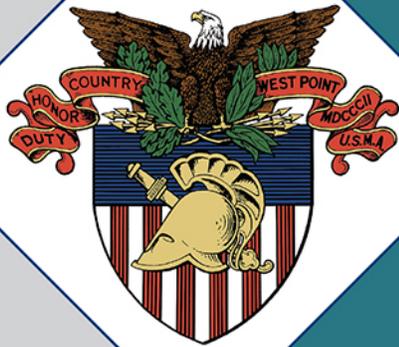


# Appendix A: DoD Assessment of the United States Military Academy



# Appendix A: U.S. Military Academy



## Summary

The Department of Defense (DoD) assessed the United States Military Academy's (USMA) policies, training, procedures, and initiatives for the Sexual Harassment/Assault Response and Prevention (SHARP) program during Academic Program Year (APY) 2016-2017. The Department uses the structure of the 2017-2021 DoD SAPR Strategic Plan to organize its assessment of the SHARP program into five strategic goals. The Department assesses compliance in each strategic goal by comparing USMA's SHARP program to the requirements outlined in the following policies that were applicable during APY 16-17.

- DoD Directive (DoDD) 6495.01, *Sexual Assault Prevention and Response Program*, Incorporating Change 2, January 20, 2015;
- DoD Instruction (DoDI) 6495.02, *Sexual Assault Prevention and Response Program Procedures*, incorporating change 2, July 7, 2015;

### DoD SAPR Strategic Plan Strategic Goals

Goal	Objectives
<b>Goal 1:</b> Prevention	Prevent crime and misconduct before it occurs.
<b>Goal 2:</b> Advocacy/ Victim Assistance	Deliver consistent and effective victim support, response, and reporting options.
<b>Goal 3:</b> Investigation	Achieve high competence in the investigation of sexual assault and sexual harassment.
<b>Goal 4:</b> Accountability	Achieve high competence in holding offenders appropriately accountable.
<b>Goal 5:</b> Assessment	Effectively standardize, measure, analyze, assess, and report program progress.

- DoDD 1350.2 *Department of Defense Military Equal Opportunity Program*, November 21, 2003; and
- DoDD 1020.02E *Diversity Management and Equal Opportunity in the Department of Defense*, June 8, 2015.

Additionally, the Department referenced the following military service and academy sexual harassment and sexual assault policies:

- Army Regulation 600-20, *Army Command Policy*, November 6, 2014
- United States Military Academy Policy Memorandum 127-10, *Sexual Assault Prevention and Response (SAPR) Program*, July 20, 2012
- United States Corps of Cadets Circular 351-2, *New Cadet Handbook*, November 15, 2012
- United States Corps of Cadets Policy Memorandum 11-09, *Equal Opportunity Policy*, July 20, 2012
- United States Corps of Cadets Policy Memorandum 36-09, *Policy on Sexual Harassment*, July 20, 2012
- United States Corps of Cadets Policy Memorandum 46-09, *Equal Opportunity Complaint Procedures*, July 9, 2012

Overall, USMA complies with the Department's policies regarding sexual harassment and sexual assault.

### Overall Status of Compliance:

● **In Compliance**

USMA's programs reflect leadership's oversight and investment. This year, USMA continued efforts to improve sexual assault reporting by cadets and expand the academy's prevention capability.

The Department found sufficient evidence of progress to close previous Secretary of Defense initiatives and action items from prior assessment periods. Previous Secretary of Defense initiatives and action items can be found in the DoD Sexual Harassment and Violence

at the Military Service Academies Report for APY 15-16. The following pages capture observations on USMA's SHARP program by strategic goal. These observations supplement the Department's overarching action items made for all three MSAs in the body of this report.

# Goal 1: Prevention

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USMA is in compliance with the DoD and Army policy requirements for the Prevention goal.

Before expanding their prevention program, USMA took the important step of hiring independent prevention experts to review the academy's prevention activities. The review

commended the Superintendent's public presence on the issue as well as efforts to begin institutionalizing prevention.

For example, leadership established a prevention-working group and committed to hiring a prevention specialist.

## Status of Compliance Goal 1:

### ● In Compliance

## Commendations

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### Using an external company to perform a third-party assessment of prevention

USMA utilized the expertise of an external organization to complete a review of the academy's efforts related to sexual assault. The review provided USMA with valuable insight that academy leadership indicated would be used to further develop their prevention policies, programs, and practices.

## Observations

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### Clarify Cadets Against Sexual Harassment/Assault's (CASHA) role in prevention, improve training quality, and disentangle from academy's response process

CASHA has grown from a small peer organization into a permanent part of USMA's formal sexual harassment and assault education program. The CASHA program is well known among cadets and faculty. Recent changes to how USMA cadets participate in

CASHA have limited its influence with the student body. The DoD on-site visit found that CASHA cadets were no longer volunteering into the program, but rather being assigned to the organization by USMA staff. In addition, assigned CASHA cadets were not receiving the preparation needed to be able to provide persuasive and motivating information vital to the effectiveness of a peer-led group.

