



## Appendix E: Sexual Harassment Assessment



## Appendix E: Sexual Harassment Assessment

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Sexual harassment has no place in the Department of Defense (DoD). In policy and in practice, DoD strives to provide an atmosphere of dignity and respect for all Service members and an environment free from sexually harassing behaviors. DoD's goal is to provide the highest quality response and to hold offenders appropriately accountable. All Service members who experience sexual harassment should feel free to report the behavior without fear of reprisal or retaliation.

This appendix reports on complaints of sexual harassment received by the Military Services in Fiscal Year (FY) 2021 (FY21), from October 1, 2020 to September 30, 2021.

Though not as impactful as in FY20, the coronavirus pandemic continued to influence Service members' work environments in FY21 by increasing telework and requiring Service members to adhere to DoD health protection requirements, such as social distancing. The full impact of these changes on the prevalence and reporting of sexual harassment remains unknown. However, reporting assistance for Service members facing an experience of sexual harassment remained available throughout the year and regardless of whether the Service member was teleworking or working on-site.

### Definition of Sexual Harassment

Section 1561 of Title 10, United States Code (effective until December 27, 2023) defines "sexual harassment" as conduct that involves unwelcome sexual advances, requests for sexual favors, and deliberate or repeated offensive comments or gestures of a sexual nature when it consists of one of the following and it is so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the environment as hostile or offensive:

- Submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career.
- Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person.
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

In addition, sexual harassment includes any person in a supervisory or command position who uses or condones sexual behavior to control, influence, or affect the career, pay, or job of a Service member or DoD civilian employee and any deliberate or repeated unwelcome verbal comments,<sup>1</sup> or gestures of a sexual nature by any member of the Armed Forces or a civilian employee of the DoD.

### Top Line Results of FY21 Substantiated Complaints

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Subsequent to the conclusion of a commander-directed investigation, complaints of sexual harassment are found to be substantiated or unsubstantiated based on the evidence obtained. In FY21, there were 3,174 complaints of sexual harassment reported by the Military Services. Of those complaints, 972 were substantiated. Of the total substantiated complaints, 602 (62

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<sup>1</sup> Includes behavior conducted through electronic means or social media.

percent) were reported as formal complaints, 341 (35 percent) were reported as informal complaints, and 29 (3 percent) were reported anonymously.

## Oversight Responsibilities

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The DoD Office for Diversity, Equity, and Inclusion (ODEI), under the purview of the Under Secretary of Defense for Personnel and Readiness (USD(P&R)) and Office of Force Resiliency (OFR), is responsible for development and promulgation of policy and procedural guidance for the DoD's Military Equal Opportunity (MEO) Program. DoD's MEO Program provides Department-wide MEO policy, oversight of implementation of and compliance to DoD policy, standardization of training and education, and data collection and analysis of Department-wide military sexual harassment complaints.

## Department Initiatives

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Sexual harassment remains a persistent and corrosive problem across DoD. Although there have been certain improvements and initiatives to address these issues, more is needed to make lasting cultural change. Secretary Lloyd Austin prioritized prevention of sexual assault and sexual harassment, directed the establishment of a 90-day Independent Review Commission (IRC), and ordered three immediate actions<sup>2</sup> to:

- Assess compliance with sexual assault and harassment policies and integrated violence prevention efforts.
- Conduct evaluations at installations.
- Establish a violence prevention workforce.

The IRC conducted an independent, impartial assessment of the military's current programs to address sexual assault and sexual harassment and released 82 recommendations in July 2021. In response to the IRC's recommendations, Secretary Austin signed a memorandum on July 2, 2021, directing:

- DoD to work with Congress to amend the Uniform Code of Military Justice (UCMJ) to create a specialized, independent office to handle the prosecution of sexual assault and other special victim offenses with appropriate legal oversight and guidance from the Office of the Secretary of Defense (OSD), and to add sexual harassment as a named offense in the UCMJ.
- The Services and Department leadership to standardize non-judicial punishment across all Services, to establish a separation process for Service members with substantiated sexual harassment claims, and to professionalize career tracks for lawyers and investigators in sexual assault and other special victim cases.
- The Deputy Secretary of Defense to develop a roadmap for implementation of IRC recommendations.

In response to Secretary Austin's second immediate action, the Department conducted On-Site Installation Evaluations (OSIEs), which highlighted sexual assault prevention and response program execution challenges and the prevalence of multiple risk factors impacting command climate at 20 installations world-wide.

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<sup>2</sup> Secretary of Defense signed the memorandum, "Immediate Actions to Counter Sexual Assault and Harassment and the Establishment of a 90-Day Independent Review Commission on Sexual Assault in the Military," February 26, 2021.

The Department is establishing a new prevention workforce that will work with leaders throughout the military to implement initiatives to reduce experiences of sexual assault, domestic violence, self-harm, and sexual harassment.

On June 25, 2021, President Biden signed Executive Order (EO) 14035, Diversity, Equity, Inclusion, and Accessibility (DEIA) in the Federal Workforce, which recognizes the vital role DEIA plays in cultivating a workforce needed to mitigate the threats of tomorrow. Section 4(b) of EO 14035 required DoD to submit a DEIA Strategic Plan identifying actions to advance DEIA in the workforce and remove barriers to DEIA in the work environment. As part of this plan, DoD incorporated principles, goals, and initiatives designed to create a safe work environment and culture that does not tolerate harassment, including sexual harassment.

Additionally, the Department leverages proactive training and education to support efforts that target risk factors and negative cultures that lead to harassment. As part of these efforts, DoD policies require initial and refresher training that address what harassment is, how to report it, and what support services are available, and ensure training curriculum includes prevention strategies and identifies risk and protective factors.

