

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

## Academic Program Year 2022-2023





Department of Defense Annual Report on Sexual Harassment and Violence at the  
Military Service Academies, Academic Program Year 2022-2023

The estimated cost of this report or study for the Department of Defense is approximately \$503,000 in Academic Program Year 2022-2023. This includes \$279,000 in expenses and \$224,000 in DoD labor.

Generated on 2024Feb08 RefID: E1201CD

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**Reporting Requirement**

- Congress requires the Department to annually assess the Academies to determine the effectiveness of sexual harassment and sexual assault policies, training, and procedures.
- This was accomplished by conducting assessment visits, examining the Academies' self-assessments, and analyzing sexual assault reports and sexual harassment complaints.

**What We Learned**

- The Academies completed or are making progress on implementing Department-directed sexual assault prevention and response initiatives.
- The Academies are conducting Sexual Assault Prevention and Response and Sexual Harassment Prevention and Response programs in compliance with Department policy.
- The Department's assessment visits revealed the:
  - Need for enhanced communication of response policies to faculty, staff, and cadets/midshipmen;
  - Value of peer groups in supporting prevention and encouraging the reporting of sexual assault and sexual harassment; and
  - Need for greater response efforts for men and Lesbian, Gay, Bisexual, and Transgender cadets/midshipmen.
- Sexual assault reports and sexual harassment complaints decreased at all Academies compared to the previous Academic Program Year.

This report is available at <https://www.sapr.mil>.

## Executive Summary

This report primarily provides an update on Department of Defense efforts to improve sexual assault and sexual harassment response efforts and reporting of these harmful behaviors at the Military Service Academies in Academic Program Year 2022-2023.<sup>1</sup>

### Current State

Although no *Service Academy Gender Relations Survey* of cadets and midshipmen was conducted for the academic period covered by this report, the 2022 *Service Academy Gender Relations Survey* identified that an estimated 21.4 percent of academy women and 4.4 percent of academy men experienced unwanted sexual contact in the year prior to being surveyed, a significant increase compared to the prior survey in 2018.<sup>2</sup> The 2022 survey also identified an increase in the prevalence of sexual harassment with an estimated 63 percent of academy women and 20 percent of academy men experiencing sexual harassment during the previous Academic Program Year.<sup>3</sup>

In response to those trends, the Secretary of Defense issued the "Actions to Address and Prevent Sexual Assault at the Military Service Academies" memorandum in March 2023. This year's report includes academy progress in accomplishing the actions outlined in that memorandum. The overarching aim of the Secretary of Defense's actions is to improve culture and climate at the Academies, decrease risk of sexual assault and sexual harassment, and increase cadet and midshipman reporting.

Among the actions directed in the Secretary of Defense memorandum was the requirement to conduct On-Site Installation Evaluations at the Academies by April 2023. To meet this requirement, On-Site Installation Evaluations assessed prevention capabilities and climate of the Academies and units of interest through focus groups with cadets/midshipmen, leaders and prevention staff, surveys,

<sup>1</sup> For information regarding recent Department efforts to further sexual assault prevention at the Academies, see the 2023 Military Service Academies On-Site Installation Evaluation Report.

<sup>2</sup> See the Annual Report on Sexual Harassment and Violence at the Military Service Academies, Academic Program Year 2021-2022.

<sup>3</sup> Ibid.

document review, and data evaluation. The visits culminated in the August 2023 Military Service Academies On-Site Installation Evaluation Report.

After reviewing the report's findings, the Secretary of Defense directed a number of follow-on actions in his August 2023 memorandum, "Department Actions to Transform the Climate and Help Prevent Harmful Behaviors at the U.S. Military Service Academies." Actions from that memorandum included: issuing progress reports every six months to counter harmful behaviors at the Academies, measuring and evaluating academy programs to halt sexual abuse, and establishing the Climate Transformation Task Force to drive progress and enhance cooperation on improving climate and integrated prevention efforts at the Academies.

## **Report Focus Areas**

This report adds to the work described above by providing the Department's assessment of the Academies' sexual assault and sexual harassment prevention and response efforts from June 1, 2022 to May 31, 2023, and focuses on:

- Compliance with actions directed by the Department to improve sexual assault prevention and response;
- Command climate assessment process review;
- Observations informed by the assessment visits to the Academies; and
- Sexual assault reporting and sexual harassment complaint data.

### *Compliance with Actions Directed by the Department to Improve Sexual Assault Prevention and Response*

This year's assessment activities indicate that the Academies completed or are making progress on implementing Department-directed Sexual Assault Prevention and Response initiatives and are currently conducting Sexual Assault Prevention and Response and Sexual Harassment Prevention and Response programs in compliance with Department policy.

