of victim care, case management, prevention, response, and training for USNA and the Naval Academy Preparatory School (NAPS). The SARC reports to the Superintendent through the Deputy Superintendent/USNA Chief of Staff.⁷⁹

In addition to the SARC, the SAVI Program involves the USNA Faculty/Staff SAVI Liaison, the USNA Brigade SAVI Liaison (BSL) and the NAPS SAVI Liaison.

The USNA Faculty/Staff SAVI Liaison executes the SAVI Program and sexual assault prevention and response (SAPR) efforts involving USNA faculty and staff,⁸⁰ while also monitoring SAVI Faculty Liaisons. SAVI Faculty Liaisons are not SAVI Advocates, but they have been identified, trained, and assigned to discuss the SAVI program with midshipmen, staff, or faculty who seek information about reporting sexual assault.⁸¹

The USNA Brigade SAVI Liaison is responsible for SAVI Program implementation and SAPR efforts for the Brigade of Midshipmen. The BSL reports directly to the Commandant, with an additional duty of reporting to the SARC on SAPR matters.⁸² The BSL must notify the

⁷⁹ USNAINST 5354.5A, 17 August 2006, Section 10a (1).

⁸⁰ USNAINST 5354.5A, 17 August 2006, Section 10a (4).

⁸¹ USNAINST 1752.2, 27 September 2004, Enclosure 2 "Faculty Liaison Program."

⁸² USNAINST 5354.5A, 17 August 2006, Section 10a (2).

Commandant of any reported sexual assaults within 24 hours. Identifying information about the victim or alleged suspect is generally not disclosed in cases of Restricted Reporting.⁸³

The BSL manages the SAVI Guide Program. SAVI Guides are midshipmen who volunteer to serve as a peer resource for SAPR. SAVI Guides provide program information and explain reporting options so victims can make informed decisions. SAVI Guides also conduct training and participate in the planning and execution of Academy sexual assault awareness activities.

SAVI Advocates are officer and senior enlisted volunteers trained to provide support and assistance to sexual assault victims during initial assessment, medical, administrative, legal, and investigative procedures. The advocates also provide information and referrals for further assistance and services. USNA requires a minimum of ten SAVI Advocates.⁸⁴ A rotating schedule of SAVI Advocates ensures that an advocate is on call at all times and reachable by pager.⁸⁵ The BSL recruits, screens, and supervises SAVI Advocates, in cooperation with the Training Coordinator. SAVI Advocates are required to complete a minimum of 20 hours of initial training through the Department of the Navy Advocacy Course, as well as 10 hours of annual refresher training.

The NAPS SAVI Liaison oversees SAPR efforts for the Midshipmen/Cadet Candidate Battalion, faculty and staff.⁸⁶

Reporting

USNA policy outlines reporting procedures for midshipmen to follow and employs numerous resources for sexual assault prevention and response. The points of contact for initial reporting of sexual assault incidents are listed below.

Restricted Reporting⁸⁷

Restricted Reporting is an option for victims to confidentially disclose the occurrence of a sexual assault without triggering an official investigation and without being personally identified in the subsequent command notification. Restricted Reporting offers victims access to appropriate care, treatment, advocacy, and support. The role of the SARC and the VA is to explain available options and resources and support the victim through the reporting process regardless of which option they choose.⁸⁸ It is available to military victims who report to the Sexual Assault Response Coordinator (SARC), SAVI Liaisons, SAVI Victim Advocates, SAVI Guides, or Healthcare Providers (Naval Health Clinic, Midshipmen Development Center, Fleet and Family

⁸³ COMDTMIDNINST 1752.1C Encl. (3), 27 September 2004, Section 15-c. There are exceptions as noted.

⁸⁴ COMDTMIDNINST 1752.1C, 27 September 2004, Section 15-b.

⁸⁵ USNAINST 5354.5A, 17 August 2006, Section 9-b; On-site interview, April 2007.

⁸⁶ USNAINST 5354.5A, 17 August 2006, Section 10a (3).

⁸⁷ USNA issued Restricted Reporting procedures in August 2006.

⁸⁸ DoDD 6495.01, Section 4.5, 6 October 2005. It is DoD policy to encourage Unrestricted Reports through a systemic approach that supports the victim from the moment of the initial report through the military justice process.

Support Center).⁸⁹ A report may also be made to a chaplain. A report made to a chaplain is not a Restricted Report under DoD SAPR policy, but is a communication that may be protected under the Military Rules of Evidence or applicable statutes and regulations. Within 24 hours of receipt of a Restricted Report resulting from a sexual assault, the SARC notifies the Superintendent and prepares an incident report.⁹⁰

Unrestricted Reporting

An Unrestricted Report is any report of a sexual assault made through normal reporting channels, including the victim's chain of command, duty officers, law enforcement, the Naval Criminal Investigative Service (NCIS) or civilian criminal investigative service, and a SARC/SAVI program channels or healthcare provider wherein the individual does not elect Restricted Reporting. With an Unrestricted Report, the victim has the option of a Military Protective Order (MPO),⁹¹ and qualifies for services under the Victim Witness Assistance Program.⁹² Specific information about Unrestricted Reports is disclosed only to those with an official need to know.

2. Assessment

COMPLIANCE: USNA is in compliance with DoD SAPR policy.

The procedures that a midshipman should follow for reporting a sexual assault comply with DoD SAPR policy. Current procedures identify to whom a report is made, the appropriate contact information, and an explanation of the option for Restricted Reporting. USNA maintains a 24/7 response capability for victims of sexual assault.

SAVI Guides provide non-identifying information to the BSL. There is a concern that by providing only non-identifying information to the BSL, the BSL may not have enough details of the incident to ensure sufficient oversight of the SAVI Guides.⁹³ As SAVI Guides may be peers of both the victim and the perpetrator, the potential conflict of interest might require non-peer intervention. SAVI Guides should share all information with the BSL, and the BSL should ensure that the information gets to the SARC.

- **It is recommended that the SARC exercise supervision over all the sexual assault reports made to SAVI Guides and BSLs, to include identifying data of all victims. The SARC, SAVI VA, and BSL should also review relationships between SAVI**

⁸⁹ USNAINST 5354.5A, 17 August 2006, Section 9d (1).

⁹⁰ USNAINST 5354.5A Section 11 c (2), 17 August 2006.

⁹¹ USNAINST 5354.5A, 17 August 2006.

⁹² OPNAVINST 5800.7, 30 April 1996.

⁹³ Based on the on-site visit in April, 2007 with Academy personnel.

Guides, victims, and accused midshipman to preclude conflicts of interest or inappropriate relationships.⁹⁴

The first full academic program year of Restricted Reporting at the Academy was 2006-2007. Unfortunately, less than half of all midshipmen understand the difference between Restricted and Unrestricted Reporting⁹⁵ and many do not recognize the terms in relation to sexual assault.⁹⁶

- **It is recommended that training curricula continue to emphasize procedures that midshipmen should follow for reporting a sexual assault and to whom a victim can confidentially report.⁹⁷**

B. Resources for Victims

1. Overview

Medical and Mental Health

The Midshipman Development Center (MDC) has a Sexual Assault Prevention and Intervention Specialist⁹⁸ on staff to provide assistance in SAPR matters. MDC services also include prevention, training, counseling, and midshipmen/leadership consultation. Confidentiality is protected under the UCMJ psychotherapist-patient privilege.⁹⁹ When a sexual assault report is received, the MDC is required to notify the Commandant and provide non-identifying information about the incident.

The National Naval Medical Center (NNMC) at Bethesda, MD, performs sexual assault forensic exams (SAFEs) for military victims making a Restricted Report. Anne Arundel Medical Center (AAMC) conducts a SAFE for Unrestricted Reports or when the victim is a civilian. Additional off-base resources are also readily available.¹⁰⁰ Forensic evidence is stored at NCIS Consolidated Evidence Facility in Norfolk, VA.¹⁰¹ In cases of Restricted Reports, forensic

⁹⁴ DoDD 6495.01, October 2005, Subsection E2.1.17 and DoDI 6495.02, 23 June 2006, Subsection E3.2.6.2.3 direct personnel responsible for providing victim advocacy to report directly to the SARC.

⁹⁵ As reported in the *DMDC Service Academy Gender Relations Focus Groups Report*.

⁹⁶ *DMDC Service Academy Gender Relations Focus Groups Report*, USNA Focus Group sessions, April 2007: Subsection "Mechanics of Reporting and Reasons for Not Reporting," indicated that midshipmen understood the conceptual difference between Restricted and Unrestricted Reporting, although they did not recognize the terms.

⁹⁷ DoDI 6495.02, 23 June 2006, Subsection E3.2.1.1. requires that all personnel be provided with information on the reporting options available to them and the exceptions and/or limitations of each option.

⁹⁸ A Licensed Clinical Social Worker.

⁹⁹ Psychotherapist Patient Privilege, Manual for Courts-Martial, M.R.E. 513. Exceptions to Psychotherapist Patient Privilege are listed under M.R.E 513 (d).

¹⁰⁰ Baltimore-Washington Medical Center (BWMC) is also equipped to perform SAFEs for any victim. However, AAMC and BWMC cannot maintain confidentiality and may bill the patient's health insurance carrier for some services.

¹⁰¹ DoD policy on the storage SAFE kits can be found in DoDI 6495.02, Enclosure 4, 23 June 2006.

evidence is stored anonymously at the NCIS Consolidated Evidence Facility in Norfolk, VA. When the SAFE is performed at a civilian hospital, the evidence is transferred by the hospital to NCIS in Unrestricted Reports of sexual assault, and to the SARC/SAVI representative in cases of Restricted Reporting.

Legal

The Commandant's Legal Advisor reports to the USNA Staff Judge Advocate, and provides guidance, develops responses, and coordinates actions associated with the legal aspects of sexual assault allegations. The Legal Advisor represents the command, not the victim¹⁰² and has an additional duty to report allegations to the SARC.

The Midshipmen Legal Advisor provides legal assistance and defense counsel to the Midshipmen and maintains an office at USNA. The Midshipmen Legal Advisor is not in the Commandant's chain of command, as they fall under the cognizance of the Naval Legal Service Office.¹⁰³

Under the Victim Witness Assistance Program, the Staff Judge Advocate's office is responsible for ensuring that victims and witnesses understand and are given assistance with exercising their legal rights as appropriate, during the military justice process beginning with the investigation process until the case is resolved.¹⁰⁴

The Victim Witness Assistance Coordinator (VWAC) provides the victim with information on victims' legal rights, available resources, and how to appropriately exercise victim's legal rights.¹⁰⁵

Chaplains

Chaplains have authority under military law to have privileged, confidential communications with victims of sexual assault. Under Military Rules of Evidence 503, a communication from a victim to a chaplain is a confidential communication if disclosed to a clergyman or a clergyman's assistant in his or her official capacity as a formal act of religion or a matter of conscience.

¹⁰² USNAINST 5354.5A, 17 August 2006, Section 10a (6).

¹⁰³ The Legal Advisor providing legal assistance is available to provide privileged legal counseling services to midshipmen. This privilege, however, may not include communications made by the victim that contemplate the commission of a fraud or a crime. These attorneys may also be appointed as defense counsel for courts-martial. In cases where the counsel faces a conflict of interest, the parent command provides assistance and alternate counsel. For example, this office could not represent both the accused and the victim in the same case, should the victim be charged with collateral misconduct surrounding the offense. This information is based on interviews conducted at the Naval Legal Service Office in April 2007 and subsequent emails located in the USNA data-call.

¹⁰⁴ SECNAVIST 5800.11B, 5 January 2006.

¹⁰⁵ OPNAVINST 5800.7, 30 April 1996.

There is a Chaplain in each USNA battalion to provide support to sexual assault victims. Midshipmen may make appointments as needed with any chaplain.¹⁰⁶

Community Collaboration

A Memorandum of Understanding (MOU) exists between USNA and local police departments, civilian medical treatment facilities, a counseling center, the YWCA, and the local state attorney's office. The MOU implements a Sexual Assault Response Team (SART) to promote coordination of sexual assault response efforts.¹⁰⁷

Additionally, a Memorandum of Agreement (MOA) exists with Naval Support Activity Annapolis, and the Naval Health Clinic Annapolis to define the response plan for sexual assault incidents. Baltimore-Washington Medical Center (BWMC) is also equipped to perform a SAFE for any victim. Also, the USNA Fleet and Family Support Center will notify appropriate personnel should a midshipman report a sexual assault there.

Case Management Committee

A SAVI Coordination Committee is co-chaired by the USNA Chief of Staff and the Deputy Commandant. The SAVI Coordination Committee is required to meet quarterly to review sexual assault response and prevention efforts, and to assist the SARC in the development of awareness, prevention, and advocacy programs.¹⁰⁸

2. Assessment

COMPLIANCE: USNA is in compliance with and exceeds DoD SAPR policy.

Resources for victim care are available and accessible on base and exceed¹⁰⁹ DoD SAPRO policy. Information outlining the Academy's Program and available resources is displayed on base in public areas, as well as advertised in training materials. Local community resources are also available and accessible to midshipmen and are advertised along with Academy resources. SAFEs are available 24/7 and procedures are in place to ensure anonymous storage of evidence for up to one year.¹¹⁰

¹⁰⁶ COMDTMIDNINST 1752.1C, Section 15 (e) 27 September 2004.

¹⁰⁷ *Memorandum of Agreement Between Ann Arundel County Police Department, Annapolis Police Department, North Arundel Hospital, Ann Arundel Medical Center, Ann Arundel Abuse Counseling Center, United States Naval Academy, YWCA of Annapolis and Ann Arundel County and Ann Arundel County State's Attorney's Office*, 1 November 2004.

¹⁰⁸ USNAINST 1752.2, Section 7, 27 September 2004.

¹⁰⁹ DoD policy does not require the SAVI Guide Program. This level of peer support is laudable.

¹¹⁰ As described in the data-call.

Medical, Mental Health and Community Collaboration

Basic medical care is available on the USNA grounds. SAFEs can be performed 24/7 at NNMC and at civilian hospitals close to the Academy.¹¹¹ Memoranda of Agreement (MOAs)/ Memoranda of Understanding (MOUs)¹¹² exist between USNA and local community resources, and reflect an extensive effort in coordinating victim care. DoD SAPR policy allows for the sharing of information regarding sexual assault prosecutions, victim care, and forensic examinations involving service members. There is no mechanism in place at the Academy to survey and identify trends in sexual assault reports made to local community resources involving USNA personnel.¹¹³ The sharing of data will provide the Academy with a more complete picture of the actual number of sexual assault victims by including those only utilizing off-base resources.

- **It is recommended that USNA update their MOU/MOA with local community resources to include the sharing of information as appropriate.**¹¹⁴

Jurisdictional problems among law enforcement and medical care providers caused one victim to wait approximately 7 hours before a forensic exam was performed. The incident occurred off-base. The District of Columbia had jurisdiction and initially took the lead role in the investigation of the case. The DC Metropolitan Police requirement that the victim's SAFE kit be performed within their jurisdiction caused this unreasonable delay.¹¹⁵ Procedural differences among law enforcement agencies and medical care providers can be resolved by establishing a MOA.

¹¹¹ The Brigade Medical Clinic located within Bancroft Hall provides basic medical care. North Arundel Medical Center located approximately fifteen to twenty miles from the Naval Academy and Ann Arundel Medical Center located approximately five miles from the Academy.

¹¹² MOA between USNA, Naval Support Activity Annapolis, and Naval Health Clinic Annapolis, dated March 2007. MOU between Anne Arundel county Police Department, Annapolis Police Department, North Arundel Hospital, Anne Arundel Medical Center, Anne Arundel Abuse Counseling Center, USNA, YWCA of Annapolis and Anne Arundel County, and Anne Arundel County State's Attorney's Office serves as evidence of the commitment of the agencies listed to implement a sexual assault response team, signed June 2005.

¹¹³ Based on on-site interviews in April 2007 and review of existing MOUs.

¹¹⁴ DoDI6495.02, 23 June 2006, Subsection E3.2.10 – E3.2.10.5 provides guidance on collaborating with civilian resources.

¹¹⁵ Based on on-site interviews with Academy personnel and review of the data-call. In this case, the Victim Advocate (VA) was contacted at approximately 1000 and immediately responded to assist the victim. Both the VA and victim waited for NCIS to work out jurisdictional problems with District of Columbia Metropolitan Police before the SAFE could be performed. The victim arrived at the designated hospital at approximately 1600 for the SAFE. A forensic nurse was not immediately available and took an additional 2 hours to arrive. The VA and victim did not leave the hospital until approximately 2130. Extended delays jeopardize evidence and put the victim through unnecessary discomfort.

- **It is recommended that the SARC coordinate with NCIS personnel to identify jurisdictional procedures regarding sexual assault forensic examinations (SAFEs) in Maryland and the District of Columbia. USNA should collaborate with National Capital Region (NCR) SARCs to join current MOAs with civilian law enforcement, prosecutors, and servicing hospitals in the NCR to clearly identify the procedures to be followed and include organizational points of contact that can be referenced when a sexual assault occurs in the NCR area.**¹¹⁶

Legal

The Victim Witness Assistance Coordinator (VWAC) is a valuable resource for sexual assault victims who make Unrestricted Reports. The position plays a critical role in assisting victims with navigating the military justice system and with exercising their legal rights.¹¹⁷

The Midshipmen Legal Advisor providing Legal Assistance to midshipmen are a valuable resource.¹¹⁸ A sexual assault victim in the military may benefit from having this source of legal advice.¹¹⁹

- **It is recommended that SARCs, VAs, and VWAC provide victims with the Midshipmen Legal Advisor's contact information and a brief explanation of the service they can provide.**¹²⁰

Chaplains

Chaplains are a valued resource for victims of sexual assault, and their ability to have confidential communications¹²¹ is publicized to the midshipmen. Currently, there are six chaplains assigned to the midshipmen area. USNA uses its chaplains appropriately and publicizes their availability to the midshipmen.

¹¹⁶ DoDI 6495.02, 23 June 2006, Subsection E3.2.10 and E3.2.10.1 provides guidance on establishing agreements regarding jurisdictional issues and forensic evidence collection.

¹¹⁷ See recommendation under section E, "Military Justice," subsection "Prosecution."

¹¹⁸ Based on review of the data-call, April 2007.

¹¹⁹ Legal Assistance Attorneys are not authorized to enter into an attorney-client relationship with a victim for the purpose of discussing the military justice aspects, including collateral misconduct, of a sexual assault. Victim statements involving a previously unreported sexual assault or collateral misconduct involved in a sexual assault would not be confidential or considered as confidential reporting. An Area Defense Counsel and sexual assault victim can enter a confidential, attorney-client relationship for the purpose of discussing collateral misconduct associated with the sexual assault.

¹²⁰ DoDI 6495.02, Subsection 5.7.3 states that the Secretaries of the Military Departments shall "publicize policies and procedures for reporting a sexual assault and provide information regarding the availability of medical treatment, advocacy, and referral services."

¹²¹ Under Military Rules of Evidence 503, a communication from a victim to a chaplain is a confidential communication if disclosed to a clergyman or a clergyman's assistant in his or her official capacity as a formal act of religion or as a matter of conscience.

C. Training and Prevention

1. Overview

As a part of the Sexual Assault Prevention and Response Team, the Training Coordinator is responsible for organizing, tracking, and assisting in the development of SAPR training for USNA and NAPS. This position is centrally located at USNA and reports to the SARC.¹²²

A midshipman's training begins during plebe summer and continues throughout his or her four years at the Academy.¹²³ Some USNA academic courses taught by USNA faculty include sexual assault case studies and scenarios as part of the curriculum.¹²⁴

The Brigade SAVI Liaison is tasked to ensure that annual SAVI Program training is provided to Company Officers, Senior Enlisted Leaders, USNA Chaplains, Midshipmen Development Center personnel, and other Commandant staff who are likely to be first responders to midshipmen reports of sexual assault. The Brigade SAVI Liaison is also responsible for ensuring that SAVI program information is provided to other Commandant's staff and USNA personnel who work directly with midshipmen.¹²⁵

USNA faculty, staff and police are trained annually on the sexual assault response team, reporting procedures, confidentiality, and resources.

¹²² USNAINST 5354.5A, 17 August 2006.

¹²³ Sexual assault prevention training for midshipmen is taught in the context of a "Slippery Slope" continuum, ranging from a professional command climate of acceptable conduct to a sexually hostile environment of criminal misconduct.

During plebe summer, plebes receive sexual assault awareness training through the Navy Rights and Responsibilities course. This course, facilitated by Senior Enlisted Leaders, discusses dignity and respect in the context of the Armed Forces. As a component of this training, sexual assault is defined and the SAVI program is introduced.

A joint SAVI/CMEO/ADEO awareness brief is designed to reemphasize core values, dignity, and respect. SAVI topics include prevention, assistance to victims, resources, and confidentiality.

"Company Officer Straight Talk #2: Mutual Respect and Professionalism" is a course facilitated by Company Officers to discuss appropriate behavior, including situations in which alcohol is involved. The Company Officers provide information on USNA resources for sexual assault and alcohol issues.

The Saturday Morning Training Program is designed for 4/C and 3/C midshipmen to foster leadership development. As a component of this training, the SAVI program and sexual assault response and prevention are discussed.

¹²⁴ The examples are used to explore issues and initiate discussion of sexual assault response and prevention in the context of leadership and ethics.

¹²⁵ COMDTMIDNINST 1752.1C, 27 September 2004.

SAVI Guides serve as peer educators for sexual assault awareness training during Company Officer training time. The Brigade SAVI Liaison supervises and instructs the SAVI Guides on training topics and lesson planning.¹²⁶

Healthcare providers are also trained on the topics of definitions, incident processes, reporting options, confidentiality, SAVI program organization, and victim resources.

2. Assessment

COMPLIANCE: *USNA is in compliance with DoD SAPR policy.*

USNA has an extensive SAPR training curriculum that complies with DoD policy. Measures are in place to ensure qualification of instructors and related points of contact, effective training, availability of related resources, and quality control.

Training content includes the definition of sexual assault, reporting options, exceptions and limitations of confidential reporting, and crimes that violate the UCMJ. The content and format for sexual assault awareness training is tailored to the nature of sexual assaults in the military environment. The training also uses group discussion of realistic scenarios to demonstrate the cycle of reporting, system response, and accountability procedures.

USNA training material appears to incorporate risk-reduction and the effective role of men in the prevention of sexual assault. However, midshipmen may not always understand their duty to take action against sexually inappropriate behavior overrides any obligation to peer loyalty. Misplaced peer loyalty may prevent midshipmen from correctly reporting peers and disciplining those whom they lead. Educating these future commanders on the proper handling of ethical issues encountered by military leaders dealing with sexual assault matters would likely enhance the USNA's training program.

The majority of sexual assault prevention and response training is conducted by midshipmen SAVI Guides. Some might suggest that the lack of authority and military experience of the midshipmen instructors could result in midshipmen not taking the training seriously.¹²⁷ However, a review of the program shows that midshipmen do not perform all training, such as courses taught during Plebe Summer and in academic curricula. There is sufficient oversight of

¹²⁶ The training covers the topics of sexual assault definitions, reporting, bystander intervention, alcohol, consent, and victim resources and assistance. Special training occurs before spring break and summer cruises to provide information on personal safety. Civilian consultants developed a new training program called SHAPE (Sexual Harassment and Assault Prevention Education). It is scheduled for implementation in the 2007-2008 academic program year. The 16-hour training curriculum incorporates sessions specific to each midshipman's grade level throughout the four-year Academy experience.

¹²⁷ Concerns over the use of peer educators were brought up previously in the *Report of the Defense Task Force on Sexual Harassment and Violence at the Military Service Academies*. These concerns included the SAVI Guides' lack of Fleet experience, lack of a mature perspective, and lack of accountability.

the training and guidance provided to midshipmen who conduct the training. The use of midshipmen has some advantages, including making the training more accessible and relevant to peers. In addition, the involvement of peer educators has been identified as an effective component of sexual assault prevention programs.¹²⁸ Given the pros and cons associated with peer educators, a thorough study would give USNA a better idea if using SAVI Guides as trainers is having the intended effect.

- **It is recommended that USNA study the effectiveness of peer training in the Academy setting.**¹²⁹

Specialized training for investigators and legal personnel¹³⁰ dealing with the complex issues pertaining to sexual assault is required in DoD SAPR policy. Investigators have received the required specialized training. Legal personnel from the Trial Service Office Northeast, Washington Navy Yard, Washington DC, assigned to handle the USNA sexual assault cases had not received the required training at the time of this assessment.¹³¹

- **It is recommended that Judge Advocates assigned to handle USNA sexual assault cases should have the opportunity to attend specialized sexual assault prosecution training.**¹³²

D. Oversight

1. Overview

Oversight of the components of the USNA sexual assault response and prevention program is the responsibility of the SARC. Additionally, the SAVI Coordination Committee, which is co-chaired by the Deputy/Chief of Staff and the Deputy Commandant, meets quarterly to review SAPR efforts and assist the SARC in development of awareness, prevention, and advocacy programs. NCIS and the Legal Office have independent oversight by the Navy Inspector General. Additionally, NCIS has oversight by the OIG, DoD Office of Investigative Policy and Oversight. The quality of medical care is ensured by USNA military treatment facility Chief of Staff, and the USNA Chief of Chaplains supervises the activities of chaplains assigned to the base.

¹²⁸ Paul Schewe, Ed., *Rape Prevention and Risk Reduction Interventions*, Washington, DC: American Psychological Association, 2002, Chapter 5.

¹²⁹ DoDI 6495.02 Subsection E3.2.5.2.12 directs the SARC to conduct an ongoing assessment of the consistency and effectiveness of the SAPR within the assigned area of responsibility.

¹³⁰ Legal personnel include Judge Advocates, Trial Counsel, and Victim Witness Liaison.

¹³¹ Based on discussions with legal personnel located at the U.S. Navy Yard SJA office and review of the data call.

¹³² DoDI 6495.02, 23 June 2006, Subsection E6.3.6.1 requires training for all Judge Advocates. Subsection E6.3.6.2 requires training for Judge Advocate Trial Counsel.

2. Assessment

COMPLIANCE: *USNA is in compliance with DoD SAPR policy.*

Appropriate mechanisms are in place both at Headquarters Navy and USNA to ensure oversight of the effectiveness of the sexual assault prevention and response program at USNA.¹³³

E. Military Justice

1. Overview

In the case of an Unrestricted Report, allegations of sexual assault are investigated by NCIS, which is subsequently responsible for evidence collection. NCIS provides the facility for storage of evidence in cases of Restricted Reporting for up to one year. A sexual assault victim has the option to participate in an investigation, but will not be compelled to do so.¹³⁴ The USNA police and security personnel do not assume primary roles in investigating allegations of sexual assault of midshipmen. Unrestricted Reports are referred to NCIS, which maintains a Resident Agency at the Naval Academy. NCIS command, control, and reporting are independent of USNA leadership and outside the chain of command. Prosecutors are provided from the Trial Service Office Northeast, located at the Washington Navy Yard, Washington DC.

The Sexual Assault Legal Advisor reports to the USNA Staff Judge Advocate, and coordinates with the SARC on sexual assault matters. The Sexual Assault Legal Advisor represents USNA command, not the victim. There is an additional attorney who provides midshipmen with legal assistance and defense.¹³⁵ The Legal Advisor provides legal information and advice, develops legal responses, and coordinates legal actions associated with sexual assault allegations.¹³⁶

¹³³ Based on review of the data-call and site visits, April 2007.

¹³⁴ Victims may sign an NCIS Preference Statement declining their participation with the investigation.

¹³⁵ The Legal Advisor providing legal assistance is available to provide privileged legal counseling services to midshipmen. This privilege, however, may not include communications made by the victim that contemplate the commission of a fraud or a crime. These attorneys may also be appointed as defense counsel for courts-martial. In cases where the counsel faces a conflict of interest, the parent command provides assistance and alternate counsel. For example, this office could not represent both the accused and the victim in the same case, should the victim be charged with collateral misconduct surrounding the offense. This information is based on interviews conducted at the Naval Legal Service Office in April 2007 and subsequent emails located in the USNA data-call.

¹³⁶ USNAINST 5354.5A, 17 August 2006.

Reports of Sexual Assaults Involving Midshipmen: APY 2006-2007

USNA APY 2006/2007 REPORTS OF SEXUAL ASSAULT (Rape, sodomy, indecent assault, and attempts to commit these offenses) INVOLVING MIDSHIPMEN	Rape	Sodomy	Indecent Assault	Attempts	Unknown	APY 2006/2007 Totals
# REPORTS OF SEXUAL ASSAULT (Total reported sexual assaults INVOLVING MIDSHIPMEN) - UNRESTRICTED AND RESTRICTED	4	0	1	0	0	5
# UNRESTRICTED REPORTS OF SEXUAL ASSAULT (Total reported sexual assaults BY or AGAINST Midshipmen)	4	0	1	0	0	5
# Restricted Reports	2	0	0	0	0	2
# Converted from Restricted Report to Unrestricted Report	2	0	0	0	0	2
# 2007 RESTRICTED REPORTS REMAINING RESTRICTED	0	0	0	0	0	0

Cases identified above represent only those sexual assault cases reported to Academy officials. As such, there is insufficient data to interpret these statistics or to make comparisons or to estimate the incidence and prevalence of sexual assault.

Case Dispositions

Initially, there were two Restricted Reports and three Unrestricted Reports. Both Restricted Reports converted to Unrestricted so that at the end of APY there were five Unrestricted Reports.

Unrestricted Report Case Disposition

While the Academy investigative and legal systems were actively engaged in the four Unrestricted cases involving allegations of rape, none of the cases resulted in disciplinary action. In three of the cases the victim declined to cooperate, and in the fourth case the victim withdrew from the investigation after initially cooperating. The fifth Unrestricted Reported case involved an allegation of indecent assault. Upon investigation by NCIS, sufficient evidence was identified for a referral of charges. The accused was acquitted at a General Court-Martial.

2. Assessment

COMPLIANCE: USNA is in compliance with DoD SAPR policy.

APY 2006-2007 was the first full year in which midshipmen had the Restricted Reporting option. Two midshipmen chose to report and receive care under Restricted Reporting, which indicates the protections afforded under this option have credibility with victims of sexual assault. Both midshipmen eventually elected the Unrestricted Reporting option, indicating a certain level of trust in the system. The goal of the DoD SAPR Policy is to build sufficient victim confidence in the military justice system and the support provided victims, that all sexual assault reports will initially be unrestricted reports or become unrestricted reports following a

victim's initial decision to elect the Restricted Reporting option.¹³⁷ Consequently, DoD SAPR Policy supports law enforcement and criminal justice procedures that hold people accountable for their actions.

- **It is recommended that the SARC inquire into the reasons why victims are choosing not to convert to Unrestricted Reporting and why victims withdraw their cooperation after making an Unrestricted Report, and report this information through appropriate Service channels to DoD SAPRO beginning at the end of this current Academy Program Year without disclosing particular information or details from which one could determine the identity of a victim.**¹³⁸

Conversations with Academy personnel and focus group participants revealed a need for better dissemination of information about the outcome of cases.¹³⁹ The leadership began to address this issue after it was brought to their attention by the Defense Task Force on Sexual Harassment and Violence.¹⁴⁰ Ongoing efforts are needed to establish communication procedures to inform midshipmen about the outcome of cases after they are adjudicated. Additional efforts are also needed to develop a means to disseminate information to the staff and faculty.¹⁴¹

Naval Criminal Investigative Service (NCIS)

NCIS investigators recognize that the Restricted Reporting option allows victims to get care confidentially. Agents agree that getting care is critical to victims of sexual assault. They also agree that, with prompt care and support, more victims are likely to participate and assist with

¹³⁷ SAPR policy DoDD 6495.01 October 6, 2005, section 4.5 states that it is DoD policy to encourage complete, unrestricted reporting of sexual assaults.

¹³⁸ Implementation of this recommendation should not put undo pressure on victims or cause them to be re-traumatized.

¹³⁹ *DMDC Service Academy Gender Relations Focus Groups Report*, USNA Focus Group sessions April 2007, Subsection "Communication from the Academy," revealed that midshipmen tended to rely on the "rumor mill" for information. If the academy were to provide accurate information explaining the facts and outcomes of cases, then rumors that damage morale and reporting of sexual assault may become less prolific. Based on interviews with Academy personnel, there also appears to be a sub-culture of victim blaming within the Academy, stemming in part from the fallout over the loss of *US v. Owens*. Some Academy personnel believe that publishing case information would help control the rumor mill and possibly build confidence in the system. It seemed that most of the information about the case that personnel cited was actually inaccurate.

¹⁴⁰ *Report of The Defense Task Force on Sexual Harassment & Violence at the Military Service Academies, 2005*, Recommendation 20A states: "Ensure staff, faculty, and students are better educated and informed about the outcome of cases once they have been adjudicated. Providing Academy members with a comprehensive summary of cases, along with the final disposition and the reasons for that particular outcome, will educate them about the process. This will result in increased trust and confidence in the system. It will also help to deter retaliation and ostracism directed toward victims and assists in development a supportive culture for them. Leaders will be able to better control the rumor mill and replace it with truth."

¹⁴¹ Review of the data-call revealed the status of Recommendation 20A was completed to the limits of confidentiality.

investigative efforts.¹⁴² When requested by victims, agents at USNA have allowed SAVI personnel to accompany victims during the interview, provided they do not interfere.

NCIS agents work closely with the JAG office during the investigation and prosecution of a case. Each organization demonstrated familiarity with the other's role.

Prosecution

Trial Counsel (TC) is provided by the Trial Service Office Northeast located at the Washington Navy Yard. When there is a sexual assault, a victim will usually notify SAVI. Once a decision is made to file an Unrestricted Report, the Legal Office will notify NCIS and the TC. Building confidence in the military justice system is one way to encourage more sexual assault victims to make Unrestricted Reports, thereby promoting offender accountability. Victims are likely to gain confidence in the military justice system when they understand their rights and how to exercise them throughout every phase of the judicial process.

Currently, there appears to be a gap between the Assistant Staff Judge Advocate at the Academy (who performs VWL duties during the investigation of Unrestricted Reports), and the VWL located at the Trial Service Office Northeast at the Navy Yard (who performs VWL during the prosecution of a case).¹⁴³ Procedures should be in place to ensure there is a smooth transfer of victim assistance responsibilities from the Commandant's Legal Liaison at the Academy to the VWL at the Trial Services Office Northeast in all sexual assault cases.

- **It is recommended that the SARC monitor continuity in victim services throughout the investigation and prosecution by coordinating with the VWLs and other personnel providing victim assistance.**¹⁴⁴

F. Chain of Command

1. Overview

USNA policies guide the chain of command's implementation of sexual assault prevention and response, and cover victim care and offender accountability.

¹⁴² Based on on-site interviews with Academy personnel, April 2007.

¹⁴³ Based on on-site interviews with legal personnel and other Academy personnel who worked directly with victims.

¹⁴⁴ DoDI 6495.02, 23 June 2006, Subsection 5.7.3.3 states, "Ensure that victims of unrestricted reports of sexual assaults are afforded throughout the investigative and legal process the information outlined in DoD Directive 1030.1 [*Victim and Witness Assistance*] and DoD Instruction 1030.2 [*Victim and Witness Assistance Procedures*]." DoDI 6495.01, 23 June 2006, Subsection E6.1 ensures for a standard of care throughout the Department of Defense.

2. Assessment

COMPLIANCE: USNA is in compliance with DoD SAPR Policy.

The chain of command at USNA is successfully following policy guidance. Although a commander should not interfere with a pending case, the commander is required to "keep a finger on the pulse" of the organization's climate and respond with appropriate action toward any negative trends that may occur. Conversations with Academy personnel suggested that many embraced the perception that people may report sexual assault to escape the consequences of their bad behavior. This perception stemmed in part due to rumors regarding the highly publicized case, *United States v. Owens*. In the *Owens* case, the victim, as well as several witnesses was given testimonial immunity for their testimony. The commander and servicing staff judge advocate or legal advisor can counteract a negative trend such as this with education about the Academy's policy on collateral misconduct and an explanation of the meaning and effect of using testimonial immunity in criminal trials.

- **It is recommended that USNA educate Academy personnel on the collateral misconduct policy, as well as the fact that victims do not typically receive immunity for collateral misconduct by simply reporting a sexual assault.**¹⁴⁵

G. Addressing Victim Collateral Misconduct

1. Overview

Leadership Responsibility Counseling (LRC) is administered to a sexual assault victim who has committed policy or regulation infractions surrounding the assault, such as underage drinking, with the goals of encouraging reporting and minimizing the psychological damage of re-traumatization. LRC is provided when recommended by the SARC, and done in coordination with the SAVI Advocate, Legal Advisor, and the Midshipman Development Center. LRC is administered after the case has been adjudicated for the accused, and no less than 4 months after the incident. The Leadership Responsibility Counselor conducts a minimum of three sessions to address any behaviors unsuited for commissioned officers, and to emphasize leadership and professionalism.¹⁴⁶

Counselors selected to conduct Leadership Responsibility Counseling are senior commissioned officers generally of the rank O-4 and higher. Leadership Responsibility Counselors are trained on emotional considerations associated with counseling sexual assault victims, sensitivity to

¹⁴⁵ DODI 6495.02, 23 June 2006, Enclosure 3 Subsection E3.2.12 states in part, "Ensure commanders understand that taking action on victim collateral misconduct may be delayed until final disposition of the sexual assault case."

¹⁴⁶ COMDTMIDNINST 1752.1C Encl. (5), 27 September 2004.

victim privacy, warning signs that a victim is not ready for the counseling, and counseling from a leadership perspective.¹⁴⁷

2. Assessment

COMPLIANCE: *USNA is in compliance with DoD SAPR policy.*

The Leadership Responsibility Counseling program addresses the need for corrective action where collateral misconduct has occurred. The program, as offered by USNA, balances the need for individual discipline and the need to create an environment that will not deter sexual assault reporting.

H. Academic Program Year 2007-2008 Plan of Action

1. Overview

USNA has a plan of action for APY 2007-2008 regarding the prevention of and response to sexual harassment and sexual violence. Through the implementation of their seventeen point action plan for the upcoming academic program year, USNA plans to continue its progressive approach and refine its policies and programs. Highlights include:

- Continuing to implement recommendations of the *Report of the Defense Task Force on Sexual Harassment and Violence at the Military Service Academies* and build on its training, awareness, and outreach programs.
- Implementing assessment tools to evaluate the effectiveness of midshipman training.
- Increasing community collaboration through the use and revision of MOUs.
- Continuing efforts to increase the percentage of female midshipmen and female officer and senior enlisted role models at the Academy.
- Reviewing the Leadership, Ethics, and Law academic curriculum to expand and enhance existing sexual harassment and sexual assault course content and instructional methods.

2. Assessment

COMPLIANCE: *USNA is in compliance with DoD SAPR policy*

The USNA leadership has clearly demonstrated commitment to their sexual assault prevention and response program through sustained and dedicated efforts. USNA planning reflects a

¹⁴⁷ COMDTMIDNINST 1752.1C Encl. (5), 27 September 2004.

consistent approach, and appropriate response to violations of law and policy. USNA leadership has demonstrated a commitment to cultural change, and their solid program appears to be a viable catalyst. USNA will continue to address challenges to SAPR policy with assessments and refinements, while also ensuring the care of victims. Education has progressed beyond simple awareness training, and has matured to focus on prevention and a culture of responsible decision making. The elimination of sexual assault and harassment appears to be a substantive tenet in USNA's overall goal of producing leaders of character for the nation. The faculty and staff at USNA are committed to the implementation and support of DoD policy. Considering the recommendations in this assessment will further enhance their excellent SAPR Program.

United States Naval Academy Sexual Harassment Program Assessment

A. Definition of Sexual Harassment

DoD and the Navy define sexual harassment as:

- “Sexual harassment is a form of sexual discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 1. Submission to, or rejection of, such conduct is made either explicitly or implicitly a term or condition of a person’s job, pay, career, or
 2. Submission to, or rejection of, such conduct by a person is used as a basis for career or employment decisions affecting that person, or
 3. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creates an intimidating, hostile, or offensive working environment.
- Any person in a supervisory or command position who uses or condones implicit or explicit sexual behavior to control, influence, or affect the career, pay, or job of a soldier or civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature is engaging in sexual harassment.”

B. Sexual Harassment Policy

USNA’s policy on sexual harassment is spelled out in USNA Instruction (USNAINST) 5354.5A.¹⁴⁸ The USNA policy states:

- Similar to the Fleet, the USNA has a zero tolerance policy for sexual harassment.
- Leaders will set clear standards pertaining to the prevention and deterrence of sexual harassment, misconduct and assault.
- Leadership is responsible for creating a professional command climate that parallels the leadership environments of the Fleet, and is essential to maintaining a positive command climate.

¹⁴⁸ United States Naval Academy Instruction (USNAINST) 5354.5A, *Prevention and Deterrence of Sexual Assault*, 17 August 2006.

- Leadership will implement a prevention and response program that includes awareness training and education, properly addresses incidents, and provides support to victims.

C. Program Overview

USNA's sexual harassment program pertaining to the midshipmen is embedded within the Academy's Prevention of Sexual Harassment, Misconduct, and Sexual Assault Program. The program elements include:

- Prevention and response awareness training and education;
- 24 hours, 7 days a week response and support;
- Multiple paths for reporting;
- Environment that encourages incident reporting;
- Investigative procedures;
- Support for victim;
- Case resolution and follow-on counseling.

D. Program Organization

In accordance with USNAINST 5354.5A, the Sexual Assault Response Coordinator (SARC) is the primary contact for reporting incidents of sexual harassment. The SARC is responsible for notifying the Superintendent and preparing USNA external incident reports within 24 hours of incident notification. The SARC is also responsible for supervising the overall sexual harassment program implementation, including coordination of victim care, case management and prevention and response training for the USNA. The currently assigned USNA SARC is a graduate of the Defense Equal Opportunity Management Institute (DEOMI).

IAW USNAINST 5354.5A, the Brigade Command Managed Equal Opportunity (CMEO) Officer is responsible for program implementation within the Brigade of Midshipmen, as well as awareness training and management of sexual harassment complaints throughout the resolution process. The CMEO Officer is a graduate of the Navy's week-long CMEO course conducted at the Navy's Center for Personal and Professional Development, as required by Navy policy.

The USNA has created a Sexual Harassment Response Team to provide assistance to any person who reports an incident of sexual harassment. This team includes the:

- Sexual Assault Response Coordinator
- Brigade Command Managed Equal Opportunity Officer
- Brigade Character Representatives
- Chaplains
- Chain of Command

E. Education

U.S. Naval Academy midshipmen are required to take four one-hour sessions during each of their four years at the academy as part of an effort to prevent sexual harassment. The classes begin when the midshipmen arrive at the academy during plebe summer, with instruction about the reporting of sexual harassment. By their fourth year, midshipmen will attend sessions exploring such subjects as the legal issues surrounding sexual misconduct.

Beginning in the 2007-2008 academic year, the USNA will implement a new sexual harassment and assault prevention education (SHAPE) program developed by outside consultants. This 16-hour training curriculum incorporates sessions for each year and will be implemented over the course of a midshipman's four-year Academy experience.

F. Incident Reporting and Investigations

Reporting procedures are addressed within both COMDTMIDNINST 5354.1A (currently under revision). IAW Navy policy, USNA offers two methods of reporting: informal and formal complaint procedures.

- **Informal Resolution System:** As with Navy policy, midshipmen are encouraged to first try to resolve sexual harassment conflicts at the lowest appropriate level. Two informal sexual harassment complaints were filed at the USNA from June 1, 2006 through May 31, 2007. Actions for informal resolution include:
 1. The midshipmen address the concerns verbally or in writing with the person(s) demonstrating the behavior or,
 2. The midshipman can request assistance from another midshipman, company officer, senior enlisted leader, or other command member or request mediation to resolve the dispute.
- **Formal Complaint System:** USNA had one formal sexual harassment complaint filed during the designated timeframe. The complaint was substantiated and handled within the administrative conduct system. There are three ways for a midshipman to file a formal complaint:
 1. File a Navy Equal Opportunity/Sexual Harassment Complaint Form (NAVPERS 5354/2). This form is used to process sexual harassment complaints within the command wherein the Commanding Officer is authorized to provide the requested remedy (redress). The form provides timelines and outlines detailed procedures for grievance resolution. The complaint form is divided into four parts:

Part 1- Complainant's written sworn statement and requested remedy.

Part 2- Complainant's list of advocates.

Part 3- Guidance for the commanding officer.

Part 4- Command feedback to the complainant and notification of the avenue for appeal.

2. NAVREGS Article 1150, Redress of Wrong Committed by a Superior. If a midshipman has a complaint against a superior and does not wish to use the above complaint form, he or she may file a complaint under NAVREGS Article 1150, Redress of Wrong Committed by a Superior. To file a complaint under this Article 1150, the individual should obtain legal counsel at a local Naval Legal Services Office (NLSO).
3. UCMJ Article 138, Complaint of Wrongs against the Commanding Officer. If the resolution from the complaint under NAVREGS Article 1150 is considered unjust by the complainant, or if the grievance is against the Commanding Officer, the midshipman may submit a complaint against the Commanding Officer under UCMJ Article 138.

Midshipmen have alternate avenues to file sexual harassment complaints. These include their local Navy Legal Service Office or the Navy Hotline (800-522-3451), the Navy Sexual Harassment Advice line at 800-253-0931, or a Navy Chaplain. These options are consistent with Navy and DoD policies.

G. Assessment Results

- USNA sexual harassment policy is in compliance with DoD Directive 1350.2, DoD Military Equal Opportunity (MEO) Program and SECNAV Instruction 5300.26D. However, the USNA is not in compliance with OPNAV Instruction 5354.1E, Navy Equal Opportunity Policy, which states that the CMEO Manager will be the single point of contact for all complaints. At the USNA, per USNAINST 5354.5A, the SARC is the primary contact for reporting complaints.
- A copy of the policy was posted in the permanent sections and unit bulletin boards examined. The Navy poster, "Navy Procedures for Processing Sexual Harassment/Discrimination Complaints for Military Personnel," was also prominently displayed in the areas examined.
- The SARC is a graduate of the DEOMI.

- The CMEO appointed is a temporary fill to support an individual augmentee (IA) requirement of the Academy. The CMEO is a graduate of the Navy's week-long CMEO course conducted at The Center for Personal and Professional Development. The temporary CMEO is also assigned as the drug and alcohol officer and as a company officer.
- The midshipmen are receiving initial and follow-up training pertaining to sexual harassment and complaint procedures.
- USNA follows guidance for filing and processing of sexual harassment complaints outlined in OPNAV Instruction 5354.1E with the exception of the before mentioned in paragraph 8.a.

H. Recommendations

- **Limited confidential reporting for EO:**¹⁴⁹ As reported in the DoD *Task Force Report on Care for Victims of Sexual Assault*, confusion in the field remains on what behaviors are defined as sexual assault versus harassment. While the EO and SAPR personnel understand the difference, many midshipmen do not, despite the level or amount of training conducted. As a consequence, personnel may inadvertently report a case of sexual assault to the EO Advisor, who does not currently act in a confidential capacity for crime, and is required to report all crimes to command as soon as they are presented. This requirement to report could void the opportunity for sexual assault victims to select Restricted Reporting under the established sexual assault policy. As with the other Academies, it is recommended that each of the Military Departments and DoD examine granting limited confidential reporting (pertaining only to incidents of sexual assault) to EO Advisors. Under such policy, EO Advisors would be required to notify the Sexual Assault Response Coordinator instead of command, thus allowing the victim to be properly counseled on Restricted and Unrestricted Reporting options. Until such confidential reporting issues can be fully addressed at DoD level, it is recommended that the Academy EO office, prior to receiving any complaint, warn cadets that EO Advisors have a responsibility to report all matters relating to sexual assault to law enforcement and to the commander. An example of such a warning is as follows:

"I handle sexual harassment, not sexual assault issues. If you disclose something to me about a sexual assault, I must report it to the commander and law enforcement. If you want to talk about a sexual assault, or you're not sure what the difference is between sexual harassment and sexual assault, I'll refer you to the Sexual

¹⁴⁹ Confidential Reporting is defined in DoD SAPR policy DODI 6495.02, June 23, 2006, E2.1.1 as Restricted Reporting.

Assault Response Coordinator to make sure you understand your options."

- **Examine SARC appointment policy:** USNA has addressed the aforementioned confusion by appointing the SARC as the primary contact for sexual harassment complaints. However, although not forbidden by Navy policy, it is not consistent with established policy or protocol set by the Navy as outlined in OPNAV Instruction 5354.1E, Navy Equal Opportunity Policy, which states that the CMEO Manager will be the single point of contact for all complaints. Upon graduation, Naval Academy Officers have not been trained to Navy standards in this respect, and may not be prepared to provide advice to subordinates on the Navy policy and protocol. It is recommended the USNA and Navy Equal Opportunity leadership reexamine the USNA instruction on appointing the SARC versus CMEO as the primary contact for sexual harassment complaints.

United States Naval Academy DMDC Focus Group Overview

Focus group sessions were conducted at the United States Naval Academy (USNA) April 23-26, 2007. Questions were asked dealing with nine issues: sexual assault and sexual harassment, safety, mechanics of reporting, reasons for not reporting, training, future leader preparation, communication from the Academy, use of alcohol, and dating relationships.¹⁵⁰ Eight focus group sessions were conducted at USNA. Each session was scheduled for a 90-minute period. There was one session held for both genders for each class year, each involving between eight and thirteen students. Caution must be applied to the review of the findings presented. The results are based on qualitative analysis—findings cannot be generalized to all students at USNA. Highlights of findings include:

A. Sexual Assault and Sexual Harassment

When asked to define sexual assault and sexual harassment, the bulk of the discussion centered on issues dealing with sexual harassment. Participants in the focus groups indicated that sexual assault is well understood by students and is taken very seriously by everyone. They indicated that sexual assault occasionally happens at the Academy, but most believe strongly that it happens much less frequently than it does at civilian colleges. They indicated that they define sexual harassment as occurring when someone makes a statement that is offensive to someone else. However, they acknowledged the definition is subjective because specific actions and comments that offend one person do not necessarily offend another. Sexual harassment is not something that concerned participants on a day-to-day basis. They indicated that most potential incidents of sexual harassment are avoided because the offenders stop making inappropriate comments when asked to do so. Participants also thought that women sometimes tolerate potentially harassing behaviors because they did not perceive it to be malicious. Additionally, men sometimes forget to be careful about what they say. Participants also indicated that sexual harassment is tolerated more in some companies, depending on the attitude of the company officers.

B. Safety

Focus group participants indicated that although sexual assault occasionally happens at the Academy, unlike sexual harassment, sexual assault is an obvious act, easily recognized by both male and female students. Overall, participants in the focus groups indicated they feel safe at the Academy. They indicated that while being able to lock their doors at night might help some

¹⁵⁰ For purposes of summarizing focus group findings, issues dealing with mechanics of reporting and reasons for not reporting are combined into one discussion section.

women feel safe from sexual assault, there is still some confusion about the specific requirements and enforcement of the locked-door policy.

C. Mechanics of Reporting and Reasons for Not Reporting

Participants in the focus groups indicated that they knew how to report an incident through their Sexual Assault Victim Intervention (SAVI) representative. They understood the conceptual difference between Restricted and Unrestricted Reporting of sexual assault, although they did not recognize the terms. There was also some lack of clarity in describing the role of the SAVI program and reporting procedures. Participants in the focus groups indicated they would be inclined to avoid reporting sexual harassment. Doing so is viewed as a serious act that could cause the person making the report to be labeled a troublemaker for their Academy career. Participants also indicated that someone might decide not to report an incident of sexual harassment because the process can be time consuming and involve many other people. Some participants believed the reporting system would protect the victim of a sexual assault, but not necessarily deal fairly with the accused person. They indicated varying levels of trust in how well the reporting system deals with reports of sexual harassment.

D. Training

Participants in the focus groups indicated that they receive a significant amount of training on the issues of sexual harassment and sexual assault. They indicated that having engaging speakers is a good way to present information about sexual assault or sexual harassment. The most effective speakers were dynamic, presented thought-provoking information, involved the audience, or shared real-life experiences. Participants indicated that the least effective training method involved PowerPoint briefings. Additionally, some women participants indicated they would like to receive training on what to do if a victim of sexual harassment or sexual assault comes to you as a friend. Some participants also expressed a desire for more information about sexual harassment, rather than always focusing on sexual assault.

E. Future Leader Preparation

Some focus group participants indicated that they would welcome training specifically designed to help them deal with situations they might encounter when they have their own command. Others indicated that they do not need any additional special training on dealing with sexual assault or sexual harassment as a leader.

F. Communication from the Academy

Focus group participants indicated that while they receive frequent emphasis on sexual assault and sexual harassment prevention and response from the Superintendent, they receive very little information about specific cases of sexual assault or sexual harassment. As a consequence, they

tend to rely on the rumor mill for information. While participants in the focus groups recognized the importance of maintaining confidentiality, they also indicated a desire for official information about specific incidents that would dispel rumors and explain what really happened. Receiving specific information about cases after the fact (to protect anonymity) would be useful to focus group participants, as long as they hear it before their parents and the general public.