## DoD Harassment Prevention and Response Policy

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The Department has multiple policies that speak to DoD's measures to address sexual harassment of Service members.

- DoD Instruction (DoDI) 1020.03, "Harassment Prevention and Response in the Armed Forces," February 8, 2018, incorporating Change 1, December 29, 2020.<sup>3</sup> This DoDI:
  - Establishes a comprehensive, DoD-wide harassment prevention and response program,
  - Strengthens the Department's commitment and accountability through oversight,
  - Provides requirements for Military Department harassment prevention and response policies and programs for Service members,
  - Provides training and education requirements and standards, and
  - Requires that substantiated incidents of harassment be annotated on Service member fitness reports or Service-level reporting and tracking system(s), which are reviewed prior to Service member selection for promotion and other favorable personnel actions.
- DoDI 1350.02, "DoD Military Equal Opportunity Program," September 4, 2020.<sup>4</sup> This DoDI:
  - Requires commanders of military commands to conduct command climate assessments (CCA) of Service members to obtain opinions regarding the manner and extent to which leaders respond to allegations of problematic behaviors, including sexual assault, sexual harassment, and prohibited discrimination,
  - Supplements DoDI 1020.03 by providing a specific avenue of redress for prohibited discriminatory harassment based on sex, sexual orientation, and gender identity, and
  - Establishes specific training requirements, to include training on prevention of and response to harassment, retaliation, and sexual violence.

<sup>3</sup> <https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/102003p.PDF?ver=DAAzonEUeFb8kUWRbT9Epw%3d%3d>

<sup>4</sup> <https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/135002p.pdf?ver=2020-09-04-124116-607>

- The DoD Retaliation Prevention and Response Strategy Implementation Plan, January 2017,<sup>5</sup> provides the Department's response efforts for sexual harassment complaints that involve retaliation.

## 2021 Workplace and Gender Relations Survey (WGR) Prevalence of Sexual Harassment

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Sexual harassment continues to impact a significant portion of active duty Service members. In FY21:

- An estimated 28.6 percent of active duty women and 6.5 percent of active duty men indicated experiencing sexual harassment. The rate for women reflects a 4.4 percentage point increase from 2018; however, the rate for men remains statistically unchanged from 2018 when it was 6.3 percent.
- DoD encourages concerns of sexual harassment be resolved at the lowest possible level. Therefore, most sexual harassment concerns are reported to a member of the chain of command and resolved before making a complaint to an assigned Equal Opportunity Advisor or Sexual Harassment/Assault Response Program (SHARP) professional.
- When the Military Services report sexual harassment complaint data to ODEI, it only pertains to complaints that have been filed with Military Equal Opportunity (MEO) offices. Thus, many complaints may be resolved by the chain of command and are not elevated to an MEO professional. As such, 12 percent of women and 7 percent of men made a complaint to MEO staff/MEO office. The small numbers of these complaints in relation to the *WGR* survey data indicating a higher reporting rate suggests that the majority of complaints are resolved informally and that most Service members who experience sexual harassment trust their chain of command to address and resolve the issue.
- The *WGR* indicates that more than half (51 percent) of women and roughly one-third (30 percent) of men who experienced sexual harassment made a complaint, most often an informal complaint and most often to someone in their chain of command. Of those who filed a complaint:
  - Fifty-two percent of women and 49 percent of men who filed a complaint indicated they were dissatisfied with the outcome of the complaint.
  - Twenty-two percent of women and 27 percent of men said they were satisfied with the outcome of their complaint.
  - Twenty-six percent of women and 24 percent of men indicated they were neither satisfied nor dissatisfied with the outcome of their complaint.
- For Service members who indicated experiencing sexual harassment but did not file a complaint, the top four reasons for both men and women were they:
  - Did not think anything would be done (55 percent of women and 43 percent of men).
  - Worried about negative consequences from their military coworkers or peers (49 percent of women and 36 percent of men).
  - Did not trust the process would be fair (45 percent of women and 35 percent of men).
  - Thought it was not serious enough to make a complaint (43 percent of women and 44 percent of men).
- Among those who experienced unwanted sexual contact (USC):

<sup>5</sup> [https://sapr.mil/sites/default/files/DoD\\_RPRS\\_Implementation\\_Plan.pdf](https://sapr.mil/sites/default/files/DoD_RPRS_Implementation_Plan.pdf)

- Forty percent of women and 29 percent of men were sexually harassed by the alleged offender before the USC incident.
- Thirty-six percent of women and 29 percent of men were sexually harassed by the alleged offender after the USC incident.
- Most Service members who indicated they were sexually harassed in FY21 identified the alleged offenders as men (81 percent for women and 63 percent for men).
- Two percent of women and 9 percent of men identified the alleged offenders as women.
- Sixteen percent of women and 27 percent of men indicated the alleged offenders were a mix of men and women.
- Almost half of women (49 percent) and 37 percent of men identified at least one alleged offender as someone in their chain of command.

## Overall FY21 Complaint Totals

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Service members may make a sexual harassment complaint using formal, informal, or anonymous procedures. A formal complaint is a complaint submitted in writing to the staff designated to receive such complaints in Military Department operating instructions and regulations, which the commanding officer or other person in charge of the organization determines warrants an investigation. Data concerning sexual harassment complaints are tracked by Military Service MEO Program offices, the NGB MEO Program office, and the Department of the Army Sexual Harassment/Assault Response and Prevention Program office.

