DEPARTMENT OF DEFENSE

SEXUAL ASSAULT PREVENTION AND RESPONSE

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

Academic Program Year 2008-2009

December 2009

OFFICE OF THE UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, DC 20301-4000

PERSONNEL AND
READINESS

DEC 16 2009

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

Dear Mr. Chairman:

The enclosed report responds to Section 532 of Public Law No. 109-364, the National Defense Authorization Act for Fiscal Year (FY) 2007, "United States Military Service Academy Report for Academic Program Year (APY) 2008-2009," which requires the Secretary of Defense to conduct an annual assessment at the U.S. Military Service Academies during each APY to determine the effectiveness of the policies, training, and procedures with respect to sexual harassment and sexual violence involving Academy personnel.

The report for APY 2008-2009 provides data and analysis on reported cases of sexual harassment and violence involving members of the Armed Forces occurring in FY 2009. The assessment found that all three Academies have made progress in refining their respective prevention and response programs for both sexual harassment and violence, and that DoD policy, training, and prevention provide a comprehensive and consistent response structure to support and care for victims of each offense. Information for this report was gathered in part from the Defense Manpower Data Center's *Service Academy 2009 Gender Relations Focus Groups*, which is also enclosed.

The Department continues to be committed to implementing policies and executing practices that eliminate sexual harassment and violence from the Armed Forces. I am sending a similar letter and the Department's report to the Chairman and Ranking Member of the House Committee on Armed Services.

Sincerely,

Gail H. McGinn
Deputy Under Secretary of Defense (Plans)
Performing the Duties of the
Under Secretary of Defense
(Personnel and Readiness)

Enclosures:
As stated

cc:
The Honorable John McCain
Ranking Member

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PERSONNEL AND
READINESS

DEC 16 2009

The Honorable Ike Skelton
Chairman, Committee on Armed Services
U.S. House of Representatives
Washington, DC 20515

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Enclosures:
As stated

cc:
The Honorable Howard P. "Buck" McKeon
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PERSONNEL AND
READINESS

DEC 16 2009

The Honorable Daniel K. Inouye
Chairman, Committee on Appropriations
United States Senate
Washington, DC 20510

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Gail H. McGinn
Deputy Under Secretary of Defense (Plans)
Performing the Duties of the
Under Secretary of Defense
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Enclosures:
As stated

CC: The Honorable Thad Cochran
Ranking Member

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PERSONNEL AND
READINESS

DEC 16 2009

The Honorable David Obey
Chairman, Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

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Gail H. McGinn
Deputy Under Secretary of Defense (Plans)
Performing the Duties of the
Under Secretary of Defense
(Personnel and Readiness)

Enclosures:
As stated

CC: The Honorable Jerry Lewis
Ranking Member

Department of Defense
Annual Report on Sexual Harassment and Violence at the U.S. Military Service Academies: Academic Program
Year 2008-2009

Report to the
Congressional Defense Committees of
the U.S. Senate and the U.S. House of Representatives

Section 532 of Public Law No. 109-364,
the National Defense Authorization Act (NDAA) for
Fiscal Year (FY) 2007

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A. Executive Summary

1. INTRODUCTION

Section 532 of Public Law Number (No.) 109-364, the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2007, "Department of Defense (DoD) Annual Report on Sexual Harassment and Violence at the United States Military Service Academies: Academic Program Year (APY) 2008-2009" requires the Secretary of Defense to conduct an annual assessment at the U.S. Military Service Academies (MSA) during each APY to determine the effectiveness of the policies, training, and procedures with respect to sexual harassment and sexual violence involving MSA personnel. The annual report provides discussion and analysis of DoD Sexual Assault Prevention and Response (SAPR) and Prevention of Sexual Harassment (POSH) programs covering APY June 1, 2008 through May 31, 2009.

DoD Policy defines the term "sexual harassment" as a form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of a person's job, pay or career; or submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person; or such conduct interferes with an individual's performance or creates an intimidating, hostile, or offensive environment.

The term sexual violence, hereby referred to as "sexual assault," is defined as intentional sexual contact, characterized by use of force, threats, intimidation, abuse of authority, or when the victim does not or cannot consent. The crime of sexual assault includes rape, forcible sodomy, and other unwanted sexual contact that is aggravated, abusive, or wrongful sexual contact, or attempts to commit these acts. "Consent" means words or overt acts indicating a freely given agreement to the sexual conduct at issue by a competent person. An expression of lack of consent through words or conduct means there is no consent. Lack of verbal or physical resistance or submission resulting from the accused's use of force, threat of force, or placing another person in fear does not constitute consent.

2. OVERVIEW

This report is the Secretary of Defense's annual report to the Congress on sexual assault and sexual harassment at the MSAs, which covers the APY June 1, 2008 through May 31, 2009. The DoD Sexual Assault Prevention and Response Office (SAPRO) prepared an assessment of the effectiveness of the MSAs' policies, training, and procedures with respect to sexual harassment and sexual assault involving cadets

and midshipmen. This annual report also includes information from cadet and midshipman focus groups conducted by the Defense Manpower Data Center (DMDC).

All three MSAs have made progress in refining their respective prevention and response programs for both sexual harassment and sexual assault. As implemented by the MSAs, DoD policy, training, and prevention practices provide a comprehensive and consistent response structure to support and care for victims of sexual harassment and assault. Each MSA's educational program ensures every cadet and midshipman receives POSH and SAPR training. There is substantial evidence that the MSAs have institutionalized prevention and response strategies and their commitment to prevent sexual harassment and assault in the Armed Forces. Further, all three MSAs are focused on evaluating the effectiveness of their strategies and are constantly searching for opportunities to refine them to meet the evolving needs of their cadets and midshipmen.

3. LEGISLATIVE ORIGIN AND REQUIREMENTS

Section 532 of Public Law No. 109-364, the NDAA for FY 2007 requires the Secretary of Defense to submit an annual report to Congress regarding sexual harassment and sexual assault at the MSAs (See Section K). In APYs that begin in odd-numbered years, the MSAs prepare self-assessments. DoD SAPRO in turn evaluates the self-assessments and incorporates the results of a survey of cadets and midshipmen into a consolidated report. In APYs that begin in even-numbered years, DoD SAPRO conducts an on-site assessment of each academy, which is also informed by cadet and midshipman focus group feedback obtained by DMDC.

4. METHODOLOGY

In assessing the academy programs, DoD SAPRO performed site visits with MSA personnel, reviewed MSA policies and procedures, examined reports and investigative files, and held DMDC-facilitated focus groups with cadets and midshipmen. DoD SAPRO also reviewed the status of findings and recommendations from prior years' reports.

In accordance with Section 532 of Public Law No. 109-364, the *DMDC Service Academy 2009 Gender Relations Focus Groups (SAGR 2009)* were conducted at all three MSAs.[1] 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

[1] The Service Academy 2009 Gender Relations Focus Groups Report is provided in its entirety as a separate document.

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 able to be generalized to all students at each of the MSAs, the themes serve as illustrations of situations and attitudes for consideration by MSA officials as they assess their programs. Results are presented in separate sections for each MSA, and within sections, 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 MSA, no attempt was made to compare or generalize findings across all three MSAs.

5. ASSESSMENT HIGHLIGHTS

The section below is a summary of assessment data in the following areas: sexual assault, sexual harassment, and DMDC focus group findings.

5.1. Sexual Assault:

- All MSA SAPR programs were measured against DoD policy contained in DoD Directive (DoDD) 6495.01, *Sexual Assault Prevention and Response (SAPR) Program*, November 7, 2008, and DoD Instruction (DoDI) 6495.02, *Sexual Assault Prevention and Response Program Procedures*, November 13, 2008.
- When allegations of sexual assault were reported, all three MSAs had infrastructure in place to effectively address the needs of the victims. A substantial number of cadet and midshipman victims elected to make Restricted Reports, indicating the protections afforded under this option have credibility with victims of sexual assault. Likewise, Unrestricted Reports were addressed in the military justice system or by adverse administrative action. The MSAs were also able to exercise the full range of disciplinary and administrative options available to them. Where appropriate, offenders who were not tried by courts-martial instead received non-judicial punishment, adverse administrative action, and/or were involuntarily separated from the MSA.
- Overall, the MSA SAPR programs continue to have support of each academy's command and have been institutionalized into all facets of academy operation. All MSAs have integrated SAPR information seamlessly into their curricula, further ensuring that the SAPR programs are thorough and well constructed. While the MSAs are in strict compliance with DoD SAPR policy, the assessment identified a few areas where improved training and cooperation between key stakeholders could increase the effectiveness of these robust programs. In addition, DoD SAPRO noted a number of benchmark practices that similarly contributed to program effectiveness. It is the goal of DoD SAPRO and the MSAs to effectively educate and train future leaders to understand that preventing sexual assault and supporting sexual assault victims is part of their

duty. Some examples of this increased focus on SAPR education and training across the MSAs include:

- The USMA has used innovative education approaches to reduce the stigma associated with seeking mental health counseling and assistance. The Chief of the Community Mental Health (CMH) relocated his office to USMA's Center for Personal Development (CPD) and meets with each new cadet one-on-one to familiarize him or her with available services. This individualized approach may lead more USMA cadets to seek assistance should they develop a need.
- Within the USNA, the cornerstone of the SAVI Program's training initiatives is the Sexual Harassment and Assault Prevention Education (SHAPE) Program, which focuses on broadening midshipmen awareness of sexual harassment and assault. The SHAPE Program approaches the subject matter as both a cultural and leadership issue and utilizes a small group, discussion-based format. Approximately 400 midshipmen auditioned to fill the 120 peer educator slots for APY 2009-2010. SAVI personnel reported that many midshipmen viewed the peer educator role as an opportunity to demonstrate leadership and commitment to the USNA community.
- The USAFA has made outstanding efforts to institute awareness campaigns in a variety of venues, particularly with the launch of the "Red Flag" campaign during Sexual Assault Awareness Month in 2009. The "Red Flag" campaign is a public education and outreach campaign designed to address sexual violence and promote bystander awareness/education and prevention efforts.

The total numbers of reports of sexual assault for all MSAs during APY 2008-2009 are as follows:

TOTAL APY 2008-2009 REPORTS OF SEXUAL ASSAULT (To include rape, sodomy, indecent assault, and attempts to commit these offenses BY or AGAINST CADETS/MIDSHIPMEN)	APY 2008-2009 Totals
NUMBER OF UNRESTRICTED REPORTS OF SEXUAL ASSAULT	11
NUMBER OF RESTRICTED REPORTS OF SEXUAL ASSAULT	14
NUMBER OF TOTAL REPORTS OF SEXUAL ASSAULT - UNRESTRICTED AND RESTRICTED	*25*

The cases identified above reflect only the number of sexual assault cases **reported** to MSA officials and cannot be used to estimate incidence and prevalence of sexual assault.

- The aggregate number of reports for all three MSAs has decreased since APY 2006-2007[2], with the number of total reports (Restricted and Unrestricted) decreasing from 40 reports in 2006-2007, to 34 reports in 2007-2008, to 25 reports in 2008-2009 (See Figure 1).

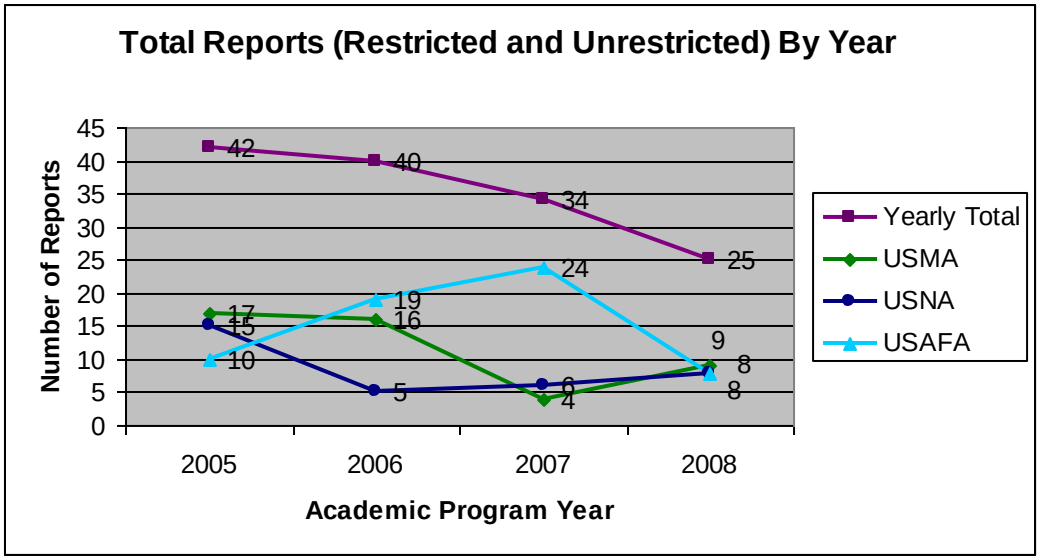

Figure 1. Total Reports of Sexual Assault at the MSAs

- Unrestricted Reporting varied among the different MSAs in APY 2008-2009:
  - The number of Unrestricted Reports increased from three to eight at the United States Military Academy (USMA);
  - The United Stated Naval Academy's (USNA) reporting showed no change, remaining at three Unrestricted Reports; and
  - Unrestricted Reports decreased from twelve to zero at the United States Air Force Academy (USAFA).

- Restricted Reporting also varied across all three MSAs:
  - USMA showed no change, remaining at one Restricted Report for the year;
  - USNA increased from three to five Restricted Reports; and
  - USAFA decreased from twelve to eight Restricted Reports.

- There were no conversions of Restricted Reports to Unrestricted Reports at any of the three MSAs.

[2] The data first captured by this Assessment process, as detailed in the Department of Defense's *Annual Report on Sexual Harassment and Violence at the U.S. Military Service Academies: Academic Program year 2006-2007*.

- The above data cannot be viewed in a vacuum, and the explanation for this decrease is likely very complex and thus cannot be explained with the information currently available to the Department and the Services. There are several possible hypotheses for this overall decrease in reporting, which are supported by some of the information obtained through the MSA focus groups and academy personnel interviews, including:
    - There may be a decrease in the number of sexual assaults perpetrated by or against cadets and midshipmen;
    - There may be a decrease in reporting due to the outcomes of the highly publicized courts-martial of sexual assault defendants that recently took place at each MSA; and/or
    - There may be a "chilling effect" on reporting due to engagement in sexual assault victim-blaming behavior and/or language among the cadet/midshipmen populations.[3]
    - The decrease in reporting may be due to a combination of the four factors noted above, and/or other factors that have yet to be identified through research.[4]

- Last year's DoD MSA Report[5] found that sexual assault remains an underreported crime at the MSAs. The anonymous DMDC MSA Gender Relations Survey documented the presence of more instances of sexual assault than were reported to MSA officials. Comparison of survey data to total reports suggested that only about ten percent of sexual assaults are reported, which is consistent with the underreporting trend in most civilian college populations.[6] While no anonymous survey was conducted this year, next year's assessment will reassess the degree of underreporting.

Successful sexual assault prevention and response involves a complex interaction of risk factors, protective factors, beliefs, and social norms. While the MSAs as a whole

[3] As suggested by data collected by DMDC during their APY 2008-2009 focus groups at each MSA. Chilling effect can result from a situation where speech or conduct is suppressed by fear of penalization at the interests of an individual group. For example, victims may not report a sexual assault because doing so may be looked upon unfavorably by peers or for fear of possible mistreatment by the criminal justice system.

[4] These hypotheses have not been empirically tested and are therefore speculative in nature. Any explanations regarding the change in sexual assault reporting behavior must be subject to scientific examination and validation. DoD plans to promote empirical research that explores sexual assault reporting behavior, as well as evaluates the effectiveness of DoD's SAPR programming through the creation of a strategic SAPR research agenda and program.

[5] APY2007-08 Report on Sexual Harassment and Violence at the US Military Service Academies, available at www.sapr.mil.

[6] Krebs, Lindquist, Warner, Fisher, and Martin (2007). The Campus Sexual Assault (CSA) Study, Final Report. Available at http://www.ncjrs.gov/pdffiles1/nij/grants/221153.pdf.

have implemented policies, programs, and curricula to address the problem of sexual assault, the long-term social changes enacted may not yield short-term observable results. The MSAs have continued to demonstrate a commitment to preventing sexual assault and sexual harassment by providing consistent policy, addressing barriers to victim reporting, ensuring accessible care, and providing comprehensive training and education to all cadets and midshipmen.

5.2. Sexual Harassment Data

Sexual harassment prevention, training and education, and complaint processing are integral parts of the DoD Military Equal Opportunity (MEO) Program. The MEO offices assist cadets and midshipmen with the management of MSA sexual harassment prevention efforts, which are modeled after their respective Service programs and provide continuous training, education, and a system for the prompt, thorough, and fair processing of complaints. At each of the MSAs, the offices for managing the MEO program are responsible for active duty personnel as well as Service academy cadets and midshipmen. The MEO programs are established according to DoDD 1350.2, *Department of Defense Military Equal Opportunity (MEO) Program*, and related Service operating instructions and regulations. The definition of sexual harassment used in each MSA program is consistent with DoD and Service policy and guidance. Each of the MEO offices is staffed by active duty personnel trained at the Defense Equal Opportunity Management Institute (DEOMI). This organizational structure highlights a common strength as each MSA program leverages the experience of DoD-trained active duty personnel to prevent and address sexual harassment matters.

In APY 2008 to 2009, there were no formal sexual harassment complaints at the MSAs involving cadets or midshipmen. During the same time frame, the total number of informal sexual harassment complaints involving the MSA cadets or midshipmen equaled 15. Sexual harassment program effectiveness is based on a variety of indicators, not just the number of formal and informal reports. Other indicators of effectiveness may include focus group results, climate survey findings, and frequency and effectiveness of education and training. In this instance, the number of informal complaints indicates the propensity of cadets or midshipmen to resolve matters within the lower levels of command.

Sexual harassment prevention programs at each of the MSAs are similar, which allows them to share best practices, learn from previous mistakes, and capitalize on portable solutions. A key component of each of the MSA sexual harassment prevention programs is the use of peer trainers. A peer-based continuing education and training program offers a number of advantages, including:

- Program formulation for members of each class;
- Advice lines and around-the-clock support opportunities to address complaints through multiple channels; and

- Immersion in an environment designed to support incident-reporting.

Since MSA MEO programs are similar, their prevention programs face similar challenges. The two common difficulties involve structural alignment and staffing of the MEO offices. The first difficulty involves the placement of the MEO office. At each academy, the MEO office is aligned one or two offices beneath the MSA Superintendent. When this organizational structure does not impede the flow of communications between the Superintendent and the MEO staff, it is not problematic, as work to sustain a sound, continuing sexual harassment prevention program involves adequate resources. The second difficulty stems from lengthy staffing vacancies in the MEO office and their negative impact on prevention efforts. Currently, vacancies exist at each of the MSA MEO offices.

5.3. DMDC Focus Groups Findings

At all three MSAs, focus group participants discussed reporting sexual assault and sexual harassment, characteristics of offenders, factors influencing gender-related behaviors, sharing information about sexual assault, and training. They also provided recommendations for decreasing sexual assault and sexual harassment.

The majority of focus group participants understood both Restricted and Unrestricted Reporting options for sexual assault and indicated that there is value in having both options. Focus group participants discussed reasons someone who experienced unwanted sexual contact might not make an Unrestricted Report, with fear of damage to their reputation and academy standing as the predominant reasons.

Focus group participants did not believe there was anything that would uniquely define a sexual assault offender at their academy. They indicated that, consistent with civilian sector, offenders are typically someone the victim knows, and suggested that social awkwardness might characterize an offender.

Focus group participants indicated their academy culture is to show respect for fellow students, although sexual harassment in the form of sexual humor is common at the MSAs. They noted that this form of harassment is typically unintentional, easy to stop, and a result of the skewed gender ratio at the MSAs. Focus group participants also indicated that there are no cultural norms among students, faculty, or staff that encourage unhealthy sexual attitudes or improper behaviors among students, although occasionally some students and alumni hold sexist opinions.

All focus group participants strongly agreed that their academy senior leadership is serious about preventing sexual assault, as evidenced by the frequent communications about the topic and resources devoted to prevention of and response to sexual assault.

All focus group participants also agreed that training on sexual assault issues is generally useful except when it is presented in rote briefing format. They cited interactive, small group discussions and presentations by professional speakers as the most effective training methods.

6. U.S. MILITARY SERVICE ACADEMIES PROGRAM AND ASSESSMENTS

This Report includes data on sexual assault and sexual harassment from the following programs at each MSA:

6.1. U.S. Military Academy (USMA):

- USMA Sexual Assault Prevention and Response Program
- Sexual Harassment Program
- DMDC Focus Groups

6.2. U.S. Naval Academy (USNA):

- USNA Sexual Assault Prevention and Response Program
- Sexual Harassment Program
- DMDC Focus Groups

6.3. U.S. Air Force Academy (USAFA):

- USAFA Sexual Assault Prevention and Response Program
- Sexual Harassment Program
- DMDC Focus Groups

7. REPORT CONCLUSION

The MSAs continue to develop and refine their robust prevention and response programs for both sexual assault and sexual harassment. The collective progress of all three MSAs in implementing previous assessment recommendations is documented in the records and personnel interviews provided to DoD. Senior leaders, faculty, and staff at the MSAs clearly demonstrate their commitment to the sustainment of DoD SAPR and POSH policy implementation and program development. As these programs are now firmly established within the structure and curricula of all three MSAs, a high priority must now be placed on empirically measuring the effectiveness and outcomes of each institution's SAPR and POSH programs.