G. Use of Alcohol

Participants in the focus groups indicated that alcohol almost always plays a role in situations of sexual assault, and sometimes in situations of sexual harassment. There was general agreement among participants that being under the influence of alcohol is not an excuse for sexual assault or sexual harassment nor does it absolve anyone from fault. They indicated that alcohol policies are intended to prevent students from abusive drinking, but work just the opposite for some. Participants indicated they are frustrated in that current alcohol policies penalize students who have been drinking even if their behavior is otherwise within Academy standards and also penalize non-drinkers who help friends who have been drinking. They indicated they favor alcohol policies that allow them to drink and act responsibly.

H. Dating Relationships

Women in the focus groups indicated that the rules regarding dating and relationships among midshipmen are appropriate and necessary. However, due to those rules, midshipmen couples sometimes “sneak around” and/or break the rules. Those rule violations are perceived to be tolerated to a certain degree. Some male participants reported that they completely avoid dating female midshipmen because of the potential problems it could cause.

United States Air Force Academy

Sexual Assault Prevention and Response Program Assessment73

A. Sexual Assault Prevention and Response Program	73
B. Resources for Victims	76
C. Training and Prevention	81
D. Oversight	82
E. Military Justice	83
F. Chain of Command.....	86
G. Addressing Victim Collateral Misconduct	87
H. Academy Program Year 2007-2008 Plan of Actions	87

Sexual Harassment Program Assessment.....89

A. Definition of Sexual Harassment.....	89
B. Sexual Harassment Policy	89
C. Program Overview and Organization	90
D. Education	90
E. Complaint Options.....	90
F. Assessment Results.....	91
G. Recommendations	91

DMDC Focus Group Overview94

A. Sexual Assault and Sexual Harassment.....	94
B. Safety.....	94
C. Mechanics of Reporting and Reasons for Not Reporting.....	95
D. Training.....	95
E. Future Leader Preparation	95
F. Communication from the Academy	96
G. Use of Alcohol.....	96

United States Air Force Academy Sexual Assault Prevention and Response Program Assessment

The United States Air Force Academy (USAFA) leadership has clearly demonstrated commitment to their Sexual Assault Prevention and Response Program through sustained and dedicated efforts. USAFA has done an outstanding job developing and continuously improving policies, procedures, and processes designed to prevent and respond to sexual violence in accordance with Department of Defense policies. An overview of the U.S. Air Force Academy's Sexual Assault Prevention and Response Program and our assessment of its effectiveness along with recommendations are detailed below. Policy compliance was measured against Department of Defense, Sexual Assault Prevention and Response Policy DoDD 6495.01, October 6, 2005 and DoDI 6495.02, June 23, 2006.

A. Sexual Assault Prevention and Response Program

1. Overview

The Sexual Assault Prevention and Response Program is administered by the Vice Commandant of Cadets on behalf of the Superintendent of USAFA. The Sexual Assault Response Coordinator (SARC)¹⁵¹ responds to all allegations of sexual assault involving any USAFA personnel and ensures appropriate agencies are notified for appropriate action.¹⁵² SARC services are available 24 hours a day, seven days a week (24/7) via the sexual assault response hotline. An Academy Response Team (ART) provides immediate support to victims of sexual assault. At USAFA, the ART is divided into two tiers: Tier 1 for immediate responders and Tier 2 for consultation, short-notice response, and long-term case management.¹⁵³

Reporting

Initial reports are made directly to the SARC or a Victim Advocate (VA). Unless a victim declines assistance from the VA or the SARC, the VA/SARC provides the victim with accurate information on the sexual assault response process, including the options of Unrestricted and Restricted Reporting. The VA/SARC also provides information on available healthcare,

¹⁵¹ Department of The Air Force Policies and Procedures for the Prevention of and Response to Sexual Assault, 3 June 2005, page 4, Section 4.12.

¹⁵² There are also an assistant SARC and two Victim Advocates.

¹⁵³ Tier 1 includes oversight by the Vice Commandant for Strategic Programs, team leadership from the SARC and team membership of the Victim Advocate Coordinator, Victim Advocate, Judge Advocate Liaison, and an Office of Special Investigations (OSI) Liaison. Tier 2 is composed mainly of representatives from the Academy Counseling Center, Security Forces, Chaplains, OSI, medical group, and legal representatives and members from the Prep School. (Per the USAFA data-call master binder, Tab 2.)

including a forensic medical examination for the collection of evidence.¹⁵⁴ The VA and SARC monitor cases through final disposition and resolution, while ensuring the victim's well-being and health concerns are addressed.

*Restricted Reporting*¹⁵⁵

Restricted Reporting is an option for victims to confidentially disclose the occurrence of a sexual assault without triggering an official investigation and without being personally identified in the subsequent command notification. Restricted Reporting offers victims access to appropriate care, treatment, advocacy, and support. It is available to military victims who report to a SARC, VA, or healthcare provider. As soon as a report is made, the SARC assigns a VA, who in turn immediately contacts the victim. The role of the SARC and the VA is to explain available options and resources and support the victim through the reporting process regardless of which option they choose.¹⁵⁶ A report may also be made to a chaplain. A report made to a chaplain is not a Restricted Report under DoD SAPR policy, but is a communication that may be protected under the Military Rules of Evidence or applicable statutes and regulations.¹⁵⁷ Within 24 hours of receipt of a Restricted Report resulting from a sexual assault, the SARC notifies the Vice Wing Commander that a Restricted Report was made. The SARC provides only non-identifying information to the Vice Wing Commander.¹⁵⁸ Commanders may use this information to enhance preventive measures, enhance education and training of their personnel, and closely scrutinize their organization's climate and culture for factors that may have contributed to the sexual assault.¹⁵⁹

Unrestricted Reporting

An Unrestricted Report is any report of a sexual assault made through normal reporting channels, including the victim's chain of command, law enforcement, the Air Force Office of Special Investigations (AFOSI) or other criminal investigative service, and a SARC or healthcare provider wherein the individual does not elect Restricted Reporting. Even in Unrestricted Reporting situations, should a report of a sexual assault be initially made to someone other than the SARC, the SARC is to be immediately notified and the SARC will promptly assign a VA to assist the victim.

¹⁵⁴ As explained in *Department of The Air Force Policies and Procedures for the Prevention of and Response to Sexual Assault*, 3 June 2005, section 5.3.2.

¹⁵⁵ USAFA implemented a Restricted Reporting option on 14 June 2005.

¹⁵⁶ DoDD 6495.01, Section 4.5, 6 October 2005. It is DoD policy to encourage Unrestricted Reports through a systemic approach that supports the victim from the moment of the initial report through the military justice process.

¹⁵⁷ *Department of The Air Force Policies and Procedures for the Prevention of and Response to Sexual Assault*, 3 June 2005, page 11.

¹⁵⁸ The SARC provides date, time (night or day), and general information as to location, number of alleged assailants and victims, and the nature of assault.

¹⁵⁹ Commanders may not investigate a reported sexual assault incident based on this information.

2. Assessment

COMPLIANCE: *USAFA is in compliance with DoD SAPR policy.*

The procedures that a USAFA cadet should follow for reporting a sexual assault comply with DoD SAPR policy. Current procedures identify to whom a report is made, the appropriate contact information, and an explanation of the option for Restricted Reporting. USAFA maintains a 24/7 response capability for victims of sexual assault. USAFA should continue to publicize the differences between, and the benefits of, the Restricted and Unrestricted Reporting options in materials and briefings provided to cadets.

The perception remains among some personnel¹⁶⁰ that victims hesitate to report being sexually assaulted due to a concern that they will experience retaliation by their command in the form of punishment for collateral misconduct. DoD SAPR policy allows command action on collateral misconduct to be delayed until after final disposition of the sexual assault case. The option for a delay in victim punishment was established to encourage command to consider the full spectrum of justice actions available in a given case. A command that is seen as fair and balanced in its response to sexual assault is more likely to create an environment that will not deter reporting.

- **To address any perception of retaliation through punishment for collateral misconduct, it is recommended that USAFA continue to emphasize, and publicize as appropriate to cadets and commanders, the DoD SAPR policy on collateral misconduct. Commanders should remain vigilant in this regard, and continue to be mindful that action on collateral misconduct may be delayed until final disposition of the sexual assault case. When practical, commanders should consider victims' input and consult with the servicing legal office and AFOSI before administering punishment. Command should notify the assigned VA or SARC prior to taking action affecting the victim as well.¹⁶¹**

¹⁶⁰ Per on-site interviews of Academy personnel, April 2007.

¹⁶¹ DoDI 6495.02, 23 June 2006, Enclosure 3, Subsection E3.2.12 states, "Ensure commanders understand that taking action on victim collateral misconduct may be delayed until final disposition of the sexual assault case. Military Services will also ensure procedures are established that do not penalize commanders or organizations for delaying actions for collateral misconduct by the victim. Commanders must also be mindful of any potential trial and/or statute of limitations concerns when determining whether to defer action."

B. Resources for Victims

1. Overview

Medical and Mental Health

Medical care for a victim of sexual assault at USAFA commences when the patient arrives at a medical facility and reports an incident. The healthcare provider evaluates the patient for emergent medical needs and contacts the SARC. The SARC counsels the patient concerning the reporting options and ascertains the type of report the victim chooses to make (Restricted or Unrestricted). Notifications are made according to the checklist for each type of reporting. Patients may choose to undergo or decline a forensic exam with both Restricted and Unrestricted Reporting.¹⁶² The SAFE kit is then transferred via chain of custody to the AFOSI for storage.

Legal

There is a Legal Liaison available within the Staff Judge Advocate's office. The Legal Liaison for SARC issues (at USAFA, this position is referred to as the "JA Liaison assigned to the ART"), serves as a resource for all ART members, Victim Advocates, hospital personnel, and investigators.

The Victim Liaison for the Victim and Witness Assistance Program (VWAP)¹⁶³ is a valuable resource for sexual assault victims.¹⁶⁴ The Victim Liaison assists sexual assault victims with navigating the military justice system and with exercising their legal rights. In addition, a sexual assault victim in the military may benefit immensely from having this source to discuss the intricacies of the legal process.¹⁶⁵

Legal Assistance Attorneys are available to provide cadets with personal, non-criminal legal assistance. A sexual assault victim in the military may benefit from having this source of legal advice.¹⁶⁶

¹⁶² 10 MDG Instruction 44-32, 11 April 2006. A Sexual Assault Nurse Examiner is available at Memorial Hospital.

¹⁶³ The Staff Judge Advocate's office is the proponent for the Victim-Witness Assistance Program per U.S. Air Force Instruction 51-201, 26 November 2003.

¹⁶⁴ Based on interviews with Academy Personnel in April 2007 and AFI 51-201, 26 November 2003, Chapter 7: 7.a. and 7.c.

¹⁶⁵ Neither the VWAP Victim Liaison (if an attorney) nor the JA Liaison is authorized to enter into an attorney-client relationship with a victim. Any communications between the victim and the VWAP Victim Liaison or JA Liaison are not confidential.

¹⁶⁶ Legal Assistance Attorneys are not authorized to enter into an attorney-client relationship with a victim for the purpose of discussing the military justice aspects, including collateral misconduct, of a sexual assault. Victim statements involving a previously unreported sexual assault or collateral misconduct involved in a sexual assault would not be confidential or considered as confidential reporting. An Area Defense Counsel and sexual assault victim can enter a confidential, attorney-client relationship for the purpose of discussing collateral misconduct associated with the sexual assault.

Chaplains

Chaplains have authority under military law to have privileged, confidential communications with victims of sexual assault. Under Military Rules of Evidence 503, a communication from a victim to a chaplain is a confidential communication if disclosed to a clergyman or a clergyman's assistant in his or her official capacity as a formal act of religion or as a matter of conscience.

There are 10 chaplains assigned to the cadet area, with one chaplain specifically assigned as a liaison to the ART.

Community Collaboration

A Memorandum of Agreement (MOA) between USAFA and Memorial Hospital was signed on November 4, 2006. The MOA defines the procedures that civilian Sexual Assault Nurse Examiners (SANEs) must follow when conducting medical and forensic examinations for USAFA personnel who are victims of sexual assault. The MOA does not create additional jurisdiction, nor does it limit or modify existing jurisdiction vested in the parties. Additionally, a patient transfer agreement between Memorial Health System (an Enterprise of the City of Colorado Springs) and the USAFA Hospital were established in 2006 for the purpose of transferring and receiving patients at each facility.¹⁶⁷

Additional mental health resources are available through an MOA between USAFA and TESSA, (a local sexual assault and domestic violence crisis center) to provide confidential advocacy, therapy (group or individual), safe housing, and/or other services depending on the victim's needs and interests. This organization also provides information regarding the SARC, the Family Advocacy Program (FAP), and other resources at USAFA available to USAFA victims of sexual assault.

Case Management Committee

A multi-disciplinary case management group, chaired by the SARC, meets bi-weekly to review Unrestricted Reporting cases, improve reporting, facilitate victim updates, discuss process improvement to ensure system accountability, and victim access to quality services, as needed. The group membership includes the SARC, VA, Air Force Office of Special Investigations (AFOSI), Security Forces, Medical Group (including mental health), Chaplains, Judge Advocate (JA), and each reporting victim's commander, as required. Under Restricted Reporting, the group membership is limited to the SARC, the assigned VA, and a Medical Group member. The case management group reviews sexual assault trends for the area of responsibility, including consideration of the environmental information provided to command under Restricted

¹⁶⁷ Patient Transfer Agreement sample provided at Tab 26, USAFA master binder, SAPRO data-call, 17 April 2007.

Reporting. The committee reports to the Vice Commandant for Culture and Climate (Vice Wing Commander equivalent) weekly and may make recommendations.¹⁶⁸

2. Assessment

COMPLIANCE: USAFA is in compliance with DoD SAPR policy.

Concern was expressed that the personnel available to serve sexual assault victims are stretched too thin and that assigning replacements for vacant positions will positively impact the quality of the program and timeliness of services to victims.¹⁶⁹ Overall manning constraints resulted in the deletion of both a full-time JAG and OSI liaison being assigned to the ART. However, both the OSI and JAG are supportive of the USAFA sexual assault response program and currently rotate these duties.

- **It is recommended that a full time Legal Officer be assigned to the ART.**
- **It is recommended that the Superintendent in concert with the Headquarters Air Force (HAF) ensure that appropriate resources continue to be allocated for the USAFA SAPR Program, and that replacements for departing personnel be assigned in a timely manner, as this is key to sustainability.**

Medical and Mental Health

Resources for victim care are available and accessible on base and comply with SAPR policy. Information outlining the Academy's SAPR Program and available resources is displayed in USAFA and the military installation's public areas, as well as advertised in training materials. Local community resources¹⁷⁰ are also available and accessible to cadets and are advertised along with Academy resources. There are strong working relationships with the local community of hospitals and care providers.

Medical care is available on base. The military treatment facility's emergency room nurses are trained in sexual assault response care, including the importance of preserving forensic evidence. However, sexual assault forensic exams (SAFEs) are performed in the local community by a civilian Sexual Assault Nurse Examiner (SANE) at Memorial Hospital. This service is available 24/7. SAFE kits are stored according to DoD policy.¹⁷¹

In compliance with DoD policy, a Memorandum of Agreement (MOA) exists between the USAFA and off-base resources. The SARC/ART maintains what appears to be a good working

¹⁶⁸ Department of The Air Force Policies and Procedures for the Prevention of and Response to Sexual Assault, Section 4.17, 3 June 2005.

¹⁶⁹ Based on interviews with Academy personnel, April 2007.

¹⁷⁰ TESSA Rape Crisis Center; Memorial Hospital System of Colorado Springs, Colorado.

¹⁷¹ DoDI 6495.02, Enclosure 4, 23 June 2006.

relationship between Academy personnel, Memorial Hospital, and the TESSA Rape Crisis Center.¹⁷² Off-base sexual assault data is shared with USAFA SARC for tracking purposes. Combined training is held to ensure that the civilians working with the military are familiar with military culture and processes.

Community Collaboration

The Academy remains actively engaged with the surrounding civilian community, by maintaining membership in the Colorado Coalition Against Sexual Assault (CCASA); by attending quarterly meetings of the Sexual Assault Coalition (a Colorado Springs sexual assault group of helping agencies); and by credentialing its Victim Advocate Coordinator through the local chapter of NOVA (National Organization of Victim Advocates). The Academy's involvement with the community and its resources underscores USAFA's commitment to caring for victims and ending sexual violence.

Despite a strong MOA and combined training, the off-base agencies appear to be lacking a thorough understanding of military culture and processes. The people interviewed indicated that the military way of doing things is somewhat esoteric to them. Greater knowledge of the military and its policies and procedures is needed in order for the local community to be truly integrated into USAFA's sexual assault program.

- **It is recommended that USAFA strengthen its cross-training with local community resources on each other's roles, the roles of command, the military justice system, the military's policies and procedures respecting the SAPR Program, as well as pertinent aspects of military culture and customs.**¹⁷³

Legal

The JA Liaison is assigned to the ART and is a valuable resource for all ART members, VAs, hospital personnel, and investigators. The Victim Liaison for VWAP is a valuable resource for sexual assault victims.¹⁷⁴ However, this service is not consistently listed on information made available to cadets.¹⁷⁵

¹⁷² Cadets wishing to use TESSA services must travel off the USAFA grounds. This inconvenience may prohibit cadets from full access to this community resource.

¹⁷³ DoDI 6495.02, 23 June 2006, Subsection E3.2.10.1-5 provides guidance for maintaining a liaison with civilian sexual assault victim resources and establishing MOU's.

¹⁷⁴ AFI 51-201, Chapter 7.

¹⁷⁵ Based on review of the data-call, April 2007.

- **It is recommended that the contact information for the VWAP Victim Liaison (assigned to the Staff Judge Advocate's Office) be advertised as a resource for sexual assault victims.**¹⁷⁶

The Victim Liaison is a valuable resource for sexual assault victims who make Unrestricted Reports. The position plays a critical role in assisting sexual assault victims with navigating the military justice system and with exercising their legal rights.¹⁷⁷ Under the Victim-Witness Assistance Program, the Staff Judge Advocate is responsible for ensuring that victims and witnesses understand and are given assistance with exercising their legal rights as appropriate, during the military justice process beginning with the investigation process until the case is resolved.¹⁷⁸ At USAFA, there appeared to be some confusion over the differences in the roles and the individuals serving the roles of the VWAP Victim Liaison and the JA Liaison.¹⁷⁹

- **It is recommended that the relationships between the SARC, VA, JA Liaison, and VWAP Victim Liaison be strengthened through cross-training, and that all training materials be reviewed to ensure that each role is clearly defined and understood.**¹⁸⁰

Legal Assistance Attorneys are a valuable resource to cadets. A sexual assault victim in the military may benefit from having this source of legal advice.¹⁸¹

¹⁷⁶ DoDI 6495.02, Subsection 5.7.3 states that the Secretaries of the Military Departments shall “publicize policies and procedures for reporting a sexual assault and provide information regarding the availability of medical treatment, advocacy, and referral services.”

¹⁷⁷ Victims' Rights law was enacted to ensure victim participation in the criminal justice process. As identified in DD Form 2701, May 2004, these include: (1) The right to be treated with fairness and with respect for your dignity and privacy; (2) The right to be reasonably protected from the accused offender; (3) The right to be notified of court proceedings; (4) The right to be present at all public court proceedings related to the offense, unless the court determines that your testimony would be materially affected if you as the victim heard other testimony at trial; (5) The right to confer with the attorney for the government in the case; (6) The right to available restitution; (7) The right to information about the conviction, sentencing, imprisonment, and release of the offender.

¹⁷⁸ The Staff Judge Advocate's office is the proponent for the Victim-Witness Assistance Program per U.S. Air Force Instruction 51-201, 26 November 2003.

¹⁷⁹ Neither the VWAP Victim Liaison (if an attorney) nor the JA Liaison are authorized to enter into an attorney-client relationship with a victim. Any communications between the victim and the VWAP Victim Liaison or JA Liaison are not confidential.

¹⁸⁰ DoDI 6495.02, 23 June 2006, Subsections E6.3.2, E6.3.2.3, E6.3.2.6, states that the VA shall receive training on knowledge of the military justice system, overview of the criminal investigative process and military judicial and evidentiary requirements, and Victim Rights and the role of the victim in accountability actions and limitations on accountability actions created by Restricted Reports. Additional guidance is provided in Subsection E10.1, Attachment 1 to Enclosure 10, “VA Sexual Assault Response Protocol Checklist.” This states that the VA should provide ongoing assistance by assisting the victim in gaining access to service providers and victim support resources that can help the victim explore future options and prioritize actions; assist the victim in contacting appropriate military and civilian legal offices for personal legal advice and assistance specific to the victim's circumstances or cases; consult and work with the assigned VWL as applicable, and accompany the victim to appointments and civilian and military court proceedings, as appropriate and when requested by the victim.

- **It is recommended that SARCs, VAs, and VWAP Victim Liaisons provide victims with Legal Assistance Attorney contact information and a brief explanation of the service they can provide.**

Chaplains

Chaplains are a valued resource for victims of sexual assault and their ability to have confidential communications¹⁸² is publicized to the cadets. Currently, there are 10 chaplains assigned to the cadet area. USAFA uses its chaplains appropriately, and publicizes their availability to the cadets.

C. Training and Prevention

1. Overview

USAFA administers ongoing sexual assault awareness and prevention training to all cadets and ART members based on a recurring annual training plan.¹⁸³ The SARC assists the Commander in meeting annual training requirements, conducting newcomer and orientation briefings, and providing community education about available sexual assault prevention and response services.¹⁸⁴

The requirement for annual and periodic mandatory education and training in SAPR at USAFA is implemented through the SARC, with assistance from the Academy Counseling Center. Training events are structured using a four-year, developmental plan, and are delivered throughout the academic year. The training plan describes topics to be given to each of the four cadet classes, all faculty, and Commandant's staff members who interact with cadets. The training program is continually reviewed for improvements.

2. Assessment

COMPLIANCE: USAFA meets and exceeds DoD SAPR policy.

¹⁸¹ Legal Assistance Attorneys are not authorized to enter into an attorney-client relationship with a victim for the purpose of discussing the military justice aspects, including collateral misconduct, of a sexual assault. Victim statements involving a previously unreported sexual assault or collateral misconduct involved in a sexual assault would not be confidential or considered as confidential reporting. An Area Defense Counsel and sexual assault victim can enter a confidential, attorney-client relationship for the purpose of discussing collateral misconduct associated with the sexual assault.

¹⁸² Under Military Rules of Evidence 503, a communication from a victim to a chaplain is a confidential communication if disclosed to a clergyman or a clergyman's assistant in his or her official capacity as a formal act of religion or as a matter of conscience.

¹⁸³ USAFA Sexual Assault Prevention and Response Program Curriculum APY 2007, USAFA Sexual Assault Awareness and Prevention Training Plan, USAFA mater binder, SAPRO data-call, Tab 1, page 1.

¹⁸⁴ Department of The Air Force Policies and Procedures for the Prevention of and Response to Sexual Assault, 3 June 2005, Subsection 4.13.1.

USAFA has developed an extensive training curriculum¹⁸⁵ to promote awareness in sexual assault prevention and response. Measures are in place to ensure qualification of instructors and responsible points of contact, effective training for all cadets, and availability of appropriate resources. The training in the Four-Year Developmental Plan starts with basic policy early in a cadet's career, moves on to discussions with sexual assault survivors, and culminates with thought-provoking and challenging real-life stories that do not have clear "right" and "wrong" answers.

Additional training includes: a USAFA SAPR Policy and Reporting Process briefing for all incoming personnel; new faculty orientation with a focus on how to deal with cadets who present themselves as possible sexual assault victims; and deployment briefings for cadets and permanent personnel wherein cadets are provided with SARC contact information for the deployed location. The Academy Counseling Center also participates in the deployment reintegration process when personnel return to USAFA. USAFA Prep School training includes the SAPR Policy the reporting process for cadet candidates, and focused training for faculty.

Additional training takes place with other Academy personnel at USAFA.¹⁸⁶ Outstanding USAFA efforts have been made by instituting awareness campaigns in a variety of venues, such as Basic Cadet Training in-processing for new cadets and their parents; information fairs; faculty and cadet handbooks; pocket-sized crisis cards/policy cards; SARC posters; informational plays; and Sexual Assault Awareness Month activities.

D. Oversight

1. Overview

The Assistant Secretary of the Air Force for Manpower and Reserve Affairs (SAF/MR) serves as an agent of the Secretary of the Air Force and provides guidance, direction, and oversight for all matters pertaining to the formulation, review, and execution of plans, programs, and budgets addressing sexual assault for the Air Force. The Deputy Chief of Staff for Manpower and Personnel (AF/A1) is the primary Headquarters Air Force focal point for reporting on program accomplishment. The Superintendent and Commandant provide local oversight, serving as active champions of the program. The Vice Commandant of Cadets for Culture and Climate is functionally responsible for the sexual assault prevention and response program and ensures that adequate resources are available. The SARC reports directly to the Vice Commandant and supervises the Academy Response Team (ART). AFOSI has independent oversight by the Air Force Inspector General. The Air Force General Counsel establishes legal policy and provides legal oversight and guidance for all aspects of sexual assault policy, and other matters related to

¹⁸⁵ See *Report on Sexual Harassment and Violence at the U.S. Air Force Academy, Academic Program Year 2006*, 13 October 2006, for complete list.

¹⁸⁶ *Report on Sexual Harassment and Violence at the U.S. Air Force Academy, Academic Program Year 2006*, 13 October 2006: "Newcomer's Orientation and New Faculty Orientation," etc., page 12.

sexual assault as needed, except those matters related to the administration of military justice. The Judge Advocate General is responsible for ensuring proper training of judge advocates and trial counsel in sexual assault matters. TJAG is the responsible official for administration of the Victim and Witness Assistance Program. The quality of medical care is assured by USAFA military treatment facility Chief of Staff, and the USAFA Chief of Chaplains supervises the activities of chaplains assigned to the installation.

2. Assessment

Appropriate mechanisms are in place both at Headquarters Air Force and USAFA to ensure oversight of the effectiveness of the sexual assault prevention and response program at USAFA.¹⁸⁷

E. Military Justice

1. Overview

In the case of an Unrestricted Report, allegations of sexual assaults are investigated by the AFOSI. AFOSI holds primary responsibility for evidence collection during sexual assault investigations. In cases of Restricted Reporting, AFOSI stores SAFE kits anonymously for up to one year. Agents gather facts, preserve evidence, and provide a report of investigation to the accused's commander. The commander then consults with the Staff Judge Advocate before making a decision about what legal action should be taken. AFOSI maintains an office at USAFA, but its chain of command is independent and outside the command structure of USAFA.

The Staff Judge Advocate Office has a Chief of Military Justice who assists in advising commanders on case dispositions. The Staff Judge Advocate normally appoints a member of his office as Trial Counsel (prosecutor) to prosecute appropriate cases and further advise commanders on the specific sexual assault case to which he or she is assigned. Two Area Defense Counsel, who are independent from the Office of the Staff Judge Advocate and the command structure, are also present at the Academy to defend cadets accused of sexual misconduct.

¹⁸⁷ Based on review of the data-call and site-visits in April 2007.

Reports of Sexual Assaults Involving Cadets: APY 2006-2007

USAFA APY 2006/2007 REPORTS OF SEXUAL ASSAULT (Rape, sodomy, indecent assault, and attempts to commit these offenses) INVOLVING CADETS	Rape	Sodomy	Indecent Assault	Attempts	Unknown	APY 2006/2007 Totals
# REPORTS OF SEXUAL ASSAULT (Total reported sexual assaults INVOLVING CADETS) - UNRESTRICTED AND RESTRICTED	7	2	10	0	0	19
# UNRESTRICTED REPORTS OF SEXUAL ASSAULT (Total reported sexual assaults BY or AGAINST Cadets)	4	2	4	0	0	10
# Restricted Reports	6	0	7	0	0	13
# Converted from Restricted Report to Unrestricted Report	3	0	1	0	0	4
# 2007 RESTRICTED REPORTS REMAINING RESTRICTED	3	0	6	0	0	9

Cases identified above represent only those sexual assault cases reported to Academy officials. As such, there is insufficient data to interpret these statistics or to make comparisons or to estimate the incidence and prevalence of sexual assault.

Case Disposition

During APY 2006-2007 the SARC received 13 Restricted and 6 Unrestricted Reports. Four Restricted Reports converted to Unrestricted so that by the end of the APY there were nine Restricted Reports and ten Unrestricted Reports.

*Unrestricted Reports Case Disposition (as of 15 Oct 2007)**Rape*

Of the four allegations, two victims declined to go forward with the legal proceedings. The cases were not legally sufficient to pursue without the victims' assistance and cooperation. One of the two remaining cases moved to an Article 32 hearing pending disposition. The second case is pending command action.

Sodomy

Of the two allegations both cases are outside of USAFA jurisdiction pending trial in civilian court.

Indecent Assault

Of the four allegations, two resulted in non judicial punishment (Article 15), one case is pending administrative action and one is outside USAFA jurisdiction.

2. Assessment

COMPLIANCE: *USAFA is in compliance with DOD SAPR policy.*

APY 2006-2007 was the first full year wherein cadets had the Restricted Reporting option. Six cadets chose to report and receive care under Restricted Reporting, which indicates the

protections afforded under this option have credibility with victims of sexual assault. The goal of the DoD SAPR policy is to build sufficient victim confidence in the military justice system and the support provided victims that all sexual assault reports will initially be Unrestricted Reports or become Unrestricted Reports following a victim's initial decision to elect the Restricted Reporting option.¹⁸⁸ Consequently, DoD SAPR Policy supports law enforcement and criminal justice procedures that hold people accountable for their actions.

- **It is recommended that the SARC inquire into the reasons why victims are choosing not to convert to Unrestricted Reporting and why victims withdraw their cooperation after making an Unrestricted Report. Report this information through appropriate Service channels to DoD SAPRO beginning at the end of this current academic program year without disclosing particular information or details from which one could determine the identity of a victim.**¹⁸⁹

Air Force Office of Special Investigations (AFOSI)

Forensic evidence was collected from one victim who elected to file a Restricted Report. AFOSI stores anonymous evidence for up to one year, in compliance with DoD SAPR policy. AFOSI provides all crime victims and witnesses with the *Initial Information for Victims and Witnesses of Crime* pamphlet¹⁹⁰ which explains the investigative process and lists victims' rights and points of contact. The VWAP is responsible for assisting crime victims from the onset of an investigation throughout the military justice process.¹⁹¹ AFOSI agents rely on VAs to coordinate victim interviews and victim assistance and appear to rely on VAs to assist with victim's rights. However, the JA Liaison is the position that is responsible for protecting victim's rights during the investigative and judicial process.

- **It is recommended that training and procedures for SARCs, VAs, and investigators emphasize that the JA Liaison should be contacted immediately in every Unrestricted Report. All parties should understand that the JA Liaison assists victims in understanding and protecting their legal rights and navigating the criminal justice system.**¹⁹²

¹⁸⁸ SAPR policy DoDD 6495.01, 6 October 2005, Section 4.5 states that it is DoD policy to encourage complete, unrestricted reporting of sexual assaults.

¹⁸⁹ Implementation of this recommendation should not put undo pressure on victims or cause them to be re-traumatized.

¹⁹⁰ DD Form 2701, May 2004.

¹⁹¹ DoDD 1030.01, 13 April 2004; DoDI 1030.2, 4 June 2004.

¹⁹² Under SAPR policy DoDI 6495.02, 23 June 2006, Enclosure 10, "VA Checklist," the VA consults and works with the assigned Victim/Witness Liaison as applicable.

Prosecution

The Office of the Staff Judge Advocate (SJA) is in compliance with DoD SAPR policy and appears very engaged in the sexual assault justice process.¹⁹³

Trial Counsel, Legal Liaison, Legal Assistance Attorney, and Victim Witness Liaison responsibilities all fall under the SJA Office. The support from this office is critical in building confidence in the criminal justice system, particularly for sexual assault victims. The individual roles of each of the above did not appear to be clearly understood by the key stakeholders nor fully integrated into training materials.¹⁹⁴

- **It is recommended that training curricula for permanent party be updated to highlight the roles performed by the Trial Counsel and the JA Liaison. It is further recommended that this training be used by the SJA office, commanders, and other multi-disciplinary agencies that assist victims.**

Specialized training for investigators and legal personnel¹⁹⁵ is provided by AFOSI and JAG offices, respectively, by bringing in local and national sexual assault resources.

The majority of sexual assault cases at USAFA involved alcohol.¹⁹⁶ Alcohol-facilitated sexual assault cases are among the most difficult to prosecute, in part because society has a tendency to blame the victim for the sexual assault due to the victim possibly drinking in excess and engaging in other risky behavior. Some of the challenges associated with prosecuting these difficult cases can be overcome by training in techniques that can be used at trial. USAFA sent Trial Counsel to specialized trainings on overcoming defenses based on consent, particularly in alcohol-facilitated sexual assault cases, and this is a practice that should continue.

F. Chain of Command

1. Overview

USAFA policies guide the chain of command's implementation of sexual assault prevention and response, and cover victim care and offender accountability.

2. Assessment

COMPLIANCE: USAFA is in compliance with DoD SAPR policy.

¹⁹³ Based on the interview with the trial counsel who handled the two courts-martial. He had attended two trainings on alcohol-facilitated sexual assault and appeared genuinely upset by the acquittals. Also, SJAs inform the victims of case outcomes and appeared very aware of the dynamics involved in working these cases.

¹⁹⁴ Per on-site interviews in April 2007 and review of the data-call.

¹⁹⁵ Legal personnel include judges, victim-witness personnel, and legal assistance personnel.

¹⁹⁶ As reported by SJA personnel during on-site interviews.

G. Addressing Victim Collateral Misconduct

1. Overview

Commanders are responsible for ensuring the victim's misconduct is addressed in a manner that is consistent with and appropriate to the circumstances. Commanders have the authority to determine the appropriate disposition of victim misconduct, to include deferring disciplinary action until after disposition of the sexual assault case.¹⁹⁷

2. Assessment

COMPLIANCE: *The Academy is in compliance with DoD SAPR policy regarding collateral misconduct.*¹⁹⁸

By being mindful that action on a victim's misconduct can be delayed until final disposition of the sexual assault case and considering the victim's input, USAFA balances the need for individual discipline and the need to create an environment that will not deter reporting sexual assaults.

H. Academy Program Year 2007-2008 Plan of Actions

1. Overview

USAFA has a plan of action for APY 2007-2008 regarding the prevention of and response to sexual harassment and sexual violence. Highlights include:

- Expanding the curriculum to include cadet feedback, as well as topics such as understanding consent, skills for effective bystander intervention, rape victim testimonies, and the link between alcohol and sexual assault.
- Contracting with nationally-recognized experts in campus safety, security and high-risk student health and safety issues to better expand and refine programs.
- Increasing ART manning and improving victim care potential by hiring new full-time SARC with prior MAJCOM SARC experience.
- Facilitating recurring dialogue with all service academies to share ideas, challenges, and best practices for addressing sexual assault and harassment issues.

¹⁹⁷ Department of The Air Force Policies and Procedures for the Prevention of and Response to Sexual Assault, 3 June 2005, page 16, Section 10.

¹⁹⁸ DoDI 6495.02, 23 June 2006, E3.2.11 and E3.2.12.

- Updating USAFAI 51-201 to formalize the USAFA SAPR Program and ART process, upon release of the Air Force SAPR Instruction.

2. Assessment

The USAFA leadership has clearly demonstrated commitment to their sexual assault prevention and response program through sustained and dedicated efforts. The USAFA plan for next year continues to build on an outstanding foundation established in the prevention of and response to sexual harassment and violence. The plan reinforces the policies of both DoD SAPRO and the AF SAPRO. Continued aggressive training and education on the topics of sexual harassment, sexual violence and misuse of alcohol, coupled with the support of leadership will provide the cadets with a climate that does not tolerate any form of sexual harassment and violence. The faculty and staff at USAFA are committed to the implementation and support of DoD SAPR policy. Considering the recommendations in this assessment will further enhance their dynamic SAPR Program.

United States Air Force Academy Sexual Harassment Program Assessment

A. Definition of Sexual Harassment

DoD and the Air Force define sexual harassment as:

- “Sexual harassment is a form of sexual discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 1. Submission to, or rejection of, such conduct is made either explicitly or implicitly a term or condition of a person’s job, pay, career, or
 2. Submission to, or rejection of, such conduct by a person is used as a basis for career or employment decisions affecting that person, or
 3. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creates an intimidating, hostile, or offensive working environment.
- Any person in a supervisory or command position who uses or condones implicit or explicit sexual behavior to control, influence, or affect the career, pay, or job of a Soldier or civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature is engaging in sexual harassment.”

B. Sexual Harassment Policy

USAFA’s policy on sexual harassment is spelled out in HQ USAFA/CC Policy on Sexual Harassment Memorandum and on USAFA VA 36-1 (poster) which is posted to bulletin boards and briefed to the cadet classes. The policy states:

“The United States Air Force Academy’s policy on sexual harassment in any form is ‘zero tolerance.’ Any form of harassment or discrimination impedes our mission-preparing cadets to become leaders of character for the Air Force and Nation. Commanders and supervisors are accountable for creating an environment where individuals feel comfortable expressing their concerns. If anyone believes they are the victim of sexual harassment it is their duty and obligation to come forward and address their concerns without fear of reprisal or retaliation.”

C. Program Overview and Organization

- The 10th Air Base Wing Military Equal Opportunity Office (10 ABW/ME) is the central point of contact for sexual harassment concerns and complaints for all military personnel to include cadets and cadet candidates in accordance with Air Force Instruction (AFI) 36-2706.
- The primary objective of the program is to improve mission effectiveness by promoting an environment free from personal, social, or institutional barriers that prevent Air Force members from rising to the highest level of responsibility possible based on their individual merit, fitness, and capability.
- In August 2006, 10 ABW/ME opened a satellite office in the cadet area. Prior to that time, MEO interaction with cadets was sparse due to resource limitations of personnel and geographic distance (6 miles) to the cadet area.
- 10 ABW/ME regularly attends USAFA/CWP meetings with USAFA leadership of all levels to advise on human relations indicators which may impact the Cadet Wing.

D. Education

Prevention through human relations education is provided to USAFA cadets throughout the cadet's education process. Education begins within 30 duty-days of arrival, when cadets receive sexual harassment training by personnel trained by Defense Equal Opportunity Management Institute (DEOMI). Continued human relations training is a 4-year program consisting of formal instruction throughout the cadet's academic career.

E. Complaint Options

USAFA offers two methods of reporting sexual harassment complaints: Informal and Formal.

- Informal: The informal complaint process assists military personnel who have experienced sexual harassment attempt resolution at the lowest possible level. There are no time limits for filing informal complaints. Informal options include:
 1. Advising the alleged offender of the inappropriate behavior by verbal or written correspondence.
 2. Requesting intervention by a co-worker.
 3. Using the facilitation process to mutually resolve disputes.
 4. Requesting the Commander Worked Issue (CWI) process. Commanders, first sergeants and supervisors may address allegations of sexual harassment within a unit when a complaint has not been formally filed with the EO office.

- **Formal:** Military members use the formal complaint process to resolve allegations of sexual harassment using a set protocol that involves EO personnel. A formal complaint has strict time constraints. The EO office may take several steps to clarify complaints, and employ the SJA office for legal reviews. Once a complaint is received from the military member, an EO Specialist explains the EO purview, provides the definitions of sexual harassment and sexual assault, and gathers specific data to determine if the complaint or request is within the EO purview. The results of the clarification are forwarded to the complainant's commander for action. The wing commander has final review of the complaint package. The complaint process is posted on bulletin boards and is briefed to the cadet classes.

Between June 1, 2006 and May 31, 2007, 10 ABW/ME processed no formal sexual harassment complaints, but did process four Commander Worked Issues, relating to cadets or Cadet Wing permanent personnel.

F. Assessment Results

- USAFA sexual harassment policy is in compliance with DoD Directive 1350.2, DoD Military Equal Opportunity (MEO) Program, and AFI 36-2706, Military Equal Opportunity Program. A copy of the policy memorandum was posted permanently in the sections and unit bulletin boards examined. The Air Force offers a sexual harassment / unlawful discrimination hotline which is operated by the HQ AFPC/DDPSFOS ((800) 616-3775, DSN 665-5000). The hotline provides information on how and where to file complaints, and the kinds of behaviors that constitute sexual harassment.
- The EO Specialists assigned are graduates of the DEOMI, IAW DoD Directive and Air Force policy.
- USAFA cadets are receiving initial (within 30 duty-days of arrival) and follow-up training on sexual harassment and complaint procedures.
- USAFA follows the guidance for filing and processing of sexual harassment complaints outlined in AFI 36-2706 and DoD policy.

G. Recommendations

- **Increase EO authorizations.** Prior to August 2006, EO interaction with cadets was sparse due to resource limitations of personnel and geographic distance to the cadet area. The Academy leadership recognized this dilemma and opened a satellite office in the cadet area. However, AF directed a reduction of the EOA staff from five authorized billets to three. Note that USAFA included these billets in POM 2008, but they were not

funded. This potentially compromises the overall effectiveness of the program. It is recommended that funding be reexamined.

- **Align EO with the Superintendent's staff:** The EO regularly attends meetings and meets as needed with USAFA leadership of all levels to advise on human relations indicators which may impact the Cadet Wing. However, the EO is not a member of the Superintendent's staff, but is an asset of the 10 ABW. Aligning the EO to the Superintendent's staff would enhance accessibility and credibility of the EO program.
- **Limited confidential reporting for EO:**¹⁹⁹ As reported in both the *DoD Task Force Report on Care for Victims of Sexual Assault* and the 2004 *USAF Report of Sexual Assault Prevention and Response*, confusion in the field remains on what behaviors constitute sexual assault versus harassment. While the EO and SAPR personnel understand the difference, many cadets do not, despite the level or amount of training they have received. As a consequence, cadets may inadvertently report a case of sexual assault to the EO Advisors, who cannot currently offer confidential reporting for crimes. All criminal allegations must be reported to the Air Force Office of Special Investigations (AFOSI) or Security Forces (SF) as soon as they are received. This requirement to report could void the opportunity for sexual assault victims to select Restricted Reporting under the established sexual assault policy. As with the other Academies, it is recommended that each of the Military Departments and DoD examine granting limited confidential reporting (pertaining only to reports of sexual assault) to EO Advisors. Under such policy, EO Advisors would be required to notify the Sexual Assault Response Coordinator (SARC) instead of command, thus allowing the victim to be properly counseled on Restricted and Unrestricted Reporting options. Upon receiving an inadvertent report of sexual assault, the EO Advisors should stop victims from further describing the sexual assault and notify them that they should first speak with the SARC who will be able to explain their options. Until such confidential reporting issues can be fully addressed at DoD level, it is recommended that the Academies' EO offices, prior to receiving any complaint, warn cadets that EO Advisors have a responsibility to report all matters relating to sexual assault to law enforcement and to the commander. Below is an example of such a warning:

"I handle sexual harassment, not sexual assault issues. If you disclose something to me about a sexual assault, I must to report it to the commander and law enforcement. If you want to talk about a sexual assault, or you're not sure what the difference is between sexual harassment and sexual assault, I'll refer you to the Sexual

¹⁹⁹Confidential Reporting is defined in DoD SAPR policy DODI 6495.02, 23 June 2006, E2.1.1 as Restricted Reporting.

Assault Response Coordinator to make sure you understand your options."

United States Air Force Academy DMDC Focus Group Overview

Focus group sessions were conducted at the United States Air Force Academy (USAFA) on April 17-19, 2007. Questions were asked dealing with eight issues: sexual assault and sexual harassment, safety, mechanics of reporting, reasons for not reporting, training, future leader preparation, communication from the Academy, and use of alcohol.²⁰⁰ Eight focus group sessions were conducted at USAFA. Each session was scheduled for a 90-minute period. There was one session held for each gender for each class year, each with involving between eight and thirteen students. Caution must be applied to the review of the findings presented. The results are based on qualitative analysis—findings cannot be generalized to all students at USAFA.

A. Sexual Assault and Sexual Harassment

When asked to define sexual assault and sexual harassment, the bulk of the discussion centered on issues dealing with sexual harassment. Participants in the focus groups indicated that what constitutes sexual assault is well understood by students and is taken very seriously by everyone. They also indicated that sexual assault occurs infrequently, much less so than at civilian colleges. Focus group participants indicated that behaviors they defined as sexual harassment ranged from jokes, comments, rumors, explicit e-mails, and unwanted touching to “sexual favors for a reward.” They indicated, however, that it is difficult to define sexual harassment because specific actions and comments that offend one person do not necessarily offend another. Although there are often gender-related comments made by Academy students to each other, focus group participants indicated most were not thought to be sexual harassment. In situations where sexual harassment might occur at the Academy, it could result from students not being aware they are doing it or because women sometimes send mixed messages to the men regarding what is and is not acceptable. Participants in the focus groups indicated that Academy men consciously avoid situations that could lead to sexual harassment and sometimes go out of their way to make sure they are not creating situations which could be misconstrued. Focus group participants indicated that it is sometimes difficult to confront harassers directly. However, students often intervene for others, particularly younger cadets, in situations where sexual harassment could happen.

B. Safety

Focus group participants indicated that sexual assault is not common at the Academy and it happens less frequently than it does at other colleges. Focus group participants indicated they

²⁰⁰ For purposes of summarizing focus group findings, issues dealing with mechanics of reporting and reasons for not reporting are combined into one discussion session.

generally felt safe in the dorms and at most locations on campus. They do not feel a need to have a mandatory door locking policy at night.

C. Mechanics of Reporting and Reasons for Not Reporting

Participants in the focus groups indicated that they have a number of resources to call on should they ever experience an incident of sexual assault or sexual harassment. They indicated they understand the difference between Restricted and Unrestricted Reporting of sexual assault and know how to contact their SARC (Sexual Assault Response Coordinator). When asked why someone might not report an incident of sexual harassment, participants in the focus groups indicated that the person might prefer to handle it on their own or at least keep it to the lowest possible level. Participants in the focus groups indicated they would be more likely to report sexual assault than sexual harassment, but some indicated that if alcohol were involved they might not even report a sexual assault. They indicated they would have enough faith in the reporting system to trust that justice would be done in cases of sexual assault or sexual harassment. Some participants in the focus groups indicated that they were frustrated by the fact that the reporting system appears biased against the accused in a sexual assault case, especially when alcohol is involved.

D. Training

Whether they liked the training or not, some participants in the focus groups indicated that much of the sexual assault or sexual harassment training they currently receive is focused on response: what to do when an incident happens. Focus group participants indicated that receive a large amount of training on sexual assault or sexual harassment, despite the potential risk is that the severity of these issues could be compromised due to the excessive and tedious training. Focus group participants indicated that the most effective training methods included speakers who presented real life experiences discussion sessions, while PowerPoint briefings were among the least effective training methods. Additionally, training that resulted in male students feeling that “all men are predators/offenders” did not have a positive effect on gender relations. Focus group participants indicated that additional variety in the types of training sessions would improve the training they receive on sexual assault or sexual harassment.

E. Future Leader Preparation

Although most participants in the focus groups indicated that the wide range of experiences they receive at the Academy goes a long way toward preparing them for dealing with sexual assault or sexual harassment as leaders, some still felt they would like additional training on how to handle real-life scenarios, especially in a legal context.

F. Communication from the Academy

Focus group participants indicated that e-mail was the Academy's main form of communication to students about incidents of sexual assault or sexual harassment. However, some participants in the focus groups indicated they would prefer to receive information about incidents of sexual assault or sexual harassment in person. Participants in the focus groups indicated that they receive the right amount of information and an acceptable level of detail, given the need for confidentiality in cases of sexual assault or sexual harassment. Participants in the focus groups expressed their desire that communications from the Academy be given to students regarding issues sexual assault or sexual harassment before it reaches the press and general public.²⁰¹

G. Use of Alcohol

Focus group participants agreed that alcohol plays a role in situations of sexual assault or sexual harassment. They indicated that alcohol does not excuse either the victim or the offender in a sexual assault situation. However, they indicated that alcohol does "blur the line" between guilt and innocence. Some focus group participants indicated that drinking takes place because of normal rebellion against the rules and some indicated that drinking is the way some students respond to the stress of Academy life. Focus group participants indicated that the alcohol policies were reasonable and that students have dealt with drinking in a fairly responsible manner. Participants felt that stricter alcohol policies would not likely reduce the amount of drinking. They indicated that alcohol training focuses quite heavily on using a designated guardian or "wing man" to help students stay out of trouble when drinking, which is something they appreciate. When asked how training could be improved, some focus group participants, especially juniors, indicated that they would like the training to focus more on personal responsibility.

²⁰¹ As referenced in the first sentence, the Superintendent does in fact send out "cadet all" emails prior to public releases regarding sexual assault cases. In addition both the Superintendent and Commandant provide updates to cadets during class assemblies.

Report Conclusion

The Academies have made tremendous progress over the last few years in establishing robust and effective prevention and response programs for both sexual assault and sexual harassment. The records and interviews at the Academies reflect good-faith efforts by leadership to implement previous Task Force recommendations. Senior leaders, faculty, and staff at the Academies appear committed to the implementation and support of DoD SAPR and POSH policies. As the programs mature, MSA leadership needs to sustain their efforts through continued oversight, climate surveys, and initiatives to further institutionalize policies, procedures, and community collaboration.

Appendices

Laws Related to Sexual Assault Prevention and Response in the Military

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

UNITED STATES PUBLIC LAWS
109th Congress 2nd Session
PUBLIC LAW 109-364 [H.R. 5122]
OCT. 17, 2006

109 P.L. 364; 120 Stat. 2083; 2006 Enacted H.R. 5122; 109 Enacted H.R. 5122

Sec. 532. REVISION AND CLARIFICATION OF REQUIREMENTS WITH RESPECT TO SURVEYS AND REPORTS CONCERNING SEXUAL HARASSMENT AND SEXUAL VIOLENCE AT THE SERVICE ACADEMIES.

(a) Codification and Revision to Existing Requirement for Service Academy Policy on Sexual Harassment and Sexual Violence.--

(1) United states military academy.-- Chapter 403 of title 10, United States Code, is amended by adding at the end the following new section:

"Sec. 4361. Policy on sexual harassment and sexual violence

"(a) Required Policy.--Under guidance prescribed by the Secretary of Defense, the Secretary of the Army shall direct the Superintendent of the Academy to prescribe a policy on sexual harassment and sexual violence applicable to the cadets and other personnel of the Academy.

"(b) Matters To Be Specified in Policy.--The policy on sexual harassment and sexual violence prescribed under this section shall include specification of the following:

"(1) Programs to promote awareness of the incidence of rape, acquaintance rape, and other sexual offenses of a criminal nature that involve cadets or other Academy personnel.

"(2) Procedures that a cadet should follow in the case of an occurrence of sexual harassment or sexual violence, including--

"(A) if the cadet chooses to report an occurrence of sexual harassment or sexual violence, a specification of the person or persons to whom the alleged offense should be reported and the options for confidential reporting;

"(B) a specification of any other person whom the victim should contact; and

"(C) procedures on the preservation of evidence potentially necessary for proof of criminal sexual assault.

"(3) Procedures for disciplinary action in cases of alleged criminal sexual assault involving a cadet or other Academy personnel.

"(4) Any other sanction authorized to be imposed in a substantiated case of sexual harassment or sexual violence involving a cadet or other Academy personnel in rape, acquaintance rape, or any other criminal sexual offense, whether forcible or nonforcible.

"(5) Required training on the policy for all cadets and other Academy personnel, including the specific training required for personnel who process allegations of sexual harassment or sexual violence involving Academy personnel.

"(c) Annual Assessment.--(1) The Secretary of Defense, through the Secretary of the Army, shall direct the Superintendent to conduct at the Academy during each Academy program year an assessment, to be administered by the Department of Defense, to determine the effectiveness of the policies, training, and procedures of the Academy with respect to sexual harassment and sexual violence involving Academy personnel.

"(2) For the assessment at the Academy under paragraph (1) with respect to an Academy program year that begins in an odd-numbered calendar year, the Secretary of the Army shall conduct a survey, to be administered by the Department of Defense, of Academy personnel--

"(A) to measure--

"(i) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have been reported to officials of the Academy; and

"(ii) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have not been reported to officials of the Academy; and

"(B) to assess the perceptions of Academy personnel of--

"(i) the policies, training, and procedures on sexual harassment and sexual violence involving Academy personnel;

"(ii) the enforcement of such policies;

"(iii) the incidence of sexual harassment and sexual violence involving Academy personnel; and

"(iv) any other issues relating to sexual harassment and sexual violence involving Academy personnel.