An informal complaint is an allegation, made either orally or in writing, that is not submitted as a formal complaint through the office designated to receive harassment complaints. The allegation may be submitted to a person in a position of authority within or outside of the Service member's organization. Such complaints may be resolved at the lowest level through intervention by the first-line supervisor and/or using alternative dispute resolution techniques such as informal mediation.

An anonymous complaint is considered neither formal nor informal, and is an allegation received by a commanding officer or supervisor, regardless of the means of transmission, from an unknown or unidentified source, alleging sexual harassment. The complainant is not required to divulge any personally identifiable information. If an anonymous complaint contains sufficient information to permit the initiation of an investigation, the investigation will be initiated by the commanding officer or supervisor in accordance with this instruction and any Service-specific guidance. If an anonymous complaint does not contain sufficient information to permit the initiation of an investigation, the information should be documented in a Memorandum for Record and maintained on file in accordance with disposition instructions and the central point of contact responsible for processing harassment complaints.

Sexual harassment incidents that involve nonconsensual distribution of private sexual images (NDPSI) are included within the total sexual harassment allegation numbers, and some are provided in a category of its own. Based on the way the data is collected from the Services, some of the allegations of NDPSI are counted as their own problematic behavior type.<sup>6</sup>

### Formal Complaints

During FY21, the Military Services and the National Guard Bureau (NGB) received, processed, and investigated a total of 1,732 formal sexual harassment complaints. The data indicate a 75-

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<sup>6</sup> The Marine Corps interprets NDPSI as an offense completely separate from sexual harassment.

percent increase in FY21 from the 991 formal complaints that were received, processed, and investigated in FY20.

Of the total 1,732 formal sexual harassment complaints, 963 (56 percent) formal complaints were resolved,<sup>7</sup> 324 (19 percent) formal complaints remained pending at the close of the FY, and the statuses of 445 (26 percent) formal complaints were unknown.<sup>8</sup>

Subsequent to the conclusion of a commander-directed investigation, complaints of sexual harassment are found to be substantiated or unsubstantiated based on the evidence obtained. Of the 963 resolved complaints filed in FY21, 602 (63 percent) were substantiated, 322 (33 percent) were unsubstantiated, 23 (2 percent) were dismissed, 8 (1 percent) were referred to other agencies, and 8 (1 percent) were withdrawn.

### **Informal Complaints**

In FY21, the Military Services and NGB received, processed, and addressed a total of 1,293 informal sexual harassment complaints. At the close of the FY, 539 (42 percent) of complaints were resolved, 87 (7 percent) were pending, and the statuses of 667 (52 percent) formal complaints were unknown. Of the 539 resolved complaints, 341 (63 percent) were substantiated, 140 (26 percent) were unsubstantiated, 22 (4 percent) were dismissed, 21 (4 percent) were referred to other agencies, and 15 (3 percent) were withdrawn.

### **Anonymous Complaints**

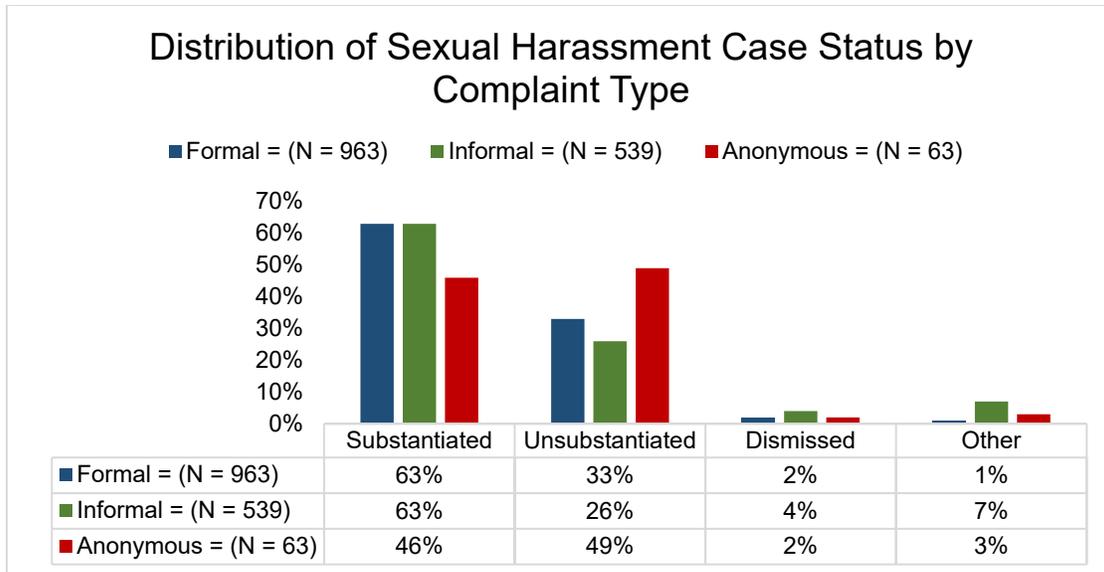
During FY21, 152 sexual harassment complaints were filed anonymously. Of those, 63 (41 percent) of the complaints were resolved, 23 (15 percent) complaints remained open pending resolution, and the status of the 66 (43 percent) remaining complaints were unknown. Of the 63 resolved anonymous complaints, 29 (46 percent) were substantiated and 31 (49 percent) were unsubstantiated. The remaining resolved anonymous complaints were either dismissed (1), withdrawn (1), or referred (1).

In Exhibit F1, the case statuses of the FY21 formal, informal, and anonymous complaints are cross-referenced with complaint type: substantiated, unsubstantiated, dismissed, or other. "Other" includes complaints that have a "Referred," "Withdrawn," "Inconclusive," "Pending," or "Unknown" case status.