B. United States Military Academy: Sexual Assault Prevention and Response Program Assessment

1. INTRODUCTION

The United States Military Academy (USMA) leadership has clearly demonstrated a commitment to its Sexual Assault Prevention and Response (SAPR) Program through sustained and dedicated efforts. The USMA has diligently and continuously improved its policies, procedures, and processes designed to prevent and respond to sexual assault in accordance with Department of Defense (DoD) requirements.

An overview of the USMA's SAPR Program and the Department's assessment of its effectiveness along with recommendations are detailed below. Policy compliance was measured against DoDD 6495.01, *Sexual Assault Prevention and Response Program*, dated November 7, 2008 and DoDI 6495.02, *Sexual Assault Prevention and Response Program Procedures*, dated November 13, 2008.

The section below contains a summary, an analysis, and a discussion of the USMA SAPR Program to include the following: program overview, overview of victim resources, training and prevention, program oversight, military justice, chain of command, addressing victim collateral misconduct, and Academic Program Year (APY) 2009-2010 Plan of Action. Assessments of these topics include commendations, which are intended to highlight best practices, and recommendations for future action.

2. USMA SEXUAL ASSAULT PREVENTION AND RESPONSE (SAPR) PROGRAM

The section below contains a summary and analysis of the USMA SAPR Program to include the following: overview, reporting types, and assessment.

2.1. SAPR Program Overview

The USMA Sexual Assault Response Policy (SARP)[7] for the U.S. Corps of Cadets (USCC) is centered on the Sexual Assault Response Team (SART),[8] headed by the

[7] *Sexual Assault Response Policy Memorandum 39-03*, dated 07 January 2007.
[8] For Unrestricted Reports the SART consists of the victim's company Tactical Officer, the SARC, 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 Restricted Reports, the SART consists of the SARC, the VA, and the USCC Legal Advisor.

Special Assistant to the Superintendent for Human Relations (SAS-HR) for the USCC.[9] The USMA also has a Victim Advocate (VA) program that provides 24 hours a day, seven 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.

2.2. Reporting Types

Once a report is made, the SAS-HR, who serves as the SAPR Program Manager, assigns a VA to the case.[10] Unless a victim declines assistance, the VA provides the victim with comprehensive information on the sexual assault response process, including the options of Unrestricted and Restricted Reporting, which are explained below. It is mandatory that these 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. To ensure victim care, the VA reports directly to the Sexual Assault Response Coordinator (SARC) and both personnel monitor cases through final disposition and resolution, while ensuring the victim's well being and health concerns are addressed. In this way, the SARC and the VA are uniquely positioned to explain available options, resources, and support the victim throughout the reporting process regardless of which option they may choose.[11]

2.2.1. Restricted Reporting

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. It also offers victims access to medical treatment, advocacy, and support, and is available to military victims who report to a SARC, VA, or healthcare provider.[12] Victims may also make a report to a chaplain. A report made to a chaplain is not a Restricted Report under DoD SAPR policy, but is a form of communication that is privileged under military law. 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. Commanders may not investigate the sexual assault incident reported based on this limited information.

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

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

[11] DoDD 6495.01, Section 4.5, 07 November 2008. 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.

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

There was one Restricted Report filed by a USMA cadet during APY 2008-2009. This report did not convert to an Unrestricted Report during this reporting period.

2.2.2. Unrestricted Reporting

An Unrestricted Report is any report of a sexual assault made through normal reporting channels, including the victim's chain of command; military or civilian law enforcement; the U.S. Army Criminal Investigation Command (CID); and a SARC or healthcare provider wherein the individual does not elect Restricted Reporting. With an Unrestricted Report, the victim may be safeguarded with a Military Protective Order (MPO) and qualifies for services under the Victim Witness Assistance Program (VWAP). Should an Unrestricted Report of a sexual assault be initially made to someone other than the SARC or VA, the SARC and SAS-HR are immediately notified to coordinate the care provided to the victim. For Unrestricted Reports, specific information is disclosed only to those with an official "need to know." The SARC notifies the USMA Superintendent within 24 hours of an Unrestricted Report.

There were eight Unrestricted Reports made during APY 2008-2009, which resulted in five investigations that were completed within the timeframe of this assessment. The remaining three were still under investigation at the end of the APY.

2.3. SAPR Program Assessment

The USMA SAPR Program is fully institutionalized in policy and practice. All personnel interviewed had a thorough knowledge of the relevant program components and appeared to be actively engaged in the DoD SAPR Program mission. A victim-centered approach is in place that is immediate, coordinated, and fully supported by USMA leadership.

STATUS OF COMPLIANCE

USMA is in compliance with DoD SAPR policy.

As previously mentioned, the SART is headed by the SAS-HR for the USCC, who, at the time of the assessment, was scheduled to retire in July 2009. The designation of a senior officer as lead point of responsibility for the USMA SAPR Program is an innovative and commendable practice, which clearly demonstrates strong command support for the program and has been modeled by the other Military Service Academies (MSA). The SAS-HR for the USCC is strategically positioned with the appropriate level of authority to provide coordination and oversight of the SAPR Program.

In order to ensure the USMA SAPR Program's continued sustainment and high function, it is incumbent on the USMA to expediently secure a replacement, at the same level of authority, for the SAS-HR leadership position.

The vast majority of staff at the USMA expressed unequivocal support for the sexual assault reporting options available to cadets and the policies that prescribe these options. However, one member of the staff reported regularly discouraging victims from filing Restricted Reports and deliberately influenced them to file Unrestricted Reports (i.e., this person told victims that "If you don't file an Unrestricted Report, the perpetrator will do this to someone else."). While it is Department policy to encourage Unrestricted Reporting,[13] the actions of the staff member may have exceeded the intent of DoD SAPR policy, which is to give control over reporting choices to the victim, to enable them to seek care without fear of triggering a criminal investigation. The onus for preventing an individual from committing future sexual assaults should not be put upon the victim. Rather, the perpetrator alone is responsible for his or her past and future sexual assaultive behaviors, and it is imperative that the victim be allowed to choose a reporting option that best fits his or her individual needs and circumstances.

RECOMMENDATIONS

The current SAS-HR position must be filled as quickly as possible in order to ensure USMA's sustained sexual assault prevention and response capability.

USMA SAPR personnel should balance the dual Department goals of holding offenders accountable with the importance of allowing victims to choose between Restricted and Unrestricted Reporting.

3. USMA RESOURCES FOR VICTIMS OVERVIEW

There are many and diverse resources available to cadets stationed at the USMA. An overview of these resources is listed in the following categories: medical and mental health support, legal support, chaplain support, community collaboration, case management committee, and peer support. An assessment of these resources follows.

3.1. Medical and Mental Health Support

The SART coordinates with medical personnel to ensure that appropriate care is provided to victims of sexual assault. The Mologne Cadet Health Center (MCHC) at the USMA in West Point, New York is capable of providing initial medical examination and follow-up treatment for cadet victims. When a victim consents to have a Sexual Assault Forensic Examination (SAFE), he or she is escorted to Keller Army Community Hospital (KACH), which located at the USMA, so that the procedure can be performed by a qualified medical provider. For Restricted Reports, the SAFE kit is obtained by the SARC, labeled with an anonymous identifier, and then transferred via chain of custody to the Provost Marshal's evidence room for storage. For Unrestricted Reports, evidence is transferred via chain of custody to U.S. Army CID for storage.

[13] DoD Directive 6495.01, Paragraph 4.5.

The Center for Personal Development (CPD) at the USMA is the primary mental health facility with psychotherapists[14] available to assist cadets. Community Mental Health (CMH) services personnel are also available at both KACH and CPD. The Chief of CMHS now maintains an office within CPD, which allows cadets easy access and same day appointments for services. Social Work Services (SWS) provides additional counseling options, although these are less often utilized by cadets than the other resources. Moreover, a Cadet Health Promotion and Wellness Council (CHPWC) examines relevant issues to adopt best practices for the treatment of victims.

The CPD provides both mental health counseling and victim advocacy services to victims of sexual assault. As the level of confidentiality differs between the role of psychotherapist and VA, an individual counselor operates discretely within one of the two roles, and never in both at the same time. USMA personnel report that this model works well, and that there have not been any problems or conflicts associated with the current model. However, some personnel expressed concern that a psychotherapist acting as a VA may not be an appropriate use of resources. These personnel stated that conflicts of interest may arise due to one individual balancing two very different roles in the victim support process. Several staff members raised the possibility of hiring a full-time VA to resolve this issue.

3.2. Legal Support

A Legal Assistance Attorney (LAA) is available to provide legal advice[15] to all cadets at the USMA. Under the Victim Witness Assistance Program (VWAP),[16] a Victim Witness Liaison (VWL) typically ensures that victims and witnesses are informed of their legal rights[17] from the outset of an investigation and throughout the criminal justice process. A USCC Legal Advisor, who reports to the Office of the Staff Judge Advocate (SJA),

[14] The Center for Personal Development has four trained psychotherapists on staff.
[15] The role of Legal Assistance Attorneys as listed on USMA's website is as follows: "Provide a full range of legal assistance and notary services to active duty service members, cadets, retirees, and family members. Ensure legal support is consistent with professional standards of the American Bar Association and the United States Army Legal Assistance Program. Counsel and prepare legal documents for clients on a variety of legal matters including: domestic relations, wills and estate planning, financial liability investigation responses, adverse administrative actions, cadet separation actions, non-support of family members, indebtedness, consumer law, power of attorney, Service members' Civil Relief Act, and retirement/social security benefits. Administer the Installation Tax Assistance Program."
[16] 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.
[17] 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.

consults with the victim to ensure he or she has been offered the services of the VWL, and that the victim has been advised of all federally-mandated rights.

3.3. Chaplain Support

Chaplains have authority under military law to have privileged, confidential communications with victims of sexual assault. Under Military Rules of Evidence (MRE) 503, a communication from a victim to a chaplain is privileged 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 currently ten chaplains available at the USMA who are able to provide counsel to cadets who seek their assistance for approximately three to four sessions before referring them to the family life chaplain for long term care.

3.4. Off-Base Resources

A Memorandum of Understanding (MOU) currently exists between the USMA and the Mental Health Association in Orange County, New York, which offers rape crisis services. The MOU has established procedures that coordinate sexual assault response efforts and related services, training, and data sharing.[18]

3.5. 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 also participates in the monthly USMA Sexual Assault Review Board (SARB) meeting, 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 the USCC's responsiveness and is used to inform its plan of action for program refinement.[19]

3.6. Resources For Victims Assessment

Excellent resources are established at the USMA to support victims of sexual assault, and USMA should continue emphasizing and publicizing its related policies. Victim support personnel reported that resources are widely advertised to all cadets, demonstrated comprehensive knowledge of the SAPR program, and collaborated well with other

STATUS OF COMPLIANCE

USMA is in compliance with DoD SAPR policy.

[18] MOU between USMA and Mental Health Association in Orange County, Inc. *Sexual Assault Prevention and Response Program*, 15 February 2007.
[19] USMA Memorandum. *Sexual Assault Review Board (SARB)*, 10 January 2007.

SAPR staff.

Interviews with USMA SAPR staff revealed that the responsibility of maintaining the 24/7 response capability resides almost exclusively with the SARC.

COMMENDATION

The USMA should continue to emphasize and publicize its policies on Restricted and Unrestricted Reporting options, victim care, procedures for reporting, and support that is available for victims proceeding through the criminal justice system.

3.6.1. Medical and Mental Health Support

Medical and mental health staff members are valuable, privileged resources to sexual assault victims.[20] Full medical care, including SAFEs, is available on post at KACH and conforms to DoD SAPR policy.[21] Data is collected and tracked through medical channels, and SARCs are contacted in every case. Medical records are stored electronically in Armed Forces Health Longitudinal Technology Application (AHLTA).

RECOMMENDATION

The USMA should consider allocating additional resources or personnel to fill any gaps in service that may occur should the SARC be on leave or otherwise unavailable at any given time.

SAFEs are available 24/7 and performed on-post by a medical provider and off-post by trained Sexual Assault Nurse Examiners (SANEs). SANEs and victim advocacy services are also available off-post through the Mental Health Association in Orange County. A MOU exists between the USMA and the Mental Health Association and details services and procedures available.[22]

KACH leadership has determined that it will designate specialized VAs to coordinate prevention, training, and response programming within the Brigade.[23] This is a commendable policy decision and will further advance the medical community's ability to provide an optimal level of care to victims of sexual assault at the USMA.

As stated, in order to become more accessible to cadets, the Chief of CMH relocated his office to CPD. Additionally, the Chief created an initiative where he will meet with each new cadet one-on-one in order to familiarize them with available services, including support for victims of sexual assault. This may further reduce the stigma of seeking assistance from the CMH and the CPD, as every cadet will be required to visit

[20] Psychotherapist Patient Privilege, Manual for Courts-Martial, Military Rule of Evidence (MRE) 513.
[21] DoDI 6495.02, Enclosure 4, 13 November 2008.
[22] MOU is dated February 2007. Services provided include SANE, education and prevention, and advocacy.
[23] The KACH is considered its own Brigade; therefore KACH leadership is responsible for having two victim advocates per battalion-level element.

these resources at some point in their orientation to the USMA. This is a promising practice and has some support in the scientific literature.[24]

As previously mentioned, the USMA's victim advocacy responsibilities reside with the psychotherapists within CPD. USMA leadership specifically requested that DoD examine this model to advise whether it is functional and if it provides victims with an optimal level of advocacy services. This assessment found that psychotherapists are providing excellent advocacy services to victims of sexual assault at the USMA, and that they are able to balance and separate their advocacy duties with and against their roles as mental health providers. Although findings show that the current model is functional, instilling more separation between the advocacy and mental health service provision roles is recommended. Should the USMA hire one or more full-time VAs, and house them within CPD, this would not only serve to allow the psychotherapists on staff to exclusively focus their specialized skills on providing mental health services, but would also sustain the gains that have been made in encouraging cadets to use the CPD's variety of resources.

COMMENDATION

The USMA's approach to reducing the stigma associated with seeking mental health counseling through individual contact is an innovative approach to increasing service utilization. This approach should be considered for adoption by other MSAs.

RECOMMENDATION

The USMA should request resources to support the employment of one or more full-time VA(s) who will exclusively focus on providing advocacy services to the cadet population.[25] The level of confidentiality a VA would have under this arrangement will need to be explored.

3.6.2. Legal Support

The USMA adopted several recommendations made in the *DoD Annual Report on Sexual Harassment and Violence at the U.S. Military Service Academies: APY 2006-2007* in the area of improving resources for victims. In particular, DoD recommended the following in the previous report:

[24] Hyun, et. al., found that high functioning individual relationships with school advisors made graduate students more likely to use counseling services following a significant mental health event. While this research may not be entirely applicable in the MSA context, it does suggest that a one-on-one relationship with school staff may lead some students to seek assistance. (Hyun, JK, Quinn, BC, Madon, T, and Lustig, S. (2006) Graduate Student Mental Health: Needs Assessment and Utilization of Counseling Services, *Journal of College Student Development, 47,* 247-266.)

[25] Full-time VA positions should not be filled with psychotherapists, as such skill sets are not necessary to ensure excellent victim advocacy services.

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.

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. [26]

Coordination among the VWL, U.S. Army CID, and USMA Trial Counsel has greatly improved since the last DoD SAPR assessment in APY 2006-2007. The VWL is meeting with sexual assault victims at the outset of all investigations and offers the additional legal support victims need to navigate the military justice process. The LAA is also being advertised as a resource for victims.[27] The USMA's action in providing victims with additional legal resources and guidance by the LAA completely satisfies the Department's Recommendation.

Further, communication between the SARC and the SJA has improved and increased significantly since the last DoD SAPR assessment. Provision of additional training opportunities for the VWL will likely further solidify this relationship and optimize the quality of care the VWL can offer cadets as they navigate the military criminal justice process.

RECOMMENDATION

USMA's Office of the SJA should ensure that refresher victim witness training is available for the VWL.

3.6.3. Chaplain Support

Chaplains stationed at the USMA are a vital resource for victims who seek support following a sexual assault. All chaplains have received SAPR training and expressed their support of the USMA SAPR Program as well as of the current reporting options that are available to cadets. They provide data to the USMA Superintendent, including the total number of times they responded to crisis calls.

A typical assignment for a chaplain at the USMA lasts three years. USMA staff suggested that extending the assignment time to four years would enable chaplains to stay with a class and would further facilitate their relationship-building efforts with specific cohorts of cadets.

[26] *DoD Annual Report on Sexual Harassment and Violence at the U.S. Military Service Academies: APY 2006-2007*, p. 21, December 2007.
[27] Verified in data call.

3.6.4. Off-Base Resources

As previously mentioned, an MOU exists between the USMA and the Mental Health Association in Orange County. The purpose of this partnership is to provide cadets with an off-post option for counseling services should cadets not feel comfortable seeking counseling within the confines of the USMA. This is an important resource available for cadets who are victims of sexual assault. However, in practice, it is very difficult for cadets to access these services as the facility is approximately 35 miles away from the USMA and transportation options are either not provided or not publicized to the cadet population.

RECOMMENDATION

The USMA should develop a plan to improve cadet victims' knowledge of and access to the services offered by the Mental Health Association in Orange County. Doing so would further augment the impressive array of services that the USMA offers to cadets who are victims of sexual assault.

3.6.5. Case Management Committee Assessment

The Case Management Committee (CMC) Assessment found that the USMA SARB is functioning as the policy intended.

4. USMA TRAINING AND PREVENTION

The section below contains a summary and analysis of the training and prevention programs at the USMA.

4.1. Training and Prevention 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.

The USMA requires periodic, mandatory education for sexual assault prevention and response. Training is required for all military Service members and civilian personnel who supervise cadets. 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 (i.e., 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 other issues. Under the Simon Center for The Professional Military Ethic (SCPME), the Respect Program Advisory Council (RPAC) serves as the liaison between the USCC 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.

4.2. Training and Prevention Assessment

In accordance with DoD SAPR policy, the USMA requires periodic, mandatory education for sexual assault prevention and response. All assigned personnel receive initial and annual SAPR education and training.[28] Medical and mental health personnel receive initial and annual SAPR education and training, in accordance with Army regulation.[29] Currently, the USMA has four guest lecturers per APY on the topic of sexual assault prevention and response, which are presented to both cadets and the command.

STATUS OF COMPLIANCE

USMA is in compliance with DoD SAPR policy.

RECOMMENDATIONS

The USMA should institutionalize the SAPR guest lecture program to ensure its sustainability.

The USMA leadership should ensure cross-training with responders on each other's roles occurs, as recommended in the *DoD Annual Report on Sexual Harassment and Violence at the U.S. Military Service Academies: APY 2006-2007*.

Interviews with program personnel indicate that they understood the components of the policy and fully support the intended outcomes. However, the training curriculum for USMA SAPR staff remains to be updated as recommended by the Report for APY 2006-2007. In that report, the following recommendation was made:

> *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.*[30]

[28] As required by AR 600-20.
[29] MEDCOM Regulation 40-36, Medical Facility Management of Sexual Assault, 23 December 2004.
[30] *DoD Annual Report on Sexual Harassment and Violence at the U.S. Military Service Academies: APY 2006-2007*, p. 28, December 2007.

While relationships have strengthened between responders since the last DoD Assessment, there was no evidence that the USMA was providing SAPR Program personnel cross-training on each other's roles and responsibilities.

Finally, the recommendation from the last APY 2006-2007 report regarding strengthening the cross-training with local civilian resources has also not been fully realized. In that report, DoD found that confusion[31] existed about the roles of the VA and the VWL, including which position assists victims with the exercise of their legal rights. As a result, the following recommendation was made:

> *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.*[32]

During the assessment for APY 2008-2009, USMA staff reported that this cross-training had not taken place with off-post service providers. Further, in the area of off-post medical care, off-post medical personnel are not always aware of whom to contact when a cadet presents at their facility due to jurisdictional issues. Increased cross-training and coordination between off-post medical facilities, the SARC, and the Office of the SJA could potentially help resolve coordination issues when they arise.

The USMA has made great efforts to develop a comprehensive SAPR training program for leadership, staff, and cadets. The objective of this training program is to promote an understanding of Officership and the development of a professional self-concept within the USCC. To do so, Cadet Basic Training includes a comprehensive introduction to the Respect Program, which fosters the Corps' development of and commitment to the fundamental principle that each individual has infinite dignity and worth. Subsequent training throughout four years introduces cadets to cultural awareness issues, sexual violence issues, information to promote healthy relationships and communication, and risk reduction strategies. The USMA has employed guest lecturers as an important addition to its basic curriculum.

RECOMMENDATIONS

The USMA leadership should ensure cross-training among the SARC, VAs, and off-post service providers to increase awareness of roles, responsibilities, resources, and jurisdictional issues.

The USMA should revise its current style and conduct of training to incorporate smaller groups and adult learning theory, which includes group participation and interaction.

[31] Based on on-site interviews with USMA personnel in June 2009.
[32] *DoD Annual Report on Sexual Harassment and Violence at the U.S. Military Service Academies: APY 2006-2007*, p. 23, December 2007.

Outside of these guest speakers, USMA SAPR training is typically given to large groups of cadets. In order to further develop this curriculum so that it reflects current DoD policy as described in DoDI 6495.02 enclosure 3.2.2.1 and 3.2.2.2, the USMA should revise its current SAPR training to employ scenario-based approaches and the most current adult learning theoretical approaches, which includes group participation and interaction. This is especially important for the newly assigned personnel at the USMA and such interaction cannot easily occur in large groups.

