

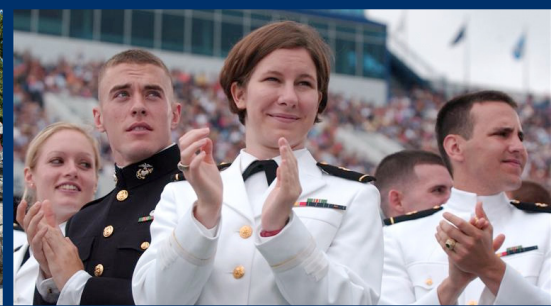


DEPARTMENT OF DEFENSE SEXUAL ASSAULT PREVENTION AND RESPONSE

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

Academic Program Year 2009–2010

December 2010





UNDER SECRETARY OF DEFENSE

4000 DEFENSE PENTAGON
WASHINGTON, DC 20301-4000

PERSONNEL AND
READINESS

DEC 10 2010

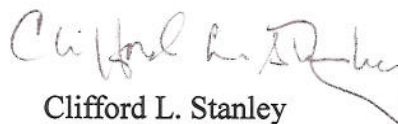
The Honorable Ike Skelton
Chairman, Committee on Armed Services
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

The enclosed "Academic Program Year 2009-2010 Report on Sexual Harassment and Violence at the Military Service Academies" responds to Section 532 of Public Law No. 109-364, the John Warner National Defense Authorization Act for Fiscal Year 2007. This law requires an annual report during each Academic Program Year (APY) on the effectiveness of the policies, training, and procedures of each Academy with respect to sexual harassment and violence involving Academy personnel.

The report for APY 2009-2010 provides data and analysis on reported cases of sexual harassment and violence involving Academy personnel occurring between June 1, 2009 and May 31, 2010. The report outlines the progress made by the Academies in the areas of prevention and response to sexual harassment and sexual assault. Enclosed with this year's report is the Defense Manpower Data Center's *2010 Service Academy Gender Relations Survey*.

The Department continues to be committed to implementing policies and executing practices in our on-going efforts to enable military readiness by establishing a culture free of sexual harassment and violence at the Military Service Academies. I am sending a similar letter and the Department's report to the Chairman and Ranking Member of the Senate Committee on Armed Services.


Clifford L. Stanley

Enclosures:
As stated

cc:
The Honorable Howard P. "Buck" McKeon
Ranking Member





PERSONNEL AND
READINESS

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

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

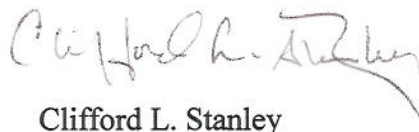
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The Honorable John McCain
Ranking Member





**Department of Defense
Annual Report on Sexual Harassment and
Violence at the U.S. Military Service
Academies: Academic Program
Year 2009-2010**

**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***

INTRODUCTION

Section 532 of Public Law Number 109-364, the John Warner National Defense Authorization Act for Fiscal Year 2007 requires an assessment at the Military Service Academies (MSA) during each Academic Program Year (APY). This assessment is to determine the effectiveness of the policies, training, and procedures of the Academy with respect to sexual harassment and violence involving Academy personnel.

In APYs beginning in odd-numbered years (e.g., APY 09-10), the annual assessment is comprised of an Academy self-assessment and an anonymous survey of cadets and midshipmen. This survey, the bi-annual Defense Manpower Data Center's (DMDC) *2010 Service Academy Gender Relations (SAGR) Survey* covers topics such as incidence of unwanted sexual contact and harassment, reporting and training, and characteristics of the unwanted sexual and gender-related behaviors.

The Department of Defense (DoD) consolidates and summarizes the reports from each Academy and the results from the *2010 SAGR Survey*. This summary serves as the Department's *Annual Report on Sexual Harassment and Violence at the Military Service Academies* covering APY June 1, 2009 through May 31, 2010. Appendix A is the aggregate sexual assault data and consolidated data matrices. TABs A through C of this report are the self-assessments from the United States Military Academy (USMA), the United States Naval Academy (USNA), and the United States Air Force Academy (USAFA), respectively. The *2010 SAGR Survey* is available at <http://www.sapr.mil/index.php/research>.

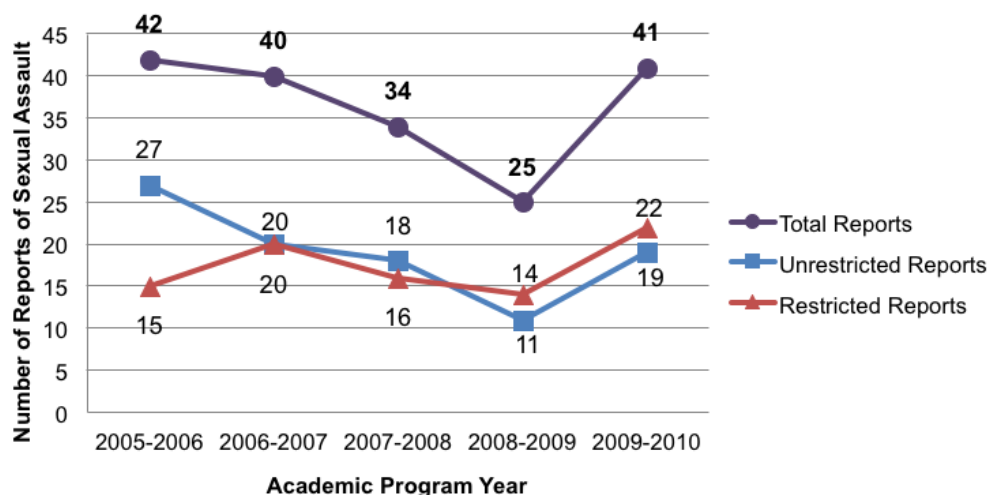
DoD policy defines the term "sexual harassment" as a form of sex discrimination that: involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to or rejection of such conduct is made either explicitly or implicitly a term 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 offense environment.

The term "sexual violence," herein 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, 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.

EXECUTIVE SUMMARY

The MSA self-assessments describe institutionalized and evolving training programs for prevention and response to sexual harassment and assault. For cadets and midshipmen, this training begins at accession and continues throughout their four years at the Academy. Each MSA's effort to improve its policies and training demonstrates a commitment to prevention and support for a climate where victims may confidently report the crime and receive needed assistance. The programs addressing sexual harassment and assault at the MSAs are unique compared to civilian colleges and universities in that a great deal of prevention and response training has been written into academic curricula and leadership education. In addition, the MSAs employ leaders in the field of sexual violence prevention to guide their programming and educate cadets and midshipmen.

This year, there were a total of 41 reports of sexual assault, comprised of 19 Unrestricted Reports¹ and 22 Restricted Reports². Initially, the MSAs received a total of 27 Restricted Reports, but five converted



to Unrestricted Reports at the victims' request. The 41 reports represent a 64% increase from APY 08-09. In prior years' assessments, the Department recommended that the Academies take steps to bring more victims forward to report. The increased reporting of sexual assault is a strategic priority for the entire Department.

DMDC conducted the strictly voluntary *2010 SAGR Survey* in Spring 2010. Response rates to this year's survey ranged from 77% to 88%, an increase from previous years. According to the survey, more than 89% of cadets and midshipmen understood key training concepts on how to make a sexual harassment or assault report.

Overall, in the twelve months prior to the survey, 12.9% of women and 1.9% of men indicated experiencing unwanted sexual contact, and 56% of women and 12% of men

¹ An Unrestricted Report of sexual assault is a report that is provided to command and/or law enforcement for investigation.

² Restricted Reporting allows victims to confidentially access medical care and advocacy services without triggering an investigation.

indicated experiencing sexual harassment. These survey results suggest that the 41 reports of sexual assault at the MSAs accounted for fewer than 10% of the incidents of unwanted sexual contact that may have actually occurred. While it is unrealistic to expect that the number of reports of sexual assault will ever equal what is reported on anonymous surveys, the Department's goals are to use prevention tools to reduce the number of incidents of sexual assault, and at the same time, encourage reporting of the crime, so that the Restricted and Unrestricted Reports to DoD account for a greater proportion of the survey-estimated incidents.

The Office of the Secretary of Defense Sexual Assault Prevention and Response Office (SAPRO) and the Office of Diversity Management and Equal Opportunity (ODMEO) use this annual assessment as an oversight tool to monitor improvement of the Department's Sexual Assault Prevention and Response (SAPR) and Prevention of Sexual Harassment (POSH) programs. To that end, the assessment of SAPR and POSH will be organized by the priorities established in the *DoD-wide SAPR Strategic Plan* approved in December 2009. These priorities are:

1. Institutionalize Prevention Strategies in Military Community
2. Increase Climate of Victim Confidence Associated with Reporting
3. Improve Sexual Assault Response
4. Improve System Accountability
5. Improve Knowledge and Understanding of SAPR

1. PREVENTING SEXUAL HARASSMENT AND ASSAULT

The first DoD-wide strategic priority is to institutionalize prevention strategies in the military community. This priority focuses on the overall reduction of sexual assault in the DoD community. A key feature of sexual harassment and assault prevention is education and training.

Throughout APY 09-10, the MSAs conducted extensive training for all cadets and midshipmen. Ongoing prevention and education continue to be implemented throughout the MSAs at all levels to address the policies covering sexual harassment and sexual assault, consent, sexual assault reporting options, support resources, and bystander intervention.

USMA continued to promote a culture of prevention through the Respect Program, to foster cadets' development of and commitment to the fundamental principle that each individual has infinite dignity and worth. All cadets participate in the Respect Program as part of the 70-hour Professional Military Ethic Education program. At USMA, sexual harassment and assault prevention training begins at Cadet Basic Training and is reinforced annually. Also, the Second and First Class cadets are all trained to serve as instructors for junior classes.

To reinforce this program, USMA uses several distinguished guest speakers and facilitators to address cadets on prevention of sexual harassment and assault, cultural

awareness, and diversity training. During APY 09-10, Ms. Veraunda Jackson,³ a nationally recognized speaker and rape survivor, held two guest lectures for Fourth Class cadets, while Second Class cadets and USMA Staff and Faculty participated in Sex Signals, an education program on issues surrounding dating, sex, and consent. First and Third Class cadets received their sexual assault prevention training through small group, discussion-based classes, emphasizing their responsibility as leaders and as friends to prevent sexual assault.

Prevention of sexual harassment and assault remains a priority at USNA. During APY 09-10, USNA implemented the next phase (year three of a four year roll-out) of the Sexual Harassment and Assault Prevention Education (SHAPE) program for Second Class midshipmen using peer educators trained by subject matter experts. To improve the SHAPE program staffing, midshipmen who wish to become Peer Educators must now submit an application essay, obtain recommendations from Company Officers and Senior Enlisted Leaders, and complete a thorough interview process to be selected.

USNA continued to address policy, prevention and response efforts and progress related to sexual harassment and assault in a variety of forums, such as athletic coach meetings, individual sports team training, beginning of the semester “reform” training, Midshipman Sponsor training, and summer training for the faculty and staff. Also, Sexual Assault Victim Intervention (SAVI) GUIDES (Guidance, Understanding, Information, Direction, Education) and SHAPE Peer Educators attended the annual collegiate Sexual Assault Prevention Conference where they collaborated with other institutions of higher education to foster USNA program improvements.