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<sup>7</sup> A complaint is resolved when it is substantiated, unsubstantiated, dismissed, referred, or withdrawn.

<sup>8</sup> "Unknown" includes standalone cases of NDPSI, or the status was not reported by the Military Services.



**Exhibit F1: Distribution of Sexual Harassment Case Status by Complaint Type**

## NDPSI

Section 537 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2018 requires collection of information about sexual harassment incidents that involve NDPSI. Allegations of NDPSI are counted within the total sexual harassment allegation numbers and as standalone incidents.

### Formal Complaints – NDPSI

In FY21, the Military Services and NGB received, processed, and investigated 257 total formal complaints of sexual harassment involving an allegation of NDPSI. Of the 257 total formal complaints, 244 (95 percent) were related to an associated incident of sexual harassment and 13 (5 percent) were standalone allegations. Across the 257<sup>9</sup> total formal complaints involving an allegation of NDPSI, 38 (15 percent) allegations of NDPSI were substantiated, 162 (63 percent) were unsubstantiated, 39 (15 percent) were pending resolution, 14 (5 percent) allegations were dismissed, 2 (1 percent) were referred to other agencies, and 3 (1 percent) were withdrawn.

There were 37 subjects associated with the 38 substantiated formal allegations of NDPSI. Of those cases, 61 disposition actions were administered.<sup>10</sup> Twenty disposition actions were administrative actions, 17 were non-judicial punishment, 4 were unknown, 19 received some other form of corrective action, and 1 corrective action was pending.

<sup>9</sup> In this case, there are 257 total complaints involving NDPSI, but these numbers add to 258 because one complaint had two subjects with two different allegation results (Substantiated and Unsubstantiated). Thus, this complaint is counted twice across a substantiated and unsubstantiated allegation.

<sup>10</sup> Subjects of substantiated allegations may receive more than one form of disciplinary action.

## Informal Complaints – NDPSI

In FY21, there were 236<sup>11</sup> total informal complaints of sexual harassment involving an allegation of NDPSI. Of the 236 total informal complaints, 230 (97 percent) were related to an associated incident of sexual harassment and 6 (3 percent) complaints involved only NDPSI. Across the 236 informal complaints, 33 (14 percent) allegations of NDPSI were substantiated, 182 (77 percent) were unsubstantiated, 11 (5 percent) were pending resolution, 5 (2 percent) allegations were dismissed, 3 (1 percent) allegations were referred, and 4 (2 percent) were withdrawn.

There were 30 subjects associated with the 33 substantiated informal allegations of NDPSI. Of these, the following 56 disposition actions were taken: 28 administrative actions, 4 non-judicial punishments, 2 were unknown, 21 were some other form of corrective action, and 1 was pending. Offenders can receive more than one action.

## Anonymous Complaints – NDPSI

In FY21, the Military Services and NGB received, processed, and investigated 30 total anonymous complaints of sexual harassment involving an allegation of NDPSI. Of the 30 total anonymous complaints, all 30 were related to an associated incident of sexual harassment. Across the 30 total anonymous complaints involving an allegation of NDPSI, 3 (10 percent) were substantiated, 14 (47 percent) were unsubstantiated, 6 (20 percent) were pending resolution, 4 (13 percent) were dismissed, 1 (3 percent) was referred to other agencies, and 2 (7 percent) were withdrawn.

There were three subjects associated with the three substantiated anonymous allegations of NDPSI. Of these, four disposition actions were administered:<sup>12</sup> One administrative action, one non-judicial punishment, and two corrective actions.

## Complainant Characteristics

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Examining complainant characteristics for formal, informal, and anonymous substantiated sexual harassment complaints helps to identify populations most at risk for sexual harassment.

### Formal Complaints – Complainant Characteristics

There were 618 complainants associated with the 602 substantiated formal incidents of sexual harassment. Sexual harassment incidents may involve more than one complainant. In FY21:

- Complainants were predominantly women (484 of 618; 78 percent).
- Men comprised 21 percent (128 of 618) of complainants.<sup>13</sup>
- Enlisted members represented 91 percent of complainants (563 of 618).
- Officers represented 6 percent of complainants (40 of 618).
- Of the 40 officer complainants, 73 percent (29 of 40) were women.
- 1 complainant was a warrant officer (1 of 618).
- The paygrade category was unknown for 2 percent of complainants (14 of 618).

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<sup>11</sup> In this case, there are 236 total complaints involving NDPSI, but these numbers add to 238 because one complaint had three subjects with three different allegation results (Substantiated, Unsubstantiated, and Pending). Thus, this complaint is counted three times across a substantiated, unsubstantiated, and pending allegation.

<sup>12</sup> Subjects with substantiated allegations may receive more than one form of disposition action.

<sup>13</sup> The genders of the remaining 6 complainants were unknown.

- Service members in paygrades E1–E4 account for 73 percent of all complainants (450 of 618).
- The largest single grouping of complainants by gender and paygrade were women in paygrades E1–E4 (353 of 618; 57 percent).
- Enlisted men in the paygrades of E1–E4 account for 15 percent of complainants (95 of 618).

### Informal Complaints – Complainant Characteristics

The Military Services reported 348 complainants for the 341 substantiated informal incidents. Sexual harassment incidents may involve more than one complainant. In FY21:

- The gender of 6 percent of informal complainants (22 of 348) was unknown.
- Of the 326 complainants where gender was known, women made up 80 percent (260 of 326) of complainants.
- Male Service members accounted for 20 percent (66 of 326) of complainants where gender was known.
- Enlisted members comprised 81 percent of complainants (281 of 348) where rank was known.
- Officers represented 4 percent of complainants (13 of 348) where rank was known.
- Enlisted females are the largest single grouping of all complainants with 64 percent (221 of 348).
- Enlisted men in paygrades E1–E4 comprised 13 percent of complainants (46 of 348).