"(d) Annual Report.--(1) The Secretary of the Army shall direct the Superintendent of the Academy to submit to the Secretary a report on sexual harassment and sexual violence involving cadets or other personnel at the Academy for each Academy program year.

"(2) Each report under paragraph (1) shall include, for the Academy program year covered by the report, the following:

"(A) The number of sexual assaults, rapes, and other sexual offenses involving cadets or other Academy personnel that have been reported to Academy officials during the program year and, of those reported cases, the number that have been substantiated.

"(B) The policies, procedures, and processes implemented by the Secretary of the Army and the leadership of the Academy in response to sexual harassment and sexual violence involving cadets or other Academy personnel during the program year.

"(C) A plan for the actions that are to be taken in the following Academy program year regarding prevention of and response to sexual harassment and sexual violence involving cadets or other Academy personnel.

"(3) Each report under paragraph (1) for an Academy program year that begins in an odd-numbered calendar year shall include the results of the survey conducted in that program year under subsection (c)(2).

"(4)(A) The Secretary of the Army shall transmit to the Secretary of Defense, and to the Board of Visitors of the Academy, each report received by the Secretary under this subsection, together with the Secretary's comments on the report.

"(B) The Secretary of Defense shall transmit each such report, together with the Secretary's comments on the report, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives."

(2) United states naval academy.-- Chapter 603 of title 10, United States Code, is amended by adding at the end the following new section:

"Sec. 6980. Policy on sexual harassment and sexual violence

"(a) Required Policy.--Under guidance prescribed by the Secretary of Defense, the Secretary of the Navy shall direct the Superintendent of the Naval Academy to prescribe a policy on sexual harassment and sexual violence applicable to the midshipmen and other personnel of the Naval Academy.

"(b) Matters To Be Specified in Policy.--The policy on sexual harassment and sexual violence prescribed under this section shall include specification of the following:

"(1) Programs to promote awareness of the incidence of rape, acquaintance rape, and other sexual offenses of a criminal nature that involve midshipmen or other Academy personnel.

"(2) Procedures that a midshipman should follow in the case of an occurrence of sexual harassment or sexual violence, including--

"(A) if the midshipman chooses to report an occurrence of sexual harassment or sexual violence, a specification of the person or persons to whom the alleged offense should be reported and the options for confidential reporting;

"(B) a specification of any other person whom the victim should contact; and

"(C) procedures on the preservation of evidence potentially necessary for proof of criminal sexual assault.

"(3) Procedures for disciplinary action in cases of alleged criminal sexual assault involving a midshipman or other Academy personnel.

"(4) Any other sanction authorized to be imposed in a substantiated case of sexual harassment or sexual violence involving a midshipman or other Academy personnel in rape, acquaintance rape, or any other criminal sexual offense, whether forcible or nonforcible.

"(5) Required training on the policy for all midshipmen and other Academy personnel, including the specific training required for personnel who process allegations of sexual harassment or sexual violence involving Academy personnel.

"(c) **Annual Assessment.**--(1) The Secretary of Defense, through the Secretary of the Navy, shall direct the Superintendent to conduct at the Academy during each Academy program year an assessment, to be administered by the Department of Defense, to determine the effectiveness of the policies, training, and procedures of the Academy with respect to sexual harassment and sexual violence involving Academy personnel.

"(2) For the assessment at the Academy under paragraph (1) with respect to an Academy program year that begins in an odd-numbered calendar year, the Secretary of the Navy shall conduct a survey, to be administered by the Department of Defense, of Academy personnel--

"(A) to measure--

"(i) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have been reported to officials of the Academy; and

"(ii) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have not been reported to officials of the Academy; and

"(B) to assess the perceptions of Academy personnel of--

"(i) the policies, training, and procedures on sexual harassment and sexual violence involving Academy personnel;

"(ii) the enforcement of such policies;

"(iii) the incidence of sexual harassment and sexual violence involving Academy personnel; and

"(iv) any other issues relating to sexual harassment and sexual violence involving Academy personnel.

"(d) **Annual Report.**--(1) The Secretary of the Navy shall direct the Superintendent of the Naval Academy to submit to the Secretary a report on sexual harassment and sexual violence involving midshipmen or other personnel at the Academy for each Academy program year.

"(2) Each report under paragraph (1) shall include, for the Academy program year covered by the report, the following:

"(A) The number of sexual assaults, rapes, and other sexual offenses involving midshipmen or other Academy personnel that have been reported to Naval Academy officials during the program year and, of those reported cases, the number that have been substantiated.

"(B) The policies, procedures, and processes implemented by the Secretary of the Navy and the leadership of the Naval Academy in response to sexual harassment and sexual violence involving midshipmen or other Academy personnel during the program year.

"(C) A plan for the actions that are to be taken in the following Academy program year regarding prevention of and response to sexual harassment and sexual violence involving midshipmen or other Academy personnel.

"(3) Each report under paragraph (1) for an Academy program year that begins in an odd-numbered calendar year shall include the results of the survey conducted in that program year under subsection (c)(2).

"(4)(A) The Secretary of the Navy shall transmit to the Secretary of Defense, and to the Board of Visitors of the Naval Academy, each report received by the Secretary under this subsection, together with the Secretary's comments on the report.

"(B) The Secretary of Defense shall transmit each such report, together with the Secretary's comments on the report, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives."

(3) United states air force academy.-- Chapter 903 of title 10, United States Code, is amended by adding at the end the following new section:

"Sec. 9361. Policy on sexual harassment and sexual violence

"(a) Required Policy.--Under guidance prescribed by the Secretary of Defense, the Secretary of the Air Force shall direct the Superintendent of the Academy to prescribe a policy on sexual harassment and sexual violence applicable to the cadets and other personnel of the Academy.

"(b) Matters to Be Specified in Policy.--The policy on sexual harassment and sexual violence prescribed under this section shall include specification of the following:

"(1) Programs to promote awareness of the incidence of rape, acquaintance rape, and other sexual offenses of a criminal nature that involve cadets or other Academy personnel.

"(2) Procedures that a cadet should follow in the case of an occurrence of sexual harassment or sexual violence, including--

"(A) if the cadet chooses to report an occurrence of sexual harassment or sexual violence, a specification of the person or persons to whom the alleged offense should be reported and the options for confidential reporting;

"(B) a specification of any other person whom the victim should contact; and

"(C) procedures on the preservation of evidence potentially necessary for proof of criminal sexual assault.

"(3) Procedures for disciplinary action in cases of alleged criminal sexual assault involving a cadet or other Academy personnel.

"(4) Any other sanction authorized to be imposed in a substantiated case of sexual harassment or sexual violence involving a cadet or other Academy personnel in rape, acquaintance rape, or any other criminal sexual offense, whether forcible or nonforcible.

"(5) Required training on the policy for all cadets and other Academy personnel, including the specific training required for personnel who process allegations of sexual harassment or sexual violence involving Academy personnel.

"(c) Annual Assessment.--(1) The Secretary of Defense, through the Secretary of the Air Force, shall direct the Superintendent to conduct at the Academy during each Academy program year an assessment, to be administered by the Department of Defense, to determine the effectiveness of the policies, training, and procedures of the Academy with respect to sexual harassment and sexual violence involving Academy personnel.

"(2) For the assessment at the Academy under paragraph (1) with respect to an Academy program year that begins in an odd-numbered calendar year, the Secretary of the Air Force shall conduct a survey, to be administered by the Department of Defense, of Academy personnel--

"(A) to measure--

"(i) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have been reported to officials of the Academy; and

"(ii) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have not been reported to officials of the Academy; and

"(B) to assess the perceptions of Academy personnel of--

"(i) the policies, training, and procedures on sexual harassment and sexual violence involving Academy personnel;

"(ii) the enforcement of such policies;

"(iii) the incidence of sexual harassment and sexual violence involving Academy personnel; and

"(iv) any other issues relating to sexual harassment and sexual violence involving Academy personnel.

"(d) Annual Report.--(1) The Secretary of the Air Force shall direct the Superintendent of the Academy to submit to the Secretary a report on sexual harassment and sexual violence involving cadets or other personnel at the Academy for each Academy program year.

"(2) Each report under paragraph (1) shall include, for the Academy program year covered by the report, the following:

"(A) The number of sexual assaults, rapes, and other sexual offenses involving cadets or other Academy personnel that have been reported to Academy officials during the program year and, of those reported cases, the number that have been substantiated.

"(B) The policies, procedures, and processes implemented by the Secretary of the Air Force and the leadership of the Academy in response to sexual harassment and sexual violence involving cadets or other Academy personnel during the program year.

"(C) A plan for the actions that are to be taken in the following Academy program year regarding prevention of and response to sexual harassment and sexual violence involving cadets or other Academy personnel.

"(3) Each report under paragraph (1) for an Academy program year that begins in an odd-numbered calendar year shall include the results of the survey conducted in that program year under subsection (c)(2).

"(4)(A) The Secretary of the Air Force shall transmit to the Secretary of Defense, and to the Board of Visitors of the Academy, each report received by the Secretary under this subsection, together with the Secretary's comments on the report.

"(B) The Secretary of Defense shall transmit each such report, together with the Secretary's comments on the report, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives."

(b) Further Information From Cadets and Midshipmen at the Service Academies on Sexual Assault and Sexual Harassment Issues.--

(1) Use of focus groups for years when survey not required.-- In any year in which the Secretary of a military department is not required by law to conduct a survey at the service academy under the Secretary's jurisdiction on matters relating to sexual assault and sexual harassment issues at that Academy, the Secretary shall provide for focus groups to be conducted at that Academy for the purposes of ascertaining information relating to sexual assault and sexual harassment issues at that Academy.

(2) Inclusion in report.-- Information ascertained from a focus group conducted pursuant to paragraph (1) shall be included in the Secretary's annual report to Congress on sexual harassment and sexual violence at the service academies.

(3) Service academies.-- For purposes of this subsection, the term "service academy" means the following:

- (A) The United States Military Academy.
- (B) The United States Naval Academy.
- (C) The United States Air Force Academy.

(c) Repeal of Prior Law.--Section 527 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1469; 10 U.S.C. 4331 note) is repealed.

(d) Clerical Amendments.--

(1) The table of sections at the beginning of chapter 403 of title 10, United States Code, is amended by adding at the end the following new item:

"4361. Policy on sexual harassment and sexual violence."

(2) The table of sections at the beginning of chapter 603 of such title is amended by adding at the end the following new item:

"6980. Policy on sexual harassment and sexual violence."

(3) The table of sections at the beginning of chapter 903 of such title is amended by adding at the end the following new item:

"9361. Policy on sexual harassment and sexual violence."

Sec. 583. INCLUSION IN ANNUAL DEPARTMENT OF DEFENSE REPORT ON SEXUAL ASSAULTS OF INFORMATION ON RESULTS OF DISCIPLINARY ACTIONS.

Section 577(f)(2)(B) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 1927) is amended to read as follows:

"(B) A synopsis of each such substantiated case and, for each such case, the disciplinary action taken in the case, including the type of disciplinary or administrative sanction imposed, if any."

Sec. 701. TRICARE COVERAGE FOR FORENSIC EXAMINATION FOLLOWING SEXUAL ASSAULT OR DOMESTIC VIOLENCE.

Section 1079(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(17) Forensic examinations following a sexual assault or domestic violence may be provided."

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006

PUBLIC LAW 109-163 [H.R. 1815]

JAN. 06, 2006

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006

109 P.L. 163; 119 Stat. 3136; 2006 Enacted H.R. 1815; 109 Enacted H.R. 1815

Sec. 551. OFFENSE OF STALKING UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

(a) Establishment of Offense.--

(1) New punitive article.-- Subchapter X of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after section 920 (article 120) the following new section:

"Sec. 920a. Art. 120a. Stalking

"(a) Any person subject to this section--

"(1) who wrongfully engages in a course of conduct directed at a specific person that would cause a reasonable person to fear death or bodily harm, including sexual assault, to himself or herself or a member of his or her immediate family;

"(2) who has knowledge, or should have knowledge, that the specific person will be placed in reasonable fear of death or bodily harm, including sexual assault, to himself or herself or a member of his or her immediate family; and

"(3) whose acts induce reasonable fear in the specific person of death or bodily harm, including sexual assault, to himself or herself or to a member of his or her immediate family; is guilty of stalking and shall be punished as a court-martial may direct.

"(b) In this section:

"(1) The term 'course of conduct' means--

"(A) a repeated maintenance of visual or physical proximity to a specific person; or

"(B) a repeated conveyance of verbal threat, written threats, or threats implied by conduct, or a combination of such threats, directed at or toward a specific person.

"(2) The term 'repeated', with respect to conduct, means two or more occasions of such conduct.

"(3) The term 'immediate family', in the case of a specific person, means a spouse, parent, child, or sibling of the person, or any other family member, relative, or intimate partner of the person who regularly resides in the household of the person or who within the six months

preceding the commencement of the course of conduct regularly resided in the household of the person." .

(2) Clerical amendment.-- The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 920 the following new item:

"920a. 120a. Stalking."

(b) <10 USC 920a note> Applicability.-- *Section 920a of title 10, United States Code* (article 120a of the Uniform Code of Military Justice), as added by subsection (a), applies to offenses committed after the date that is 180 days after the date of the enactment of this Act.

Sec. 552. RAPE, SEXUAL ASSAULT, AND OTHER SEXUAL MISCONDUCT UNDER UNIFORM CODE OF MILITARY JUSTICE.

(a) Revision to UCMJ.--

(1) In general.-- *Section 920 of title 10, United States Code* (article 120 of the Uniform Code of Military Justice), is amended to read as follows:

"Sec. 920. Art. 120. Rape, sexual assault, and other sexual misconduct

"(a) Rape.--Any person subject to this chapter who causes another person of any age to engage in a sexual act by--

"(1) using force against that other person;

"(2) causing grievous bodily harm to any person;

"(3) threatening or placing that other person in fear that any person will be subjected to death, grievous bodily harm, or kidnaping;

"(4) rendering another person unconscious; or

"(5) administering to another person by force or threat of force, or without the knowledge or permission of that person, a drug, intoxicant, or other similar substance and thereby substantially impairs the ability of that other person to appraise or control conduct; is guilty of rape and shall be punished as a court-martial may direct.

"(b) Rape of a Child.--Any person subject to this chapter who--

"(1) engages in a sexual act with a child who has not attained the age of 12 years; or

"(2) engages in a sexual act under the circumstances described in subsection (a) with a child who has attained the age of 12 years; is guilty of rape of a child and shall be punished as a court-martial may direct.

"(c) Aggravated Sexual Assault.--Any person subject to this chapter who--

"(1) causes another person of any age to engage in a sexual act by--

"(A) threatening or placing that other person in fear (other than by threatening or placing that other person in fear that any person will be subjected to death, grievous bodily harm, or kidnapping); or

"(B) causing bodily harm; or

"(2) engages in a sexual act with another person of any age if that other person is substantially incapacitated or substantially incapable of--

"(A) appraising the nature of the sexual act;

"(B) declining participation in the sexual act; or

"(C) communicating unwillingness to engage in the sexual act; is guilty of aggravated sexual assault and shall be punished as a court-martial may direct.

"(d) Aggravated Sexual Assault of a Child.--Any person subject to this chapter who engages in a sexual act with a child who has attained the age of 12 years is guilty of aggravated sexual assault of a child and shall be punished as a court-martial may direct.

"(e) Aggravated Sexual Contact.--Any person subject to this chapter who engages in or causes sexual contact with or by another person, if to do so would violate subsection (a) (rape) had the sexual contact been a sexual act, is guilty of aggravated sexual contact and shall be punished as a court-martial may direct.

"(f) Aggravated Sexual Abuse of a Child.--Any person subject to this chapter who engages in a lewd act with a child is guilty of aggravated sexual abuse of a child and shall be punished as a court-martial may direct.

"(g) Aggravated Sexual Contact With a Child.--Any person subject to this chapter who engages in or causes sexual contact with or by another person, if to do so would violate subsection (b) (rape of a child) had the sexual contact been a sexual act, is guilty of aggravated sexual contact with a child and shall be punished as a court-martial may direct.

"(h) Abusive Sexual Contact.--Any person subject to this chapter who engages in or causes sexual contact with or by another person, if to do so would violate subsection (c) (aggravated sexual assault) had the sexual contact been a sexual act, is guilty of abusive sexual contact and shall be punished as a court-martial may direct.

"(i) Abusive Sexual Contact With a Child.--Any person subject to this chapter who engages in or causes sexual contact with or by another person, if to do so would violate subsection (d) (aggravated sexual assault of a child) had the sexual contact been a sexual act, is guilty of abusive sexual contact with a child and shall be punished as a court-martial may direct.

"(j) Indecent Liberty With a Child.--Any person subject to this chapter who engages in indecent liberty in the physical presence of a child--

"(1) with the intent to arouse, appeal to, or gratify the sexual desire of any person; or

"(2) with the intent to abuse, humiliate, or degrade any person;

is guilty of indecent liberty with a child and shall be punished as a court-martial may direct.

"(k) Indecent Act.--Any person subject to this chapter who engages in indecent conduct is guilty of an indecent act and shall be punished as a court-martial may direct.

"(l) Forcible Pandering.--Any person subject to this chapter who compels another person to engage in an act of prostitution with another person to be directed to said person is guilty of forcible pandering and shall be punished as a court-martial may direct.

"(m) Wrongful Sexual Contact.--Any person subject to this chapter who, without legal justification or lawful authorization, engages in sexual contact with another person without that other person's permission is guilty of wrongful sexual contact and shall be punished as a court-martial may direct.

"(n) Indecent Exposure.--Any person subject to this chapter who intentionally exposes, in an indecent manner, in any place where the conduct involved may reasonably be expected to be viewed by people other than members of the actor's family or household, the genitalia, anus, buttocks, or female areola or nipple is guilty of indecent exposure and shall be punished as a court-martial may direct.

"(o) Age of Child.--

"(1) Twelve years.-- In a prosecution under subsection (b) (rape of a child), subsection (g) (aggravated sexual contact with a child), or subsection (j) (indecent liberty with a child), it need not be proven that the accused knew that the other person engaging in the sexual act, contact, or liberty had not attained the age of 12 years. It is not an affirmative defense that the accused reasonably believed that the child had attained the age of 12 years.

"(2) Sixteen years.-- In a prosecution under subsection (d) (aggravated sexual assault of a child), subsection (f) (aggravated sexual abuse of a child), subsection (i) (abusive sexual contact with a child), or subsection (j) (indecent liberty with a child), it need not be proven that the accused knew that the other person engaging in the sexual act, contact, or liberty had not attained the age of 16 years. Unlike in paragraph (1), however, it is an affirmative defense that the accused reasonably believed that the child had attained the age of 16 years.

"(p) Proof of Threat.--In a prosecution under this section, in proving that the accused made a threat, it need not be proven that the accused actually intended to carry out the threat.

"(q) Marriage.--

"(1) In general.-- In a prosecution under paragraph (2) of subsection (c) (aggravated sexual assault), or under subsection (d) (aggravated sexual assault of a child), subsection (f) (aggravated sexual abuse of a child), subsection (i) (abusive sexual contact with a child), subsection (j) (indecent liberty with a child), subsection (m) (wrongful sexual contact), or subsection (n) (indecent exposure), it is an affirmative defense that the accused and the other person when they engaged in the sexual act, sexual contact, or sexual conduct are married to each other.

"(2) Definition.-- For purposes of this subsection, a marriage is a relationship, recognized by the laws of a competent State or foreign jurisdiction, between the accused and the other

person as spouses. A marriage exists until it is dissolved in accordance with the laws of a competent State or foreign jurisdiction.

"(3) Exception.-- Paragraph (1) shall not apply if the accused's intent at the time of the sexual conduct is to abuse, humiliate, or degrade any person.

"(r) Consent and Mistake of Fact as to Consent.--Lack of permission is an element of the offense in subsection (m) (wrongful sexual contact). Consent and mistake of fact as to consent are not an issue, or an affirmative defense, in a prosecution under any other subsection, except they are an affirmative defense for the sexual conduct in issue in a prosecution under subsection (a) (rape), subsection (c) (aggravated sexual assault), subsection (e) (aggravated sexual contact), and subsection (h) (abusive sexual contact).

"(s) Other Affirmative Defenses not Precluded.--The enumeration in this section of some affirmative defenses shall not be construed as excluding the existence of others.

"(t) Definitions.--In this section:

"(1) Sexual act.-- The term 'sexual act' means--

"(A) contact between the penis and the vulva, and for purposes of this subparagraph contact involving the penis occurs upon penetration, however slight; or

"(B) the penetration, however slight, of the genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, or degrade any person or to arouse or gratify the sexual desire of any person.

"(2) Sexual contact.-- The term 'sexual contact' means the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of another person, or intentionally causing another person to touch, either directly or through the clothing, the genitalia, anus, groin, breast, inner thigh, or buttocks of any person, with an intent to abuse, humiliate, or degrade any person or to arouse or gratify the sexual desire of any person.

"(3) Grievous bodily harm.-- The term 'grievous bodily harm' means serious bodily injury. It includes fractured or dislocated bones, deep cuts, torn members of the body, serious damage to internal organs, and other severe bodily injuries. It does not include minor injuries such as a black eye or a bloody nose. It is the same level of injury as in section 928 (article 128) of this chapter, and a lesser degree of injury than in section 2246(4) of title 18.

"(4) Dangerous weapon or object.-- The term 'dangerous weapon or object' means--

"(A) any firearm, loaded or not, and whether operable or not;

"(B) any other weapon, device, instrument, material, or substance, whether animate or inanimate, that in the manner it is used, or is intended to be used, is known to be capable of producing death or grievous bodily harm; or

"(C) any object fashioned or utilized in such a manner as to lead the victim under the circumstances to reasonably believe it to be capable of producing death or grievous bodily harm.

"(5) Force.-- The term 'force' means action to compel submission of another or to overcome or prevent another's resistance by--

"(A) the use or display of a dangerous weapon or object;

"(B) the suggestion of possession of a dangerous weapon or object that is used in a manner to cause another to believe it is a dangerous weapon or object; or

"(C) physical violence, strength, power, or restraint applied to another person, sufficient that the other person could not avoid or escape the sexual conduct.

"(6) Threatening or placing that other person in fear.-- The term 'threatening or placing that other person in fear' under paragraph (3) of subsection (a) (rape), or under subsection (e) (aggravated sexual contact), means a communication or action that is of sufficient consequence to cause a reasonable fear that non-compliance will result in the victim or another person being subjected to death, grievous bodily harm, or kidnapping.

"(7) Threatening or placing that other person in fear.----

"(A) In general.--The term 'threatening or placing that other person in fear' under paragraph (1)(A) of subsection (c) (aggravated sexual assault), or under subsection (h) (abusive sexual contact), means a communication or action that is of sufficient consequence to cause a reasonable fear that non-compliance will result in the victim or another being subjected to a lesser degree of harm than death, grievous bodily harm, or kidnapping.

"(B) Inclusions.--Such lesser degree of harm includes--

"(i) physical injury to another person or to another person's property; or

"(ii) a threat--

"(I) to accuse any person of a crime;

"(II) to expose a secret or publicize an asserted fact, whether true or false, tending to subject some person to hatred, contempt or ridicule; or

"(III) through the use or abuse of military position, rank, or authority, to affect or threaten to affect, either positively or negatively, the military career of some person.

"(8) Bodily harm.-- The term 'bodily harm' means any offensive touching of another, however slight.

"(9) Child.-- The term 'child' means any person who has not attained the age of 16 years.

"(10) Lewd act.-- The term 'lewd act' means--

"(A) the intentional touching, not through the clothing, of the genitalia of another person, with an intent to abuse, humiliate, or degrade any person, or to arouse or gratify the sexual desire of any person; or

"(B) intentionally causing another person to touch, not through the clothing, the genitalia of any person with an intent to abuse, humiliate or degrade any person, or to arouse or gratify the sexual desire of any person.

"(11) Indecent liberty.-- The term 'indecent liberty' means indecent conduct, but physical contact is not required. It includes one who with the requisite intent exposes one's genitalia, anus, buttocks, or female areola or nipple to a child. An indecent liberty may consist of communication of indecent language as long as the communication is made in the physical presence of the child. If words designed to excite sexual desire are spoken to a child, or a child is exposed to or involved in sexual conduct, it is an indecent liberty; the child's consent is not relevant.

"(12) Indecent conduct.-- The term 'indecent conduct' means that form of immorality relating to sexual impurity which is grossly vulgar, obscene, and repugnant to common propriety, and tends to excite sexual desire or deprave morals with respect to sexual relations. Indecent conduct includes observing, or making a videotape, photograph, motion picture, print, negative, slide, or other mechanically, electronically, or chemically reproduced visual material, without another person's consent, and contrary to that other person's reasonable expectation of privacy, of--

"(A) that other person's genitalia, anus, or buttocks, or (if that other person is female) that person's areola or nipple; or

"(B) that other person while that other person is engaged in a sexual act, sodomy (under section 925 (article 125)), or sexual contact.

"(13) Act of prostitution.-- The term 'act of prostitution' means a sexual act, sexual contact, or lewd act for the purpose of receiving money or other compensation.

"(14) Consent.-- The term 'consent' means words or overt acts indicating a freely given agreement to the sexual conduct at issue by a competent person. An expression of lack of consent through words or conduct means there is no consent. Lack of verbal or physical resistance or submission resulting from the accused's use of force, threat of force, or placing another person in fear does not constitute consent. A current or previous dating relationship by itself or the manner of dress of the person involved with the accused in the sexual conduct at issue shall not constitute consent. A person cannot consent to sexual activity if--

"(A) under 16 years of age; or

"(B) substantially incapable of--

"(i) appraising the nature of the sexual conduct at issue due to--

"(I) mental impairment or unconsciousness resulting from consumption of alcohol, drugs, a similar substance, or otherwise; or

"(II) mental disease or defect which renders the person unable to understand the nature of the sexual conduct at issue;

"(ii) physically declining participation in the sexual conduct at issue; or

"(iii) physically communicating unwillingness to engage in the sexual conduct at issue.

"(15) Mistake of fact as to consent.-- The term 'mistake of fact as to consent' means the accused held, as a result of ignorance or mistake, an incorrect belief that the other person engaging in the sexual conduct consented. The ignorance or mistake must have existed in the mind of the accused and must have been reasonable under all the circumstances. To be reasonable the ignorance or mistake must have been based on information, or lack of it, which would indicate to a reasonable person that the other person consented. Additionally, the ignorance or mistake cannot be based on the negligent failure to discover the true facts. Negligence is the absence of due care. Due care is what a reasonably careful person would do under the same or similar circumstances. The accused's state of intoxication, if any, at the time of the offense is not relevant to mistake of fact. A mistaken belief that the other person consented must be that which a reasonably careful, ordinary, prudent, sober adult would have had under the circumstances at the time of the offense.

"(16) Affirmative defense.-- The term 'affirmative defense' means any special defense which, although not denying that the accused committed the objective acts constituting the offense charged, denies, wholly, or partially, criminal responsibility for those acts. The accused has the burden of proving the affirmative defense by a preponderance of evidence. After the defense meets this burden, the prosecution shall have the burden of proving beyond a reasonable doubt that the affirmative defense did not exist."

(2) Clerical amendment.-- The item relating to section 920 (article 120) in the table of sections at the beginning of subchapter X of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended to read as follows:

"920. 120. Rape, sexual assault, and other sexual misconduct."

(b) <10 USC 920 note> Interim Maximum Punishments.-- Until the President otherwise provides pursuant to *section 856 of title 10, United States Code* (article 56 of the Uniform Code of Military Justice), the punishment which a court-martial may direct for an offense under section 920 of such title (article 120 of the Uniform Code of Military Justice), as amended by subsection (a), may not exceed the following limits:

(1) Subsections (a) and (b).-- For an offense under subsection (a) (rape) or subsection (b) (rape of a child), death or such other punishment as a court-martial may direct.

(2) Subsection (c).-- For an offense under subsection (c) (aggravated sexual assault), dishonorable discharge, forfeiture of all pay and allowances, and confinement for 30 years.

(3) Subsections (d) and (e).-- For an offense under subsection (d) (aggravated sexual assault of a child) or subsection (e) (aggravated sexual contact), dishonorable discharge, forfeiture of all pay and allowances, and confinement for 20 years.

(4) Subsections (f) and (g).-- For an offense under subsection (f) (aggravated sexual abuse of a child) or subsection (g) (aggravated sexual contact with a child), dishonorable discharge, forfeiture of all pay and allowances, and confinement for 15 years.

(5) Subsections (h) through (j).-- For an offense under subsection (h) (abusive sexual contact), subsection (i) (abusive sexual contact with a child), or subsection (j) (indecent liberty with a child), dishonorable discharge, forfeiture of all pay and allowances, and confinement for 7 years.

(6) Subsections (k) and (l).-- For an offense under subsection (k) (indecent act) or subsection (l) (forcible pandering), dishonorable discharge, forfeiture of all pay and allowances, and confinement for 5 years.

(7) Subsections (m) and (n).-- For an offense under subsection (m) (wrongful sexual contact) or subsection (n) (indecent exposure), dishonorable discharge, forfeiture of all pay and allowances, and confinement for one year.

(c) **<10 USC 920 note> Applicability.**-- *Section 920 of title 10, United States Code* (article 120 of the Uniform Code of Military Justice), as amended by subsection (a), shall apply with respect to offenses committed on or after the effective date specified in subsection (f).

(d) **Aggravating Factors for Offense of Murder.**-- *Section 918 of title 10, United States Code* (article 118 of the Uniform Code of Military Justice), is amended in paragraph (4) by striking "rape," and inserting "rape, rape of a child, aggravated sexual assault, aggravated sexual assault of a child, aggravated sexual contact, aggravated sexual abuse of a child, aggravated sexual contact with a child,".

(e) **Statute of Limitations.**-- *Section 843(a) of title 10, United States Code* (article 843(a) of the Uniform Code of Military Justice), as amended by section 553(a), is amended by striking "or rape," and inserting ", rape, or rape of a child,".

(f) **<10 USC 843 note> Effective Date.**--The amendments made by this section shall take effect on October 1, 2007.

Sec. 553. EXTENSION OF STATUTE OF LIMITATIONS FOR MURDER, RAPE, AND CHILD ABUSE OFFENSES UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

(a) **No Limitation for Murder or Rape.**--Subsection (a) of *section 843 of title 10, United States Code* (article 43 of the Uniform Code of Military Justice), is amended by striking "or with any offense punishable by death" and inserting "with murder or rape, or with any other offense punishable by death".

(b) **Special Rules for Child Abuse Offenses.**--Subsection (b)(2) of such section (article) is amended--

(1) in subparagraph (A), by striking "before the child attains the age of 25 years" and inserting "during the life of the child or within five years after the date on which the offense was committed, whichever provides a longer period,";

(2) in subparagraph (B)--

(A) in the matter preceding clause (i), by striking "sexual or physical";

(B) in clause (i), by striking "Rape or carnal knowledge" and inserting "Any offense"; and
(C) in clause (v), by striking "Indecent assault," and inserting "Kidnaping; indecent assault;"; and

(3) by adding at the end the following new subparagraph:

"(C) In subparagraph (A), the term 'child abuse offense' includes an act that involves abuse of a person who has not attained the age of 18 years and would constitute an offense under chapter 110 or 117, or under section 1591, of title 18." .

Sec. 596. IMPROVEMENT TO DEPARTMENT OF DEFENSE CAPACITY TO RESPOND TO SEXUAL ASSAULT AFFECTING MEMBERS OF THE ARMED FORCES.

(a) <10 USC 113 note> Plan for System to Track Cases in Which Care or Prosecution Hindered by Lack of Availability.--

(1) Plan required.-- The Secretary of Defense shall develop and implement a system to track cases under the jurisdiction of the Department of Defense in which care to a victim of rape or sexual assault, or the investigation or prosecution of an alleged perpetrator of rape or sexual assault, is hindered by the lack of availability of a rape kit or other needed supplies or by the lack of timely access to appropriate laboratory testing resources.

(2) Submittal to congressional committees.-- The Secretary shall submit the plan developed under paragraph (1) to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives not later than 120 days after the date of the enactment of this Act.

(b) Accessibility Plan for Deployed Units.--

(1) Plan required.-- The Secretary of Defense shall develop and implement a plan for ensuring accessibility and availability of supplies, trained personnel, and transportation resources for responding to sexual assaults occurring in deployed units. The plan shall include the following:

(A) A plan for the training of personnel who are considered to be "first responders" to sexual assaults (including criminal investigators, medical personnel responsible for rape kit evidence collection, and victims advocates), such training to include current techniques on the processing of evidence, including rape kits, and on conducting investigations.

(B) A plan for ensuring the availability at military hospitals of supplies needed for the treatment of victims of sexual assault who present at a military hospital, including rape kits, equipment for processing rape kits, and supplies for testing and treatment for sexually transmitted infections and diseases, including HIV, and for testing for pregnancy.

(2) Submittal to congressional committees.-- The Secretary shall submit the plan developed under paragraph (1) to the Committee on Armed Services of the Senate and the

Committee on Armed Services of the House of Representatives not later than 120 days after the date of the enactment of this Act.

(c) Additional Matters for Annual Report on Sexual Assaults.--Section 577(f)(2) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 1927; *10 U.S.C. 113* note) is amended--

- (1) by redesignating subparagraph (D) as subparagraph (G); and
- (2) by inserting after subparagraph (C) the following new subparagraphs:

"(D) A description of the implementation during the year covered by the report of the tracking system implemented pursuant to section 596(a) of the National Defense Authorization Act for Fiscal Year 2006, including information collected on cases during that year in which care to a victim of rape or sexual assault was hindered by the lack of availability of a rape kit or other needed supplies or by the lack of timely access to appropriate laboratory testing resources.

"(E) A description of the implementation during the year covered by the report of the accessibility plan implemented pursuant to section 596(b) of the National Defense Authorization Act for Fiscal Year 2006, including a description of the steps taken during that year to provide that trained personnel, appropriate supplies, and transportation resources are accessible to deployed units in order to provide an appropriate and timely response in any case of reported sexual assault in a deployed unit.

"(F) A description of the required supply inventory, location, accessibility, and availability of supplies, trained personnel, and transportation resources needed, and in fact in place, in order to be able to provide an appropriate and timely response in any case of reported sexual assault in a deployed unit."

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005

UNITED STATES PUBLIC LAWS
108th Congress -- 2nd Session

PUBLIC LAW 108-375 [H.R. 4200]
OCT. 28, 2004

RONALD W. REAGAN NATIONAL DEFENSE AUTHORIZATION ACT FOR FY2005

108 P.L. 375; 118 Stat. 1811; 2004 Enacted H.R. 4200; 108 Enacted H.R. 4200

Sec. 571. REVIEW ON HOW SEXUAL OFFENSES ARE COVERED BY UNIFORM CODE OF MILITARY JUSTICE.

(a) Review Required.--The Secretary of Defense shall review the Uniform Code of Military Justice and the Manual for Courts-Martial with the objective of determining what changes are required to improve the ability of the military justice system to address issues relating to sexual assault and to conform the Uniform Code of Military Justice and the Manual for Courts-Martial more closely to other Federal laws and regulations that address such issues.

(b) Report.--Not later than March 1, 2005, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the review carried out under subsection (a). The report shall include the recommendations of the Secretary for revisions to the Uniform Code of Military Justice and, for each such revision, the rationale behind that revision.

Sec. 572. WAIVER OF RECOUPMENT OF TIME LOST FOR CONFINEMENT IN CONNECTION WITH A TRIAL.

Section 972 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) Waiver of Recoupment of Time Lost for Confinement.--The Secretary concerned shall waive liability for a period of confinement in connection with a trial under subsection (a)(3), or exclusion of a period of confinement in connection with a trial under subsection (b)(3), in a case upon the occurrence of any of the following events:

"(1) For each charge--

"(A) the charge is dismissed before or during trial in a final disposition of the charge; or

"(B) the trial results in an acquittal of the charge.

"(2) For each charge resulting in a conviction in such trial--

"(A) the conviction is set aside in a final disposition of such charge, other than in a grant of clemency; or

"(B) a judgment of acquittal or a dismissal is entered upon a reversal of the conviction on appeal.".

Sec. 573. < 10 USC 113 note> PROCESSING OF FORENSIC EVIDENCE COLLECTION KITS AND ACQUISITION OF SUFFICIENT STOCKS OF SUCH KITS.

(a) Elimination of Backlog, Etc.--The Secretary of Defense shall take such steps as may be necessary to ensure that--

(1) the United States Army Criminal Investigation Laboratory has the personnel and resources to effectively process forensic evidence used by the Department of Defense within 60 days of receipt by the laboratory of such evidence;

(2) consistent policies are established among the Armed Forces to reduce the time period between the collection of forensic evidence and the receipt and processing of such evidence by United States Army Criminal Investigation Laboratory; and

(3) there is an adequate supply of forensic evidence collection kits--

(A) for all United States military installations, including the military service academies; and

(B) for units of the Armed Forces deployed in theaters of operation.

(b) Training.--The Secretary shall take such measures as the Secretary considers appropriate to ensure that personnel are appropriately trained--

(1) in the use of forensic evidence collection kits; and

(2) in the prescribed procedures to ensure protection of the chain of custody of such kits once used.

Subtitle K--Sexual Assault in the Armed Forces

Sec. 576. < 10 USC 4331 note> EXAMINATION OF SEXUAL ASSAULT IN THE ARMED FORCES BY THE DEFENSE TASK FORCE ESTABLISHED TO EXAMINE SEXUAL HARASSMENT AND VIOLENCE AT THE MILITARY SERVICE ACADEMIES.

(a) Extension of Task Force.--(1) The task force in the Department of Defense established by the Secretary of Defense pursuant to section 526 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1466) to examine matters relating to sexual harassment and violence at the United States Military Academy and United States Naval Academy shall continue in existence for a period of at least 18 months after the date as of which the task force would otherwise be terminated pursuant to subsection (i) of that section.

(2) Upon the completion of the functions of the task force referred to in paragraph (1) pursuant to section 526 of the National Defense Authorization Act for Fiscal Year 2004, the name of the task force shall be changed to the Defense Task Force on Sexual Assault in the Military Services, and the task force shall then carry out the functions specified in this section. The task force shall not begin to carry out the functions specified in this section until it has completed its functions under such section 526.

(3) Before the task force extended under this subsection begins to carry out the functions specified in this section, the Secretary of Defense may, consistent with the qualifications required by section 526(f) of Public Law 108-136, change the composition of the task force as the Secretary considers appropriate for the effective performance of such functions, except that--

(A) any change initiated by the Secretary in the membership of the task force under this paragraph may not take effect before the task force has completed its functions under section 526 of Public Law 108-136; and

(B) the total number of members of the task force may not exceed 14.

(b) Examination of Matters Relating to Sexual Assault in the Armed Forces.--The task force shall conduct an examination of matters relating to sexual assault in cases in which members of the Armed Forces are either victims or commit acts of sexual assault.

(c) Recommendations.--The Task Force shall include in its report under subsection (e) recommendations of ways by which civilian officials within the Department of Defense and leadership within the Armed Forces may more effectively address matters relating to sexual assault. That report shall include an assessment of, and recommendations (including any recommendations for changes in law) for measures to improve, with respect to sexual assault, the following:

(1) Victim care and advocacy programs.

(2) Effective prevention.

(3) Collaboration among military investigative organizations with responsibility or jurisdiction.

(4) Coordination and resource sharing between military and civilian communities, including local support organizations.

(5) Reporting procedures, data collection, tracking of cases, and use of data on sexual assault by senior military and civilian leaders.

(6) Oversight of sexual assault programs, including development of measures of the effectiveness of those programs in responding to victim needs.

(7) Military justice issues.

(8) Progress in developing means to investigate and prosecute assailants who are foreign nationals.

(9) Adequacy of resources supporting sexual assault prevention and victim advocacy programs, particularly for deployed units and personnel.

(10) Training of military and civilian personnel responsible for implementation of sexual assault policies.

(11) Programs and policies, including those related to confidentiality, designed to encourage victims to seek services and report offenses.

(12) Other issues identified by the task force relating to sexual assault.

(d) Methodology.--In carrying out its examination under subsection (b) and in formulating its recommendations under subsection (c), the task force shall consider the findings and recommendations of previous reviews and investigations of sexual assault conducted by the Department of Defense and the Armed Forces.

(e) Report.--(1) Not later than one year after the initiation of its examination under subsection (b), the task force shall submit to the Secretary of Defense and the Secretaries of the Army, Navy, and Air Force a report on the activities of the task force and on the activities of the Department of Defense and the Armed Forces to respond to sexual assault.

(2) The report shall include the following:

(A) A description of any barrier to implementation of improvements as a result of previous efforts to address sexual assault.

(B) Other areas of concern not previously addressed in prior reports.

(C) The findings and conclusions of the task force.

(D) Any recommendations for changes to policy and law that the task force considers appropriate.

(3) Within 90 days after receipt of the report under paragraph (1), the Secretary of Defense shall submit the report, together with the Secretary's evaluation of the report, to the Committees on Armed Services of the Senate and House of Representatives.

(f) Termination.--The task force shall terminate 90 days after the date on which the report of the task force is submitted to the Committees on Armed Services of the Senate and House of Representatives pursuant to subsection (e)(3).

Sec. 577. < 10 USC 113 note> DEPARTMENT OF DEFENSE POLICY AND PROCEDURES ON PREVENTION AND RESPONSE TO SEXUAL ASSAULTS INVOLVING MEMBERS OF THE ARMED FORCES.

(a) Comprehensive Policy on Prevention and Response to Sexual Assaults.--(1) Not later than January 1, 2005, the Secretary of Defense shall develop a comprehensive policy for the Department of Defense on the prevention of and response to sexual assaults involving members of the Armed Forces.

(2) The policy shall be based on the recommendations of the Department of Defense Task Force on Care for Victims of Sexual Assaults and on such other matters as the Secretary considers appropriate.

(3) Before developing the comprehensive policy required by paragraph (1), the Secretary of Defense shall develop a definition of sexual assault. The definition so developed shall be used in the comprehensive policy under paragraph (1) and otherwise within the Department of Defense and Coast Guard in matters involving members of the Armed Forces. The definition shall be uniform for all the Armed Forces and shall be developed in consultation with the Secretaries of the military departments and the Secretary of Homeland Security with respect to the Coast Guard.

(b) Elements of Comprehensive Policy.--The comprehensive policy developed under subsection (a) shall, at a minimum, address the following matters:

- (1) Prevention measures.
- (2) Education and training on prevention and response.
- (3) Investigation of complaints by command and law enforcement personnel.
- (4) Medical treatment of victims.
- (5) Confidential reporting of incidents.
- (6) Victim advocacy and intervention.
- (7) Oversight by commanders of administrative and disciplinary actions in response to substantiated incidents of sexual assault.
- (8) Disposition of victims of sexual assault, including review by appropriate authority of administrative separation actions involving victims of sexual assault.
- (9) Disposition of members of the Armed Forces accused of sexual assault.
- (10) Liaison and collaboration with civilian agencies on the provision of services to victims of sexual assault.
- (11) Uniform collection of data on the incidence of sexual assaults and on disciplinary actions taken in substantiated cases of sexual assault.

(c) Report on Improvement of Capability To Respond to Sexual Assaults.--Not later than March 1, 2005, the Secretary of Defense shall submit to Congress a proposal for such legislation as the Secretary considers necessary to enhance the capability of the Department of Defense to address matters relating to sexual assaults involving members of the Armed Forces.

(d) Application of Comprehensive Policy To Military Departments.--The Secretary of Defense shall ensure that, to the maximum extent practicable, the policy developed under subsection (a) is implemented uniformly by the military departments.

(e) Policies and Procedures of Military Departments.--(1) Not later than March 1, 2005, the Secretaries of the military departments shall prescribe regulations, or modify current

regulations, on the policies and procedures of the military departments on the prevention of and response to sexual assaults involving members of the Armed Forces in order--

(A) to conform such policies and procedures to the policy developed under subsection (a); and

(B) to ensure that such policies and procedures include the elements specified in paragraph (2).

(2) The elements specified in this paragraph are as follows:

(A) A program to promote awareness of the incidence of sexual assaults involving members of the Armed Forces.

(B) A program to provide victim advocacy and intervention for members of the Armed Force concerned who are victims of sexual assault, which program shall make available, at home stations and in deployed locations, trained advocates who are readily available to intervene on behalf of such victims.

(C) Procedures for members of the Armed Force concerned to follow in the case of an incident of sexual assault involving a member of such Armed Force, including--

(i) specification of the person or persons to whom the alleged offense should be reported;

(ii) specification of any other person whom the victim should contact;

(iii) procedures for the preservation of evidence; and

(iv) procedures for confidential reporting and for contacting victim advocates.

(D) Procedures for disciplinary action in cases of sexual assault by members of the Armed Force concerned.

(E) Other sanctions authorized to be imposed in substantiated cases of sexual assault, whether forcible or nonforcible, by members of the Armed Force concerned.

(F) Training on the policies and procedures for all members of the Armed Force concerned, including specific training for members of the Armed Force concerned who process allegations of sexual assault against members of such Armed Force.

(G) Any other matters that the Secretary of Defense considers appropriate.

(f) Annual Report on Sexual Assaults.--(1) Not later than January 15 of each year, the Secretary of each military department shall submit to the Secretary of Defense a report on the sexual assaults involving members of the Armed Forces under the jurisdiction of that Secretary during the preceding year. In the case of the Secretary of the Navy, separate reports shall be prepared for the Navy and for the Marine Corps.

(2) Each report on an Armed Force under paragraph (1) shall contain the following:

(A) The number of sexual assaults against members of the Armed Force, and the number of sexual assaults by members of the Armed Force, that were reported to military officials during the year covered by such report, and the number of the cases so reported that were substantiated.

(B) A synopsis of, and the disciplinary action taken in, each substantiated case.

(C) The policies, procedures, and processes implemented by the Secretary concerned during the year covered by such report in response to incidents of sexual assault involving members of the Armed Force concerned.

(D) A plan for the actions that are to be taken in the year following the year covered by such report on the prevention of and response to sexual assault involving members of the Armed Forces concerned.

(3) Each report under paragraph (1) for any year after 2005 shall include an assessment by the Secretary of the military department submitting the report of the implementation during the preceding fiscal year of the policies and procedures of such department on the prevention of and response to sexual assaults involving members of the Armed Forces in order to determine the effectiveness of such policies and procedures during such fiscal year in providing an appropriate response to such sexual assaults.

(4) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives each report submitted to the Secretary under this subsection, together with the comments of the Secretary on the report. The Secretary shall submit each such report not later than March 15 of the year following the year covered by the report.

(5) For the report under this subsection covering 2004, the applicable date under paragraph (1) is April 1, 2005, and the applicable date under paragraph (4) is May 1, 2005.

**Under Secretary of Defense (Personnel & Readiness) Memorandum:
Annual Report of the U.S. Military Service Academies**

(For attachments, please contact SAPRO at www.sapr.mil)



PERSONNEL AND
READINESS

UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, DC 20301-4000

MAR 28 2007

MEMORANDUM FOR ASSISTANT SECRETARY OF THE ARMY (M&RA)
ASSISTANT SECRETARY OF THE NAVY (M&RA)
ASSISTANT SECRETARY OF THE AIR FORCE (M&RA)

SUBJECT: Annual Report of the U.S. Military Service Academies

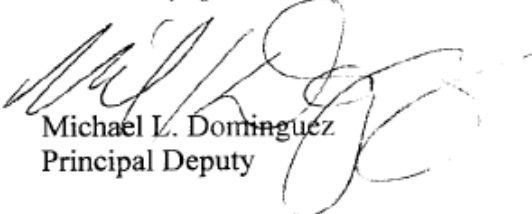
In order to comply with Section 532 of the National Defense Authorization Act for Fiscal Year 2007, we are about to begin our U.S. Service Academies assessment and focus groups. We are combining efforts with the Equal Opportunity Office and DMDC in order to insure a meaningful end product for the report to Congress.

Protocol's and on-site visits were previously coordinated with Service Academy POC's, DMDC and EO Offices.

USMA	April 9 – 13, 2007
USAFA	April 16 – 20, 2007
USNA	April 23 – 26, 2007

SAPRO/EO and DMDC protocol, questions, and data-call are attached and will be sent directly to each Academy.

I appreciate your support as we conduct this year's focus groups and assessment. Please contact Kaye H. Whitley at (703) 696-9422 with any questions or concerns.


Michael L. Dominguez
Principal Deputy

Attachments:

- (1) Assessment Agenda
- (2) Assessment Protocol
- (3) Assessment Data Call
- (4) DMDC Focus Group Protocol
- (5) DMDC Focus Group Questions

Defense Manpower Data Center Service Academy 2007 Gender Relations Focus Groups Report



Information and Technology for Better Decision Making

Service Academy 2007 Gender Relations Focus Groups

Additional copies of this report may be obtained from:

Defense Technical Information Center

ATTN: DTIC-BRR

8725 John J. Kingman Rd., Suite #0944

Ft. Belvoir, VA 22060-6218

Or from:

<http://www.dtic.mil/dtic/order.html>

Ask for report by ADA 471 371

**DMDC Report No. 2007-026
August 2007**

SERVICE ACADEMY 2007 GENDER RELATIONS FOCUS GROUPS

Jeanne L. Kalien
Data Recognition Corporation

Paul J. Cook
SRA International, Inc.

Rachel N. Lipari
Defense Manpower Data Center

Kristin Olson
Consortium of Universities of the Washington Metropolitan Area

Defense Manpower Data Center
Human Resources Strategic Assessment Program
1600 Wilson Boulevard, Suite 400, Arlington, VA 22209-2593

Acknowledgments

The Defense Manpower Data Center (DMDC) is indebted to numerous people for their assistance with the *Service Academy 2007 Gender Relations Focus Group (SAGR2007)* study that was conducted for the Office of the Under Secretary of Defense for Personnel and Readiness (OUSD[P&R]). DMDC's survey program is conducted under the leadership of Timothy Elig, Chief of the Human Resources Strategic Assessment Program.

The lead analysts on this assessment were Paul Cook, SRA International, Inc., and Rachel Lipari, DMDC. Gail Sherry, Jennifer Windham, and Jacqueline Kimball, Data Recognition Corporation, prepared written transcripts of each of the sessions. Policy officials contributing to the development of focus group content include: Gail McGinn, Deputy Under Secretary for Plans (OUSD[P&R]); Kaye Whitley, Bette Stebbins, and Bonita Soley (Sexual Assault Prevention and Response Office); COL Jeannette McMahon and Dennis Kelly (U.S. Military Academy [USMA]); Cmdr Ricks Polk (U.S. Naval Academy [USNA]); and Amanda Lords (U.S. Air Force Academy [USAFA]).

SERVICE ACADEMY 2007 GENDER RELATIONS FOCUS GROUPS

Executive Summary

Service Academy 2007 Gender Relations Focus Group (SAGR2007) study is a focus group assessment conducted per U.S. Code 10 as amended by Section 532 of the John Warner National Defense Authorization Act for Fiscal Year 2007. *SAGR2007* is part of an assessment cycle at the Service Academies that consists of alternating surveys and focus groups. Focus groups were conducted at all three Academies. Separate sessions were conducted for male and female students in each of the four class years.

Data from the focus groups were analyzed qualitatively for major themes and ideas conveyed across the sessions. For each theme, supporting comments from the focus group participants are included. Analysts used a combination of topical coding and repeated reviews to gather specific comments into the emerging themes. Where students differed in their opinions on a topic, both perspectives are presented in separate findings. Although focus group findings cannot be generalized to all students at each of the Academies, findings serve as illustrations of situations and themes for consideration by Academy officials as they review their programs.

Findings are presented in separate chapters for each Academy. Within chapters, the major themes are presented with specific findings and supporting comments from the students. Each comment identifies the gender of the student. Although the topics reported are similar for each Academy, no attempt was made to compare or generalize findings across Academies.

