

## UNITED STATES MILITARY ACADEMY

### INTRODUCTION

The Department of Defense (DoD) assessed the United States Military Academy's (USMA) policies, training, procedures, and initiatives for Sexual Assault Prevention and Response (SAPR) and Prevention of Sexual Harassment (POSH) Programs during Academic Program Year (APY) 2012-2013. The Department's SAPR and POSH programs assessment is organized by the 2013 DoD SAPR Strategic Plan. Policy compliance was measured against:

- DoD Directive (DoDD) 6495.01, *Sexual Assault Prevention and Response Program*, April 30, 2013;
- DoD Instruction (DoDI) 6495.02, *Sexual Assault Prevention and Response Program Procedures*, March 28, 2013;
- DoDD 1350.2 *Department of Defense Military Equal Opportunity Program*, November 21, 2003; and
- DoDD 1020.02 *Diversity Management and Equal Opportunity in the Department of Defense*, February 5, 2009.

Additionally, the Department looked at Service and Academy sexual harassment and assault policies:

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

USMA is in compliance with the Department's policies regarding sexual harassment and sexual assault. USMA demonstrated an improved level of oversight and leadership investment in developing, coordinating, and synchronizing SAPR efforts in many facets of cadet life. The Department encourages USMA to focus on identifying and countering damaging gender-related misbehavior and misconduct that detract from a climate of dignity and respect.

USMA should continue to identify innovative measures to ensure prevention efforts are strong, ensure victims gain confidence to come forward and report, hold offenders appropriately accountable, and ensure cadets are offered proper support throughout

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#### **Overall Status of Compliance:**

*In Compliance*

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their academic career. USMA's SAPR and related programs and processes are discussed below by DoD SAPR Strategic Plan lines of effort. The information that follows adds to the Department's overarching observations made for all three MSAs made earlier in this report in the section entitled, "Assessment of MSA Programs: Findings Common To All Academies."

## LINE OF EFFORT 1: PREVENTION

### *Summary of Approach*

Prevention is the first line of effort in the DoD SAPR Strategic Plan. The objective of the Prevention line of effort is to deliver consistent and effective prevention methods and programs that reduce, with a goal to eliminate, the prevalence of sexual assault. The desired end state is a culture wherein all elements of military community work together to preclude criminal behavior and negate the opportunity for sexual harassment and assault. Prevention includes education and training as well as developing and sustaining a climate of dignity and respect. Identifying and mitigating high-risk behaviors and criminal threats are also essential. USMA is in compliance with the Prevention line of effort.

### *Status of Compliance Line of Effort 1:*

*In Compliance*

### **Strategy to Fostering a Climate of Dignity and Respect**

USMA has sustained momentum in building a climate of dignity and respect during APY 12-13. USMA leadership is working aggressively to eliminate sexual harassment, sexual assault, and the disrespectful behavior that predicates both problems. USMA leadership voiced a long-term commitment to these efforts, acknowledging that they plan to do more to grow and sustain their program over time to yield significant culture change. USMA leadership understands that culture change, particularly in a military environment, starts "at the top." The Superintendent emphasized that developing leaders of character is at the heart of the USMA mission, and teaching cadets about the Army value system is part of the ongoing dialogue. When addressing the Corps of Cadets about leadership characteristics and expectations, USMA leadership regularly addresses the expectation that cadets treat one another with respect and the implications for morale and mission accomplishment when cadets do not meet such expectations.

Leadership expects USMA cadets to live by the Cadet Honor Code<sup>26</sup> and treat others with dignity and respect throughout the 47-month experience at USMA. All senior leaders<sup>27</sup> dedicated a portion of their Reorganization Week<sup>28</sup> presentations to the

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<sup>26</sup> The Cadet Honor Code is "A Cadet will not lie, cheat, or steal, nor tolerate those who do."

<sup>27</sup> To include the Superintendent, the Commandant of Cadets, the Dean of Academic Board, and the Brigade Tactical Officer.

cadets' individual responsibilities in treating everyone with dignity and respect, stopping sexual harassment and sexual assault, and reporting these offenses should they occur. Senior leadership reinforced this expectation in a variety of venues and subsequent addresses.

Upon the reconvening of the Corps of Cadets in January 2013, each senior leader (to include the Superintendent, Commandant, Dean, and Brigade Tactical Officer) addressed the Corps. Their messages reinforced the USMA Mission<sup>29</sup> and emphasized cadets' roles and responsibility to treat self and others with dignity and respect in accordance with the Army Values and the Army Profession.

The Commandant of the Corps of Cadets plays an integral role in setting the appropriate command climate and promulgating the SAPR program through his direct oversight of cadets. After assuming his duties at USMA in January 2013, the Commandant demonstrated his commitment to communicating openly with cadets by addressing each class about eliminating sexual assault. As part of his address, he shared his newly gained perspective from talking with a former cadet who was victimized while at USMA. During his address, he also showed a video of the victim's experience to reinforce the victim's perspective. The Commandant also regularly holds sensing sessions, whereby he meets with various cadet affinity groups (e.g., African American cadets; 4<sup>th</sup> Class female cadets; lesbian, gay, bisexual, questioning cadets) to learn about their experiences at USMA. From these sessions, the Commandant affirmed his belief that female leadership roles need to be encouraged. He also affirmed his belief that trainings on sexuality policy need to be introduced and safety rules need to be reinforced. The Department believes these sensing sessions are a valuable method of understanding the climate of cadet life, and encourages the Commandant to sustain these sessions with the same and other cadets groups.