### Anonymous Complaints – Complainant Characteristics

Anonymous complainants are not required to divulge any personally identifiable information. Therefore, the information about their characteristics is sparse. The Military Services reported a total of 33 complainants associated with 29 substantiated anonymous complaints. Of the complainant characteristics that were reported in FY21:

- Six were female and one was a male.
- Six were enlisted and one was an officer.

### Offender Characteristics

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This section presents offender characteristics for formal and informal substantiated sexual harassment complaints. The demographics of first-time offenders and repeat offenders are also presented in this section.<sup>14</sup>

#### Formal Complaints – Offender Characteristics

Of the 550 subjects of 602 substantiated formal complaints of sexual harassment reported in FY21:

- Enlisted members comprised 89 percent (489 of 550) of offenders.
- Men comprised 97 percent (531 of 550) of offenders.
- Women comprised 3 percent (17 of 550) of offenders.<sup>15</sup>

<sup>14</sup> Paygrades for 6 percent (34 of 550) were either DoD civilian employees and contractors, non-DoD civilians, anonymous individuals, or Service members for whom rank is unknown.

<sup>15</sup> Genders for less than 1 percent (2 of 550) offenders were unknown.

- Junior enlisted comprised 44 percent (240 of 550) of offenders.
- Officers comprised 4 percent (20 of 550) of offenders.
- Warrant officers comprised 1 percent (7 of 550) of offenders.

### **First-Time Offenders (Formal Complaints)**

Notably, a single subject<sup>16</sup> can be associated with more than one complaint. There were 550 total subjects reported for 602 substantiated complaints. In FY21:

- Fifty-one percent (278 of 550) were first-time offenders.
- First-time offenders were predominantly male at 97 percent (271 of 278).
- Three percent of first time offenders were female (7 of 278).

### **Repeat Offenders (Formal Complaints)**

Repeat offenders, defined as having more than one complaint substantiated for sexual harassment, represented 5 percent (32 of 550) of all subjects. In FY21:

- Men comprised 94 percent (30 of 32) of repeat offenders.
- Enlisted men comprised 78 percent (25 of 32) of repeat offenders.
- Women in paygrades E1–E4 comprised 6 percent (2 of 32) of repeat offenders.
- Two male junior officers comprised 6 percent of repeat offenders.
- Men of unknown paygrades comprised 9 percent (3 of 32) of repeat offenders.

### **Informal Complaints – Offender Characteristics**

During FY21, there were a total of 314 subjects associated with 341 (35 percent) substantiated informal complaints. Offender demographics for informal complaints in FY21 were:

- Enlisted men comprised 67 percent (211 of 314) of offenders.
- Male officers comprised 6 percent (20 of 314) of offenders.
- One male warrant officer (<1 percent) was an offender.
- Female offenders comprised 4 percent (12 of 314) of offenders.

### **First-Time Offender (Informal Complaints)**

Of the 314 subjects for 341 substantiated informal complaints, 72 percent (225 of 314) were first-time offenders. These first-time offenders were predominantly male, and 91 percent (204 of 225) were reported as first-time offenders of sexual harassment. Female offenders made up 5 percent (12 of 225) of all first-time offenders. Enlisted males accounted for the largest demographic grouping of offenders at 70 percent (157 of 225).

### **Repeat Offender (Informal Complaints)**

Repeat offenders of informal substantiated complaints represented 10 percent (31 of 314) of all offenders. 29 of the repeat offenders were men, 1 was a woman, and 1 repeat offender's gender was unknown. Thirty of the repeat offenders were enlisted, and one was an officer in paygrade O1–O3.

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<sup>16</sup> The number of first time offenders plus the number of repeat offenders may not add up because this status can be unknown.

## Anonymous Complaints – Offender Characteristics

During FY21, there were a total of 29 subjects associated with 29 substantiated anonymous complaints. Offender demographics for informal complaints in FY21 were:

- Enlisted men accounted for 79 percent (20 of 29) of offenders.
- Enlisted women accounted for 10 percent (3 of 29) of offenders.
- One male junior officer was an offender.
- One warrant officer was an offender.
- Two men of unknown paygrades were offenders.
- One woman of unknown paygrade was an offender
- One offender was of unknown gender and paygrade.

## Repeat Offender (Anonymous Complaints)

In FY21, there were no reports of repeat offender characteristics for anonymous complaints.

## Nature of Substantiated Incidents

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Sexual harassment is characterized as a hostile work environment or quid pro quo. Hostile work environment is when a person is subjected to offensive, crude, unwanted, and unsolicited comments and behavior of a sexual nature that interferes with that person's performance or creates an intimidating, hostile, or offensive work environment. Quid pro quo refers to conditions placed on a person's career or terms of employment in return for sexual favors.

For every substantiated sexual harassment complaint, there can be a combination of sexual harassment behaviors. For example, 383 of substantiated formal sexual harassment complaints involved both crude behavior and unwanted sexual attention. Therefore, the total of the allegations in each category type exceeds the overall total of complaints. For FY21, there were 1,390 allegations in the 602 substantiated formal complaints, 960 allegations in the 341 substantiated informal complaints, and 58 allegations in the 29 substantiated anonymous complaints.