5. USMA SAPR PROGRAM OVERSIGHT

The section below contains a summary and analysis of USMA SAPR program oversight.

5.1. Oversight Overview

The USMA SARB is a multi-disciplinary case management group that meets on a monthly basis.[33] The SARB reviews individual cases, monitors victim progress, and ensures all parts of the USMA SAPR system are coordinated and accountable. The SARB advises the USMA 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 USMA SAPR policy and procedures.

Multiple data points are evaluated by the SARB to assess the effectiveness of the USMA 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 USMA SAPR Program are measured through the *DoD Service Academy Gender Relations Survey*, the *DoD Quality of Life Survey*, and the *DoD 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 (JAG) of the Army exercises policy oversight of the USMA SJA Office.

[33] 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 127-07, dated 15 May 2007. The current membership of the SARB is established via official memorandum, dated 10 January 2008.

5.2. Oversight Assessment

Appropriate mechanisms are in place at the USMA to ensure oversight of the effectiveness of the SAPR policy and program, respectively. A key element to an effective oversight program is the ability of leadership to sustain a long-term focus on the program's management and development. Military assignment rotation is an issue faced by all MSAs, and the timely replacement of departing personnel is an ongoing challenge that demands proactive solutions. As previously mentioned, USMA leadership has appointed a senior officer, the SAS-HR, as the SAPR Program Manager. This model greatly increases the USMA's oversight over its SAPR Program and has been replicated at both the United States Air Force Academy (USAFA) and the United States Naval Academy (USNA).

STATUS OF COMPLIANCE

USMA is in compliance with DoD SAPR policy.

RECOMMENDATION

The USMA should confer with SAPR personnel at the USAFA and the USNA regarding their current strategies for program effectiveness measurement and outcome evaluation development and consider leveraging approaches that are appropriate for use at the USMA.

USMA leadership recognizes the importance of developing of accurate effectiveness measures for its SAPR Program. The USAFA and the USNA are both currently engaged in program outcome measurement development and may serve as valuable resources to the USMA in its efforts to do the same. These programs are discussed in further detail later in the report.

6. USMA MILITARY JUSTICE

The section below contains a summary and analysis of the military justice system at the USMA to include the following: overview, APY 2008-2009 reports, unrestricted case disposition, and assessment.

6.1. Military Justice Overview

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

6.2. Reports of Sexual Assaults Involving Cadets: APY 2008-2009

USMA APY 2008-2009 REPORTS OF SEXUAL ASSAULT (To include rape, sodomy, indecent assault, and attempts to commit these offenses BY or AGAINST CADETS)	APY 2008-2009 Totals
USMA NUMBER OF UNRESTRICTED REPORTS OF SEXUAL ASSAULT	8
USMA NUMBER OF RESTRICTED REPORTS OF SEXUAL ASSAULT	1
USMA NUMBER OF TOTAL REPORTS OF SEXUAL ASSAULT - UNRESTRICTED AND RESTRICTED	*9*

Cases identified above represent only those sexual assault cases reported to USMA officials. Based on last year's DMDC *MSA Gender Relations Survey*, there are likely to be more incidents of sexual assault that are not reported. However, as no such survey was conducted this year, there is insufficient data to estimate the level of underreporting that may have occurred during the APY, nor is there sufficient information to estimate the incidence and prevalence of sexual assault at USMA during the APY.

During APY 2008-2009, there were eight Unrestricted Reports[34] and one Restricted Report.

6.3. Unrestricted Report Case Disposition

Three of the eight Unrestricted Reports remained under investigation at the time of this assessment. Of the five remaining cases, two cases were closed: one due to insufficient evidence and one due to lack of victim participation, and two cases resulted in findings of misconduct on the part of the subjects.[35] The remaining case resulted in a court-martial for wrongful sexual contact and was based on an incident that took place the previous year. The court-martial yielded an acquittal for the reported sexual assault offenses under the UCMJ.

6.4. Military Justice Assessment

STATUS OF COMPLIANCE

USMA is in compliance with DoD SAPR policy.

6.4.1. U.S. Army Criminal Investigation Command (CID)

The U.S. Army CID works closely with the SARC. The SARC contacts the CID when a victim wishes to make an Unrestricted Report. The VAs are allowed to accompany victims when so requested during CID interviews at the USMA.

[34] The eight Unrestricted Reports captured during APY 2008-2009 involved twelve victims.
[35] In one of these cases, the subject voluntarily submitted a resignation in lieu of appearing before an investigating officer, which was approved by the Superintendent. In the other case, the misconduct investigation found the subject responsible for three allegations of fraternization and one allegation of sexual misconduct.

6.4.2. Other Military Justice Matters

The Office of the SJA appears very engaged in the sexual assault judicial process.[36] USMA Trial Counsel, the LAA, and the VWL are assigned to the Office of the SJA. This office's support is critical in building victim confidence in the criminal justice system.

The USMA has greatly strengthened the support it provides to victims through the military justice process. This commitment is demonstrated by the impressive level of coordinated support that victims received during the courts-martial that took place during APY 2008-2009, referenced in 6.3. SAPR staff who were involved in the case reported that all three victims expressed satisfaction with their treatment and support during the military justice process and were able to move forward successfully after the court-martial.

Criminal investigators at the USMA fully support the Restricted Reporting policy. Interviews showed that they recognized that the policy allows victims to obtain care confidentially and believed that access to care is critical following a sexual assault. They also agree that, with prompt care and support, additional victims may be more likely to cooperate with investigators as well as choose the Unrestricted Reporting option, thus, enabling the U.S. Army CID to investigate.[37] The CID Special Agent in Charge (SAC) recently attended CID Military Transitioning Team (MTT) SAPR refresher training, which further demonstrates the CID's ongoing commitment to providing appropriate personnel with relevant training in support of USMA's SAPR program. U.S. Army CID agents have regular contact with the Office of the SJA and actively assist victims in exercising their rights during all investigations. Agents are active members of the case management team, and there is a high level of coordination between CID agents and other team members.

The Office of the SJA is fully engaged in and supportive of the USMA SAPR Program and provides victims with legal resources who can assure privileged communication under specific circumstances. Members of the Office of the SJA regularly participated in the SARB and expressed clear support of the USMA SAPR Program. Misconduct boards have emerged as an alternative tool to address allegations in which evidentiary challenges exist, and Trial Counsel is assigned to the board to present these matters.[38]

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[36] Based on review of the case files and interviews of USMA personnel, June 2009.

[37] Based on on-site interviews of USMA personnel in June 2009, agents receive special training on the unique aspects of investigating sexual assault cases.

[38] In certain circumstances, the Commandant has the option to refer a case to a hearing at which the formal board procedures in Army Regulation 15-6 are used. If these procedures are used, the board consists of one Lieutenant Colonel Investigating Officer (IO) who presides over a hearing where evidence is introduced by both a Trial Counsel and a Defense Counsel. The IO is assigned an impartial legal advisor from the Administrative Law Division who serves as the sole adviser for all legal issues arising out of the investigation. Witnesses are called and questioned by both counsel, and counsel are allowed to make closing arguments. After hearing all of the evidence, the IO issues findings and recommendations. A transcript of the investigation is prepared by a Legal Technician from the Office of the Staff Judge

Current Trial Counsel has received the required specialized training and permits the VAs to accompany victims during case interviews when requested. The legal office also regularly provides advice to U.S. Army CID agents throughout the investigative process.

COMMENDATION

The USMA military justice personnel have provided exemplary care and outstanding support to victims of sexual assault throughout the military justice process. Sustained SAPR training to all military justice personnel is primary to their continued success.

Defense Counsel staff are also engaged in the USMA SAPR Program and expressed that they fully support a VAs' presence during victim interviews. In addition, USMA personnel suggested that Defense Counsel could serve as a valuable resource to victims who were engaged in collateral misconduct at the time of the sexual assault.[39] If consulted at the appropriate time, Defense Counsel could ensure that the victim's rights and interests are fully protected and represented during the reporting process. When a victim makes a statement to U.S. Army CID regarding an alleged sexual assault, he or she may disclose his or her own violations of policy and/or law in the process. Typically, agents do not stop victim interviews to read victims their rights against self-incrimination, especially one in which the focus is on the allegation of sexual assault, for fear it will impede the ability to gather evidence about the sexual assault being alleged.[40] The Defense Counsel believed this additional level of support would ensure that victims receive the information they need to make an informed decision regarding their reporting options. This support may in turn increase victims' confidence in the fairness of the military justice process.

RECOMMENDATION

USMA SART members should continue to explore and innovate ways to support sexual assault victims who are suspected of engaging in Collateral Misconduct.

7. USMA CHAIN OF COMMAND

The section below is a summary and analysis of the chain of command's contributions to SAPR at the USMA.

Advocate. The transcript is then authenticated by the IO, and the SJA prepares a legal review to determine if there were any errors that may have materially affected the proceedings. The file is forwarded through the Respondent's chain of command for recommendations as to final disposition. The Respondent is then served with a copy of all of the recommendations, legal review and transcript for his/her comment prior to action by the Superintendent.

[39] Collateral misconduct is an offense committed by a victim or witness at or around the time of the alleged sexual assault.

[40] U.S. Department of Defense. *Task Force Report on Care for Victims of Sexual Assault*, April 2004, p.40.

7.1. Chain of Command Overview

USMA policies guide command implementation of sexual assault prevention and response, and address victim care provision and offender accountability.[41]

7.2. Chain of Command Assessment

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

STATUS OF COMPLIANCE

USMA is in compliance with DoD SAPR policy.

8. USMA ADDRESSING VICTIM COLLATERAL MISCONDUCT

The section below contains a summary and analysis of how victim collateral misconduct is addressed at the USMA.

8.1. Victim Collateral Misconduct Overview

The 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.[42] The command considers a victim's interests when deciding whether or not to delay disposition of the victim's disciplinary case, which is consistent with DoD policy. Transactional immunity, which bars the USMA Superintendent from taking any punitive or administrative action against the victim for the collateral offenses, is granted on a case-by-case basis. It 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*.[43]

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, and take the victim's preference taken into consideration.[44]

8.2. Victim Collateral Misconduct Assessment

By offering victims who may have been engaged in

STATUS OF COMPLIANCE

The USMA is in compliance with DoD SAPR policy.[45]

[41] USCC Policy Memorandum 39-03, *USCC Sexual Assault Response Policy*, page 6.
[42] Collateral misconduct refers to behavior that violates the UCMJ or Service or MSA regulations. Self-reported violations, such as an alcohol offense or prior consensual sexual misconduct in prohibited places or situations are typical examples.
[43] USCC Policy Memorandum 39-03.
[44] Based on on-site interviews in June 2009.
[45] DoDI 6495.02, 13 November 2008, E3.2.11 and E3.2.12.

collateral misconduct the option to request a delay in the disposition of their disciplinary cases, the USMA balances the need for individual discipline with the need for an environment that supports sexual assault reporting.

9. USMA ACADEMIC PROGRAM YEAR 2009-2010 PLAN OF ACTION

The section below contains a summary and analysis of the APY 2009-2010 SAPR Plan of Action at the USMA.

9.1. USMA APY 2009-2010 Plan of Action Overview

In APY 2009-2010, USMA's plan for sexual assault and harassment prevention and response includes:

- Performance of semi-annual assessments to gauge the progress of USMA SAPR policy implementation, development, and adherence to current program directives from DoD and the Department of the Army;
- Continued effort to ensure that required training of all assigned personnel is completed to include providing USMA SAPR Program highlights for newly assigned personnel, annual training for all coaches and athletic staff, and pre-deployment training;
- Continued effort to increase the recruitment of military women for positions within the Staff and Faculty at USMA, to include positions with both the Office of the Dean and USCC Staff;
- Continued effort to support collaborative relationships with civilian authorities, including medical providers and law enforcement, for sexual assault victim support and to pursue the establishment of a formal MOU between the USMA and these entities;
- Facilitation of ongoing dialogue with all MSAs to share ideas, challenges, and best practices for addressing sexual assault and harassment issues. This may include cross-Service visits to ensure uniformity where appropriate and foster working relationships;
- Continuation of quarterly off-site meetings to develop and implement the USMA "I. A.M. Strong Campaign" to involve the entire community;
- Coordination of SAPR training for all staff, faculty, coaches, and athletes under the purview of the Office of the Director of Intercollegiate Athletics. This office will also conduct cultural assessment forums with members of athletic teams to monitor and identify cultural challenges and gender issues, and provide pertinent feedback to the chain of command; and
- Provision of additional training to medical personnel, and the expansion of opportunities to publicize available gynecological health services to female cadets.

9.2. USMA APY 2009-2010 Plan of Action Assessment

The USMA leadership has demonstrated a continued commitment to the USMA SAPR Program through sustained, dedicated, and innovative efforts. The USMA plan for APY 2009-2010 reinforces the policies of both DoD SAPRO and USMA SAPR. It incorporates efforts to improve and refine the program so that it meets its population's evolving needs and implements promising practices. The USMA's willingness to share its successes and lessons learned with other MSAs will support the cross-Service improvement of the DoD SAPR Program. It is highly recommended that the USMA confer with other MSAs regarding their respective efforts to measure the effectiveness of their SAPR programs. Such effectiveness measurement capability will further enhance the existing strong model of sexual assault prevention and response. The recommendations contained in this assessment are intended to contribute to this young program's record of success.

C. United States Military Academy: Sexual Harassment Program Assessment

1. DEFINITION OF SEXUAL HARASSMENT

The definition of sexual harassment is promulgated in Army Regulation 600-20, *Army Command Policy*, dated February 11, 2009.

2. SEXUAL HARASSMENT POLICY

The U.S. Military Academy's (MSA) sexual harassment policy is promulgated in Army Regulation 600-20, *Army Command Policy*, dated February 11, 2009, and in United States Corp of Cadets (USCC) Policy.

3. PROGRAM OVERVIEW

The USMA's sexual harassment policy and program pertaining to the USCC is embedded within the Simon Center for the Professional Military Ethic's (SCPME) 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. Elements of the Respect Program include:

- A formal command policy demonstrating commitment to an environment free of harassment;
- Comprehensive prevention and response awareness training and education through the Professional Military Ethic Education (PME2) Program;
- A Cadet Respect Officer and NCO in each cadet company to promote reporting, as well as to support awareness, education and other Equal Opportunity-related activities;
- The Cadet Respect Committee, which develops the Respect Campaign Plan for each Academic Program Year (APY) under the mentorship of the EOA and Respect Officer;
- 24 hours a day, seven days a week (24/7) response and support;
- Established reporting procedures and an environment that encourages incident reporting; and
- Prompt, thorough investigative procedures, and case resolution.

4. PROGRAM ORGANIZATION

The USMA sexual harassment program includes the following personnel:

- USMA Superintendent;
- Commandant of the USCC;
- Equal Opportunity Advisors (EOA);
- Respect Program Cadet Representatives;
- Inspector General (IG);
- Chaplain; and
- Staff Judge Advocate (SJA).

5. EDUCATION

All USMA cadets participate in the Respect Program's formal course of instruction as part of the PME2 Program. PME2 is a 50-hour program for cadets that focuses on values, education, Officership, and leadership, which begins during Cadet Basic Training with an overview briefing to all newly-assigned personnel to ensure universal understanding of sexual harassment prevention, and continues until graduation. PME2 reinforces current USMA programs and uses several distinguished guest speakers and facilitators to address cadets throughout the APY. Specific instruction includes: equal opportunity; prevention of sexual assault and harassment; cultural awareness; and diversity training. All Respect Program representatives receive at least 14 hours of cadet-based DEOMI training lead by the USCC Equal Opportunity Advisor (EOA).

6. INCIDENT REPORTING AND INVESTIGATIONS

Grievance procedures are outlined in Army Regulation 600-20, *Army Command Policy*, dated February 11, 2009; and USCC Policy Memorandum numbers 36-04 and 46-00. A summary of reporting and investigations follows:

- Four informal sexual harassment complaints involving cadets were filed and resolved at the USMA from June 1, 2008 to May 31, 2009; and
- There were no formal complaints involving USMA cadets filed over the reporting period.

7. ASSESSMENT RESULTS

Assessment highlights for the USMA sexual harassment program include the following:

- USMA sexual harassment policy and complaint filing procedures are in compliance with DoD Directive 1350.02, *DoD Military Equal Opportunity Program,* and Army Regulation 600-20, *Army Command Policy*;
- The EOAs, one at SCPME within USCC and one at Installation, and the EO Program Manager at Installation are graduates of the Defense Equal Opportunity Management Institute, which is in accordance with DoD and Department of the Army policies; and
- Cadets are currently receiving sexual harassment education and instruction on filing complaint procedures in accordance with DoD and Department of the Army policies.

8. RECOMMENDATIONS

The following are recommendations for the USMA sexual harassment program:

- Although cadet attendance and participation is mandatory, PME2 classes are not graded, thus it is recommended that the USMA review and assess this practice for effectiveness.
- In recent years the USMA made significant improvements, introducing and implementing innovative changes to improve gender relations. One such initiative was assigning a Special Assistant to the Superintendent for Human Relations (SAS-HR) and a Special Assistant to the Commandant for Human Relations (SAC-HR), to demonstrate its commitment to eliminating sexual harassment from its ranks. Both of these positions have been a forward presence with the surrounding community, cadets, and USMA leadership, thus it is recommended that the USMA continue staffing of these positions to lessen any perceived negative impact to the quality of support provided to the USMA SAPR program from a position vacancy. The SAS-HR (O-5) position is currently vacant.
- Realign the Equal Opportunity (EO) mission under one office at the Installation Level in order to maximize the skill sets of all EOAs trained by the Defense Equal Opportunity Management Institute. With oversight from the Installation EO Office and Program Manager, EOAs could continue to support the USCC and provide assistance to mission and tenant units on the Installation.

D. United States Military Academy: DMDC Focus Group Sessions

1. OVERVIEW

Focus group sessions were conducted at the United States Military Academy (USMA) on March 30 and 31, 2009. Six broad-area questions were asked dealing with: reporting sexual assault and sexual harassment, characteristics of offenders, factors influencing gender-related behaviors, sharing information about sexual assault, training and education, recommendations for decreasing sexual assault and sexual harassment. Eight focus group sessions were conducted. Each session was scheduled for a 90-minute period. There was one male and one female session held for each class year. Each session had between two and ten students.[46] 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 the USMA.

2. HIGHLIGHTS

Highlights of DMDC focus group session findings at the USMA include:

2.1. Reporting Sexual Assault and Sexual Harassment

When asked to distinguish between Restricted and Unrestricted Reporting of sexual assault, most focus group participants correctly identified the confidentiality aspects of Restricted Reporting and the investigative aspects of Unrestricted Reporting, although in a few instances students had the terms reversed. The majority of focus group participants agreed that having the two reporting options is beneficial to victims because Restricted Reporting provides victims time to seek help to deal with their physical condition and emotions before involving authorities. Participants offered numerous reasons why students might not report an incident, with fear of damage to their USMA reputation and standing being the reason most frequently mentioned. Focus group participants noted that unwanted sexual touching is not reported in many cases. The majority of focus group participants agreed that they would trust authorities to keep a Restricted Report of sexual assault confidential. Victim privacy is only compromised when the victim tells a peer. Information and rumors about an assault spread quickly among students. When asked about the extent of stalking and sexual harassment at the USMA, focus group participants indicated that stalking is rare, taking the form of annoying contacts through the Internet or Facebook. Sexual harassment in the form of

[46] USMA officials initially confirmed ten students for each session, but many students chose not to attend the voluntary focus groups after having confirmed their willingness to participate.

crude and offensive behavior (i.e., inappropriate jokes and comments) is common. Focus group participants indicated that sexual harassment is not reported because students do not want to bear the stigma associated with getting another student in trouble.

2.2. Characteristics of Sexual Assault Offenders

Focus group participants indicated that sexual assault offenders are most likely to be fellow students, because they are limited in their interaction with people outside of the USMA. Although it is possible that a USMA offender might preplan an assault, focus group participants indicated that they believed most sexual assaults to be spontaneous.

2.3. Factors Influencing Gender-Related Behaviors

The majority of focus group participants agreed that stalking and sexual harassment could be precursors of sexual assault. Focus group participants indicated that there are no cultural norms at the USMA that encourage unhealthy sexual attitudes or improper behaviors among students. The culture at the USMA is to show respect for fellow students, although occasionally some students hold sexist opinions (e.g., women do not belong at the USMA). Focus group participants indicated that faculty and staff do not promote a culture that encourages improper behaviors or attitudes, nor do most alumni.

2.4. Sharing Information About Sexual Assault

Focus group participants agreed strongly that their senior leadership is dedicated to preventing sexual assault. Evidence of this dedication is the personal communications from senior leaders, numerous posters, announcements via internal emails and Web sites, and frequent briefings. Focus group participants indicated that they were familiar with the concept of victim blaming, whereby people attribute a victim's behavior as contributing to an assault, and that sometimes a victim's actions do indeed contribute to an incident. Although not frequent, focus group participants indicated that there are commonly held beliefs among students that some women "cry rape" to avoid punishment, to get back at someone, or when they regret having sex. These perceptions negatively impact people coming forward who have experienced sexual assault for fear of not being believed.

2.5. Training and Education

Focus group participants indicated that they receive extensive training emphasizing the need to watch out for each other. The training that is well received and makes the most impact is interactive and scenario-based, including guest speakers and skits. Training that is presented as PowerPoint briefings or that is excessively negative is viewed by focus group participants as not effective. Focus group participants cited the recent interactive suicide prevention training at the USMA as a good example of effective training giving examples of positive steps to take in a situation. Focus group

participants indicated that effective leadership, accepting personal responsibility for your actions and caring for fellow students are all difficult to instill through training but important concepts to preventing sexual assault.