Table of Contents

	<u>Page</u>
Chapter 1: Introduction	143
Focus Group Methodology	143
Selection of Participants	143
Development of Questions.....	144
Conducting the Focus Groups.....	145
Analysis Methodology	145
Categorization of Topics.....	146
Organization of Findings	146
Chapter 2: U.S. Military Academy.....	147
Sexual Harassment.....	147
Definition and Examples of Sexual Harassment	147
Extent of Sexual Harassment on Campus.....	148
Reasons for Sexual Harassment.....	151
Tolerance of Sexual Harassment	152
Sexual Humor	153
Safety and Sexual Assault and Harassment.....	155
Definition and Seriousness of Sexual Assault	155
Feelings of Safety	156
Reasons for Not Feeling Safe	157
Policies to Insure Safety in the Dorms.....	159
Reporting Sexual Harassment and Sexual Assault	162
Reporting Options.....	162
Reasons for Not Reporting.....	164
Reporting Decision and Preferred Reporting Method	167
Trust in Reporting System	169
Training.....	170
Amount and Implications of Training.....	170
Professional Military Ethics Education Classes	171
Most Effective Training Methods.....	174
Least Effective Training Methods	175
Suggested Training Options.....	177
Leadership Preparation	181
Communication From the Academy.....	183
Current Communication About Sexual Harassment and Sexual Assault	183
Desired Communication About Sexual Harassment and Sexual Assault.....	184
Alcohol.....	186

Role of Alcohol in Sexual Harassment and Sexual Assault Incidents..... 186
 Effectiveness of Alcohol Policies 187
 Additional Topics 190

Chapter 3: U.S. Naval Academy192

Sexual Harassment..... 192
 Definition and Examples of Sexual Harassment 192
 Extent of Sexual Harassment on Campus 195
 Reasons for Sexual Harassment..... 196
 Tolerance of Sexual Harassment 197
 Sexual Humor 201
 Safety and Sexual Assault and Harassment 202
 Definition and Frequency of Sexual Assault 203
 Feelings of Safety 203
 Reasons for Not Feeling Safe 204
 Reasons for Sexual Assault..... 205
 Reporting Sexual Harassment and Sexual Assault 206
 Reporting Options 206
 Reasons for Not Reporting..... 207
 Reporting Decision and Preferred Reporting Method 208
 Trust in Reporting System 210
 Training..... 212
 Type and Amount of Training 212
 Most Effective Training Methods..... 212
 Least Effective Training Methods 215
 Suggested Training Options..... 216
 Leadership Preparation 217
 Communication From the Academy 219
 Current Communication About Sexual Harassment and Sexual Assault 219
 Desired Communication About Sexual Harassment and Sexual Assault..... 220
 Alcohol..... 221
 Role of Alcohol in Sexual Harassment and Sexual Assault Incidents..... 221
 Effectiveness of Alcohol Policies 223
 Alcohol Training..... 225
 Dating at USNA..... 226
 Additional Topics 228

Chapter 4: U. S. Air Force Academy230

Sexual Harassment..... 230
 Definition and Examples of Sexual Harassment 230
 Extent of Sexual Harassment on Campus 231

Reasons for Sexual Harassment.....	232
Tolerance of Sexual Harassment	232
Sexual Humor	236
Safety and Sexual Assault and Harassment	237
Definition and Frequency of Sexual Assault	237
Feelings of Safety	237
Reasons for Not Feeling Safe	239
Reporting Sexual Harassment and Sexual Assault	241
Reporting Options	241
Reasons for Not Reporting.....	242
Reporting Decision and Preferred Reporting Method	244
Trust in Reporting System	247
Training.....	249
Type and Amount of Training	249
Most Effective Training Methods.....	250
Least Effective Training Methods	253
Suggested Training Options.....	254
Leadership Preparation	256
Communication From the Academy	257
Current Communication About Sexual Harassment and Sexual Assault	257
Desired Communication About Sexual Harassment and Sexual Assault.....	259
Alcohol.....	260
Role of Alcohol in Sexual Harassment and Sexual Assault Incidents.....	261
Reasons for Using Alcohol	262
Effectiveness of Alcohol Policies	263
Ways to Avoid Getting Involved in an Incident While Drinking.....	265
Alcohol Training.....	266
Additional Topics	266

Appendix

Focus Group Protocol.....	269
----------------------------------	------------

SERVICE ACADEMY 2007 GENDER RELATIONS FOCUS GROUPS

Chapter 1: Introduction

Program evaluation and process improvements are integral to the success of programs implemented at the Service Academies to reduce sexual harassment and unwanted sexual contact/sexual assault, and to provide reporting and victim care procedures. Recurring evaluation of these programs is critical to reducing instances of harassment and assault as the Academies strive to provide a safe educational and leadership development environment for their students. One source of information for evaluating these programs and for assessing the gender relations environment at the Academies involves quantifiable feedback from students through a representative survey. Another source of information involves qualitative feedback from students through focus groups with a moderator who is trained to facilitate discussion on these topics. This report presents findings from the recent *Service Academy 2007 Gender Relations Focus Group (SAGR2007)* study. This introductory chapter provides background on why this study was conducted, a description of the focus group methodology, and a brief overview of subsequent chapters.

U.S. Code 10 as amended by Section 532 of the John Warner National Defense Authorization Act for Fiscal Year 2007 codified an assessment cycle at the Academies that consists of alternating surveys and focus groups. *SAGR2007* is the first focus group assessment. Previous assessments in this series were survey based, with the first conducted in 2004 by the DoD Inspector General (IG). Responsibility for subsequent assessments was transferred to the Defense Manpower Data Center (DMDC) which conducted surveys in 2005 and 2006.

Focus Group Methodology

Unlike other research methods that employ statistical sampling and extrapolation of findings to the larger population, focus groups follow a qualitative research approach to collect subjective details from participants on a limited number of topics. The design for these focus groups was replicated for each session at each Academy to minimize any extraneous influences. Although the results cannot be generalized to the population of the Service Academies, they provide insights into issues and ideas for further consideration. Procedures for selecting participants, developing the questions, and analyzing the data are described below.

Selection of Participants

Participants were selected at random at each Service Academy. To select participants, each Service Academy first supplied DMDC a roster of all the cadets or midshipmen including names, class year, gender, and other identifying information needed by the Academy to locate the student. The roster excluded foreign national students, as well as exchange students. DMDC randomized the list of students within clusters defined by gender and class year. The rosters

were then returned to each respective Academy and it was the responsibility of each Academy to use their randomized list to identify the first ten students who were available (did not have a class scheduled during the focus group) to attend the focus group appropriate for their gender and class year. Students were contacted by their Academy and notified of their selection to participate in the focus group. Acceptable reasons for being excused from the focus groups after being selected were minimal, but included being on travel or being hospitalized. In some cases additional students were identified to participate as backups. Therefore, session sizes ranged from eight to thirteen, depending on the number of students who attended the session or were excused.

Development of Questions

To begin the collaborative effort of developing focus group questions, DMDC analysts drafted potential questions by reviewing notes and findings from the *Service Academy 2006 Gender Relations Survey (SAGR2006)*. Analysts looked for follow-up topics that might clarify or expand on findings from the previous year's survey. A list of preliminary questions was generated and provided to the Sexual Assault Prevention and Response Office (SAPRO), as well as each Service Academy, for their input. A revised set of questions incorporating comments from SAPRO and the Academies was compiled with overlapping or duplicate topics removed. The revised set of questions was then returned to SAPRO and the Academies for final revisions. Eight questions with additional subquestions (probing questions) were presented to participants at each Academy, with one additional Academy-specific question asked at the U.S. Naval Academy (USNA) at their request. The topics addressed were:

- Sexual harassment and sexual assault—definitions, examples observed, impact of unwelcome humor, contributing factors, and differentiation between sexual harassment and assault
- Future leader preparation—the extent to which experiences prepare cadets/midshipmen for their role as officers
- Use of alcohol—the role of alcohol in sexual harassment and assault
- Communications—Academy practices in disseminating information about sexual harassment and assault
- Safety—students' perceptions about safety from sexual harassment and assault
- Training—student opinions about the training they receive in sexual harassment and assault prevention and response
- Mechanics of reporting—details on understanding of the mechanisms for reporting sexual harassment and assault
- Reasons for not reporting—discussion of possible reasons one would not report an incident of sexual harassment or assault

- Dating relationships (USNA only)—discussion of policies regarding dating among midshipmen

Note that these questions included additional probing questions to stimulate discussion and delve deeper into topics. These questions were asked in each session, but facilitators varied the order to reduce any effect based on fatigue.²⁰²

Conducting the Focus Groups

DMDC provided two focus group facilitators who led the sessions at all three Academies. A male facilitator led the male focus groups and a female facilitator led the female focus groups. Both facilitators participated in the subsequent qualitative analysis of the data.

Focus groups were scheduled based on class year and gender. At USNA and the U.S. Air Force Academy (USAFA), eight 90-minute focus groups sessions were conducted. Due to a scheduled class time constraint of 45-minute periods, sixteen focus group sessions were conducted at the U.S. Military Academy (USMA) with two for each class year by gender. Half of the questions were asked in each shorter focus group. USMA was the first Academy visited with focus groups conducted between April 10-13. Focus groups at the USAFA were conducted between April 16-20 and the USNA April 23-26. Between eight and thirteen students participated in each session. Focus groups were held in conference rooms or classrooms on each Service Academy campus. DMDC provided a recorder who used a stenographic machine to transcribe all comments from students and the facilitator. Transcripts were provided to each Academy and to SAPRO after they were cleaned of all identifying comments and names. No audio or video recording was made of any focus group session. All focus group sessions were governed by a number of ground rules, most notably that they were all non-attribution sessions where students were advised of the purpose for the recorder, but made aware that their names or comments would not be attributed back to them. Students were encouraged to provide information generally but not to specify personal experiences, names, or identifying comments if possible. Students were also advised not to share information learned within the focus groups after the session was concluded.

Analysis Methodology

Data from the focus groups were analyzed qualitatively for major themes and ideas conveyed across the sessions. The order of presentation does not imply that any one theme is more important than any other. For each theme, supporting comments from the focus group participants are included. The supporting comments do not include every comment made on a particular theme, rather they illustrate the theme in the words of the cadets and midshipmen. No attempt was made to quantify the number of comments made on a specific theme.

²⁰² Although there was no evidence to suggest that focus group participants became tired or restless as the sessions progressed, the order of questions was varied to ensure each question was presented first in one or two sessions.

Caution must be applied to the review of the findings presented. The results are based on qualitative analysis—findings cannot be generalized to all students at each of the Academies. Findings should be viewed as illustrations of situations and themes for consideration by Academy officials as they review their programs. Findings may also be viewed as a general perspective on students' views of sexual assault and sexual harassment at their Academies, but do not portray a statistical report on incident rates or performance of response and prevention programs.

Categorization of Topics

Focus group analysts reviewed transcripts to identify major themes. Although findings tended to cluster around the main questions asked in the sessions, categorization based on the questions was not an *a priori* requirement. Analysts were sensitive to themes that emerged from the questions. Analysts used a combination of topical coding and repeated reviews to gather specific comments into the emerging themes. Where students differed in their opinions on a topic, both perspectives are presented in separate findings.

Organization of Findings

Findings are presented in separate chapters for each Academy. Within chapters, the major themes are presented with specific findings and supporting comments from the students. Each comment identifies the gender of the student. Caution must be exercised in reviewing these findings. Comments should not be viewed as representative of all other students. Finally, although many of the themes are similar across the three Academies, each Academy should be viewed separately. No attempt was made to compare or generalize across Academies.

Chapter 2: U.S. Military Academy

Sixteen focus group sessions were conducted at USMA between April 10-13. Each session was scheduled for a 45-minute period to accommodate the scheduled class time constraint. There were two sessions held for each gender for each class year, each with between eight and thirteen students.

Sexual Harassment

Sexual harassment was one of the main subjects addressed in the *SAGR2007* focus groups. Cadets were asked to discuss the definition of sexual harassment, how often they see it happening, possible reasons for it happening at USMA, and how much it is tolerated on campus. The topic of sexual humor was also explored in this discussion.

Definition and Examples of Sexual Harassment

- **Participants in the focus groups indicated that sexual harassment is when someone makes a verbal statement that is offensive to someone else.**
 - *“I think sexual harassment is anything that is inappropriate, and makes a person feel uncomfortable.”* (Male)
 - *“[It is] unwanted comments or gestures toward a member of the same or opposite sex. I don’t think it matters what sex the person is.”* (Male)
 - *“[Sexual harassment is] whatever makes you uncomfortable.”* (Female)
 - *“It’s like an unwanted advance or unwanted comments.”* (Female)
- **Focus group participants gave the following examples of sexual harassment:**
 - *“Somebody makes a sexist comment or a joke at a person’s expense.”* (Male)
 - *“Innuendos or suggestive comments.”* (Female)
 - *“A guy talking to you about something you don’t want and continuing once you tell him to stop.”* (Female)
 - *“If you’re making a joke about somebody and they say, ‘Hey you know, it’s not funny,’ and if you keep doing it, then that becomes harassment.”* (Male)
- **However, focus group participants, especially the men, indicated that it is difficult to define and give examples of sexual harassment because what offends one person does not necessarily offend another person.**

- *“Something could be said and interpreted one way by someone and that would constitute sexual harassment, whereas the same thing may be said in a different setting and a different audience and that may not be interpreted as sexual harassment.”* (Male)
- *“It’s when someone oversteps the boundaries that you’ve set for yourself in terms of defining that. I think that for different people, you have a different boundary of what’s acceptable to you; I mean, depending on how you were brought up. Even so much as certain words being used that might offend one person and not another. So sexual harassment would be where someone—like they cross your boundary and make you uncomfortable.”* (Female)
- *“It’s different for whoever you’re around, because some people are offended, not easier, but just certain things offend them more than they would offend another person. I think you kind of have to watch what you say around certain people because, it’s not a bad thing, but because some people just grew up in different families.”* (Male)
- *“The definition of sexual harassment is very general, open, or vague. It’s defined, but it also depends on the girl you’re talking to.”* (Male)

Extent of Sexual Harassment on Campus

- **Both male and female focus group participants indicated that sexual harassment is not a serious issue at the Academy because they have rarely seen it or heard of it happening.**
 - *“I believe people are pretty aware of respect issues and who’s around them. I don’t really notice that much [sexual harassment].”* (Male)
 - *“I’ve never been offended by any of the comments anyone has said here. I don’t feel victimized by it.”* (Female)
 - *“I don’t walk down the hall in my building and see somebody getting verbally harassed on a daily, weekly, monthly, or even yearly basis. I’ve never personally walked by and just seen somebody or heard something that I would find blatantly offensive or insulting.”* (Male)
 - *“I guess it happens, but I don’t think it is an issue here. I wouldn’t say it’s a culture issue. I would say maybe it’s a few individuals.”* (Female)
- **Although most participants in the focus groups did not perceive sexual harassment to be a problem, a few first class (senior) women had a concern about it.**

- *“I think sexual harassment is a problem at the Academy. It’s a problem in the Army. But it’s a problem in society in general. I mean, in the workplace it happens all the time, but it doesn’t make it any more okay, and here it just makes it harder for the women being a minority. ... I know a girl who reported a male during her Camp Buckner [field training location] experience for referring to women by the C-word²⁰³, and she was silenced by her company, including the other women.”* (Female)
- *“The stigma of [Boys I²⁰⁴] is still here. Just last semester some of the upperclass cadets got in trouble for, I’m not sure, either buying hats that said ‘Boys I’ or walking around saying ‘Boys I’ or something like that.”* (Female)
- **Older participants in the focus groups indicated that sexual harassment happens less often now than it did a few years ago.**
 - *“The Sup [Superintendent] got up in a briefing and said he doesn’t want to hear anybody use the word ‘trou’²⁰⁵ anymore, and there was a marked decrease from then on.”* (Male)
 - *“I think I’ve heard less ‘trou’ jokes since I’ve been here. I feel I heard a lot of them my plebe [freshman] year, and then as time has gone on, because they made it such a focus, I feel like they’re discussing it and it has become less of an issue. I feel like the plebes have never even heard it or heard of anyone using that term. I don’t think they learn it like they used to. So I think [sexual harassment] is decreasing, at least in my experience.”* (Female)
- **Participants in the focus groups indicated that the frequency of sexual harassment might be overstated in survey results.**
 - *“They say from the survey last year that, like, 30% of the people were sexually harassed and only ten of them actually reported it. But I don’t think it’s that high. I think they’re getting the numbers of harassment from, like, jokes. They ask, ‘Have you ever heard a sexual joke?’ And you’re like, ‘Yes,’ and they’re counting that as sexual harassment.”* (Female)

²⁰³ The “C-word” is a common euphemism that refers to a derogatory term for women.

²⁰⁴ “Boys I” is a term used to reference the last company at USMA to graduate a woman when USMA became coeducational and who created the nickname to refer to themselves and their pride for maintaining only men for so long.

²⁰⁵ “Trou” is a derogatory term used at USMA to refer to female cadets.

- *“I think the biggest thing with those surveys, is if you say you felt even remotely, like, sexually harassed, it appears as, ‘Oh, that’s 50 percent of the Corps,’ and those are the numbers that get put out to us.”* (Female)
- **Focus group participants indicated sexual harassment is not a big concern at the Academy because women are typically not afraid to speak up when something offends them, and men typically stop when asked to do so.**
 - *“I think most people are comfortable telling someone [when something] offends them. And even if it is an upperclassman or something, they’re not afraid to speak up.”* (Male)
 - *“I think that if someone brings it up and makes [the offender] aware that they feel they were harassed, I feel like basically in all cases, [the offender] will respect that individual enough to stop.”* (Male)
- **Because of the emphasis placed on the topic of sexual harassment, some male focus group participants indicated they are worried that they will mistakenly say something that may be interpreted as harassment.**
 - *“It’s the scariest thing to think that a slip of the tongue will really kind of hurt you here when it’s not intended that way. And I think it hurts a lot of the relations between the two [genders].”* (Male)
 - *“I think there’s a pretty strong desire to jump on it. ... There’s almost like a kind of feeling sometimes of like a secret police, where not only if you do anything harassing, but if you say anything that isn’t in line with the Academy’s values, then you’re going to get jumped on.”* (Male)
- **Focus group participants indicated the fear of saying something wrong without intending to can affect the way men interact with their female subordinates in a professional capacity.**
 - *“I think there’s a large majority of male cadets here that believe they’re restricted in what they can say, like if you have a female subordinate and you’re her first-line supervisor, you might be afraid to come down hard on her or something like that, where if it was a male you would be in their face if they failed to do something. But you can’t really do that on a female because what’s stopping her from turning around and calling CPD [Center for Personal Development] to say, ‘I’ve been sexually harassed,’ just because she’s upset or something like that?”* (Male)

- *“I know there are standards for girls’ hair and I know there are standards for makeup and earrings, but I don’t even look at that stuff. I just ignore it because I don’t want to try to make a correction.”* (Male)
- *“Let’s say somebody makes a blatant mistake in their job and you’re afraid to critique them in a specific way because they might be offended, or you can’t come down hard on them or you can’t make a quick correction so consequently, what do you do? Do you just sit there? It’s a floating standard.”* (Male)

Reasons for Sexual Harassment

- **When asked why sexual harassment happens, some male participants in the focus groups indicated that, when it happens, it’s because people do not always realize they are doing it.**
 - *“I think it happens partly because it’s such a hard thing to define. It’s kind of like pornography, or obscenity; I can’t really define it but I know it when I see it. Maybe part of the reason is because the gender gap makes it a different environment than what most people were growing up in.”* (Male)
 - *“There’s definitely a gray area about what sexual harassment is, because I know I’ve said stuff and didn’t even realize it, and people are like, ‘Do you realize what you just said?’ You don’t even mean to do it but something comes out the wrong way.”* (Male)
- **Female focus group participants indicated that men sometimes forget that there are women around who may be offended by certain comments.**
 - *“We go to a school that’s like 85% guys, so sometimes I think they forget that there are girls here that would be offended.”* (Female)
 - *“In any environment that has more males than females, sometimes the guys might forget there’s a girl in the room and make a joke or something.”* (Female)
- **Female focus group participants also indicated that women do not always tell men to stop when they hear an offensive comment.**
 - *“If you’re joking and you realize the guy might be getting serious, you’re like, ‘Stop.’ But sometimes girls don’t do that and they just let it happen, and some guys don’t realize they should stop.”* (Female)
 - *“With my friends, guys will be joking with them a lot and some girls will just sit there and take it, and I’m like, ‘Why don’t you just say something back, because if you do, they’ll stop.’”* (Female)

- “Guys know when they can say stuff to certain girls and when they can’t so if you give the impression that a guy can say anything he wants to you, then he’s going to say something inappropriate.” (Female)

Tolerance of Sexual Harassment

- **For the most part, focus group participants agreed that sexual harassment is not tolerated at the Academy.**

- “It’s not tolerated. ... I think cadets are really audience-aware of what’s going on, especially with the program here, ... and I’ve never seen blatant verbal sexual harassment.” (Male)
- “I think we have so many different channels to go through – you can go through your tactical officer, your chain of command, your Respect Program, and other things, that no one really feels conflicting loyalties.” (Male)
- “I think once it’s brought up, the Academy takes it really seriously. The higher level people take it seriously and if it really is an issue, they’ll deal with it.” (Female)
- “It would be reported here faster than somewhere on the outside. ... Because of the repercussions for not doing something, nobody would try to back-door it or cover it up.” (Male)

- **There is one exception to the general feeling that sexual harassment is not tolerated at the Academy; some first class (senior) women in the focus groups indicated that sexual harassment is a concern because of some degree of toleration for it that exists.**

- “Like the ‘trou’²⁰⁶ thing, I don’t know how often I’ve heard the word ‘trou’ but I don’t think I ever once heard somebody say, ‘Don’t use that word,’ right after it’s been said.” (Female)
- “I think for some people, a desire to fit in with the guys can sometimes cloud judgment as far as when to say, ‘Stop’ or when to say, ‘That’s inappropriate.’” (Female)
- “I had an experience [with sexual harassment] ... a few years ago ... and I didn’t directly report it, but it came out and I ended up reporting it to my battalion TAC [tactical officer]. There’s a different chain of command now.

²⁰⁶ “Trou” is a derogatory term used at USMA to refer to female cadets.

[Back then] I read something that probably wasn't meant for me to read, but I did, and it was really derogatory towards women. It slammed everybody. ... I don't remember everything, but I do remember him telling me that I probably should have just turned my eye on it. It was a joke. It wasn't meant to be offensive. ... To have this Major sitting there telling me I shouldn't have cared was really, like, well there's the problem. You have TACs telling people it's okay to call girls sluts here.” (Female)

- **Some first class (senior) women in the focus groups blame this tolerance on the accepting culture in some companies, and the immaturity of some cadets.**
 - *“I think it all depends on the atmosphere within companies. In my company, nothing is tolerated as far as that goes because my TAC has always said that the most important thing is, ‘You are all brothers and sisters. If you do anything to hurt each other, I will kill you.’ Everyone respects that, and they know the moment they cross that line, they’re basically done. [But not all companies are like mine.]” (Female)*
 - *“It also depends on classes. I know that our class is probably the most mature class here and it’s not just because we’re the firsties [seniors], but that’s just the way [we are]. You see the cows [juniors] and the yuks [sophomores], and they don’t understand the importance of sexual harassment, how you can’t do it or why you can’t say certain things to certain people. But a lot of it has to do with immaturity.” (Female)*
- **Fourth class (freshman) women in the focus groups indicated that they felt especially protected from sexual harassment because they could count on their male classmates and the upperclassmen to intervene when needed.**
 - *“If you’re really good friends with a guy he knows he can say something around you and you’re not going to be offended. But if he gets around other guys and they start saying stuff, he’ll be like, ‘That’s not cool.’ It’s kind of like a family type thing.” (Female)*
 - *“When it happens to underclassmen by upperclassmen, [the underclassmen] are afraid to actually come forth and say anything, so usually it’s another upperclassman that will approach [the offender] and say, ‘You need to take care of this.’” (Female)*

Sexual Humor

- **Participants in the focus groups indicated that humor on varying subjects was a part of cadet life.**

- *“The upperclassmen always ask for a joke at a meal, and some of them ask for some of the more sexist jokes or whatever.” (Male)*
- *“If it offends you, like, it offends you as a joke teller, then you can abstain from saying it. But I guess if it’s something that you would be okay with and he has asked you to say it, then I guess it goes kind of under the [rule] that he ordered you to do it.” (Male)*
- *“I know there have been jokes at some of the tables and I’ve been able to correct it by saying, ‘Hey, we’re at the table, there are subordinates and superiors and that kind of joke shouldn’t be done at the table.’ Things like that do happen, and if people don’t correct it, then they’re going to continue doing it.” (Female)*
- *“I think everybody jokes about a lot of things, and it’s kind of rampant. About race, about homophobia, about gender. Jokes of that nature, a broad column of inappropriateness. But then again, I would argue that’s a cultural thing, not to say that it’s okay, but we’re on a normal track, I think, comparing ourselves to other institutions.” (Female)*
- **The first class (senior) women in the focus groups who felt that sexual harassment was a concern also indicated that they felt that sexual humor was somewhat of a concern.**
 - *“I think there are plenty of jokes referring to ‘trou food’²⁰⁷ and ‘trou cake’ that make some people uncomfortable eating at a table. I’m not going to say everybody, but I’ve been at a table where several ‘trou’ comments have been made, and it usually is in regard to dessert or whatever.” (Female)*
 - *“[Women] have different standards on our physical tests than the men do, so that’s where you hear [sexual humor]. I mean, aside from eating.” (Female)*
- **Participants in the focus groups, however, indicated that sexual humor was not a serious concern as long as people were aware of the issue and stopped when someone asked them to.**
 - *“Usually if something does come up, like where someone tells a joke [and someone else is offended], a person would go to them and tell them, ‘Hey cool it,’ or ‘Don’t be saying that kind of stuff around me.’ I think it usually ends there.” (Male)*

²⁰⁷ “Trou” is a derogatory term used at USMA to refer to female cadets.

- *“My peers at home are less reserved than the people here at school. I mean, I think it all depends on where you’re from, but I just don’t think that the inappropriate jokes that are going on here are isolated to the Academies or USMA. It’s our generation.”* (Female)
- *“For me, it just goes back to your personal boundaries and what you’re comfortable with. ... I believe it’s different for everybody and I think that’s okay. I think that as long as everybody knows what those boundaries are and they don’t let other people cross them ... just say ‘Stop’ and in my experience it stops.”* (Female)
- **When asked to explain when a joke was no longer funny but crossed the line into something offensive, focus group participants gave the following examples:**
 - *“If you have to think about whether it’s offensive or not, then it’s probably offensive. I was told, ‘If you think something’s wrong, just don’t tell it.’”* (Male)
 - *“[I heard a joke] that was mixed, like a racial and female joke. And that’s when it crosses the line.”* (Female)
 - *“I think it’s the manner that it’s presented in. ... In certain situations you almost feel like they’re getting enjoyment out of saying a crude thing. Like if you have the guy up in the front of the crowd, like a bragging-type thing and he’s saying a really crude belittling thing, and he’s doing it to get attention-type thing. Whereas another joke at the lunch table, well it’s just the lunch table. They’re just talking about their day or what they’re going to do on the weekend.”* (Female)
 - *“I don’t think you should say a joke if you won’t say it to your mom. But that’s not just about sexual harassment, that’s about anything. I think innuendo is fine, but when it’s blatant and vulgar, I think is when it crosses the line.”* (Female)

Safety and Sexual Assault and Harassment

Students were asked for their input on why cadets may or may not feel safe at the Academy from sexual assault and harassment. Feedback on some of the policies designed to keep students safe was also given.

Definition and Seriousness of Sexual Assault

- **Participants in the focus groups defined sexual assault as being “something physical,” such as “an actual physical attack” or rape.**

- **Participants indicated that any amount of sexual assault would be a serious problem if it happened to a cadet, but most did not worry about it on a day-to-day basis.**
 - *“I think anytime you have a sexual assault, it’s a problem. It might not happen to me, but if it happens to one of my classmates, then it’s a problem even if it’s not as widespread as sexual harassment.”* (Female)
 - *“I know it can happen, it’s possible, but personally I’m not worried about it when I walk around here.”* (Female)
 - *“I think for me, I’ve never felt unsafe in that regard here; I’ve never had that sort of concern for my personal well-being.”* (Female)
 - *“Well, I think maybe for a lot of people, I don’t know, but it’s—I think relatively West Point is like a real, real—like assault-wise, it’s really, really safe. But the way it’s made into this big issue and it’s in our face all the time, people might feel like it happens all the time.”* (Male)
- **Older participants in the focus groups indicated that the climate for avoiding and responding to sexual assault was better now than it was a few years ago.**
 - *“My plebe [freshman] year we had drunk firsties [seniors] coming in almost every night to my room just to sit and talk to us. Stuff like that doesn’t happen, at least not nearly as frequently as it did then. And I remember I was assaulted in the barracks but I never reported it because I was so afraid of the way the climate was. But looking back on it now, I would say probably you could come forward and it would be a lot easier. So I think it’s much better.”* (Female)

Feelings of Safety

- **Focus group participants indicated that they take care of each other, which makes them feel safer than their friends who attend other colleges.**
 - *“I feel safer here than at home because there are MPs [military police], cadets, and officers all expecting you to have a certain amount of character, and everyone here that I know are good people, so I feel surrounded by good people.”* (Female)
 - *“The thought doesn’t even occur to me that I’m unsafe.”* (Female)
 - *“Even walking down to the gym really early, at 0500 in the morning, I feel completely fine, even though it’s completely dark.”* (Female)

- *“I think in comparison to other civilian colleges, it’s a lot safer here. I know at a normal civilian college, my friends won’t go running in the evening after it’s dark because they don’t feel safe, and I’ve never felt it’s not safe to go running or to go out in the evenings.”* (Female)
- *“I think how they have the barracks arranged [helps]. If the females were separated, I wouldn’t be as comfortable. Since we have guys next to us, I feel more comfortable because they’re close by. If a guy is trying to come in your room or you have an issue with sexual assault or harassment, there’s always a bigger guy that can come help.”* (Female)
- **When pressed, participants in the focus groups indicated a few places on campus where people might not feel totally safe.**
 - *“There are rumors that you can go to [the sixth floor of Washington Hall] to get away from everybody, and that kind of goes along with putting yourself in a [dangerous] situation. If the guy wants you to go to a place where no one else is and you don’t trust him, then you shouldn’t go.”* (Female)
 - *“The walk back on a Saturday night from Thayer Gate to the barracks, from South Gate or one of the bars in Highland Falls. I think that is an area where you have males passing females and they’re probably intoxicated and sexual harassment can definitely take place in that walk.”* (Male)
 - *“The tunnel behind Washington Hall, where the trucks drop off food or whatever. I guess if you’re taking a shortcut to the First Reg [First Regiment] or something, it’s kind of like a secluded place.”* (Male)

Reasons for Not Feeling Safe

- **When asked why a student might not feel safe from sexual harassment or sexual assault, participants in the focus groups were not sure, but speculated on the following reasons or situations:**
 - Because safety policies exist: *“I think the only reason people may not feel safe is that ... we’re supposed to have an Honor Code and we’re supposed to respect each other, ... but yet we’re told to lock our valuables and lock the doors at night. And just the simple fact that we have to take those measures makes it feel a little bit uncomfortable.”* (Female)
 - Because of past experiences: *“Some of the girls [who reported feeling unsafe in the survey] could be ones that were previously sexually assaulted or harassed.”* (Female)

- On weekends when fewer people are around: *“There might not necessarily be an area where someone might not be safe, but hypothetically, if you look at the time frame, if it’s a weekend and everyone gets out of here and there isn’t a cadet presence, then maybe that would be an instance where vulnerability would go up...[because] no one’s around.”* (Male)
- When alcohol is involved: *“In situations involving alcohol, when people come back from the Firstie Club²⁰⁸, a lot of those instances happen when both parties are drunk and that’s when someone else ends up in someone else’s room or something like that.”* (Female)
- **When asked specifically about summer experiences, some focus group participants indicated that they can see how students might feel unsafe during the summer when they come in contact with people from outside the Academy.**
 - *“I’ve never had a problem with cadets. I think the biggest issues I have seen have been over the summer when either you’re out in the regular Army or the regular Army is brought in here.”* (Female)
 - *“I think girls get hit on during the summer training by the Active Force all the time, and I’m sure they feel really uncomfortable about it, but I think if one of the cadets saw it happening or kind of noticed a girl was uncomfortable, they would totally step in.”* (Male)
 - *“I think there are some issues at Cadet Troop Lead Training where you go out into the Army and you’re not in this environment, you’re not at USMA, so you’re interacted with and treated differently than you would be here. I think some people might feel a little more uncomfortable. You’re around people you’ve never seen before or met before and suddenly you’re under them or in charge of them, so for some people it might make you feel uncomfortable.”* (Female)
- **Focus group participants gave examples where potentially unsafe events have happened during field training at Camp Buckner.**
 - *“Sometimes as a female you’re going to get sent to places where there’s actually a greater male population and they haven’t received all of the sensitivity training that the guys have gotten here. I know a couple of females during Buckner had problems with some of the enlisted males that were there to teach us, and they would verbally attack some of the females. They would come after them, like ‘Why are you doing this?’ and the females said, ‘All the other people are doing it too, why are you coming after me?’”* (Female)

²⁰⁸ The Firstie Club is an on-campus bar for seniors that serves food and beer.

- *“I had a situation during Buckner [field training location] with one of the assistant trainers or whatever, an enlisted guy. That’s the only time I’ve ever had problems either with sexual assault or harassment.”* (Female)
- *“You hear a lot of jokes and stuff about, we call it ‘Buckner Love.’ Like this coming summer we’re going to Buckner and you always hear about people trying to go off in the woods and hook up. But you don’t hear so many times about the guy dragging the girl away into the woods, usually the joke is consensual.”* (Male)

Policies to Insure Safety in the Dorms

- **Participants in the focus groups indicated that, in general, the locked door policy has addressed past concerns about personal safety in the dorms.**
 - *“A lot of [past] issues were after hours, guys going in the girls rooms or girls letting guys in their room and stuff like that. Now you have an accountability issue. The door has to be locked. If the issue does happen, which I haven’t heard much of any more, it kind of takes it away.”* (Male)
 - *“I think the locked door policy has, from what I hear, created a lot less problems because there are no longer cows [juniors] and firsties [seniors] coming back drunk from their little clubs and they can no longer just open a door and walk in there into another female cadet’s room.”* (Male)
 - *“The doors are locked, so if people are really drunk and they want to go into a girl’s room, they can’t because if she’s locked the door, then it’s like a precaution. I guess in the past, we heard that that was a problem, guys coming into girls’ rooms. So I think that addresses that issue fairly well.”* (Female)
- **Participants in the focus groups indicated the locked door policy has enhanced safety.**
 - *“I feel safe with my door locked.”* (Female)
 - *“I think our rooms are pretty well established as safe with the locked door policy.”* (Male)
 - *“Nothing’s going to happen at night if there’s an officer that goes around or a cadet officer that goes around and checks every single door and makes sure that every single door is locked. ... I think it’s good that they mandate that because that will prevent all those [sexual assault] cases.”* (Male)

- *“I like the policy because it makes it okay to lock your door. It makes a huge culture change here. ...And it’s a positive step towards preventing incidents from recurring. It’s not the best solution but it’s a positive step towards a good solution.”* (Female)
- **Some focus groups participants indicated that the locked door policy may or may not be necessary, but that it is worth doing if it gives women an added feeling of security.**
 - *“I don’t think that there’s necessarily a threat here, ... but I think alcohol is a big thing that just kind of adds to the situation, and I feel good having my door locked. ... I feel a lot more comfortable with it.”* (Female)
 - *“I think it’s a great policy. Obviously, I’m a big guy. I’m not scared of somebody coming into my bed at night and raping me. But the problem is, there have been incidents where females have been assaulted by somebody drunk after taps. Those females probably felt safe, that’s why their door was unlocked that night. So that’s the problem - we feel safe so I don’t think a lot of people will [lock their doors without a locked door policy], and that’s not protecting [anyone].”* (Male)
 - *“I don’t have a problem with it whatsoever if it makes one person feel safe. It’s not that difficult for me to lock my door. Getting in trouble for it is retarded, but the fact that you have a lock on your door should be fine.”* (Male)
- **Some male focus group participants indicated that the locked door policy should be optional for men, and resented that they could get into trouble for forgetting to lock their doors.**
 - *“It should be more optional. As a guy, I don’t feel threatened by the females.”* (Male)
 - *“During the day you can’t lock your door because they think you’re behind the door having sex, but at night they want you to lock your door to prevent anyone from coming to your room and having sex. It seems kind of childish. ... They should give us the responsibility and say, ‘If you feel that you don’t feel safe at night, lock your door.’”* (Male)
 - *“It should be a free use. I have to lock my door and I know no gal is going to come in my room, but if I forget, I’ll get punished. It should be if you don’t feel right, then do it, because my locked door isn’t going to stop me from leaving my room. I think it’s an absurd policy. It should just be a free use. If you don’t feel good at night, lock your door.”* (Male)

- *“I don’t think cadets should be punished for not locking their doors at night. I just got ten hours²⁰⁹ for that and I don’t appreciate that at all. Because I’m not afraid I’m going to get raped if my door is unlocked. I’m afraid the Officer in Charge is going to walk in.”* (Male)
- **Another concern expressed about the locked door policy by focus group participants was that the dorm rooms get hot in the summer when the doors are closed.**
 - *“During the summer months when it’s really hot and they expect you to lock the door, that’s when people complain, because it’s, like, we don’t get any air.”* (Female)
- **Fourth class (freshmen) women in the focus groups indicated they do not like the policy that a female freshman is not allowed to sleep in her room alone when her roommate is gone.**
 - *“I feel like it is stupid. I would be, like, ‘Why should I have to go out of my room and go upstairs and stay in another girl’s room?’ I don’t feel threatened.”* (Female)
 - *“I’m gone all the time. I play sports, so I’m gone almost every weekend, and I wouldn’t really be comfortable with some other girl coming in to sleep in my bed so my roommate could have somebody there.”* (Female)
 - *“You can lock the door anyway, so what difference does it make whether there’s two people or one person [in the room]?”* (Female)
 - *“It’s a hassle if two or three girls are on a trip or something – you have to move all your stuff just to sleep.”* (Female)
- **Fourth class (freshmen) women in the focus groups also indicated that if that policy is in place, it should apply to everyone, or at least all women at the Academy.**
 - *“If you’re going to enforce it for one person, you might as well enforce it throughout the Corps. I know sexual assault normally happens to just females, but if a guy is going to stay in his own room, I don’t understand why he shouldn’t have to switch rooms like we do.”* (Female)

²⁰⁹ Disciplinary time served by marching.

- “[It’s overkill], especially since they only enforce it for plebes [freshmen]. They don’t make the upperclassmen do it.” (Female)

Reporting Sexual Harassment and Sexual Assault

When discussing the subject of reporting sexual harassment and sexual assault, cadets were asked to talk about the following topics: reporting options and decisions, possible reasons for not reporting an incident, their preferred reporting method, and how much trust they have in the reporting system at USMA.

Reporting Options

- **Participants in the focus groups indicated that the Academy has given them all the information and/or resources they need should they ever experience an incident of sexual harassment or sexual assault.**
 - “In our Plebe Knowledge Book [freshman handbook], we have this whole section on sexual assault, about what to do.” (Female)
 - “We have briefings about the resources that are available to us if we feel like we’ve been harassed or assaulted. The Academy makes sure we know where to go and where we can get help.” (Female)
 - “Every company has a Respect Officer, and this is someone that’s trained to know both avenues that people can go to. ... The intent [of the Respect Officer] is not to hear their problems or to be their counselor; the intent is to point them in the right direction and get them there safely and have their issues dealt with.” (Female)
- **Participants in the focus groups indicated that they have many options for reporting an incident of sexual harassment or sexual assault.**
 - “There’s a Respect Officer and an honor representative. There’s also our team leader. So you have a lot of options to report.” (Male)
 - “If there’s something serious, really any person you go to can deal with it. Like if you don’t feel comfortable talking to your Respect Rep, you can go to any upperclassman or you can go to your TAC [tactical officer]. If it’s something serious, it’s going to be dealt with no matter who you go to.” (Male)
 - “You can use your chain of command first and they could send it up to the CPD [Center for Professional Development] people. You can call the CPD people yourselves. You could talk to the emergency hotline if there was something

really serious and you didn't want anyone to know. The chaplain is always open." (Female)

- **Some fourth class (freshmen) female participants indicated that the Margaret Corbin Forum was an especially helpful resource when it comes to knowing how to report an incident of sexual harassment or sexual assault.**
 - *"We have this female group called Margaret Corbin Forum, and I've heard females talk about their experiences with sexual assault, and just hearing what they had to say, they didn't expect it would have happened either, but they knew what to do and how to combat it ... and I think that's important."* (Female)
 - *"The Margaret Corbin Forum has two retreats, one each semester, and what they do is have a lot of upperclass females talk about their experiences throughout the Academy. A lot of them are graduating. I felt like even through all of our briefings and everything, the time I spent there was more worthwhile. One thing I want to say is that sexual assault is not common here, but it's [also] not reported enough. ... It was really worthwhile to hear about another person's experience and know that you have that support base if that ever did happen to you."* (Female)
- **Participants in the focus groups knew the difference between restricted and unrestricted reporting, even if they do not always use those exact terms.**
 - *"There's one way [of reporting] where you can actually report to take actions against the person. There's another one where you can just report it to get emotional support and nothing will actually come of it beyond helping you get over it."* (Female)
 - *"Some people have to report it when you tell them, like your company commander, whereas the chaplain or somebody else may just be able to counsel you and not report it if you don't want them to."* (Male)
 - *"Unrestricted is that the person you report to has the ability to tell someone else to give you care, whatever you need. Restricted is confidential."* (Male)
- **Although participants in the focus groups did not always know the names of their Sexual Assault Response Coordinator (SARC) or Victim Advocate (VA), they indicated they knew how to contact them.**
 - *"It's on-line on the home page. If you pull up our Internet, our home page has a big, bold sexual assault thing."* (Female)

- *“I know the Sexual Assault Responder is in the CPD [Center for Professional Development] department and they have an emergency line.”* (Female)
- *“In the bathrooms in my company there are posters in the back of the stalls ... and they have contact [numbers] on there.”* (Female)
- *“It’s in every cadet handbook in some way, shape, or form.”* (Female)
- **Participants in the focus groups indicated that they would be more likely to report sexual assault than sexual harassment.**
 - *“I think assault gets reported really well. I think it’s harassment that doesn’t, and that’s usually because there are different levels of severity and in a lot of ways, it’s just two people coming to terms with sexuality and maturing. ... I think a lot of those harassment issues are dealt with one-on-one and [the victims] don’t see a need to make it a legal issue.”* (Male)
 - *“I think there’s a big gray area, but I think it becomes very clear that physical contact, for most people, would be a limit where reporting would be necessary.”* (Female)
 - *“I think with true sexual assault cases, nobody is going to get any crap if they report it.”* (Female)

Reasons for Not Reporting

- **When asked why someone might not report an incident of sexual harassment or sexual assault, some participants in the focus groups, especially fourth class (freshmen) women, indicated that it may be because women want to fit in and not call attention to themselves.**
 - *“It’s like high school when people don’t fit in. If someone feels like reporting is going to make them look like a troublemaker to people they want to be friends with, that might be a deterrent for some.”* (Male)
 - *“There’s a need – regardless of whether or not we acknowledge it – there’s a need to be accepted here, because you’re going to school here and you’re going to be an officer here. These are not only your classmates but your colleagues.”* (Female)
 - *“Being male dominant here, females don’t want to be perceived as making waves.”* (Male)

- **Another reason focus group participants indicated why cadets do not report sexual harassment or sexual assault is that the person who files the report might acquire a bad reputation.**
 - *“I think more often if something doesn’t get reported, ... it’s because maybe it’s one of their friends that did it so they don’t want to hurt their reputation or they just don’t want that pinned on them, like they don’t want to be seen as someone who turned someone in for a joke or something like that.”* (Male)
 - *“If it’s somebody in the company who everybody really likes and wouldn’t expect that from, then I would probably think, ‘Well, what would these other people think of me?’ and I probably would try to find some other people who can do something about it [instead of reporting it].”* (Female)
 - *“I don’t think sexual harassment is common here. ... But I think if it would occur, I think this would be a difficult situation to get away from because the mentality here is like, ‘Oh, you turned someone in.’ People look badly upon you for doing the right thing.”* (Female)
- **Focus group participants indicated having a bad reputation is a serious problem; a problem that lasts for a long time.**
 - *“You get labeled. ... If you’re the only girl in a squad out at Buckner [field training location], you build a relationship with those guys. And if you become hypersensitive to whatever they say, that bond breaks. ... You’re the girl that’s labeled as ‘You can’t joke with her, you can’t bring up anything about that.’ Then you’ve basically segregated yourself from 85% of the male population here at the Academy.”* (Female)
 - *“[Reputation affects] everything you do. You can’t work on a project unless your partner is willing to work with you and it depends on your reputation. You can’t go anywhere unless the person who has the car is okay with your reputation.”* (Female)
 - *“There was a girl, she graduated now, but she was first sergeant of her company, and she felt a lot of the guys were giving her problems being in that leadership position, and she started complaints about ten guys in the company and to this day, it’s still a joke in her company about her doing that.”* (Female)
- **Some participants in the focus groups indicated that students might not report an incident of sexual harassment or sexual assault because of the possibility that people would not believe them or would think they exaggerated what happened.**

- *“It depends on the person and depends on what happened, because sexual assault doesn’t have to be the type that you see in the movies where someone’s beaten up beyond belief. ... [Sometimes people have the attitude that] if it’s not that, then maybe it wasn’t assault.”* (Female)
- *“I think it’s a culture thing where if you report someone for sexual harassment, people won’t see it as such a big deal and [might think], ‘You’re blowing it out of proportion, you’re getting this person in trouble ... how could you do that?’”* (Female)
- **Focus group participants also indicated incidents might not be reported because the victim would be worried about getting in trouble for encouraging the incident.**
 - *“One of the girls [speaking at a Margaret Corbin Forum] said that after she reported a guy [for sexual assault], everyone thought that she had brought it on herself.”* (Female)
 - *“I think some people are afraid to come forward [because] they think they may get blamed for it. ... [like if they say], ‘Well we were hanging out and I didn’t tell him to leave right away and he started pulling something and I felt defenseless’ or whatnot.”* (Female)
 - *“Being a plebe [freshman], if someone in your direct chain of command is first being your friend and then you talk back and forth and then they start to hit on you or something, then you feel like you would get in trouble because you encouraged it.”* (Female)
- **Participants in the focus groups indicated that, in some cases, an incident might not be reported if it was not malicious or the victim did not think the offender deserved a harsh punishment.**
 - *“Sometimes the guy’s just dumb. Legitimately he just made a mistake and he was just being stupid and I don’t think that a kid deserves to have his career and reputation demolished because he was just dumb.”* (Female)
 - *“Things get blown out of proportion. If you report it, you feel like [the offender] is going to get 150 hours²¹⁰ or something. That may be stupid and all you want to do is make sure the guy knows that other people know about it, and that he knows it’s just not appropriate.”* (Female)

²¹⁰ Disciplinary time served by marching.

- **A variety of other possible reasons for not reporting an incident of sexual harassment or sexual assault were expressed by participants in the focus groups:**
 - The outcome of the case might not be positive for the victim: *“If you’re caught up in a situation where you feel you can’t get out, it’s hard because what if that person doesn’t get kicked out, then you have to live the next four years with that person being here and dealing with that.”* (Female)
 - The victim might not want to become part of the rumor mill: *“USMA is just another version of high school where rumors spread like wildfire. I guess if somebody would report something, a week later people would know about the case and maybe shortly after that they would know who’s involved in the case. So maybe the victim would be reluctant because they know the climate here and that everyone will know immediately.”* (Male)
 - There is a possibility of collateral damage: *“One of my friends was brought up on sexual harassment/assault charges and he was found not guilty by the Conduct Board, but he still got in trouble because he had been drinking previously. So I think people don’t want to come out and say stuff that happened even if it might help somebody else, just because there are so many other consequences they’re going to get in trouble for.”* (Male)
 - It is difficult for a freshman to report something if the offender is an upperclassman: *“Our TAC [tactical officer] talked to us about it. There was a firstie [senior] who had been talking on IM [instant messenger] [to a freshman]. Friendly chatting turned into him hitting on her and showing up in her room and it got to the point where an inappropriate thing happened that was way over the line. So I don’t know how that developed. She could have easily gone to her chain of command and said something, but I don’t think it’s so easy when you’re in that situation.”* (Female)

Reporting Decision and Preferred Reporting Method

- **When asked what they would do if they were to experience an incident of sexual harassment or sexual assault, focus group participants indicated that they would first discuss it with a friend, chaplain, or some other confidential resource.**
 - *“[Friends or a chaplain] are less threatening probably.”* (Male)
 - *“I would probably go to an upperclassman who was in a club with me or somebody who is a friend.”* (Female)
 - *“They [recently] made it so a friend could be a restricted source, as well as a doctor, and I think that was a positive change.”* (Female)

- *“I think I feel more comfortable with the unofficial or the restricted way with the chaplain because I’ve heard stories about an officer who just kind of blew it off and said [the victim] was blowing it out of proportion, so I just wouldn’t know who exactly would take me seriously.”* (Female)
- *“I think you would always first just want to go to the sort of resource where you just talk about it first, and then, of course you have that [option] to go the other route after that.”* (Female)
- **After talking to friends and/or a chaplain, some participants in the focus groups indicated that they would talk to their team leader or someone else in their cadet chain of command. Fourth class (freshmen) focus group participants appeared to be especially likely to do so.**
 - *“If someone says something and they wouldn’t stop, instead of going all the way up the chain of command, I would probably tell my team leader, because that’s our next higher-up and then just say, ‘Corporal, he’s not stopping and it really offends me,’ and have him deal with it instead of it going all the way up.”* (Female)
 - *“It could depend on what classes are involved. If you have a firstie [senior] who’s doing something that offends a plebe [freshman], then the plebe is not going to confront him about it. She’s going to maybe go to her team leader and ask the team leader to talk to the firstie.”* (Male)
 - *“If it’s just a guy telling a joke ... I’m the type of person who will say something and I’m pretty sure if I say something it won’t continue so there’s no need for me to report anything. But if they try to take it to the next level, like really disrespect me, I might have to take it to the next level also. Following my chain of command, I would tell my team leader first, but depending on how I feel, if I felt like it was really major, I might take it higher up. If I feel like my team leader wouldn’t get it done the way I wanted to.”* (Female)
- **Some participants in the focus groups indicated that they would go to their tactical officer about an incident of sexual harassment or sexual assault, but others would not.**
 - *“I think almost any cadet would have [a tactical officer] that they know well enough and trust enough to go to.”* (Male)
 - *“[I would be least likely to talk to a tactical officer], especially if they’re male. My TAC [tactical officer] is a woman, so it might be different. And she was a cadet, so she would be able to relate to what it was like here. But for a male TAC, no.”* (Female)

- *“If it was a good tactical officer, maybe you would go to him, but if it’s someone you know who has a personality that shows they’re obviously not going to help you, I wouldn’t go to them. It just depends on the person.”* (Female)
- *“It depends on how your TAC and you [get along]. I know some people who hate their TACs and wouldn’t go to them.”* (Male)

Trust in Reporting System

- **Although they have not had much experience dealing with the reporting system, fourth class (freshmen) participants in the focus groups indicated they generally trust that incidents of sexual harassment and sexual assault would be handled appropriately.**
 - *“I have absolute confidence that any of the upperclassmen that I went and talked to about this, if I told them what happened, I have no doubt that they would in a heartbeat flip around and tell their next-line supervisor, because you can’t get caught in the middle of that and not tell, or else.”* (Male)
 - *“The chain of command usually steps in if it’s a problem. I know one plebe [freshman] girl, her team leader was hitting on her, apparently, so then she just told her chain of command and they gave her another team leader. That’s fine. They fixed it.”* (Female)
 - *“If you compare what’s happening here to other schools, the system is so much more effective here. ... (At other schools) all you do is go and report it and action may happen or it may not. Here you know something will happen and they will be reprimanded for their actions.”* (Female)
- **Upperclassmen participants in the focus groups indicated mixed feelings about how well the system works, especially when reporting sexual assault.**
 - *“One of my teammates got brought up on sexual assault, and it was like the girl’s third time getting in trouble for sex in the barracks or something like that, and she said that he sexually assaulted her, but he was not found [guilty] on sexual assault for that, so I think the system is working in that aspect.”* (Female)
 - *“[Justice would be done] because everything is in place that needs to be. The people you need to go to are there. The steps are all there.”* (Female)
 - *“I think there’s a lot more punishment towards the guy than the girl ... and sometimes it’s both people’s fault.”* (Female)

- **One concern about the system indicated by focus group participants was that women can use it as a scapegoat if they get caught having consensual sex in the dormitories.**
 - *“From upperclassmen I actually heard of three separate cases where females would get kicked out of the Academy for consensual sex in the barracks, but by claiming rape, whether it gets turned down, denied or not, no matter what, as long as they claim rape at the first scene of the crime, they get immunity and they can’t get kicked out for it.”* (Male)
 - *“I’ve seen it used against people, like someone’s accusing someone wrongly and then the system doesn’t really work to free them of guilt because it’s like they automatically go to the victim as the righteous one, I guess. I’ve seen it used in the wrong way to pretty much ruin people’s lives.”* (Female)
- **Some focus group participants expressed the concern that the punishment for sexual harassment is too severe.**
 - *“When a girl does report a guy here, I guess because they want to avoid bad publicity and make an example out of that person, they give them a ridiculous punishment, more than if you had sex in the barracks or Alcohol Board or something more serious.”* (Female)
 - *“Someone sent out an e-mail and got room restriction and like a hundred hours²¹¹ and that’s just ridiculous.”* (Female)

Training

During the discussion on training, USMA cadets in the focus groups were asked to give their opinions on the most and least effective methods of training on the topics of sexual harassment and sexual assault. They also gave feedback on the amount of training currently being conducted, and how they feel training could be improved at USMA.