## Formal Complaints – Nature of Substantiated Incidents

In FY21, the nature of substantiated formal allegations of sexual harassment was:

- Crude/offensive behavior – 38 percent (522 of 1,390).
- Unwanted sexual attention – 34 percent (475 of 1,390).
- Sexual coercion – 14 percent (197 of 1,390).
- NDPSI – 14 percent (196 of 1,390).

## Informal Complaints – Nature of Substantiated Incidents

The nature of substantiated informal allegations was:

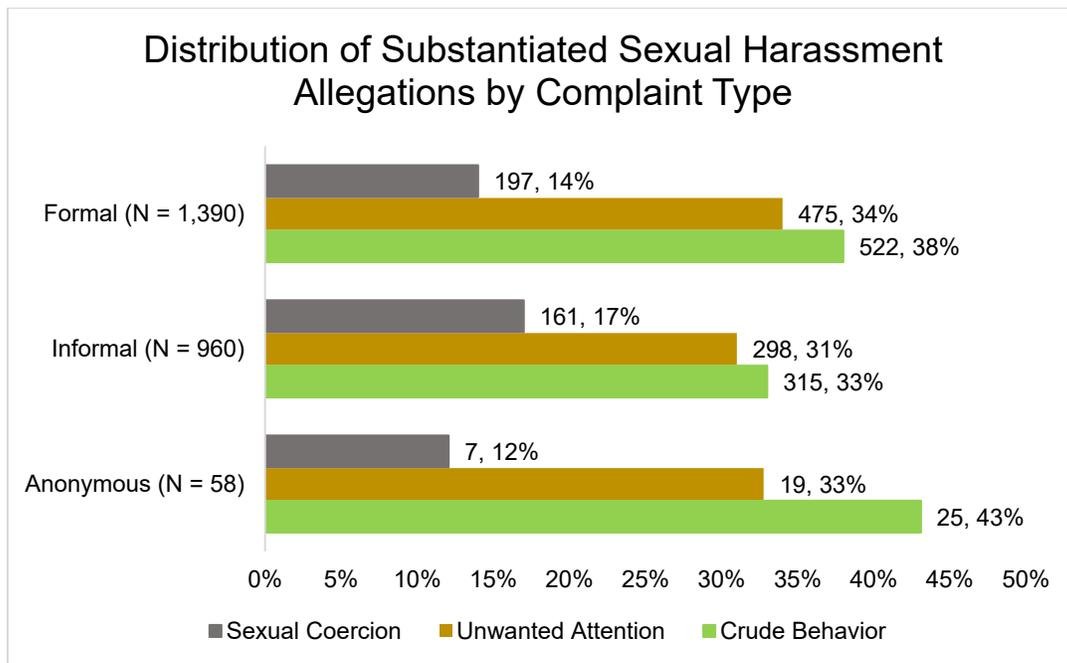
- Crude/offensive behavior – 33 percent (315 of 960).
- Unwanted sexual attention – 31 percent (298 of 960).
- Sexual coercion – 17 percent (161 of 960).
- NDPSI – 19 percent (186 of 960).

## Anonymous Complaints – Nature of Substantiated Incidents

The nature of substantiated anonymous allegations was:

- Crude/offensive behavior – 43 percent (25 of 58).
- Unwanted attention – 33 percent (19 of 58).
- Sexual coercion – 12 percent (7 of 58).
- NDPSI – 12 percent (7 of 58).

In Exhibit F2, the allegations of the FY21 formal, informal, and anonymous complaints are listed by complaint type: crude/offensive behavior, unwanted sexual attention, sexual coercion, or NDPSI.



**Exhibit F2: Distribution of Substantiated Sexual Harassment Allegations by Complaint Type<sup>17</sup>**

## Complainant – Alleged Offender Relationships

Relationships are calculated for every one complainant to alleged offender pair. For example, in a complaint with one complainant and one alleged offender, one relationship exists. In a complaint with one complainant and two alleged offenders, two relationships exist. In FY21, there were a total of 3,509 complainants – alleged offender relationships.

The complainant versus alleged offender paygrade relationship that was most prominent is complainants in paygrades E1–E4 versus alleged offenders in paygrades E1–E4 at 21 percent (743 of 3,509). The second most significant paygrade relationship was complainants in paygrades E1–E4 versus alleged offenders in paygrades E5–E6 at 16 percent (555 of 3,509). The largest complainant versus alleged offender gender relationship group was female complainant versus male alleged offender at 51 percent (1,783 of 3,509). Additionally, 35 percent (1,229 of 3,509) of complainant – alleged offender relationships were in the same unit.

<sup>17</sup> May include multiple allegations by complaint.

## Timeliness of Reporting

DoD policy requires that, to the extent practicable, commanders will forward sexual harassment complaint information or allegations to a general court-martial convening authority (GCMCA) within 72 hours of receipt. In FY21, 500 (85 percent) formal complaints of sexual harassment were forwarded to GCMCA within 72 hours and 44 (7 percent) were forwarded to GCMCA in more than 72 hours of receipt. The timeliness of 46 (8 percent) was unknown.