2.6. Recommendations to Decrease Sexual Assault and Sexual Harassment

When asked what more Academy leadership might do to decrease sexual assault, the majority of focus group participants indicated that the Academy is already taking many positive steps with regard to both prevention and response. Participants suggested the USMA should increase visibility of authorities who can take Restricted Reports of sexual assault, share more information about actual cases, clearly demonstrate a no-tolerance approach to sexual assault, and improve the accessibility and information about the Center for Personal Development.[47] Focus group participants also suggested the USMA promote protecting oneself from sexual assault, such as using the buddy system and taking commonsense steps to secure themselves (e.g., locking their doors).

[47] The Center for Personal Development is the counseling center at USMA.

E. United States Naval Academy: Sexual Assault Prevention and Response Program Assessment

1. INTRODUCTION

The United States Naval Academy (USNA) has clearly demonstrated commitment to its Sexual Assault Prevention and Response (SAPR) program, formally named the Sexual Assault Victim Intervention (SAVI) Program, through sustained and dedicated efforts. In accordance with U.S. Navy program changes, the USNA SAPR program incorporates both the SAVI program, which provides services directly to victims, as well as a separate but complementary prevention program. The USNA has continuously refined and improved its policies, procedures, and processes that are designed to prevent and respond to sexual assault. The result of these efforts is an outstanding program that strives to incorporate evidence-based best practices to improve victim care and support, increase reporting, and hold offenders accountable through a fair judicial process. Additionally, the USNA demonstrates commendable practices that should be considered for replication by other U.S. Military Service Academies (MSAs).

An overview of the USNA's SAPR Program and our assessment of its quality and compliance are detailed in the following report. Policy compliance was measured against DoDD 6495.01, *Sexual Assault Prevention and Response Program*, dated November 7, 2008, and DoDI 6495.02, *Sexual Assault Prevention and Response Program Procedures*, dated November 13, 2008.

The section below is a high-level analysis and discussion of the USNA SAPR Program to include the following: program overview, overview of victim resources, training and prevention, oversight, military justice, chain of command, addressing victim collateral misconduct, and Academic Program Year (APY) 2009-2010 Plan of Action. Assessments of these topics include commendations, which are intended to highlight best practices, and recommendations for future action.

2. USNA SEXUAL ASSAULT PREVENTION AND RESPONSE (SAPR) PROGRAM

The section below contains a summary and analysis of the SAPR Program at the USNA to include the following: overview, reporting types, and assessment.

2.1. SAVI Program Overview

The Sexual Assault Response Coordinator (SARC) supervises the entire SAPR Program for the USNA, including coordination of victim care, case management, prevention, response, and training for all midshipmen, assigned officers, enlisted and Department of the Navy civilian personnel. The SARC reports directly to the USNA Superintendent and works closely with the Commandant of Midshipmen and his staff.[48]

The Naval Academy Preparatory School (NAPS) is a separate and distinct command located at Naval Station, Newport, Rhode Island. However, it falls administratively under the USNA Superintendant and both the USNA SARC and the Commanding Officer of NAPS work collaboratively together to support victims and manage their respective SAPR programs.

The SAPR Program has been reorganized and expanded since the APY 2006-2007 Assessment. In addition to the SARC, the SAPR Program involves the Deputy SARC, the Director of Sexual Assault Education and Clinical Services, the Sexual Assault Training Specialist, the Legal Representative, the USNA Brigade SAVI Liaison (BSL), and the NAPS SAVI Liaison.[49]

The SAPR Program model also incorporates SAVI Faculty Liaisons, who serve as additional points of contact for midshipmen. SAVI Faculty Liaisons are fully trained as Victim Advocates (VA), and have been identified, trained, and assigned to discuss the SAVI Program with midshipmen, staff, or faculty who seek information about reporting sexual assault. Although they are not assigned to specific victims to perform advocacy services due to the potential for conflicts of interest, they are spokespersons for the SAVI program and are permitted to receive Restricted Reports from victims.[50]

The USNA BSL is responsible for SAVI Program implementation for the Brigade of Midshipmen. The BSL reports directly to the SARC, with an additional duty of reporting to the Commandant on SAVI matters.[51] The SARC, with assistance of the BSL, notifies the Superintendant and the Commandant of any reported sexual assaults within 24 hours. In accordance with DoD policy, identifying information about the victim is not disclosed in cases of Restricted Reporting.[52]

The BSL manages the SAVI Guide Program. SAVI Guides are midshipmen who volunteer to serve as a peer resource for the SAPR program. SAVI Guides provide program information and explain reporting options so victims can make informed

[48] USNAINST 5354.5B, 28 September 2007, Section 10a (1).
[49] As documented in data call materials and site visit in June 2009.
[50] USNAINST 1752.2A, 13 February 2008, Enclosure 2 “Faculty Liaison Program.”
[51] USNAINST 5354.5B, 28 September 2007, Section 10a (2).
[52] COMDTMIDNINST 1752.1D Encl. (6), 21 April 2009, Section 2.a. (2). There are exceptions in OPNAVINST 1752.1B as referenced.

decisions. SAVI Guides also conduct training and participate in the planning and execution of USNA sexual assault awareness activities. During APY 2008-2009, 67 midshipmen acted as SAVI Guides. Each SAVI Guide's room and phone number are listed on bulletin boards in the company areas and on the USNA Intranet SAPR home page. SAVI Guides must alert USNA SAVI Program personnel when a victim makes a report.

SAVI VAs 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. VAs also provide information and referrals for further assistance and services. The USNA requires a minimum of ten VAs,[53] and a two-week rotating schedule ensures that a VA is on call at all times and reachable by pager.[54] During the assigned duty rotation, he or she is responsible for carrying a cell phone, a bag with clothing and toiletries for the victim, and a binder of SAVI information. The binder includes: directions to the hospitals; the VA watch bill, which is a schedule of all VAs on call; a flow chart or procedures list; and numbers for the SARC, Deputy SARC, and BSL. In part to protect them from coercion, discrimination, or reprisals, the name of the VA assigned to an Unrestricted Report is not routinely disclosed to the command. However, the command is notified that a VA has been assigned. VAs also have a Statement of Understanding signed by their supervisors, which states that VA duties may occasionally overtake their primary military duties.

2.2. Reporting Types

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.

2.2.1. Restricted Reporting[55]

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 also offers victims access to medical treatment, advocacy, and support. It is available to military victims who report to the SARC, SAVI Faculty Liaisons, VAs, SAVI Guides, or Healthcare Providers, including those at the Naval Health Clinic, the Midshipmen Development Center (MDC), and the Fleet and Family Support Center.[56] The role of the SARC and the VA is to explain available options, resources, and support the victim

[53] COMDTMIDNINST 1752.1D, 21 April 2009, Section 12.b.(1).
[54] On-site interview, June 2009.
[55] USNA issued Restricted Reporting procedures in August 2006.
[56] USNAINST 5354.5B, 28 September 2007, Section 9.d. (1).

through the reporting process regardless of which option he or she chooses.[57] Victims may also make a report to a chaplain. Although this is not a Restricted Report under DoD SAPR policy, it is a communication that is privileged under military law. Within 24 hours of receipt of a Restricted Report resulting from a sexual assault, the SARC notifies the Superintendent and the Commandant and prepares an incident report;[58] however, no personally identifying information about the victim is included.

There were five Restricted Reports during APY 2008-2009. No Restricted Reports converted to Unrestricted Reports within this reporting period.[59]

2.2.2. Unrestricted Reporting

An Unrestricted Report is any report of a sexual assault made through normal reporting channels: the victim's chain of command; duty officers; military or civilian law enforcement; the Naval Criminal Investigative Service (NCIS); the SARC; SAVI program members, or healthcare providers, wherein the individual does not elect Restricted Reporting. With an Unrestricted Report, the victim may be safeguarded with a Military Protective Order (MPO)[60] and qualifies for services under the Victim Witness Assistance Program (VWAP).[61] Specific information about Unrestricted Reports is disclosed only to those with an official need to know.

Three Unrestricted Reports were received during APY 2008-2009.

2.3. SAPR Program Assessment

STATUS OF 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. The USNA maintains a 24 hour, seven days a week

[57] DoDD 6495.01, Section 4.5, 7 November 2008. 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.
[58] USNAINST 5354.5B, 28 September 2007, Section 11.c. (2).
[59] Some SAVI staff reported that the treatment of the victim during the highly publicized case from two years prior continues to have a lingering and chilling effect on victims' willingness to come forward and report sexual assaults. The USNA has taken steps to address any underlying issues related to this past case, and to promote their commitment to care for victims. For example, there are now SAVI Guides on the USNA football team.
[60] USNAINST 5354.5B, 28 September 2007, ll.j. and 1l.k.
[61] OPNAVINST 5800.7A, 04 March 2008.

(24/7) response capability for victims of sexual assault and has made multiple resources available to encourage victims to report sexual assaults.[62]

The newly appointed SARC is a Captain in the U.S. Navy, and her recruitment and placement was expedited as a result of the Superintendent of the USNA placing a high priority on this position. Unfortunately, the incoming SARC had no overlap with the outgoing SARC. This transition was performed via phone, email and one day of personal contact between the incoming and outgoing SARCs. Despite a three month gap in availability, both incoming and outgoing SARCs took effective steps to ensure that there was no gap in leadership of or service provision by the SAVI Program. The current SARC has received 40 hours of VA training and 10 hours of formal, tailored SARC training from U.S. Navy SAVI Program representatives. In addition to the position as the SARC, she is also an instructor of Ethics at the USNA. This position provides her with an opportunity to share her expertise in the area of human relations and varied forums through which to publicize the SAPR Program to midshipmen.

COMMENDATIONS

The USNA has exceeded the expectations of DoD policy by providing SAVI Guides as peer advocates and by engaging in vigilant oversight of the SAVI Guide Program. This is an innovative practice that other MSAs may consider implementing in their own SAPR programs.

The USNA leadership illustrated its strong commitment to the SAPR Program by ensuring that the SARC position was filled by a high ranking and qualified officer who has sustained the development of the program.

3. USNA RESOURCES FOR VICTIMS OVERVIEW

There are many and diverse resources available to midshipmen stationed at the USNA. An overview and assessment of these resources is listed in the following categories: medical and mental health support, legal support, chaplain support, community collaboration, case management committee, and peer support.

RECOMMENDATION - DoD

The Department of Defense should review its policy regarding peer support programs and revise as determined to facilitate peer support programs at the MSAs.

3.1. Medical and Mental Health Support

Both the MDC and the USNA's Director of Sexual Assault Education and Clinical Services [63] deliver counseling services to midshipmen who identify themselves as

[62] These numerous resources are: the SARC; SAVI Liaisons; SAVI Advocates; SAVI Guides; chaplains; Healthcare Providers; NCIS; and Chain of Command.
[63] A Licensed Clinical Social Worker.

sexual assault victims on intake forms. MDC services also include prevention, training, counseling, and midshipman/leadership consultation. Confidentiality is protected under the Uniform Code of Military Justice (UCMJ) psychotherapist-patient privilege, and records are housed in a secure area of the facility.[64]

The National Naval Medical Center (NNMC) in Bethesda, Maryland performs Sexual Assault Forensic Examinations (SAFEs) for military victims making a Restricted Report. Anne Arundel Medical Center (AAMC) in Annapolis, Maryland also conducts SAFEs for victims making either Restricted or Unrestricted Reports, or when the victim is a civilian. Forensic evidence is stored at the NCIS Consolidated Evidence Facility in Norfolk, Virginia.[65]

3.2. Legal Support

The Commandant's Legal Advisor reports to the USNA Commandant. In addition, there is a legal staff of three Judge Advocates (JAs) assigned to the USNA Superintendent's staff. These legal advisors provide guidance, develop responses, and coordinate actions associated with the legal aspects of sexual assault allegations. The Legal Advisor represents the command, not the victim, [66] and reports sexual assault allegations to the SARC.

A Navy JA provides legal assistance and can serve as a defense counsel to midshipmen. This JA is not in the Commandant's chain of command, but instead falls under the cognizance of the Naval Legal Service Office (NLSO),[67] whose legal assistance attorney maintains an office at the USNA.

Under the VWAP, the Office of the Staff Judge Advocate (SJA) is responsible for ensuring that victims and witnesses understand and are given assistance with exercising their legal rights, as appropriate, during the entire military justice process. [68] The Superintendent's Legal Advisor is also the legal advisor to the SARC, and as such, he currently performs as the Victim Witness Liaison Officer (VWLO) for midshipmen, enlisted personnel, and naval support center at the USNA. An additional resource is the Victim Witness Assistance Coordinator (VWAC), who provides the victim with

[64] Psychotherapist Patient Privilege, Manual for Courts-Martial, M.R.E. 513. Exceptions to Psychotherapist Patient Privilege are listed under M.R.E 513 (d).
[65] DoD policy on the storage SAFE kits can be found in DoDI 6495.02, Enclosure 4, 13 November 2008.
[66] USNAINST 5354.5A, 17 August 2006, Section 10a (6).
[67] The judge advocate providing legal assistance is available to provide privileged legal services to midshipmen. This judge advocate may also be appointed as defense counsel for courts-martial. In cases where this judge advocate faces a conflict of interest, the parent command provides alternate counsel. For example, this judge advocate 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 and at USNA in June 2009 and subsequent emails located in the USNA data-call.
[68] SECNAVIST 5800.11B, 05 January 2006.

information on victims' legal rights, how to exercise such rights, and other available resources.[69]

3.3. Chaplain Support

Chaplains have authority under military law to have privileged, confidential communications with victims of sexual assault. Under Military Rules of Evidence (MRE) 503, a communication from a victim to a chaplain is privileged 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. Every chaplain receives training in chaplain school and periodic refresher training required by DoDI 6495.02. The periodic training is taught annually by a chaplain or a USNA SAPR representative. A chaplain representative is also present at monthly SAVI Program meetings as a resource.

There is currently a chaplain in each of the six USNA battalions who can provide support to sexual assault victims. Midshipmen may make appointments as needed with any chaplain.

3.4. Off-Base Resources

A general Memorandum of Understanding (MOU) exists between the USNA and local police departments, civilian medical treatment facilities, a counseling center, the Young Women's Christian Association (YWCA), and the local state attorney's office. The MOU implements the Anne Arundel County Sexual Assault Response Team (SART) to promote coordination of sexual assault response efforts throughout the County and has been updated to facilitate the sharing of information.[70] Additionally, specific Memoranda of Agreement (MOA) exist with Naval Support Activity Annapolis and the Naval Health Clinic Annapolis to define the response plan for sexual assault incidents. MOUs with the AAMC and the Baltimore-Washington Medical Center (BWMC) in Glen Burnie, Maryland enable these institutions to perform SAFEs for any victim. Also, the USNA Fleet and Family Support Center will notify appropriate personnel should a midshipman report a sexual assault there.

3.5. Sexual Assault Case Management Group (SACMG)

The Sexual Assault Case Management Group (SACMG) is chaired by the SARC and includes representatives from the USNA SAPR staff, NCIS, SJA, Brigade Medical, Chaplain's Office, Fleet and Family Support Center, as well as Victim Advocates. The SACMG is required to meet monthly to review sexual assault response and prevention

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[69] OPNAVINST 5800.7, 30 April 1996.

[70] *Memorandum of Agreement Between Anne Arundel County Police Department, Annapolis Police Department, Anne Arundel Medical Center, Anne Arundel Medical Center, Anne Arundel Abuse Counseling Center, United States Naval Academy, YWCA of Annapolis and Anne Arundel County and Anne Arundel County State's Attorney's Office*, 01 December 2008.

efforts and to assist the SARC in the development of awareness, prevention, and advocacy programs.[71]

3.6. Peer Support

USNA has created a peer support extension in their policy that allows for execution of the SAVI Guide program. As previously mentioned, the SAVI Guide program is institutionalized and a valuable resource to victims of sexual assault.

3.7. Resources for Victims Assessment

STATUS OF COMPLIANCE

USNA is in compliance with DoD SAPR policy.

Outstanding resources for victim care are available and accessible on base, and exceed[72] DoD SAPRO policy. Information outlining the USNA's SAPR Program and available resources is displayed on base in public areas as well as advertised in training materials and intranet-based resources. Local community resources are also available and accessible to midshipmen and are advertised along with USNA resources. SAFEs are available 24/7 and procedures are in place to ensure anonymous storage of evidence for up to one year.

3.7.1. Medical and Mental Health Support

RECOMMENDATION

Since individuals who seek counseling at the MDC rarely immediately disclose that he or she has experienced a sexual assault on the intake form, it is recommended that all counselors are trained to treat sexual assault so that they are prepared to do so when midshipmen present at the MDC for other reasons (i.e., eating disorders, academic difficulties, etc.).

USNA personnel reported that some midshipmen believe that a negative perception exists of those who seek counseling. The MDC has worked diligently to create an inviting atmosphere for midshipmen and to reduce any stigma that might exist regarding its services. This range of services includes nutrition counseling and relaxation time in massage chairs. Fourth Class (freshmen) midshipmen are given a tour of the center during their first summer at the USNA to alert them to the array of services provided by the MDC. In addition, there is a plan to launch a Facebook page for the MDC. Finally, the MDC discreetly offers sexual assault victims group therapy, the existence of which is made known to victims through SAVI VAs. Victims have provided extremely positive feedback about their experiences with the group therapy offered at the MDC, and the Department lauds this is an innovative practice.

[71] USNAINST 1752.2A, Section 7, 13 February 2008.
[72] DoD policy does not require the SAVI Guide Program. This level of peer support is laudable.

Initial medical examination and follow-up treatment for midshipmen victims is available on the USNA grounds for victims who choose not to have a SAFE; however, SAFEs can be performed 24/7 at the NNMC and at the AAMC.[73] MOAs and MOUs exist between the USNA and local community resources and reflect an extensive effort in coordinating victim care. A MOU was recently updated to facilitate the sharing of data to provide the USNA with a more complete picture of the actual number of sexual assault victims by including those only utilizing off-base resources.[74] NNMC staff stated that they have not witnessed any gaps in victim services during APY 2008-2009.

COMMENDATION

MDC's offering of a group-therapy option is an innovative practice that serves to reduce feelings of isolation experienced by victims, especially those who make a Restricted Report. This practice is a valuable victim-support option that other MSAs may consider for replication.

3.7.2. Legal Support

The NLSO JA is a valuable and confidential resource for midshipmen suspected of a sexual assault or a witness to a sexual assault; however, they are not involved in performing any VWLO duties. Allowing the Superintendent's Legal Advisor to perform the duties of the VWLO at USNA is an innovative strategy employed to bridge the gap between the USNA and the VWLO at the Region Legal Service Office at the Naval District Washington during the investigation of Unrestricted Reports.

The current JA performing these duties has been an instructor at the USNA for the last three years and is very familiar with the USNA culture and climate. Should there be a conflict of interest between any of these duties, additional JAs are available at the regional legal office to assist in these cases.

Despite this success, the USNA SAPR staff expressed concern that victims were not receiving information about their legal rights until the Article 32 process had been initiated. This concern was corroborated by interviews with NCIS investigators. Therefore, it is recommended that victims' rights information be communicated to victims as early as possible in the process.[75]

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[73] The Brigade Medical Clinic located within Bancroft Hall provides basic medical care. Anne Arundel Medical Center is located approximately five miles from the USNA, and USNA has entered into an MOA with the hospital to provide care and SAFEs for midshipmen.

[74] *Memorandum of Agreement Between Anne Arundel County Police Department, Annapolis Police Department, Anne Arundel Medical Center, Anne Arundel Abuse Counseling Center, United States Naval Academy, YWCA of Annapolis and Anne Arundel County and Anne Arundel County State's Attorney's Office*, 01 December 2007.

[75] VWAP Support for Victims of Sexual Assault Memorandum, 10 July 2008.

3.7.3. Chaplain Support

Chaplains have privileged communication with victims of sexual assault and are a valued resource. Midshipmen benefit from their accessibility through the battalion chaplain structure and appear to feel comfortable seeking their counsel. In addition to their monthly meeting participation, chaplains have additional communication with USNA SAVI staff and a very productive relationship with mental health personnel at the USNA. When needed, they consult with the SARC or mental health personnel for guidance, while respecting the privileged nature of their communications with midshipmen.

3.7.4. Off-Base Resources

Procedures are in place for victims to receive confidential care at the AAMC. In Restricted Reporting cases, the AAMC will follow USNA procedures and mail SAFE kits to the NCIS Consolidated Evidence Facility for anonymous storage. Although this practice is in place, the program coordinator at AAMC was unfamiliar with the exact process procedures. However, this lack of knowledge did not hindered evidence collection or storage during this APY because no SAFE kits that were performed at AAMC required mailing..

Local rape crisis services are available at the YWCA, which offers confidential counseling. This is an active and collaborative relationship that was strengthened by a day-long training held in April 2009, during which members of the SART gave presentations and shared information about the progress of the USNA SAVI programs. There have also been other instances of collaboration in the form of joint VA and SAVI Guide trainings. The YWCA representative expressed great satisfaction with the level of services the USNA offers sexual assault victims through the SAVI Program. The resources offered by the YWCA are actively advertised at the USNA by the SAVI Program.

RECOMMENDATIONS

The VWLO contact information should be listed as a resource to victims on all published SAVI materials.

The current VWLO should receive SAPR and VWLO training as soon as possible. The VWLO is new to his current position and has yet to receive victim witness assistance training or formal sexual assault prevention and response training.