The Respect Mentorship Program (RMP) is designed to enable cadets to identify and address shortcomings in their personal adherence to the Army Value of Respect, and develop ethically guided decision-making skills. The RMP reinforces senior leaders' emphasis on living in accordance with the Cadet Honor Code and the Cadet Respect Creed.<sup>30</sup> The RMP, under the guidance of the Simon Center for the Professional Military Ethic, employs Cadet Respect Officers and NCOs in each cadet company to provide peer assistance in the cadet chain of command. The Respect Cadets promote cultural awareness, responsible alcohol use, prevention of sexual harassment and sexual assault, and equal opportunity. Cadet Respect Officers and NCOs are trained on how to foster an environment free from disparaging language and behavior.

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<sup>28</sup> Reorganization Week is the first week of each semester wherein cadets return to USMA to prepare for the commencement of the academic semester.

<sup>29</sup> The USMA Mission is "To educate, train, and inspire the Corps of Cadets so that each graduated is a committed leader of character committed to the values of Duty, Honor, Country, and prepared for a career of professional excellence and service to the Nation as an officer in the United States Army."

<sup>30</sup> The Respect Creed is "Cadets will treat others and themselves with dignity and worth and expect the same from those around them."

USMA instituted a new program in APY 12-13, the Cadets Against Sexual Harassment/Assault (CASH/A) program. The CASH/A program is a cadet initiative with oversight provided by the Corps of Cadets Sexual Assault Response Coordinator (SARC). The CASH/A Cadets are peer advisors and trainers assisting in their tactical leadership teams by providing timely information on prevention and response to sexual harassment complaints and sexual assault reports. Caring for one another is a basic function of the CASH/A Program—an extension of the Cadet Respect Creed. During APY 12-13, there were over 100 CASH/A Cadets.

Command leadership, behavioral scientists, and first responders provide initial training to CASH/A Cadets. The Corps of Cadets SARC and a Chaplain primarily provide the follow-on train-the-trainer sessions. CASH/A Cadet training in September 2012 and January 2013 addressed rape myths prevalent in college-aged cadets and military academy populations.

For the first time in APY 12-13, 26 CASH/A Cadets took the 80-hour Sexual Harassment/Assault Response and Prevention (SHARP) course. USMA counted the course as Military Individual Advanced Development (MIAD), which gives it a similar status as Airborne or Air Assault School and elevates the prestige of those participating in the CASH/A program. The course provides cadets a complete complement of tools and techniques to support their fellow cadets and the Corps of Cadets as a whole as sexual harassment and sexual assault subject matter experts.

The Department commends the employment of CASH/A Cadets, how USMA elevated the volunteer positions to a level of prestige, and USMA's intent to use CASH/A Cadets as resources in creating original and relevant briefings and outreach efforts to their fellow cadets. The CASH/A Program harnesses the cadets' desire to take care of one another, providing a peer-to-peer resource for victims and cadets who want to know more about SAPR resources at USMA. CASH/A Cadets do not currently serve as SAPR Victim Advocates (VA) and the Department believes the USMA should maintain their role as cadet subject matter experts and force multipliers for SAPR awareness and education rather than assign them as official SAPR VAs.

An influential element detracting from USMA's efforts to foster a culture of dignity and respect is members of the US Corps of Cadets who perpetuate attitudes and behavior that degrade their fellow cadets. The most observable example was within the rugby team. Members of the men's rugby team circulated a number of emails that illustrated a culture of disrespect towards women. This email chain was only exposed when one of the women discussed in the emails inadvertently discovered the material and reported it to USMA officials. Email, social media, and other forms of electronic communication make external detection of this kind of unacceptable behavior particularly difficult. When not challenged, the individuals involved in misbehavior and misconduct promulgate attitudes that disregard the desired cultural ideals and standards. Every member of the Corps of Cadets must adhere to the Cadet Respect Creed and have the social courage to stand up and report when someone is not living up to those ideals.

The Department encourages USMA to review and strengthen leadership of cadet groups, teams, and clubs in such a way that encourages mentoring and consultation between organizational leaders. Including a coach or faculty sponsor on all formal cadet and midshipman group communication distribution lists allows greater supervision of groups, teams, and clubs.

In addition, the Department encourages outreach and education to the alumni, cadet parents groups, and athletic communities to ensure that all USMA-sanctioned or private activities involving cadets align with USMA standards of conduct. Sanctioned activities, such as those with alumni sponsors, must adhere to alcohol policies, promote responsible use of alcohol, and promote behavior consistent with a climate of dignity and respect.

### **Training**

All of the Corps of Cadets received USMA SHARP training during APY 12-13 to include Professional Military Ethic Education (PME<sup>2</sup>) and Cadet Summer Training. USMA SHARP training follows the Be-Know-Do-Lead model, providing instruction and material with content readily usable by cadets.

In the first week of Cadet Basic Training, new cadets were taught the basic tenets of the SHARP program. This foundational knowledge is built upon throughout subsequent academic years and summer training experiences. Reporting options were emphasized in all SHARP training presentations, and are part of the “required knowledge” for new cadets.