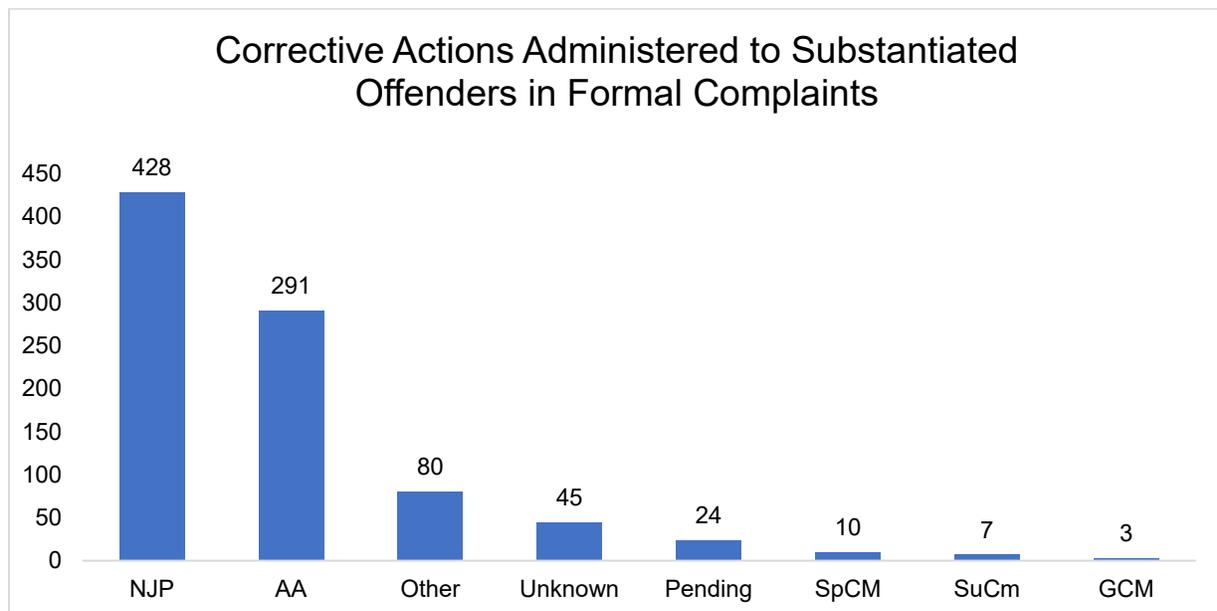
## Disposition Actions

Offenders of either formal or informal complaints may receive more than one type of disposition action. For example, depending on the severity of the offense, an offender may be subject to corrective training, administrative actions (AA), and non-judicial punishment (NJP), and court-martial.

### Disposition of Formal Complaints

In FY21, there was a total of 505 subjects of substantiated formal complaints of sexual harassment who received a disposition action. Because more than one type of corrective action can be administered to each substantiated offender, there were 888 total actions administered to substantiated offenders in FY21.

Represented in Exhibit F3 are the different types of corrective actions administered for formal complaints.



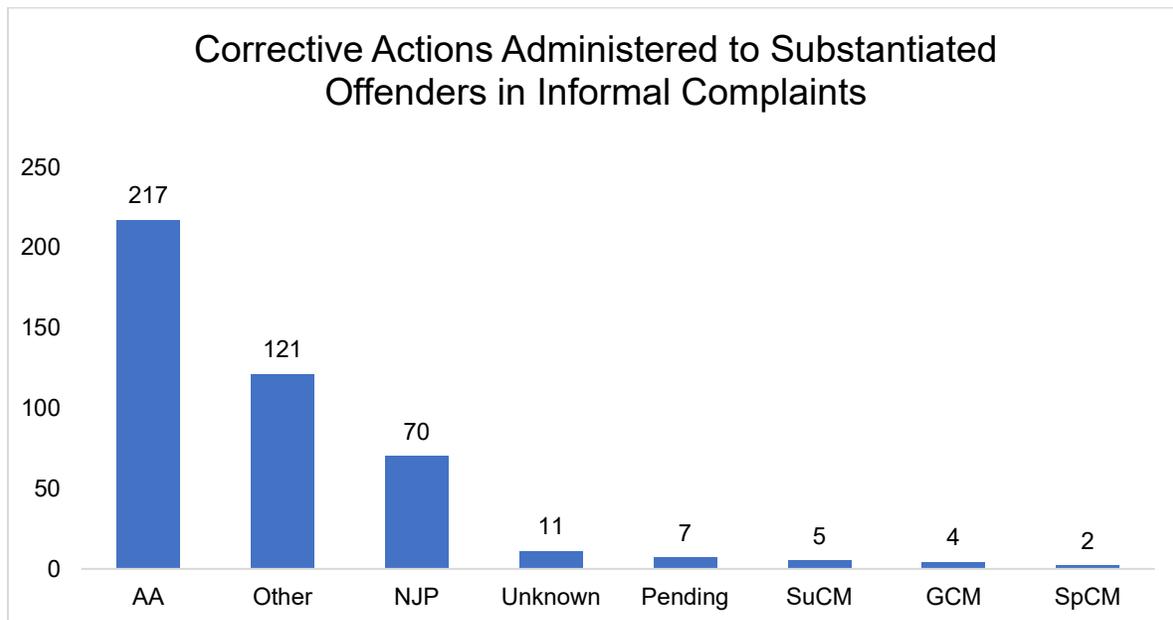
**Exhibit F3: Corrective Actions Administered to Substantiated Offenders in Formal Complaints<sup>18</sup>**

<sup>18</sup> Represented in Exhibit F3: "AA" is administrative action, "NJP" is non-judicial punishment, "GCM" is general court-martial, "SuCM" is summary court-martial, and "SpCM" is special court-martial.

### Actions for Informal Complaints

In FY21 for substantiated informal complaints, there were 283 subjects of substantiated informal complaints who received a disposition action. There were 437 total corrective actions administered to substantiated offenders of informal sexual harassment complaints in FY21.

Represented in Exhibit F4 are the different types of actions administered for informal complaints.