At USAFA, POSH and SAPR prevention and training for cadets begins in Basic Cadet Training and continues throughout the cadet’s first year at the Academy. Each class year expands and builds on previous POSH and SAPR training. Third, Second, and First Class cadets all receive annual Air Force SAPR policy and services training. Additionally, in APY 09-10 guest speakers Mr. Mike Domitrz,⁴ “May I Kiss You?”, Mr. Brett Sokolow, JD⁵, “Drunk Sex or Date Rape: Can you Tell the Difference?” and Mr. Russell Strand,⁶ “Sex Offenders, Service Members and You: Leadership Beyond the Obvious,” presented to Third, Second, and First Class cadets respectively.

During APY 09-10, USAFA expanded its prevention training efforts by including Third and Fourth Class cadets in Sex Signals presentations, and initiated bystander

³ Veraunda Jackson is the founder and CEO of EHAP Inc., a professional and personal development company. She previously was a prosecutor in the specialized sex crimes and child abuse unit in Florida.

⁴ Mike Domitrz is the founder of The Date Safe Project, Inc., and a healthy relationships and sexual assault, expert, author and speaker.

⁵ Brett Sokolow, JD, is the founder, president and managing partner of the National Center for Higher Education Risk Management (NCHERM), a national multidisciplinary risk management consulting firm. He is an expert in preventive law and risk management.

⁶ Russell Strand is currently the Chief of the U.S. Army Military Police School Family Advocacy Law Enforcement Training Division with specialized expertise, experience and training in the area of domestic violence intervention, critical incident peer support, and sexual assault, trafficking in persons and child abuse investigations.

intervention during annual training for Third, Second, and First Class cadets. USAFA also initiated the “Target Hardening” self defense program that includes bystander intervention and uses mixed martial arts and verbal intervention strategies to train participants on how to safely avoid and intervene on the behalf of others.

The *2010 SAGR Survey*⁷ asked cadets and midshipmen if they received sexual harassment and assault program training in the last year. More than 92% indicated receiving sexual harassment training and more than 94% indicated receiving sexual assault training.

Since the *2008 SAGR Survey*, the past year incidence of sexual harassment increased for men and women at USNA and women at USAFA, also, the incidence of unwanted sexual contact increased for women at USNA and USAFA. Since the 2008 survey, there were no statistically significant decreases in the sexual harassment or unwanted sexual contact incident rates at any of the academies. Reducing the occurrence of sexual harassment and sexual assault are the ultimate goals of any prevention program. However, one unexpected result of prevention programming is that education about a problem may enable individuals to better recognize it when it occurs. As a result, increases in surveyed incidence rates may reflect better identification of problem behaviors. Nevertheless, the MSAs must focus attention on improving prevention outcomes.

Additionally, the Department notes some concerning survey trends involving unwanted sexual contacts experienced by women. The first is an increase in incidents involving multiple offenders since 2008. Both USMA and USNA saw rates more than double. Likewise, almost half of all women indicated on the survey that alcohol or drugs were involved in episodes of unwanted sexual contact, with increases in such episodes noted at both USMA and USNA. SAPRO will be working with the Academies to reverse deal with these trends as part of the APY 10-11 assessment visits.

2. INCREASING REPORTING

The second DoD-wide strategic priority is to increase the climate of victim confidence associated with reporting. This priority focuses on increasing the number and percentage of sexual assaults that are reported, with additional emphasis on increasing the proportion of unrestricted reporting.

While one incident of sexual harassment or assault is too many, the Department works to increase reporting to ensure that victims come forward to receive needed support and services. The Department offers two sexual assault reporting options: Restricted and Unrestricted Reporting. Restricted Reporting allows victims to confidentially access medical care and advocacy services without triggering an investigation. Cadets and midshipmen who experience sexual harassment can make a formal or informal complaint.

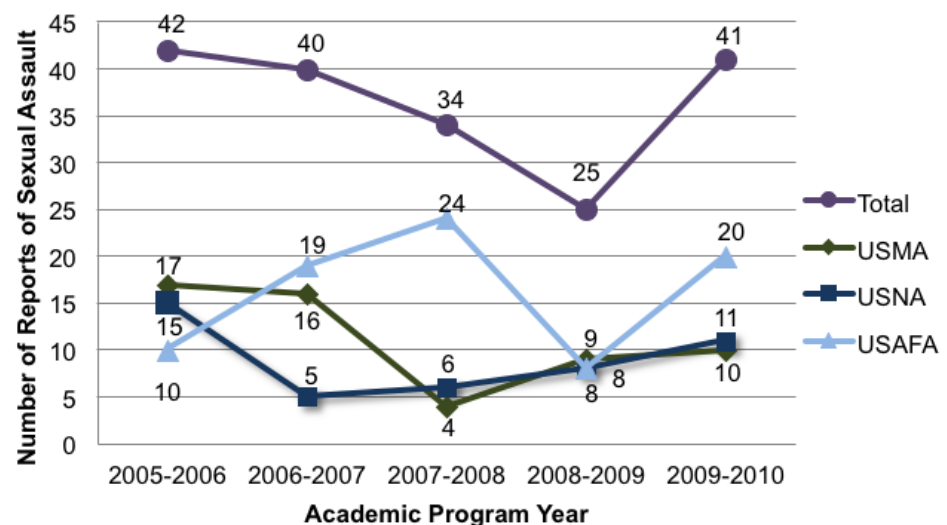
⁷ Reference TAB D for the complete *2010 SAGR Survey* results.

The total numbers of sexual assault⁸ reports for all MSAs during APY 09-10 are as follows:

TOTAL APY 2009-2010 REPORTS OF SEXUAL ASSAULT	
NUMBER OF UNRESTRICTED REPORTS OF SEXUAL ASSAULT	19
NUMBER OF REPORTS OF SEXUAL ASSAULT REMAINING RESTRICTED	22
NUMBER OF TOTAL REPORTS OF SEXUAL ASSAULT - UNRESTRICTED AND RESTRICTED	41

During APY 09-10, 27 Restricted Reports were received at the MSAs, five of which converted to an Unrestricted Report at the victims' request. The 22 remaining Restricted Reports represent a 57% increase over APY 08-09. Figure 1, page 2 of Appendix A depicts how this compares to previous APYs.

Overall sexual assault reporting increased 64% from APY 08-09 to APY 09-10. USMA and USNA experienced reporting increases of 1 and 3 reports respectively, while reports at USAFA more than doubled with an increase of 12 reports.



Initial Unrestricted Reporting varied among the MSAs between APY 08-09 and APY 09-10:

- USMA: Decreased from 8 to 4
- USNA: Increased from 3 to 6
- USAFA: Increased from 0 to 4

Initial Restricted Reporting varied among the MSAs between APY 08-09 and APY 09-10:

- USMA: Increased from 1 to 6
- USNA: Remained constant with 5
- USAFA: Increased from 8 to 16

Conversions from Restricted Report to Unrestricted Report increased at all three MSAs in APY 09-10. No one converted to an Unrestricted Report in APY 08-09:

⁸ Sexual Assault includes the crimes of rape, unlawful sexual contact, forcible sodomy, and attempts to commit these offenses.

- USMA: 1 Restricted Report converted
- USNA: 1 Restricted Report converted
- USAFA: 3 Restricted Reports converted

There were only one formal and two informal complaints of sexual harassment at USMA. Also, there were no formal or informal complaints at USNA and USAFA.⁹

One of the goals of the Respect Program at USMA is to increase victim propensity to report. Respect Representatives promoted the use of cadet chain of command open door policies to increase reporting as well. During APY 09-10, USMA removed the requirement from the United States Corps of Cadets (USCC) policy to report any knowledge of a sexual assault to their chain of command. This change allows cadet victims the option to speak with a fellow cadet, such as their roommate and/or a Respect Officer, and preserve a victim's Restricted Reporting option. Peer confidants can now assist cadet victims in making informed decisions subsequent to a sexual assault without violating the previous USCC mandatory reporting policy.

The SAVI GUIDES, who are volunteer midshipmen, developed all new presentation scripts to provide consistent in-company training on reporting options and the role of first responders. Contact information and photos of first responders were added to the revamped SAPR section of the USNA intranet website. Additionally, prominently placed links on the website provide immediate assistance for sexual assault victims and friends wishing to help sexual assault victims. Lastly, the website contains a direct link to the National Sexual Assault Online Hotline for confidential support.

USAFA SAPR, the Human Relations Office, the Center for Character and Leadership Development, and the 10th Air Base Wing Equal Opportunity (EO) offices work together to encourage reporting of sexual harassment and sexual assault. Improvement of reporting is accomplished through mandatory training, supplemented with Commissioning Education lessons, the new Character and Leadership Development Respect & Responsibility program, guest subject matter expert presenters and programs, and special events such as the Spring Break Campaign and Sexual Assault Awareness Month (SAAM).

Training on reporting procedures is key to increased reporting. Cadet and midshipman understanding of the definitions of, and the differences between sexual harassment and sexual assault, as well as the sexual assault reporting options are key indicators of effective training. Comprehension of these key training concepts is surveyed in the SAGR Surveys. An estimated 89% of cadets and midshipmen know how to make a sexual harassment or assault report. However, cadets and midshipmen at USMA and USNA showed a slight decline in all knowledge areas from 2008 to 2010, with the

⁹ Response to sexual harassment uses a different approach than that used in responding to sexual assault. While neither behavior is acceptable, sexual assault is a crime and may require a law enforcement response and victim assistance. Sexual harassment response encourages resolution of inappropriate gender-related behaviors at the lowest level. Those experiencing such behavior may report the matter formally or informally for command involvement and assistance.

greatest decline in the area of understanding the difference between Restricted and Unrestricted Reporting.

Drawn from the *2010 SAGR Survey*, the following chart contains the top three reasons for not reporting unwanted sexual contact by Academy and the percentage of respondents. Women at all three MSAs selected the same two reasons for the top two with varying order of importance.

TOP THREE REASONS FOR NOT REPORTING UNWANTED SEXUAL CONTACT					
USMA		USNA		USAFA	
I took care of it myself	76%	I did not want people gossiping about me	71%	I took care of it myself	69%
I did not want people gossiping about me	71%	I took care of it myself	67%	I did not want people gossiping about me	67%
I felt uncomfortable making a report	70%	I thought it was not important enough to report	64%	I thought it was not important enough to report	67%

The two charts below provide the top three reasons for not reporting sexual harassment by Academy and the percentage of respondents for both men and women. For each gender group, cadets and midshipmen selected the same top three reasons in the same order of importance across all three Academies.