Cadet SHARP training included lecture presentations presented by sexual assault subject matter experts and discussions facilitated by Tactical Officers (TAC) officers and/or CASH/A Cadets. Large audience style presentations were delivered by sexual assault prevention and response experts Dr. David Lisak<sup>31</sup> and Mr. Russell Strand<sup>32</sup> and also included the “Sex Signals” presentation by Catharsis Productions. USMA also identified a need to improve programming for male cadets; therefore SHARP personnel introduced One in Four Men’s Program.<sup>33</sup> The Department commends the USMA SHARP personnel for identifying and employing an effective means for helping men understand their role in SAPR. Published civilian research shows that this unique program has the dual benefit of educating men how to help women recover from a rape

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<sup>31</sup> Dr. David Lisak is clinical psychologist and nationally recognized forensic consultant, trainer and lecturer. His expertise is in the causes and consequences of interpersonal violence, to include sexual violence, child abuse, non-stranger rape, and the long term impact of childhood sexual abuse in adult men.

<sup>32</sup> Dr. Russell Strand is a retired U.S. Army CID special agent and the current chief of the Family Advocacy Law Enforcement Training Division at the U.S. Army Military Police School. He has 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.

<sup>33</sup> One in Four Men’s Program is developed by One in Four, Inc., a non-profit dedicated to the prevention of rape by the application of theory and research to rape prevention programming.



experience while lowering men's rape myth acceptance and their self-reported likelihood to commit a sexual assault.

The Cadet cadre for Summer Garrison Regiment and Cadet Summer Training (the leadership and staff teams for new cadets) participated in facilitated discussions led by the Corps of Cadets SARC. The lessons and discussions focused on appropriate interactions and behaviors with trainee populations. The Corps of Cadets Equal Opportunity Advisor provided refresher training for the Cadet Summer Training Task Force (Active and Reserve Component Soldiers from a supporting Army unit at Fort Drum) which also included an overview of appropriate interactions with cadets and a refresher of the SHARP Program.

USMA faculty, staff, and support personnel participated in three hours of adult-learning style instruction, consisting of facilitated discussion and videos. A USMA SARC and/or SAPR VA discussed with the participants information about sexual harassment and sexual assault specific to USMA, gleaned from *2012 Service Academy Gender Relations (SAGR) Surveys* conducted by the Defense Manpower Data Center (DMDC). SHARP training is part of inprocessing for incoming West Point staff, faculty, and support personnel.

All current faculty, TAC officers, and TAC NCOs receive a USMA-specific version of the Army SHARP Pre-command Training, and that all future faculty, TAC officers, and TAC NCOs receive the same within 30 days of reporting for duty.

### **Education (Curriculum)**

In response to the outstanding Action Item to develop a comprehensive sexual assault prevention curriculum from the APY 10-11 MSA Report, USMA developed and incorporated SHARP-related lessons and materials into the educational curriculum and lesson objectives of eight core courses during APY 12-13. The curriculum development was led by the USMA Dean of Academic Board with a team of USMA academic faculty and subject matter experts. The curriculum incorporates SAPR objectives that are relevant and complementary to the existing learning objectives. The new lessons were incorporated into the following core academic courses, which cover the four-year education of the cadets: PL100-General Psychology for Leaders, PY201-Philosophy, PE213-Personal Fitness, SS202-American Politics, PL300-Military Leadership, MX400-Officership, PE450-Unit Fitness, and LW403-Constitutional Law.

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#### ***Promising Practice:***

*Incorporating sexual harassment and sexual assault materials into USMA Core Curriculum*

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The Department commends USMA for incorporating SHARP-related materials and learning objectives into the core curriculum. Feedback received in the focus groups informed the Department that cadets were “tired” of SHARP training and described

much of it as “irrelevant.” By integrating SAPR-relevant, learning topics into academic curricula cadets are exposed to the broader implications of disrespectful and criminal behaviors for soldiers, unit readiness, and the U.S. Army.

### **Mitigating High Risk Behaviors or Threats**

Risk reduction is a theme throughout USMA SHARP prevention training and education. The force protection mantra of “See Something, Say Something” is taught as applicable to sexual assault prevention, just as it is to physical security. Bystander intervention is a responsibility emphasized by West Point leaders during their Reorganization Week addresses to the Corps of Cadets<sup>34</sup>.

The Corps of Cadets leadership incorporated new force protection policy into the Standard Operating Procedure in September 2012. The policy requires all first year cadets, cadets enrolled in the Respect or Honor Mentorship Programs for disciplinary matters, and other cadets of concern (i.e., those undergoing a misconduct investigation) to collapse (i.e., physically move) to another room to prevent them from sleeping in a room alone during the weekends. The Collapse Plan is designed to improve accountability, supervision, and oversight by requiring defined checks by identified personnel.

USMA leadership continually develops, updates, and disseminates “X&Y” sexual assault cases—anonymous cases based on real scenarios used as discussion starters. The purpose of sharing the X&Y cases is to inform the cadets, as well as the Sexual Assault Review Board (SARB; see Line of Effort 3), staff, and faculty, of the kinds of sexual assault incidents occurring within the USMA community and demonstrate opportunities for bystander intervention and risk reduction. X&Y cases also serve as a teaching tool to explain the investigative, legal, and command challenges that sexual assaults present, and illustrate the victim’s perspective and the support required to recover from a sexual assault.

For further risk reduction, USMA should use a public broadcast mechanism (e.g., email or SMS text) to inform the Corps of Cadets and the larger West Point community of select sexual assault incidents, while respecting victims’ need for confidentiality. For example, two cadets were sexually assaulted in a similar manner in unrelated incidents at clubs in New York City during the past APY. Informing the community of such potential risks will build situational awareness and help cadets understand that they are not immune from assault.