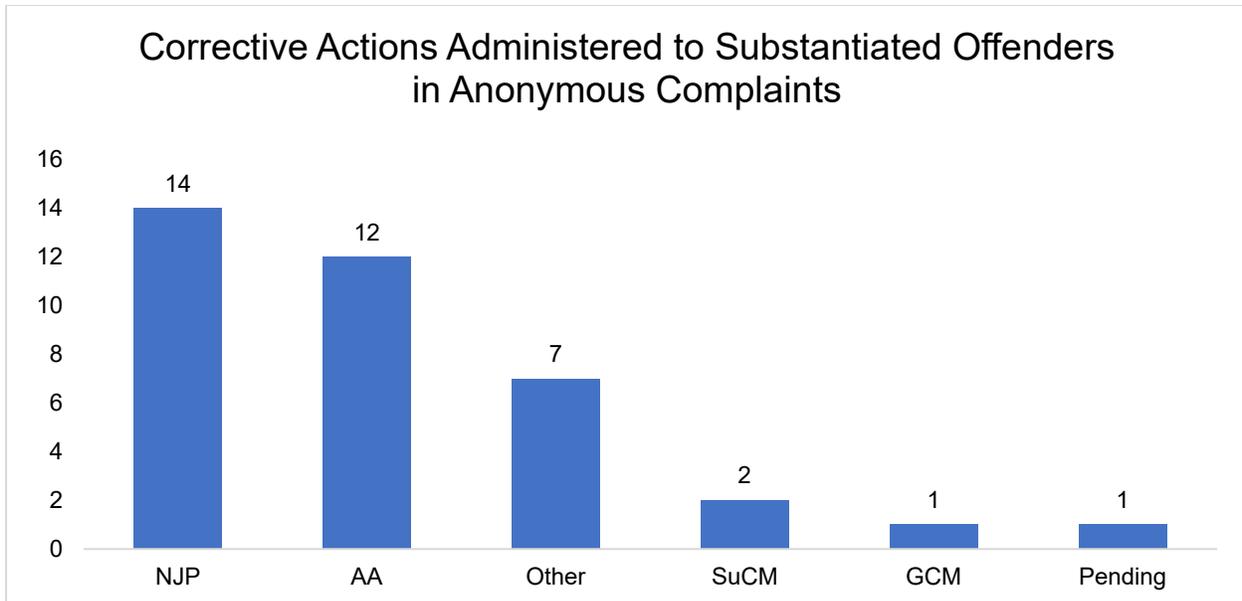


**Exhibit F4: Corrective Actions Administered to Substantiated Offenders in Informal Complaints**

### Actions for Anonymous Complaints

In FY21, there were 27 subjects of 29 substantiated anonymous complaints who received a disposition action. Thirty-seven corrective actions were administered to substantiated offenders in anonymous complaints.

Represented in Exhibit F5 are the different types of actions administered for anonymous complaints.



**Exhibit F5: Corrective Actions Administered to Substantiated Offenders in Anonymous Complaints**

## Retaliation Complaints

There was 1 retaliation referral reported for the total 1,732 formal complaints, and 1 retaliation referral was reported for the total 1,293 informal complaints.

## Way Forward

Harassment impacts the ability of members of our Total Force to serve in healthy organizational climates. To target risk factors and negative cultures that lead to harassment, the Department leverages surveys, data analysis, proactive training, and education, and is participating in a broader, integrated violence prevention framework that focuses on prevention efforts.

Through increased efforts to prevent and respond to sexual harassment, DoD aims to empower its Service members, cadets, and midshipmen with the training and knowledge on how to recognize, report, and respond to sexual harassment. Combating harassment and other problematic behaviors requires the Department's enduring commitment to consistent, focused efforts across the enterprise as we continue to consider novel approaches to harassment prevention and response. We know we must do more to get this right.

In line with Secretary Austin's commitment and the work done by the IRC, the Department will continue to apply integrated, evidence-based practices to address sexual harassment.<sup>19</sup> Additionally, DoD developed a roadmap for implementing the approved IRC recommendations to ensure rapid action and enduring results. In accordance with recommendations made by the IRC on sexual assault in the military, we also understand it is imperative that our efforts to address sexual assault and sexual harassment involve engaging with the cyber domain as well.

<sup>19</sup> Earlier this year, Secretary Austin established a 90-Day IRC to review DoD policies and processes to combat sexual assault and sexual harassment. The IRC recently made 82 recommendations in four priority areas: accountability, prevention, climate and culture, and victim care and support.

Specifically, ODEI is taking steps to implement approved recommendations pertaining to sexual harassment.

With regard to the occurrence of sexual harassment, and prevention of and response to this inappropriate conduct, we know command climate has an impact, and that DoD policies, programs, and processes can only succeed if leaders at all levels are held appropriately accountable for the cultures fostered within individual units and offices. To that end, DoD is determined to better understand and address conditions on the ground. Furthermore, Secretary Austin directed additional OSIEs to further address climate challenges and provide command with needed assistance.

DoD is taking steps to implement its DEIA Strategic Plan, including those initiatives associated with preventing and responding to sexual harassment. Progress on these initiatives will be reported via a myriad of mechanisms, including reports to the White House on the status of implementing the DEIA Strategic Plan.

DoD is working to ensure that the Military Departments and other DoD Components have the requisite data and tools to hold leaders—civilian and military—appropriately accountable for promoting good order and discipline. DoD is working toward a culture change to reduce the rates of sexually harassing behaviors, ensure those who experience sexual harassment are comfortable coming forward, harassers are held appropriately accountable, and make certain that unit climates do not permit these behaviors in the first place.