TOP THREE REASONS FOR NOT REPORTING SEXUAL HARASSMENT – WOMEN					
USMA		USNA		USAFA	
I thought it was not important enough to report	85%	I thought it was not important enough to report	79%	I thought it was not important enough to report	83%
I took care of it myself	68%	I took care of it myself	76%	I took care of it myself	73%
I did not want people gossiping about me	40%	I did not want people gossiping about me	48%	I did not want people gossiping about me	36%

TOP THREE REASONS FOR NOT REPORTING SEXUAL HARASSMENT – MEN					
USMA		USNA		USAFA	
I thought it was not important enough to report	79%	I thought it was not important enough to report	76%	I thought it was not important enough to report	78%
I took care of it myself	52%	I took care of it myself	58%	I took care of it myself	61%
I thought it would take too much time and effort	21%	I thought it would take too much time and effort	20%	I thought it would take too much time and effort	19%

3. IMPROVING RESPONSE

The Department's third goal is to improve sexual assault response. This priority focuses on availability, access, and quality of response for victims. At USMA, the Installation Sexual Assault Response Coordinator (SARC) and Victim Advocate (VA) maintain 24/7 contact capability with established hotline numbers for the USMA

community. The USCC SARC also maintains 24/7 contact capability. Contact information is posted in the cadet barracks and throughout the Academy in educational, athletic and support activity locations. Additionally, the sexual assault resource page on the USCC shared internet portal provides information for cadets to call 24 hours a day regarding a sexual assault or to reach a SARC or VA.

In APY 09-10, two female members of the Brigade Tactical Department (one commissioned officer and one non-commissioned officer) received training to serve as additional resources for cadets who wish to make a restricted report or who are in need of victim assistance. The Installation SARC and VA highlighted reporting options and response during presentations of the SAPR program to several local and regional ancillary agencies. These initiatives have increased the strength and width of the response network, thereby enabling a more comprehensive response to victims. Also, during APY 09-10, the Installation SARC completed a review and update to the Memorandum of Understanding with the Mental Health Association in Orange County, NY, covering rape crisis advocacy response and victim support services.

USNA trained 17 new VAs and 47 new Midshipmen SAVI GUIDES to be first responders. The Sexual Assault Case Management Group conducted monthly multi-disciplinary meetings to review and track progress on current open cases, facilitate program updates, discuss process improvements and ensure system accountability and victim access to services.

For faculty, staff and support personnel, USNA expanded the SAPR familiarity training for the Academic Dean's Newcomers Indoctrination Training, as well provided an in-depth SAPR refresher training for all key personnel. Additionally, USNA launched a new program for faculty and staff members called the Faculty and Staff GUIDE program. This program is similar to the Midshipman SAVI GUIDE program in that faculty and staff members receive the same Department of the Navy certified 30-hour VA course training. However, they are not expected to "stand watch" or respond to off campus emergencies. These faculty and staff volunteers use their training to provide information and encourage reporting. Three inaugural Faculty and Staff GUIDE members were trained during APY 09-10.

USAFA SAPR provides ongoing training to all first responders. Areas covered in first responder training include victimology (characteristics of victims), typical offender behavior, collateral victim misconduct, how to work with victims, reporting strategies, and how to deal with a victim who may be disclosing to an individual who is required to report a sexual assault. This training includes typical cases and scenarios using role plays and discussion. Guest lecturers are also part of first responder training. In APY 09-10, Mr. Russell Strand presented "Understanding Sex Offenders" and "How to Conduct a Better Victim Interview," Dr. Janine D'Anniballe¹⁰ presented "Biochemical and Psychological Victimology," and Ms. Veraunda Jackson presented "Victimology." USAFA held 17 training sessions with more than 400 attendees in APY 09-10.

¹⁰ Dr. Janine D'Anniballe is the executive director of Moving to End Sexual Assault a rape crisis center serving Boulder and Broomfield Counties.

The Cadet Helping Agency Team (CHAT), chaired by the USAFA Vice Commandant of Cadets for Culture and Climate, is comprised of medical, mental health and counseling, SAPR, and cadet leadership with the intent to monitor and have “eyes on” all cadets placed on the Cadets At Risk List. CHAT meets monthly or on an as needed basis.

4. IMPROVING SYSTEM ACCOUNTABILITY

The Department’s fourth DoD-wide strategic priority is to improve system accountability. This priority focuses on improving the reliability and sustainment of POSH and SAPR services, and ensuring those services function in the way they were designed. The *Annual Report on Sexual Harassment and Violence at the Military Service Academies*, the bi-annual *SAGR Survey* and the bi-annual *Gender Relations Focus Groups* are oversight tools to assess and improve the POSH and SAPR programs at the MSAs. The attached reports from the Academy Superintendents, as well as the recommendations to the MSAs from the APY 08-09 report will be used as a starting point for the Department’s site visits and assessments that will be provided in the forthcoming APY 10-11 report.

Additionally, each Academy provides oversight of its POSH and SAPR programs. USMA uses monthly Sexual Assault Review Board (SARB) meetings chaired by the Superintendent to provide oversight of its Sexual Harassment and Assault Response and Prevention (SHARP) Program.. The SARB meetings afford senior Academy leaders the opportunity to assess the current state of the program, and provide procedural guidance and feedback to members of the SARB and Sexual Assault Response Team.

The SAPR office, reporting directly to the Superintendent, provides oversight of programs supporting the prevention and response of sexual harassment and sexual assault at USNA. This office is headed by a senior naval officer who serves as the SARC for the entire command. The SARC is assisted in program oversight by four full-time staff members, including a military deputy SARC. In addition, a full-time Professor of Sociology from the Department of Leadership, Ethics and Law augments the SAPR staff to assist with education program assessments and academic research related to the culture of sexual assault.

USAFA has several programs in place to provide system accountability of POSH and SAPR programs. USAFA senior leadership is briefed monthly on SAPR cases and trends, and a multi-disciplinary sexual assault case management team conducts case reviews at bi-weekly meetings. Implementation of the POSH and SAPR programs and presentations by guest lecturers are evaluated using pre- and post- test measures. The Air Force Inspector General (IG) conducts bi-annual Unit Compliance Inspections of SAPR and Equal Opportunity using the new SAPR Inspection Checklist developed by Air Force SAPR.

5. IMPROVE KNOWLEDGE AND UNDERSTANDING OF POSH AND SAPR

The fifth DoD-wide priority is to improve knowledge and understanding of the POSH and SAPR programs. This priority focuses on improving pro-active communication of SAPR information to stakeholders.

USMA increased staff and faculty SAPR training during APY 09-10 to include a Sex Signals session at approximately the same time that cadets were receiving the Sex Signals training. This provided USMA staff and faculty with insight into the training the cadets received regarding prevention of sexual harassment and assault, educated them on the subject matter, and prepared them for informal discussions that may occur with cadets.

The Respect Program website published several real world sexual harassment scenarios and their associated outcomes. The Installation SARC and VA presented an overview of the SAPR program to several local and regional ancillary agencies including Keller Army Community Hospital, the Orange County, NY Sexual Assault Response Team and at the Police Interactive Training Conference hosted by Westchester County Chiefs of Police Association.

USNA continued to educate faculty, staff, and support personnel on POSH and SAPR through focused recurrent training and ready access to pertinent information. The Academy expanded the SAPR familiarity training for the Academic Dean's Newcomers Indoctrination Training and provided in-depth SAPR refresher training targeted to all key personnel including Company Officers, Senior Enlisted Leaders, Chaplains, and VAs. Lastly, USNA completely revamped the SAPR section of the USNA intranet website, available to all midshipmen, faculty, and staff, which now includes one-click access to information for victims of sexual assault as well as information for potential first responders seeking guidance on how to help a victim. USNA also added complete information on all aspects of the USNA SAPR program including both response and prevention education.

USAFA SAPR and EO continuously inform and educate stakeholders through a variety of programs. The highlights from APY 09-10 include a 10th Air Base Wing SAPR Conference, a SARC interview on the base KAFA radio station, and a social norming/marketing campaign using cadet-generated data. In addition to all the training for faculty, staff, and support personnel, USAFA extended training to the community including a sexual violence support agency, local law enforcement agencies, and local high schools and universities.

SUMMARY OF THE PLANS FOR APY 10-11

The Academies identified plans to continue to improve their POSH and SAPR programs during APY 10-11. USMA plans to enhance its Respect Program by adding a 90-minute facilitated discussion on gender relations to both Cadet Basic Training and Cadet Field Training and expanding the training provided to Respect Representatives. Additionally,

the Respect Office will conduct briefings with each academic department to educate faculty and staff on reported and unreported incidents and to garner support for the Respect Office and other sexual harassment and assault prevention programs. The Installation SARC is creating a new SHARP/I. A.M. STONG website and will host the first annual “Walk a Mile” awareness event during SAAM. To enhance oversight, the Installation SARC plans to invite the IG Chief of Inspections to conduct an annual inspection of the Garrison SAPR program.

During APY 10-11, USNA plans to continue to refine areas commended in the APY 08-09 report to include, educating and publicizing reporting options, monitoring continuity of services by the SARC throughout the investigation and prosecution stages, and providing victims with Midshipman Legal Advisor contact information and explanation of services. USNA also will improve and refine SAPR training for faculty, staff and support personnel and continue to recruit and train VAs. In addition, USNA will roll-out the fourth and final year of the SHAPE program for First Class midshipmen and increase participation in the new Faculty and Staff GUIDE program.

USAFA plans to implement recommendations from Brett Sokolow, JD, founder, president and managing partner of NCHERM, to enhance prevention training and encourage restricted reporting. Additionally, to further encourage restricted reporting and meet victim’s needs, USAFA is researching the security implications of an eSARC program, a confidential reporting option via text and email to the SARC, and a virtual victim support group through a secure web-based chat room. To further enhance training, USAFA is beginning a two-year implementation effort for a mandatory Air Force Bystander Intervention Program.

ASSESSMENT OF MSA PROGRAMS

In the August 2008 report entitled “DoD’s and the Coast Guard’s Sexual Assault Prevention and Response Programs Face Implementation and Oversight Challenges,”¹¹ GAO recommended that the Department improve the usefulness of the annual report as an oversight tool both internally and for congressional decision makers in order to enhance oversight of the SAPR program. The Department implemented this recommendation for the *Annual Report on Sexual Harassment and Violence at the Military Service Academies*, as well.

This document represents the fourth assessment of the sexual harassment and assault programs at the Academies. However, this is the first MSA assessment to employ the *DoD-wide SAPR Strategic Plan* as a framework for evaluation. It is currently the intent of the Department to conduct all future MSA assessments using the five strategic priorities identified in the *DoD-wide SAPR Strategic Plan*. Each MSA should now organize its sexual harassment and assault program objectives and initiatives according to the Department’s five identified priorities (listed on page 4).

¹¹ Government Accountability Office (2008). *DoD’s and the Coast Guard’s Sexual Assault Prevention and Response Programs Face Implementation and Oversight Challenges*. Retrieved from <http://www.gao.gov/new.items/d08924.pdf>

During the past few years, the MSAs have applied considerable resources to design and implement policies, programs, and services to prevent and respond to sexual harassment and assault. Many of these programs extend well beyond simple activities that heighten awareness of the problem. While awareness programs serve an important purpose, effective prevention and response involve extensive education, training, organization, monitoring, and evaluation. As evidenced by the preceding report, program infrastructure is well established at each MSA. Not only does each Academy have a well-organized response structure, they also incorporate sexual harassment and assault learning objectives into leadership and academic curricula. The MSAs have also employed many of the nation's leading experts to help them construct their programs and participate as guest lecturers.