### ***Conclusion***

In conclusion, the Department finds USMA is in compliance with the Prevention line of effort. The Department encourages continued emphasis on fostering a climate of dignity and respect to promote an environment free from sexual harassment and sexual

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<sup>34</sup> Leaders include the Superintendent, Commandant of Cadets, Dean of Faculty, and Brigade Tactical Officer. Reorganization Week occurs at the beginning of the APY, as the cadets return to USMA.

assault, while working to counter the negative influence of peer pressure at USMA. As described above, the following Prevention practices at USMA should be sustained or improved.

### *Sustain*

- Use of One In Four Men's Program for male cadets
- Sustain the use of X&Y cases at SARB meetings, and ensure those X&Y cases are shared with first responders that may not attend the SARB across USMA and the community
- Sustain Commandant Sensing Sessions communication efforts with the Corps of Cadets as means to obtain feedback on progress of building a climate of dignity and respect
- Employment of CASH/A as a desired and respected component of the Corps of Cadets
- Incorporation of SHARP-related materials and learning objectives into the core curriculum

### *Improve*

- Review and strengthen leadership oversight of cadets groups, teams, and clubs that allows for mentoring and consultation between leaders and ensure all formal cadet group communications include coach or faculty sponsor on distribution list
- Ensure all current faculty, TAC Officers, and TAC NCOs take a USMA-specific version of the Army SHARP pre-command training before beginning the school year, or within 30 days of arrival on station
- Develop a mechanism to quickly inform Corps of Cadets and West Point community of crime incidents, while respecting victims' need for confidentiality
- Conduct outreach to the alumni, cadet parents groups, and athletic communities to ensure that all USMA-sanctioned or private activities involving cadets align with USMA standards of conduct

## **LINE OF EFFORT 2: INVESTIGATION**

### *Summary of Approach*

Investigation is the second line of effort in the DoD SAPR Strategic Plan. The objective of Investigation is to achieve high competence in the investigation of sexual assault. The end state is where investigative resources yield timely and accurate results. The USMA Criminal Investigation Command (CID) office conducts all investigations of all unrestricted sexual assault reports in accordance with DoDI 5505-18, Investigation of Adult Sexual Assault (January 25, 2013), and applicable Army regulations. Victim confidence and participation is integral to a thorough investigation, and investigative techniques must maximize the recovery of physical and testimonial evidence while minimizing the

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### *Status of Compliance Line of Effort 2:*

*In Compliance*

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potential for victim re-traumatization. The Military Equal Opportunity Office addresses most sexual harassment allegations by cadets. However, from a criminal perspective, sexual harassment complaints can be investigated by CID if there is any question about the nature of the offense. The investigation by CID into sexual harassment complaints concludes only when it is determined that the underlying act was a non-criminal act and not sexual assault.<sup>35</sup> USMA is in compliance with the Investigation line of effort.

### **Relationship and Collaboration between USMA CID and USMA**

USMA CID agents have a productive working relationship with USMA leadership. CID agents work closely with the Superintendent's Staff Judge Advocate (SJA) attorneys supporting the Superintendent and the Commandant of Cadets and with USMA SHARP personnel. In the past year, CID conducted an internal review process to improve their thoroughness and timeliness in reporting and investigative activity. CID continually provides the SJA updates throughout the investigation. The SJA assists CID by identifying legally relevant leads for investigation. At the conclusion of each investigation, CID provides the SJA with case materials and a briefing before requesting a final legal review and opinion on the legal sufficiency of the case. Final reports of investigation are provided to the Superintendent for command action.

### **USMA CID Approach to Victim Communications (improving participation and confidence)**

Sustaining victim participation in the investigative process is a priority for USMA CID agents. Maintaining victim confidence and keeping the victim informed throughout the investigation are fundamental to continued participation. Upon receipt of an Unrestricted Report, USMA CID accommodates a victim's needs so long as it does not interfere with an independent investigation. The investigative process is thoroughly explained to victims so they are aware of the importance of any potential physical, digital, serological, and testimonial evidence they may have in their possession. CID also explains that investigation is often a lengthy process and helps victims set their expectations as to investigation length. CID addresses the victim's questions and concerns and allows them to select how often they are updated with the progress of the investigation. Most victims choose to be briefed monthly, but may change the frequency of their update at any time.

### **USMA CID Special Training**

Every USMA CID agent attended the U.S. Army Military Police School Special Victim Unit Investigation Course (SVUIC) at Fort Leonard Wood, Missouri and has received annual refresher training on sexual assault investigations. In the SVUIC, agents learned investigative and interview techniques that consider the victim's safety,

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<sup>35</sup> Sexual harassment does not fall under the purview of the SAPR program and therefore is not addressed in the DoD SAPR Strategic Plan. The Diversity Management and Equal Opportunity (DMEO) program establishes guidance for the processing of sexual harassment complaints.

emotional state of mind, and general well-being. Agents also learn and practice specific interview techniques that consider the impact of trauma on victim memory.

### **Timely and Accurate Results in Investigations**

The USMA CID conducts each investigation with an eye towards timeliness. The SARB provides a regular, formal opportunity for the chain of command to engage with CID on investigation progress. However, USMA CID does not have to wait for a SARB meeting to communicate status updates. Rather, USMA CID works continuously with the chain of command when resources and/or witness availability is required.

### ***Conclusion***

In conclusion, the Department finds USMA is in compliance with the Investigation line of effort. Based on a brief review of several investigations by SAPRO team members, it appears the USMA CID office conducted thorough and timely investigations. Exploring opportunities for efficiencies (e.g., when seeking evidence analysis, looking for digital forensic laboratories with faster turnaround times) may help keep victims engaged in the investigative process. As described above, the following investigation practices at USMA should be sustained.