Amount and Implications of Training

- **Focus group participants indicated that they receive too much training on sexual harassment and sexual assault.**
 - *“In terms of the sexual assault stuff, they kind of, like, force it down our throats all the time, and after a while you’re just, like, ‘Yeah, this is the same brief.’ In one ear and out the other kind of thing.”* (Female)

²¹¹ Disciplinary time served by marching.

- *“I think we get over-briefed.”* (Male)
- *“I think we have way too many briefings in the beginning, because it starts to be a joke. Everyone’s, like, ‘We’re having a briefing.’ ‘Sexual harassment?’ ‘Probably.’”* (Female)
- **Focus group participants indicated that issues presented in training are frequently restated.**
 - *“It’s just the same thing being presented multiple, multiple times. ... Like ‘Don’t sexually assault or harass somebody and there are these avenues for help if you’ve been assaulted or harassed.’”* (Female)
 - *“We have to do so many hours on the same topics, and they’ve changed our Military Science classes around, so a lot of stuff we learned in PMEE [Professional Military Ethic Education] we [already] learned in our plebe [freshman] year in the Military Science class.”* (Female)
- **Focus group participants indicated a concern that the severity of the issues regarding sexual harassment and assault could be compromised with an excess amount of training.**
 - *“I’ve noticed that the vast amount of respect and sexual harassment classes that we have actually belittles how serious the issue is. Because it is a serious issue, but when we have class after class it makes cadets kind of, what’s the word, pessimistic ... or desensitized ... or cynical.”* (Male)
 - *“The more sessions we have, the more cynical people get.”* (Female)
 - *“I think [the training] is overdone. There are too many and people are no longer sensitive to the subject. People are, like, ‘We have to go to another sexual assault briefing.’ I know that’s how I felt this morning when I had to come here.”* (Female)

Professional Military Ethics Education Classes

- **Participants in the focus groups indicated that a majority of their sexual harassment and sexual assault training is done in their Professional Military Ethics Education (PMEE) classes.**
 - *“The PMEE classes are all value classes. The Army really does try to continue to teach you those values of respect and honesty and stuff like that, so we get hit over the head with those ideas a lot, whether or not they’re specifically talking*

about sexual harassment and assault, or they're just talking about generally being a good person and a good officer.” (Female)

- **Focus group participants indicated that discussions were more effective than lectures when it comes to learning about sexual harassment and sexual assault in their Professional Military Ethics Education (PMEE) classes.**
 - *“I think what they're doing is pretty effective. We basically have discussions kind of like this when we go to those classes. They'll present a case or something and just a hypothetical situation then they'll ask a discussion question and we just talk about it as a group. You hear what other people think, so if you had wrong ideas about how you would deal with it or you just didn't have the best ideas, you [may] hear someone else say it and you think, ‘Oh, that's a lot better idea. I should probably use that as my guideline for dealing with these things.’” (Male)*
 - *“I think it's a lot better when there are group discussions, because it targets more of what other people think and their values. Somebody says something and you can either agree or disagree with it. ... It's not like there's only one set opinion or anything. So it helps everyone else grow in their values.” (Female)*
 - *“The only good PMEE [Professional Military Ethics Education] class I had this year was before spring break, on partying. We expected the officer to recite FMs [Field Manuals] and doctrines and whatever, ... [but] she was like, ‘Let's talk about sex. Let's talk about drugs. We all know you're going to do it during break.’ And she was more personal and she was like, ‘Let's figure out how we can do this more responsibly.’” (Female)*
- **Participants in the focus groups indicated that they would rather have a cadet than an officer be in charge of the Professional Military Ethics Education (PMEE) classes when discussing sexual harassment and sexual assault.**
 - *“We usually want an upperclassman [because] they talk straight to you instead of treating you like a plebe [freshman] or something. You take them seriously. ... They give you the impression that it's something that's very important that they care about so we should care about it as well.” (Male)*
 - *“The officers usually take over, at least from what I've noticed. They're always like, ‘Here's my two cents,’ and we end up listening to them on their soapbox about what it was like when they were in the Army, ... and the cadet just stands there.” (Female)*
 - *“My company had a [diversity] class one time – an officer came in and he was supervising the class, but he ended up talking at us the whole time. And people*

would try to give their opinion but then he would be like basically, ‘You’re wrong and you don’t need to say that.’” (Female)

- “I think the best classes are the ones where the officers aren’t there because then you can be more candid and not say the textbook answer. It’s more personal and you can say what you want and you know your peers will be honest too.” (Female)
- **Focus group participants indicated that it is important for the cadet in charge to be well trained and interested in the subjects of sexual harassment and sexual assault.**
 - “It’s a lot about what the cadet who is in charge of it makes out of it. They can just talk and drone on and it won’t mean anything to you, but we played diversity football one time, and that sounds like a weird idea, but I know I’ll remember that.” (Female)
 - “A lot of times they have the Mentorship Program doing it, so you have somebody who’s really uninterested teaching it to a class who’s really uninterested in listening, so between the two of them, it’s just kind of a train wreck.” (Female)
 - “I think it’s extremely difficult to teach Professional Military Ethics Education to anybody that’s close to being your peer. I’m only 20 and I have half the yearling class [sophomores] and some plebes [freshman] are older than I am. And some of them have combat experience and some of them have been to college before, and I think it’s extremely difficult for anybody at our level, whether it’s a plebe [freshman] or firstie [senior], to stand up to somebody and ... give a 45 minute discussion on something we technically have never experienced.” (Female)
- **Some participants in the focus groups indicated that they have had negative experiences in their Professional Military Ethics Education (PMEE) training on sexual harassment and sexual assault, including one second class (junior) cadet who taught a class.**
 - “They are mostly a waste of time because it’s just the same thing reiterated over and over again.” (Female)
 - “We’ve had classes on sexual assault and sexual harassment but we can’t remember any of them. I think that shows that the classes are pretty much ineffective.” (Female)

- “No one wants to be in there. Everyone is just, like, ‘When is this going to be over?’ and they’re looking at the clock. ... PMEE is just thought of negatively no matter what the topic is.” (Female)
- “I recently taught a PMEE class. I went to an hour briefing during lunch on sexual harassment. We sat there and had a whole bunch of Academy-approved crap shoved down our throats, and then we had to regurgitate it the next week to the plebes [freshman]. It was just, like, not ours. It was not something we owned, it’s something the Academy makes us do. ... I know what they’re trying to do. They’re trying to standardize the PMEE experience, but when you try and do that, you’re not passing on what actually needs to be passed on, which is real life.” (Female)

Most Effective Training Methods

- **When asked to describe training sessions which they found to be most effective, focus group participants mentioned speakers who presented real life experiences. A rape victim who spoke to fourth class (freshman) cadets made an especially strong impression.**
 - “You hear about it and you know what the definition of the word is, but when you actually see someone who has gone through it who has personal experience with it, you see emotion, you see feelings, and it relates a lot better than just words.” (Female)
 - “I think the biggest thing that had an impact on me and probably had an impact on everyone else was having the rape victim come out and speak to us. That really drove it home. She brought a face to it and that really brought it home for a lot of us.” (Male)
 - “We had one girl come who was raped and she gave a huge speech that was, like, really good, and it affected everyone. We were in shock.” (Female)
 - “You could have heard a pin drop with all 1300 of us in the room.” (Female)
- **Focus group participants who saw the “stop sign actors”²¹² indicated that their presentation was effective.**
 - “We had these two professional actors come in, a man and woman, and they kind of did ad lib, acted out different dating scenarios. It was fun. It was interactive ... I thought it brought really great issues to light. And they didn’t

²¹² A production group.

bring up any black and white issues. It was all the gray stuff and everyone's like, 'Yeah, that could have gone either way. It was both their faults.' I thought that was pretty good." (Male)

- *"A guy and a woman were creating a scene where it was a guy and a girl and they were interacting and we got to vote on what they did. Sometimes they put it in the direction of sexual harassment, sometimes they put it in the direction of sexual assault, and we all had to make the call as to what to do. It was fun, it was entertaining. The guys were very, very into their roles and their character and I thought that was probably one of the best ones I saw."* (Female)
- **Fourth class (freshmen) participants in the focus groups indicated that they liked learning about sexual harassment and sexual assault in their psychology classes because it gives them a different perspective than they get in their Professional Military Ethics Education (PMEE) classes.**
 - *"Some classes are specifically about gender roles and interpersonal relationships, so you realize why there are certain perceptions and you understand the effect of stereotypes and harassment and stuff like that, how that perpetuates. You see the cycle from the beginning to the end. In the PMEE [Professional Military Ethics Education] class, they say if the end product happens you're going to get hit, but they don't explain how you can nip it in the bud."* (Male)
 - *"It seems like they're beating a dead horse with the [training sessions] we get now, because we all know this stuff and we know not to do it. They're just reiterating it again and again, whereas we really need to know how to keep other people from doing it, and that's what we get out of psychology."* (Male)
- **Fourth class (freshmen) women in the focus groups indicated they liked having informal discussions about sexual harassment and sexual assault with upperclassmen.**
 - *"Our upperclassmen, the women in our company, took us, the plebe [freshmen] women, and just spoke to us about where to go if we need to talk to them if something happens."* (Female)

Least Effective Training Methods

- **Participants in the focus groups indicated that PowerPoint briefings were one of the least effective ways to present training on the topics of sexual harassment and sexual assault.**

- *“I could run you through every sexual harassment briefing I’ve been through, and it’s a standard formula. ... There’s the obligatory slide that has every single phone number, and confidential sources.”* (Male)
- *“The USCC [United States Corps of Cadets] knows that the PowerPoint slides are boring lectures to us. They need to be innovative and creative when they teach.”* (Male)
- *“[During the PowerPoint presentation] you just sit there and wonder, ‘When is it going to be done?’”* (Male)
- **Participants in the focus groups indicated that PowerPoint briefings were boring and suspected that their main purpose was to fulfill training obligations.**
 - *“A lot of times the PowerPoint stuff comes across to me like they are checking the box so they’re not liable. ... Then they can say, ‘Look what we did. We talked to them about it. It’s their fault.’”* (Male)
 - *“The higher ups are, like, ‘Look at what we’re doing to help this problem,’ but it’s not really helping. It’s something, which is better than nothing. But I don’t think it’s a right solution. I think it’s a waste of time.”* (Female)
- **Both male and female focus group participants indicated that targeting men as “the bad guys” made any type of training ineffective.**
 - *“The guys here are tired of it. They feel antagonized most of the time. My male cadet friends say, ‘Yeah, we’re the bad ones. We’re always going to be the ones accused of sexual harassment and that’s why we don’t really deal with female cadets or that’s why we don’t approach them.’ ... So I guess to a point the training is working, but to another point, it’s becoming too overbearing or whatever on the guys. They just feel personally attacked.”* (Female)
 - *“I don’t think the crowd that you’re dealing with receives it well when males are always painted as the bad guy. That doesn’t help anybody try to fix the problem. It’s like, ‘We’re getting persecuted again.’ It almost feels like reverse discrimination at times.”* (Male)
 - *“If you want to change the situation, not just the system or the reporting or the disciplinary action, if you want to change the actual mentality behind what cadets think about sexual assault and harassment, it needs to be portrayed as a ‘we’ issue, not a guys versus girls issue.”* (Male)
- **Focus group participants also indicated several other aspects of training impaired effectiveness:**

- Making women feel helpless: “[One speaker] targeted females and it seemed like he was telling us we were helpless and there wasn’t anything we can do ... and the guys need to protect us from it ...and I don’t feel like that at all.” (Female)
- Training during the freshman summer experience: “You don’t process anything in Beast.²¹³ You’re just like a zombie. You haven’t slept. You’re not used to it. You’re getting yelled at right before lecture. You know you’re going to get yelled at right after lecture, and then they throw this supposedly profound speaker in.” (Female)
- Presenting XY cases²¹⁴ without discussion: “I don’t like those Cadet X and Y cases for the same reason I don’t like the way they teach ethics here in general, because they’ll present the case and say, ‘Cadet X did so and so to Cadet Y and this is why it’s wrong,’ rather than saying, ‘Cadet X did this to Cadet Y, what do you think?’ There’s no thought on our part.” (Male)

Suggested Training Options

- **Given a choice, focus group participants indicated they would like fewer briefings on sexual harassment and sexual assault.**
 - “It’s a serious subject, so have less classes and maybe we’ll take it more seriously.” (Male)
- **Focus group participants also indicated they would like to eliminate some PowerPoint presentations in favor of something more personal and engaging.**
 - “It’s not right, but as cadets, you have so much to deal with all at the same time and those kinds of briefings, sitting in an auditorium, really don’t work. I think if you want to train, it needs to be something different than just sitting in the classroom or a briefing.” (Male)
 - “The only PMEE [Professional Military Ethics Education] class I can really remember is one where this officer took us outside and we went for a walk through USMA and we went and looked at that little statue. But we talked as we walked. So it was very informal and it kind of made everyone relaxed because we were outside doing something different.” (Female)

²¹³ First year summer cadet basic training.

²¹⁴ XY cases are case studies discussed in Professional Military Ethics Education (PMEE) and leadership classes.

- “A group could get together and meet in Grad. Or we have the reg rooms [regiment rooms], regular mess hall, food hall tables, but it’s enclosed. [They could] have a company or a platoon get in there and talk about the subjects while they’re eating.” (Female)
- **Regarding Professional Military Ethics Education (PMEE) classes, participants in the focus groups suggested restructuring them so they are more informal and discussion-based.**
 - “I think there needs to be more open dialogue. ... You can’t really play the devil’s advocate or have an argument about it [now]. All we do when we talk about it is basically either agree with what they tell us or not say anything.” (Male)
 - “I think it would be better if the PMEE classes we have were a lot looser. I’ve had to teach PMEE classes and when you do, they give you, ‘This is what you’re going to say and these are the questions you’re going to ask.’ I think if it was just looser and we just talked among each other, maybe if we just had someone there to keep us on track or to actually make us talk, I think that would be better.” (Male)
 - “Some of the best PMEE classes I’ve had are the ones where they’ve taken the laundry list of things we’re supposed to cover and thrown it out the window and said, ‘Here’s the broad topic. What do you guys think?’” (Male)
- **Fourth class (freshmen) participants in the focus groups indicated that they tend to feel insulated from many things that happen at the Academy on a day-to-day basis. They would like to hear from upperclassmen about the kinds of sexual harassment and sexual assault situations that happen on campus, and the best way to deal with these situations.**
 - “Plebes [freshman] are, like, at the bottom. Everybody is just trying to be focused on staying out of trouble, like focusing on school work and stuff like that. With the upperclassmen, when you get to your junior and senior year, they’re allowed to drink and go out and everything, and there’s a lot more socialization.” (Female)
 - “Upperclassmen will talk about [the fact that] when you become a cow [junior] and firstie [senior], USMA is a completely different place. You see a lot more stuff. There’s a lot of politics and just a lot of stuff that you don’t see as a plebe [freshman], even as a yuk [sophomore]. So I think maybe if we get former cadets or older cadets to come in and talk about actual experiences with sexual assault or harassment, we could see that, yeah, it does happen.” (Female)

- *“Maybe they can do something involving the plebes [freshmen], because plebes feel uncomfortable dealing with issues with upperclassmen. Maybe they could specifically create something for them, like a resource to turn to if they had a situation like that.”* (Female)
- **Some participants in the focus groups suggested that the Academy stop associating harassment with assault and treat it as a respect issue instead.**
 - *“We have a million briefs on sexual assault and I think the problem can be addressed better if you take some of the sexual assault briefs and turn them into maybe like a respect thing, like social skills or whatever, because I think we have less problems with sexual assault than we do with sexual harassment.”* (Female)
 - *“Instead of making it a defined sexual harassment policy, make it a respect people policy. Because like sexual jokes and stuff, it doesn’t bother a lot of people, but some it does. But that’s kind of how it is with everything. I think when you separate sexual harassment from everything else, you kind of create a barrier [between the genders].”* (Male)
 - *“I think you can take a lot of the stigma off sexual harassment because that seems to be a much larger problem than assault, so stop associating it with assault. You have this range from rape to saying an inappropriate joke and they’re always linked together and they’re viewed as one thing. Yeah, you may have said an inappropriate joke but it’s pretty much the same thing as raping someone. That’s the message we get by always having assault and harassment together.”* (Male)
- **When asked if the material covered in the sexual harassment and sexual assault training should be graded, focus group participants overwhelmingly indicated no.**
 - *“It would just be something else for everybody to complain about.”* (Female)
 - *“It would just make people more cynical about it. It would undermine any actual effort toward change.”* (Female)
- **A variety of other suggestions were given by participants in the focus groups regarding how to improve the training they receive on sexual harassment and sexual assault.**
 - Use more real life examples: *“To me [the training sessions] seem really impersonal and really, really general, so maybe relating it to what happens here at the Academy would be a better idea, as opposed to just somebody getting up*

and talking about the laws that the UCMJ [Uniform Code of Military Justice] has against rape and sexual assault.” (Female)

- Train in Military Science classes instead of Professional Military Ethics Education [PMEE] classes: *“I think what turns a lot of people off [about PMEE classes] is that they are in the middle of our day, always right after lunch. We’re more interested in taking a nap after lunch than going into another boring class that we’ve been sitting through the last four years. I think if we just took a Military Science day to do it, we have to go to our Military Science class anyway, we could incorporate that into our Military Science class and it’s not an additional 55 minutes of my time that you’re taking.” (Female)*
- Have mixed company training sessions: *“A lot of times we’re all with our classmates from our companies, and amongst the women and men in my company we have a bond and a trust so it’s funny to get these value classes when we would never hurt each other. I wonder if more mixed company PMEE training might be more effective because you’re bringing in other people’s training and other people’s experiences.” (Female)*
- Communicate results of focus groups so men and women can see how each other feel as a group: *“It’s easy for one person to say, ‘This offends me’ or ‘This doesn’t offend me,’ but when it’s a larger consensus of people, [cadets] would get a sense of what everybody is feeling. I think that’s a lot more powerful than one person standing up and saying, ‘Look this really offends me.’” (Female)*
- Set the right tone for new students: *“[We need to] set a groundwork that everyone is exposed to when they enter the Academy. You set a tone that says this is something that we are taking time out of our training schedules to address and it’s important to us, making sure that it’s delivered in an appropriate way that shows it is incredibly important, not ‘I’ve got to teach this class on sexual harassment so we can get done in five minutes,’ but ‘This is something that’s important to our institution and will be important when you have soldiers of every gender and every creed in your unit.’” (Female)*
- Clarify the rationale for training: *“I think there needs to be a change of perception, because a lot of people think we have sexual harassment and assault education and door locking policies and things because of the women, not because of what men are necessarily doing. In my opinion, that’s the perception is that we have to have all these levels of instruction and rules and things like that because the women are here, not because there’s a problem. I think that that really needs to change. ... I think there needs to be more introspection on [the men’s] part rather than just perceiving it as a problem because [us women are] here.” (Female)*

Leadership Preparation

After talking about training in general, cadets were asked to think about their future role as an officer, and discuss how well they are being trained to deal with sexual harassment and sexual assault in a leadership capacity.

- **Participants in the focus groups indicated that the wide range of experiences they receive at the Academy goes a long way toward preparing them for dealing with sexual harassment and sexual assault as a leader.**
 - *“If the situation comes up [here at the Academy], you see how the chain of command handles it. So if something happens, like privacy is breached or something, you kind of know, ‘Okay, well if it happens with my people, I won’t do that.’ You see how to react and treat them and make them not feel like such a victim.”* (Female)
 - *“One thing that’s helpful is that sometimes when we’re back from PMEE [Professional Military Ethics Education] class everyone’s complaining about it, like the hour after the class, and so your teacher will talk about it. [The teacher is] an actual officer in the Army most of the time so they’ll talk about things that they’ve had to deal with and that kind of [tells us that] okay, this does happen, they’re not going to waste our time. It kind of just reinforces the fact that [harassment] does happen and it needs to be addressed and people need to discuss it so people are aware of what’s going on.”* (Male)
 - *“I think what we get here will make us overly sensitive to [handling it out in the field]. One thing I noticed when I did go out to Army was that [sexual harassment] was definitely a lot less taboo than they make it sound here, so I think a lot of us would be able to deal with it a lot easier than we might perceive since we’re here.”* (Male)
 - *“We go through so many classes from the second we walk in the door. We know how to handle it. It’s not that hard to go through the certain procedures that you have to go through. But I think we’re trained enough on an emotional way to handle it.”* (Female)
 - *“I think every day being in this environment [teaches you things]. I think your experiences that you have every day for four years, ... that package of four years, is going to help you when you get out there.”* (Female)
- **Some participants in the focus groups gave examples of specialized training they have had at the Academy which has been effective in terms of teaching them how to handle sexual harassment and sexual assault as an officer or leader.**

- “[We’ve had one or two briefs] on sexual harassment with the troops – how they deal with it – and respect issues with your troops.” (Male)
- “In our psychology class we covered a lesson dealing with sexual assault as, like, leaders in a unit or whatever – how to address the problem and how to prevent it. It was pretty effective because they gave real-life scenarios and we were supposed to come up with some type of plan.” (Female)
- “There is a female group and they have speakers come in that you can voluntarily go to, and that’s an opportunity for you to ask, ‘How do you deal with being a platoon leader of a platoon of all males and one female?’ Those are the things that you kind of have to pursue on your own. ... You have to kind of put a little effort into it. They’re not going to force feed you.” (Female)
- “The most knowledge I’ve learned is from female officers who have given their experiences. ... In my Combatives class, it’s like an all-female class, so my instructor was telling us about her real life PL [platoon leader] experiences. And because it was all female we were getting this female perspective. That’s not a lot of what you hear at Buckner [field training location]. So we heard, ‘Yes, I was in these situations and yes, I had to deal with it.’ For me, that was more knowledge than being in class with your classmates where half of them want to leave.” (Female)
- **Although many focus group participants indicated they already felt prepared to deal with sexual harassment and sexual assault as a leader, some would like additional training on that topic.**
 - “When we’re a lieutenant, a lot of the problems we’re going to have to deal with in our platoon, as opposed to going to the next person in the chain of command. So I think it would be a good idea in the PMEE [Professional Military Ethics Education] classes to have suggestions on how to solve, or at least partially eliminate, the problem on your own, as opposed to just telling someone [at the next level].” (Female)
 - “We need to increase the number of women officers on the faculty [so we can] provide mentors and role models, the women who can show by example how they dealt with these issues in the Army.” (Female)
 - “I think one of the important things is that they need to start coaching the training as more of, ‘This is something you might deal with as an officer, as a leader.’ Because initially it looks like they’re saying to the individual male cadets, ‘Hey, you guys shouldn’t do this,’ and most women take offense to that because they feel like they’re being personally attacked when it really should be addressed more as a leadership issue.” (Female)

- *“I think we really didn’t get any opportunity to talk to someone about how we as female officers can deal with this in our units if it happens to our soldiers or between our soldiers or in our unit or whatever we’re commanding, and how we would deal with that, who we would go to, the real process of it in the Army. I don’t feel totally prepared for that I guess.” (Female)*
- *“They don’t really say what you’re supposed to do as a platoon leader if, let’s say, someone says so-and-so was sexually assaulted or sexually harassed. At least I don’t recall them saying.” (Male)*

Communication From the Academy

During the USMA focus groups, cadets were asked to evaluate the communication currently provided by the Academy on sexual harassment and sexual assault. They were also given a chance to voice their opinions on how communication from the Academy could be improved.

Current Communication About Sexual Harassment and Sexual Assault

- **Participants in the focus groups indicated that they received general information from the Academy about sexual harassment and sexual assault, but very little information about specific cases.**
 - *“They give us all the statistics about how particularly sexual assault is on the rise. ... But they don’t tell you anything about it. You never hear anything about it except for big cases. ... [They’ll say] ‘Sexual assault is about 10 percent this year but we’re not going to tell you anything about it other than that.’” (Male)*
 - *“They try to actively shield us.” (Female)*
 - *“They post all the cases that were brought up at Honor and Respect Boards on the USCC [United States Corps of Cadets] home page. There’s a link to get there. So you can click on it. It doesn’t give us names or specifics, but it just tells what the incident was and what the punishment was.” (Male)*
 - *“We had a briefing a while ago with the Com [Commandant] about, like, all the various boards and areas where people got in trouble. And you hear about it every once in a while from your chain of command or just in passing. ... [They say] we had 13 alcohol boards or sexual harassment stuff, but we never really hear the whole [story]. ... Maybe if someone knew this person got in trouble for saying that joke and they really got hours for that, maybe ... that would help.” (Male)*

- “We get five e-mails a day from [the safety officer] who will tell us about how all these different soldiers were injured in car crashes and stuff, but we never hear anything at all about this sexual assault that happened last year.” (Male)
- **If an incident of sexual harassment or sexual assault occurred within a cadet’s company, however, focus group participants indicated they would sometimes receive specific information about it from their company officer.**
 - “If it happens to somebody in your company, the TAC [tactical officer] will tell the company just to dispel rumors.” (Female)
 - “Our TAC told our company what was going on in the company to try to dispel any rumors going around, to try to set the facts [straight], and try to make it a learning lesson for everyone, not just the person or people involved.” (Male)
- **Participants in the focus groups indicated that they sometimes relied on the rumor mill for information about specific incidents of sexual harassment and sexual assault.**
 - “I know it’s a privacy issue ..., but mostly we just hear rumors. We’ve had classmates who have gotten kicked out for, like, sexual assault, but to me that’s all rumor. We don’t know the facts of the case. We don’t know what happened, how it happened, where, when, if there was alcohol involved. ... That’s kind of a problem.” (Female)
 - “No one really comes out and tells us what happened, but you kind of hear it.” (Female)

Desired Communication About Sexual Harassment and Sexual Assault

- **Without compromising the confidentiality of those students involved in cases, participants in the focus groups indicated they would like to receive specific information about cases of sexual harassment and sexual assault (or even the other Academies), including what happened and the consequences.**
 - “It might be valuable because [as freshmen] we’re sheltered and I didn’t even realize the things that occur of that nature, so I guess it would make me more aware that it is an issue. ... and more conscious of what was going on around me.” (Female)
 - “I think it’s a problem [that] a lot of cadets think it doesn’t happen here. So [telling about specific cases] would make it more, like, ‘Okay, yes, it does happen here.’” (Female)

- *“It would show the guys where their boundaries are without testing them.”*
(Female)
- *“I think that if there are instances and situations where it happens, they should tell us in, like an XY case.²¹⁵ Anything so it justifies why we’re doing all this, so then people won’t get annoyed.”* (Female)
- *“Any more real-time examples, even from other Academies would be helpful.”*
(Male)
- **Receiving specific information about cases after the fact would be acceptable to focus group participants, as long as they hear it before it gets out to their parents and the general public.**
 - *“The gag orders are in place to protect the victim and the innocent-until-proven-guilty aggressor. So that’s why information is not put out. But after the fact, after those cases are closed and solved, would be appropriate times to let us know the facts of certain cases.”* (Male)
 - *“We don’t hear about the stuff that goes on as far as sexual assault cases. I think we should be told what happened, what’s going on, rather than [hearing about it from our parents].”* (Female)
- **Some focus group participants indicated they would like to hear the results, or more detailed results, of sexual harassment and sexual assault surveys.**
 - *“I think if they’re going to do all these studies, they should be more up front with what the results are, because I know apparently that survey we took last year, it came out that USMA was the worst Academy of all of them and this is after the fact and I had no idea about that, and my mom’s like, ‘Oh yeah, I just saw it on the news.’”* (Female)
 - *“If they’re going to make us come to these types of things and fill out surveys, it’s common courtesy, I think, for them to let us know what the results are.”*
(Female)
 - *“One survey kind of bugged me in that everyone has their own definition of sexual harassment, and the way I felt the survey was is, ‘Have you ever heard this?’ ... and then never asking if you’ve been specifically harassed, and then going on and saying 90-something percent of women have been harassed, where we don’t define our own definition.”* (Female)

²¹⁵ XY cases are case studies discussed in Professional Military Ethics Education (PMEE) and leadership classes.

Alcohol

The topic of alcohol was discussed in the USMA focus groups because it typically plays a significant role in situations involving sexual harassment and sexual assault. After discussing that role, cadets gave their opinions on why alcohol is used and the effectiveness of current alcohol policies. Cadets were also asked to evaluate the alcohol training provided by the Academy.

Role of Alcohol in Sexual Harassment and Sexual Assault Incidents

- **Participants in the focus groups indicated agreement that alcohol plays a significant role in situations involving sexual misconduct, especially sexual assault.**
 - *“People are less reserved when they’ve been drinking. I’ve never experienced it here, but just in life you see that people don’t hold back and they act like they normally wouldn’t, so it gives them more opportunity to head in the wrong direction.”* (Female)
 - *“The only time sexual assault does happen here it is related to alcohol. When someone gets drunk they lose their inhibitions then something happens that normally would never happen.”* (Female)
 - *“When you look at the statistics as to relating intoxication to sexual assault, that’s pretty high, and I think that maybe other things, not just sexual assault, should be focused on, [like] a pervasive drinking problem among people our age.”* (Female)
- **Participants in the focus groups indicated that one of the main issues with alcohol involvement is that it creates problems in determining facts about the guilt or innocence of the people involved in a case of reported sexual assault.**
 - *“The problem a lot of times is, was it really the guy’s fault? Did he really assault her? Did it really happen? Was it mutual at the time and she got drunk, she was guilty?”* (Male)
- **Although alcohol plays a significant role in cases of sexual harassment and sexual assault, focus group participants agreed that it is never an excuse for unacceptable behavior.**
 - *“They tell us that just because you’re impaired with alcohol, that’s no reason to act inappropriately, and you’re still responsible for all your actions even while you’re impaired.”* (Male)

- *“It doesn’t make [the parties involved] less guilty because they should have thought before they did it.”* (Female)
- *“I think people might understand why it happened a little more, but they’re not going to say it’s any more reasonable or any more excusable because some guy was really drunk or something.”* (Male)
- *“Alcohol is never an excuse. ... You’re choosing to drink and, therefore, you’re accepting the consequences of your actions.”* (Female)

Effectiveness of Alcohol Policies

- **Some participants in the focus groups indicated that using alcohol is part of Academy culture.**
 - *“We know what’s bad for us and we know we’re not supposed to do it, but we’re at an age where people do it anyway.”* (Female)
 - *“No matter what the restriction, no matter how big the punishment, people are going to find a way to drink.”* (Female)
 - *“It’s because we live in a high stress world. It’s a way to relax and escape from it for a little bit.”* (Female)
- **Some focus group participants indicated that the alcohol policy is too strict.**
 - *“I think it’s restrictive to the point of being almost harmful. ... There is no leeway whatsoever to talk about alcohol in any other context than it is being bad. And [the result of] every single alcohol incident is they’ll break your back, regardless of what you’ve done, if it relates to alcohol, if you were just drinking and you happened to do anything. I understand why they’re trying to do it, but I think the benefit gained is lost by the negative effects of the policy here.”* (Male)
 - *“I think if we were allowed to have [alcohol], it would be less of a problem.”* (Female)
- **Focus group participants indicated that the fact that cadets who are of legal age can only drink two nights a week causes some people to want to drink in excess on those days.**

- *“People don’t get out much on a regular basis, and when they go out on Thursday to the Firstie Club²¹⁶ or something, they’re usually more like binge drinking, not just having one drink. I think it’s a little out of hand just because you’re cooped up in your room and then you only have this one chance to go out, so you’re going to make the most of it.”* (Female)
- *“I think we’re so restrained and restricted ... that when people finally get a chance [to drink] they go crazy.”* (Female)
- *“They create an atmosphere where you can’t have a beer with dinner because you can only drink Thursday or Friday nights, so everyone goes Thursday or Friday night and just drinks all they can. That creates an environment where, because there’s only one place to drink and only one time to drink, everyone drinks and they drink to excess every single week.”* (Male)
- **One complaint voiced in the focus groups about the current alcohol policy was that it does not allow cadets to learn to drink responsibly.**
 - *“They don’t help you learn how to be responsible with alcohol or anything like that; they just, like, ‘Here’s your one day, go for it.’ And they expect us to be responsible when we only have one day of freedom.”* (Female)
 - *“Like even after you get out—like I’ve talked to friends that have graduated, and they’re, like, all the West Pointers that come out, the whole time they’re just crazy; they’re drunk every night and they’re just going out and partying because they finally get away from West Point and get a chance to live their own lives and are out of control.”* (Female)
 - *“The problem is we don’t have the ability to have it as a socialization process.”* (Female)
 - *“If people are scared of getting in trouble with alcohol, they’re not going to learn how to drink maturely most of the time. You see that first year, people that go down and just get obliterated [get drunk] at the Firstie Club or the Yuk Club²¹⁷ because they’re not used to it.”* (Male)
- **Focus group participants also indicated that the current alcohol policy is not appropriate because the rules go by class rather than the age of the cadet.**

²¹⁶ The Firstie Club is an on-campus bar for seniors that serves food and beer.

²¹⁷ The Firstie Club is an on-campus bar for seniors that serves food and beer. The Yuk Club is an on-campus facility designed for sophomores.

- *“It sucks for those who are of age but are freshmen and sophomores, I would imagine. But I guess it’s probably good because then it teaches you to hold back, maybe. Except it’s bad because then when you do get to cow year [junior year], you’re ready to bust loose.”* (Female)
- *“[They should] let sophomores who are of age drink on post. ... If you’re of age, I don’t see why not.”* (Female)
- **Focus group participants indicated that they thought it would be beneficial if they could assist a friend in need without being punished themselves even if the friend is drinking underage or inappropriately.**
 - *“If you are with somebody drinking underage, you get in just as much trouble as they do, even if you’re stone cold sober. That leads to people thinking, ‘I’m going to pretend I didn’t see anything’ and walk away. And that’s how a drunk person might sexually assault somebody or do something.”* (Male)
 - *“I had a roommate that was drinking in the barracks once. A lot of people say I should tell him not to do that. But the fact of the matter is even if I yelled at him, he’s going to go drinking somewhere. He’s of age. He’s going to come back drunk. And from what I saw, it would be better if I stayed with him as a sober person making sure he didn’t do anything stupid rather than have him go someplace where I can’t watch after him and come back drunk and not be supervised.”* (Male)
- **Participants in the focus groups also expressed a desire for more consistent punishments based on the degree of the offense.**
 - *“I know two people who got the same punishment. One of them went down and just drank on the wrong night of the week. That was the only thing he did. He didn’t do anything wrong. And another one went and got drunk and peed in a plebe’s [freshman’s] sink. And they got roughly the same punishment.”* (Male)
 - *“If you do something bad while you’re drinking, [you should] get punished for doing whatever you did, not for drinking. I’m not saying they should allow [underage] people to drink. There’s no institution in the United States that allows people underage to drink. ... But I don’t think they should make it such a taboo issue. Is drinking underage really worse than a lot of the other things that come with far lesser punishments? I don’t think it is.”* (Male)
- **Some focus group participants indicated they would like to have more opportunities to drink on campus.**

- *“I think they should open it up to more often than just the two nights a week at the locations where we’re allowed to drink on post. Everybody goes down there on Thursday night to the single place ... and half of the people are looking to get completely trashed and the other people are just out with their friends, but they’re going to get dragged into getting completely trashed just because the beer is flowing.”* (Male)
- *“When it comes once a week in two hours, you pound as much as you can in two hours because it’s the only chance you’re going to get this week or until the weekend. But if it’s introduced socially at a more adult level, like have a glass of wine with dinner, or have a beer with dinner, you can have a couple drinks tonight sitting here with friends, it’s not like, ‘I have three hours to get tanked.’ It becomes less of a demon.”* (Female)
- *“I think they should take another look at how to solve the problem besides training. It’s a societal problem, so that’s a huge hurdle to deal with, and no matter what we do, I think people are going to drink in excess of what’s reasonable. But some things they’ve done is make it more available in brigade functions and make it more accessible rather than less accessible. I think this kind of de-sensationalizing alcohol has helped some and we can continue that in other ways. We even talked about having alcohol in the mess hall for mandatory meals.”* (Female)

Additional Topics

At the conclusion of each focus group, cadets were given an opportunity to bring up any topic related to sexual harassment or sexual assault. Cadets indicated they were happy to hear that these issues would be brought to the attention of Academy leadership.

- **Some first class (senior) men in the focus groups suggested that the Academy should focus more on teaching values and less on using punishment to prevent sexual harassment and sexual assault.**
 - *“Maybe the Academy should focus more on instilling values instead of punishments. I can think of specific cases where someone said a word that a girl found offensive and they were given 80 hours²¹⁸ for it and their behavior did not change because they became so resentful toward the system and they became very cynical that the system didn’t reform them.”* (Male)
 - *“There was an incident—nobody was really hurt in the matter—but someone was given like 80 hours, 100 hours, or 70 hours. Did it really change anything? No.*

²¹⁸ Disciplinary time served by marching.

It just made people think it was a witch hunt for somebody just to say a word that was maybe disrespectful.” (Male)

- **In spite of the emphasis placed on preventing sexual harassment and sexual assault, women in the focus groups indicated that they would like people to know that they feel safe and protected at the Academy.**
 - *“I think it’s important to just remember that the rate [of sexual harassment and sexual assault] is low here. I’m not trying to blame my sex or anything, but we’d have to put ourselves in some compromising situations for some of the things to happen. And everyone comes from different backgrounds so not everyone is going to be your sparkling cadet. But we have the lowest percentage in the country, which is pretty respectable.” (Female)*
 - *“I know you always try to ask us what’s bad and how can it be improved, but there’s a lot of good too. It’s like we go to school with 3,000 big brothers that look after you all the time. I know that if you go out with any of them, like a group of five guys, they’re so overly protective, you feel safe no matter where you’re going. There are really good guys here.” (Female)*
 - *“I think the best thing that we can have is the support system, like we have the commandant’s assistant, having the chaplains, having a chain of command, and people, and officers, and mentors, and sponsors, people that you can trust that, when your personal boundary is crossed and you’re uncomfortable and you feel you can’t take a stand yourself, then you can actually turn to those people and they know the way to help you. Because if you’re a civilian girl at a college and someone sexually harassed you, who would you turn to but your best friend? You don’t have somebody in your school in charge of gender relations. You don’t have a chaplain that’s five minutes away from your room, necessarily. I think that the best thing we have here is that support structure, if people use it and if people know how to use it.” (Female)*
 - *“I think it is a lot better here than any other college. I think you feel a lot more protected here, and I think it’s more of an issue because females recently came here and it’s more in the news, but I think if you compare our college to other colleges, we would have a lower sexual assault and sexual harassment rate. So I think that needs to be kept in perspective. Because when it’s in the news it just looks like the Academies are a bad place to go. But I think you’re safer here than at other colleges.” (Female)*

Chapter 3: U.S. Naval Academy

Eight focus group sessions were conducted at USNA between April 23-26. Each session was scheduled for a 90-minute period. There was one session held for both genders for each class year, each with between eight and thirteen students.

Sexual Harassment

Sexual harassment was one of the main subjects addressed in the *SAGR2007* focus groups at USNA. The purpose of this discussion was to explore midshipmen's views on the type and extent of sexual harassment currently happening at the Academy, possible reasons for sexual harassment, and the level of tolerance for it.

Definition and Examples of Sexual Harassment

- **Participants in the focus groups indicated that sexual harassment is any verbal statement or comment that is inappropriate or offensive enough to make someone feel uncomfortable.**
- **When asked to give examples of sexual harassment, male participants in the focus groups tended to think mainly of “off-color jokes” or “joking around,” while female participants indicated a wider variety of verbal situations that could be considered harassment.**
 - *“There are not that many girls here so any kind of jokes about female mids [midshipmen] not being as pretty as civilian girls or being more manly because we come here, things like that would be harassment.”* (Female)
 - *“You’ll walk past and guys will make comments about your white pants. [The white pants] are not cut to be flattering and they don’t hide anything. The guys will point that out.”* (Female)
 - *“I was having a really interesting conversation with some of the guys in my company after lunch. A girl who wasn’t in my company walked by. The guys started talking [about her]. I looked at them both. They were like, ‘What?’ I’m really close with them, but sometimes it shocks me the stuff they say in front of me, even when it’s not about me.”* (Female)
 - *“A month or so ago, a female midshipman was walking out to her car and there were some first class male midshipmen driving in and they stuck their head out*

the window and yelled an inappropriate female phrase like WUBA.²¹⁹ It's a derogatory term for female midshipmen." (Female)

- **After discussing sexual harassment for a time, focus group participants indicated that it does not always have to be verbal, but can take place electronically or in other nonverbal forms.**

- *"In our company we have a habit where [we e-mail jokes to each other]. One joke started with a girl and a guy. Someone put out a picture that resembled them, like a woodpecker and something else, because they were supposed to be going out. The jokes came back and forth, and eventually the female midshipman felt uncomfortable. She felt harassed because she didn't like that guy." (Male)*
- *"We have flags hanging out on Fridays [at lunch]. They have like porn star girls on one side and on the other side they have pictures of girls from the school that they get from Facebook [Internet social networking Website]. And they say, 'Do you see the difference here?' They're horrible. We have all male squads in my company and the flags will be on their tables only. Usually they safeguard, they go back and find 2005 or 2006 grads and say this isn't sexual harassment." (Female)*
- *"In my company we did something called Dear Santa. If you wanted to, you wrote anonymous notes in a box. It was supposed to be, like, funny insults to people. ... You wrote it as another person. An example is 'Dear Santa, can you send me a blanket for Christmas? It's tough to keep warm when I'm cold hearted.' ... A lot of them made me uncomfortable. You could tell it made other people uncomfortable because the laughter would be hesitant. A lot of that got kind of sexual." (Female)*
- *"There was a Facebook group called 'Top 25' created by some male midshipmen and it ranked the top 25 women at the Academy that they'd like to sleep with. When I heard about that I was very, very upset. And I wasn't even on the list." (Female)*
- *"When I was a plebe [freshman] my roommate was a very attractive girl. She declined many offers for dates. One of those individuals that was declined was pretty upset by that. And when we had our little plebe [freshman] dance lesson where they line all the females up ... he had a laser pointer and was circling her chest because she was kind of small." (Female)*

²¹⁹ "WUBA" is a derogatory term used at USNA to refer to female midshipmen.

- **Focus group participants indicated that the definition of sexual harassment is somewhat subjective in nature because what is offensive to one person may not be offensive to another. Some participants indicated they are frustrated by this, explaining that they are never totally sure what they can and cannot say.**
 - *“Sexual harassment is a lot grayer than sexual assault. It all depends on the person. A joke could be told at lunch and I might think it’s funny but the girl next to me is offended and, therefore, it can be construed as sexual harassment.”* (Female)
 - *“It depends on the person whether it offends them. There are a lot of people who say, ‘Yeah, you guys can tell whatever jokes you want.’ ... And then there are some who, if you say one thing wrong or make one little implication, will take major offense to it.”* (Male)
 - *“Some people have a really high tolerance and there are [only] a couple of things that set them off. And some people have a low tolerance and most things set them off. You don’t know. ... You’re always walking on eggshells.”* (Male)
- **Focus group participants indicated it was a more serious situation when offensive comments were considered sexual harassment and the offender was asked to stop but refused to do so.**
 - *“It’s another person’s right to think or say something that somebody else is not going to agree with. ... If it goes on to be a continuously harassing or degrading situation, it’s a little different.”* (Male)
 - *“One of my very good friends was in a class of all male midshipmen. They were all second class [juniors] and she was a youngster [sophomore]. She would come back from class crying every day. One day her lieutenant asked what was wrong. She said nothing was wrong. After class he talked to her and realized they threw things at her in class. They would go through her books and take her notes. And they were horrible for no reason. When he questioned them about it they said they were just joking. But they weren’t joking. And they continued to do it. The lieutenant said he thought she could put them up for sexual harassment.”* (Female)
- **Although focus group participants indicated it is a rare occurrence, some were aware of a few incidents, including a recent one, where sexual harassment was directed toward a man.**
 - *“I know guys who get offended by some jokes and who’ve come up to me and said ‘Hey, don’t say that stuff anymore.’”* (Male)

- “A girl was walking and talking on her cell phone the other day. First, the guy came up and told her she shouldn’t be doing that because we’re not allowed to walk and talk at the same time in uniform. The girl replied with sexual harassment. [Made a derogatory statement.]” (Male)

Extent of Sexual Harassment on Campus

- **Participants in the focus groups indicated that sexual harassment is not something that concerns them on a day-to-day basis.**
 - “It’s an issue but not a huge issue. I think they stress it a lot here and I don’t think it’s as prominent as they make it out to be.” (Female)
 - “There are different levels of it here. For me personally it’s not something I have to deal with.” (Female)
 - “To make a point by not making a point, it’s hard for me to think of many examples of [sexual harassment]. I don’t know if that’s important too.” (Female)
- **Focus group participants indicated that most potential incidents of sexual harassment are avoided because the offenders stop making inappropriate comments when they are asked to do so.**
 - “If someone said ‘I’m offended by that,’ nine times out of ten the person who said it would apologize and watch what they say more around you.” (Female)
 - “If someone makes it clear they’re offended, people usually respect that.” (Male)
 - “If you say something to somebody they really respect it, especially if a guy is bothering a girl and then another guy says something to him. I think they would listen and respect it.” (Female)
- **According to focus group participants, sexual harassment might either appear to be less of an issue to older students, especially first class (senior) midshipmen, or it might be on the decline.**
 - “We’ve grown up for the past four years with a certain company and everyone is comfortable joking around. [The girls] joke around back. It’s completely different than going to a girl in a different company that no one knows.” (Male)
 - “To me it’s not an issue anymore. I think the climate has gotten a lot more friendly. I don’t see sexual harassment as being that much of a problem. I

don't think about it. When I was a plebe [freshman] I saw a little more. I think in the past three years it's gotten better." (Female)

- **According to focus group participants, upperclassmen also appear to be less tolerant of sexual harassment, when it does occur, than younger students, and are fairly adept at avoiding situations that could be interpreted as sexual harassment.**
 - *"As firsties [seniors] we've kind of isolated ourselves in terms of our friendships, in terms of our jobs. We don't have to go to table [to meals], and a lot of times we don't. We're stronger and we've been here a while. If someone says something offensive, I'll say, 'Hey, I don't like that, don't say it.' It would be the female underclass that would be offended and maybe not say anything."* (Female)
 - *"When I was a plebe [freshman] ... someone said something offensive. I don't remember what it was but I got really angry and I got up and left. I couldn't really say anything back at them. Whereas now if someone says something offensive, I turn to them and say, 'You can't do that.' It just changes every year as you gain more confidence, more ability to talk to people."* (Female)
 - *"A lot of times the upperclass guys are really aware of the [harassment] situation. If they see something wrong with a girl plebe [freshman], they ask an upperclass girl to talk to the girl plebe to avoid [having to correct the girl themselves] so there's no mistake or misconception."* (Female)

Reasons for Sexual Harassment

- **Participants in the focus groups indicated that a typical reason comments are made that could be considered sexual harassment is that men simply forget to be careful about what they say.**
 - *"I think one problem is that we're in a professional environment 24/7. You go back to Bancroft Hall [dormitory] and you're expected to act so professionally all the time. But that's tough to do."* (Male)
 - *"You're one of the guys here, they don't think of you as a lady. They don't really screen what they say. They'll say something and they're not meaning to offend you but it's more negative towards women."* (Female)
 - *"Guys tend to give each other a hard time. Sometimes you forget that the girls are still girls. I think at times you can be joking with somebody and be really sarcastic and then not realize that you offend somebody."* (Male)

- **Focus group participants indicated that there is also a sense that some men get carried away in certain situations, and “don’t know when to stop.”**
 - *“I think you have to kind of realize there comes a time you have to cut it off before it goes too far. I think a lot of people here have a problem drawing the line.”* (Male)
- **Female participants in the focus groups indicated that lack of maturity on the part of men is another reason for behavior that can potentially lead to sexual harassment.**
 - *“This is going to sound bad but at the end of day they’re just guys and they’re 19 to 24 and that gives them the maturity level of about 8. So I think they are really just that clueless.”* (Female)
- **Focus group participants indicated that some men, especially the underclassmen, may make offensive remarks because they feel pressure to “fit in” with their friends and classmates.**
 - *“Some of the girls who want to fit in will tell crude jokes.”* (Female)
 - *“I think a lot of harassment comes when it’s not just one person who is doing it. The person can feel supported by other people, so it’s almost like a gang harassment on someone. It makes it easier for three to go against one person.”* (Male)

Tolerance of Sexual Harassment

- **Female focus group participants indicated that a certain amount of behavior that has the potential to become sexual harassment is tolerated by women because they know the intent is not malicious.**
 - *“I’m friends with all the guys in my company. My neighbor next door makes a joke saying, ‘You’re not a girl, you’re a guy with long hair.’ I laugh it off because I signed up to come here and I knew there weren’t going to be many girls.”* (Female)
 - *“Yesterday I was on CMOD [company mate of the deck] and some person in our company came on deck and stopped for a second. He says, ‘I have never seen your hair that way. For a second I thought there was a cute girl there. Then I knew it was you, so never mind.’ I take that [kind of comment] with a grain of salt.”* (Female)

- **Some women in the focus groups, especially the younger ones, indicated that some potentially offensive behavior is to be expected in a place where women are in the minority.**
 - *“The women here at the Academy have come here with the knowledge that we are a minority and that those kinds of things are going to happen when you’re dealing with guys. Guys are just a different entity than women are.”* (Female)
 - *“We get kind of used to it. If we threw a fit [every time it happened] we’d be throwing fits all the time.”* (Female)
 - *“We come here with the expectation of [males forgetting the females are around]. Maybe I’m out numbered, you sit at a table at lunch and you’re the one of two females maybe. You have the expectation not only for the people around you, so that just makes you okay with it, okay with the jokes.”* (Female)
 - *“We came here knowing we weren’t coming to finishing school or regular college. We were coming to a school dominated by guys. We came here because we’re tough girls that don’t mind getting dirty and working out all the time. We’re not the typical, let’s straighten our hair every morning, and put on a face full of makeup and go to class in our pajamas. We are different than the other girls in our age groups.”* (Female)
- **Focus group participants indicated that in some cases sexual harassment is tolerated because victims want to avoid calling attention to themselves.**
 - *“We just want to fit in. That sounds really stupid and we should stand up for ourselves. But I think the main thing here is just trying to fly below the radar and not being called out for being ‘that person.’”* (Female)
 - *“Usually the people who get offended seem to be the shyer, quieter type. They don’t want to speak up in front of people and say, ‘No, I don’t want to hear that.’”* (Male)
 - *“A lot of times there’s an upperclass girl [nearby] that can say something, but if you don’t have an upperclassman, it leaves a plebe [freshman] girl in a tough position. What’s she supposed to do, she’s a plebe! There’s such a need to fit in. Standing up [when something offensive is said] at the table is probably the right thing to do, but a plebe is not in the right position. I don’t know if I would have been able to do it as a plebe.”* (Female)
- **Participants in the focus groups indicated it is better for someone who is offended by something to speak up right away rather than to let the situation escalate to the point where it becomes harassment.**

- *“If the guys know you’re going to say something and get in their face and get aggressive because you’re offended, they’re probably going to slack off. If they know they can do it and you let them get away with it, you give them the entire field.”* (Female)
- *“I always try to say something as it happens. For the most part, by doing that they know not to do it after the first couple of times I say something.”* (Female)
- *“I think most people would agree that you should go and talk to them about it first. I’d much rather know what was coming rather than just getting fried for it.”*²²⁰ (Male)
- **Focus group participants indicated, however, that the risk of speaking up is to become labeled as someone who is easily offended, with potentially serious consequences.**
 - *“If something really does bother you and you bring it up, you don’t want to be [labeled as] ‘that person.’”* (Female)
 - *“We live with each other 24/7. And you don’t want to be ‘that guy,’ so to speak. If you go up to someone when you’re offended by what they say, you’re getting labeled. They’re going to tell all their friends and all their friends are going to look at you and label you as well.”* (Male)
 - *“[If you are ‘that girl’] you’re ostracized. You’re completely shunned, even by other girls.”* (Female)
 - *“We had a girl who ended up leaving because [she was labeled] and nobody would talk to her. Especially none of the guys would talk to her, but also none of the girls would talk to her. She was basically living by herself.”* (Male)
 - *“I had to move companies as a plebe [freshman] because I tried to stand up for my friend when she was harassed. I was completely blacklisted from the rest of my company. They [said] I was the plague walking around because I was a plebe [freshman] that would say something when something was not right. I kind of feel like using that get-out-of-jail-free card at the beginning of my career here has been frustrating because I’ve seen incidents since then. But I’ve wanted to speak up and say something because I know it’s not right, but I feel like I have nowhere to go at this point. I’ve used up my move, so... .”* (Female)

²²⁰ “Getting fried” is midshipmen slang for having a conduct report filed against them by another midshipman.