Standing in contrast to the MSAs' extensive programmatic achievements is the data from the *2010 SAGR Survey*. The results show a concerning elevation in the incidents of unwanted sexual contact and sexual harassment reported on the survey. As previously noted, this increase may reflect an increase in incidents experienced by cadets and midshipmen, or it may reflect their ability to better recognize unacceptable behavior given the knowledge provided by sexual harassment and assault programming. Whatever the cause, it is now time for the MSAs to enhance the evaluation components of their SAPR and POSH programs. The Department recommends the MSAs establish outcome-based evaluative processes and metrics for their sexual harassment and assault program objectives and initiatives. These metrics can take many forms, but should examine annual progress in concept comprehension, skill acquisition, behavioral intention, or any other programmatic outcome.

During APY 10-11, SAPRO and ODMEO will use the APY 09-10 MSA's self-assessments and *2010 SAGR Survey* to develop a comprehensive assessment protocol and jointly conduct Academy site visits. During the site visits, SAPRO and ODMEO will address the recommendations provided to the MSAs as part of the APY 08-09 Report, the progress and areas for improvement noted during the review of the APY 09-10 Report, and plans to address areas of concerns noted in the *2010 SAGR Survey*. The areas of concern include but not limited to the number of incidents reported that involve multiple offenders and/or the use of alcohol and to address reasons given for not reporting. SAPRO and ODMEO will provide commendations, as well as recommendations for continued improvement in the APY 10-11 report.

Preventing sexual harassment and assault at the MSAs, as well as in all aspects of military service, remains our number one priority for the Department. The APY 09-10 report demonstrates some progress towards that goal. However, much work needs to be done in prevention of and response to sexual misconduct.

AGGREGATE REPORTS OF SEXUAL ASSAULT

The Department's MSA sexual assault statistics include all contact sexual crimes by adults, as defined in the Uniform Code of Military Justice (UCMJ). These crimes include rape, aggravated sexual assault, nonconsensual sodomy, aggravated sexual contact, abusive sexual contact, wrongful sexual contact, and attempts to commit these offenses. For incidents that occurred prior to the UCMJ changes on October 1, 2007, sexual assault included rape, nonconsensual sodomy, indecent assault, and attempts to commit these acts.

In APY 09-10, a total of 41 reports of sexual assault were made to the MSAs, representing a 64% increase from APY 08-09.

- The MSAs received 19 Unrestricted Reports¹² involving cadets and midshipmen as either the victim or subject¹³ of a sexual assault investigation
- The MSAs initially received 27 Restricted Reports¹⁴ involving cadets and midshipmen as victims of sexual assault
 - 5 of the Restricted Reports later converted to Unrestricted Reports at the victims' request, leaving 22 remaining Restricted Reports.
- 37 cadets and midshipmen reported they had been the victim of a sexual assault¹⁵
 - 15 cadets and midshipmen made or converted to an Unrestricted Report
 - 22 cadets and midshipmen made and maintained Restricted Reports

Sexual assault is one of the most underreported crimes in the United States. Estimates suggest that only a small percentage of sexual assaults in a college environment are ever reported to the police.¹⁶ This reporting behavior is mirrored at the MSA. According to the *2010 SAGR Survey*, only about 13% of cadets and midshipmen who experience unwanted sexual contact report the matter to a military authority. As reporting is frequently the first step in getting assistance, the Department enacted a new policy in 2005 to encourage more victims to come forward.

While one sexual assault is too many, the overall increase in reporting behavior is encouraging. Increasing the number of reports made by military members, improves the ability of the Department to provide resources to victims of sexual assault and hold perpetrators accountable for their offenses. The Department expects that yearly increases in reporting will be an indicator of improved cadet and midshipman confidence in the DoD's SAPR program's ability to respond. Figure 1 shows the sexual

¹² An Unrestricted Report of sexual assault is a report that is provided to command and/or law enforcement for investigation.

¹³ The term "subject" is used in the Armed Forces to denote the suspected perpetrator of an offense.

¹⁴ Restricted Reporting allows victims to confidentially access medical care and advocacy services without triggering an investigation.

¹⁵ Of the 41 reports of sexual assault, 38 reports involved cadets and/or midshipmen as victims of sexual assault. The remaining three Unrestricted Reports of sexual assault involved victims who were neither a cadet nor midshipman.

¹⁶ Kilpatrick, D, Resnick, H, Ruggiero, K, Conoscenti, L, McCauley, J. (2007). *Drug-facilitated, Incapacitated, and Forcible Rape: A National Study*. Retrieved from: <http://www.ncjrs.gov/pdffiles1/nij/grants/219181.pdf>

assault reports made at the MSAs since 2005. Figure 2 shows reports by academy.

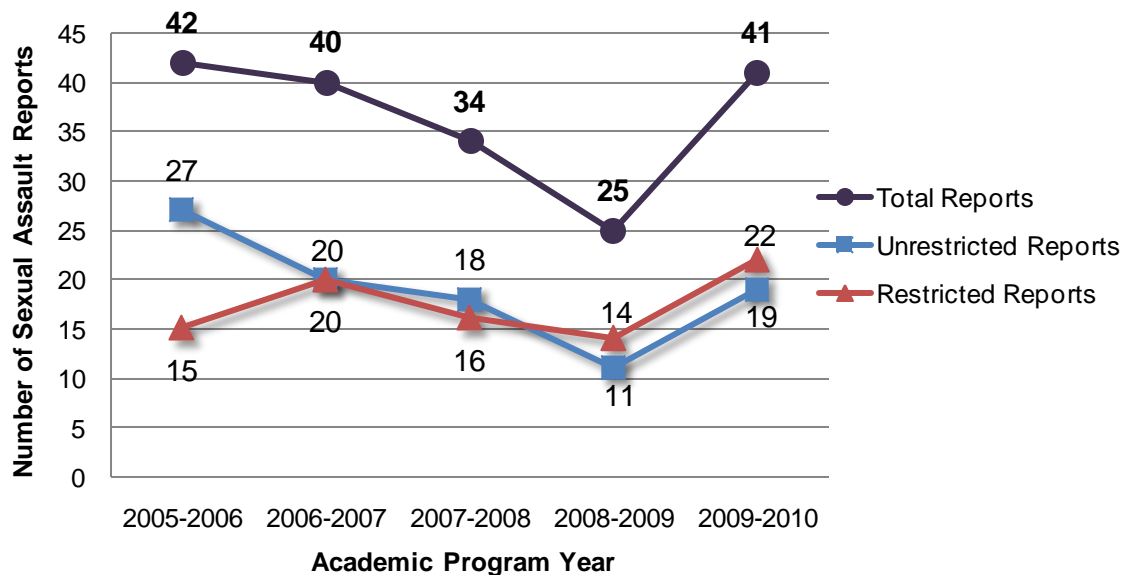


Figure 1. Reports of Sexual Assault at the MSA by Report Type, APYs 05-10.

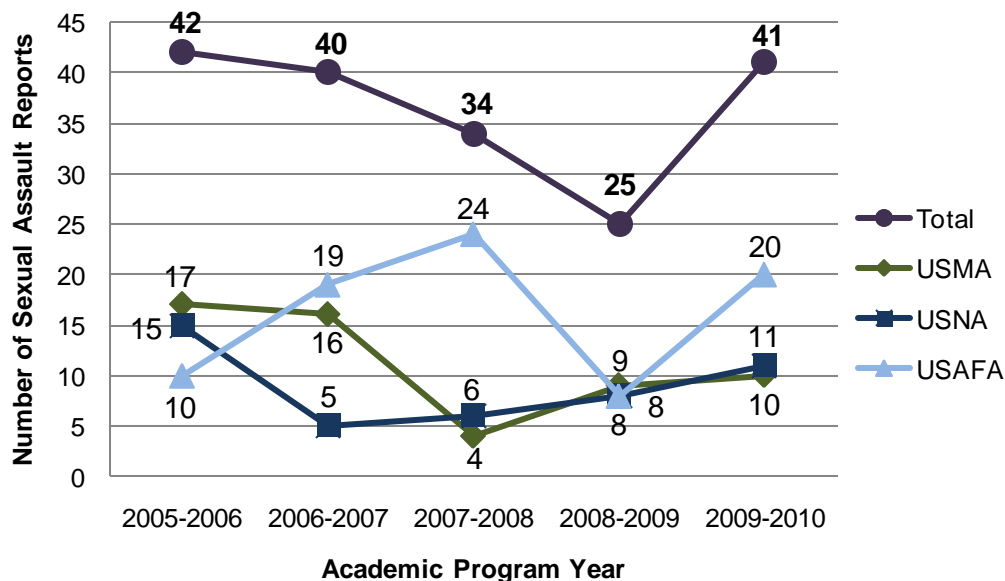


Figure 2. Reports of Sexual Assault at the MSA by Academy, APYs 05-10.

A. APY 09-10 UNRESTRICTED REPORTS OF SEXUAL ASSAULT

Data from Unrestricted Reports are collected and reported by the Military Criminal Investigative Organizations (MCIO) which includes the Army Criminal Investigations Command, the Naval Criminal Investigative Service, and the Air Force Office of Special Investigations.

In APY 09-10, there were 19 Unrestricted Reports of sexual assault involving cadets and midshipmen as either the subject and/or victim of a sexual assault investigation.

- 15 of the Unrestricted Reports involved cadets and midshipmen as victims
 - None of the cadets or midshipmen made an Unrestricted Report relating to a sexual assault that occurred prior to entry into an academy
- 18 criminal investigations were initiated¹⁷ and 16 of those investigations were completed in APY 09-10
 - The results of the other 2 investigations will be reported in forthcoming years' reports
 - Four reports of sexual assault from prior reporting periods, specifically APY 08-09, were also completed during APY 09-10

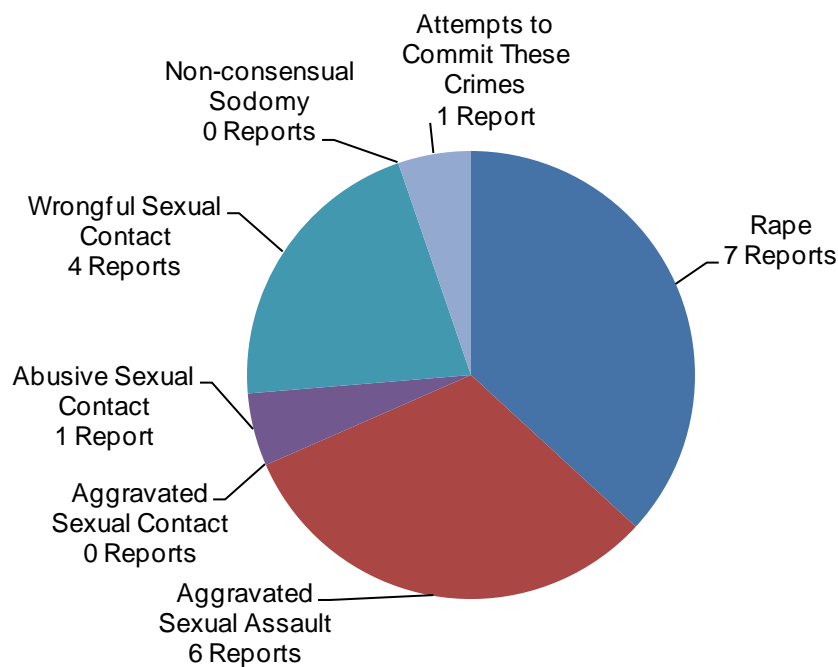


Figure 3. Crimes Investigated in Unrestricted Reports of Sexual Assault, APY 09-10.