### ***Sustain***

- Maintaining victim confidence by keeping the victim informed throughout the investigation at the frequency of the victim's choosing and by addressing the victim's questions and concerns

### ***Improve***

- No deficient areas requiring improvement identified.

## **LINE OF EFFORT 3: ACCOUNTABILITY**

### ***Summary of Approach***

Holding alleged offenders appropriately accountable is the objective of the Accountability line of effort. The DoD provides a fair and equitable system of accountability that promotes justice and assists in maintaining good order and discipline. Attorneys and commanders are a critical part of this system of accountability and are the center of gravity to the third line of effort. Commanders have the

responsibility of establishing good order and discipline, holding perpetrators appropriately accountable, and establishing a climate that is intolerant of behaviors that condone or ignore sexual harassment and sexual violence. Attorneys (the

Superintendent's SJA, prosecutors, and defense attorneys) promote justice through their support to the military justice system—either directly to the Commander, when

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### ***Status of Compliance Line of Effort 3:***

*In Compliance*

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prosecuting a sexual assault case or other crime under the Uniform Code of Military Justice (UCMJ), or supporting a victim or defendant as legal assistance counsel. USMA is in compliance with the Accountability line of effort.

### **SAPR and POSH Program Oversight**

SAPR and POSH programs accountability is commensurate with the commitment and involvement of West Point leadership. The Superintendent of USMA provides oversight of USMA and garrison sexual assault prevention and response efforts. In this role, the Superintendent chaired the monthly case management review meeting, the SARB<sup>36</sup>.

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#### *Promising Practice:*

#### *Cross-training in Case Management Meetings*

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When the Superintendent's schedule presented a conflict, the SARB meeting was rescheduled to accommodate his attendance. At each meeting, the SAPR program was reviewed, as were upcoming events, and recently closed and open sexual assault cases (including a discussion of X&Y cases). A new development to the SARB, instituted by the Superintendent during APY 12-13 and a now a promising practice,<sup>37</sup> is the SARB cross-training program. At each meeting, attendees received training on each step of the sexual assault response process<sup>38</sup> as presented by the appropriate SARB participant. The training, in addition to the X&Y case discussion and case review, presented an opportunity for in-context understanding and enhanced awareness of sexual assault programs, policies, and trends. SARB members commented about the benefits afforded by the cross training—having a broader understanding of each step in the process allows SARB members to better explain the response process to victims and/or units or organizations.

At the disposition of a sexual harassment complaint or other behavioral issue, the Superintendent may determine a nonjudicial punishment is most appropriate. In addition to the prevention function described in Line of Effort 1, another function of the

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<sup>36</sup> Attendees include USMA staff (Superintendent, Dean, Director of Intercollegiate Athletics, Chief of Staff, Chaplain, SJA, ODIA Senior Women's Administrator, SHARP Program Manager, EO Advisor/Victim Advocate); Corps of Cadets [Commandant, Command Sergeant Major, SARC/SAC-HR, USMAPS Commandant, USMAPS SARC, Director of the Center for Personal Development, Brigade Surgeon, Commander of Victims(s)]; and Garrison and Tenants (Commander, U.S. Army Garrison-West Point; SARC, U.S. Army Garrison-West Point; Victim Advocate, U.S. Army Garrison-West Point; Director Emergency Services/Provost Marshal; EEO; ASAP; CID Special Agent in Charge; Keller Army Community Hospital Commander; and Behavior Health representatives).

<sup>37</sup> Promising Practice—Identified practice that has worked within at least one organization and shows promise during its early stages for becoming a best practice with long term sustainable impact; some basis for claiming effectiveness.

<sup>38</sup> Topics include reporting options, report intake, victim reception at a medical facility, SAFE Kits Commander's actions, SARC and VA roles, options for assistance resources (legal assistance, chaplaincy, counseling on- and off-post), investigative techniques, commander's follow-on actions, disciplinary options, CID final reports, Commander Reports of Disciplinary Actions, and Restricted Reports.

RMP<sup>39</sup> is to provide a nonjudicial disciplinary option that is designed to enable punished cadets to identify and address shortcomings in personal adherence to the Army Value of Respect and develop ethically guided decision-making skills. RMP enrollees learn to understand the impact of sexual harassment from the victims' perspective. RMP employs the Army's SHARP training materials and provides mentees the opportunity to understand the disrespect involved in sexual harassment situations. In APY 12-13, the RMP revised their procedures, giving greater authority and integrity to the program. Also, a new development to the RMP in APY 12-13 was the introduction of "The Invisible War" documentary as educational material to help broaden perspectives on sexual misconduct. The mentors in the RMP emphasized that sexual harassment is a leadership issue, not just a gender issue. Mentors included NCOs and officers or civilian instructors at USMA.

The Commandant also provides oversight to SAPR and POSH programs. He hosts weekly meetings with the SARC, representatives from the RMP and the Honor Program, senior enlisted advisors (Command Sergeants Major), and the USMA JAG office in addition to the monthly SARB meetings. These weekly meetings keep the Commandant and his leadership team apprised of relevant issues as they arise and allow for quick mitigation and response.

### **Attorney Special Training**

Most attorneys at USMA have received specialized training commensurate to their involvement in and/or oversight of sexual assault cases. Prosecuting attorneys have also taken courses such as forensic interview courses and a new prosecutor's course that focused largely on prosecuting sexual assaults (part of the Army's Trial Counsel Assistance Program).