The USNA SARC should train appropriate off-base hospital personnel on the correct procedures for mailing SAFE kits to the NCIS Consolidated Evidence Facility in Norfolk, Virginia.

The USNA must provide the AAMC with DoD SAFE kits and protocols. They are currently using SAFE kits provided by the state of Maryland, which are different and may not meet DoD standards.

3.7.5. Sexual Assault Case Management Group (SACMG)

The SACMG Assessment found that it is functioning as the policy intended.

3.7.6 Peer Support Program Assessment

USNA's volunteer peer support program, SAVI Guides, is a useful program as long as oversight of the program is properly executed. SAVI Guides are required to alert USNA SAVI Program personnel when a victim makes a report. During APY 2008-2009, 67 midshipmen acted as SAVI Guides. This program is an innovative peer practice that other MSAs may consider implementing in their own SAPR programs.

4. USNA TRAINING AND PREVENTION

The section below contains a summary and analysis of the training and prevention programs at the USNA.

4.1. Training and Prevention Overview

As a part of the SAPR Team, the Training Coordinator is responsible for organizing, tracking, and assisting in the development of SAPR training for the USNA and the NAPS. This position is centrally located at the USNA and reports to the SARC.[76]

The cornerstone of the USNA SAPRO Program's training initiatives is the Sexual Harassment and Assault Prevention Education (SHAPE) Program, which focuses on broadening midshipman awareness of sexual harassment and assault. The SHAPE Program approaches the subject matter as both a cultural and leadership issue, and utilizes a small-group, discussion-based format to deliver trainings. Third and Fourth Class midshipmen (e.g., sophomores and freshmen) receive four one-hour peer education sessions per year, and First and Second Class midshipmen (e.g., seniors and juniors) receive two one-hour peer education sessions per year, with incorporation of additional material into corresponding leadership and legal classes. Additionally, each class receives a tailored guest speaker presentation which can last between one and two hours, which is followed by peer education sessions and discussions. In this manner, the SHAPE Program employs a tiered approach, is explicitly aligned with the four-year USNA leadership curriculum, and reinforces established victim response protocols and supportive approaches.[77]

The BSL is tasked with developing and supporting Brigade prevention efforts to include in company training by SAVI Guides and Brigade-wide awareness efforts. The SARC and BSL also ensure that SAVI Program information is provided to other Commandant's

[76] USNAINST 5354.5B, 28 September 2007, Section 10.a. (5).
[77] COMDTMIDNINST 1752.1D, 21 April 2009.

staff and USNA personnel who work directly with midshipmen.[78] The USNA faculty, staff, and police are trained annually on reporting procedures, confidentiality, and resources. SAVI Guides serve as peer educators for sexual assault awareness training during Company Officer training time. The BSL supervises and instructs the SAVI Guides on training topics and lesson planning. Healthcare providers are also trained on the topics of definitions, incident processes, reporting options, confidentiality, SAPR Program organization, and victim resources.

To ensure that the SHAPE Program is achieving its desired outcomes, the USNA has performed anonymous surveys of midshipmen to gauge their retention of training materials. In addition, its Leadership, Ethics, and Law Department has hired a full-time faculty member who will oversee the development of an empirical evaluation of the SHAPE Program's effectiveness. This faculty member will devote 20 percent of her time to assisting the SARC with the SHAPE Program's evaluation and development.

USNA participated in Sexual Assault Awareness Month (SAAM) 2009 with the launch of the *Our Strength is For Defending* outreach campaign, which is the cornerstone of DoD's sexual assault prevention strategy. The SAPR Program leadership and staff also held a 5K Support Run/Walk followed by a picnic for all midshipmen to raise their awareness of SAAM and the SAPR Program. Junior Officer forums distributed and displayed SAAM posters, shirts, and other promotional materials

4.2. Training and Prevention Assessment

STATUS OF COMPLIANCE

USNA is in compliance with DoD SAPR policy.

The SHAPE Program is an innovative, comprehensive, and integrated approach to sexual assault prevention and response education. The program makes an outstanding contribution to DoD's collective efforts to support the development of innovative approaches to the issue of sexual assault prevention. Of note, the SHAPE peer education model is strongly supported by the midshipmen population. Approximately 400 midshipmen auditioned to fill 120 peer educator slots for APY 2009-2010. SAVI personnel reported that midshipmen viewed this as an opportunity to demonstrate leadership and commitment to the USNA community.

Some USNA staff expressed concern that the subject of healthy relationships is not addressed in USNA training and felt that such discussions could assist midshipmen in differentiating healthy relationships and sexual behaviors from those that are abusive. Although this is a complex issue given the no-fraternization rules at the USNA, the SAPR Program should consider how it could address these issues in ongoing trainings.

[78] Ibid.

The USNA's enthusiastic participation in the *My Strength is For Defending* campaign and SAAM is commendable, as is its innovative use of an athletic event and Brigade-wide barbecue picnic as its prime means to raise awareness of SAAM and the SAVI Program.

5. USNA SAPR PROGRAM OVERSIGHT

The section below contains a summary and analysis of USNA SAPR program oversight.

5.1. Oversight Overview

Oversight of the components of the USNA SAPR Program is the responsibility of the SARC. As previously mentioned, the SACMG is chaired by the SARC and includes representatives from the USNA SAPR staff, NCIS, SJA, Brigade Medical, Chaplain's Office, Fleet and Family Support Center, as well as Victim Advocates. The SACMG reviews sexual assault response and prevention efforts and assist the SARC in the development of awareness, prevention and advocacy programs. NCIS and the Legal Office have independent oversight by the Navy Inspector General (IG). Additionally, NCIS is overseen by the DoD Inspector General's Office of Investigative Policy and Oversight. The quality of medical care is ensured by USNA's military treatment facility Chief of Staff, and the USNA Chief of Chaplains supervises the activities of chaplains assigned to the base.

5.2. Oversight Assessment

Appropriate mechanisms are in place both at Navy Headquarters and the USNA to ensure oversight of the effectiveness of the sexual assault prevention and response program at USNA.[79]

COMMENDATIONS

The USNA's efforts to implement an empirical evaluation strategy of the SHAPE Program are laudable, and will likely be useful for all MSAs as they seek to measure their respective SAPR programs' effectiveness.

The USNA's SHAPE program is at the cutting edge of prevention work in the United States. Their use and choice of outside experts to develop the curriculum is to be commended.

RECOMMENDATION

The USNA should consider the development of a training module on healthy relationships for midshipmen that respects the traditions of the USNA, provides guidance on healthy relationships, and illustrates how to set effective boundaries.

STATUS OF COMPLIANCE

USNA is in compliance with DoD SAPR policy.

[79] Based on review of the data-call and site visits, June 2009.

6. USNA MILITARY JUSTICE

The section contains a summary and analysis of the military justice system at the USNA to include the following: overview, APY 2008-2009 reports, Unrestricted Report case disposition, and assessment.

6.1. Military Justice Overview

In the case of an Unrestricted Report, NCIS investigates all allegations of sexual assault at USNA, and gathers evidence for use in legal proceedings. NCIS maintains a central facility in Norfolk, VA, wherein it stores SAFE kits taken during a Restricted Report for up to one year. A sexual assault victim has the option to participate in an investigation but is not required to do so.[80] The USNA police and security personnel are on hand to secure crime scenes and triage emergency services, but do not assume the primary role in investigating allegations of sexual assault of midshipmen. Unrestricted Reports are referred to NCIS, which maintains a Resident Agency at the USNA. At USNA, NCIS is typically notified of a sexual assault allegation by the SARC. NCIS command, control, and reporting are independent of USNA leadership. Trial Counsel is provided by the Region Legal Service Office, Naval District Washington, located at the Washington Navy Yard, Washington D.C. The services of a VWLO are also available to victims.

The Superintendent's Legal Advisor reports to the USNA SJA and coordinates with the SARC on sexual assault matters. He or she represents USNA command, not the victim. Additional attorneys are available to provide midshipmen with legal assistance and defense.[81] The Legal Advisor provides legal information and advice; develops legal responses; and coordinates legal actions associated with sexual assault allegations.[82]

[80] Victims may sign an NCIS Preference Statement declining their participation with the investigation.
[81] The Legal Representative 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 subjects involved in sexual assault courts-martial or for victims who are accused of collateral misconduct. 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 in June 2009.
[82] USNAINST 5354.5B, 28 September 2007, Section 10.a. (6).

6.2. Reports of Sexual Assaults Involving Midshipmen: APY 2008-2009

USNA APY 2008-2009 REPORTS OF SEXUAL ASSAULT (To include rape, sodomy, indecent assault, and attempts to commit these offenses BY or AGAINST MIDSHIPMEN)	APY 2008-2009 Totals
USNA NUMBER OF UNRESTRICTED REPORTS OF SEXUAL ASSAULT	3
USNA NUMBER OF RESTRICTED REPORTS OF SEXUAL ASSAULT	5
USNA NUMBER OF TOTAL REPORTS OF SEXUAL ASSAULT - UNRESTRICTED AND RESTRICTED	*8*

There were five Restricted Reports and three Unrestricted Reports involving midshipmen made during APY 2008-2009. Cases identified above represent only those sexual assault cases reported to USNA officials. Based on last year's DMDC *MSA Gender Relations Survey*, there are likely to be many more incidents of sexual assault that are not reported. However, as no such survey was conducted this year, there is insufficient data to estimate the level of underreporting that may have occurred during the APY, nor is there sufficient information to estimate the incidence and prevalence of sexual assault at USNA during the APY.

6.3. Unrestricted Report Case Disposition

Three Unrestricted Reports were received during APY 2008-2009. Of these reports, one investigation was pending at the time of this assessment, and the other two were completed. In the pending case, the accused is a civilian who is not affiliated with the Department of Defense. This case is being pursued in the civilian justice system, and the midshipman victim is receiving on-going support from the SAVI Program, as confirmed in interviews with SAVI staff. The first closed case involves two midshipmen and was originally reported as a sexual assault case. It was later converted to a sexual harassment charge after being investigated by NCIS. The second closed case involved an active duty officer subject and a midshipman victim.[83] Charges were preferred on the officer, but an Article 32 hearing found insufficient evidence for court-martial. The case was subsequently dismissed.

6.4. Military Justice Assessment

6.4.1 Navy Criminal Investigative Service (NCIS)

The SARC and NCIS investigators have a very good working relationship, with SARC involvement typically occurring from the outset of every investigation. The NCIS takes part in monthly case management meetings, and procedures are in place

STATUS OF COMPLIANCE

USNA is in compliance with DoD SAPR policy.

[83] The officer subject's command was the Convening Authority (CA), since the incident occurred in the subject's residence in San Diego, CA.

for evidence collection and storage for both Restricted and Unrestricted Cases. Importantly, investigators recognize that the Restricted Reporting option allows victims to access care confidentially. They strongly agree that receiving care is critical to victims of sexual assault and, with prompt care and support, more victims are likely to participate and assist with investigative efforts.[84] When requested by victims, NCIS investigators at the USNA allow VAs to accompany victims during the interview.

6.4.2. Other Military Justice Matters

During the DoD assessment visit, investigators were asked for anecdotal feedback of why victims may not choose to participate in the military justice process. They believe it is due to the loss of victim privacy and vulnerability to the "midshipman rumor mill." Essentially, midshipmen do not desire the command or their peers to think differently of them because he or she reported or experienced a sexual assault.[85] Investigators have also received reports that originated with a victim telling a peer (e.g., roommate, friend) about an experience of sexual assault. That peer then reports to someone within the chain of command, who in turn reports the crime to NCIS. When their crime has been disclosed by a third party, victims often decline to participate in the investigative process, effectively halting an investigation. This situation does not aid the victim or the criminal justice system. Thus, requiring Service members to report all instances of crime to command causes unnecessary release of victim information to NCIS, which creates confusion among the command and responders on what is the right course of action in these instances.

RECOMMENDATION-DoD

The Department should consider revising its policy to allow anyone who receives information of a sexual assault, and who is outside the chain of command, to be permitted to report the incident to the SARC in lieu of the chain of command and criminal investigators.

Investigators are providing and explaining the contents of the Department of Defense Form 2701, "Initial Information for Victims and Witnesses of Crime," to sexual assault victims; however, investigators should also provide the victim's contact information to the base VWLO immediately in order for the VWLO to engage the victim as soon as possible.[86]

RECOMMENDATION

The NCIS should provide the VWLO with sexual assault victim contact information in order to engage the victim as soon as possible after the report is received.

As previously mentioned, the Trial Counsel is provided by the Region Legal Service Office, Naval District Washington. The outgoing Senior Trial Counsel has received training on the unique aspects

[84] Based on on-site interviews with NCIS personnel, June 2009.
[85] This observation was reported by several USNA personnel.
[86] Ibid.

of handling sexual assault cases, and his replacement has also received the required specialized training.[87] Based on discussions with the Trial Counsel, the USNA SAVI Program and the sexual assault victims it serves receive ample support from the Region Legal Service Office.

7. USNA CHAIN OF COMMAND

The section below is a summary and analysis of the chain of command's contributions to the SAPR program at the USNA.

7.1. Chain of Command Overview

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

7.2. Chain of Command Assessment

USNA leadership has clearly demonstrated its commitment to preventing and responding to sexual assault. The SARC, a US Navy Captain, has a direct line of communication to the Superintendent of the USNA, and SAPR training and education are priorities for leadership. The Commandant had a visible presence during SAAM and also ran in the SAAM 5K Run-Walk.

STATUS OF COMPLIANCE

USNA is in compliance with DoD SAPR policy.

COMMENDATION

USNA Command has clearly demonstrated its commitment to the SAVI Program by ensuring its sustainability through its active participation, provision of adequate resources, and hiring of highly qualified personnel.

Command emphasis on constant evaluation and improvement of the SAVI Program resulted in the recent re-organization of the program and the addition of staff and a faculty member to support the program. The Civilian Sexual Assault Prevention and Intervention Specialist was promoted to the position of Director of Sexual Assault Education and Clinical Services to oversee programming, including SHAPE. An additional Training Specialist position was created to manage the SHAPE Program and contribute to curriculum development and training. A full-time civilian faculty member position was created in the Leadership, Ethics, and Law Department, with twenty percent of duties dedicated to sexual assault prevention and response.

[87] Prosecuting Sexual Assault Cases course provided by NJS.

8. USNA ADDRESSING VICTIM COLLATERAL MISCONDUCT

The section below contains a summary and analysis of how victim collateral misconduct is addressed at the USNA.

8.1. Victim Collateral Misconduct Overview

Leadership Responsibility Counseling (LRC) is administered to sexual assault victims who, at the time of the incident, may have committed policy or regulation infractions, such as underage drinking. The goals of such counseling are to encourage reporting and minimize the potential for re-traumatization. LRC is provided when recommended by the SARC and is done in coordination with the VA, the Legal Advisor, and the MDC. LRC is administered after the case has been adjudicated for the accused and within no less than four 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.[88]

Counselors selected to conduct LRC 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 victim privacy; warning signs that a victim is not ready for the counseling; and counseling from a leadership perspective.[89]

8.2. Victim Collateral Misconduct Assessment

The LRC Program addresses the need for corrective action where collateral misconduct has occurred. The program, as offered by the USNA, balances the need for individual discipline, and the need to create an environment that supports sexual assault reporting.

9. USNA ACADEMIC PROGRAM YEAR 2009-2010 PLAN OF ACTION

The section contains a summary and analysis of the APY 2009-2010 SAPR Plan of Action at the USNA.

9.1. USNA APY 2009-2010 Plan of Action Overview

In APY 2009-2010, USNA's plan for sexual assault and harassment prevention and response includes:

[88] COMDTMIDNINST 1752.1D Encl. (4), 21 April 2009.
[89] Ibid.

- Continued roll-out of the SHAPE Program with the addition of peer education to Second Class midshipmen in APY 2009-2010;
- Continued data collection and empirical analysis of the effectiveness of the SHAPE Program;
- Sustained data-driven curriculum refinement, including establishment of a partnership with the Leadership, Ethics and Law Department to integrate a portion of SHAPE concepts into the Second Class leadership and First Class law courses; and
- Acclimation of new faculty member within the Leadership, Ethics, and Law Department who will devote twenty percent of time to SHAPE curriculum development, program evaluation, and incorporation of data driven approaches to SAPR programming.

9.2. USNA APY 2009-2010 Plan of Action Assessment

USNA leadership has clearly demonstrated continued commitment to the SAVI Program through sustained, dedicated, and innovative efforts. The USNA plan for APY 2009-2010 reinforces the policies of both DoD SAPRO and USNA SAVI Program. Further, it builds upon past successes, yet also implements cutting-edge program evaluation strategies into its planning and the SHAPE Program execution. It incorporates efforts to improve and refine the program so that it meets its population's evolving needs and implements promising practices. If successful, the program evaluation strategy will enable USNA to consistently measure the effectiveness of the SAVI and SHAPE Programs and use outcome data to guide their evolution. The USNA's willingness to share its successes and lessons learned with other MSAs will further support the cross-Service improvement of the DoD SAPR Program. The recommendations contained in this assessment are intended to contribute to this young program's record of success.

F. United States Naval Academy: Sexual Harassment Program Assessment

1. DEFINITION OF SEXUAL HARASSMENT

The definition of sexual harassment is promulgated in the U.S. Naval Academy (USNA) Instruction 5354.5B, *Prevention and Deterrence of Sexual Harassment, Misconduct and Assault*, dated September 28, 2007.

2. SEXUAL HARASSMENT POLICY

The USNA's sexual harassment policy is promulgated in USNA Instruction 5354.5B, and USNA Instruction 5354.1A, *Command Managed Equal Opportunity (CMEO) Program*, dated February 9, 2009.

3. PROGRAM OVERVIEW

The USNA sexual harassment program is consistent with Department of the Navy policy and closely parallels the fleet CMEO Program. Elements of the USNA's sexual harassment program include:

- Comprehensive prevention and response awareness training and education;
- 24 hours a day, seven days a week (24/7) response and support;
- Sexual Harassment Response Team;
- Multiple paths for reporting, which include Brigade, Battalion, and Faculty and Staff CMEO;
- Environment that encourages incident reporting;
- Prompt, thorough investigative procedures;
- Immediate and continuous support of victims; and
- Case resolution and follow-on counseling.

4. PROGRAM ORGANIZATION

The USNA sexual harassment program includes the following personnel:

- USNA Superintendent;
- Commandant of Midshipmen;
- Commanding Officer of the Naval Academy Preparatory School (NAPS);

- Equal Opportunity Advisor (EOA);
- CMEO Manager(s);
- Assistant CMEO Manager(s); and
- Advocate(s).

5. EDUCATION

The USNA has implemented a very extensive awareness education program titled Sexual Harassment and Assault Prevention Education (SHAPE). SHAPE is a measured approach that is provided to all midshipmen; class specific; and is phased over a four-year period. It employs Midshipmen Peer Educators who are specifically trained to facilitate sexual harassment prevention and intervention discussions. SHAPE Peer Educator duties include providing awareness and prevention training at the Brigade, Class, Battalion, and Company levels. The annual SHAPE curriculum consists of four contact hours for both Third Class and Fourth Class midshipmen to attend, supplemented by a guest speaker or presentation each year. SHAPE will also be delivered to First Class and Second Class midshipmen in Academic Program Year (APY) 2010 and 2011, respectively. By APY 2012, all classes will receive four contact and/or academic curriculum course hours of SHAPE as well as a class specific guest speaker or presentation.

6. INCIDENT REPORTING AND INVESTIGATIONS

Grievance procedures are outlined in USNA Instruction 5354.1A and are in accordance with Chief of Naval Operations (OPNAV) Instruction 5354.1F, *Navy Equal Opportunity Policy*. A summary of reporting and investigations follows:

- Four informal sexual harassment complaints involving midshipmen were filed and resolved at the USNA from June 1, 2008 to May 31, 2009; and
- There were no formal complaints involving midshipmen filed over the reporting period.

7. ASSESSMENT RESULTS

Assessment highlights for the USNA sexual harassment program include the following:

- Since the last DoD assessment in 2007, the USNA has examined the Sexual Assault Response Coordinator (SARC) appointment policy as recommended and has revised its policy. The USNA is now in compliance with DoD Directive 1350.2; the DoD Military Equal Opportunity (DMEO) Program; and OPNAV Instruction 5354.1F.

- Midshipmen are receiving both initial and follow-up training pertaining to sexual harassment and complaint procedures. The SHAPE Program is a very innovative and effective approach to providing sexual harassment and assault education.
- Due to recent staff rotations, the USNA is, at the time of this assessment, without a dedicated EOA or CMEO. The Staff and Faculty EOA, a commissioned officer at the rank of O-4, has been temporally assigned the collateral duty to provide services if required. These vacancies have not been an issue to date as there were very few midshipmen at the facilities during the time period of this assessment; however, once the fall term begins, these vacancies may cause significant problems when trying to resolve grievances or provide victim services.

8. RECOMMENDATION

The following is a recommendation for the USNA sexual harassment program:

- Identify full-time replacements for the EOA and CMEO positions as soon as possible.

G. United States Naval Academy: DMDC Focus Group Sessions

1. OVERVIEW

Focus group sessions were conducted at the United States Naval Academy (USNA) between April 20-23, 2009. Six broad-area questions were asked dealing with: reporting sexual assault and sexual harassment, characteristics of offenders, factors influencing gender-related behaviors, sharing information about sexual assault, training and education, and recommendations for decreasing sexual assault and sexual harassment. Eight focus group sessions were conducted. Each session was scheduled for a 90-minute period. There was one male and one female session held for each class year. Each session had between nine and sixteen 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.