¹⁷ One Unrestricted Report of sexual assault could not be investigated because the victim declined to participate .

In APY 09-10, 12 of the 19 Unrestricted Reports involved the victimization of a cadet or midshipman by another cadet or midshipman. Figure 4 illustrates how cadets and midshipmen are involved in sexual assault reports.

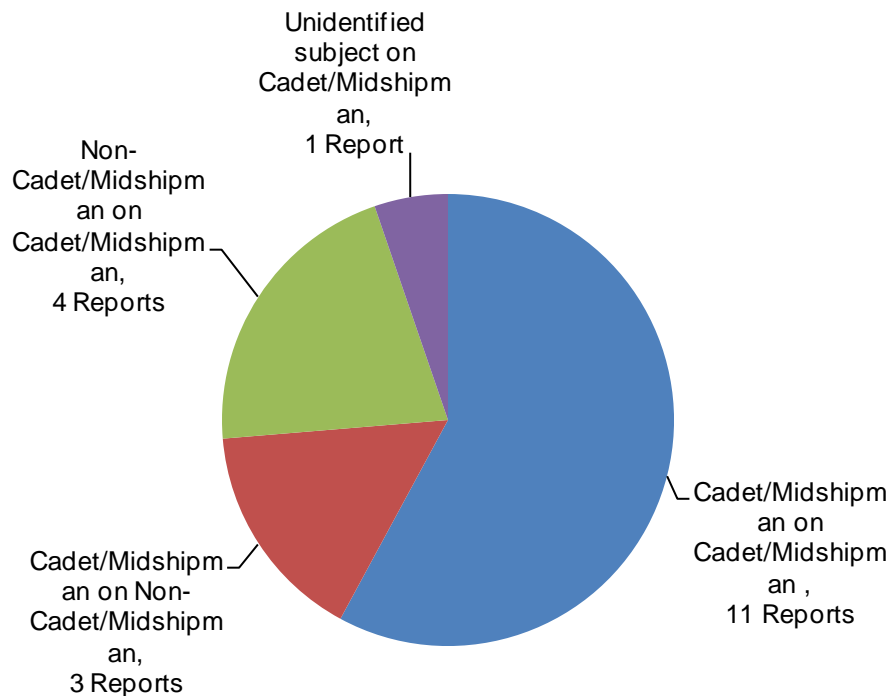


Figure 4. Unrestricted Reports of Sexual Assault by Victim and Subject Status, APY 09-10.

1. Disposition of Completed Investigations

After an Unrestricted Report of sexual assault is made, the matter is referred to an MCIO for investigation. Depending on the complexity of the allegation, the investigation can take a few weeks to several months to complete.

When an Unrestricted Report is investigated, the goals of the investigation are to identify what crimes have been committed, who has been victimized, and who may be held accountable for the crime. It is the intent of the Department to hold offenders accountable when available evidence supports such action. The 16 criminal investigations opened and closed in APY 09-10 involved 20 subjects.¹⁸ The investigation opened in APY 08-09 and closed in APY 09-10 involved four subjects. While cadets and midshipmen are under the legal authority of the Department, three subjects were civilians and not subject to military law, one subject was a USAFA cadet being prosecuted by a civilian authority, and one subject could not be identified. Figure 5 shows the flow of sexual assault reports from initial allegation through final disposition.

¹⁸ Some of the reports involved more than one offender.

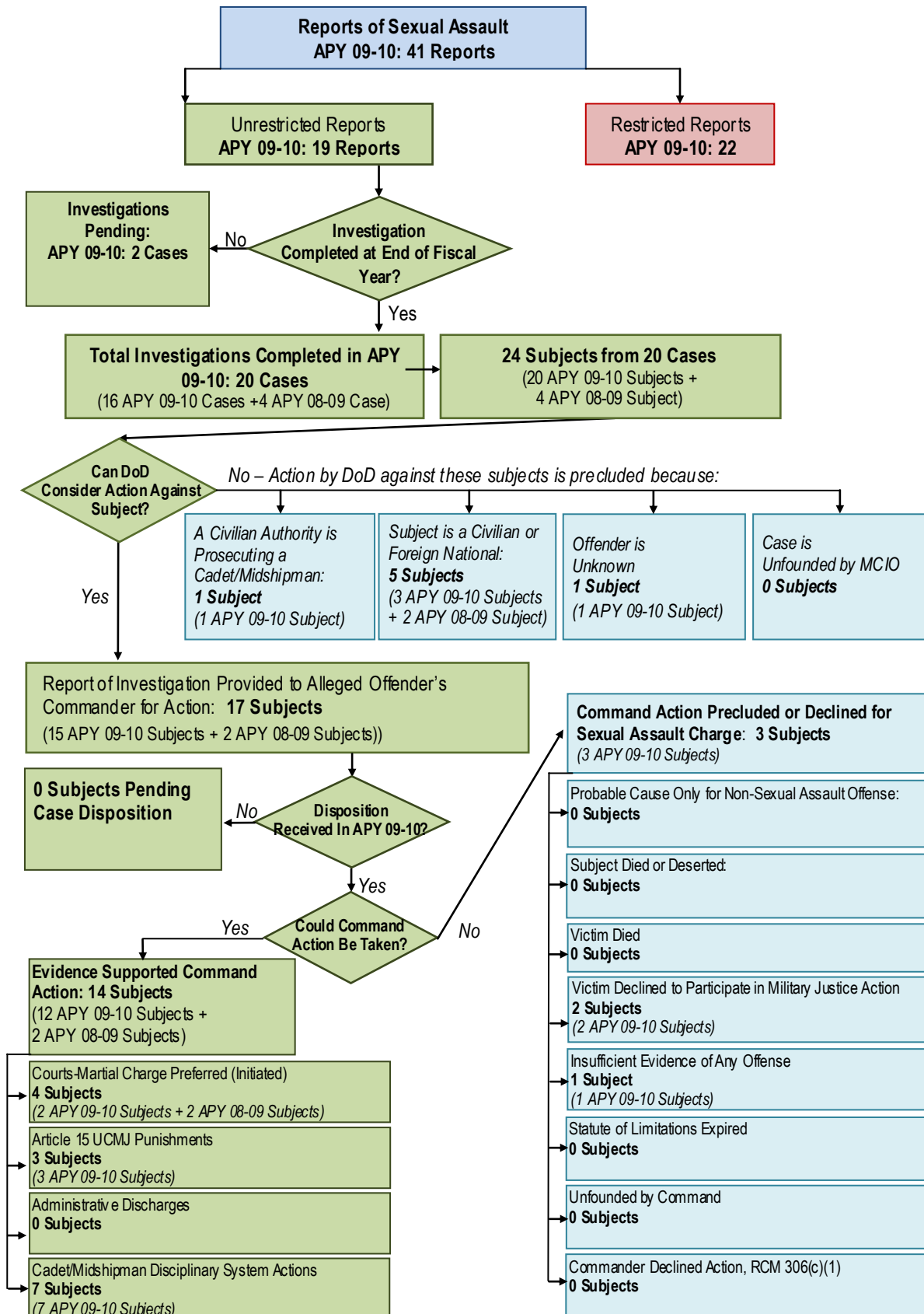


Figure 5. Flow of Cases from Initial Report Through Final Disposition, APY 09-10.

- The Department could not take action against seven subjects of cases reported completed during APY 09-10:
 - Five subjects were civilians who were not subject to the Uniform Code of Military Justice
 - One cadet was being prosecuted by a civilian authority
 - One subject could not be identified
- Reports of investigation on 17 subjects were provided to military commanders for action in APY 09-10
- For all investigations completed in APY 09-10, commanders had jurisdiction and sufficient evidence of a crime to support taking disciplinary action against 12 subjects. The actions taken are as follows:
 - Court-martial charges preferred (initiated): 2
 - Nonjudicial punishments (Article 15, UCMJ): 3
 - Administrative discharges: 0
 - Cadet disciplinary system actions: 7
- For 3 subjects whose cases were completed in APY 09-10, command action for sexual assault charges was precluded or declined for the following reasons:
 - The victim declined to participate in military justice actions against 2 subjects
 - Investigation of the allegations against 1 subject disclosed insufficient evidence of any offense

2. Demographics of Unrestricted Reports

The following demographic information is drawn from the 16 investigations of sexual assault that were initiated and completed during APY 09-10. These investigations involved 16 victims and 20 subjects. There were 2 investigations that involved multiple victims and/or subjects.

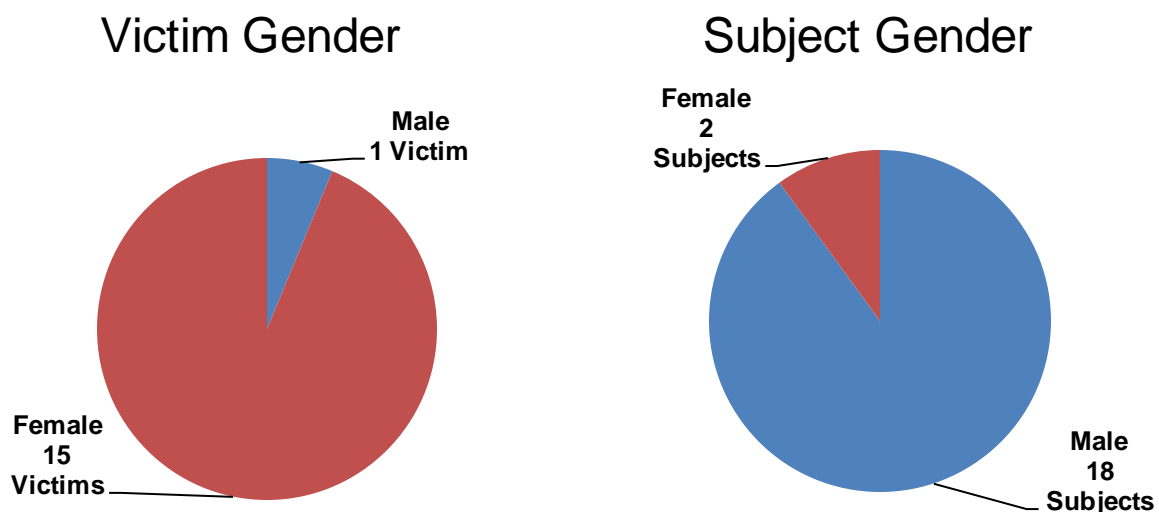


Figure 6. Gender of Victims and Subjects, Completed Investigations of Unrestricted Reports, APY 09-10

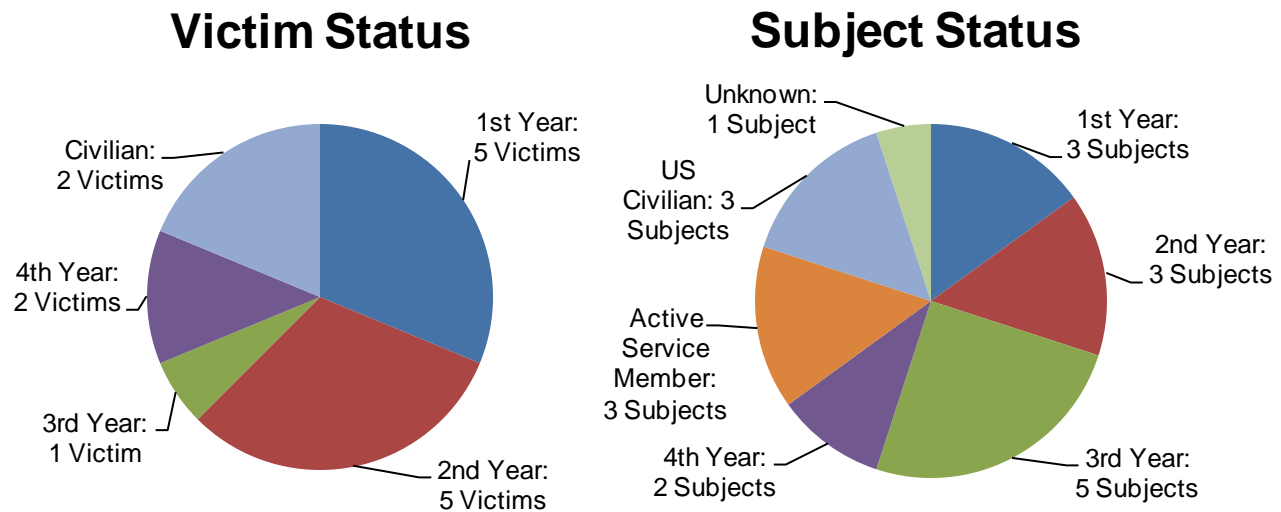


Figure 7. Status of Victims and Subjects in Completed Investigations of Unrestricted Reports, APY 09-10.