Feedback from the *SAGR* (Service Academy Gender Relations) Focus Groups indicated that USMA cadets' opinions on CASHA were mixed; many felt the trainings provided by CASHA members were poor quality, but others indicated the quality of training greatly depended on the skill and experience of the individual facilitator, noting that some CASHA cadets were ill-prepared to perform in this capacity. CASHA cadets could continue to lead training efforts on topics if USMA provides rigorous peer educator training, supervised by well-prepared staff. USMA should also consider reverting to a voluntary approach for CASHA participation.

### Expand TAC Officer and NCO Preparation to support prevention initiatives

The Department recommended that USMA add to the preparation provided to Tactical Officers (TAC Officers) and Tactical Non-Commissioned Officers (TAC NCOs). Currently, TAC Officers earn a master's degree in Organizational Psychology, while TAC NCOs attend a three-week program that addresses similar topics. Given USMA's planned expansion to prevention work, the Department suggested that the Academy also use TAC Officer/NCO preparation time to clearly define their roles, the tools they are to use (e.g., climate surveys), and the skills to be imparted to cadets under their charge.

## Goal 2: Advocacy and Victim Assistance

USMA is in compliance with the DoD and Army requirements for the Advocacy/Victim Assistance Goal.

Sexual Assault Response Coordinators (SARCs) at West Point are assigned to four units: the Garrison Command<sup>1</sup>, U.S. Corps of Cadets (USCC), Keller Army Community Hospital<sup>2</sup>, and the U.S. Military Academy Prep School. The SARCs provide assistance to victims of sexual assault and sexual harassment. The SHARP program manager guides and directs the SHARP program on behalf of the Superintendent. There is also a full-time civilian Sexual Assault Prevention and Response (SAPR) Victim Advocate (VA) assigned to USCC. All SARCs and SAPR VAs are DoD Sexual Assault Advocate Certification Program certified.

### Status of Compliance Goal 2:

#### ● In Compliance

During the past APY, USMA stood up the SHARP Resource Center, which co-locates the USCC SARC and VA in a centrally situated, privately accessible office space in the Cadet Area. Previously, the SARC and SAPR VA were located in different buildings. Further, the SAPR VA was in Taylor Hall, where the offices of the Superintendent and Dean are located. By moving the offices to a more accessible, less observable place, more cadets may have felt comfortable reporting sexual assault allegations.

USMA also took the important step of clarifying its reporting policies. A July 7, 2016, policy letter from the Superintendent acknowledges that victims of a sexual assault may confide in someone about the assault before considering whether to file a Restricted or Unrestricted report. In order to foster an environment that supports the victim throughout the entire process of dealing with an assault,

USMA personnel who interact with cadets in non-chain of command channels such as staff, faculty, or coaches are not required to report the incident. Instead, these personnel should encourage the victim to immediately contact the SARC.

USMA's policy changes are especially relevant considering focus group feedback. Cadets indicated that they are more likely to report to an individual they trust. They often see peers or coaches as more approachable alternatives than someone in the chain of command.

### Commendations

#### SARC provides cadets with a “wellness checkout”

Cadets have the ability to indicate “wellness” in the accountability system if they miss assigned duty due to meeting with SARC, VA, investigative, military justice, or support services related to a sexual assault or sexual harassment incident.

Cadets are encouraged to report “wellness” to minimize the potential for their leadership to ask questions related to the event a cadet missed. This allows victims to keep leaders informed without compromising their privacy.

#### Collaboration with the Inspector General to review retaliation allegations

The Inspector General (IG) at USMA works closely with the SHARP Program Manager to review cases for evidence of retaliation or reprisal. The IG also attends the monthly Sexual Assault Review Board (SARB) and collaborates closely with the SARC on matters related to retaliation and reprisal.

<sup>1</sup> Subordinate of the U.S. Army Installation Management Command (IMCOM)

<sup>2</sup> Subordinate of the U.S. Army Medical Command (MEDCOM)

## Observations

### Ensure SARB attendance is in accordance with policy

The Office of the SJA, Criminal Investigation Command (CID), and the SARC discuss the status of active Unrestricted cases at the monthly SARB meetings and track them until final disposition of the case. If a case has an assigned SAPR VA, he or she should attend the SARB to receive updates about those cases.

The Sexual Assault Review Board or SARB is USMA's version of the Case Management Group which is chaired by the Superintendent.

The Special Victims' Counsel (SVC) should also attend the SARB as indicated by how their client would like to be represented or receive information. If the victim chooses to receive case updates

from the SVC, then the SVC should attend so that the individual updating the victim receives the information first-hand.