Not all legal assistance attorneys had received specialized sexual assault training beyond the annual mandatory SAPR program training. USMA should ensure all legal assistance attorneys receive training specific to sexual assault to understand the nature of the crime, the potential for victims to be involved in collateral misconduct, and how best to defend cadets involved in these allegations when going before the Honor Board.

The lead prosecutor also held a cross training session with all sexual assault responders (to include medical personnel and CID, among others) to discuss their respective roles in the response and justice process. This opportunity helped the participants to better understand the different perspectives and needs of each functionary when working the same crime.

### ***Conclusion***

In conclusion, the Department finds USMA is in compliance with the Accountability line of effort. The Superintendent and the Commandant of Cadets are increasingly committed to eliminating sexual assault, sexual harassment, and disrespectful behavior.

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<sup>39</sup> RMP may not be used as a disciplinary option in sexual assault cases.

To maintain good order and discipline, USMA leadership sets high standards for cadet behavior and takes steadfast and decisive action through different channels after deliberating about an incident or sexual assault case. The SJA works closely with the prosecutors and the chain of command from investigation through final case disposition. The prosecutor and victim witness assistance personnel keep the victim informed throughout the process. The prosecutor and SJA also work closely with behavioral health specialists, VAs, and CID. The attorneys have balanced their workloads to ensure proper and thorough administration of legal and judicial processes. As described above, the following accountability practices at USMA should be sustained or improved.

### *Sustain*

- Efforts to enhance the authority of the RMP as a means for educating and rehabilitating cadets
- Commandant Weekly Meetings with the SARC, RMP and Honor Program representatives, the Command Sergeants Major, and USMA JAG Office

### *Improve*

- Ensure all legal assistance attorneys receive specialized sexual assault training

## **LINE OF EFFORT 4: ADVOCACY/VICTIM ASSISTANCE**

### *Summary of Approach*

Advocacy and Victim Assistance is the fourth line of effort in the DoD SAPR Strategic Plan. Delivering consistent and effective victim support, response, and reporting options is the objective, while the end state is providing high quality services and support to instill confidence and trust, strengthen resilience, and inspire victims to report. Victims need to be offered medical care, counseling, legal assistance, and victim witness assistance, all in a safe environment that encourages reporting and respects confidentiality. Critical to successful advocacy and victim assistance are trained and knowledgeable professionals who are known and available to cadets and whose services and programs inspire victim reporting. USMA is in compliance with the Advocacy/Victim Assistance line of effort.

### *Status of Compliance Line of Effort 4:*

*In Compliance*

### **Victim Advocacy Services**

USMA provides victim support services, most of which are available 24-hours a day, 365 days a year. A victim has access to the on-call SARC or SAPR VA to file a report and obtain medical care. The SART begins response efforts as soon as a victim presents him or herself at the Emergency Room, at a SHARP responders' office, or via the phone. Medical care is available (on- and off-base), as are mental health and chaplaincy services.



USMA has men and women serving in SHARP personnel positions, and victims are provided support by personnel deemed to be “good fit” for the victim’s needs.

### **Cadet Awareness of Victim Advocacy Services (SAPR Outreach)**

USMA communicates the availability of victim advocacy, assistance services, and reporting procedures through multiple methods. USMA SHARP professionals cover response procedures and available resources during inprocessing training,<sup>40</sup> annual training, at the Community Fair, and at cadet training sessions. *Pointer View*, the weekly paper for the West Point community, publishes contact information for SHARP personnel and victim resources<sup>41</sup> and covers Sexual Assault Awareness Month activities. The Corps of Cadets’ intranet website provides comprehensive coverage of the SHARP Program. However, the intranet website erroneously lists the Chaplains and emergency room (i.e., emergency room personnel only) as able to take Restricted Reports. This needs to be corrected immediately so that it reads the recipients of Restricted Reports are SARCs, SAPR VAs, and all healthcare personnel.<sup>42</sup>

CASH/A Cadets are force multipliers within the Corps of Cadets, as they serve as trained SHARP program information resources in the barracks and in their units. CASH/A Cadets are able to explain the reporting process for complaints of sexual harassment and incidents of sexual assault and can share the resources available to interested parties in a personal setting. USMA SHARP personnel distribute DoD Safe Helpline and Army SHARP materials (key fobs, wallet cards, and posters) during training sessions, including inprocessing training, and use Army SHARP Program expandable presentation backgrounds for use at information tables during the Community Fair and Plebe Parent Week.

### **Training: SARCs, SAPR VAs, Service Providers, CASH/A Cadets, EO Officers**

USMA has 34 personnel who have attended the 80-hour Army SHARP Training course. All assigned SARCs and SAPR VAs at USMA are certified through the DoD Sexual Assault Advocate Certification Program (D-SAACP).

The monthly SARB meetings (see Line of Effort 3) and quarterly SART training sessions provide additional learning and training opportunities for first responders. The SART (which is comprised of SARCs, SAPR VAs, health care providers, SJA, and CID)

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<sup>40</sup> Cadets receive their first block of SHARP instruction from a SARC within the first 72 hours of arrival. The initial block serves as their introduction to the SHARP Program and West Point responders and complements the required knowledge contained in the New Cadet Handbook. Cadets learn the definitions of sexual harassment and sexual assault, how to address/report incidents, and to whom reports of assault and/or complaints of harassment may be rendered.

<sup>41</sup> Contact information is provided for: West Point SHARP Helpline; DOD Safe Helpline; USCC SARC; Garrison SARC; Installation Victim Advocate; local off-base resources; Military Police Desk; Social Work Service; and Keller Army Community Hospital Emergency Room.