B. APY 09-10 RESTRICTED REPORTS OF SEXUAL ASSAULT

Information about Restricted Reports is typically collected by SARCs and VAs. Because Restricted Reports are confidential, covered communications as defined in Department policy, SAPR personnel only collect limited data about the victim and the allegation being made. As with Unrestricted Reports, Restricted Reports can be made for incidents that occurred in prior reporting periods and incidents that occurred prior to military service.

In APY 09-10, there were 27 initial Restricted Reports of sexual assault.

- Of the 27 reports, 5 converted to Unrestricted Reports at the request of the victim
- At the close of APY 09-10, 22 reports remained Restricted.¹⁹
 - 4 cadets made a Restricted Report and obtained services for a sexual assault that occurred prior to military service.

1. Demographics of Restricted Reports of Sexual Assault

The following information pertains to cadets and midshipmen who have made a Restricted Report of sexual assault. Twenty-seven cadets and midshipmen initially made a Restricted Report.

¹⁹ The Restricted Reports that converted to Unrestricted Reports are included in the total 19 Unrestricted Reports cited earlier.

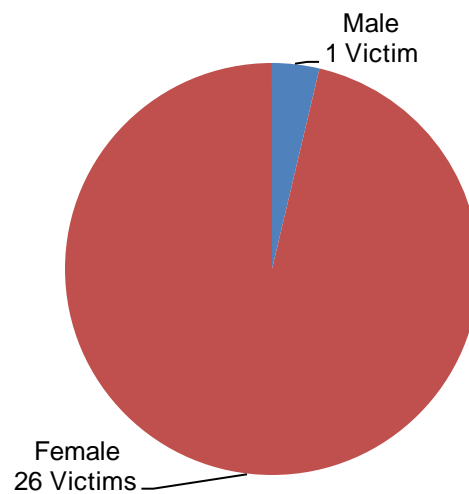


Figure 8. Gender of Victims making Restricted Reports, APY 09-10.

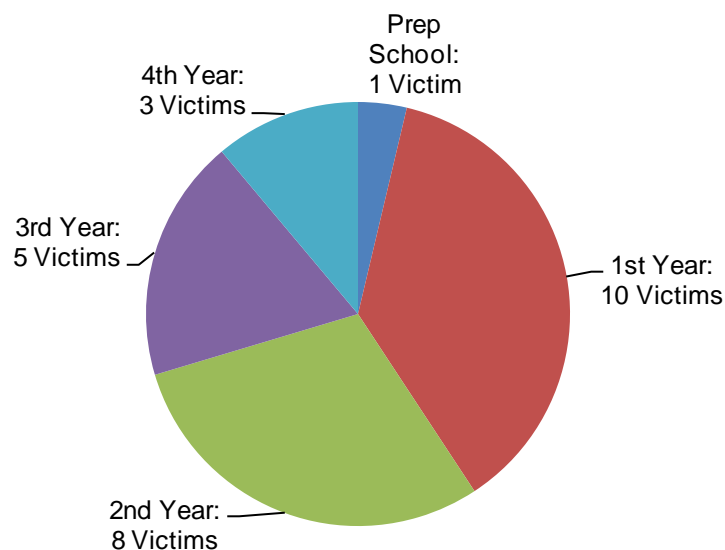


Figure 9. Status of Victims making Restricted Reports, APY 09-10.²⁰

C. UNDERREPORTING OF SEXUAL ASSAULT

In civilian and military societies, many incidents of sexual assault are not reported because victims are reluctant to officially report the crime for a variety of reasons. Both civilian and military victims have concerns about reporting, including losing their privacy,

²⁰ The MSA Preparatory (Prep) Schools are designed to academically, physically and militarily prepare qualified young men and women to enter an Academy. Applicants who are not accepted into an Academy may receive an appointment to a Prep School.

believing the matter may not warrant police involvement, thinking that their accounts of the assault may not be believed, and assuming that police cannot help them.^{21, 22}

- In civilian society, 2007 estimates indicate that only 19% of rapes are reported to police. Among college women, about 12% of rapes are reported.²³
- In the Armed Forces, in 2006 only 20% of the men and women who experienced unwanted sexual contact²⁴ in the year prior to being surveyed said they reported the incident to a military authority.²⁵
- In the 2010 SAGR Survey, of the approximate 13% of women who reported an incident of unwanted sexual contact in the 12 months prior to the survey, only 13% of them reported the incident to a military authority.²⁶

National crime statistics are primarily based on reports that come into law enforcement agencies. As a result, they underestimate the number of sexual assaults that occur. The reports made to DoD also underestimate the number of sexual assaults that occur each year in the Armed Forces and at the MSAs. Since many victims do not report to police, researchers use anonymous surveys to estimate the number of sexual assaults that occur in both civilian and military society.

In the civilian population, there have been several surveys used to estimate the number and kind of sexual assaults that occur. However, each survey used different sex crime definitions (rape only vs. any kind of sexual assault), used different survey questions, asked about different time periods (previous 12 months vs. lifetime occurrence), and used different methods to collect and analyze the data. As a result, different surveys yield different results and are not directly comparable.

Within the DoD, the DMDC surveys cadets and midshipmen at the MSAs every two years. Based on the 2010 survey, an estimated 520²⁷ cadets and midshipmen experienced an incident of unwanted sexual contact in the 12 months prior to the survey. When compared to the 41 reports of sexual assault made to the Academies, fewer than 10% of unwanted sexual contacts were reported to military authorities. Again, unwanted sexual contact ranges from unwanted sexual touching through

²¹ Tjaden, P, Thoennes, N. (2000). *Extent, nature, and consequences of intimate partner violence: Findings from the National Violence Against Women Survey*. Retrieved from: <http://www.ojp.usdoj.gov/nij/pubs-sum/181867.htm>

²² U.S. Department of Defense (2008). *2006 Workplace and Gender Relations Survey of Active Duty Members* [Data file]. Retrieved from: http://www.sapr.mil/contents/references/WGRA_OverviewReport.pdf

²³ Kilpatrick, D, Resnick, H, Ruggiero, K, Conoscenti, L, McCauley, J. (2007) *Drug-facilitated, Incapacitated, and Forcible Rape: A National Study*. Retrieved from: <http://www.ncjrs.gov/pdffiles1/nij/grants/219181.pdf>

²⁴ Unwanted sexual contact is the term the survey used to capture all contact sexual crimes prohibited by the Uniform Code of Military Justice (military law), including rape, aggravated sexual assault, and forcible sodomy.

²⁵ .S. Department of Defense (2008). *2006 Workplace and Gender Relations Survey of Active Duty Members* [Data file]. Retrieved from: http://www.sapr.mil/contents/references/WGRA_OverviewReport.pdf

²⁶ U.S. Department of Defense (2010). *2010 Service Academy Gender Relations Survey* [Data file]. Washington, DC: Defense Manpower Data Center (DMDC).

²⁷ This is determined by the number of cadets and midshipmen that indicated experience unwanted sexual contact on the anonymous 2010 SAGR Survey.

completed rape. Figure 10 displays how these survey reports compare to the Unrestricted and Restricted Reports received during the current APY.

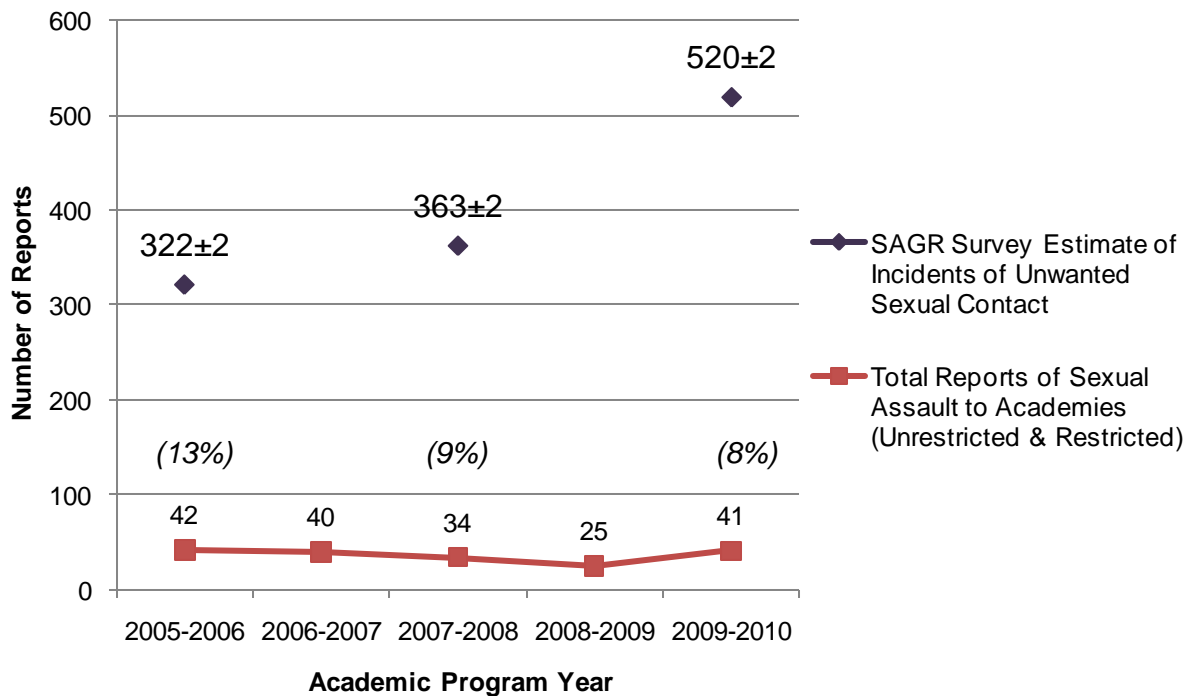


Figure 10. US Military Service Academies: Estimated Incidents of Unwanted Sexual Contact according to SAGR Surveys vs. Reports of Sexual Assault made to Academies. The italicized numbers in parentheses represent the estimated percentage of incidents of unwanted sexual contact accounted for by the Reports of Sexual Assault to the Military Service Academies.