2. HIGHLIGHTS

Highlights of DMDC focus group sessions findings at the USNA include:

2.1. Reporting Sexual Assault and Sexual Harassment

When asked to distinguish between Restricted and Unrestricted Reporting of sexual assault, most focus group participants correctly identified the confidentiality aspects of Restricted Reporting and the investigative aspects of Unrestricted Reporting. The majority of focus group participants agreed that having the two reporting options is beneficial to victims because Restricted Reporting provides victims time to seek help to deal with their physical condition and emotions before involving authorities. Participants offered numerous reasons why students might not report an incident including not thinking the behaviors experienced were serious enough to report, feeling humiliation over the experience, not wanting to get the offender in trouble, and protecting one's USNA reputation. Focus group participants indicated that high-profile USNA sexual assault cases from several years ago still impact students' willingness to come forward over incidents of sexual assault. Focus group participants agreed that they would trust authorities to keep a Restricted Report of sexual assault confidential. They indicated that when a victim tells a peer, including a Sexual Assault Victim Intervention (SAVI) representative, their privacy might be compromised. Information and rumors about an assault spread quickly among students. Other focus group participants disagreed that any report could be kept completely confidential. When asked about the extent of stalking and sexual harassment at the USNA, focus group participants indicated that stalking is rare, most likely engaged in by socially awkward students through Facebook

or by observing someone. The USNA has its own form of stalking called "mid stalking" that results from readily available information in the USNA online locator system. Sexual harassment in the form of crude and offensive behavior (i.e., inappropriate jokes and comments) is common. Focus group participants indicated that joking becomes harassment when it is directed at a specific person and is dependent on the context. Focus group participants indicated that sexual harassment is not reported for fear of standing out or appearing to be different from other students.

2.2. Characteristics of Sexual Assault Offenders

Focus group participants indicated that sexual assault offenders are most likely to be fellow students, because they are limited in their interaction with people outside of the USNA. In addition, people who are socially awkward, have a sense of arrogance about them, or allow alcohol to affect their reasoning might be more likely to be offenders. Focus group participants noted that students at the USNA function under higher standards than they perceive among typical college students; although in some cases the USNA students might act like other college age students, such as getting a girl drunk to have sex and not considering the behavior as wrong.

2.3. Factors Influencing Gender-Related Behaviors

Focus group participants agreed that stalking and sexual harassment are potential precursors of sexual assault. Focus group participants indicated that there is a culture of respect for fellow students except in instances where joking gets out of control and makes some people uncomfortable. Students sometimes exhibit sexist attitudes (e.g., women do not belong at the USNA), but the perception is not prevalent throughout the USNA and most often arises in situations where men and women have different physical standards. Focus group participants indicated that sexist attitudes among male students can change through experience working with women and these issues are addressed in their training.

2.4. Sharing Information About Sexual Assault

Focus group participants agreed unanimously that their senior leadership is dedicated to preventing sexual assault. Evidence of this dedication is the frequent briefings, placement of a SAVI guide in each company, and support for the Sexual Harassment and Assault Prevention Education (SHAPE) program. Focus group participants indicated that the concept of victim blaming, whereby people attribute a victim's behavior as contributing to an assault, was addressed in their SHAPE training. Focus group participants indicated that there is a belief among students that some women "cry rape" to avoid punishment for violations or when they regret having sex. Focus group participants indicated that someone who lies about experiencing sexual assault would not necessarily be formally disciplined but would suffer from the actions of their peers. Such reaction from peers affects people's willingness to report an incident.

2.5. Training and Education

Focus group participants indicated that they receive sexual assault and sexual harassment training on a regular basis. Their training addresses steps for protecting themselves from potentially dangerous situations and emphasizes watching out for each other. The training that is well received and makes the most impact is interactive and scenario-based, including guest speakers and skits. SHAPE training is generally regarded as informative and effective. Training that is presented as PowerPoint briefings or training that is excessively negative is viewed by focus group participants as not effective. Focus group participants suggested that student attentiveness to training could be improved if training were conducted in smaller groups with the opportunity for discussion. Because the USNA environment is generally safe, continued awareness training is beneficial to remind students of dangers when they are away from campus.

2.6. Recommendations to Decrease Sexual Assault and Sexual Harassment

When asked what more Academy leadership might do to decrease sexual assault, the majority of focus group participants indicated that the USNA is already taking many positive steps with regard to both prevention and response. They indicated the focus of leadership is on helping a victim, and that is where they believe the emphasis should be placed. Focus group participants indicated the SHAPE program is effectively sensitizing students to the nature of offensive behavior. Participants also indicated that the USNA is doing a good job of informing students about sexual assault and providing resources. In addition to actions being taken by USNA leadership, focus group participants indicated that students also need to bear responsibility for establishing a culture that fosters proper gender-related behavior, using judgment in avoiding questionable situations, and refraining from spreading rumors about alleged sexual assaults.

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

1. INTRODUCTION

The United States Air Force Academy (USAFA) has clearly demonstrated commitment to its Sexual Assault Prevention and Response (SAPR) Program through sustained and dedicated efforts. The USAFA has continuously refined and improved its policies, procedures, and processes that are designed to prevent and respond to sexual assault. The result of these efforts is an outstanding program that strives to incorporate evidence-based best practices to improve victim care and support, increase reporting, and hold offenders accountable through a fair judicial process. Additionally, the USAFA demonstrates commendable practices that should be considered for replication by other U.S. Military Service Academies (MSA).

In 2009, the Higher Learning Commission accreditation panel highlighted the USAFA's comprehensive array of student support services, to include SAPR initiatives, as "exemplary." An overview of the USAFA's SAPR Program, and our assessment of its quality and compliance, are detailed in the following report. Policy compliance was measured against the DoD Directive (DoDD) 6495.01, *Sexual Assault Prevention and Response Program*, dated November 7, 2008, and DoD Instruction (DoDI) 6495.02, *Sexual Assault Prevention and Response Program Procedures*, dated November 13, 2008.

The section below contains a summary, an analysis, and a discussion of the USAFA SAPR Program to include the following: program overview, overview of victim resources, training and prevention, oversight, military justice, chain of command, addressing victim collateral misconduct, and Academic Program Year (APY) 2009-2010 Plan of Action. Assessments of these topics include commendations, which are intended to highlight best practices, and recommendations for future action.

2. USAFA SEXUAL ASSAULT PREVENTION AND RESPONSE (SAPR) PROGRAM

The section below contains a summary and analysis of the USAFA SAPR Program to include the following: overview, reporting types, and assessment.

2.1. SAPR Program Overview

The USAFA SAPR Program is administered by the USAFA Vice Commandant of Cadets for Culture and Climate (CWP) on behalf of the Superintendent of the USAFA. The Sexual Assault Response Coordinator (SARC)[90] responds to all allegations of sexual assault involving any USAFA personnel and ensures appropriate agencies are notified for appropriate action.[91] 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 the USAFA, the ART is divided into two tiers: Tier 1 is for immediate responders and Tier 2 is for consultation and long-term case management.[92]

USAFA maintains its response capability via its full-time SARC, Assistant SARC, and two full-time civilian Victim Advocates (VAs). In addition to the Cadet Wing, the SARC is responsible for the Air Base Wing, the Preparatory School, and the United States Air Force (USAF) Initial Flight Screening Program at Pueblo, Colorado, which is a geographically separated unit.[93] The SARC and the civilian VAs are responsible for sexual assault reports from the entire military population assigned at USAFA. There are no volunteer VAs at USAFA as there are at other USAF installations.

The USAFA SAPR Program's stated mission is to develop officers, airmen, and civilians of character through victim support, prevention, education, and training as well as to motivate and foster a character-based, wingman culture that promotes the Air Force's core values. The USAFA aggressively and strategically promotes a victim-centered, integrated sexual assault response program, benefiting from command awareness, engagement, and support. All personnel interviewed had a thorough knowledge of the relevant program and policy components and appeared to be very dedicated to ensuring its successful implementation.

2.2. Reporting Types

Initial reports are made directly to the SARC or assigned VA. Unless a victim declines assistance, the SARC or the VA provides the victim with information on the sexual

[90] AFI 36-6001, 29 Sep 2008, Sexual Assault Prevention and Response Program.
[91] There are also an assistant SARC and two full time Victim Advocates.
[92] 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 USAFA Counseling Center, Security Forces, Chaplains, OSI, medical group, and legal representatives and members from the Prep School. (Per the HQ USAFA/JA SAPRO Materials binder, Tab 6, provided in data call.)
[93] There are approximately 2,000 active duty Airmen attached to the Air Base Wing, which is now receiving 150 first term Airmen into the support Wing. The USAF Initial Flight Screening Program has approximately 200 1st Lieutenants per class. They conduct flight screening for up to 1900 USAF officers annually.

assault response process, including the options of Unrestricted and Restricted Reporting. They also provide information on available healthcare, including a Sexual Assault Forensic Examination (SAFE) for the collection of evidence.[94] The VA and SARC monitor cases through final disposition and resolution, while ensuring the victim's well-being and health concerns are addressed.

2.2.1. Restricted Reporting

Restricted Reporting is an option for victims to 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 cadet and military victims who report to a SARC, VA, or healthcare provider. As soon as a report is made, the SARC assigns a VA, and together, they meet with the victim. The role of the SARC and the VA is to explain available options and resources as well as support the victim through the reporting process regardless of which option he or she chooses.[95] The victim may also reveal a sexual assault to a chaplain. Although this is not a Restricted Report under DoD SAPR policy, it may be a communication that is privileged under military law.[96] Within 24 hours of receipt of a Restricted Report, the SARC notifies the USAFA Vice Commandant of Cadets for CWP and the USAFA Vice Superintendent that a Restricted Report was made. The SARC provides only non-identifying information to the CWP and the Vice Superintendent.[97] 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.[98] Under the Restricted Reporting option, investigation, apprehension, and prosecution of the alleged offender is not possible.

Restricted Reporting is a viable option for cadets at the USAFA, as evidenced by eight cadets choosing to file a Restricted Report during APY 2008-2009. Of note, USAFA personnel stated that two of these victims were initially going to convert their Restricted Report to an Unrestricted Report, but they decided against doing so based on the outcome of a recent court-martial at the USAFA.[99]

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[94] As explained in AFI 36-6001, Chapter 2.
[95] DoDD 6495.01, Section 4.5, 7 November 2008. 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.
[96] AFI 36-6001, 29 Sep 2008, Sexual Assault Prevention and Response Program, 3.1.7.3
[97] 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.
[98] Commanders may not investigate a reported sexual assault incident based on this information.
[99] In this case, the accused was acquitted, and USAFA staff reported that the perception existed within the cadet population that the victim had lied about being sexually assaulted.

2.2.2. Unrestricted Reporting

An Unrestricted Report is any report of a sexual assault made through normal reporting channels: the victim's chain of command; military or civilian law enforcement; the Air Force Office of Special Investigations (AFOSI); the SARC; or healthcare providers wherein the individual does not elect Restricted Reporting. Should an Unrestricted Report of a sexual assault be initially made to someone other than the SARC or VA, the SARC is immediately notified to ensure the victim receives the best care.

There were no Unrestricted Reports of sexual assault received in APY 2008-2009.

2.3. SAPR Program Assessment

The USAFA cadet sexual assault reporting procedures 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. The USAFA maintains a 24/7 response capability for victims of sexual assault.

STATUS OF COMPLIANCE

USAFA is in compliance with DoD SAPR policy.

The DoD SAPR policy may at times challenge the USAFA's ability to provide victims with comprehensive support and advocacy due to required limitations placed on information sharing under the Restricted Reporting option. Some victim service providers at the USAFA reported that they find it difficult to communicate with professors and other interested parties on a victim's behalf. For example, when a cadet's academic performance or class attendance suffers after a sexual assault, some USAFA staff struggle to advocate academically for the victim because they may not disclose the reasons behind a cadet's changed behavior. This is not only a challenge for the USAFA but for all MSAs and Service components.

COMMENDATIONS

The USAFA should continue its aggressive publication of the differences between, and benefits of, the Restricted and Unrestricted Reporting options in materials and briefings provided to cadets.

With the inherent challenges of Restricted Reporting at all MSAs, as well as across the entire DoD, the USAFA has developed creative and innovative approaches to address victim's challenges and issues surrounding Restricted Reporting without compromising victim confidentiality.

In response to this challenge, the USAFA Vice Commandant of Cadets for CWP serves as an ombudsman who can, within the range of communications allowed for Restricted Reports, confidentially manage cross-functional issues affecting victims. Examples of these issues could include, but are not limited to, academic performance or class attendance. As each

victim faces unique challenges, the ombudsman is positioned to provide confidential services and support as appropriate to advocate for the victim.

The USAFA is in full compliance with DoD policy requirements and has taken clear steps to address obstacles to reporting (e.g., management of victim's collateral misconduct, aggressive publication of the two options, maintaining a 24-hour response capability) in a manner that is consistent with optimal victim care standards. Despite these efforts, the Unrestricted Reporting option has not been utilized by any cadet during APY 2008-2009. Anecdotal information provided by USAFA staff indicates that at least one cadet chose to retain their Restricted Report status due to the widely held and vocalized opinion within the USAFA cadet population that the victim associated with the court-martial in 2009 lied about her sexual assault allegation. USAFA personnel expressed concern that this perception may have a "chilling effect" on the program by decreasing the number of Unrestricted Reports, thereby hampering the USAFA's efforts to hold offenders accountable for their crimes.

At the outset of the investigation that led to the court-martial mentioned above, the Commandant of the USAFA appropriately provided a message to the Cadet Wing where, in part, he reminded the cadets that everyone is innocent until proven guilty as well as that all parties were to be treated with dignity and respect. While this kind of statement is to be commended, when the court-martial concluded in the acquittal of the accused, no corresponding follow-up message had been conveyed to the Cadet Wing (at the time of the assessment). The immediate release of such a message that reminded the cadet population to treat each other, the victim, and the accused with dignity and respect may have helped lessen the negative impact on the victim and fostered a climate of respect for all parties involved.

RECOMMENDATION

USAFA Command should continue to proactively release messages to the Cadet Wing via training venues that strongly advise all cadets to treat each other with dignity and respect. This would include both cadets who are outside observers of sexual assault cases within the military criminal justice process as well as those who participate in the process as either defendants or victims.

In addition, feedback from USAFA cadet DMDC focus group participants indicates that a lack of understanding of the military justice process persists in the cadet population, and that there is a need for further legal education about the meaning of case outcomes. For example, a verdict of "not guilty" under the Uniform Code of Military Justice (UCMJ) means that the government failed to successfully overcome the presumption of innocence, and does not necessarily mean that a victim lied about the sexual assault allegation in his/her report or testimony. Imparting this and other nuances of the military justice process to cadets may minimize the common misperception of the victim as a liar simply because the accused was found not guilty. The reports that two victims cited the current climate as the reason they chose to file Restricted Reports rather than Unrestricted Reports, coupled with

focus group feedback that a victim blaming culture exists to some degree at the USAFA, collectively indicate that the circumstances described above may play a significant role in the lack of Unrestricted Reports for APY 2008-2009. The USAFA must continue its efforts to create a climate of confidence in both sexual assault reporting options and the military justice process.

While the current program model provides excellent support to victims, we must highlight that there are no trained volunteer VAs at the USAFA. With the added duties posed by servicing the expanding Air Base Wing, the Preparatory School, and the USAF Initial Flight Screening Program, the two full-time VAs may be stretched too thin across the installation.

RECOMMENDATIONS

USAFA personnel should strategize how best to educate the Cadet Wing on the fact that a "not guilty" verdict means that the burden of proof of the accused's guilt beyond a reasonable doubt was not met.

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

3. USAFA RESOURCES FOR VICTIMS OVERVIEW

There are many and diverse resources available to cadets stationed at the USAFA. An overview and assessment of these resources are listed in the following categories: medical and mental health support, legal support, chaplain support, community collaboration, case management committee, and peer support.

3.1. Medical and Mental Health Support

Medical care for a victim of sexual assault at the 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 immediately contacts the SARC. The SARC counsels the patient concerning available reporting options and ascertains if the victim chooses to make a Restricted or Unrestricted Report. Notifications are made according to a checklist for either type of reporting, but no personally identifying information is disclosed in the case of a Restricted Report. Patients may choose to undergo or decline a Sexual Assault Forensic Examination (SAFE) at Memorial Hospital in Colorado Springs with both Restricted and Unrestricted Reporting.[100] If a SAFE kit is conducted, then AFOSI takes the kit as evidence. SAFEs from Restricted Reports are given an anonymous identifier by the SARC to protect the victim's identity.

[100] 10 MDG Instruction 44-32, 11 April 2006. A Sexual Assault Nurse Examiner is available at Memorial Hospital.

Medical and mental health care resources are readily available and widely advertised to USAFA cadets. Counseling services are available at the Mental Health Clinic and the Peak Performance Center, the USAFA's cadet counseling center. These services are currently being utilized by some sexual assault victims. Medical care is available on base to victims, such as well-woman exams, sexually transmitted infection tests, and pregnancy tests. Formalized procedures are in place for providers to notify the SARC when victims disclose an incident at a medical or a mental health care provider. Procedures are also in place for SAFEs in both Restricted and Unrestricted Reports. SAFE kits are performed off base at Memorial Hospital and coordinated with the SARC and AFOSI. Procedures for Memorial Hospital's provision of medical care to victims, forensic evidence collection, and coordination with relevant USAFA personnel are outlined in the Memorandum of Agreement (MOA), which was signed by the Superintendent on November 4, 2006. Current USAFA facilities do not allow for a Sexual Assault Nurse Examiner (SANE) to perform a SAFE at the clinic on base.

3.2. Legal Support

There is a legal liaison available within the Office of the Staff Judge Advocate's (SJA). The Legal Liaison for SAPR issues serves as a resource for all ART members, including SARC, VAs, hospital personnel, and investigators. At the USAFA, this position is referred to as the "JA Liaison assigned to the ART." USAFA policy also allows for the utilization of the JA Liaison as a part of the Tier I ART. The JA Liaison also performs victim witness assistance duties.

The JA Liaison provides much needed legal advice to the SARC and assists victims in exercising their legal rights and navigating the military justice process.

3.3. Chaplain Support[101]

There are nine full time chaplains assigned to the cadet area and one command chaplain on the Superintendent's Staff. Five reserve chaplains are at the USAFA during the summer to assist with the orientation of incoming freshmen. When a cadet requests to see a chaplain, the standing policy is that a meeting will take place within 24 hours of the initial request. Chaplains are specifically assigned as a liaison to the ART. All incoming chaplains receive sexual assault response training and are qualified to assist cadets who report being sexually assaulted. Chaplains also provide aggregate, non-identifying data to the command regarding sexual assault victims who sought their counseling advice.

[101] Chaplains have authority under military law to have privileged 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.

3.4. Off-Base Resources

An MOA between the USAFA and the Memorial Hospital was signed on November 4, 2006. The MOA defines the procedures that civilian SANEs must follow when conducting medical and forensic examinations for USAFA personnel who are victims of sexual assault. A patient transfer agreement between Memorial Health System and the 10th Medical Group, the USAFA's clinic, was established in 2006 for the purpose of transferring and receiving patients at each facility.[102]

Additional mental health resources are available through an MOA that was signed on November 4, 2006 between the USAFA and Trust, Education, Safety, Support, Action (TESSA), a local sexual assault and domestic violence crisis center. The MOA authorizes the provision of confidential advocacy, group or individual therapy, safe housing, and/or other services depending on the victim's needs and interests. This organization also makes information about the SARC, the Family Advocacy Program (FAP), and other support resources available to USAFA victims of sexual assault.

3.5. Case Management Committee

The ART, chaired by the SARC, meets bimonthly, or as required for emergent cases, to: review Unrestricted Reporting cases; improve reporting; facilitate victim updates; discuss process improvements; and ensure system accountability and victim access to quality services. The group membership includes the SARC, VA, AFOSI, Security Forces, Medical Group (including mental health, family advocacy, Peak Performance Center, Cadet Clinic, and Acute Care Clinic), chaplains, JA, the Preparatory School, 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 Reporting. The committee reports weekly to the USAFA Vice Commandant for CWP, who is a Vice Wing Commander equivalent, and may make recommendations for program improvements.[103]

3.6. Peer Support

USAFA's Personal Ethics and Education Representative (PEERS) Program is a volunteer-based organization that provides cadet-to-cadet mentoring. PEERS members are trained to listen, evaluate, and refer cadets to appropriate services and resources. PEERS augment the USAFA SAPR Program by providing supervised training on the

[102] Patient Transfer Agreement sample provided at Tab 26, USAFA master binder, SAPRO data-call, 17 April 2007.
[103] AFI 36-6001, 29 Sep 2008, Sexual Assault Prevention and Response Program, 2.3.5.7

topic. USAFA's SARC is a designated faculty supporter and resource for the PEER Program.[104]

3.7. Resources for Victims Assessment

3.7.1. Medical and Mental Health Support

STATUS OF COMPLIANCE

USAFA is in compliance with DoD SAPR policy.

Excellent resources exist and are readily available to victims of sexual assault both on campus at the USAFA and in the external community of Colorado Springs.

Most of these resources are aggressively advertised to all cadets,[105] and relevant personnel interviewed were knowledgeable about the program, their role in sexual assault prevention and response, and appeared to collaborate with one another as ART members. It was evident that these personnel make themselves accessible to cadets seeking care and counsel about how to cope with and report a sexual assault.