<sup>42</sup> DoDI 6495.02, Sexual Assault Prevention and Response (SAPR) Program Procedures, Enclosure 4, “Reporting Options And Sexual Assault Reporting Procedures,” March 28, 2013

training sessions reflect on the responses provided over the preceding months and lessons learned that are identified for the entire group to consider. The focus is to ensure each victim feels understood, has his or her safety issues addressed, understands reporting options, and knows what assistance resources are available. Some SART members attended Dr. Anne Munch's training at Tobyhanna Army Depot in September 2012, and others traveled to the Naval Academy to discuss best practices and overcoming challenges common to MSAs when preventing and responding to sexual assaults.

Health care providers at Keller Army Community Hospital and the Mologne Cadet Health Clinic have taken either the 80-hour Army SHARP course or other sexual assault training, some specific to their role.<sup>43</sup> Health care providers can take the Medical Response Team training, which addresses victim care from reporting through the end of the military justice system. SAPR VAs at Keller Army Community Hospital who took this training commented believed it to be quite beneficial.

Interviews with collateral duty SAPR VAs disclosed that they did not believe they were sufficiently prepared for their sexual assault victim advocacy role after taking the 80-hour SHARP course. They stated to the team that the training they had received as Equal Opportunity Representatives prepared them more for their advocacy role than the SHARP training did. Therefore, the Department of the Army should implement the recommendations from the *DoD Observation of SARC/SAPR VA SAPR Training Report*<sup>44</sup> to enhance existing practical exercises to ensure course effectiveness.

The Chaplains at USMA received SHARP training and additional SAPR-related chaplaincy training provided by the USMA SARC.

For the first time in APY 12-13, 26 CASH/A Cadets were allowed to take the 80-hour SHARP course during the summer, and have it count as a MIAD at USMA. This allowance made it equivalent to Airborne or Air Assault School in a cadet development.

The USMA POSH program enjoys commendable support and participation from a wide range of cadets, faculty, staff, and SHARP personnel. The CASH/A and credentialing programs are noteworthy in this regard. DoD Military Equal Opportunity (MEO) policy calls for personnel not assigned to MEO billets who are involved in investigating sexual harassment complaints, providing sexual harassment prevention training, or working in victims' assistance and support programs to receive the training necessary for them to carry out these MEO-related duties. USMA should submit the locally produced POSH or SHARP-developed training plans, used by such personnel to the DEOMI for review and comment consistent with DoD policy.

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<sup>43</sup> For example, the OBGYN physician is trained to perform SAFE's and has also attended sexual assault medical management courses in addition to civilian OBGYN sexual assault courses.

<sup>44</sup> Published December 2012

While not a traditional victim advocacy service provider role, some officer, enlisted, and civilian representatives (to include those leading off-campus activities) may be in a situation where they are the only resource to direct a victim to SAPR services. For example, an athletic team traveling to a game may require victim services for a team member. USMA should identify the appropriate level of sexual assault response training and explanation of their responsibilities to all personnel who may be in a situation where they are a sole provider of SAPR services so they are prepared in case a sexual assault occurs.

### Conclusion

In conclusion, the Department finds USMA is in compliance with the Advocacy/Victim Assistance line of effort. Attendees of the SARB and SART commented on the beneficial cross training that was introduced as a regular practice during APY 12-13. The collaboration among service providers is effective in getting the victims the support they need. As described above, the following advocacy/victim assistance practices at USMA should be sustained or improved.

### Sustain

- The SARB and SART focus on collaboration and cross training
- Summer MIAD SHARP training for CASH/A Cadets

### Improve

- Remove the Chaplains from the Corps of Cadets' intranet website that erroneously includes them in a list of personnel who can take Restricted Reports
- The Department of the Army implements the recommendation from the *DoD Observation of SARC/SAPR VA SAPR Training Report* to enhance existing practical exercises to provide greater opportunities for practice and application of new knowledge and skills
- Submit the locally produced POSH or SHARP-developed training plans, to the DEOMI for review and comment consistent with DoD policy
- Identify appropriate level of sexual assault response training and procedures and provide on an annual basis to officer, enlisted, and civilian representatives (to include those leading off-campus activities)

## LINE OF EFFORT 5: ASSESSMENT

### Summary of Approach

The fifth line of effort in the DoD SAPR Strategic Plan is Assessment. The Department aims to effectively standardize measure, analyze, assess, and report program successes. Assessment is an enduring process of data collection and analytics designed to improve program effectiveness, and is embedded within the four other lines of effort. The end state is to incorporate responsive, meaningful, and accurate systems of measurement

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### Status of Compliance Line of Effort 5:

*In Compliance*

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and evaluation into every aspect of SAPR programs in order to determine their effectiveness. USMA is in compliance with the Assessment line of effort.

### **Outcome Based Metrics that Measure Program Performance**

USMA conducts continual analysis of reporting trends as part of the SARB responsibilities and in response to queries and oversight visits throughout the APY. Unrestricted Reports are analyzed to identify trends to inform SAPR programs and initiatives. During APY 12-13, APY 11-12 trends refined focus for SHARP training in the following areas:

- Reemphasize importance of the buddy system, especially when travelling away from the academy;
- Continue discussions to dispel “Rape Myths” and improve understanding of the nature of sexual assault in the military;
- Reinforce importance of respect and setting personal boundaries;
- Reinforce the purpose of USMA policies and regulations for appropriate behavior in the barracks.<sup>45</sup>

In addition to data from Unrestricted Reports, USMA reviews trends in misconduct and alcohol offense data from CID, SJA, cadet disciplinary actions, and RMP records. USMA attributes improved behavior trends (not limited to sexual assault) to a renewed focused on cadets’ leadership responsibilities and overcoming cultural norms of friendship and loyalty to maintain higher standards. USMA credits an increase in professionalism among the Corps of Cadets to recent changes in the dress code, whereby upperclassmen are no longer permitted to wear civilian clothing in the barracks.