Unrestricted Sexual Assault Reports

Sexual Harassment and Violence at the US Military Service Academies APY09-10 Combined Totals	
A. APY09-10 REPORTS OF SEXUAL ASSAULT (rape, aggravated sexual assault, aggravated sexual contact, abusive sexual contact, wrongful sexual contact, non-consensual sodomy, and attempts to commit these offenses) BY or AGAINST Cadets/Midshipmen	APY09-10 Totals
# VICTIMS in APY09-10 Unrestricted Reports	19
# Cadet/Midshipman victims	15
# Non-Cadet/Midshipman victims	4
# Unrestricted Reports in the following categories	19
# Cadet/Midshipman on Cadet/Midshipman	10
# Cadet/Midshipman on Non-Cadet/Midshipman (includes other Service Members or Civilians)	4
# Non-Cadet/Midshipman (includes other Service Members or Civilians) on Cadet/Midshipman	4
# Unidentified Subject on Cadet/Midshipman	1
# Unrestricted Reports of sexual assault occurring	19
# On Academy Grounds	9
# Off Academy Grounds	10
# Unidentified location	0
# Investigations Initiated (From APY2009-2010 Unrestricted Reports)	18
# Investigations pending completion as of 31-May-10	2
# Completed Investigations as of 31-May-10	16
# Restricted Reports	27
# Converted from Restricted Report to Unrestricted Report*	5
# APY09-10 RESTRICTED REPORTS REMAINING RESTRICTED	22
B. DETAILS OF UNRESTRICTED REPORTS IN APY09-10	APY09-10 Totals
Length of time between sexual assault and Unrestricted Report	19
# Reports made within 3 days of sexual assault	6
# Reports made within 4 to 30 days after sexual assault	6
# Reports made within 31 to 365 days after sexual assault	5
# Reports made longer than 365 days after sexual assault	2
# Unknown	0
Reported Time of sexual assault	19
# Midnight to 6 am	10
# 6 am to 6 pm	3
# 6 pm to midnight	5
# Unknown	1
Reported Day of sexual assault	19
# Sunday	2
# Monday	2
# Tuesday	2
# Wednesday	2
# Thursday	1
# Friday	3
# Saturday	5
# Unknown	2
C. SUMMARY OF INVESTIGATIONS OF UNRESTRICTED REPORTS (INITIATED AND COMPLETED IN APY09-10)	APY09-10 Totals
# Investigations initiated and completed during APY09-10	16
# Investigations with more than one victim, subject, or both	3
# SUBJECTS in the completed investigations	20
# Cadet/Midshipman subjects	13
# Service Member subjects	3
# Non-Service Member subjects	3
# Unidentified subjects	1
# VICTIMS in the completed investigations	16
# Cadet/Midshipman victims	13
# Service Member victims	0
# Non-Service Member victims	3
# Unknown	0

Unrestricted Sexual Assault Reports (Continued)

D. FINAL DISPOSITIONS FOR SUBJECTS IN APY09-10 INVESTIGATIONS	APY09-10 Totals
# SUBJECTS in APY09-10 completed investigations	20
DoD Action Precluded:	5
# Unknown Subjects	1
# Unfounded by Investigative Agency	0
# Civilian or Foreign Authority Prosecutions of Persons Subject to the UCMJ	1
# Civilian or Foreign Authority Prosecutions of Persons NOT Subject to the UCMJ	3
# Total Command Action Precluded or Declined for Sexual Assault	3
# Probable cause for only non-sexual assault offense	0
# Subject deceased or deserted	0
# Victim deceased	0
# Victim declined to participate in the military justice action	2
# Insufficient evidence of any offense	1
# Statute of limitations had expired	0
# Unfounded by Command	0
# Commander declined action pursuant to UCMJ Rules of Courts-Martial 306(c)(1)	0
# Subjects awaiting completion of command action as of 31-May-10	0
# Subjects for whom command action was completed as of 31-May-10	12
# Evidence Supports Command Action for the following APY09-10 Sexual Assault Subjects	12
# Courts-martial charge preferred (Initiated)	2
# Honor board actions (Initiated)	0
# Nonjudicial punishments (Article 15 UCMJ)	3
# Administrative discharges	0
# Cadet Disciplinary System Actions	7
E. FINAL DISPOSITIONS FOR SUBJECTS IN Pre-APY09-10 INVESTIGATIONS (From prior year investigations completed in APY09-10)	APY09-10 Totals
# Total Number of Investigations, from all reporting periods prior to current APY, pending completion at the end of APY09-10	4
# Pre-APY09-10 Investigations STILL PENDING completion as of 31-May-10	0
# Pre-APY09-10 Investigations completed of 31-May-10	4
# SUBJECTS from Pre-APY09-10 investigations completed as of 31-May-10	4
# Final APY09-10 DISPOSITIONS for SUBJECTS from Pre-APY09-10 investigations that were completed in APY09-10	4
DoD Action Precluded:	2
# Unknown Subjects	0
# Unfounded by Investigative Agency	0
# Civilian or Foreign Authority Prosecutions of persons subject to the UCMJ	0
# Civilian or Foreign Authority Prosecutions of Persons NOT Subject to the UCMJ	2
# Total Command Action Precluded or Declined for Sexual Assault	0
# Probable cause for only non-sexual assault offense	0
# Subject deceased or deserted	0
# Victim deceased	0
# Victim declined to participate in the military justice action	0
# Insufficient evidence of any offense	0
# Statute of limitations had expired	0
# Unfounded by Command	0
# Commander declined action pursuant to UCMJ Rules of Courts-Martial 306(c)(1)	0
# Pre-APY09-10 Subjects awaiting completion of command action as of 31-May-10	0
# Pre-APY09-10 Subjects for whom command action was completed as of 31 May-10	2
# Evidence Supports Command Action for the following Pre-APY09-10 Sexual Assault Subjects	2
# Courts-martial charge preferred (Initiated)	2
# Honor board actions (Initiated)	0
# Nonjudicial punishments (Article 15 UCMJ)	0
# Administrative discharges	0
# Other administrative actions	0
* The total number of reports that converted to Unrestricted Reports are included in the total number of Unrestricted Reports provided in Section A.	

[illegible]

Restricted Sexual Assault Reports

RESTRICTED REPORTS OF SEXUAL ASSAULT - COMBINED MILITARY SERVICE ACADEMIES, APY09-10	
A. APY09-10 RESTRICTED REPORTS OF SEXUAL ASSAULT	APY09-10 TOTALS
# Cadet/Midshipman VICTIMS in Restricted Reports	27
# Converted from Restricted Report to Unrestricted Report*	5
# APY09-10 RESTRICTED REPORTS REMAINING RESTRICTED	22
# Reported sexual assaults AGAINST Cadet/Midshipman victims in the following categories	27
# Cadet/Midshipman on Cadet/Midshipman	20
# Non-Cadet/Midshipman on Cadet/Midshipman	6
# Unidentified subject on Cadet/Midshipman	1
# Reported sexual assaults occurring	27
# On Academy Grounds	10
# Off Academy Grounds	16
# Unidentified location	1
B. INCIDENT DETAILS	APY09-10 TOTALS
Length of time between sexual assault and Restricted Report	27
# Reports made within 3 days of sexual assault	7
# Reports made within 4 to 30 days after sexual assault	10
# Reports made within 31 to 365 days after sexual assault	6
# Reports made longer than 365 days after sexual assault	2
# Unknown	2
Time of sexual assault incident	27
# Midnight to 6 am	7
# 6 am to 6 pm	4
# 6 pm to midnight	12
# Unknown	4
Day of sexual assault incident	27
# Sunday	5
# Monday	0
# Tuesday	2
# Wednesday	2
# Thursday	3
# Friday	6
# Saturday	4
# Unknown	5
C. DEMOGRAPHICS FOR APY09-10 RESTRICTED REPORTS OF SEXUAL ASSAULT	APY09-10 TOTALS
Gender of VICTIMS	27
# Male	1
# Female	26
# Unknown	0
Grade/Status of VICTIMS	27
# Prep School	1
# 1st Year	10
# 2nd Year	8
# 3rd Year	5
# 4th Year	3
# Other Cadet Year	0
# Active Duty Service Members	0
* The Restricted Reports that converted to Unrestricted Reports are now included in the total number of Unrestricted Reports provided in Worksheet 1a.	

Victim Services

APY09-10 COMBINED SUPPORT SERVICES FOR VICTIMS OF SEXUAL ASSAULT AT US MILITARY ACADEMIES	
<i>NOTE: Totals of referrals and military protective orders are for all activities during the reporting period, regardless of when the sexual assault report was made .</i>	
A. SUPPORT SERVICE REFERRALS TO MILITARY VICTIMS FROM UNRESTRICTED REPORTS:	APY09-10 TOTALS
# Support service referrals for VICTIMS in the following categories	
# MILITARY facilities	33
# Medical	8
# Counseling	13
# Legal	12
# CIVILIAN facilities (Referred by DoD)	5
# Medical	1
# Counseling	2
# Legal	2
# Unrestricted Reports where SAFEs were conducted	5
# Unrestricted Reports where SAFE kits or other needed supplies were not available at time of victim's exam	0
# Cadets/Midshipmen making an UR that received service referrals for an incident that occurred prior to military service	0
B. SUPPORT SERVICE REFERRALS FOR MILITARY VICTIMS IN RESTRICTED REPORTS:	APY09-10 TOTALS
# Support service referrals for VICTIMS in the following categories	
# MILITARY facilities	42
# Medical	11
# Counseling	26
# Legal	5
# CIVILIAN facilities (Referred by DoD)	8
# Medical	2
# Counseling	6
# Legal	0
# Restricted Reports where SAFEs were conducted	3
# Restricted Reports where SAFE kits or other needed supplies were not available at time of victim's exam	0
# Cadets/Midshipmen making a RR that received service referrals for an incident that occurred prior to military service	4
C. APY09-10 MILITARY PROTECTIVE ORDERS (MPO)*	APY09-10 TOTALS
# Military Protective Orders issued due to an APY09-10 Unrestricted Report of Sexual Assault	7
# Reported MPO Violations in APY09-10 Completed Investigations	2
# Reported MPO Violations by Subjects	2
# Reported MPO Violations by Victims of Sexual Assault	0
*In accordance with DoD Policy, Military Protective Orders are only issued in Unrestricted Reports. A Restricted Report cannot be made when there is a safety risk to the victim.	