- **When potentially offensive behavior gets to the point that it bothers someone, focus group participants indicated that other students will sometimes step forward to help. Fourth class (freshmen) women in the focus groups indicated they feel especially protected by their male classmates.**
 - *“If [midshipmen] see something they really think is sexual harassment they might approach the person the sexual harassment is directed to and ask if they need help. I think there’s a lot of support to help people if they feel like they’re in that situation.”* (Female)
 - *“As a girl we hear a lot of talk about other midshipmen girls. I think if I was in a group of guys and they were calling another midshipman girl a WUBA,²²¹ I would say ‘shut up.’ But it’s hard because it’s that gray area. You don’t know if it offends the person it’s directed towards. You don’t want to bring something up if it’s not an issue for them.”* (Female)
 - *“The guys in our company are protective of us, especially if they’re in our squad. If a situation was in the process of becoming worse they would usually try to sidetrack or move on to a different conversation.”* (Female)
 - *“If someone jokes with me they know I’m the biggest joker, I’ll go back and forth. Sometimes people take it too far and they’ll make you look stupid or put you in an awkward situation. The guys will instantly call them out right there.”* (Female)
- **Focus group participants indicated sexual harassment is tolerated more in some companies than in others, depending on the attitude of the company officers.**
 - *“I’ve had horrific things happen, like a company commander first semester said [something offensive] in front of most of my plebe [freshmen] company. It went on and on and on. It was disgusting. It’s tolerated so much in my company. They’ll say things and nobody does anything about it. I feel like they attack the same people over and over again. They know nobody will say anything, we just, like, don’t care. It doesn’t stop at a midshipman level. I think they see it in our leadership.”* (Female)
 - *“Something happened in my company last year that ended up with my company officer being removed from duty. Sexual harassment doesn’t get tolerated at the higher levels. Once it gets up the chain of command there are people set in place to take care of it.”* (Female)

²²¹ “WUBA” is a derogatory term used at USNA to refer to female midshipmen.

- “I think that if they put more of the onus on the company officer, like not with the whole SAVI [Sexual Assault Victim Intervention] system, but to respect both genders and be very politically correct, as hard as that is and as silly as that sounds, I think people would take the cue, the firsties [seniors], and then it would fall down from there.” (Female)
- “I think it goes company by company. My company is not really big into jokes at the table so we don’t really have a problem. It’s not like a brigade-wide thing. It’s company-wide.” (Male)
- “The jokes are mostly among the midshipmen. We don’t make that kind of joke in front of the company officer.” (Male)

Sexual Humor

- **Focus group participants indicated that sexual humor is a part of Academy culture. Joke telling is very common during mealtime, especially on Fridays, and there appears to be pressure to tell jokes of a sexual nature.**
 - “We have a Joke Friday²²² where the plebes [freshman] are supposed to tell a joke at lunch. You can tell whatever kind of joke you want but a lot of times the ones that are going to get the most laughs have a sexual aspect to them.” (Female)
 - “That’s the rule. If it’s not offensive, it’s probably not a good joke.” (Male)
 - “I’ll tell you a joke I heard the other day. What did the ugliest girl in the world say to the second ugliest girl in the world? The answer is: what company are you in? [It means that] we’re in companies, so [the ugly girls] must be mids [midshipmen].” (Female)
- **In spite of the pressure to tell jokes of a sexual nature, participants in the focus groups indicated that good judgment is exercised at the lunch table.**
 - “People are very cautious here. I don’t think they would purposely say something to put you in an uncomfortable situation. Because we’ve been briefed on so many of these things, it’s a touchy subject. You don’t want to mess with fire. You’re going to be burned here definitely.” (Female)

²²² Joke Friday is a tradition that requires telling of jokes at squad tables during mealtimes on Friday.

- *“I think a lot of us have become really good at being aware of the situation, like asking if it’s okay to tell a joke at the table, or asking if anybody is going to be offended by this type of joke.”* (Male)
- *“On Fridays when plebes [freshmen] tell jokes, if you have females you check with them to see if it is all right that this type of joke is presented before a joke is allowed to be told. ... Most of the time nobody minds.”* (Male)
- **When asked to explain when sexual humor stops being funny and becomes offensive, women in the focus groups indicated that it is usually the timing and/or the intent of the joke, rather than the content of the joke, that makes it offensive.**
 - *“I would say that [a sexual joke] is not okay in a professional situation. I think some people aren’t aware of the fact that there is a right time to say things and a wrong time to say things. Not a lot bothers me, but what does bother me is not the joke itself, but when the joke was told, and the fact that the timing was just really, really wrong.”* (Female)
 - *“Obviously guys tell jokes with each other, but if it’s with the squad where everybody is required to be there and has to listen, if it’s in a professional setting like that, any sexual innuendo or anything is out of place.”* (Female)
 - *“When they use a joke as their way to actually get out how they feel, but then they say, ‘Hey, it’s just a joke, you can take it, right?’ I know they really feel that way so it’s not funny.”* (Female)
- **Men in the focus groups indicated that they generally know when they have crossed the line and offended someone with a joke.**
 - *“They’ll retract from the conversation, or they might tell you straight up that they don’t like it.”* (Male)
 - *“If it’s bad enough there is dead silence, and somebody will say, ‘Wow, you went too far with that one.’”* (Male)

Safety and Sexual Assault and Harassment

The subject of sexual assault was not discussed in as much detail as sexual harassment during the USNA focus groups. However, feedback on sexual assault was obtained while discussing other topics, particularly the topic of safety on campus.

Definition and Frequency of Sexual Assault

- **Sexual assault was defined by participants in the focus groups as unwanted and/or violent physical contact. Unlike sexual harassment, participants indicated that sexual assault is an obvious act, easily recognized by both male and female students. Rape was the most common example given.**
 - *“Sexual harassment is a lot like how the victim perceives it. Someone could say something that’s not offensive to one person but it is to someone else. As far as sexual assault, for the most part, everyone feels it is wrong. ... There’s no gray area.”* (Female)

- **Participants in the focus groups indicated that they are aware that sexual assault occasionally happens at the Academy, but most believe strongly that it happens much less frequently than it does at civilian colleges.**
 - *“The fact is that we’re 20 to 23 year old kids and kids that age screw up. But this body screws up a lot less than bodies this size elsewhere.”* (Male)

 - *“I went to a civilian university to see what it was like, and girls don’t walk across the campus through the dark there at night. You just don’t do it because you don’t know what kind of creeps are out there. I wouldn’t have a problem walking from Nimitz [the library] to Bancroft [the dormitory] through a dark place. The fact that someone’s going to attack me is the last thing that goes through my mind when I’m walking and there are no lights on.”* (Female)

Feelings of Safety

- **Overall, participants in the focus groups indicated they feel safe at the Academy.**
 - *“I’m not afraid to go out for a jog at 10:00 at night by myself.”* (Female)

 - *“A girl in my company [had an experience where] a youngster [sophomore] came by. He was kind of drunk, I guess. He walked into her room at night. She was like, ‘Holy crap, there’s a guy in my room, what do I do?’ She got the mate [company mate of the deck], the mate removed him from the room, took him to the youngster’s room [sophomore’s room] and then the mate did the right thing and woke up a firstie [senior]. Then the firstie called our company officer. It was almost ridiculous how many people were woken up to know the situation. But she said she felt safe because there are so many people who automatically reacted to the situation to help her out.”* (Female)

- *“On the weekend when everything is supposed to be going down, they always have CMODs [company mates of the deck] just walking around, and there’s always somebody up on alcohol watch.” (Male)*
- *“I don’t understand how people can say they don’t feel safe here. Females are allowed to lock their doors at night. ... Basically now there’s a roving CMOD on every deck at all times. There’s always somebody who’s going to hear you.” (Male)*
- *“If I screamed or talked loud or was, like, ‘Oh my God, get off of me!’ at 1:00 in the morning there’s no doubt in my mind that 10 guys would be in my room in 30 seconds to figure out what’s going on.” (Female)*
- **Focus group participants indicated that, although being able to lock their doors at night might help some women feel safe from sexual assault, there are situations where doors are left unlocked.**
 - *“You can lock your door after midnight, but you’re already asleep by then.” (Female)*
 - *“We can lock our door when we’re inside it, but our roommates don’t have a key. So if you go to bed and your roommate’s not back yet, you can’t lock your door. That’s what the problem is.” (Female)*
- **Focus group participants indicated that there might be some confusion about the locked-door policy.**
 - *“It’s a constant battle between us as plebe [freshmen] women and upperclassmen. [We say] ‘Yes, we can lock our doors, it’s in mid regs [midshipmen regulations]’ and they say, ‘No, you can’t.’” (Female)*
 - *“I know at the Air Force Academy they let you lock your doors at night, and they don’t have that policy here. You’re not allowed to do that.” (Female)*

Reasons for Not Feeling Safe

- **When asked to speculate why some students might not feel safe at the Academy, participants in several focus groups brought up the incident of a “midnight groper,” in which a man entered a woman’s room one night.**
 - *“It’s kind of scary to think that someone could come into your room at night and you wouldn’t know.” (Female)*

- *“They’re putting up watches trying to find the person. Nobody really knows anything, but I’m sure those individuals, when taking that survey, would not feel safe and probably their roommates and people who they’re friends with [would not feel safe either.]” (Male)*
- **According to focus group participants, there have also been incidents of men mistakenly walking into the rooms of women at night.**
 - *“A firstie [senior] walked up an extra deck by accident, and got in his exact rack one deck above [bed one floor above] [with a freshman girl]. ... It’s not like he climbed in her rack and started groping her [though]. It was an honest mistake. I’ve done that before.” (Female)*
 - *“I woke up and there was a guy changing at my desk. I was like, ‘Oh God! I don’t know what he’s doing.’ But then I recognized who he was and told him he was in the wrong room. He was so sorry. Just tired, not drunk. He was on watch all night.” (Female)*
- **When focus group participants were pressed, other possible reasons for not feeling safe at the Academy were discussed, although none were seen as a major concern.**
 - *“In the back of the Academy facing the football fields, there are like these two wings, they kind of face to the back. There’s like a little alley or whatever. It’s pitch black back there, that’s the scariest part for me. I just avoid going over there.” (Female)*
 - *“I could see instances with alcohol, where you have drunk guys coming back to the hall. I’ve seen guys knock on a plebe’s [freshman’s] door and say, ‘Hey.’ And usually one of his friends pulls him away.” (Male)*
 - *“[They may not feel safe] if they’ve had a bad experience in the past and they’re just not comfortable yet.” (Male)*
 - *“[At an Army/Navy football game] I’ve seen a female midshipman get harassed because she’s a midshipman female and she isn’t ugly.” (Male)*

Reasons for Sexual Assault

- **When asked for reasons why sexual assault happens in spite of the generally safe atmosphere at the Academy, participants in the focus groups suggested the following possibilities:**

- A few “bad apples” are admitted even though candidates for the Academy are screened: *“I see a lot of people that slip through the cracks and shouldn’t be officers in the Navy.”* (Male)
- Lack of situational awareness: *“The one brief we had showed the gray area. Sometimes a girl would be like, ‘This is cool, I’ll go to your room’ and all of a sudden something goes too far and it’s the gray area. That’s when the rape happens.”* (Female)
- Strict rules and punishments create stressful situations: *“There’s a rumor that we’re getting all weekday liberty taken away next year. If that happens it will be a complete lockdown for the whole week. What do you think is going to happen? You know, 3,000 guys, almost 1,000 women, somewhere around here. It’s just creating an environment and saying, sure you guys will be fine. Right. Something’s going to happen sometime just because of circumstances.”* (Male)

Reporting Sexual Harassment and Sexual Assault

After discussing sexual harassment and sexual assault, midshipmen were asked to give their opinions on the reporting system at USNA. Discussion centered around their understanding of reporting options, possible reasons for not reporting an incident, which reporting option they would most likely use, and how much they trust the reporting system in general.

Reporting Options

- **Although they do not use the terms “restricted” and “unrestricted,” participants in the focus groups understood the difference between the two reporting options. Focus group participants indicated that they generally see contacting the Sexual Assault Victim Intervention (SAVI) representative as the restricted option for both sexual assault and sexual harassment.**
 - *“Restricted reporting is when you go to the SAVI rather than going up the chain of command.”* (Male)
 - *“SAVIs are not required to take it forward if you say I need to talk about something.”* (Male)
 - *“If you go up through SAVI it’s a lot more confidential. And you don’t have to take action on the other person. You can get counseling and be completely under the table. If you report up your chain of command ... it’s confidential but not going to be kept as quiet. And then something has to happen to the other person.”* (Female)

- **Participants in the focus groups indicated that they knew how to report an incident through the Sexual Assault Victim Intervention (SAVI) representative.**
 - *“I would say most midshipmen know they can go to the SAVI guide and the SAVI guide is supposed to be the one to get you in touch with all these people you need to go through.”* (Female)
 - *“I would be willing to bet that midshipmen know how to get a hold of SAVIs better than most of the officers do. ... We know the SAVIs and get it pounded into our head from little 10 minute PowerPoint things saying, ‘This is the SAVI, and this is how you find them.’”* (Male)
- **Some female freshmen in the focus groups, however, had a misconception about the role of the Sexual Assault Victim Intervention (SAVI) representative when reporting a sexual assault.**
 - *“If you want to talk to someone about it but you don’t necessarily want to go through the formalities of reporting it and having an investigation, there are people you can talk to. But if you want to report it and have an investigation and you want the person to get in trouble, then go to SAVI.”* (Female)

Reasons for Not Reporting

- **Participants in the focus groups indicated they would be inclined to avoid reporting sexual harassment unless they felt it was absolutely necessary. Doing so is viewed as a serious act; one that could cause the person reporting to be labeled for the rest of their career at the Academy.**
 - *“If you report something it is not looked at favorably at all. A lot of people don’t report it for that reason, all the repercussions that come along with it. You would always be talked about as the one who turned people in, for the rest of the time at the Academy. From plebe [freshman] year on, nobody would talk to you. It would be, ‘If I talk to her she’ll turn me in.’”* (Female)
 - *“I’ve talked about it with freshmen. I think they probably think that’s just the way things are and they don’t want to be the obnoxious little freshman to make a big deal about it.”* (Female)
 - *“Say your squad leader says something out of line and you call your squad leader out on it and piss your squad leader off. At the end of the year they play into your performance and your rankings, which isn’t the end of the world, but it’s something here at the Academy which affects other things down the line. There’s a fear, what else can they do to you?”* (Male)

- **Focus groups participants indicated some potential incidents of sexual harassment are not reported because the incidents are “not that bad.”**
 - *“Usually it’s not anything really that overtly offensive. It’s just little things, and I’m going to pick my battles so I’ll let that one slide.”* (Female)
 - *“I honestly think that people don’t report things because maybe they go back and look at it and think, it’s really not that big of a deal.”* (Male)
- **Focus group participants indicated another reason that someone might decide not to report an incident of sexual harassment is that the process can be time consuming and involve a lot of other people.**
 - *“I think another reason people don’t want to report sexual harassment is because it turns into an honor case. That process in itself takes a long time. There is a lot of paperwork involved, and lots of interviews. That’s how a lot of people end up knowing about your case, because the company level and battalion level and different boards hear your story.”* (Female)

Reporting Decision and Preferred Reporting Method

- **Women in the focus groups indicated that an incident of sexual harassment is serious enough to report when it is directed at a specific person or it involves an especially crude comment.**
 - *“[A comment is] unacceptable when it’s really, really explicit and crude or if it is about a specific person, like someone at the table.”* (Female)
 - *“One of my close friends said one day she was eating lunch with her squad and two of the upperclass males in her squad were talking about how they went to some whorehouse or something and how cheap it was and what they had done. And they asked my friend why she doesn’t do that because they make so much money and you would be so rich by a certain age. And like just going on and on about it. I think that was a situation where she definitely could have reported it. She probably should have. She told me how uncomfortable it made her feel.”* (Female)
- **Women in the focus groups indicated that they would be much more likely to report sexual assault than sexual harassment, but they would still think twice about reporting an assault because they have seen people shunned for doing so.**
 - *“One of my best friends is a [USNA] grad. Her plebe [freshman] year she got really close with a handful of guys in her company. They planned a spring break. It was supposed to be three girls and three guys, and they got two*

rooms. ... Then crunch time came and it wound up that only her and the three guys could go. The one guy she thought was her best friend out of all of them took advantage of her one night. So it wound up being a huge mess. She came back and she reported it because it was bad. She was completely shunned from her company. It took her almost until senior year before she could talk to some people in the company again.” (Female)

- “I know about a case where a female reported [an incident of sexual assault] and the guy was a football player. Everybody loves football here at the Academy. If you’re a female accusing him of rape or sexual harassment and he gets busted, yes that’s good because you feel some kind of whatever, but there’s going to be at least a thousand people walking around [saying], ‘Look at that girl, she did this to this guy.’” (Female)

- **Participants in the focus groups indicated they would have their friends help them decide if they should report an incident of sexual harassment or sexual assault.**

- “If I really felt like I needed to report something, I’d probably, first thing, talk to my roommates and probably get a lot of opinions from a lot of my other close friends before I did something. Because you can have a great idea and it could be the worst idea, so I’d want to get all the information, get every side before I proceeded with something. Because I may think it’s a big deal but other people would, you know, say, ‘Have you ever looked at it like this?’” (Male)

- **If they were to report an incident of sexual harassment or sexual assault, participants in the focus groups indicated that they would discuss it with a chaplain.**

- “I think the first person I would go to would be a chaplain. Everyone knows chaplains have confidentiality in everything. That’s always safe.” (Female)
- “You go to a chaplain because you want comfort.” (Female)

- **Participants in the focus groups indicated varying attitudes regarding whether they would report an incident of sexual harassment or sexual assault through a Sexual Assault Victim Intervention (SAVI) representative. Those who would be reluctant to do so worry about a breakdown in confidentiality and the level of training received by SAVI representatives.**

- “SAVI is the most consistent [way of reporting]. If you have a bad company officer, they may be very cautious or overly cautious with it because they may be career, so they want to watch out for themselves—how their company’s

doing, how they're going to be looked at—versus the SAVI, that's their whole mission.” (Male)

- “I don't like the whole idea of SAVI personally because of the way they have it in the brigade. With it being one of your peers, I personally wouldn't go talk to him. I think they should have people outside the Academy doing stuff like that.” (Male)
- “I don't think they're qualified enough and they won't keep it confidential. Even though they've been screened and all that, I know it's a bad way of thinking about that system, but I personally don't trust it that much.” (Female)
- **Some participants in the focus groups indicated that they would be cautious about going through the chain of command to report an incident of sexual harassment or sexual assault.**
 - “I think going to the midshipmen chain of command is a little rash. That rumor mill can start like crazy.” (Male)
 - “I think people are hesitant to go to officers. They have that sort of like official type quality. They would probably be the ones that would have to bring something higher, as opposed to a roommate or a SAVI guide.” (Female)

Trust in Reporting System

- **Men in the focus groups indicated that “the system” would protect the victim of a sexual assault, but not necessarily deal fairly with the person accused of sexual assault. Some women agreed.**
 - “I know of a case where a female had an imaginary relationship with one of the upperclass and because she said it, he got fried.²²³ And it turned out it was clear there was nothing happening there, but because she said it he got screwed over.” (Male)
 - “It's good we've swung towards giving women the benefit of the doubt, but I think we've gone too far to the point where basically if there's any question, the guy raped her and she's getting off scot free.” (Male)
 - “It's probably the biggest cause of cynicism from the rest of the brigade. You see this case and the guy gets slammed with sexual assault, sexual harassment,

²²³ “Getting fried” is midshipmen slang for having a conduct report filed against them by another midshipman.

sex in the hall, drinking underage, blowing above a .08²²⁴ or whatever, he gets tossed out on his rear. While the girl who is also underage had way too much to drink, blacked out, all this stuff, she's given immunity from all that because she came forward. Did she come forward because she was actually raped or did she come forward to cover herself?" (Male)

- *"I've noticed a backlash for guys now. It's too easy for a girl to say something that didn't happen. Girls are totally protected. It's almost like now the guys are the ones who would have to be really cautious."* (Female)

- **Participants in the focus groups indicated varying levels of trust in how well the system deals with reports of harassment. Some participants in the focus groups indicated the system works, while others felt that it takes too long and is too complicated.**

- *"I've actually been involved with a sexual harassment case that was happening to one of my friends. The system works and it takes care of what it needs to take care of."* (Female)
- *"I think they are legitimately trying their best, but it doesn't work that well. One, it takes forever. They're investigating this, that, and the other. And the rumor mill starts. Everybody thinks they know what's going on and that makes it worse. And it just keeps like piling on. You're 'that girl' and you're not spoken to. It's like this whole mess of crap."* (Female)
- *"Some people have had great experiences with SAVI [Sexual Assault Victim Intervention], but I was involved in an investigation. And I would never go back. It took so long. It wasn't a high press issue. And I mean, it was a slow long boiling issue and they took a long time and they dragged their feet. I had to tell about 16,000 people my different feelings, different people had to be called in, retell the story a thousand times."* (Female)

- **Some participants in the focus groups indicated that "the system" is overly aggressive in dealing with incidents of sexual harassment and sexual assault.**

- *"We've had a couple of rape cases come up in the past years here. I think sometimes those are – not so much blown out of proportion – but it's made known to the brigade that this is a problem and that the administration here isn't going to stand for it. So they make examples out of people who are in that situation."* (Female)

²²⁴ "Blowing above a .08" refers to the Naval Academy's policy of enforcing its alcohol regulations with breathalyzer tests.

- *“There was a girl in my company who heard something and then approached the person who offended her. But another officer had heard what had happened and she actually put it in the system and the system took it far beyond what the person wanted.”* (Male)
- *“It seems like the Academy is more concerned about image than anything else. If they have the image of zero tolerance we have a safe school, we do not tolerate this kind of behavior and we’ll take the necessary actions when an incident does occur. That’s the image they want. ... It’s almost as if they have no conscience about what they’re doing. Maybe this person did something that was an honest mistake. Maybe they’ve had the same attitude their entire life and maybe they didn’t realize there was anything wrong to it. Well, if that was the case I don’t think they would get any remorse from the system at all. I think they’d nail them to the wall and make an example out of them.”* (Male)

Training

USNA provides midshipmen with training on the issues of sexual harassment and sexual assault. Focus group participants were asked to identify the training methods which they feel have been most and least effective and give training suggestions of their own.

Type and Amount of Training

- **Participants in the focus groups indicated that they receive a significant amount of training on the issues of sexual harassment and sexual assault. Many indicated that it is too much.**
 - *“I hate to use the word desensitize, but you do it so often, they talk about it so much. If they mention it once in awhile it’s a good point. But if you hear it all the time then you don’t really think about it like you should. I think it might be going a little over the top. It might almost have a slightly negative effect.”* (Male)

Most Effective Training Methods

- **Participants in the focus groups indicated that utilizing speakers is a good way to present information about sexual harassment and sexual assault. The most effective speakers were dynamic, presented information that made them think, and got the audience involved. A good example was a lawyer who had recently spoken at the Academy.**
 - *“A lawyer came and talked to us. He gave us a real world situation, something that really happened. It was both sides, one of these gray area cases. We were all essentially members of the jury. ... That was probably the single best brief*

I've ever been to. I thought it was very interesting because of the way it was presented.” (Male)

- *“[The lawyer] made me think that there’s a black, white, and gray area. Everyone knows to stay out of the black area. But I’m definitely going to try to stay out of the gray area as much as possible. You never know which way it’s going to go.” (Male)*
- *“I think from a female perspective some of the time I feel like, how do I know if someone’s a victim or if they’re making something up? Do I stand up for them because I’m a woman as well, or do I sort of hang them out to dry? [The lawyer] was a good brief because it got you thinking about stuff like that. There was a lot of discussion that happened afterward too, between midshipmen.” (Female)*

- **Participants in the focus groups indicated they also like to hear speakers with real-life stories related to sexual harassment and/or assault.**

- *“When you have somebody come and tell you their personal story that’s pretty effective. You take it to heart.” (Male)*
- *“I thought the rape victim that spoke to us was very good. She was a very good speaker and really drew the audience in. She had a measure of humor and seriousness about it that made people listen closer.” (Female)*
- *“It’s a little more personal when the victim is right there. I think it becomes personal even with the males. It’s effective with both the males and females.” (Female)*

- **Focus group participants also indicated they liked speakers who were officers who could talk about situations that could actually happen at the Academy.**

- *“I like the one that was presented by different officers in the yard. It wasn’t just a typical brief where they got up with a PowerPoint and ... went down the gamut of everything you need to know. They actually talked about it. You heard from a male and female officer. ... They went through an example of a situation that would happen. Then they had, like, audience interaction, like, what would you do, what do you think she was thinking, and so forth. ... They addressed the complexity of sexual assault, sexual harassment, and rape.” (Female)*
- *“We had a captain in the Marine Corps [speak to us]. ... I know the males had a captain in the Marine Corps as well. They were both dynamic speakers. The Sup [Superintendent] gave his thing to open it up, and the two women who are*

the attorneys for the SAVI [Sexual Assault Victim Intervention] program spoke. But mainly it was well respected officers. Ours laid it out pretty straight, don't be stupid, think before you act. Things you know down inside but you don't always do when you're in the moment. I think that was probably the best SAVI brief I've ever been to." (Female)

- **Focus group participants indicated that using humor is an effective way to train on the topics of sexual harassment and sexual assault.**
 - *"I think they do a good job trying to make [training] informative but fun at the same time. They had this slide show movie thing, something about sexual consent. It was pretty hilarious of this girl going through this checklist."* (Female)
 - *"This year we had a skit group that came and did an improv thing about different things that involve alcohol and situations you get into and stuff, sexual harassment, and when too far is too far in a comedic sort of thing. Then we had a discussion with our SAVI [Sexual Assault Victim Intervention] guides. ... It was better than I thought it was going to be."* (Male)
- **Focus group participants also indicated they liked small group training sessions where they could talk freely and discuss issues related to sexual assault and harassment.**
 - *"I think that what's effective for me is to talk about it myself or discuss it with other people instead of getting talked at. The opportunity to have immediate feedback on issues and ideas ... in a group like this or maybe double the size, at most, would probably be more effective for me in terms of remembering specific things."* (Female)
 - *"The best training I went to wasn't mandatory. The English department puts on a play every year called 'Under Covers.' It's where a bunch of kids read monologues. They're not necessarily true. Some are from personal experience and others they make up. ... There's no ban on what you can say. It will make some people uncomfortable, but it makes you think about it. ... It's something you remember for awhile."* (Female)
- **Female freshmen in the focus groups indicated that they value training opportunities that involve informal discussions with upperclassmen.**
 - *"In our company we took all the freshman and sophomore girls and we got together in an empty room and talked about how you can prevent some things from happening. Or if any situations were to occur how to solve it in your chain of command. That was very good because we could speak more comfortably*

because it was the next class above us and they were our mentors. And we could more easily relate with them.” (Female)

- *“The experience with an upperclass girl when I was a freshman made me feel better about standing up for myself. You have people that support you and you’re, like, okay, they’re doing fine. They made it through four years here, I’m doing fine too.” (Female)*
- **While a number of focus group participants indicated a desire to include some training sessions with both genders, some indicated they feel uncomfortable in training sessions that include both male and female students.**
 - *“The [skit with the actors] was awkward because they gave signs like stop, go. In my position I was sitting with all my guy friends in my company. In the first two seconds I wanted to put up my stop sign. And nobody around me was putting their sign up. And I was waiting for people. I didn’t want to look like a prude.” (Female)*
 - *“[The Man Box presentation²²⁵] had never been given to women before. It had always been an all male audience but we were included [this time]. I think that’s why the majority of females didn’t like it. And the guys felt uncomfortable because there were females in the audience.” (Female)*

Least Effective Training Methods

- **Participants in the focus groups indicated that the least effective method of training students on sexual harassment and sexual assault was to give a PowerPoint presentation.**
 - *“You can sit there and click PowerPoint slides, death by PowerPoint, all day long. It’s not going to get through to anyone, especially when it’s the same message over and over. ... You’re beating a dead horse. It’s not sinking in any further than it already has.” (Male)*
- **Focus group participants also indicated that large-scale mandatory briefs and lectures are not very effective.**
 - *“The big mandatory briefs where we have to go to Alumni [auditorium] and sit, a lot of those aren’t effective. We’ve had so many of them, we just think, ‘I have to go to another SAVI [Sexual Assault Victim Intervention] brief.’” (Female)*

²²⁵ The “Man Box” refers to an educational program called “Breaking Out of the Man Box” distributed by the group A Call to Men.

- “[The least effective training is] brigade-wide, four thousand people in one audience. It’s hot, it’s long. People get cranky.” (Female)
- “To tell you the truth, during plebe [freshman] summer we were so tired and exhausted, once you sit us in the chair, three inches of our chair, we’re not listening. We’re just surviving through the brief [trying to] stay awake.” (Female)

Suggested Training Options

- **Some participants in the focus groups expressed a desire to get more information about sexual harassment, rather than always hearing about sexual assault.**
 - “The training is always a worse case scenario, like rape. Guys might think, ‘I’m not raping anybody,’ but they don’t talk about the smaller levels of things going on. ... They don’t talk about sexual harassment as much.” (Female)
 - “We never receive training on sexual harassment because the SAVI is all sexual assault.” (Female)
 - “I think the harassment training is really vague. Everyone knows what the green zone and where the red zone is, but in the middle ... is a gray area.²²⁶ They never really give examples. I almost feel there should be like XYZ cases²²⁷ that give an example of what someone said to someone else and then explain that this is not okay, because a lot of people interpret it differently....” (Male)
- **Some female focus group participants indicated they would like to receive training on what to do if a victim of sexual harassment or sexual assault comes to you as a friend.**
 - “Have a brief for males that’s focused on what to do if your sister or one of your good friends comes to you, how to react to that. I think that brings the point closer to home all across the board as far as the rape goes.” (Female)
 - “Most times I think none of us really expect it to happen to us. So I think that’s the impression a lot of midshipmen think when they come and talk about rape. Oh, they’re talking to me, saying I shouldn’t rape somebody or I shouldn’t be doing these things. It’s more about this is going to happen to other people and I

²²⁶ “Green zone” and “red zone” refer to gender relations training for identifying acceptable and unacceptable behavior.

²²⁷ XYZ cases are case studies used in discussions.

think it's better to have briefs with how would you deal with this and how would you help this person.” (Female)

- **Some female participants in the focus groups, mainly the freshmen, suggested not making the training mandatory or perhaps offering students a choice on how to complete the training.**
 - *“There’s a stigma if it’s mandatory. If it’s mandatory you automatically hate it.” (Female)*
 - *“For mandatory events, especially with sexual assault and SAVI [Sexual Assault Victim Intervention] and stuff like that, everyone goes in with a bitter negative attitude about it, like they’re wasting our time again. Because you get it drilled over and over. I think that sort of makes some of the guys feel like if we didn’t have women here we wouldn’t have to go to this. Makes it a little less cohesive at least for a little while, until it smoothes back over afterwards.” (Female)*
 - *“Instead of mandatory, encourage it within your command structure ... We’ve had a lot of firsties [seniors] in our company talk to the plebes [freshmen]. They say ‘Don’t flirt with youngsters [sophomores], be careful because the perception is reality.’ ... I think a lot of upperclass girls see it as their responsibility to help out the plebe [freshmen] girls.” (Female)*
 - *“As far as effectiveness of training, we always talk about constraints on our time. Maybe providing options for us, for example, you can either do this two-hour long training on the computer that has to be due by Friday, or you have to go to a small group discussion at 7:00 on Thursday night. ... You’re prone to pick what’s going to appeal to you better.” (Female)*

Leadership Preparation

Because midshipmen at USNA are being prepared for future leadership roles, focus group participants were asked for input on how well they are being prepared to deal with sexual harassment and sexual assault when they become Naval officers on active duty.

- **Some focus group participants indicated that they receive little, if any, information to prepare them for dealing with sexual harassment and sexual assault after they graduate and become officers.**
 - *“The message they’re trying to send is that this [sexual harassment and sexual assault] is an issue out there. The thing the Academy misses is portraying that you’re going to [eventually] be an officer and deal with issues like this.” (Female)*

- *“It’s so hard, like I’ve heard stories from the other officers about how things get out of hand quickly [in the fleet]. It makes me want to not sign up to be the investigating officer when I get to my command.” (Male)*
- **Some focus group participants indicated that they would welcome training specifically designed to help them deal with situations they might encounter when they have their own command and suggested the following:**
 - *“You start out with a big informational brief on sexual assault and sexual harassment, and then you do follow-ups with smaller groups, with either discussion groups like this, 10 or 12 of us here, or maybe larger groups, like company sessions. But in order to facilitate those smaller follow-ups you would need people that are actually semi-trained in conducting that kind of discussion. If you were to train your upperclass in how to direct these discussions and how to be aware, that would not only create awareness for your under class but it would also prepare those that are preparing to graduate and go out into the fleet on how to handle those kinds of situations.” (Female)*
 - *“[The Academy could] maybe do education on, as an officer, this is how to help people. If someone comes to you, these are the things to say and not to say. This is the law side of it. If they do this, then they have to go forward with it or if they don’t do this they can keep it to themselves, and who they can talk to without having to go forward with it. Stuff like that, I think, would be really good training for us at the Academy.” (Female)*
 - *“Real life stories are good too. Maybe bring in an officer who had to deal with one of their people being raped.” (Female)*
- **Other participants in the focus groups indicated that they do not need any special training on how to deal with sexual harassment and sexual assault as a leader.**
 - *“I think everything you do adds to helping you make a decision [when you’re in a leadership role]. I don’t think one thing can be pinpointed. It’s a collective experience that helps you make a decision.” (Male)*
 - *“You can be a person who listens [to your subordinates], but I wouldn’t feel like it’s my place to help in a sense. I think they teach us that. They tell you to give them a list of resources to go to, but not express your personal opinion. There’s a whole line you have to have between your subordinates and yourself.” (Female)*

Communication From the Academy

The subject of communication was introduced in the USNA focus groups to determine how midshipmen felt about the information they currently receive from the Academy regarding sexual harassment and sexual assault. Midshipmen were also given a chance to voice their opinions on the type of information they would like to receive from the Academy.

Current Communication About Sexual Harassment and Sexual Assault

- **Participants in the focus groups indicated that they receive little from the Academy in the way of general statistics about sexual harassment and sexual assault, and little, if any, information from past survey results.**
- **Focus group participants also indicated that they receive very little information from the Academy about specific instances of sexual harassment and sexual assault on campus.**
 - *“They send out e-mails. They don’t give us details but they say an incident happened, if it’s sexual assault or with alcohol, and they say in the e-mail just to keep the rumor mill down. Don’t talk about it, and just wait for official news to come out.”* (Female)
- **Focus group participants indicated that they do, however, receive frequent behavioral reminders from the Superintendent.**
 - *“Every time he talks, he might be talking about what we’re going to be doing after we graduate, but he’ll always bring up alcohol, honor, and sexual assault/harassment. It’s every time.”* (Male)
- **In the absence of official information from the Academy about specific instances of sexual harassment and sexual assault, participants in the focus groups indicated that much of what they know comes through the rumor mill.**
 - *“It’s kind of frustrating because you have no idea what to believe. It’s just like you get caught up in the rumors, and you’re, like, who even knows what happened?”* (Male)
 - *“We’re so in the dark, we’re hearing tons of rumors here. Pretty much all we can see is the female’s given complete immunity regardless of the outcome of the case. ... They never really cleared up what exactly the male was separated for since he was found not guilty.”* (Male)

- **Focus group participants also indicated they hear about sexual harassment and sexual assault cases from sources outside the Academy, such as family, friends, and the news media.**
 - *“If anything happens, my mom is liable to know faster than I am.”* (Male)
 - *“It’s weird when your friends at home know more about it than you do.”* (Male)
 - *“There’ve been some problems with us getting information from the news and not hearing anything from the administration about high profile cases.”* (Male)

Desired Communication About Sexual Harassment and Sexual Assault

- **While participants in the focus groups recognized the importance of maintaining confidentiality, they also indicated a desire for information from the Academy about specific incidents of sexual harassment and/or sexual assault that would dispel rumors and explain what really happened.**
 - *“I think it’s good we keep it quiet for the victims and other people involved ... but this is someplace I live 24/7. I go to school here, I eat here, I sleep here, and I want to know.”* (Female)
 - *“We live with people 24/7. To hear that they’re getting kicked out and going away for some reason that is not justified whatsoever, you want answers and you demand the answers. But no one seems to want to give them to you except for the Baltimore Sun.”* (Male)
 - *“Mids [would] appreciate the Sup [Superintendent] saying why he made the decisions he did. People ask me why that happened to this midshipman and I say, ‘I don’t know, the Sup made the decision.’ So nobody really knows what things he’s punishing.”* (Male)
 - *“We don’t [want to] argue the results or the verdict or whatever is being read. We’re just curious as to why, just the explanation, so we can understand instead of us wandering around blind.”* (Male)
- **Focus group participants indicated that using XYZ cases²²⁸ to share information about specific cases of sexual harassment or sexual assault is a potentially useful**

²²⁸ XYZ cases are case studies used in discussions.

form of communication, but some participants were worried about maintaining confidentiality when using that method.

- “[For conduct cases] the XYZ cases don’t say the name but we pretty much know who it is. When you take something like sexual assault and sexual attack and put it on a sheet, people are probably going to know who it is. It turns into a touchy subject.” (Female)
- **Focus group participants indicated they would also like to receive information on the number of sexual harassment and sexual assault incidents happening on campus.**
 - “Mids [midshipmen] react very well to numbers. Last year we had many cases of this in the brigade. And mids drop their jaw knowing how many cases happen.” (Female)
- **Participants in the focus groups indicated they preferred information about sexual harassment and sexual assault to be shared personally, not via mass e-mails which are often deleted.**
 - “I think having your company officer get together with your company [is the best way]. Not everyone’s going to want to go, so maybe your company officer or squad leader, something smaller.” (Male)
 - “We get probably 50 e-mails on average a day. It’s going to get instantaneous delete button from about 60 percent of the midshipmen here. If you really want the midshipmen to take you seriously it’s going to require having someone present it. The information is looked at as a lot more legitimate because someone is saying ‘Here’s the information and if you have questions you can come to me with the questions.’” (Male)

Alcohol

Because incidents of sexual assault and sexual harassment often involve the use of alcohol, a block of time in each focus group discussed the effectiveness of current alcohol policies and alcohol training.

Role of Alcohol in Sexual Harassment and Sexual Assault Incidents

- **Participants in the focus groups indicated that alcohol almost always plays a significant role in situations of sexual assault, and sometimes in situations of sexual harassment as well. Alcohol is said to loosen inhibitions, cause poor judgment, and put people in a position that they normally would not be in.**

- *“In any case [of assault] you hear about, someone was drinking. There’s never a time you don’t hear about alcohol.”* (Female)
- *“When you drink a lot, you get more loose and guys get more comfortable. They joke around a lot more. Then the next day they say, ‘Oh, my God, I don’t believe I said that last night!’”* (Female)
- *“The consumption of alcohol is opening Pandora’s box. ... After awhile you’re going to do things you didn’t think you would do. That’s what happens when you drink. You can’t control yourself.”* (Male)
- *“I was [standing watch] one weekend at night. Someone in my upperclass came up and he was drunk. I didn’t say anything at first. I greeted him, then he started looking at me and was talking to me. I felt kind of uncomfortable. It kept dragging on and on. And he was acting like he was flirting with me. So since he didn’t seem to go anywhere I started walking toward his room and tried to get him to go to his room. Alcohol does have a huge part in it because the next day he was completely fine. He didn’t act like that at all. I don’t think he remembered what happened.”* (Female)
- **There was general agreement among participants in the focus groups that being under the influence of alcohol is not an excuse for sexual harassment or sexual assault and it does not absolve anyone from fault.**
 - *“If you’re under the influence of alcohol and you assault someone, you’re at fault just because you drank yourself into oblivion and can no longer think coherently. You’re still responsible because you made the decision to drink that much.”* (Female)
 - *“If a girl goes out and gets drunk and then gets picked up by some guy and gets herself in a world of trouble, I’m not saying she’s responsible but I definitely don’t have the same amount of sympathy I have for someone else who was, like, mugged on the street. Because to some extent she didn’t take care of herself.”* (Male)
- **Participants in the focus groups indicated that they can protect themselves from being a victim or being the aggressor of sexual assault/harassment by watching out for each other and being aware of potentially risky situations when alcohol is involved.**
 - *“You go out with your company mates. It’s like your family and you take care of each other. ... Especially when you become upperclass you take care of each other and take turns being the one who is responsible.”* (Female)

- “[You should] always go out with friends. Always have sober friends. Watch over everybody.” (Female)
- “Know your surroundings. When I go out with my friends I make sure I know where they are.” (Female)

Effectiveness of Alcohol Policies

- **Focus group participants indicated that alcohol policies are intended to prevent students from abusive drinking, but they work just the opposite for some.**
 - “We are so restricted, I think when we’re allowed to go out, midshipmen tend to drink heavier. We aren’t around alcohol as much as other college students. When given the opportunity [to drink], we go all out.” (Male)
 - “[As the policies get stricter] we try to find more ways around the policy rather than following the policy.” (Male)
 - “[With the 0013 guidelines²²⁹] I think their intentions are good and I think the idea behind it is good. But it makes mids [midshipmen] even more bitter and more cynical, and more ‘I’m going to stick it to the man and get belligerently drunk tonight.’” (Female)
 - “I think the Academy’s heart is in the right place with 0013, but I would say for 99 percent of the midshipmen, they don’t really appreciate having a rule like that.” (Female)
- **Some focus groups participants indicated that the alcohol policies are not enforced consistently.**
 - “There was a big group on a maneuver and a lot of people in that group consumed alcohol. ... One battalion got off scot free. Another company took it to the company level and gave all the midshipmen in their company the highest punishment they could. And another battalion did something else. And it was all different but for the same offense.” (Male)
 - “You have one group of midshipmen who all get in trouble, they’re out on MO [movement orders], but that group is spread out over the six battalions, so each different battalion commander gets to judge however they want. One person could get nothing, one could get maxed out completely.” (Male)

²²⁹ The 0013 guidelines refer to the USNA Midshipmen Alcohol Abuse Prevention Guideline, which states “0 drinking under age 21, 0 drinking and driving, 1 drink per hour, 3 drinks maximum per evening.”

- **Participants in the focus groups indicated that random breathalyzers on Saturday nights do not deter heavy drinking and can actually encourage unsafe behavior.**
 - *“I’ve known guys who’ve gotten ridiculously wasted and will sleep in a park bench in Annapolis until about 4 o’clock in the morning so they don’t have to come back and be breathalyzed.”* (Male)
 - *“[Because of the breathalyzing] people want to stay out and that’s going to increase the incidents of sexual assault and harassment because it’s going to happen in town to civilian women.”* (Male)
 - *“If you make people scared to come back to the hall after they’ve been drinking it creates an unsafe situation. They’re going to the random sponsor’s house, and who knows who is there? They have to give a little more leeway and make it comfortable for you to come back to the hall and let people take care of you. Everybody has a bad night where they drink too much.”* (Female)
 - *“It is a lesser offense to come back and get UA [unauthorized absence], be unaccounted for, than get breathalyzed. If you blow over .2²³⁰ chances are you are probably going to get kicked out. ... You want to talk about safety, that’s not safe if you can’t come back to your home.”* (Male)
- **Participants in the focus groups indicated they are frustrated by the fact that current alcohol policies penalize students who behave responsibly when they have been drinking and also penalize non-drinkers who help friends who have been drinking.**
 - *“I think if you come back and no matter how drunk you are, if you go straight to your rack [your bunk] and you’re responsible, then you’ve obviously showed you’re a responsible adult. If you come back and you start trashing Bancroft Hall [the dormitory], obviously you’re not being responsible, and you should be hammered to the full extent.”* (Male)
 - *“It should be based on your behavior. ... Some people come back, go to sleep, and are woken up for breathalyzer and they get in conduct trouble, but somebody with them is not as drunk and is acting just wild, nothing happens to them. That seems really backward.”* (Female)
 - *“I know of one instance where two guys, it was one guy’s 21st birthday, he gets drunk, they call their roommate because they can’t drive back. The roommate,*

²³⁰ Test .2 or more blood alcohol content on a breathalyzer test.

he goes back, he picks up his buds, brings them back to the hall. The roommate gets nearly maxed out the exact same for helping them. You could say his roommate should have done something else, but I think classmate law should be given some credit.” (Male)

Alcohol Training

- **Participants in the focus groups indicated that they receive too much alcohol training, especially when only a small percentage of students need it.**
 - *“Ninety-five percent of the people do it right but they have to make the rules based on how they’re dealing with the 5 percent who screw up. If I could talk to them I would tell them you need to have fairly reasonable rules in place where you nail somebody if they’re that stupid. Make it like a one strike policy, like if you blow over .2²³¹ and you’re disorderly, maybe not kick them out the first time, give them another shot. And if they do it again kick them out. There could also be some offenses where you kick them out the first time.” (Male)*
- **Participants in the focus groups indicated they strongly dislike the three-hour online alcohol training that is required of all freshmen.**
 - *“The online training is useless. ... It doesn’t matter if I know what certain cortexes are affected by alcohol.” (Male)*
 - *“It doesn’t need to be so long. It’s split into sections. I felt like there was repetitive information that was either in sections before or was going to come later. They also had the case studies and they would be, like, think about these people and their motives. It was, like, you haven’t given us enough information to be able to understand these people’s motives.” (Female)*
- **Female freshmen focus group participants indicated that they liked the Professional Knowledge method of learning about alcohol.²³²**
 - *“We have so many mandatory briefs, they just repeat the information so many times. But we have the Pro Knowledge Quiz, where you have to learn something throughout the week. You have a quiz at the end of the week. One of our last ones was on character and alcohol. It was good and it was short. We have to memorize it. We’re required to take a test on it that I have to pass,*

²³¹ Test .2 or more blood alcohol content on a breathalyzer test.

²³² Professional Knowledge is a method whereby upperclassmen challenge lowerclassmen on their knowledge about various military topics.

instead of going through a three-hour brief that does the same exact thing.”
(Female)

- *“Out of all the things to stress in a quiz that was probably one of the most helpful ones. We had to understand based on your weight how much you can drink. And we had to calculate it and answer questions about it. That was something that we could actually apply rather than just flush it.”* (Female)
- **Participants in the focus groups indicated they favor alcohol training that teaches them to drink and act responsibly.**
 - *“The Academy’s stance is 0013,²³³ drink in moderation. I think that could be good, but I also think that a lot of midshipmen automatically disregard it. So maybe a better message to preach would be, like, make sure someone in your group is going to be the responsible one for the night.”* (Female)
 - *“My battalion officer came and talked to our company. He had his own drinking policy. It was 0031. The zeros are no underage drinking and not drinking and driving. The 3 and 1 mean three drinks in the first hour and one every hour after that. You can feel the effects of alcohol and have fun with your friends and maintain it by having one beer every hour after, but on that drinking policy you’ll not get to the point you’re so inebriated you lose control or put yourself in a situation you might not necessarily want to be in. I think that fosters being responsible while you’re out drinking instead of something unrealistic that midshipmen are going to resent right away.”* (Female)
 - *“I like when it’s handled on the company level. It sort of bolsters company pride in the fact that you can have a good time on the weekend but to seriously watch out for the people that you’re going to be seeing and working with again on Monday morning.”* (Female)

Dating at USNA

When time permitted, midshipmen in the focus groups were asked to discuss dating policies and sexual misconduct at USNA. The goal was to determine how midshipmen feel about the relationship rules, and whether midshipmen couples feel pressured to break the rules.

- **Women in the focus groups indicated that the dating and relationship rules are appropriate and necessary.**

²³³ The 0013 guidelines refer to the USNA Midshipmen Alcohol Abuse Prevention Guideline, which states “0 drinking under age 21, 0 drinking and driving, 1 drink per hour, 3 drinks maximum per evening.”

- *“Plebes [freshman] can’t date upperclass. ... I understand that. It’s good because it’s only a year that the one person’s a plebe [freshman]. And it’s like the whole boundaries and being professional thing. That makes sense too.”*
(Female)
- *“[The fact that holding hands and kissing is not allowed] really sucks, especially if you’re in a relationship with somebody here. You’re here all the time and you can’t be affectionate at all. But it’s also necessary for the environment.”* (Female)
- *“I’m a very conservative person and I don’t like the idea of having my roommate making out in the corner while I’m typing a paper. ... That’s one of the main reasons they have the rules. Just caring about other people in that respect.”* (Female)
- **Focus group participants indicated that, because of the dating and relationship rules, midshipmen couples sometimes “sneak around” and/or break the rules.**
 - *“If you can’t give someone a hug, you know you’re going to be sneaking somewhere else. If somebody love chits²³⁴ out of a company you know something’s been going on for quite a while. You wouldn’t make that decision overnight. That’s sneaking around too, so it seems like everything’s secretive.”*
(Female)
 - *“People are going to do what they want to do regardless of whether or not there are rules. ... If no one’s there, nobody’s going to find out. People are going to do what they can get away with.”* (Female)
- **Focus group participants indicated that breaking relationship rules is tolerated to a certain degree.**
 - *“I think a lot of mids’ [midshipmen’s] viewpoint is as long as it’s in the hall and as long as sex and stuff is not happening, they’re going to look the other way. If you just want to hold hands or hug or kiss, they’re not really going to care.”*
(Male)
 - *“It’s a shipmate loyalty kind of thing. If you see your friend and a girlfriend holding hands or hugging ... I’m not going to go blow the whistle on them.”*
(Male)

²³⁴ Approved transfer to another company to separate couples.

- *“If it’s a company relationship and people do find out, they most likely aren’t going to get you in trouble. They’re going to ask you to get a love chit.”*
(Male)
- **Focus group participants indicated that sometimes midshipmen couples receive pressure or encouragement from others to take their relationship further than they want to go.**
 - *“I’m in a pretty conservative relationship right now. I have people going, ‘You’re dating, why aren’t you doing this and that?’”* (Female)
 - *“One of my roommates complains how everyone says she is probably sleeping with her boyfriend who is a mid. People say things about her and him together. And make up the fallacies when they go off to study they’re doing something else in the library. Regardless if it’s true, the point of the matter is the guys like to assume the worse.”* (Female)
- **Some male participants in the focus groups reported that they completely avoid dating female midshipmen because of the potential problems it could cause.**
 - *“I feel dating brings an awkwardness to the command climate. When you have people who are dating in a relationship, it’s just harder for people to have authority and stuff.”* (Male)
 - *“I don’t think dating is necessarily looked down upon, it’s just that I think most guys don’t want to touch it because if you do happen to do something it doesn’t matter what happens, it’s seen that the guys are always in the wrong to start off with.”* (Male)

Additional Topics

At the close of each focus group, midshipmen were given an opportunity to voice additional comments about anything related to sexual assault or sexual harassment. Their comments, which are shown in this section, reflect issues that are very important to them.

- **Some participants in the focus groups indicated that they would like to be trusted more by Academy leadership.**
 - *“Instead of trying to promote more personal responsibility [it seems like] they take away your responsibility and try to make you into a five year old, instead of saying hey, if you’re going to go lead people, you have to be responsible for yourself and others. ... When you get out in the fleet it’s almost like you’re starting from scratch trying to promote personal responsibility.”* (Male)

- *“It’s almost like you come in 18 and you come out 18 because you never get a chance to demonstrate how responsible you are because they slap all these rules on you. ... So when people break out of the Academy, it’s like a whole different mindset because now they’re in a world where there are no rules and everything is on yourself instead of on your company officer or your senior enlisted guy watching your back and making sure you’re not breaking any of the Academy rules.” (Male)*
- **Focus group participants indicated they wanted people to know that, in spite of the somewhat negative topics discussed in the focus groups, and in spite of what the media may report, the Academy is a great place to be.**
 - *“I think we addressed a lot of negative things in this discussion, like what guys have done. But I think for the most part, to be completely honest, we have it pretty good here. ... There’s always going to be that bad apple in the bunch, which is why we have so many alcohol briefs and sexual assault briefs. One person didn’t know his limits and screwed everybody else over. For that we have to suffer the consequences. For the most part out of the 4,000 people, those couple of people ruin it for everyone. But there are people looking out for you, taking care of you here. It definitely shows.” (Female)*
 - *“[USNA has] been around for 160 years. Right now you have four out of the six Joint Chiefs of Staff are Naval Academy graduates. There are parts that are doing something right. We have a limited perspective. We’ve been here two years. Obviously it changes from year to year. Each class has a different experience than the class before. I think there’s a huge shift from stories I’ve read and books I’ve read and from the history and stuff when they started admitting girls and stuff. But even before that and after that there’s—it’s still producing leaders who are doing pretty impressive things. Whether or not those people coming into here already had that kind of persona about them or whether they learned it here, I don’t know. There are still amazing leaders coming out.” (Male)*
 - *“People have a bad view or the media has a bad view of the Naval Academy. But I think a lot of times we’re one of the only schools in the country that really addresses [sexual harassment and assault]. I think that’s worth noting. It’s trying to be handled and that’s why these situations are coming up. At other schools they just overlook them.” (Female)*
 - *“I love being here. It’s a great place to be – not all the time, it has its problems. We complain about stuff. But I’m very happy here. I feel safe.” (Female)*

Chapter 4: U. S. Air Force Academy

Eight focus group sessions were conducted at USAFA between April 17-19. Each session was scheduled for a 90-minute period. There was one session held for each gender for each class year, each with between eight and thirteen students.