USMA has identified, but not developed or implemented, potential metrics to measure changes in behavior and attitudes to improve effectiveness of prevention efforts, as well as metrics generally relating to the SHARP program. USMA is also considering implementation of draft metrics developed at the United States Air Force Academy (USAFA). The Department encourages the further development, adaptation and implementation of metrics, particularly the metrics developed by USAFA, for more meaningful program assessment.

The USMA Inspector General (IG) reviewed the Corps of Cadets and USMA SHARP Program in APY 12-13 to assess Corps of Cadets policies, training, and procedures regarding sexual harassment and assault involving cadets and cadet candidates as well as the effectiveness of the SHARP. Among their recommendations was to conduct a semi-annual cross training meeting for all first line SHARP first responders. They found the cross training included in SARB meetings was beneficial for response leaders in attendance, but cross training could be expanded to first line responders. The Superintendent adopted all recommendations from the IG report. USMA should be

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<sup>45</sup> Policies and regulations about alcohol, fraternization, social media, attire, and sexual relationships.

commended for formalizing the oversight of implementing the IG recommendations through the SARB.

### **Climate Assessment**

USMA currently uses the SAGR survey and focus groups, conducted by DMDC, as a reliable method for climate assessment. In addition to these methods, USMA needs to involve cadets in command climate assessment surveys at the company/small-unit-level (for cadets and Prep School cadet candidates).<sup>46</sup> If implemented, USMA should provide results of the command climate assessment surveys to the cadet leadership and to the next level up the chain of command in accordance with the May 6, 2013 Secretary of Defense direction.<sup>47</sup>

### ***Conclusion***

In conclusion, the Department finds USMA is in compliance with the Assessment line of effort. USMA collects data, analyzes reporting trends, and in turn adjusts program implementation. However, USMA is encouraged to develop comprehensive outcome-based metrics—beyond reporting trend analysis—for prevention and response performance in order to fully mature the SAPR program. As described above, the following assessment practices at USMA should be sustained or improved.

### ***Sustain***

- Formalizing the oversight of implementing the IG recommendations through the SARB

### ***Improve***

- Appoint an office of primary responsibility at USMA to develop, implement and track metrics
- Consider conducting command climate assessment surveys at the small unit-level (for cadets and Prep School cadet candidates) and provide results of the survey to surveys to the cadet leadership and to the next level up the chain of command

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<sup>46</sup> Direction provided in the Fiscal Year 2013 National Defense Authorization Act and the Under Secretary of Defense for Personnel and Readiness Memorandum on Command Climate Assessments, dated July 25, 2013.

<sup>47</sup> Direction provided in the Secretary of Defense Memorandum on Sexual Assault Prevention and Response, dated May 6, 2013. The subject provision was to be implemented by July 31, 2013.



## ASSESSMENT OF RECOMMENDATIONS FROM PREVIOUS REPORTS

The Department provided thirty-two recommendations and actions items from the APY 08-09 and APY 10-11 Reports, seven of which remained incomplete entering APY 12-13. The Department assessed the status of the seven incomplete recommendations and action items. The Department found sufficient evidence to close five recommendations, while two remain open.

1. **Action:** Develop outcome-based metrics for prevention and efforts and trend analysis around changes to the SAPR Program.  
**Status:** In progress. USMA has identified metrics for trend analysis but has not developed metrics. USMA is reviewing draft metrics developed by USAFA.
2. **Action:** Develop a comprehensive sexual assault prevention curriculum.  
**Status:** Complete. USMA developed comprehensive sexual assault prevention curriculum, integrated in eight core curriculum courses.
3. **Action:** Address collateral misconduct misperceptions in training.  
**Status:** Complete. The USMA Superintendent signed a directive in July 2012 that withholds adjudication of collateral misconduct until after reports of sexual assault are investigated and cases are closed and afforded due process. SHARP training for cadets, faculty, and staff includes addressing collateral misconduct and the primacy of caring for the victim.
4. **Action:** Implement the APY 08-09 recommendation to provide at least one fulltime SAPR VA for cadets so that the psychotherapists on staff can exclusively focus their specialized skills on providing mental health services.  
**Status:** Complete. Psychotherapists on staff exclusively provide mental health services.
5. **Action:** USMA should request resources to support the employment of one or more full-time SAPR VA(s) who will exclusively focus on providing advocacy services to the cadet population. The level of confidentiality a SAPR VA would have under this arrangement will need to be explored.  
**Status:** In progress. The Army-wide hiring freeze of SAPR personnel prevented the hiring of additional resources before the end of APY 12-13.
6. **Action:** Utilize existing resources to create strategic planning efforts for the USMA's SAPR Program.  
**Status:** Closed. SAPR initiatives were incorporated in the USMA Strategic Plan 2013-2019.
7. **Action:** Conduct inspection of the USCC SAPR Program.  
**Status:** Complete. The USMA IG inspected the USMA's USCC SAPR Program in November 2012 and reported in April 2013.

USMA must implement the remaining recommendations from the APY 08-09 Report, as well as the necessary action items put forth in the APYs 10-11 and 12-13 Reports in a timely manner. Additionally, USMA will provide an update on the implementation before the end of the APY 13-14.