USAFA personnel reported that some cadets fear that a negative perception exists of those who seek assistance from the Peak Performance Center. Specifically, some cadets are concerned that their chain of command would be notified if they attend the counseling center, and claim that this discourages them from seeking assistance on base. Further feedback indicates that they believe such information could negatively impact their standing at the USAFA or future career opportunities. However, it should be noted, that this perception is inaccurate as the chain of command is only notified in cases where a cadet has given permission for the counselor to speak with them.[106]

RECOMMENDATION

The USAFA should continue to strategize ways to reduce the stigma perceived by cadets who seek counseling services from the Peak Performance Center. This might involve the revision of procedures for visiting the counseling center, or increasing cadet education regarding the benefits and services the Peak Performance Center provides. USAFA leadership should continue to encourage all cadets to use the Center's services.

Personnel and leadership are keenly aware of the stigma that counseling services carry among USAFA cadets. In February 2009, the USAFA changed the Counseling Center's name to the "Peak Performance Center" to mitigate this negative perception, and

[104] Based on USAFA data call and briefing.

[105] USAFA publicizes its SAPR resources through a variety of means, including its ongoing training for cadets and personnel, all printed materials and websites for cadets, and SAPR program literature placed in common areas and installation restrooms.

[106] Exceptions may apply to this policy. Command is only notified under exceptions to MRE 513, in cases where a cadet's mental health problems make them unfit or unsuited for continued Air Force duty, or if the cadet were a danger to self or others.

encouraged cadets to use the myriad of services available to them at the Center. This is a commendable first step to changing cultural norms surrounding help-seeking at the USAFA, and such concentrated efforts should continue.

3.7.2. Legal Support

While the previous assessment recommended that a full-time legal officer be assigned to the ART, one has not been assigned. Nevertheless, SAPR personnel indicate the currently assigned JA Liaison has been providing superb support to both the USAFA SAPR Program and victims. JA's excellent support to the ART may be more personality driven than structurally driven. The continuation of this high level and quality of support may as well be dependent on the personality of the next JA Liaison. The current JA Liaison is scheduled to rotate to another assignment.

COMMENDATIONS

The current USAFA policies regarding the ART should remain in place to include the position of the JA Liaison as currently performed.

Information sharing between the Chaplain and the Superintendent regarding non-identifying, aggregate data about sexual assault incidents known to the Chaplaincy is a benchmark process. This provides information to the ART that would otherwise remain unknown.

3.7.3. Chaplain Support

Chaplains have privileged communication with victims of sexual assault and are a valued resource. Their contact information is published to USAFA cadets, and chaplains' offices are strategically placed near locations that cadets frequent to allow easy yet discreet access to their services. Although not required, chaplains aid the Superintendent by providing aggregate data regarding sexual assault victims who sought their counseling advice. This provides valuable input to the ART's efforts to track sexual assault reporting trends. USAFA personnel reported that chaplains have received privileged communications regarding sexual assault incidents due to the fact that some victims believed that the chaplain's office could provide them with the counseling and care that they needed.[107] When victims disclose that they have been sexually assaulted, chaplains give them the SARC's number, describe the services that are available, and offer to accompany them should they decide to report to the SARC. Chaplains play a crucial role as a counseling resource to cadets and bridge a gap in service that results from the stigma of other formal counseling options.

3.7.4. Off-Base Resources

USAFA's community collaboration efforts would benefit from increased attention and strategic usage. USAFA has made progress addressing the Community Collaboration

[107] Involving the SARC and more official reporting processes seemed an intimidating prospect for some cadets, according to USAFA staff.

recommendations made in the prior report.[108] Inclusion of these relevant community members in USAFA SAPR functions and initiatives improves overall communication and is likely to increase service usage among cadets. In spite of these efforts, cross training opportunities and information sharing among relevant TESSA and Memorial Hospital staff and the USAFA were lacking at the time of this assessment. Many of the representatives of these community-based institutions were fairly new to their positions and were unaware of when trainings were being held at the USAFA. Despite this gap, community personnel enthusiastically endorsed the USAFA's program as being very effective. However, it was found that due to community organization staff turnover, relevant personnel at both TESSA and Memorial Hospital were not aware that MOAs existed between the USAFA and their institutions or of what these agreements entailed. It was unclear how many cadets accessed TESSA's services during the APY 2008-2009, and few efforts have been made to publicize TESSA as an option for support and care for sexual assault victims. In spite of not being aware of the existence of the formal MOA, Memorial Health System's internal policy requires that they contact installation SARCs for victims who identify themselves as military members.

The USAFA values community collaboration and provided documentation of its efforts to engage off-base resources and institutions. For example, the CWP is an active member of TESSA's board of directors and attends meetings regularly. The USAFA consistently issues invitations to community organizations such as local high schools, universities, and police departments in addition to the other front-range bases to attend guest speaker lectures and training. Further, USAFA SAPR personnel attend and present at local community forums such as Community Collaboration for Substance Abuse, AFOSI Regional Conferences, Air Force Space Command Conferences, Young Men's Christian Association (YMCA), Military Spouses Appreciation Day, and VA trainings.

RECOMMENDATION

The USAFA should improve its efforts to communicate and coordinate with its community partners to leverage these resources more effectively. Inclusion of these relevant community members in USAFA SAPR functions and initiatives may improve overall communication and increase service usage among cadets.

3.7.5. Case Management Committee

The SART model is considered a best practice in the civilian community, and its positive effect on victim reporting, victim satisfaction, quality of evidence collected, and charging rates is validated by empirical research.[109] The ART is an example of this model of

[108] *DoD Annual Report on Sexual Harassment and Violence at the U.S. Military Service Academies: APY 2006-2007*, p. 79, December, 2007.
[109] Nugent-Borokove; Fanflik; Troutman; Johnson; Burgess; O'Connor. "Testing the Efficacy of SANE/SART Programs: Do They Make a Difference in Sexual Assault Arrest & Prosecution Outcomes?" American Prosecutors Research Institute, Washington, D.C., 2006.

sexual assault response and clearly strengthens the support received by victims at the USAFA.

Each member of the ART is an active participant and appeared to demonstrate support for the spirit of the USAFA SAPR Program. Notably, the JA Liaison created a *USAFA Sexual Assault Information Guide*, which informs victims, their families, and stakeholders about the military justice process and clearly explains each step. It could easily be adapted and used at other MSAs.

COMMENDATIONS

The Sexual Assault Information Guide developed by the JA Liaison is a promising practice and can be tailored for other MSAs.

USAFA leadership strongly supports the mission and activities of the ART, a promising practice that other MSAs may consider adopting.[110]

4. USAFA TRAINING AND PREVENTION

The section below contains a summary and analysis of the training and prevention programs at the USAFA.

4.1. Training and Prevention Overview

The USAFA administers ongoing SAPR training to all cadets and ART members based on a recurring annual training plan.[111] The SARC assists the commander in meeting annual training requirements, conducting newcomer and orientation briefings, and providing community education about available SAPR services.[112]

The requirement for annual and periodic mandatory SAPR education and training at the USAFA is implemented through the SARC, with assistance from the Peak Performance Center. Training events are structured using a four-year, developmental plan and are delivered throughout the APY. 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 and has recently included the development of a "Cultural Change Campaign." The objective of this initiative is to create and embed a culture of respect for human dignity that does not tolerate sexually assaultive behaviors at the USAFA.

[110] USAFA Instruction 51-202, 17 March 2005.
[111] USAFA Sexual Assault Prevention and Response Program Curriculum APY 2009, USAFA Sexual Assault Awareness and Prevention Training Plan, USAFA master binder, SAPRO data-call, Tab 1, page 1.
[112] AFI 36-6001, 29 Sep 2008, Sexual Assault Prevention and Response Program, 2.3.5.7.

4.2. Training and Prevention Assessment

STATUS OF COMPLIANCE

USAFA is in compliance with DoD SAPR policy.

The USAFA has maintained and refined an extensive training curriculum to promote awareness of SAPR policies.[113] Measures are in place to ensure qualification of instructors and responsible points of contact, effective training for all cadets, and availability of appropriate resources. A notable percentage of cadets enter the USAFA with histories of prior sexual victimization.[114] This means a robust training and outreach program is especially important for this population. Throughout their time at USAFA, cadets receive 110 hours of respect for human dignity and social development instruction, which includes sexual assault related topics.

COMMENDATION

The USAFA training and prevention programs evidence an exemplary level of effort and achievement. Sustained investment and support in these areas are the primary means by which culture change is achieved.

The training in the USAFA's *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 accounts that do not have clear "right" or "wrong" answers. Additional training includes: "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 Peak Performance Center also participates in the deployment reintegration process when personnel return to the USAFA. The USAFA PS training also includes the USAFA SAPR policy, the reporting process for cadet candidates, and focused training for faculty.

RECOMMENDATION

The USAFA should continue to strengthen its cross-training with local community resources on each other's roles, the roles of command, the Military Justice process, the military's policies and procedures respecting the USAFA SAPR Program as well as pertinent aspects of military culture and customs.

Additional training takes place with other personnel at the USAFA.[115] For example, conversations with program personnel indicated that staff clearly

[113] See *Report on Sexual Harassment and Violence at the U.S. Air Force Academy, Academic Program Year 2008*, 16 December 2008, for complete list.
[114] For instance, for the class of 2012, 5% of males, and 29% of females reported histories of prior sexual victimization.
[115] USAFA Sexual Assault Prevention and Response Program Curriculum APY 2009, USAFA Sexual Assault Awareness and Prevention Training Plan, USAFA master binder, SAPRO data-call, Tab 1, page 1.

understood the components of the SAPR policy and fully support its intended outcomes. The USAFA has made outstanding efforts to institute 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 and policy cards; SARC posters; and informational plays. The USAFA also participated in Sexual Assault Awareness Month (SAAM) 2009 with the launch of its "Red Flag" campaign, which is a public education and outreach effort designed to address sexual violence and promote prevention efforts.

The USAFA has many on-going, innovative initiatives to address culture, climate, ethics, and personal education. In addition, it holds a Women's Forum to provide opportunities for education and discussion around SAPR topics. As previously mentioned, the USAFA has instituted a "Cultural Change Campaign" to create both a climate of respect for people and a culture of candor regarding issues of sexual violence. As part of this effort, the Human Relations Training and Education Program integrates training on available resources or "helping agencies" for discrimination issues, diversity awareness, respect and responsibility, and managing diversity into the core USAFA cadet curriculum. A "Social Norming Campaign," was created to assess and promote cadet norms for responsible, healthy, and protective behaviors related to gender relationships. Dr. David Lisak, a nationally recognized sexual assault researcher and training expert, recently labeled the USAFA's initiatives collectively as a "benchmark program" that has illustrated innovation and cooperative approaches that should be considered by other institutions for implementation. Further, the USAFA's training and prevention program supports DoD's larger social marketing campaign by emphasizing bystander intervention and tailoring the campaign to the culture and needs of its Cadet Wing.

The APY 2006-2007 DoD Assessment recommended the following:

> *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.*

Interviews with newly assigned representatives of local civilian resources disclosed they were unaware of any cross-training efforts. As previously mentioned, representatives of TESSA and Memorial Hospital enthusiastically support future cross-training initiatives with the USAFA.

COMMENDATION

The USAFA use of the ART as a tool of prevention as well as response is exemplary, and is an effective method of capitalizing on the expertise and resources of the team. This is a practice that other MSAs should consider adopting.

Finally, the ART makes significant contributions to prevention efforts as well as to serve as response team. For instance, when ART members identified unlocked dorm room doors as playing a common

and key role in recently reported sexual assaults, they determined that cadet safety was at risk due to cadets not consistently following the USAFA's locked door policy. In response, the USAFA ordered campus law enforcement to ensure all doors were securely locked, thereby addressing one observed risk factor for sexual assault on USAFA grounds.

5. USAFA SAPR OVERSIGHT

The section below contains a summary and analysis of USAFA SAPR program oversight.

5.1. Oversight 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 is the primary Headquarters Air Force focal point for reporting on program accomplishments. The Superintendent and Commandant provide local oversight, serving as active champions of the program. The Vice Commandant of Cadets for CWP is functionally responsible for the USAFA SAPR Program and ensures that adequate resources are available. The SARC reports directly to the Vice Commandant for CWP and supervises the ART.

The AFOSI has independent oversight by the Air Force Inspector General and the DoD Inspector General's Office of Investigative Policy and Oversight. 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 sexual assault as needed, except those matters related to the administration of military justice. The Judge Advocate General (TJAG) is responsible for ensuring proper training of JAs to include specialized training in sexual assault matters. TJAG is the responsible official for administration of the Victim and Witness Assistance Program (VWAP). 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.

5.2. Oversight Assessment

STATUS OF COMPLIANCE

USAFA is in compliance with DoD SAPR policy.

Appropriate mechanisms are in place both at Headquarters Air Force and the USAFA to ensure oversight of the effectiveness of the USAFA SAPR

Program.[116] Outcome measurements have been developed and are now in place to measure the cadets' commitment to individual responsibilities, warrior skills, and knowledge of the Profession of Arms and the Human & Physical World, all of which are part of the USAFA's core values. The resulting data is then analyzed to inform areas addressing the cadet's core values, responsibility, skills, and knowledge. The resulting findings are then integrated into the cadets' core curriculum and Outcome Alignment Plan, which spans four years of their education.

In addition to reviewing Unrestricted Reports, the monthly meetings of the ART served to provide overall program oversight of the USAFA SAPR Program implementation in addition to its role in Unrestricted Report case management. As there were no Unrestricted Reports during APY 2008-2009, the monthly meetings were utilized primarily as a tool to review trends and monitor program progress, and problem-solve when necessary.

COMMENDATIONS

The USAFA should continue to develop and refine its measures of program effectiveness, as such program monitoring tools that are crucial to tracking progress, identifying trends, and mitigating programmatic challenges. This is an innovative and promising practice that other MSAs may consider adopting.

The USAFA should continue to use the expertise of the ART as a program management resource as well as a case management body, when appropriate and feasible. The use of ART meetings as a program monitoring tool is an innovative practice and yielded valuable information about ways to improve safety at the USAFA.

6. USAFA MILITARY JUSTICE

The section below contains a summary and analysis of the military justice system at the USAFA to include the following: overview, APY 2008-2009 reports, unrestricted case disposition, and assessment.

6.1. Military Justice Overview

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

[116] Based on review of the data call and site-visits in April 2009.

The Office of the SJA has a Chief of Military Justice who assists in advising commanders on case dispositions. The SJA normally appoints a member of his or her office as a Trial Counsel to prosecute appropriate cases and further advise commanders on the specific sexual assault case to which he or she is assigned. Two local area defense counsels, who are independent from the Office of the SJA and the command structure, are also present at the USAFA to defend cadets accused of sexual misconduct.

6.2. Reports of Sexual Assaults Involving Cadets: APY 2008-2009

USAFA APY 2008-2009 REPORTS OF SEXUAL ASSAULT (To include rape, sodomy, indecent assault, and attempts to commit these offenses BY or AGAINST CADETS)	APY 2008-2009 Totals
USAFA NUMBER OF UNRESTRICTED REPORTS OF SEXUAL ASSAULT	0
USAFA NUMBER OF RESTRICTED REPORTS OF SEXUAL ASSAULT	8
USAFA NUMBER OF TOTAL REPORTS OF SEXUAL ASSAULT - UNRESTRICTED AND RESTRICTED	*8*

Cases identified above represent only those sexual assault cases reported to USAFA officials. Based on last year's DMDC *MSA Gender Relations Survey*, there are likely to be many more incidents of sexual assault that are not reported. However, as no such survey was conducted this year, there is insufficient data to estimate the level of underreporting that may have occurred during the APY, nor is there sufficient information to estimate the incidence and prevalence of sexual assault at USAFA during the APY. During APY 2008-2009, there were no Unrestricted Reports and eight Restricted Reports made to authorities.

6.3. Unrestricted Report Case Disposition

There were five Unrestricted Reports disposed of during APY 2008-2009. All five cases were initiated during prior APYs.[117] Three cases were adjudicated by civilian jurisdictions, with two of the three cases yielding convictions for sexual assault offenses. The third case was not prosecuted by the involved civilian authorities.[118] One case under USAFA jurisdiction was closed based upon a finding of insufficient evidence by investigative authorities, and the subject was allowed to voluntarily resign from the USAFA.

There was one court-martial during APY 2008-2009, which resulted from a report made during APY 2007-2008. The court-martial resulted in an acquittal of the defendant on all charges.

[117] Because all five cases were initiated during prior APYs, they are not included in Table 6.2.
[118] Although the third case in question did not result in prosecution by civilian authorities, the subject was disenrolled from the USAFA for administrative reasons that arose prior to the sexual assault accusation.

6.4. Military Justice Assessment

6.4.1. Air Force Office of Special Investigations

STATUS OF COMPLIANCE

USAFA is in compliance with DoD SAPR policy.

The USAFA AFOSI detachment is in compliance with DoD SAPR policy and appears very engaged in the sexual assault investigative process. Agents have received all required specialized SAPR training. In addition, the USAFA OSI has a standard procedure for providing victims with information at the time of their statement regarding possible reconciliation of Collateral Misconduct that occurred at the time of the alleged sexual assault.

A review of AFOSI closed case files yielded no undue delays or discrepancies with DoD SAPR policy. Indeed, these case reviews and personnel interviews demonstrated that AFOSI agents handle sexual assault cases with great professionalism and sensitivity.

6.4.2 Other Military Justice Matters

COMMENDATION

The level of support that SJA provided to AFOSI via the JA Liaison was exceptional.

The Office of the SJA is in compliance with DoD SAPR policy. Trial Counsel, Legal Liaison, Legal Assistance Attorney, and Victim Witness Liaison (VWL) responsibilities all fall under the SJA Office's authority.

The USAFA Defense Counsel received initial SAPR program training and specialized Trial Counsel training when they were acting in that capacity but had not received annual training specific to the USAFA. Defense Counsel allows VAs to attend victim interviews.

The SARC, VAs, SJA, and VWL/JA Liaisons make great efforts to provide victims with support through the military justice process, particularly during attorney interviews and at trial. However, this support is not seamless and may be diminished through a practice by the USAFA SJA. For example, the USAFA Office of the SJA uses the term "alleged victims" when interacting with USAFA personnel and when discussing victims in ongoing sexual assault cases. The practice of referring to sexual assault victims as "alleged victims" is inconsistent with how SJA personnel refer to victims of other crimes. This practice should be discouraged. All crime victims have an equal right to be treated with dignity and respect, regardless of the crime they report. The use of the term "alleged" for only sexual assault cases perpetuates victim

RECOMMENDATION-DoD

The Department of Defense should establish a policy prohibiting use of the term "alleged" in official documents, briefings and communications when referring to victims of sexual assault. This practice contributes to victim blaming and further stigmatizes the reporting of sexual assaults.

blaming, the stigma associated with reporting these crimes, and casts doubt about the veracity of the victim's account from the outset of the investigative process.

Based on discussions with program personnel, the USAFA has taken significant steps to strengthen the relationship between the SARC, VAs, JA Liaisons, and VWAP personnel. The USAFA was successful in strengthening the role of the JA Liaison to assist victims in understanding and protecting their legal rights, navigating the military justice system, and updating the training curricula. In turn, this appears to have increased the support that the USAFA offers to victims who report sexual assaults. This is a commendable development.

As previously referenced, the JA Liaison should be commended for developing the *USAFA Sexual Assault Information Guide*. This is a practical tool used to inform victims about sexual assault as a crime; reporting options; medical concerns and recovery; victims' rights; and where to seek help, information, and support.

7. USAFA CHAIN OF COMMAND

The section below is a summary and analysis of the chain of command's contributions to SAPR at the USAFA.

7.1. Chain of Command Overview

USAFA policies guide the chain of command's implementation of DoD SAPR policies and cover victim care provision and offender accountability.

7.2. Chain of Command Assessment

The chain of command appears very committed to supporting USAFA SAPR Program efforts. The SARC has a direct line of communication with a senior commander. The command has applied significant resources to the USAFA SAPR Program in the form of a full-time SARC, Assistant SARC, and two VAs.

STATUS OF COMPLIANCE

USAFA is in compliance with DoD SAPR policy.

8. USAFA ADDRESSING VICTIM COLLATERAL MISCONDUCT

The section below contains a summary and analysis of how victim collateral misconduct is addressed at the USAFA.

8.1. Victim Collateral Misconduct Overview

Commanders are responsible for ensuring the victim's collateral 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 and to include deferring disciplinary action until after disposition of the sexual assault case.[119]

8.2. Victim Collateral Misconduct Assessment

Interviews with USAFA personnel indicated that collateral misconduct issues are appropriately and sensitively handled during the course of sexual assault investigations.

STATUS OF COMPLIANCE

USAFA is in compliance with DoD SAPR policy.

The USAFA AFOSI detachment has a standard procedure for providing information to sexual assault victims about the possible reconciliation of collateral misconduct that victims disclose to the agents. When a victim makes a statement to AFOSI alleging a sexual assault, sometimes he or she discloses violations of policy and/or law that are subject to disciplinary action. Typically, agents do not stop the interview to read a victim his or her rights against self-incrimination for fear it will impede the interview and collection of evidence on the weightier allegation of sexual assault. At USAFA, when a victim discloses collateral misconduct, the AFOSI agent informs the victim of the need to notify the commander, and immediately calls the commander to discuss the collateral misconduct. The agent will then advise the victim of the commander's response. This process keeps the victim fully informed throughout the process. USAFA has found that this process helps victims in their decision making process, assists the SARC/VA in managing the victim's expectations, and builds confidence in the military justice process. It is highly recommended that this practice continue and should be considered a promising practice for possible replication at the other MSAs and among the Services.