Sexual Harassment

Sexual harassment was one of the main subjects addressed in the *SAGR2007* focus groups at USAFA. Cadets were asked to define the type and extent of sexual harassment currently happening at the Academy, possible reasons for it to happen on campus, and the level of tolerance for it. The issue of sexual humor was also investigated during this discussion.

Definition and Examples of Sexual Harassment

- **Participants in the focus groups described sexual harassment as “anything unwanted” that is “verbally focused,” or “anything that makes someone feel uncomfortable.”**
- **When asked for examples of sexual harassment, focus group participants indicated that it could come in many forms, such as jokes, comments, rumors, explicit e-mails, unwanted touching or “sexual favors for a reward.”**
 - *“[Sexual harassment can be] any unwanted sexual-related comments or touching.”* (Female)
 - *“It can be anywhere from a comment to a touch, or, like, off-hand jokes and things like that, that make somebody feel uncomfortable.”* (Female)
 - *“It can be explicit e-mails or just being spoken to in a way that is undesirable.”* (Female)
- **Participants in the focus groups indicated that it is difficult to give examples of sexual harassment because what is considered unwanted by one person may be acceptable to another.**
 - *“It comes down to how you’re brought up. If you’re from a family with a bunch of brothers, maybe some things don’t bother you. But maybe if you’re, like, an only child with sisters and a feminist mom or something, someone could say something and you would just be so bent out of shape over it.”* (Female)
 - *“It all depends on the mood of the receiver from what I’ve seen. You’ve got to know who you’re talking to. ... There are so many variables that you can’t really draw a line. It’s really hard.”* (Male)

- **Participants in the focus groups indicated that unwanted comments can become sexual harassment if the offender does not stop after being asked to do so.**
 - *“The difference between joking and harassment is [that harassment is] persistent or continual. You’re going to hear jokes—they’re just a part of society. So if you ask them to not say those things around you and they stop, then I don’t think it’s harassment. But if they continue to do it ... and they continue to disrespect you, then I think it could be considered harassment.”* (Female)
 - *“A lot of times guys are very crude when it comes to female cadets being gay or not. And that goes way across the line. If they say it in a joking manner, then that’s okay. But a lot of times they pick out girls that you know, and you’re like, ‘No she’s not,’ and they continue pushing it and pushing it. And it becomes offensive at that point. Especially when the girl you know has expressed concern that this is not cool.”* (Female)

Extent of Sexual Harassment on Campus

- **Participants in the focus groups indicated that sexual harassment is not a big problem on campus.**
 - *“I don’t feel like it’s a problem that I even worry about or even give any time out of my day or life to thinking about.”* (Female)
 - *“I can’t think of one single experience where I’ve ever seen it, to tell you the truth.”* (Male)
 - *“I personally have never experienced anything that terrible or anything close to it in the four years that I’ve been here.”* (Female)
 - *“My biggest issues, to be honest, are tests. I just had a big test today. So coming here and discussing this wasn’t on my priority list. If I were to graph this, it would have been way at the bottom. It’s obviously been an issue in the past. But to me currently, I haven’t actually seen it or witnessed anything, and have never actually known anybody who has been involved. It’s never been real to me in that sense.”* (Male)
- **Although there may be questionable comments made at the Academy, focus group participants indicated most were not thought to be sexual harassment.**
 - *“I think there are things that bother us, but it wouldn’t be harassment. Like I think all of us can say we’re sick of hearing how ugly cadet girls are or whatever, but it’s not like I’m being harassed.”* (Female)

- *“No one really has an issue with the whole sexual harassment thing. One, we’re so desensitized to it. Two, it’s so commonplace. If it does happen, personally I never notice it. I’m sure it happens every day. I’m sure that I take part in it. But personally, I don’t ever notice it because it just doesn’t phase me as sexual harassment because all of the girls join in too. It’s not just the guys beating down on the girls.”* (Male)

Reasons for Sexual Harassment

- **Participants in the focus groups indicated one reason sexual harassment might happen is that students are not aware they are doing it.**
 - *“A lot of people don’t even know they’re sexually harassing somebody and then they find out that they did. They probably wouldn’t have done it if they had known it was a form of sexual harassment.”* (Male)
 - *“I’ve actually had people come up afterwards and apologize. They’re like, ‘I really didn’t mean to do it.’ And it’s no big deal.”* (Female)
 - *“There are always going to be individuals that just don’t get it. But it’s more because they don’t have that filter or they just don’t understand that you’re serious so they’ll continue joking about it or something. But that’s like a very rare individual.”* (Female)
- **Another possible reason indicated by focus group participants for sexual harassment is that women sometimes send mixed messages to the men regarding what is and is not acceptable.**
 - *“Half the girls in my squad don’t appreciate some of the stuff the guys say, but the other half enjoy it and join in. So the guys assume, ‘Hey they all enjoy this. We can do whatever we want.’ Then even if we say something, they think, ‘Oh, it’s not that big a deal.’”* (Female)
 - *“I think sometimes we have a tendency to treat it almost like a joke. Like, ‘Ha-ha, you shouldn’t say that anymore,’ rather than just saying, ‘Hey that really bothers me, please don’t do it anymore.’ There’s a difference. ... You have to say it in a certain way so it’s clear, like, ‘Yes, this seriously offends me.’”* (Female)

Tolerance of Sexual Harassment

- **Female participants in the focus groups indicated that behavior with the potential to become harassment is often tolerated because it is not viewed as being serious enough to warrant taking action.**

- *“It’s typical guy behavior.”* (Female)
- *“You have to remember that the guys here are college boys. So they do make dirty jokes and occasionally they make lewd comments. But at the same time, most of the time they’re joking. It’s rare that they’re serious about what they’re saying.”* (Female)
- *“I think it’s just a lack of social skills on their part. They just forget everything, all manners. It’s not sexual harassment, I don’t think.”* (Female)
- *“I’m not easily excited about that kind of stuff. I just get over it. It’s easy. I’m in the military. I get used to it.”* (Female)
- **If the behavior is “really sexual harassment,” however, participants in the focus groups indicated that it is not tolerated at the Academy.**
 - *“Offending somebody is not accepted.”* (Female)
- **Focus group participants indicated that most women are not afraid to confront another student who makes unwanted comments. When they do, it is felt that the unwanted comments almost always stop.**
 - *“We try not to get offended by the little things. But if we do get offended by something, we let them know because they’ll stop. Most of them are pretty good about stuff like that.”* (Female)
 - *“If you give the image that they can cross the line, if you don’t stand up for yourself, then of course they’re going to do it. That’s just how boys talk. But if you say, ‘I don’t like that, shut up,’ then they will never cross that line again. You have to let people know.”* (Female)
 - *“Most of the times I’ve seen someone actually get offended they say something right there on the spot. The one big time I remember is when bunch of us were standing around CQ [charge of quarters] and there was a female there and someone made a sexual joke and the female was uncomfortable with it. She’s like, ‘That’s not cool, I don’t like that,’ and everyone was just like, ‘Okay,’ and we all just walked away.”* (Male)
- **In some situations, however, focus group participants noted it is difficult to confront an offender.**
 - *“It’s kind of hard for females to say, ‘Cut it out,’ in the middle of formation. ... It’s really hard to approach a huge group.”* (Female)

- *“I think people’s willingness to speak out about it or get people to stop doing it also depends on what year you are. A four degree [freshman] is not going to feel comfortable telling an upperclassman to stop. And I think it also depends on what your job position is. If you have some legitimate authority based on what position you have in the squadron, that can make it easier.”* (Female)
- **Focus group participants indicated that students often help each other out in situations where sexual harassment could happen.**
 - *“A lot of guys yell at other guys [when they say something offensive].”* (Female)
 - *“If it’s like a big deal and it’s pretty persistent, I think even the guys will say, ‘You need to knock this off; you’re going to get in trouble.’ Everybody’s trying to look out for each other.”* (Female)
 - *“If you hear somebody say something, [you] call them aside and say, ‘Look buddy, that’s out of line. You need to apologize.’”* (Male)
- **Focus group participants indicated that students protect freshmen from situations of sexual harassment or potential sexual harassment.**
 - *“I’ve had an upperclassman say to me in a group of girls, ‘If you guys ever have anything happen to you come straight to me and I’ll take care of it.’ I feel protected by the upperclassmen.”* (Female)
 - *“A lot of the guys are like our brothers. If you’re in a situation where you’re afraid to say something, your brother is obviously going to. For the most part, if something is wrong and you’re too scared to say it, they will.”* (Female)
 - *“We have had four degree [freshman] girls that were visited regularly by upperclassmen out of the squadron. I ... talked to [the girls] about it because I didn’t know which guys it was. They told me that they didn’t want [the guys] to be coming by the room. They just didn’t know what to do. I told them next time they came by, either get me or tell the guys that I’m going to hunt them down ... if they keep coming by. They haven’t been coming by for months now.”* (Male)
 - *“I’ve had times where there have been guys out when the four degrees [freshmen] are required to do certain things and [the guys] will say something inappropriate and I’ll pull them aside and talk to them. And then I’ve gone back and talked to the girls, saying, ‘I’m really sorry that upperclassman said that. I’ve talked to him. He understands and he didn’t mean it that way. But if you’re ever offended by anything, please feel comfortable coming and talking to any of us.’”* (Female)

- **Participants in the focus groups indicated that the topic of sexual harassment is so top-of-mind at the Academy that men consciously avoid situations that could lead to sexual harassment and sometimes go out of their way to make sure they are not creating situations which could be misconstrued.**
 - *“It seems like it’s on a lot of guys’ minds not to cross that line, so they stay very far away from it.”* (Female)
 - *“When you know the people around you, then you know if they take offense to [something] or not. You know that there’s a line that you don’t cross.”* (Male)
 - *“I think there was a lot more power over four degrees [freshmen] back before all the sexual assault stuff started going on. It’s like you did everything upperclassmen told you to or else you and your squadron were destroyed for the rest of the semester, and it’s not that way any more. ... We’re not gods any more like they were back then. There are rules, and people are afraid of being turned in for sexual harassment.”* (Female)
 - *“I remember one morning there were three girls who were late to morning minutes. He was just going to let everyone go back to their rooms, but he kept us out there because we were late and we were doing push-ups. And then he realized that it was all girls and he said, ‘There’s just something wrong about dropping only girls.’ He got some guys so that it wasn’t only girls.”* (Female)
- **On the other hand, focus group participants indicated that having sexual harassment be top-of-mind can have detrimental effects on some students.**
 - *“They take such an extreme [view] that it’s no longer helping anybody. It’s just singling people out because they did something stupid or said something without thinking.”* (Female)
 - *It’s something where you’re constantly [thinking], ‘Oh, gosh, am I going to get in trouble because I said something and I didn’t intend it that way?’”* (Female)
- **Although participants in the focus groups indicated that sexual harassment is a rare occurrence, some indicated that it does happen.**
 - *“My squad was doing training for the freshmen and one of the girls was doing bear crawls. She had been in some trouble; she got caught with a guy behind her door. But one of the first comments about her was, ‘Oh, she’s used to being on her knees.’ Everyone laughs. And she had heard it. Her AOC [Air Officer Commanding] was told about it. But nothing got done. Nothing ever will be done.”* (Male)

- “To totally get rid of it, they would have to ‘re-culturize’ everyone.” (Female)

Sexual Humor

- **Participants in the focus groups indicated that sexual humor occurs, but usually not to the extent that it causes problems.**
 - “[Joking] is probably more common than actual assault, but I don’t think, as far as severity or whatever, it’s a big deal.” (Female)
 - “It varies from person to person, but it doesn’t seem like many people get offended [by sexual humor], at least not openly.” (Male)
 - “When they make jokes and stuff, it’s not like during class or during briefings or anything. They’re just doing it when you’re sitting in the room and you are all just hanging out.” (Female)
 - “I’ve been to other colleges before and there are so many more jokes there. In comparison, this place is really professional.” (Female)
- **Focus group participants indicated that sexual humor crosses the line and becomes offensive when it targets a specific person or group of people.**
 - “It crosses the line when it targets a specific person. If they’re just making a general joke like, ‘Why do women have smaller feet than men? So they can stand closer to the sink,’ that’s a joke. It may not be the best joke or the most appropriate joke, but it’s when it singles out a certain person that it crosses the line.” (Female)
 - “If the guys are talking about girls overall in the whole population it’s funny. But when they’re talking about girls that you know and your friends, that bothers me.” (Female)
 - “I send a lot of the locker-room jokes to my fiancé and to girls in my squad, and they think they are some of the funniest things they’ve ever read in their lives. I think when it’s used in that context, it’s not offensive. But when you’re aiming it towards someone or a certain group of people, that’s crossing the line.” (Male)
- **Focus group participants indicated that sexual humor also crosses the line and becomes offensive when it happens in a professional setting.**
 - “People tell jokes a lot to the whole group when we’re in formation. And that’s sometimes when I get offended. Just being insensitive to their audience and maybe not screening [what they say]. It might be an appropriate joke if you’re

saying it one-on-one with someone you know won't be offended by it. But in that professional setting, when you're standing there in formation, that's really the only time that I've been offended by humor." (Female)

- *"CME [Cadet Military Education] is probably not the best place for it. My squad lacks professionalism and I've always cared [about that]." (Female)*

Safety and Sexual Assault and Harassment

During the USAFA focus groups, the topic of sexual assault came up at various times, especially when discussing the issue of safety on campus. Besides talking about the definition of sexual assault, cadets were asked to discuss how often it happens, and why cadets may or may not feel safe on Academy grounds.

Definition and Frequency of Sexual Assault

- **Focus group participants indicated that they typically consider sexual assault to be an "attack" that is "physical" in nature, such as rape.**
- **Focus group participants indicated that sexual assault is not a big issue at the Academy and it happens less frequently than it does at other colleges.**
 - *"I think they're pretty minimal right now from the numbers that we've been getting over the last year and a half to two years. There haven't been many occurrences, from what we understand. It seems like it's been getting better. They must be doing something right." (Male)*
 - *"I went to another university last year, and that's an awful place for all of this, and you never hear about that." (Male)*
 - *"I think the leadership of the Academy, the officers or whatever, make a way bigger deal of it [than they need to]. Granted, they have to because of the news, or if someone finds out about it, it's a big thing. They have to watch their back. ... [But] honestly, this school is way better off than any of the other civilian schools close by." (Female)*

Feelings of Safety

- **Participants in the focus groups indicated they generally felt safe from sexual assault on campus, especially in the cadet area where "there's security everywhere."**

- *“You may not feel as safe [in the areas open to the public], but I personally feel safe everywhere in the cadet area. There’s almost always people around.”* (Female)
- *“For the most part, what I hear from women here is that they don’t have that much fear of walking into the parking lot in the dark and randomly getting assaulted by somebody.”* (Male)
- *“I would say I trust 99.9 percent of the guys here. Like if something happened to my car and I was pulled over to the side of the road and someone else pulled over and he had an Academy sticker on it and he said, ‘I’ll give you a ride,’ I’d jump in that car, no problem.”* (Male)
- **Some women in the focus groups indicated that they are more afraid of an animal attacking them than they are of a person attacking them.**
 - *“I hate the walk from the visitor center to the chapel. It’s got hardly any lights and I’m always terrified of wildlife.”* (Female)
 - *“I’ll be out running and there will be this huge elk running and I’ll be, like, ‘Oh, God, I’ll be going up a tree!’ In the parking lot you see these glowing eyes from underneath the brush, and I feel like I’m being stalked by a mountain lion.”* (Female)
- **Some women in the focus groups, however, identified outdoor places on campus where they were not totally comfortable going after dark.**
 - *“Going up the path to the visitor center is a little creepy at night.”* (Female)
 - *“If it’s stormy and you have to take the Ho Chi Minh,²³⁵ which means you have to walk around the base of the building instead of walking on the terrazzo, there’s this section where it’s like the garage and there are construction workers down there. If you’re alone it can be a little bit creepy.”* (Female)
- **Focus group participants indicated they generally felt safe in the dorms, and did not feel a need to lock their doors at night on a regular basis.**
 - *“There is a dorm patrol that’s responsible for going around in the dorms. They walk through. And they’re in charge of the whole cadet area. If they hear that*

²³⁵ The “Ho Chi Minh” refers to the path on the USAFA campus that follows the road in-between the dining facility and the academic facility.

something is up, they have a car and they can go and drive around and check up on stuff.” (Female)

- *“The walls in the dorms are paper thin. I can hear the people in the next room having a conversation if they get even above normal speaking tones at all. So I’m not necessarily worried that I’m going to be attacked in my room. I’m pretty sure everyone could hear me.” (Female)*
- *“[I don’t think someone would come into my room while I was sleeping] because you’ve got your roommate in there too. ... The odds are that they’re not going to do anything.” (Female)*
- *“I think the way they have the girls grouped around the bathrooms, that actually helps some.” (Male)*
- **Focus group participants also indicated that they felt safe off base and during summer experiences as long as they were with other cadets.**
 - *“I think among cadet groups the cadets are more likely to watch out for each other when they’re away from the Academy.” (Male)*

Reasons for Not Feeling Safe

- **When asked why some students might not feel safe at the Academy, some female participants in the focus groups indicated that they have had incidents with workers from the contract custodian that caused them to feel somewhat uneasy.**
 - *“I’ve had some really sketchy experiences with contract custodian workers. For instance, this one guy came up to me and was going on and on about how he thought this one girl in my squad was so hot and how he loved blondes and how he felt like he deserved somebody. And it was really uncomfortable.” (Female)*
 - *“There was one worker who was like, making threats. Not real threats – this guy was tiny. He really wasn’t a threat. But he scared my roommate to death. She was completely freaked out. He was just going on and he chased her down the hall one day.” (Female)*
- **Focus group participants also indicated that the possibility of having a man enter a woman’s room after a night of drinking was another possible reason for feeling unsafe.**
 - *“Some people will come back drunk from Hap’s [cadet sports bar]. ... Last year my roommate was in our room alone because I was out that night, and a guy just*

decided to come in at 2:00 in the morning and he was drunk and he just started talking to her.” (Female)

- *“I remember when I was a freshman and senior girls would be like, ‘Ladies, lock your doors because this guy’s drunk.’ We wouldn’t go out in the hall. I don’t know if I felt unsafe, but you just take precautions by locking your door.” (Female)*
- *“I remember one time a whole bunch of seniors came back drunk and [the sophomores in our squad] made sure our doors were locked, so that the guys wouldn’t come in. ... They made sure that we knew to just stay in our rooms and ignore them.” (Female)*
- **Some participants in the focus groups indicated that a person might feel unsafe when they were around certain people.**
 - *“I think it depends on who you hang out with, because if I were hanging out with certain individuals, I wouldn’t feel safe. But I know not to associate myself with them. I won’t give specifics, but possibly certain sports teams.” (Female)*
 - *“There’s this person I know who has ninja stars – sharp metal objects and throwing knives. That’s really weird to me. Because I think this person’s creepy to begin with. And it really creeps me out that she has weapons.” (Female)*
 - *“I’m a PEER [Personal Ethics and Education Representative] in the squad, and I had to deal with a 21 year old who feels that she is allowed to have outrageous temper tantrums that you would see from a psychotic three year old. You just say one thing [wrong] and she’d start screaming. She threw her iron against her valet and shattered her mirrors. She threatened to kill her roommate.” (Female)*
- **Participants in the focus groups indicated other reasons for a student to potentially feel unsafe.**
 - Something happened to them in the past: *“I think you might find if you looked at each case individually that a lot of the people who said [they don’t feel safe] might have had something happen in the past.” (Male)*
 - They do not have a strong support network: *“People who feel more isolated and don’t have good friends or don’t feel like they can reach out and talk to people when they need to [may feel unsafe].” (Male)*
 - Their squad is less strict about enforcing rules: *“My squad is really laid back and chilled, so people don’t break the rules but people can push the rules more*

in my squad than they can in other squads. So personally, I would say that the females in my squad might be more inclined to say they fear stuff, than females in a real strict squadron.” (Male)

Reporting Sexual Harassment and Sexual Assault

Discussions about reporting sexual harassment and sexual assault focused on several areas: how well the cadets understood their reporting options, their reporting decision and preferred reporting method, and possible reasons for not reporting an incident. Cadets were also questioned about how much they trusted the reporting system at USAFA.

Reporting Options

- **Participants in the focus groups indicated that they have a number of resources to call on should they become a victim of sexual harassment or sexual assault.**
 - *“I think there’s plenty of stuff that people can do for counseling because they always beat into our skulls that there are people that you can talk to.” (Female)*
 - *“You can go to the head victim’s advocate lady. You can call her any time and she’ll come talk to you. She’s not a military person so if people are intimidated by their AOC [Air Officer Commanding] or their AOC doesn’t like them, and they don’t want to talk to their flight commanders, she’s kind of like a third-party resource. I think a lot of people know about her – at least the girls do.” (Female)*
- **Most participants in the focus groups indicated that they knew the difference between restricted and unrestricted reporting, although they do not always use those exact terms.**
 - *“Restricted is when nobody’s going to know about it. You just go get help. And unrestricted means that the legal process starts.” (Female)*
 - *“If you want to keep it confidential you can personally call 333-SARC [the phone number of the Sexual Assault Response Coordinator] and then they can gather the evidence without causing an investigation or notifying anyone in your chain of command.” (Female)*
- **Participants in the focus groups indicated that they knew how to contact a SARC [Sexual Assault Response Coordinator] representative.**
 - *“Every squad has the SARC’s number posted.” (Male)*

- *“During the summer seminar when we come here before our junior year [of high school] they talk to us about SARC. I think I knew the SARC number before I was a senior in high school.”* (Female)

Reasons for Not Reporting

- **When asked why someone might not report an incident of sexual harassment, participants in the focus groups indicated that they would rather handle it on their own or at least keep it to the lowest possible level.**
 - *“We try to solve it on the lowest level. Too many times people get scared or whatever, and skip a whole bunch of people in their chain. It gets blown out of proportion, whereas, in actuality, it could have been solved if you just talked to that person or maybe talked to someone who was directly above that person.”* (Female)
 - *“Usually you just call somebody in your leadership and it’s taken care of within the squad.”* (Female)
 - *“If you turn someone in up your chain of command for a joke or something, I think a lot of people would be like, ‘Why did you do that? That’s so stupid.’”* (Female)
- **Focus group participants indicated that there are certain situations when sexual harassment would definitely be reported, such as when an older student harasses a younger student or when someone in authority harasses someone under them.**
 - *“If it’s something to do with power and they’re saying, ‘I’ll do this for you if you do this.’ That would definitely be something I’d send up the chain of command.”* (Female)
 - *“If it’s an upperclassman harassing a freshman, that would definitely be something you can’t really deal with on your own because they outrank you. It’s something you have to take up your chain of command.”* (Female)
 - *“If sexual assault has occurred or sexual harassment by someone who is in charge of you, [you should] take it outside the unit because the chain is obviously messed up.”* (Male)
- **Participants in the focus groups indicated they would be more likely to report sexual assault than sexual harassment, but some indicated that if alcohol were involved they might not even report a sexual assault.**

- *“The repercussions of underage drinking are far worse than the consequences of sexual assault.”* (Female)
- *“If you get caught drinking they kick you out for it but they take you through an Article 15.²³⁶ Since we’re technically in the military, we’re discharged, but not necessarily honorable. When those incidents happen it screws up the rest of your life.”* (Female)
- **Focus group participants indicated that another possible reason for not reporting a sexual assault is that the victim might go through a significant amount of emotional trauma and might not want to deal with the reporting process.**
 - *“It’s embarrassing to let people know that they’ve put themselves in the situation where something like that would happen. It’s like being judged for being stupid or just not having the foresight to make sure you’re in a good situation.”* (Female)
 - *“From an emotional aspect, I’m sure that a lot of people would just feel really bad about it or ashamed and not want to talk about it.”* (Male)
 - *“It seems like after something like that happens, there’s a lot of weird psychological things going on in the girls’ heads. They think it’s their fault. They feel guilty about it. Actually, one of the briefings we had when I was a freshman in 2002 or 2003 compelled one of my good friends to come to me and tell me that something happened to her in high school. And she had convinced herself that even though it’s absolutely obvious she had no fault in it, she had convinced herself that it was her fault.”* (Male)
- **Focus group participants also indicated the following reasons why someone might not report a sexual assault.**
 - **Labeling of the victim:** *“Because of the stigma of being a rat, of ratting on somebody else. Or the stigma of being a rape victim. Everyone looks at you and says, ‘That’s the girl that was raped.’ ... That defines you and a lot of people don’t want that.”* (Male)
 - **Time commitment:** *“If I get going on this then I’m going to have to go to court, make all of these statements. What are my priorities?”* (Male)

²³⁶ Military nonjudicial punishment.

- Wish to avoid getting a fellow cadet kicked out: “[Maybe the victims] are nice people and they know that if they actually go forward and say anything, the guy will go to jail. It’s going to ruin his life. He made a mistake; he doesn’t deserve to be on a list for the rest of his life and never get a job. They’d rather deal with it themselves.” (Male)
- Do not want to have the whole wing punished: “That’s something that happens a lot at the Academy, like blanket punishments for the mistakes of a few. During the knowledge tests earlier in the year, I know some people that did cheat, and one of their reasons for cheating was that they didn’t want their entire squadron to be restricted because they failed, and they were struggling with it.” (Female)

Reporting Decision and Preferred Reporting Method

- **If they were to experience an incident of sexual harassment or sexual assault, participants in the focus groups indicated that they would talk to their friends before anyone else.**
 - “As far as cadet females, we have a good support group. ... It’s not like you’re the lone girl out there. Even if you don’t have a lot of friends in the squad, hopefully everybody has friends on a team or somebody like that.” (Female)
 - “If it was an assault, I would probably just mentally shut down and block everything off. I would talk to my roommate and it may be a situation where I would need to depend on her to [tell me what to do].” (Female)
- **After talking to friends, participants in the focus groups indicated that they might also go to other confidants on an informal basis, such as a chaplain, Personal Ethics and Education Representative (PEER) counselor, teacher, or coach.**
- **If they decided that an incident of sexual assault or sexual harassment needed to be formally reported, some participants in the focus groups indicated they would report the incident to a person in their cadet chain of command, such as their element leader or flight commander.**
 - “I probably wouldn’t take [harassment] up my [official] chain unless it was really, really, really bad. I’d go talk to them. I’d go talk to my best friend and then I’d go to one of their friends to get them to talk. Then I might go to my element leader or to the flight commander. But other than that, I wouldn’t want to take it up any further.” (Female)
 - “If I was afraid to go up my [official] chain of command, we have something called the first sergeants in the squad. ... Even though I don’t really know either

of them personally, I don't think I would really have a problem going up and talking to them." (Female)

- **Other participants in the focus groups indicated they would report it to someone in their official chain of command, such as their Academy Military Training (AMT) or their Air Officer Commanding (AOC).**
 - *"I would feel really comfortable going to my AOC and talking to him."* (Male)
 - *"If it is going to go up the chain anyway, you may as well skip the senior or upperclassman. They can't do anything about it."* (Male)
 - *"I would take my friends and go to my flight commander, unless it was a really, really personal serious issue. Then I would skip the chain of command and I would go straight to my AOC."* (Female)
 - *"And that's one less person that knows. Because if you're sexually assaulted or whatever, you don't want a whole lot of people to know."* (Male)
- **Some participants in the focus groups indicated they would not hesitate to talk to a Sexual Assault Response Coordinator (SARC) representative if they decided to go the confidential reporting route, especially for a sexual assault.**
 - *"I think a SARC is a good outlet because ... sometimes it's easier to say stuff when you can't see the person's face."²³⁷* (Female)
 - *"If it were a straight up assault, I think people would go right to the SARC."* (Female)
 - *"I definitely think a SARC is good for the sexual assault kinds of things where you don't necessarily want to talk to the people in your squad because they know both people and there's always going to be people who take one side or the other. SARC is great when you need that neutral person."* (Female)
 - *"They're professionals at what they're doing, counseling, or whatever. And if you were having an issue, I would think that they could help you out for sure."* (Female)

²³⁷ Sexual Assault Response Coordinators may be contacted by phone, which means that cadets can discuss incidents of sexual assault and sexual harassment without "seeing the person's face."

- **Other participants in the focus groups indicated they would avoid calling a SARC representative because they would not be comfortable discussing the incident with someone they do not know personally.**
 - *“I think you need to know the person to some degree. How are you supposed to confide in somebody you’ve never met?”* (Male)
 - *“The whole counseling thing, they kind of talk to you and ask you some questions to kind of get to know you. I would really rather avoid all those questions and talk to someone who already knows me.”* (Female)
 - *“I wouldn’t want them calling me back, following up. That makes it kind of official.”* (Female)

- **When deciding how they would report an incident of sexual harassment or assault, participants in the focus groups indicated that it comes down to finding someone they trust.**
 - *“It’s all about your chain of command and whether or not you feel it’s going to be dealt with properly if you go to that person.”* (Male)
 - *“You’re going to go to whoever you’re comfortable talking about that sort of thing with. There are lots of people around here. Lots of respectful guys and girls in our lives, professors, AOCs [Air Officers Commanding], whatever.”* (Male)
 - *“I think all of us either know some sort of AMT/AOC [Academy Military Trainer or Air Officer Commanding] that we trust or we have a friend that has an AOC/AMT that we can trust.”* (Female)
 - *“That’s kind of what one cadet did when she went straight to her squadron commander, because her element leader was best friends with the guy who was in her face and all of that. So she didn’t, like, try to take it up to her element leader or flight commander. She just went to the person she felt most comfortable with, who she knew would take care of it.”* (Female)

- **Some second class female participants in the focus groups, several of whom were Personal Ethics and Education Representative (PEER) counselors, indicated that students tend to avoid discussing sexual harassment and sexual assault incidents with PEER counselors.**
 - *“If I was sexually assaulted or harassed, I’m not going to go to someone in my squadron who has the title of PEER, I’m going to go to my best friends or my parents. [We PEER counselors are] there for the people who are so desperate*

and so friendless that we're all they have, basically. It's sad, but it's true. That's the program." (Female)

- *"It's natural instinct. You're not going to go to someone you don't know very well."* (Female)

Trust in Reporting System

- **Participants in the focus groups indicated they would have enough faith in the reporting system to trust that justice would be done in cases of sexual harassment or sexual assault.**
- **Third and fourth class (sophomores and freshmen) participants in the focus groups indicated that they have very little experience with the reporting system, but that they have no reason not to trust it.**
 - *"Judging on the extent that they're trying to prevent things, you'd think that they'd take it even more seriously when it actually happens. I'm talking about all of the briefings that we've had, all of the rules that they make with having a wing man.²³⁸ If it actually happened, I would expect that it would really be a huge issue for them."* (Male)
- **Some first and second class (seniors and juniors) participants in the focus groups indicated that they have been around since the publicized assault cases a few years ago and that the reporting system has improved since then.**
 - *"I think things have changed for the better. Much more attention is given to issues like this. The fact that I'm sitting in this room is evidence of that. And I think that things are dealt with much more promptly, though I'm sure it's not perfect yet."* (Male)
 - *"There's less doubt in the system [now]. I think that if somebody comes to me, that I'm not going to have to worry about someone saying, 'Shhhh,' when I'm trying to take care of a problem with a friend or a subordinate or a peer who has been sexually assaulted. [The times I have dealt with the system] it was – I mean, I don't want to say easy, but it was easy. It was so easy to take care of."* (Male)
 - *"There's definitely been a shift in culture from blaming the victim to 'Oh, wait, this environment does exist. We can take care of it ourselves.'"* (Male)

²³⁸ "Wing man" refers to a friend who watches out for your best interests.

- **Some participants in the focus groups indicated that they were frustrated by the fact that the reporting system appears biased in favor of the victim and against the accused in a sexual assault case, especially when alcohol is involved.**
 - *“In my law class we read a couple of cases on that. It seems like in some cases, somebody can just accuse somebody else and it’s their word against the other person’s and usually the accuser wins. In both cases that we read, the defendant didn’t have a chance, basically. He said, ‘No I didn’t do it.’ She said, ‘Yeah, you did it, you were drunk.’ And he got convicted of rape.”* (Male)
 - *“It’s not fair for the person who did the assault because if both parties consent, it’s still rape because the victim couldn’t exercise good judgment. And so it puts [the accused] in an unfair position.”* (Female)
 - *“When the girl lies, I don’t think justice is ever done to the guy. The guy has the worst year of his life and it never really bothered her. ... But then you don’t want to get her on it, because that will scare other girls away from coming forward who are legitimately assaulted.”* (Male)

- **Some first class (senior) female participants in the focus groups indicated that they were somewhat wary of the sexual assault reporting system because of experiences at the base hospital.**
 - *“I know someone who went through a sexual assault and she went to the base hospital and they didn’t even have a rape kit there. So this person is traumatized and they told her she has to drive downtown and go to the hospital there. And the person is like, ‘I don’t want to go.’”* (Female)
 - *“The thing about the system that makes me sketchy is the sensitivity of the hospital. Like even when you went to the clinic, you’re like, yeah, I want to go on birth control pills or I need the morning after pill. I’ve had friends that have had to go and do that. That’s a scary thing to have to do to start. And, I mean, the people down there have been so callous. They’re, like, do you realize that this isn’t a form of birth control? You know, where are your morals? And, I mean, just things like that. It absolutely shocked me when they told me that that’s what happened at the hospital. Because that should never happen. You’re going there because you need some sort of support. And so just because of that experience, I would be very skeptical of ever sending one of my friends to a military—especially the cadet—clinic, after having an experience like that.”* (Female)

Training

The goal of the discussion on training was to determine the methods of sexual harassment and sexual assault training that are most and least effective with cadets. Cadets were also given a chance to voice their own suggestions regarding how training should be conducted at USAFA.

Type and Amount of Training

- **Whether they liked the training or not, some participants in the focus groups indicated that much of the sexual harassment and sexual assault training they currently receive is focused on response: what to do when an incident of sexual harassment or sexual assault happens.**
 - *“The training that we get is really good on telling us what it is and knowing how to report it. I think every girl needs to know that, and guys.”* (Female)
 - *“It teaches you how to deal with sexual assault and sexual harassment problems by the book. But you would never use that in real life. It’s not applicable.”* (Male)
- **Participants in the focus groups indicated they received too much training on sexual harassment and sexual assault.**
 - *“We get an endless amount of briefings.”* (Male)
 - *“I think we have a briefing at least every month, maybe every other week about sexual assault and sexual harassment. And it gets to the point that we’re so overexposed that we don’t even care anymore. We’re, like, ‘Oh my God, another one.’”* (Female)
 - *“We talk about it a lot. It’s too much training. People are tired of listening to it.”* (Female)
 - *“There’s only so much they can teach you, and you only need one or two lessons on it. And then the rest is yourself. You take it upon yourself not to do something retarded.”* (Male)
 - *“For 99% of the people here, you don’t need to tell us five times not to sexually assault someone. You’re just wasting my time.”* (Male)
- **Participants in the focus groups indicated that too much training might make students take the issues of sexual harassment and sexual assault less seriously than they should.**

- *“I think when you talk about it way too much then people start making fun of it.”* (Female)
- *“Even for this meeting, [the joke was], ‘Sexual assault training. Does that mean we’re learning to be sexually assaulted?’”* (Female)
- *“I have a friend who was sexually assaulted. ... With all these briefings people joke about it and guys don’t take it seriously. Girls don’t take it seriously. And that really hurts her.”* (Female)
- **Some of the older students in the focus groups, however, indicated that the Academy has lightened up on training in recent years.**
 - *“I think they’re doing a pretty good job. Right after it happened—like I said, I’ve been here for a little while—and right after it happened, I think they definitely kind of overkilled the topic. It seemed like once a week we were having a briefing on it, sexual assault prevention, and what to do, and how to keep it from happening and all of that stuff. You know, they definitely did overkill on it. But now I think they’ve lightened up a lot more. I think they’re doing a good job of kind of starting to taper away from it. I mean, we’re still having the sexual assault prevention briefings and stuff like that, which I find very useful. I went [to a civilian university] and I wish they would have done stuff like that there.”* (Male)

Most Effective Training Methods

- **Participants in the focus groups indicated that some of the most effective training sessions on sexual harassment and sexual assault involved speakers who shared real life experiences.**
 - *“If we have somebody speaking about something that happened to them, it really hits everybody.”* (Female)
 - *“In our regular-scheduled briefings their aim is to brainwash us and get canned answers out of us. So they’ll ask us a question and they’re expecting us to say an answer and we all do because we’ve heard it so many times. But [the speakers] aren’t looking for answers, they are just looking to tell us their story. They just want to plant the seed in our head that this is real; this does happen.”* (Female)
 - *“It’s a lot easier to stay awake during the ones where it’s like personal stories and people stand up and relate their experiences. That’s pretty much how you measure effectiveness in the cadet wing, whether or not cadets are sleeping through it or whether they are awake through it.”* (Male)

- *“I think the trainings that are more effective are when you bring in people that had some sort of personal experience because then it will hit home more with you. Someone who either was assaulted and then is okay talking about it or someone like the lawyer who was on that case and had personal experience. Then you can relate to them more and you actually give their argument some weight because they have this experience with it.”* (Male)
- **First class (senior) focus group participants indicated that they especially liked the presentation given by a lawyer who told the story of a sexual assault case he worked on, asking for the opinions of students along the way. They liked it because the lawyer connected well with the audience and got them thinking about the issues.**
 - *“He brought a sense of realism to the issue, things that you really have to consider that you may not even have thought [about]. It was a situation where you can kind of see it from both sides and you can understand the importance of trying to be on the good side, giving yourself some room so that mistakes don’t happen, and taking precautions so that you don’t even find yourself in that situation.”* (Male)
 - *“He was one of the rare briefings where cadets went in knowing it was a sexual assault briefing. They were already tuning out and ready to take a nap [and he got them] to tune back in and come out of their shell. So that was impressive because that’s pretty hard to do with cadets.”* (Male)
 - *“It really showed the unclearness of the situations that you can get into. It teaches you to be really careful. ... That was a really good one because it caused you to think. It was a good story.”* (Female)
 - *“We took a vote at the end, whether we thought it was sexual assault or a rape or something. And that actually generated some real conversations because you had people on both sides of the issue and friends discussing it during the briefing, rather than just sitting there like zombies.”* (Female)
- **Whether formal or informal, participants in the focus groups indicated that they liked training sessions which allowed them to interact with each other on the topics of sexual harassment and sexual assault.**
 - *“There was one session where they put the females in one room and the males in another and then they had a really good discussion about it at the end. And I thought that was pretty effective in comparison to the PowerPoint briefings.”* (Male)

- “[One presentation] was interactive and it was really good. I enjoyed it because I think it kept everybody attentive.” (Female)
- “I found [the case studies] more useful than some of the mass briefings we’ve had. For one, I felt like it taught more because we actually had some interaction with it.” (Male)
- “I remember our peers in our freshman squad took us in a room and they talked to us about sexual harassment and sexual assault. Hearing it from a cadet was a lot better, like an older cadet who had gone through it, and just being amongst your peers and being able to talk about it was much better than being in a huge mass briefing.” (Female)
- **Focus group participants indicated that the Air Force movie that was presented in several parts made an impression on many fourth class (freshmen) students, although the women tended to find it more effective than the men.**
 - “[It showed] the bystanders and the people who were kind of like egging on the guy and people who just didn’t care. And they talked about ... if the bystanders had just done a little bit something different, the situation could have turned out different. I thought that was pretty effective.” (Female)
 - “The characters stayed the same, and we probably watched three different sessions over three different months. ... Now if you have a guy friend, and there’s another guy around, he’s apt to say, ‘Oh, that’s a Frank.’” (Female)
 - “[The video with the enlisted people] was one of those things where you’re like, ‘That would never happen.’ But I remember it, so maybe it worked in some way.” (Male)
- **Focus group participants indicated that they had mixed opinions regarding the effectiveness of the training video that described a sexual assault on a male victim, but it was very memorable for all first class (seniors) students in the focus groups who saw it.**
 - “I don’t know if it was effective. It definitely wasn’t good. You definitely left feeling just sick.” (Male)
 - “The guys felt so uncomfortable. That was the only briefing that really hit home with them. They came out of there and they were, like, squeamish. And I’m like, ‘Now you get it.’” (Female)
 - “It was the first time a lot of guys afterwards said to me, ‘Oh, that’s how girls must feel.’” (Female)

Least Effective Training Methods

- **Participants in the focus groups indicated that repetitive PowerPoint presentations were among the least effective methods of training on the topics of sexual harassment and sexual assault.**
 - *“The first couple of [PowerPoint] briefings were actually informative, but then they just started beating you over the head with it.”* (Female)
 - *“They could have a refresher briefing every year. But you do not need to know every time you go to a briefing that the counseling center is always there, you can always talk to PEERS, you can talk to the chaplain, and that this is the number for SARC [Sexual Assault Response Coordinator].”* (Female)
 - *“PowerPoint is usually not good. It makes me fall asleep. Most people are just cynical about it. They just do their homework.”* (Female)
 - *“[PowerPoint] briefings just reduce the impact of the good briefings. When you have [a good briefing] it makes an impact. But then two weeks later you have a PowerPoint briefing and it’s like it brings you back. Because everyone goes in half asleep.”* (Female)
- **Male participants in the focus groups indicated that another ineffective method of training for them was to have a speaker who caused them to feel “accused.”**
 - *“[One speaker] we had my four degree year [freshman year]. She had come to talk to us and basically, she just bashed on men the entire time. So by the end, the guys were, ‘Just forget you, we’re out of here. We don’t really care what you have to say anymore.’”* (Male)
 - *“The least effective is when they come and try to guilt-trip you. They bring somebody in and it’s, like, you’re a terrible person because you’re a male. ... It’s, like, you’re white, you’re male, and I was raped by a white male, so you’re a horrible person.”* (Male)
- **Some juniors in the focus groups indicated they disliked the online Air Force training they were required to take because they felt it was too long and not appropriate for those who have already received a significant amount of sexual harassment and sexual assault training.**
 - *“It was horrible.”* (Female)
 - *“If we did something like that the four degree year [freshman year], that would be fine. You get all the definitions and go through scenarios. But when you’re*

doing it two years in, after you've already done the briefings, [it's not good]."
(Female)

Suggested Training Options

- **Focus groups participants indicated that some variety would improve the training they receive on sexual harassment and sexual assault.**
 - *"The more variety we have in these briefings and information sessions, the better. People respond to different things differently. To reach a wider range of people, just vary it up."* (Female)
 - *"Maybe if you have different types of people or different situations or personal stories with different sexes, then it won't feel so repetitive."* (Female)
- **Focus group participants indicated that training would be valuable, especially for freshmen, on how victims can take care of sexual harassment on their own so it does not have to be formally reported.**
 - *"The one thing they could really do that would be so simple is say, 'Girls, stop putting up with guys joking like that.' All you have to do is say, 'Stop that. I really don't appreciate it.' Then it, for the most part, stops."* (Female)
 - *"A girl could say to a girl in the incoming freshmen classes, 'Don't let them push you around about anything, about standards, about sexual stuff, about why you should be here, anything.'"* (Female)
 - *"I think there needs to be an emphasis that if you're offended, it's up to you to take care of it. Because I don't see that being taught. It's not taught that [the victim] has a responsibility to do something about it. If they let it go once, then it becomes accepted."* (Male)
- **Focus group participants indicated that some men would welcome a training session that has a stronger focus on prevention instead of response, or a stronger focus on how to recognize sexual harassment.**
 - *"From what I've seen from the briefings, it seems like we really only get [information about] response, if it happens this is what you need to do. I think it would be really helpful for a lot of the guys [to hear] the prevention side of it. Say, 'This is what you need to do to stay out of trouble and here's the line that you can't cross.'"* (Male)

- *“It seems like the majority of the training that we get is on sexual assault. ... That goes back to how we don’t even realize that [sexual harassment] is going on. ... I might just be clueless on the subject.”* (Male)
- **Some women in the focus groups indicated they would like to have more mixed-gender training sessions, but others preferred same-gender sessions.**
 - *“[When we were together] it helped because we could see their reactions and they could see our reactions and it kind of blended more so you could understand the thought process.”* (Female)
 - *“Without males in the room I feel that the females are more willing to voice their opinions and say how they really feel because the guys aren’t there to think something about them.”* (Female)
- **Some fourth class (freshmen) women in the focus groups indicated interest in having training sessions in mixed age groups so they can learn from the experiences of older female students.**
 - *“At the beginning of the year, two upperclassmen called all the freshmen in our squadron into their room and kind of warned us about frat [fraternization] and upperclassmen and all that stuff. It was just good to hear their stories.”* (Female)
- **Some first class (senior) women in the focus groups indicated a preference for training sessions which address the problem in a general way, but would not be called sexual harassment/assault briefings.**
 - *“We’re smart. We can make connections. They could bring in people that just talk about standing up for something that was wrong. It doesn’t matter what it is. ... It doesn’t always have to be labeled and specifically aimed towards sexual harassment.”* (Female)
 - *“Sexual assault is only one of a multitude of issues that we’re dealing with here. It just seems unfair to focus on one issue over the other, and when it all comes down to it, it’s almost the same issue but highlighted in different areas.”* (Female)
 - *“[We had one speaker who is a rape victim, but we didn’t know that going into the briefing.] ... I liked how rape wasn’t the focus. ... The focus was on being strong and standing up for what you believe in ... and having that power inside you. And I remember being really affected by that.”* (Female)

- **Older students in the focus groups indicated that they could get by with less training altogether on sexual harassment and sexual assault.**
 - *“I feel like as firsties [seniors], we should probably be done with it. You can get it all in your first two years here and then after that you just understand, ‘Okay, this is what I do, this is what I don’t do.’ I don’t think we keep needing to be refreshed. It’s kind of overkill.”* (Female)
 - *“The upperclassmen have heard it so many times that you’re going to lose everybody the instant you announce a briefing.”* (Female)

Leadership Preparation

After talking about training in general, cadets were asked to discuss how well they are being trained to deal with sexual harassment and assault in a leadership capacity when they graduate and enter active duty.

- **Participants in the focus groups indicated that they were getting a variety of experiences at the Academy which would help prepare them to deal with sexual harassment and sexual assault as an officer.**
 - *“We had one briefing once where they talked about how to be an effective listener when someone is telling you their story.”* (Female)
 - *“That’s the whole purpose of why we’re here, to learn how to deal with people and learn how to at least be sympathetic to their situations. We’re getting all these trainings and briefings so that we understand that out in the real world we’re going to encounter things.”* (Female)
 - *“My law teacher is real good. She tells us what things we can do and what we should do when we have airmen under us.”* (Female)
 - *“In the behavioral science briefing, you go over how to counsel—what our role really is, how not to overstep your role, when to tell someone to go to someone else and when you can deal with it.”* (Female)
 - *“By being an element leader in basic training you’re really the command authority. ... Your freshmen will come to you if something’s really, really wrong. So that’s probably the closest you’re going to get to hands-on commander [training].”* (Female)
- **Some focus group participants indicated that no additional training was needed on topics dealing with sexual harassment and sexual assault in a leadership capacity.**

- *“I don’t think it’s something that we need to be taught. I think that it’s just having the opportunity to interact, and I think everyone here, at some point in their life, interacts with other cadets both above and below them in a way that will help them [later].”* (Female)
- *“Reporting sexual assault and sexual harassment is almost the exact same channel here and on active duty. There’s a SARC [Sexual Assault Response Coordinator] at every base. So it’s almost the exact same channels.”* (Male)
- **Other focus group participants, however, would like additional training of this type.**
 - *“I think they can do more as far as the legal side of who you need to contact and how you need to go about getting started investigating that person.”* (Male)
 - *“Here it’s just call SARC [Sexual Assault Response Coordinator] and be done with it. When you’re commanding somebody, you’re going to be involved with it. And the Academy ... doesn’t do anything to help you prepare for that.”* (Male)
 - *“I think another important thing, too, is maybe show actual situations that have happened, like, just—instead of hypothetical ones. And a big problem in the deploy locations is like male-on-male rape. But we don’t hear about that, you know, and learn about it. So as a leader, how are you going to deal with that, if you don’t think about it ever happening?”* (Female)
 - *“It would be nice if they took two or three lessons out and designated those entirely on bringing people in that have dealt with [real life] situations like that. Bringing people from the crisis center and having them talk for part of the class and then have a class discussion on how you would deal with it as a leader.”* (Female)

Communication From the Academy

Cadets were asked to evaluate the type and amount of communication they currently receive from the Academy regarding sexual harassment and sexual assault. They were also given an opportunity to make suggestions on how to improve communication at the Academy.

Current Communication About Sexual Harassment and Sexual Assault

- **Focus group participants indicated that e-mail was the Academy’s main form of communication to students about incidents of sexual harassment and sexual assault.**

- “[The e-mails] say so-and-so is under investigation for sexual assault. ... It’s kind of mixed in with all of the other problems, like the honor cases. Like [they may say] there are three honor cases, two sexual assault cases, and one OTF²³⁹ case.” (Female)
- “They always try to make sure we know, so that way no rumors get started.” (Male)
- “Usually if it goes up to an Article 32 hearing²⁴⁰ and they have to investigate, that’s when we hear something.” (Female)
- **Some focus group participants indicated that they appreciated these e-mail communications and felt that Lt. Gen. Regni, the Superintendent of the Air Force Academy, has done a good job of keeping them informed.**
 - “Whenever there’s a sexual assault case going on, like going to trial, General Regni usually tells the wing [all cadets as a group] what’s going on because he doesn’t want rumors running rampant. He’ll usually tell us, ‘A cadet is going to go up on UCMJ [Uniform Code of Military Justice] action. We don’t know whether [he’s] guilty or innocent. Don’t assume anything. We’re just letting you know.’” (Female)
 - “One thing I have appreciated is, like with the honor scandal, General Regni did confront us all before it went public. I appreciated that, because then I felt like I knew what was going on. Even though it didn’t really impact me, it impacted the Academy. And I guess now that I think about it, there have been a couple of e-mails that he has sent out telling us that there were a couple of cadets under investigation.” (Male)
- **Some participants in the focus groups, however, indicated that they would prefer to receive information about incidents of sexual harassment and sexual assault in person rather than via e-mail. Some suggested that a good time to receive the information verbally would be during squadron time, breakfast, or roll call.**
 - “I don’t think the e-mails are very effective because we get so many and you get so tired of reading them. You can tell it’s a form e-mail and you just automatically delete it.” (Female)

²³⁹ Over the fence, an unauthorized absence.

²⁴⁰ Military equivalent of a grand jury hearing.

- **Focus group participants indicated that, in addition to e-mail, information about incidents of sexual harassment and sexual assault is sometimes given to students in their squadrons.**
 - *“In our squadron, if something major happens, like if there’s someone who ends up with Article 15²⁴¹ or a courts martial or something like that, our AOC [Air Officer Commanding] will let us know because if it gets released to the press, he wants us to know about it to squash the rumors.”* (Male)
- **Focus group participants indicated that “Cadet X” letters²⁴² were another method of communication, but in most cases these letters were used for honor cases as opposed to incidents of sexual harassment and sexual assault.**
- **Participants in the focus groups indicated that they are being given the right amount of information and an acceptable level of detail, given the need for confidentiality in cases of sexual harassment and sexual assault.**
 - *“I think right now the e-mails and letters and stuff like that [are enough]. If you want to read it, you will.”* (Female)
 - *“The danger with [knowing the details] is that this place is a huge rumor mill. So the second you start to get to specifics, then people are like, ‘Oh, do you know who that was?’ and the story just gets blown out of proportion.”* (Female)

Desired Communication About Sexual Harassment and Sexual Assault

- **Participants in the focus groups indicated that communications from the Academy should be given to students before it reaches the general public and press.**
 - *“[We want to be] informed in case people ask us. We’re not supposed to talk to [the press] and stuff, but if somebody from your hometown is asking you about it, you should be well informed so you can talk about it reasonably.”* (Female)
 - *“A lot of times I get a call from my parents saying, ‘Hey, what’s going on?’ I’m like, ‘What are you talking about?’ No one knows what’s going on here. That upsets me a lot of the time. I hear things second or third-hand from my parents, quicker than I hear it from CM [cadet military] leadership here.”* (Male)

²⁴¹ Military nonjudicial punishment.

²⁴² “Cadet X” letters are released to students at the Air Force Academy to summarize disciplinary action taken against a cadet, but with the cadet’s name replaced with a letter of the alphabet.