### Complete Memorandum of Understanding (MOU) with Westchester Medical Center

Enclosure 8 of DoDI 6495.02 requires a MOU with civilian facilities conducting Sexual Assault Forensic Examinations (SAFE) for DoD. The MOU with the civilian facility must address the processes for notifying the SARC and for contacting the appropriate DoD agency to take custody of evidence collected during the SAFE.

The Department found that a completed MOU with Westchester Hospital is needed. Academy leadership advised that a document is being developed. Given the workload on the USMA Program Manager, SARC, and SAPR VA, one solution might be for the Superintendent to request another SARC garrisoned at USMA to help take the document to completion.

### Ensure administrative records that support Unrestricted and Restricted reporting follow privacy, security, and records management policies

Victims' privacy is of utmost importance. All Academies should ensure that records of sexual assault and harassment are compliant with laws and privacy, security, and records management policies. Any sexual assault case tracking that occurs outside of Defense Sexual Assault Incident Database (DSAID), for the purposes of briefing leadership, should be maintained separately for Restricted and Unrestricted reports. To further protect privacy, all electronic files containing personally identifiable information (PII) should be password protected, encrypted, and stored in systems that appropriately safeguard PII. DSAID is the Department's official database for reporting, managing, tracking, and protecting data drawn from sexual assault reports. Alternate data tracking systems are not authorized for use unless they meet Department standards for protection of personally identifiable information. The Department welcomes any recommendations to improve DSAID and increase user satisfaction with the system.

# Goals 3 and 4: Investigation and Accountability

## Investigation

This assessment does not address investigative policy or sufficiency of criminal investigations. Instead, this assessment addresses how well the academy SAPR program supports and integrates with the criminal investigative process. USMA has policies in place to address sexual assault and sexual harassment allegations. USMA is in compliance with

the Investigation strategic goal.

### Status of Compliance Goals 3 and 4:

● *In Compliance*

The U.S. Army CID office at USMA is responsible for investigations occurring in the garrison, as well as throughout large parts of New England. Interviews with CID agents indicated they make an effort to accommodate the needs of sexual assault victims. They thoroughly explain the investigative process and answer any questions.

Agents investigating sexual assault cases have completed the Army's special victim's course and conduct victim interviews using the Forensic Experiential Trauma Interview technique. From the outset of the investigation process, agents provide victims with the option to have an SVC, SARC, or VA present. CID agents will postpone the interview and connect the victim with the SVC if so requested.

CID coordinates with the SJA throughout the investigation. The CID office also employs an internal review process that concentrates on timely, thorough reporting and investigative efforts. CID provides investigative updates to academy leadership and participates in the monthly SARB meeting as required by policy.

Following Army policy, academy leadership appoints an officer to investigate the complaint in accordance with Army Regulation 15-

6 and Army EO policy. The USCC SARC assists the investigative process by reviewing the complaint and helping the appointed officers craft investigative leads.

There were no Investigation commendations or observations from this year's on-site assessment.

## Accountability

This assessment does not address sufficiency of criminal trials or case dispositions. Instead, this assessment addresses how well the SAPR program supports and integrates with the military criminal justice process. USMA is in compliance with the Accountability Goal.

The on-site assessment found that the SAPR program was well integrated with the criminal justice process. All USMA legal officers received sexual assault legal training at the Army JAG Legal Center and School. The Trial Counsel Assistance Program also provides additional training to the SVC, paralegals, and Victim-Witness assistance personnel throughout the year.

There were no Accountability commendations or observations from this year's on-site assessment.

# Goal 5: Assessment

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USMA is in compliance with the DoD and Army regulation requirements for the Assessment Goal.

## Status of Compliance Goal 5:

### ● *In Compliance*

USMA uses the following activities to obtain data on sexual assault and sexual harassment:

- DSAID
- Integrated Case Reporting System for sexual harassment complaints
- Academy Defense Equal Opportunity Climate Survey
- SAGR Survey
- SAGR Focus Groups

USMA indicates that it also conducts its own surveys of new cadets, fourth class (freshmen), and first class (seniors). For example, there is a general academy culture survey as well as a culture survey for the Club and Corps Squad teams.

The Superintendent and the Commandant also hold monthly sensing sessions to obtain

feedback and provide cadets with their strategic views and other matters.

## Observation

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### Create a centralized data and decision resource

The Department acknowledges that USMA has its own administrative section responsible for collecting and analyzing data. As USMA moves forward with its plans to address the four improvement areas directed by the USD(P&R), collection and analysis of data will become even more important to USMA's progress. The Department notes that USMA would benefit from an identified resource responsible for regularly briefing data and other programmatic outcomes to the Superintendent. This resource's responsibilities includes assembling data from a variety of sources, considering this information in the overall program evaluation, and making recommendations to the Superintendent based on that data.