COMMENDATION

The USAFA personnel handle collateral misconduct issues appropriately and sensitively during the course of sexual assault investigations.

RECOMMENDATION-DoD

It is recommended that USAFA ART team members continue to explore and innovate ways to support and act as a source of information for victims who are suspected of engaging in collateral misconduct.

[119] 36-6001, 29 Sep 2008, Sexual Assault Prevention and Response Program.

9. USAFA APY 2009-2010 PLAN OF ACTION

The section below contains a summary and analysis of the APY 2009-2010 SAPR Plan of Action at the USAFA.

9.1. USAFA APY 2009-2010 Plan of Action Overview

In APY 2009-2010, USAFA's plan for sexual assault and harassment prevention and response includes:

- The continual refinement of the USAFA SAPR training program based on cadet feedback to better integrate and deliver instruction. The APY 2009-2010 curriculum will continue focus on such subjects as: understanding consent; the link between alcohol and sexual assault; skills for effective bystander intervention; and victim empathy.
- The continuation of contracts with nationally recognized experts in campus safety, security, and high-risk student health and safety issues to better expand and refine programs.
- The continued development of the USAFA's "Social Norming Campaign," which will assess and promote cadet norms for responsible, healthy, and protective behaviors related to gender relationships; stimulate conversations and interactions that encourage and normalize responsible and healthy attitudes and behaviors; and consistently, and across the USAFA, communicate norms and supportive facts to inform and to dispel misperceptions of sexual assault.
- The establishment of new technology leveraging and strategic marketing and communication initiatives to increase communication channels between USAFA SAPR personnel and cadets as well as increase targeted publication of sexual assault policies, resources, and services. Of note, USAFA SAPR personnel are working with the cadet group, Blue Tube, to create an "infomercial" to support its training efforts.
- The development of broad plans to develop and implement a comprehensive and cutting-edge program evaluation methodology, which will allow the USAFA SAPR Program to measure program effectiveness and guide program adjustments.
- The facilitation of ongoing dialogue with all MSAs to share ideas, challenges, and best practices for addressing sexual assault and harassment issues.
- The update of USAFA Instruction 51-201, based on Air Force SAPR Instruction released in September 2008, which will formalize the USAFA SAPR Program and ART processes and procedures.

9.2. USAFA APY 2009-2010 Plan of Action Assessment

The USAFA leadership has clearly demonstrated continued commitment to the SAPR Program through sustained, dedicated, and innovative efforts. The USAFA plan for APY 2009-2010 reinforces the policies of both the Department and the Air Force.

Further, it builds upon past successes, yet also incorporates efforts to improve and refine the program to meet its population's changing needs, and apply promising practices. When completed and successfully implemented, the program evaluation strategy will enable the USAFA to consistently measure the effectiveness of this dynamic program and use outcome data to guide its evolution. The USAFA's willingness to share its successes and lessons learned with all the MSAs will further support the cross-Service improvement of the DoD SAPR Program. The recommendations contained in this assessment are intended to contribute to this young program's record of success.

I. United States Air Force Academy: Sexual Harassment Program Assessment

1. DEFINITION OF SEXUAL HARASSMENT

The definition of sexual harassment is promulgated in Air Force Instruction (AFI) 36-2706, *Military Equal Opportunity (MEO) Program*, dated July 29, 2004, which is Certified Current February 17, 2009.

2. SEXUAL HARASSMENT POLICY

The United States Air Force Academy (USAFA) sexual assault policy is promulgated in Air Force Instruction 36-2706, *Military Equal Opportunity (MEO) Program*, dated July 29, 2004, which is Certified Current February 17, 2009; and the October 2007 memorandum from the USAFA Superintendent.

3. PROGRAM OVERVIEW

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 AFI 36-2706. Elements of the USAFA's sexual harassment program include:

- The primary objective to improve mission effectiveness through command support to promote an environment free from personal, social, or institutional barriers that prevent Air Force members from rising to the highest level of responsibility based on their individual merit, fitness, and capability;
- There is a 10th Air Base Wing/Equal Opportunity (ABW/EO) satellite office located in the cadet area. Response and support available 24/7 in cadet area;
- The 10 ABW/EO regularly attends USAFA/Cadet Wing Program meetings with USAFA leadership;
- The 10 ABW/EO creates quarterly reports and distributes to the Air Force Personnel Center (AFPC)/Equal Opportunity Operations Office (DPQ);
- The 10 ABW/Commander (CC) meets monthly with the EO staff; and
- The 10 ABW/XP monitors the EO Self-Inspection Program and administration of unit climate assessments.

4. PROGRAM ORGANIZATION

The USAFA sexual harassment program includes the following personnel:

- USAFA Superintendent;
- 10 ABW/CC;
- 10 ABW/CV;
- 10 ABW/EO; and
- Cadet Wing EO Representatives.

5. EDUCATION

Initial education for USAFA cadets begins within 30 duty-days of arrival with understanding and prevention of sexual harassment. Instruction conducted by personnel trained at the Defense Equal Opportunity Management Institute (DEOMI). Formal instruction in EO and human relations training is part of a four-year continuous education program during the cadet's academic career. The cadet training program is conducted by the USAFA Cadet Wing Human Relations and Training office.

6. INCIDENT REPORTING AND INVESTIGATIONS

Grievance procedures are outlined in AFI 36-2706 and describe an informal and a formal procedure for addressing sexual harassment complaints. A summary of reporting and investigations follows:

- Between, June 1, 2008 and May 31, 2009, 10 ABW/EO processed no formal sexual harassment complaints;
- During this same period, 10 ABW/EO did process seven informal complaints; and
- The sexual harassment complaints involved inappropriate gestures and jokes.

7. ASSESSMENT RESULTS

USAFA sexual harassment policy is in compliance with Department of Defense (DoD) Directive 1350.2, DoD MEO Program, and AFI 36-2706, *Military Equal Opportunity Program*.

- The 10 ABW/EOs assigned are graduates of the DEOMI, which is in accordance with DoD and Air Force policy;
- USAFA cadets are receiving training on sexual harassment and complaint procedures within 30 duty-days of arrival and in follow-up sessions; and

- USAFA follows the guidance for filing and processing of sexual harassment complaints outlined in DoD Directive 1350.2 and AFI 36-2706.

8. RECOMMENDATIONS

The following is a recommendation for the USAFA sexual harassment program:

- 10 ABW/EO staffing should be monitored closely to prevent extended staffing vacancies or shortages that could impact the quality of service and support provided to the USAFA and Cadet Wing Program.

J. United States Air Force Academy: DMDC Focus Group Sessions

1. OVERVIEW

Focus group sessions were conducted at the United States Air Force Academy (USAFA) between April 7-9, 2009. Six broad-area questions were asked dealing with: reporting sexual assault and sexual harassment, characteristics of offenders, factors influencing gender-related behaviors, sharing information about sexual assault, training and education, and recommendations for decreasing sexual assault and sexual harassment. Eight focus group sessions were conducted. Each session was scheduled for a 90-minute period. There was one male and one female session held for each class year. Each session had 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.

2. HIGHLIGHTS

Highlights of DMDC focus group sessions findings at the USAFA include:

2.1. Reporting Sexual Assault and Sexual Harassment

When asked to distinguish between Restricted and Unrestricted Reporting of sexual assault, most focus group participants correctly identified the confidentiality aspects of Restricted Reporting and the investigative aspects of Unrestricted Reporting. The majority of focus group participants agreed that having the two reporting options is beneficial to victims because Restricted Reporting provides victims time to seek help to deal with their physical condition and emotions before involving authorities. Focus group participants were concerned that Restricted Reporting, while it serves victims' needs, does not allow action to be taken toward stopping or punishing the offender. Participants offered numerous reasons why students might not report an incident including shame, fear of not being believed, fear of impact on their USAFA career, not wanting to relive the incident, and concern over the reaction from other students. When noted that the USAFA had the highest number of reported sexual assaults in the 2009 academic year, focus group participants indicated that reflects a well publicized reporting system that students trust. The majority of focus group participants agreed that they would trust authorities to keep a Restricted Report of sexual assault confidential. Victim privacy is only compromised when the victim tells a peer. When asked about the extent of stalking and sexual harassment at the USAFA, focus group participants indicated that stalking is rare, typically the result of awkward behaviors shown by socially immature students. Sexual harassment in the form of crude and

offensive behavior (i.e., inappropriate jokes and comments) is common. Focus group participants indicated that the rules on fraternization inhibit the more demeaning forms of sexual harassment such as unwanted sexual attention and sexual coercion. Focus group participants indicated that sexual harassment is not reported for fear of the negative reactions from other students.

2.2. Characteristics of Sexual Assault Offenders

Focus group participants indicated that there are few warning signs that would identify sexual assault offenders, but that offenders are most likely to be fellow students or someone the victim already knows. Although it is possible that a USAFA offender might preplan an assault, focus group participants indicated that they believed most sexual assaults to be spontaneous, particularly when alcohol is involved.

2.3. Factors Influencing Gender-Related Behaviors

Focus group participants agreed that stalking and sexual harassment are potential precursors of sexual assault, although exhibiting one form of unwanted behavior does not necessarily lead to the others. Focus group participants indicated that there are no cultural norms at the USAFA that encourage unhealthy sexual attitudes or improper behaviors among students. Focus group participants indicated that there is a culture of respect for fellow students and a general attitude of “brotherhood/sisterhood” among most students. Sexist attitudes (e.g., women do not belong at the USAFA) sometimes occur but there does not appear to be a pattern for those who hold such attitudes.

2.4. Sharing Information About Sexual Assault

Focus group participants agreed strongly that their senior leadership is dedicated to preventing sexual assault. Evidence of this dedication is the numerous posters, announcements via internal emails and Web sites, frequent briefings, and support for the Personal Ethics and Education Representative (PEER) program. Focus group participants also indicated that leadership below the senior level as well as sports staff and faculty are all serious about preventing sexual assault. Focus group participants indicated that they were familiar with the concept of victim blaming, whereby people attribute a victim’s behavior as contributing to an assault. Some male focus group participants indicated that women tend to engage in victim blaming to a greater degree than men. Focus group participants indicated that there is a belief among students that some women “cry rape” to avoid punishment or when they regret having sex. However, most focus group participants thought it unlikely someone would falsely report sexual assault because it would be a violation of the honor code. Focus group participants indicated that in most cases of sexual assault the victim’s version of events and motivations for reporting are questioned by fellow students, affecting people’s willingness to report an incident.

2.5. Training and Education

Focus group participants indicated that they receive sexual assault and sexual harassment training on a regular basis. Their training addresses steps for protecting themselves from potentially dangerous situations and emphasizes the wingman system wherein students are encouraged to watch out for each other. The training that is well received and makes the most impact is interactive and scenario-based, including guest speakers and skits. Training that is presented as PowerPoint briefings by staff and PEERs or training that is excessively negative is viewed by focus group participants as not effective. Focus group participants suggested that student attentiveness to training could be improved through fewer training sessions held in smaller groups with both males and females present. They noted that addressing the role of alcohol in sexual assault would also be beneficial.

2.6. Recommendations to Decrease Sexual Assault and Sexual Harassment

When asked what more Academy leadership might do to decrease sexual assault, the majority of focus group participants indicated that the Academy is already taking many positive steps with regard to both prevention and response. Focus group participants indicated that keeping information about a sexual assault case confidential has helped increase confidence in the reporting system at the USAFA. Focus group participants indicated that continuing education about protecting oneself, their responsibility for intervening in a bad situation, and controlling one's own behavior are important for preventing sexual assault. A few focus group participants indicated that too much emphasis on sexual assault can have a negative impact on reporting by creating a belief that USAFA leadership will overreact.

K. Appendices

1. LAWS RELATED TO SEXUAL ASSAULT PREVENTION AND RESPONSE (SAPR) 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.".

2. LAW, POLICY AND REPORT REFERENCES

2.1. Department of Defense

Defense Manpower Data Center. Service *Academy 2009 Gender Relations Focus Groups*, September 2009

Defense Manpower Data Center. *Service Academy 2007 Gender Relations Focus Groups*, August 2007

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

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*, 04 June 2004

Department of Defense DD Form 2701, *Initial Information for Victims and Witnesses of Crime*, May 2004

DoDD 6495.01, *Sexual Assault Prevention and Response (SAPR) Program*, 07 November 2008

DoDI 6495.02, *Sexual Assault Prevention and Response Program Procedures*, 13 November 2008

Department of Defense. *Task Force Report on Care for Victims of Sexual Assault*, April 2004. p.40.

Department of Defense Victim Witness Assistance Program Support for Victims of Sexual Assault Memorandum, 10 July 2008

Hyun, JK, Quinn, BC, Madon, T, and Lustig, S. (2006) Graduate Student Mental Health: Needs Assessment and Utilization of Counseling Services, *Journal of College Student Development, 47,* 247-266.)

John Warner National Defense Authorization Act for Fiscal Year 2007, Public Law 109-364

Manual for Courts-Martial United States, 2008 Edition

2.2. United States Military Academy: Sexual Assault

Army Medical Command (MEDCOM) Regulation 40-36, *Medical Facility Management of Sexual Assault*, 21 January 2009

Army Regulation (AR) 15-6, *Procedures for Investigating Officer and Boards of Officers*, 02 October 2006

AR 600-20, *Army Command Policy*, 18 March 2008

US Corps of Cadets (USCC) Policy Memorandum 39-03, *Sexual Assault Response Policy*, 07 January 2007

US Military Academy (USMA) Memorandum, *Sexual Assault Review Board (SARB)*, 10 January 2008

USMA Memorandum of Understanding with the Mental Health Association in Orange County, New York, Inc., 15 February 2007

USMA Policy Memorandum 127-07, *Sexual Assault Prevention and Response (SAPR) Program*, 15 May 2007

2.3. United Stated Military Academy: Sexual Harassment

AR 600-20, *Army Command Policy*, 18 March 2008

DA Poster 600-4, *Equal Opportunity/Sexual Harassment Complaint Process*, January 2000

DA Form 7279-R, *Equal Opportunity Complaint Form*, December 2005

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

2.4. United States Naval Academy: Sexual Assault

Chief of Naval Operations Instruction (OPNAVINST) 5800.7A, *Victim and Witness Assistance Program*, 4 March 2008

Commandant of Midshipmen Instruction (COMDTMIDNINST) 1752.1D, *Sexual Assault Victim Intervention (SAVI) Program*, 21 April 2009

Memorandum of Agreement with Anne Arundel County, 01 December 2007

United States Naval Academy Instruction (USNAINST) 1752.2A, *Sexual Assault Victim Intervention (SAVI) Program*, 13 February 2008

USNAINST 5354.5B, *Prevention and Deterrence of Sexual Harassment, Misconduct and Assault*, 28 September 2007

2.5. United Stated Naval Academy: 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

OPNAVINST 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

COMDTMIDNINST 5354.1A, *Equal Opportunity (EO) Program for the Brigade of Midshipmen*, 29 June 2004

2.6. United States Air Force Academy: Sexual Assault

10th Medical Group (10 MDG) Instruction 44-32, *Examinations of Alleged Sexual Assault Victims*, 11 April 2006

Nugent-Borokove; Fanflik; Troutman; Johnson; Burgess; O'Connor, *"Testing the Efficacy of SANE/SART programs: Do They Make a Difference in Sexual Assault Arrest & Prosecution Outcomes?"* American Prosecutors Research Institute, 2006

U.S. Air Force Academy (USAFA) Patient Transfer Agreement, 17 April 2007

USAFA Sexual Assault Prevention and Response Program Curriculum APY 2009, USAFA Sexual Assault Awareness and Prevention Training Plan

U.S. Air Force Instruction (AFI) 36-6001, Sexual Assault Prevention and Response Program, 29 September 2008

2.7. United States Air Force Academy: Sexual Harassment

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*

USAFA VA 36-1, *Equal Employment Opportunity Poster*

2004 United States Air Force Report of Sexual Assault Prevention and Response

3. DEPARTMENT OF DEFENSE DEFINITIONS[120]

3.1. Cross-Training: Refers to a specific training model in which members of a sexual assault response team/community are trained on the roles and responsibilities of other members in order to improve team performance. Such training typically focuses on: explaining the roles and challenges of each discipline; clarifying where coordination among disciplines is needed and how it should occur; building members' understanding of needs, values/beliefs, and practices of the population being served; and allowing responders from one discipline to educate those from other disciplines about the specifics of how they intervene in these cases. [121]

3.2. Sexual Assault: For the purpose of this report and in accordance with DoD Instruction (DoDI) 6495.02, "Sexual Assault Prevention and Response Program Procedures," the term "sexual assault" is defined as intentional sexual contact, characterized by use of force, threats, intimidation, abuse of authority, or when the victim does not or cannot consent. Sexual assault includes rape, forcible sodomy (oral or anal sex), and other unwanted sexual contact that is aggravated, abusive, or wrongful (to include unwanted and inappropriate sexual contact), or attempts to commit these acts. "Consent" means words or overt acts indicating a freely given agreement to the sexual conduct at issue by a competent person. An expression of lack of consent through words or conduct means there is no consent. Lack of verbal or physical resistance or submission resulting from the accused's use of force, threat of force, or placing another person in fear does not constitute consent. A current or previous dating relationship by itself or the manner of dress of the person involved with the accused in the sexual conduct at issue shall not constitute consent.

3.3. Sexual Assault Victim: For the purpose of this report, a "sexual assault victim" is any individual who files a restricted or unrestricted report of rape, forcible sodomy, other unwanted sexual contact that is aggravated and/or abusive, wrongful sexual contact, or attempts to commit these acts.

3.4. Sexual Assault Response Coordinator (SARC): Military personnel, DoD civilian employees, or DoD contractors under the senior commander's supervision, who:

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[120] These definitions, with the exception of the definition of Cross Training, Sexual Assault Victim, and Sexual Harassment, are found in DoDD 6495.01, "Sexual Assault Prevention and Response (SAPR) Program," 7 November 2008. The definition of Sexual Harassment is found in DoDD 1350.2 "Department of Defense Military Equal Opportunity (MEO) Program," 18 August 1995.

[121] Adapted from *A National Protocol for Sexual Assault Medical Forensic Examinations: Adults/Adolescents,* U.S. Department of Justice, September 2004.

3.4.1. Serves as the central point of contact at an installation or within a geographic area to oversee sexual assault awareness, prevention and response training.

3.4.2. Ensures appropriate care is coordinated and provided to a victim of sexual assault from the initial report through final disposition and resolution.

3.5. Sexual Assault Forensic Examination (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.

3.6. 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.

3.7. 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 process unless the victim consents or an established exception is exercised under this Directive. Additional explanation and guidance is provided in DoD Directive (DoDD) 6495.01, November 7, 2008, Enclosure 3.

3.8. 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, November 7, 2008, Enclosure 3.

3.9. 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.

4. ABBREVIATIONS

10 ABW	10th Air Base Wing
10 ABW/ME	10th Air Base Wing Military Equal Opportunity Office
AAMC	Anne Arundel Medical Center
ABW/CC	Air Base Wing Commander
ABW/EO	Air Base Wing Equal Opportunity
ABW/ME	Air Base Wing Military Equal Opportunity Office
ABW/XP	Air Base Wing Plans and Programs
ADC	Area Defense Counsel
AF	Air Force
AF/A1	Deputy Chief of Staff for Manpower and Personnel
AFI	Air Force Instruction
AFOSI	Air Force Office of Special Investigations
AFPC/DPQ	Air Force Personnel Center Directorate of Records Quality Management
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/CDR/CMDR	Commander
CCASA	Colorado Coalition Against Sexual Assault
CCU	Cadet Counseling Unit
CDT	Cadet
CHPWC	Cadet Health Promotion and Wellness Council
CID	U.S. Army Criminal Investigations Command
CMEO	Command Managed Equal Opportunity
CMH	Community Mental Health
COMDTMIDNINST	Commandant of Midshipmen Instruction
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 Courts-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
MCIO	Military Criminal Investigation Offices (i.e. CID, NCIS, OSI)
MDC	Midshipman Development Center
MDG	Medical Group
ME	Military Equal Opportunity
MEDCOM	Army Medical Command
MEO	Military Equal Opportunity
MEOM	Military Equal Opportunity Memorandum
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
MP	Military Police
MPO	Military Protective Order
MTT	Military Transitioning Team
NAVPERS	Bureau of Naval Personnel
NAVREGS	United States Navy Regulations
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
OPNAV	Chief of Naval Operations
OPNAVINST	Chief of Naval Operations Instruction

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 Examination
SAF/MR	Assistant Secretary of the Air Force for Manpower and Reserve Affairs
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 (OSD)
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
SECNAV	Secretary of the Navy
SF	Security Forces
SG	Surgeon General
SHARP	Sexual Harassment and Assault Response and Prevention Office (Army)
SHAPE	Sexual Harassment and Assault Prevention Education
SJA	Staff Judge Advocate Office
SJA	Staff Judge Advocate
TC	Trial Counsel
UCMJ	Uniform Code of Military Justice
USCC	United States Corps of Cadets
USA	United States Army
USAF	United States Air Force
USAFA	United States Air Force Academy
USAFA/CWP	United States Air Force Academy Col Colvin Cadet Climate and Culture
USMA	United States Military Academy
USN	United States Navy
USNA	United States Naval Academy
USNAINST	United States Naval Academy Instruction

UVA	Unit Victim Advocate (Army)/Uniformed Victim Advocate (Marine Corps)
VA	Victim Advocate
VWAC	Victim Witness Assistance Coordinator
VWAP	Victim Witness Assistance Program
VWL	Victim Witness Liaison
YMCA	Young Men's Christian Association
YWCA	Young Women's Christian Association