Sexual Assault Case Synopses

Combined Synopses of Unrestricted Reports of Sexual Assault Involving Cadets/Midshipmen Opened and Completed in APY09-10									
Number	Month Closed	Subject Status	Subject Gender	Victim Status	Victim Gender	Initial Allegation Reported	Misconduct Charged	Disposition	Brief Synopsis of Incident and Outcome
USMA 1	Dec-10	unk	Male	1st Year	Female	Victim reported being raped by unidentified male cadet (former boyfriend)			The investigation determined that an unknown person, who the victim would not identify, committed the offense of rape when he continued to engage in sexual intercourse after the victim verbally withdrew her consent. A review by the SJA determined there was probable cause to believe the victim was raped, but without the identification of the subject and the victim's unwillingness to cooperate no further action was taken.
USMA 2	Jan-10	1st Year	Male	1st Year	Female	Victim reported being raped by male cadet in barracks	Regimental Board	Awarded 90 hours area tours, 45 days restriction, 60 days withdrawal of privileges, and 35 demerits	
USMA 3	May-10	4th Year	Male	1st Year	Female	Victim reported being raped by male cadet in barracks	Rape, Article 120	Court Martial, guilty of 1 count of rape, 1 count indecent conduct, subject pled guilty to 3 violations of a general order, 42 months confinement, forfeiture of all pay and allowances, dismissal from service	
USMA 4	Mar-10	1st Year	Male	1st Year	Female	Victim reported subject entering room and inappropriately touching her despite her protest	Commandant's Board	Awarded 90 days loss of privileges, reduction of rank, no driving privileges for DCA, clubstreams until 01 Jan 2012, 90 days restriction, 100 hours area tours	
USMA 5	Jun-10	3rd Year	Male	3rd Year ROTC cadet (civilian)	Female	Victim reported subject inappropriately touching her despite her protest	Engage Board	Awarded 100 hours area tours, 60 days restriction, 90 days withdrawal privileges, reduction in rank, violation vacated a previous award of suspended separation so cadet was separated	

Sexual Assault Case Synopses (Continued)

Number	Month Closed	Subject Status	Subject Gender	Victim Status	Victim Gender	Initial Allegation Reported	Misconduct Charged	Disposition	Brief Synopsis of Incident and Outcome
USNA 1	Dec-09	E-6, E-5, E-4	male, male, female	2nd year	female	Victim was sexually assaulted by enlisted service members while at a party	Rape, Article 120	NJP for each of three subjects E-6, Art 92 & 134 / E-5, Art 81 & 92 / E-4, Art 92, 120 & 134 / All three admin discharged	While victim was on third class summer cruise, three enlisted sailors hosted a party at the E-6's apartment in which alcohol was served to underage drinkers. Nine other midshipmen from the ship attended. All the other midshipmen left the victim alone with the three enlisted and returned to the ship. Victim was sexually assaulted by at least one and possibly two of the enlisted while the third failed to intervene. All three enlisted were punished at NJP on related charges and were subsequently discharged. The other nine midshipmen were dealt with via the USNA.
USNA 2	Dec-09	3rd year	male	3rd year	female	Victim reported sexual assault by classmate while on summer training	Rape, Article 120	Subject dealt with via USNA conduct system due to insufficient evidence for referral for Courts Martial.	Victim was on summer training in California with subject. Subject had made repeated (failed) attempts to date the victim during the training period. When subject and victim (who were both underage) became highly intoxicated during parties held in on-base transient housing, the subject texted the victim to meet up with him in the parking lot. He allegedly led her to an unoccupied restroom where he subsequently assaulted her.
USNA 3	Oct-09	(1x) 1st year, (2x) 2nd year	three males	1st year	female	Victim reported being touched by three males while in her bed	Abusive Sexual Contact, Article 120	All three subjects dealt with via USNA conduct system due to insufficient evidence for referral for Courts Martial.	Two intoxicated 2nd year midshipmen entered the victim's dorm room while she was asleep. They climbed into her rack and touched her inappropriately while commenting on sexual acts she should perform on them. Later, a third midshipman (1st year) who was intoxicated and on duty, escorted the other two men out and then returned to the victim's room and committed the same offenses as the other two.
USNA 4	Feb-10	4th year	male	4th year	female	Victim reported having breast touched with sword by subject	Wrongful Sexual Contact, Article 120	Subject dealt with via USNA conduct system due to insufficient evidence for referral for Courts Martial.	While in the dining hall, with other midshipmen present, the subject used a carving knife to touch the victim's breast while making obscene comments. On previous occasions, the subject had spread rumors about the victim's sexual activity and had made derogatory comments to her and slapped her buttocks in the presence of other junior midshipmen while in their company area.
USNA 5	Feb-10	civilian contractor	male	2nd year	female	Victim was propositioned by civilian contract worker	Counted under "attempts to commit offenses," Article 80" although civilian not subject to UCMJ. No civil charges were filed.	Contractor fired from USNA job and prohibited from entering USNA grounds and adjacent Naval Station Annapolis	While the victim was using an unoccupied dorm room to shower and change clothes, a contractor (subject) who was inspecting rooms, discovered her presence and subsequently propositioned her. She refused and he departed. A few minutes later, the subject returned without knocking, remarking that he had hoped to catch her coming out of the shower. Subject persisted with suggestive remarks while blocking the victim's ability to escape. The victim's insistence that her boyfriend was on the way finally caused the subject to depart.

Sexual Assault Case Synopses (Continued)

Number	Month Closed	Subject Status	Subject Gender	Victim Status	Victim Gender	Initial Allegation Reported	Misconduct Charged	Disposition	Brief Synopsis of Incident and Outcome
USAF A 1	Oct 09	2nd Year	M		F	Allegation: Rape	None	No action	Location: On USAFA Alcohol involved: No Allegation legally insufficient in regard to prosecution and victim did not want to go forward.
USAF A 2	Feb 10	3rd Year	M	1st Year	F	Allegation: Aggravated Sexual Assault	None	No action	Location: On USAFA Alcohol involved: No Allegation legally insufficient in regard to prosecution and victim did not want to go forward.
USAF A 3	Dec 09	4th Year	M	Civilian	F	Allegation: Aggravated Sexual Assault	2 charges of aggravated sexual assault (third class felony, fourth class felony)	Trial scheduled after closeout of APY 09-10	Location: Off USAFA Alcohol involved: Yes Non-USAFA jurisdiction. Subject arrested by Civilian authorities. Not Guilty Plea.
USAF A 4	Oct 09	Civilian	F	4th Year	M	Allegation: Aggravated Sexual Assault	None	Department given to Subject	Location: Off USAFA Alcohol involved: Yes Non-USAFA jurisdiction. Subject barred from USAFA; civilian authorities declined to prosecute.
USAF A 5	Feb 10	Civilian	M	4th Year	F	Allegation: Aggravated Sexual Assault	1 charge of sexual assault (third class felony) and 1 charge contributing to delinquency of a minor (fourth class felony)	Department given to Subject	Location: Off USAFA Alcohol involved: Yes Non-USAFA jurisdiction. Subject barred from USAFA; pending trial.
USAF A 6	Sep 09	3rd Year	M	2nd Year	F	Wrongful Sexual Contact	None	No action.	Location: On USAFA Alcohol involved: No Allegation legally insufficient in regard to prosecution. Victim briefed by investigator and aware of inability to
Data Dictionary Number - A number assigned for purposes of this report only. (Use 1, 2, 3, etc.) Month Closed - the month and year that investigative activity was concluded Subject Status = Prep School, 1st Year, 2nd Year, 3rd Year, 4th Year, Other Cadet Year, Military Rank, Civilian or Unknown Subject Gender = Male, Female or Unknown Victim Status = Prep School, 1st Year, 2nd Year, 3rd Year, 4th Year, Other Cadet Year, Military Rank, or Civilian Initial Allegation Reported = Very short summary of allegation (Victim reported being touched on genitals by subject while asleep) Misconduct Charged = Offense and Article of UCMJ Disposition = Case status (Pending Art 32, Pending Court Martial, Art 15 UCMJ Punishment, Closed, etc.)									

Formal Sexual Harassment Reports

Combined Formal Sexual Harassment Reports at the US Military Service Academies APY09-10	
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: a. Submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career, or b. Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, or c. 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.	APY 09-10 TOTALS
A. Formal Sexual Harassment Complaints (total)	1
# Cadet/Midshipman Victims	1
# Non-Cadet/Midshipman Victims	0
B. Location of Incident	1
# On Academy Grounds	1
# Off Academy Grounds	0
# Unidentified location	0
C. # Total Sexual Harassment Investigations opened during APY09-10	3
# Investigations pending completion as of 31 May 10	0
# Completed investigations as of 31 May 10	3
D. Sexual Harassment Details - Length of time between incident and formal report	3
# Reports made within 60 days of the sexual harassment	3
# Reports made more than 60 days following the sexual harassment	0
# Unknown	0
E. # Reports forwarded to General Court Martial Convening Authority	1
# Reports forwarded to GCMCA within 72 Hours	1
# Reports forwarded to GCMCA beyond 72 Hours	0
F. Time of Sexual Harassment Incident	3
# Midnight to 6 am	0
# 6 am to 6 pm	1
# 6 pm to midnight	1
# Unknown	1
G. Day of Sexual Harassment Incident	3
# Sunday	0
# Monday	1
# Tuesday	0
# Wednesday	0
# Thursday	0
# Friday	1
# Saturday	0
# Unknown	1
H. # APY09-10 COMPLETED INVESTIGATIONS	3
# Investigations with more than one victim, more than one subject, or both	1
# of Subjects in Completed Investigations	3
I. APY08-09 FINAL DISPOSITIONS FOR SUBJECTS IN COMPLETED INVESTIGATIONS	3
# Subjects with Unsubstantiated Complaints	1
# Pending command action as of 31 May 10	1
# Subjects for whom command action was completed of 31 May 10	1
J. # Commander Actions (APY09-10 Subjects)	1
# Courts-martial	0
# Nonjudicial Punishments	0
# Discharges in lieu of courts-martial	0
# Discharges in lieu of disciplinary actions	0
# Honor board actions	0
# Other administrative actions	1

Sexual Harassment Case Synopses

Combined Synopses of Formal Sexual Harassment Investigations Involving Cadets/Midshipmen at US Military Service Academies							
Number	Month Closed	Subject Status	Subject Gender	Victim Status	Victim Gender	Initial Allegation Reported	Miscconduct Charged
USMA 1	Nov-10	Major	Male	Multiple	Female	Multiple victims were subjected to unwanted and unsolicited comments that were offensive and sexual in nature. Victims alleged that supervisor touched them in a manner that made them feel uncomfortable.	Conduct Unbecoming, Art 133
Disposition							
Officer received a General Officer Memorandum of Reprimand (GOMOR) and relieved of duties.							
Brief Synopsis of Incident and Outcome							
Multiple cadets were under the direct supervision of the officer. The officer made numerous unwanted comments and engaged in physical and verbal sexually harassing behaviors that created a hostile work environment for female cadets in the unit and created unfair conditions for male cadets in regards to professional development opportunities.							
Data Dictionary Number - A number assigned for purposes of this report only. (Use 1, 2, 3, etc.) Month Closed - the month and year that investigative activity was concluded Subject Status = Prep School, 1st Year, 2nd Year, 3rd Year, 4th Year, Other Cadet Year, Military Rank, Civilian or Unknown Subject Gender = Male, Female or Unknown Victim Status = Prep School, 1st Year, 2nd Year, 3rd Year, 4th Year, Other Cadet Year, Military Rank, or Civilian Initial Allegation Reported = Very short summary of allegation Miscconduct Charged = Offense and Article of UCMJ or other statute as applicable Disposition = Case status (Pending Art 32, Pending Court Martial, Art 15 UCMJ Punishment, Closed, etc.)							