- **Participants in the focus groups indicated they would also appreciate receiving any amount of information that would help dispel rumors, even if details could not be released for confidentiality reasons.**
 - *“If people hear about [something] and rumors start going around, then maybe they should not release all the details, but [at least try to] set the story straight.”* (Female)
 - *“Whether it is something that happened this weekend or something that is being done as a result of a survey, they need to make sure that all of us know and it’s not just like a rumor mill thing. Because we want to be told straight up front, even if you can only give us a little bit, we just want to know.”* (Female)
- **When asked if they would like to receive more in terms of general statistics and survey results, some focus group participants expressed interest, as long as the presentation is kept short and simple.**
 - *“If you hear that 20% of the cadets are saying they’re getting harassed, and you look at your squadron and you have at least five girls, [that means that] probably one of them [has gotten harassed]. You’ll be more aware of it.”* (Male)
 - *“I’d like to see a comparison of the other two academies, USMA and Annapolis. Do we have a problem or do we all have a problem or is it just a perception of a problem? I think we need to know where we stand.”* (Male)
 - *“[With the current statistical briefings], it’s pie charts the entire time. And we don’t need that kind of information. The bare bones analysis of what we said and what we could do to change that [would be better].”* (Female)
- **Other participants in the focus groups, however, indicated that they were somewhat suspicious about the accuracy of survey data and how it is presented.**
 - *“Most people probably don’t even answer [surveys] truthfully because it’s done at lunch. And if you get it done in five minutes you can take a nap.”* (Male)
 - *“They butcher the statistics to sound better. ... Instead of saying, ‘80 percent of cadets hated this particular training event,’ they’d say, ‘Almost one fourth of you really enjoyed this.’”* (Female)

Alcohol

The topic of alcohol was included in the SAGR2007 focus groups because incidents of sexual harassment and sexual assault very often involve its use. USAFA cadets discussed how

alcohol may lead to sexual misconduct, reasons for using alcohol, effectiveness of alcohol policies, and alcohol training. They were also asked how cadets can protect themselves from getting involved in a situation of sexual harassment and/or assault when they have been drinking.

Role of Alcohol in Sexual Harassment and Sexual Assault Incidents

- **Focus groups participants agreed that alcohol plays a significant role in situations of sexual harassment and sexual assault.**
 - “[Alcohol is involved in sexual assault situations] a majority of the time because nobody here is a serial rapist. There are those few people in the world, but I don’t think we have them here. But I think that of the [assault] things we’re dealing with, almost everything will involve alcohol.” (Female)
 - “[Alcohol] loosens you up. People start saying stuff they might not mean.” (Female)
 - “Harassment is a lot more prevalent when there is alcohol involved.” (Female)
 - “If someone is making more obscene jokes, they’re [usually] drunk, and not thinking right.” (Female)
- **Focus groups participants indicated that alcohol does not excuse either the victim or the offender in a sexual assault situation, but it does “blur the line” between guilt and innocence.**
 - “I don’t think that if two people are so drunk they don’t remember having sex that it’s fair to say that someone was raped. ... It’s so frustrating when you hear of someone who might have potentially been sexually assaulted, then you start to hear a little more and it comes down to like two people were drunk and someone regrets something and the charges are all dropped. Someone is still affected by that. Some guy just had to go through probably the most stressful point of his life.” (Female)
 - “I think we all know where the legal boundaries lie. But when we hear real-life situations and have to judge them, ... that’s when we start to realize how fuzzy [things get] and where our personal opinions and beliefs start to affect the situation.” (Female)
- **When both parties in a sexual assault case have been drinking, participants in the focus groups indicated students tend to side against the victim, believing that she put herself in a bad position by getting drunk and that the incident could well have been consensual.**

- *“A lot of times you’ll hear a story about a girl claiming she was raped and guys will be like, ‘Yeah, well she was drunk so it’s her fault,’ even though they know that it shouldn’t be that way. They kind of blame the victim.”* (Female)
- *“Maybe I’m just a hard person, but to me it lessens my sympathy [when someone was drinking and they got sexually assaulted]. Obviously no one deserves to be sexually assaulted, but at the same time, when people are drunk in the dorms and playing strip poker and then something bad happens, I feel bad for the victim, but at the same time I’m thinking, ‘What in the heck were you thinking?’”* (Male)
- *“Here, anytime alcohol is involved, everyone’s going to lean towards, ‘Oh she was drunk. She wanted it then, but not now.’ That always happens here.”* (Male)
- *“An honest victim of sexual assault is entitled to justice ... but it leaves a lot of people wondering what happened because the rules sort of dictate that regardless of what happened, it’s going to be the guy’s fault.”* (Male)
- *“I think it’s consensual when you’re drunk and then the girl blames it on the guy. Sometimes I feel so bad for the guy because he’s going to get in trouble when they were both drunk and they both said yes.”* (Female)

Reasons for Using Alcohol

- **Some focus group participants indicated that drinking takes place because of normal rebellion against the rules.**
 - *“They make it such a taboo to drink alcohol that a lot of kids are tempted to do it just to break the rules.”* (Male)
 - *“That’s the typical response for any kid. Your parents tell you not to do something and then what are you going to do? You’re going to go out and do it. So I’m just saying, if they put such a focus on it, it’s going to become more of a problem. It needs to be explained that it’s not a big deal.”* (Male)
 - *“We value our freedom and our chance to escape so highly that when they take it away from us, we feel that it’s not fair. This weekend they took a weekend that was supposed to be ours and [they] restricted everybody so we had to stay here.”*

I think the highest incidence of OTF²⁴³ and alcohol incidents that we've had was that weekend.” (Female)

- **Other focus group participants indicated that drinking is the way some students respond to the stress of everyday life at the Academy. This line of thought was voiced most often by women.**
 - *“We had a really hard schedule so a lot of people were stressed out first semester.” (Female)*
 - *“It’s like, ‘I don’t even care, this is so hard for me right now.’” (Female)*
 - *“That’s what it all comes down to. If you’re stressed out, some people drink and then that’s where it leads to sexual assault and all that stuff.” (Female)*
 - *“I think [drinking] is a coping mechanism that a lot of people used last semester. They just got so frustrated with how things were going, they were like, ‘I’m just going to go get wasted and not worry about it.’” (Female)*
 - *“You’re a more stable person when you’re healthy. Like if someone were to come on to you and start bothering you, you would have quicker reactions.” (Female)*

Effectiveness of Alcohol Policies

- **Focus group participants indicated that the alcohol policies were reasonable and that students have dealt with drinking in a fairly responsible manner.**
 - *“I think cadets do a good job drinking safely. You can compare it to the other Service Academies and they don’t do it well at all. And they have big problems with all of this stuff. But here we take care of each other. If somebody comes back drunk, you just stick them in their room and you make sure they stay there so they can’t do anything.” (Female)*
 - *“I think now, with a lot more of the awareness, people don’t want to see their buddies get in trouble. ... And you know the females in the squadron and you don’t want to see it happen to them. So I think people now are a lot more inclined to step in. ... If someone comes back drunk to the squad and starts getting a little too touchy feely with a girl, his buddies will grab him and [put him to bed].” (Male)*

²⁴³ Over the fence, an unauthorized absence.

- **Focus group participants indicated that stricter alcohol policies would not likely reduce the amount of drinking.**
 - *“I think more people break rules when they’re cynical. Because they kind of, like, lose respect for the system.”* (Female)
 - *“The system is screwing me, so let’s screw the system. As bad as that sounds, I think that’s the attitude that a lot of people would get [if stricter policies were put into place].”* (Female)
- **Focus group participants indicated that they would like more opportunities to drink on campus. Although a cadet sports bar is located on campus, focus group participants noted that it is not open on weekends and not overly popular with students.**
 - *“I think it would be more healthy for the school to have more opportunities to drink after school on base. I think [cadets] would act with more responsibility than they do now. Because having a drink while you do homework, or having a beer, is not a big deal. You don’t go out to get smashed. You go out to have a beer.”* (Male)
 - *“I think there needs to be like more of an officer’s club for cadets. Not on the hill, but somewhere else on base. Because then you [wouldn’t have to] travel off base to go drinking.”* (Male)
 - *“I think that if we were allowed to have alcohol more, that might actually lessen the problem.”* (Female)
- **A male focus group participant gave an example of a situation when his squadron was allowed to drink on campus and how he felt that promoted more responsible alcohol use.**
 - *“My squadron, personally, we had a kegger in the quad. ... we took it all the way to the Commandant to get approval. And the Commandant was like, all right, no alcohol goes back into the dorms. Both the AOC [Air Officer Commanding] and AMT [Academy Military Trainer] have to be there. There has to be an accountability type thing where there is a limited amount that you can drink for the night. You know, obviously, no underage drinking, whatsoever. And there was—I believe there were five firsties [seniors] that had to stay sober the entire night to kind of over watch it. It was just like a fun thing. We had a barbecue and played volleyball. It was a controlled environment in the quad, right in the middle of our quad.”* (Male)

Ways to Avoid Getting Involved in an Incident While Drinking

- **Participants in the focus groups indicated that one of the best ways to protect themselves from becoming involved in a sexual harassment or assault situation when drinking was to have a designated guardian watching out for them.**
 - *“If you’re going to drink, make sure you’re with people you trust. It sounds kind of retarded, but have a buddy system where a group of girls, maybe your roommates or something, and you look out for each other the entire time and are always together.”* (Female)
 - *“In our squad the designated guardian is basically responsible for their actions so you’re going to keep a close eye on them. It’s, like, our AOC [Air Officer Commanding] will give us free passes if we’re DDs [designated drivers], so I’ll go do it all the time and I don’t care. You can still have a good time.”* (Female)
 - *“[The best way to avoid problems is to] have someone look after you. ... I know that plans could change and stuff, but you need to really make sure that you have someone there to look out for everybody.”* (Female)
- **Participants in the focus groups indicated, however, that even when someone was with a designated guardian, he/she still needed to drink responsibly.**
 - *“It’s good to have a check system [like a “wing man”] on you, but you really need to be accountable for yourself and realize that you can’t drink an entire bottle of alcohol and expect your wing man²⁴⁴ to take care of you because you’re a moron and drank too much.”* (Female)
 - *“[You shouldn’t] drink to the extent that you don’t know what you’re doing and that you’ll regret something. If you want to drink, make sure you only drink to a limit.”* (Female)
 - *“There needs to be personal responsibility even when you’re drinking. I think if you have that designated guardian program, sometimes people will start drinking and they start laying the responsibility on their buddy who’s not drinking.”* (Male)
- **Another way focus group participants indicated they could protect themselves from becoming involved in sexual harassment and sexual assault situations was to stay out of potentially risky situations.**

²⁴⁴ “Wing man” refers to a friend who watches out for your best interests.

- “You don’t want to put yourself in a place that you’re going to make poor decisions.” (Female)
- “Just be smart. Don’t drink too much. Know who you’re around.” (Female)

Alcohol Training

- **Participants in the focus groups indicated that alcohol training focuses quite heavily on using a designated guardian or “wing man” to help students stay out of trouble when drinking, which is something they appreciate.**
 - “In our briefings they always say, ‘Whatever you do, don’t go [drinking] alone. Make sure that you’re going with someone who is either not drinking or who knows you and you know that they could stop you from doing something that you wouldn’t ever want to do.’” (Female)
- **When asked how alcohol training could be improved, some focus group participants, especially juniors, indicated that they would like the training to focus more on personal responsibility.**
 - “The big thing is just personal responsibility while drinking—watching yourself. That’s not really taught well here, I don’t think.” (Male)
 - “The designated guardian and wing man are almost reactionary methods compared to teaching responsibility in drinking, teaching people not to go out and get plastered, which is more of a proactive method of doing it.” (Male)
 - “I really think the most effective and responsible response to any of this stuff is to say, ‘You guys are adults. You’re being entrusted with a lot. You’re responsible for your actions. If you mess up you’re going to be held accountable for your actions, so act accordingly.’ What more do you really need? You can babysit me through any method you want. Bottom line is, if you behave a certain way, you are going to be held accountable.” (Male)

Additional Topics

At the conclusion of each focus group, cadets were given an opportunity to talk about anything related to sexual harassment or sexual assault. Their comments identify important issues which they would like Academy leadership to know about.

- **Participants in the focus groups indicated that the issues of sexual harassment and sexual assault were generally being handled well and were of less concern than other things, like the stress of day-to-day life at the Academy.**

- *“I think the percentage of sexual harassment and sexual assault here at the Academy is very low. The system of education, the reporting procedures, I think it’s all really good. I don’t know how you could improve it.”* (Male)
- *“With everything that’s going on with Virginia Tech, I’m more scared of stuff like that happening. This is a stressful place. ... I can think of five people, just in my squadron, who may do something like that. That’s scary.”* (Female)
- *“We don’t get briefings on what to do if someone starts doing real crazy stuff. We aren’t even told the warning signs.”* (Female)
- *“I think a lot of people here tend to get depressed. ... I don’t know the warning signs of it because I actually I had to deal with one guy. He, like, told me he wanted to go out with me and I told him I didn’t want to go out with him. And so then, like a couple of hours later, I called him to make sure he was okay because he was kind of upset when I told him that. [Described his actions.] So I ended up taking him to the hospital. But if I had seen that coming, I wish that I would have known what to do.”* (Female)
- **Older participants in the focus groups indicated that the Academy would benefit from making a stronger public relations effort in order to get good news about the Academy into the public eye on a consistent basis.**
 - *“I don’t think we get enough good press, period. I mean not just about this stuff, but just in general. Because cadets are out and about in the Colorado Springs community doing good stuff every day, like coaching Little League soccer and stuff. And no one knows about that. All they hear is, ‘Oh another drunk cadet did something stupid.’”* (Male)
 - *“[We should] get in with the media like USMA and Annapolis do. If they have a scandal, the media protects them and their community crushes it. They put it down before it gets too big. ... People kind of help them out, whereas when it’s us, people are ready to point the finger and put big banners up in the sky.”* (Male)
 - *“That’s just natural, what you see in society. The bad news always comes out first and spreads the fastest. So that’s why you need to have some sort of representative that’s constantly pushing the good stuff, constantly getting that out there, making it interesting, making it fascinating for people.”* (Male)
- **The following issues and concerns were also brought up by participants at the end of the focus groups:**

- Women should be able to wear dresses to the ring dance:²⁴⁵ *“The civilian dates get to wear the typical formal dresses, but we have to wear our mess dress.²⁴⁶ Then we get odd looks.”* (Female) *“At the ring dance [girls] have to wear their mess dress. All of the other girls get to wear pretty, formal dresses, and so right there harassment is going to start.”* (Male)
- Students do not always get a satisfactory response from hotline numbers: *“With some of the numbers they say they’re there all of the time and they’re not. We had an issue with a girl in our squadron ... and we tried to call all of the character people. They’re supposed to be there 24 hours. We called multiple times and multiple people couldn’t get a hold of anyone. ... So if they say they’re going to be there [they should] actually be there.”* (Female)
- Women would like more support for women at the base hospital: *“At the very least could they have a nurse practitioner at the clinic every day so at least there’s somebody? Or not the clinic, but the hospital. They’re only there two days a week.”* (Female)
- A past victim of sexual assault should not be required to attend sexual assault briefings: *“Once we didn’t know it was a sexual assault speech and my friend [who was a past victim] had to sit through it. We went to the counseling center after it happened, and ... I think they’re trying to fix it. But definitely if you have a valid reason for not wanting to listen to a briefing like that, it really should not be mandatory.”* (Female)
- **In spite of the emphasis placed on preventing sexual harassment and sexual assault, focus group participants indicated that much progress appears to have been made.**
 - *“I’ve had some outside experiences too. I mean, compared to these other places—we’ve got, like, heaven here. It seems like to me, as far as the different opportunities you can get, the different resources that you can use, the respect and support that you have from a lot of other friends and cadets and things like that, the safety of the environment. I mean, of all of the places you could go to, it seems like that you’ve got a much better shot here than many other places that I’ve seen.”* (Male)

²⁴⁵ At the end of the junior year there is a dinner/dance/ball where juniors receive their class rings.

²⁴⁶ Formal uniform.

DMDC Service Academy 2007 Gender Relations Focus Groups Report

Appendix A. Focus Group Protocol

Focus Group Protocol

Introduction to the Focus Group

Good afternoon. My name is _____ and I am with the Defense Manpower Data Center. My colleagues with me this morning/afternoon are _____ and _____. _____ is observing and will help write our report. _____ is our note taker. We have asked you to be here with us to help us investigate issues of sexual assault and sexual harassment prevention and response. We are conducting these focus groups rather than doing a paper and pencil survey as in past years. Similar focus groups are being conducted at all three Service Academies.

**Time for
Introduction: 5
minutes**

Today I will ask a series of questions regarding sexual assault and sexual harassment prevention and response. We do not want to discuss your personal experiences with sexual assault and sexual harassment. We do want to discuss issues in general so we can provide guidance to leadership to create the most secure environment possible for you. Any questions?

A few ground rules for the focus group:

- This session will address issues of sexual assault and sexual harassment. You might recall that in spring 2006 representatives from our organization, the Defense Manpower Data Center, administered a survey to students at your Academy on these topics. This year we are not administering a survey, but are conducting focus groups, such as this, to identify any issues that require immediate attention and ask your perspectives on prevention and response issues.
- Please respect each others' opinions. We know you will have different perspectives on issues covered in this focus group. We want to hear those views—that's why we are here today. So there are no right or wrong statements or opinions. In order to preserve your confidentiality, we ask you not to give us detailed information about your own experiences or the experiences of your friends.
- We will record comments but will not record names or other identifying information. Only an analysis and summary of the data will go in our report. If you would like to see how comments are being recorded, please examine what _____ is typing.
- This is a non-attribution session. Although we are taking notes on your comments and suggestions, we will not share anything outside this room that can be attributed to any one of you specifically. It is also mandatory for you to protect the privacy of comments made within this session when you leave.
- Please keep the crosstalk to a minimum. Let me be the focal point for questions and discussion.
- Any questions?

I have eight questions to ask you today, with a few subtopics in each. I will watch the time so we will be able to cover all eight questions by the end of this session at (give specific end time).

First, I am curious if any of you participated in the paper and pencil survey about this time last year? (ask for show of hands)

What do you recall about that survey (allow short comments about it or its administration).

Let's begin by discussing issues of sexual harassment.

**Time for Question:
10 minutes**

1. *Experiences of Harassment* - Based on the 2006 survey, sexual harassment is typically the behavior most often experienced by students at the Service Academies.

- How do you define sexual harassment here at USMA/USNA/USAFA?
- What are the most frequent types of behavior you have observed? (Prompt examples.)
- When does unwelcome humor become harassment?
 - Can you describe for me situations where sexual humor might occur?
 - Can you describe for me situations where such humor becomes unacceptable?
- What factors, if any, in the Academy environment contribute to an atmosphere of acceptance or tolerance of unwanted gender-related behaviors? (allow open discussion, but ensure the following items are discussed)
 - Peer loyalty (not wanting to cause problems for the peers or friends)
 - Telling, laughing at, ignoring unwanted jokes
 - Failing to confront inappropriate behavior
 - Lack of action or feedback on complaints
 - Preferential treatment
 - Fear of ostracism by the Brigade/Company/Squadron
 - Fear of amount of publicity that would be involved if case was known (loyalty to the Academy/not wanting to cause problems for the Academy)
 - Cadet's/midshipman's reputation or style of dressing (e.g., provocative clothing)
- Do these same factors also apply to situations involving sexual assault? How?
- What factors empower cadets/midshipmen to take a stand against sexual assault and sexual harassment?
- What (other) actions should the Academy take to reduce acceptance/tolerance of unwanted gender-related behaviors?

2. *Future Leader Preparation* - What experiences (good and bad) at the Academy have prepared you for dealing with gender-related issues, such as sexual assault and sexual harassment, as a future leader?

Time for Question:
10 minutes

- What methods are the most effective for preparing you for dealing with these issues (training, role models, personal experiences)?
- How does the sexual assault and harassment response and prevention training you receive as a cadet/midshipman apply to your future responsibilities as an active-duty officer? (probe about specific training)

3. *Use of Alcohol* - What role do you believe alcohol plays in sexual assault or sexual misconduct?

Time for Question:
10 minutes

- Does drinking alcohol absolve the *victim* of fault? Does drinking alcohol absolve the *accused* of fault?
- What actions can cadets/midshipmen take to protect themselves from either being a victim of assault, or keep themselves from assuming the role of the aggressor of a sexual assault?
- What type of training do you receive regarding use of alcohol/drugs?
 - Is it effective in preventing misuse of alcohol/drugs?
- Do you think there should be stricter enforcement of policies controlling use of alcohol by students?
 - Such as the random use of a breathalyzer?
- (Use if time permits) In the 2006 survey we asked this question of people who experienced sexual assault (question 38 states: Did the incident (of sexual assault) occur a) when your judgment was impaired due to alcohol, b) when you were so intoxicated that you were unable to consent, c) when the offender(s) was intoxicated, or d) after the offender(s) used drugs to knock you out (e.g., date rape drugs, sedatives, etc.)).
 - Do you think that gives the right choices for us to understand how alcohol might have been a factor in an instance of sexual assault?
- We appreciate that admitting to indulgence in alcohol might be considered a collateral offense and a violation of the Honor Code.
 - How is collateral misconduct being handled here?

4. *Communications* - How does your Academy share information internally with you about incidents of sexual assault and sexual harassment? (both general information and specific incident information)

Time for Question:
10 minutes

- Is this the right amount of information? (ask students to elaborate on what is too much or what is not enough information)
- What specifically have you heard about the results of the 2006 survey? (what did they hear and what was the venue)
- What could your Academy do better to help you understand the issues around sexual assault and sexual harassment?

- Are sexual assault and sexual harassment the biggest (social/interpersonal) problems you face as a student, or are there other issues that affect you more (aside from academics, and physical and military training)?
- With all of the emphasis on prevention of sexual assault and sexual harassment, why does it still happen?
- What do you think can be done to minimize sexual assault and sexual harassment, at least in the situations where the Academy has authority (i.e., the Academies have less influence over situations where students are away from campus on private time)?

5. *Safety* - In the 2006 survey we learned that the majority of students feel safe from sexual assault and sexual harassment, especially on the Academy grounds. However, not everyone indicated they felt safe, at least not to a large extent.

**Time for Question:
10 minutes**

- Do you agree that most students feel safe from sexual assault and sexual harassment at the Academy?
- What are the typical situations where one would feel less safe (for both sexual assault and sexual harassment)?
 - In the barracks? With an upperclassman? After sporting events?
- What is the Academy doing to make the environment safe from sexual assault and sexual harassment?
- How much influence does the Academy have, or should it have, in preventing sexual assault and sexual harassment away from the Academy grounds?
- In the survey, we asked about sexual assault and sexual harassment during your summer training/experience. Do you think sexual assault and sexual harassment are more or less of a problem during summer?
 - What could Academy leadership do to reduce sexual assault and sexual harassment during summer?

6. *Training* - Everyone tells us they receive training in sexual assault and sexual harassment prevention and response and that they understand most key concepts.

**Time for Question:
10 minutes**

- What is the most effective training experience you have had at the Academy for dealing with these situations?
 - Ask for examples.
- What training experience do you think would have the most impact on cadets'/midshipmen's decision making in these situations?
 - In keeping students from engaging in such behaviors themselves?
 - In preventing others from engaging in these behaviors?
- Have you noticed any changes in the training you have received in this past academic year?
 - What was different?

- Does learning about actual incidents of sexual assault and harassment help you understand the importance of these issues?
 - How does your Academy share information internally with you about incidents of sexual assault and sexual harassment?
- Can you explain the difference between sexual assault and sexual harassment? (ask for specific distinctions)
- What else should be done to make training more effective in preventing sexual assault and sexual harassment?
 - Is it offered at the right time, for instance, not during lunch?
 - Did it cause you to change your thinking or behavior?
 - Should students be tested on their knowledge of sexual assault and harassment prevention and response?

7. *Mechanics of Reporting* - What is your understanding of the reporting system for experiences of sexual assault?

- Can you explain the difference between restricted and unrestricted reporting?
- Do you know who the Sexual Assault Response Coordinator is? The Victim Advocate?
- Describe the resources that are available on base/post and off.
- Do you think reporting an incident of sexual assault and/or harassment would make a difference at your Academy?
 - Do you trust the system, the program in place today?
 - What can be done to make victims of sexual assault and/or harassment more willing to report it?
- Is justice being done when an incident is reported? Why or why not?
 - Are offenders held appropriately accountable? (ask for examples)
 - Are victims treated fairly? (ask for examples)

**Time for Question:
10 minutes**

8. *Reasons for Not Reporting* - When we ask students who have experienced sexual assault and/or harassment, but who did not report it, why they did not report it, some of the frequent answers are that they did not want to be labeled a troublemaker; thought they would be blamed, or they thought no one would believe them.

- Why are situations of sexual assault and/or harassment not reported?
- What actions would a cadet/midshipman be likely to take if he or she encountered unwanted gender related behavior (such as sexual assault and/or harassment)?
 - Reasons for taking no action?
 - Outside of peer-group/family, who else would a cadet/midshipman talk to?
 - What outcomes would the cadet/midshipman expect?
 - Who would the cadet/midshipman be least likely to discuss this with?
 - Who would the cadet/midshipman be most likely to discuss this with?
 - Are there any other reasons for taking no action?

**Time for Question:
10 minutes**

- What types of unwanted gender related behavior (such as sexual harassment, unwanted sexual contact, sexual assault) would a cadet/midshipman encounter before he or she would be likely to take action to confront the offender, report the incident, etc.?
- How do the effects of tolerance that we discussed earlier affect reporting an incident of sexual assault or sexual harassment?
- A percentage of students told us in the survey that they thought they could handle it themselves.
 - How did they handle it?

This concludes the questions for this session. Do you have any final comments you would like to make?

Thank you for taking the time to participate in this focus group. As I mentioned at the beginning, we will treat all of your comments anonymously. There is no attribution to any of you for the specific comments you made today. Please also respect that non-attribution when you leave here today. Our goal is to provide the best data possible and you have helped us greatly today with your comments and insights. Thank you again for your participation.

REPORT DOCUMENTATION PAGE			Form Approved OMB No. 0704-0188		
<small>The public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports (0704-0188), 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.</small> PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ADDRESS.					
1. REPORT DATE (DD-MM-YYYY) 31-08-2007		2. REPORT TYPE Final Report		3. DATES COVERED (From - To) April 2007-August 2007	
4. TITLE AND SUBTITLE Service Academy 2007 Gender Relations Focus Groups			5a. CONTRACT NUMBER		
			5b. GRANT NUMBER		
			5c. PROGRAM ELEMENT NUMBER		
6. AUTHOR(S) Kalien, J. L., Cook, P. J., Lipari, R. N., & Olson, K.			5d. PROJECT NUMBER		
			5e. TASK NUMBER		
			5f. WORK UNIT NUMBER		
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) Defense Manpower Data Center 1600 Wilson Boulevard, Suite 400 Arlington, VA 22209-2593			8. PERFORMING ORGANIZATION REPORT NUMBER DMDC Report 2007-026		
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)			10. SPONSOR/MONITOR'S ACRONYM(S)		
			11. SPONSOR/MONITOR'S REPORT NUMBER(S)		
12. DISTRIBUTION/AVAILABILITY STATEMENT Approved for Public Release; distribution unlimited					
13. SUPPLEMENTARY NOTES					
14. ABSTRACT This report provides the results for the Service Academy 2007 Gender Relations Focus Group (SAGR2007) study that the Defense Manpower Data Center conducted in response to U.S. Code 10 as amended by Section 532 of the John Warner National Defense Authorization Act for Fiscal Year 2007. SAGR2007 is part of an assessment cycle at the Service Academies that consists of alternating surveys and focus groups to assess the incidence of unwanted sexual contact and harassment and related issues at the Service Academies.					
15. SUBJECT TERMS Demographics, gender-related experiences, gender relations, personnel policies, sexual harassment, sexual assault, unwanted sexual contact, training, Service Academies					
16. SECURITY CLASSIFICATION OF:			17. LIMITATION OF ABSTRACT UU	18. NUMBER OF PAGES 136	19a. NAME OF RESPONSIBLE PERSON Rachel N. Lipari
a. REPORT U	b. ABSTRACT U	c. THIS PAGE U			19b. TELEPHONE NUMBER (Include area code) (703) 696-1125

Standard Form 298 (Rev. 8/98)
Prescribed by ANSI Std. Z39.18

INSTRUCTIONS FOR COMPLETING SF 298

1. REPORT DATE. Full publication date, including day, month, if available. Must cite at least the year and be Year 2000 compliant, e.g. 30-06-1998; xx-06-1998; xx-xx-1998.

2. REPORT TYPE. State the type of report, such as final, technical, interim, memorandum, master's thesis, progress, quarterly, research, special, group study, etc.

3. DATES COVERED. Indicate the time during which the work was performed and the report was written, e.g., Jun 1997 - Jun 1998; 1-10 Jun 1996; May - Nov 1998; Nov 1998.

4. TITLE. Enter title and subtitle with volume number and part number, if applicable. On classified documents, enter the title classification in parentheses.

5a. CONTRACT NUMBER. Enter all contract numbers as they appear in the report, e.g. F33615-86-C-5169.

5b. GRANT NUMBER. Enter all grant numbers as they appear in the report, e.g. AFOSR-82-1234.

5c. PROGRAM ELEMENT NUMBER. Enter all program element numbers as they appear in the report, e.g. 61101A.

5d. PROJECT NUMBER. Enter all project numbers as they appear in the report, e.g. 1F665702D1257; ILIR.

5e. TASK NUMBER. Enter all task numbers as they appear in the report, e.g. 05; RF0330201; T4112.

5f. WORK UNIT NUMBER. Enter all work unit numbers as they appear in the report, e.g. 001; AFAPL30480105.

6. AUTHOR(S). Enter name(s) of person(s) responsible for writing the report, performing the research, or credited with the content of the report. The form of entry is the last name, first name, middle initial, and additional qualifiers separated by commas, e.g. Smith, Richard, J, Jr.

7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES). Self-explanatory.

8. PERFORMING ORGANIZATION REPORT NUMBER. Enter all unique alphanumeric report numbers assigned by the performing organization, e.g. BRL-1234; AFWL-TR-85-4017-Vol-21-PT-2.

9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES). Enter the name and address of the organization(s) financially responsible for and monitoring the work.

10. SPONSOR/MONITOR'S ACRONYM(S). Enter, if available, e.g. BRL, ARDEC, NADC.

11. SPONSOR/MONITOR'S REPORT NUMBER(S). Enter report number as assigned by the sponsoring/monitoring agency, if available, e.g. BRL-TR-829; -215.

12. DISTRIBUTION/AVAILABILITY STATEMENT. Use agency-mandated availability statements to indicate the public availability or distribution limitations of the report. If additional limitations/restrictions or special markings are indicated, follow agency authorization procedures, e.g. RD/FRD, PROPIN, ITAR, etc. Include copyright information.

13. SUPPLEMENTARY NOTES. Enter information not included elsewhere such as: prepared in cooperation with; translation of; report supersedes; old edition number, etc.

14. ABSTRACT. A brief (approximately 200 words) factual summary of the most significant information.

15. SUBJECT TERMS. Key words or phrases identifying major concepts in the report.

16. SECURITY CLASSIFICATION. Enter security classification in accordance with security classification regulations, e.g. U, C, S, etc. If this form contains classified information, stamp classification level on the top and bottom of this page.

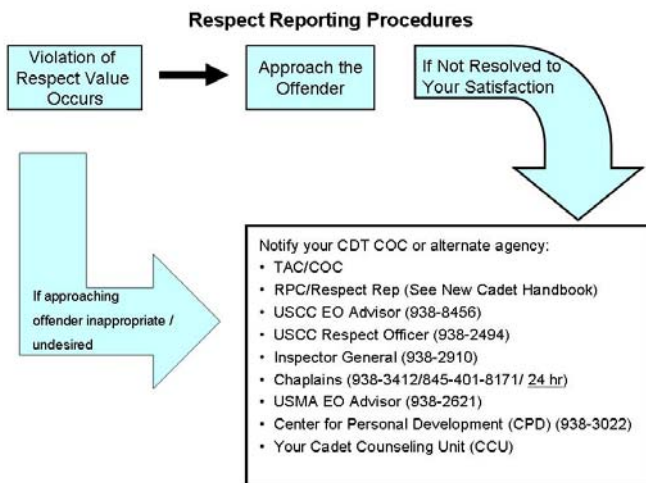
17. LIMITATION OF ABSTRACT. This block must be completed to assign a distribution limitation to the abstract. Enter UU (Unclassified Unlimited) or SAR (Same as Report). An entry in this block is necessary if the abstract is to be limited.

Standard Form 298 Back (Rev. 8/98)

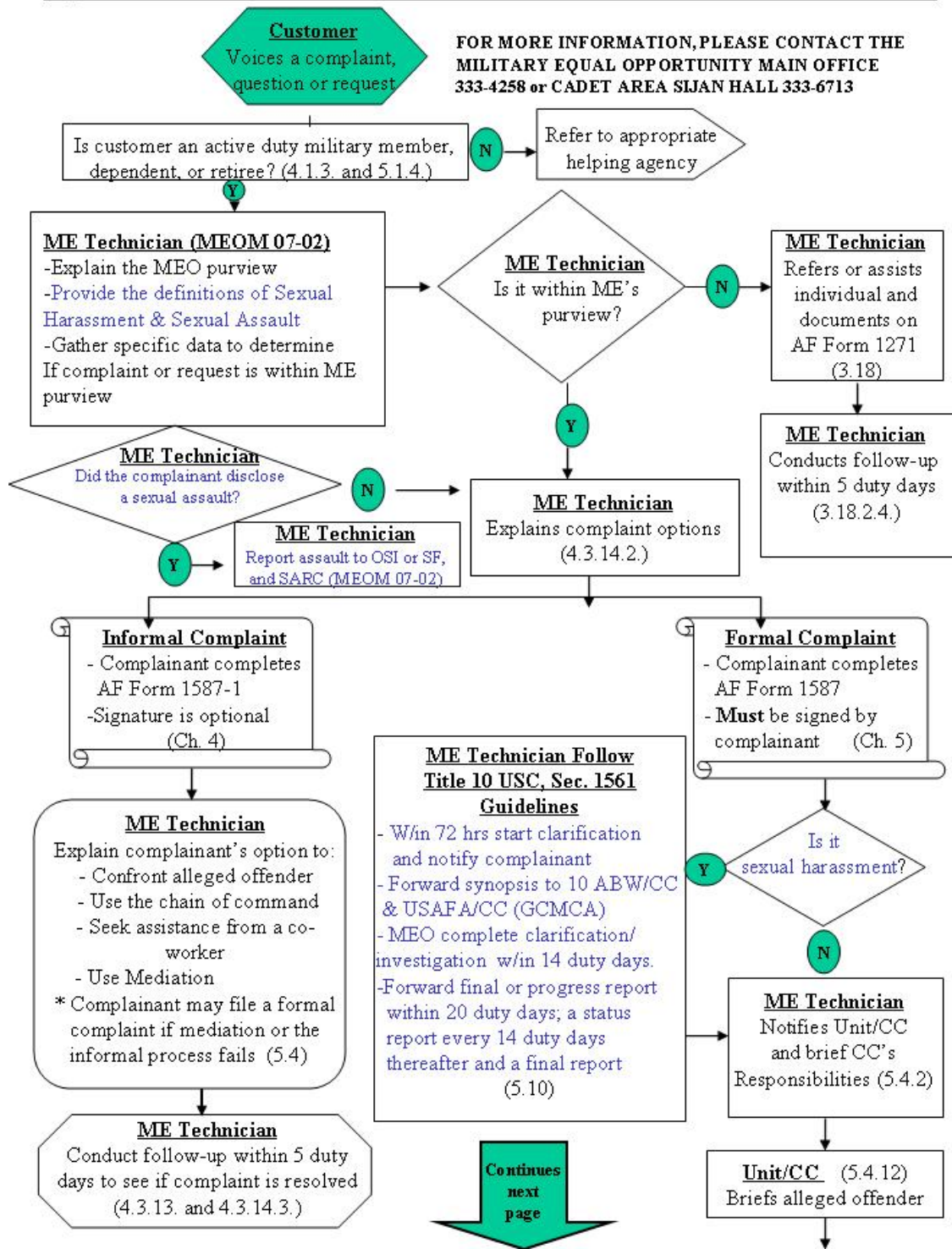


Sexual Harassment Reporting Charts

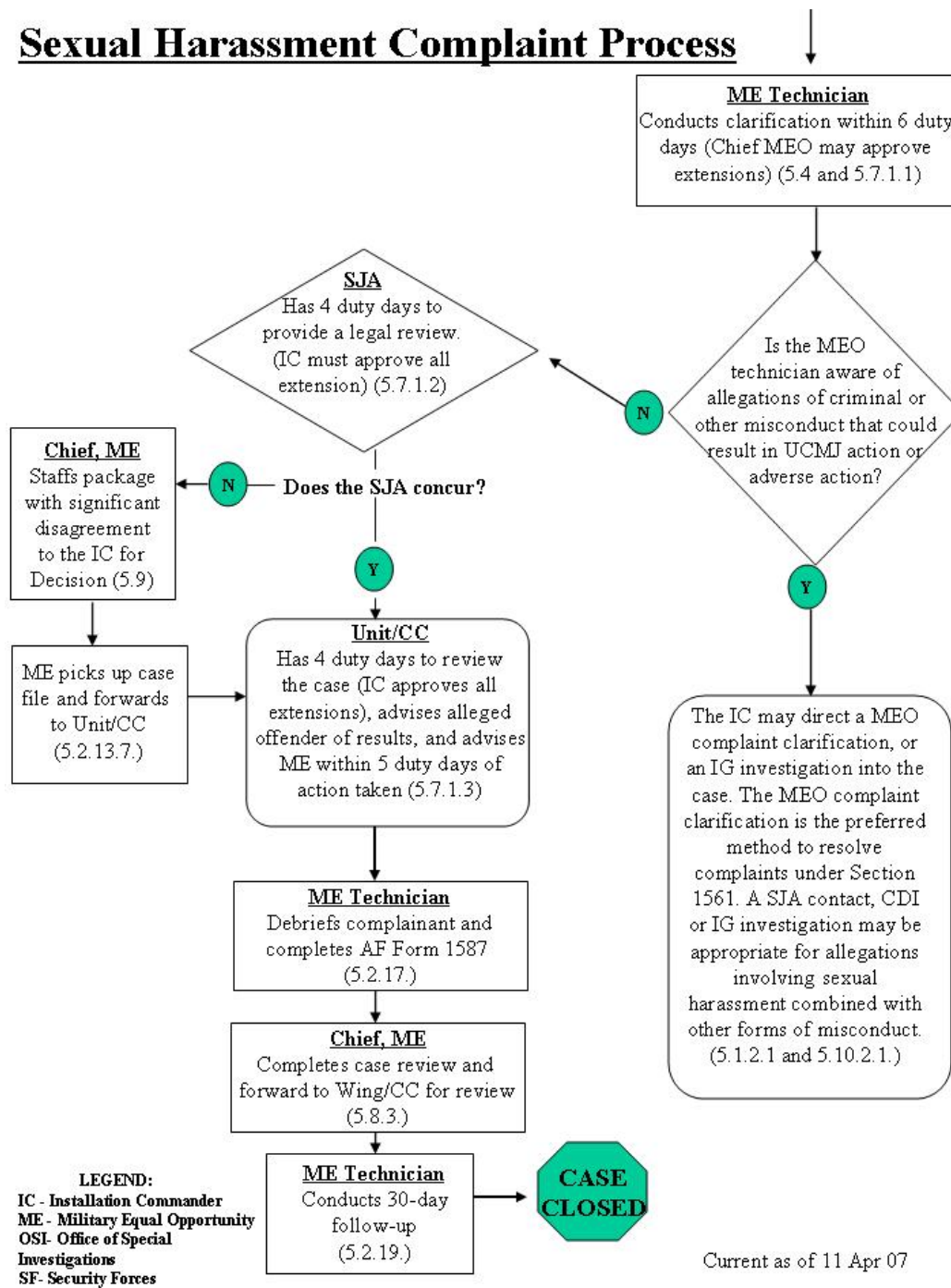
United States Military Academy



HQ 10 ABW/ME COMPLAINT MAJOR PROCESSES CHART IAW AFI 36-2706



Sexual Harassment Complaint Process



Law, Policy and Report References

Department of Defense

John Warner National Defense Authorization Act for Fiscal Year 2007, Public Law 109-364

Manual for Courts-Martial United States (2005 Edition)

Department of Defense Directive (DoDD) 1030.01, *Victim and Witness Assistance*, 13 April 2004

Department of Defense Instruction (DoDI) 1030.2, *Victim and Witness Assistance Procedures*, 4 June 2004

Department of Defense Directive (DoDD) 1322.22, *Service Academies*, 24 August 1994

Department of Defense Directive (DoDD) 1350.2, *Department of Defense Military Equal Opportunity (MEO) Program*, 18 August 1995

Department of Defense DD Form 2701 *Initial Information for Victims and Witnesses of Crime*, May 2004

Department of Defense Directive (DoDD) 6495.01, *Sexual Assault Prevention and Response (SAPR) Program*, 6 October 2005

Department of Defense Instruction (DoDI) 6495.02, *Sexual Assault Prevention and Response Program Procedures*, 23 June 2006

Report of The Defense Task Force on Sexual Harassment and Violence at the Military Service Academies, June 2005

Report of the Panel to Review Sexual Misconduct Allegations at the U.S. Air Force Academy, 22 September 2003

Task Force Report on Care for Victims of Sexual Assault, April 2004

Defense Manpower Data Center. *Service Academy 2007 Gender Relations Focus Groups*, August 2007

United States Military Academy

Sexual Assault

Army Regulation (AR) 27-10, *Military Justice*, 16 November 2005

Army Regulation (AR) 600-20, *Army Command Policy*, 7 June 2006

Army Medical Command (MEDCOM) Regulation 40-36, *Medical Facility Management of Sexual Assault*, 23 December 2004

USMA Memorandum, *Sexual Assault Review Board (SARB)*, 10 January 2007

USMA Policy Memorandum 192-07, *Sexual Assault Prevention and Response (SAPR) Program*, 15 February 2007

U.S. Army Medical Department Activity (MEDDAC) West Point, NY Regulation 40-430, *Identification and Medical Management of Alleged Victims of Sexual Assault*, 2 February 2006

USCC Policy Memorandum 39-03, *Sexual Assault Response Policy*, 7 January 2007

Quarterly Report on USMA Actions regarding the Sexual Assault Prevention Response Program, 23 May 2007

Sexual Harassment

Army Regulation (AR) 600-20, *Army Command Policy*, 7 June 2006

Department of the Army (DA) Poster 600-4, *Equal Opportunity/Sexual Harassment Complaint Process*, January 2000

Department of the Army (DA) Form 7279-R, *Equal Opportunity Complaint Form*, December 2005

Department of the Army (DA) Form 7279-1-R, *Equal Opportunity Complaint Resolution Assessment*, December 2005

USCC Policy Memorandum Number 36-04 *Policy on Sexual Harassment*, 15 January 2007

USCC Policy Memorandum 46-00, *Equal Opportunity Complaint Procedures*, 17 January 2007

United States Naval Academy**Sexual Assault**

Secretary of the Navy Instruction (SECNAVIST) 5800.11B, *Victim and Witness Assistance Program (VWAP)*, 5 January 2006

Chief of Naval Operations Instruction (OPNAVINST) 5800.7, *Victim and Witness Assistance Program*, 30 April 1996

United States Naval Academy Instruction USNAINST 1752.2, *Sexual Assault Victim Intervention (SAVI) Program*, 27 September 2004

United States Naval Academy Instruction (USNAINST) 5354.5A, *Prevention and Deterrence of Sexual Harassment, Misconduct and Assault*, 17 August 2006

Commandant of Midshipmen Instruction (COMDTMIDNINST) 1752.1C, *Sexual Assault Victim Intervention (SAVI) Program*, 27 September 2004

Sexual Harassment

United States Navy Regulations (NAVREGS) Article 1150, *Redress of Wrong Committed by a Superior*, 1990

Secretary of the Navy (SECNAV) Instruction 5300.26D, *Department of the Navy (DON) Policy on Sexual Harassment*, 3 January 2006

Chief of Naval Operations (OPNAV) Instruction 5354.1F, *Navy Equal Opportunity (EO) Policy*, 25 July 2007 (OPNAV Instruction 5354.1E is discontinued)

Bureau of Naval Personnel (NAVPERS) 5354/2, *Navy Equal Opportunity (EO) / Sexual Harassment (SH) Formal Complaint Form*, Revised 03-06

United States Naval Academy Instruction (USNAINST) 5354.5A, *Prevention and Deterrence of Sexual Assault*, 17 August 2006

Commandant of Midshipmen Instruction (COMDTMIDNINST) 5354.1A, *Equal Opportunity (EO) Program for the Brigade of Midshipmen*, 29 June 2004

United States Air Force Academy

Sexual Assault

U.S. Air Force Instruction (AFI) 36-3502, *Performance Measurement Program for United States Air Force Academy*, 10 March 2005

Department of the Air Force Policies and Procedures for the Prevention of and Response to Sexual Assault, 3 June 2005

10th Medical Group (10 MDG) Instruction 44-32, *Examinations of Alleged Sexual Assault Victims*, 11 April 06

Report on Sexual Harassment and Violence at the U.S. Air Force Academy, Academic Program Year 2006, 13 October 2006

Sexual Harassment

Air Force Instruction (AFI) 36-2706, *Military Equal Opportunity (MEO) Program*, 29 July 2004

Headquarters United States Air Force Academy Corps of Cadets (HQ USAFA/CC) *Policy on Sexual Harassment Memorandum*

United States Air Force Academy VA 36-1, *Equal Employment Opportunity Poster*

2004 United States Air Force Report of Sexual Assault Prevention and Response

Department of Defense Definitions²⁴⁷

Sexual Assault: For the purpose of Department of Defense policy and SAPR awareness training and education, the term “Sexual Assault” is defined as intentional sexual contact, characterized by use of force, physical threat or abuse of authority or when the victim does not or cannot consent. It includes rape, forcible sodomy (oral or anal sex), indecent assault (unwanted, inappropriate sexual contact or fondling), or attempts to commit these acts. Sexual assault can occur without regard to gender or spousal relationship or the age of the victim. “Consent” will not be deemed or construed to mean the failure by the victim to offer physical resistance. Consent is not given when a person uses force, threat of force, coercion, or when the victim is asleep, incapacitated, or unconscious.

Sexual Assault Response Coordinator (SARC): Military personnel, DoD civilian employees, or DoD contractors under the senior commander’s supervision, who:

1. Serves as the central point of contact at an installation or within a geographic area to oversee sexual assault awareness, prevention and response training.
2. Ensures appropriate care is coordinated and provided to a victim of sexual assault from the initial report through final disposition and resolution.

Sexual Assault Forensic Exam (SAFE): The medical examination of a sexual assault victim under circumstances and controlled procedures to ensure the physical examination process, and the collection, handling, analysis, testing, and safekeeping of any bodily specimens, meet the requirements necessary for use as evidence in criminal proceedings.

Sexual Harassment: Sexual Harassment is a form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of a person's job, pay or career; or submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person; or such conduct interferes with an individual's performance or creates an intimidating, hostile, or offensive environment.

Restricted Reporting: A process used by a Service member to report or disclose that he or she is a victim of a sexual assault to specified individuals on a requested confidential basis. Under these circumstances, the victim’s report and any details provided to a healthcare provider, the SARC, or a VA will not be reported to law enforcement to initiate the official investigative

²⁴⁷ These definitions, with the exception of the definition of Sexual Harassment, are found in DoDD 6495.01, “Sexual Assault Prevention and Response (SAPR) Program,” 6 October 2005. The definition of Sexual Harassment is found in DoDD 1350.2 “Department of Defense Military Equal Opportunity (MEO) Program,” 18 August 1995.

process unless the victim consents or an established exception is exercised under this Directive. Additional explanation and guidance is provided in DoDD 6495.01, October 6, 2005, enclosure 3.

Unrestricted Reporting: A process a Service member uses to disclose, without requesting confidentiality or restricted reporting, that he or she is the victim of a sexual assault. Under these circumstances, the victim's report and any details provided to healthcare providers, the Sexual Assault Response Coordinator (SARC), a Victim Advocate (VA), command authorities, or other persons are reportable to law enforcement and may be used to initiate the official investigative process. Additional explanation and guidance is provided in DoDD 6495.01, October 6, 2005, enclosure 3.

Victim Advocate (VA): Military Personnel, DoD civilian employees, DoD contractors, or volunteers who facilitate care for victims of sexual assault under the SAPR Program, and who, on the behalf of the sexual assault victim, provide liaison assistance with other organizations and agencies on victim care matters, and report directly to the SARC when performing victim advocacy duties.

Abbreviations

10 ABW	10 th Air Base Wing
10 ABW/ME	10 th Air Base Wing Military Equal Opportunity Office
AAMC	Anne Arundel Medical Center
ABW/CC	Air Base Wing Commander
ADC	Area Defense Counsel
AF	Air Force
AFI	Air Force Instruction
AFOSI	Air Force Office of Special Investigations
AOC	Air Officer Commander
APY	Academic/Academy Program Year
ART	Academy Response Team
AY	Academic Year
BSL	Brigade Sexual Assault Victim Intervention Liaison
BTD	Brigade Tactical Department
BWMC	Baltimore-Washington Medical Center
CC	Commander
CCASA	Colorado Coalition Against Sexual Assault
CCU	Cadet Counseling Unit
CDT	Cadet
CHPWC	Cadet Health Promotion and Wellness Council
CID	Criminal Investigative Division
CID	U.S. Army Criminal Investigations Command
CMEO	Command Managed Equal Opportunity
CMHS	Community Mental Health Services
CPD	Center for Personal Development
CWI	Commander Worked Issue
DA	Department of the Army
DC	Defense Counsel
DD	Department of Defense (form)
DEOMI	Defense Equal Opportunity Management Institute
DMDC	Defense Manpower Data Center
DMEO	Diversity Management Equal Opportunity
DoD	Department of Defense
DoDD	Department of Defense Directive
DoDI	Department of Defense Instruction
DSN	Defense Switched Network
EO	Equal Opportunity
EOA	Equal Opportunity Advisor
FAP	Family Advocacy Program
FY	Fiscal Year

GCMCA	General Court-Martial Convening Authority
HAF	Headquarters Air Force
HC	Chaplain
HRD	Human Relations Director
HQ	Headquarters
HQ USAFA/CC	United States Air Force Academy Superintendent
IA	Individual augmentee
IAW	In Accordance With
IC	Installation Commander
IG	Inspector General
IRS	Informal Resolution System
JA	Judge Advocate
JAG	Judge Advocate General
KACH	Keller Army Community Hospital
LRC	Leadership Responsibility Counseling
MCHC	Mologne Cadet Health Center
MDC	Midshipman Development Center
ME	Military Equal Opportunity
MEO	Military Equal Opportunity
MEOM	Military Equal Opportunity Memorandum
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
MPO	Military Protective Order
NCIS	Naval Criminal Investigative Service
NCLS	National Character and Leadership Symposium
NCO	Noncommissioned Officer
NDAA	National Defense Authorization Act
NLSO	Naval Legal Services Office
NNMC	National Naval Medical Center
NOVA	National Organization of Victim Advocates
OSI	Office of Special Investigations
PEER	Personal Ethics and Education Representative
PME2	Professional Military Ethic Education
POC	Point of Contact
POSH	Prevention of Sexual Harassment
RCM	Rules for Courts-Martial
RMP	Respect Mentorship Program
RPAC	Respect Program Advisory Council
RPC	Respect Cadet
SAAM	Sexual Assault Awareness Month
SAS-HR	Special Assistant to the Superintendent for Human Relations
SAFE	Sexual Assault Forensic Exam
SAGR2007	Service Academy 2007 Gender Relations Focus Groups

SANE	Sexual Assault Nurse Examiner
SAPR	Sexual Assault Prevention and Response
SAPRO	Sexual Assault Prevention and Response Office
SARB	Sexual Assault Review Board
SARC	Sexual Assault Response Coordinator
SARP	Sexual Assault Response Policy
SART	Sexual Assault Response Team
SAVI	Sexual Assault Victim Intervention
SCPME	Simon Center for the Professional Military Ethic
SF	Security Forces
SG	Surgeon General
SHAPE	Sexual Harassment and Assault Prevention Education
SJA	Staff Judge Advocate Office
SJA	Staff Judge Advocate
SOP	Standard Operating Procedure
TC	Trial Counsel
UCMJ	Uniform Code of Military Justice
USCC	United States Corps of Cadets
USAFA	United States Air Force Academy
USAFA/CWP	United States Air Force Academy Col Colvin Cadet Climate and Culture
USMA	United States Military Academy
USNA	United States Naval Academy
USNAINST	United States Naval Academy Instruction
VA	Victim Advocate
VWAC	Victim Witness Assistance Coordinator
VWAP	Victim Witness Assistance Program
VWL	Victim-Witness Liaison
YWCA	Young Women's Christian Association