### *Command Climate Assessment Process Review*

In past years, the Department of Defense Office of People Analytics conducted focus groups to provide additional context regarding sexual assault and sexual harassment prevalence and reporting data from the *Service Academy Gender Relations Survey*. However, to help the Academies assess factors that may be indicators of progress or risk, the Office of People Analytics focused on helping the Academies optimize the climate assessment tools to enhance assessment and evaluation between prevalence surveys. Therefore, this Academic Program Year, the Office of People Analytics evaluated the command climate assessment process and the administration of the *Defense Organizational Climate Survey* at the Academies. For more information and findings from the comprehensive project, see Appendix G.

### *Observations Informed by the Assessment Visits to the Academies*

This report also identifies observations gathered from this year's assessment visits. Across all Academies, the Department found similarities regarding the need for enhanced communication of response policies to faculty, staff, and cadets/midshipmen; the value of peer groups to support prevention and encourage the reporting of sexual assault and sexual harassment; and the need for greater response efforts for men and Lesbian, Gay, Bisexual, or Transgender cadets/midshipmen.

### *Sexual Assault Reporting and Sexual Harassment Complaint Data*

The Department received 166 total reports of sexual assault that involved cadets/midshipmen/prep school students as victims and/or alleged offenders, a decrease of 40 reports from the previous Academic Program Year. A decrease in reporting was noted across all Academies. As no prevalence survey was conducted this Academic Program Year, it is not possible to determine whether this decrease is based on an actual reduction in harmful behaviors at the Academies. Of the 166 reports, 137 sexual assault reports were from cadets or midshipmen for incidents that occurred during military service, and 10 reports were made by cadets or midshipmen for incidents that occurred prior to military service (2 Unrestricted Reports and 8 Restricted Reports). An additional 32 reports were made by other active duty Service members and prep school students. No reports were made by civilians alleging an assault by a cadet or midshipman. This Academic Program Year, cadets and midshipmen made 13 formal complaints, 11 informal complaints, and 4 anonymous complaints of sexual harassment.

### **Way Forward**

The Academies and their respective Military Departments must continue improvements underway, utilize the tools available to them, and implement effective policies to stop sexual assault and sexual harassment. Halting these behaviors demands transformational actions, urgently and thoughtfully implemented, with clear metrics to track progress, learn lessons, and course correct, as needed. To that end, the Service Academy Climate Transformation Task Force regularly convenes to provide feedback to the Military Departments to ensure best practices are adopted across the Academies and provide oversight to achieve key milestones in a timely manner. Sexual assault and sexual harassment have no place in the military and will continually be assessed and addressed to ensure the Academies recruit and maintain leaders of character.



# Introduction

## Congressional Reporting Requirement

The Department of Defense (DoD) annually assesses the Military Service Academies' (MSA) programs that address sexual harassment and sexual assault per Section 532 of the John Warner National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2007 (Public Law 109-364). This report fulfills the congressional requirement by reviewing the effectiveness of the Academies' policies, training, and procedures regarding sexual assault and sexual harassment for cadets, midshipmen, and military and civilian staff at the United States Military Academy (USMA), the United States Naval Academy (USNA), and the United States Air Force Academy (USAFA).

## Report Contents

This report assesses the MSAs' programs and response actions from Academic Program Year 2022-2023 (APY 22-23) that address sexual harassment and sexual assault. Self-assessment reports by each Military Service are enclosed in Appendices A, B, and C. Detailed statistical data and analysis from APY 22-23 can be found in Appendices D and E. A list of the acronyms used in this report can be found at Appendix F. The Department of Defense Office of People Analytics (OPA) Military Service Academy Command Climate Assessment (CCA) Process Evaluation is at Appendix G. As noted in more detail in later sections of this report, the Department assessed academy prevention programs and climate health in On-Site Installation Evaluations (OSIEs) completed during APY 22-23.

## Assessment Process and Report Focus Areas

This report provides the Department's assessment of the Academies' current sexual assault and sexual harassment programs and response efforts from June 1, 2022, to May 31, 2023. The DoD assessment was informed by the following sources:

- The MSAs' response to programmatic self-assessments regarding response and related programmatic activities;
- Assessments of academy compliance with DoD and military response policy conducted by the Military Departments;<sup>4</sup>
- Sexual assault and sexual harassment reporting data; and
- Academy assessment visits conducted by the Department of Defense Sexual Assault Prevention and Response Office (SAPRO) and the Department of Defense Office for Diversity, Equity, and Inclusion (ODEI) to assess the effectiveness of policies, training, and procedures concerning sexual harassment and sexual violence involving academy personnel.<sup>5</sup>

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<sup>4</sup> The MSAs are compliant with the following policies outlined in the Secretary of Defense's March 2023 "Actions to Address" memorandum: DoD Instruction (DoDI) 6495.02, Volume 3, "Sexual Assault Prevention and Response: Retaliation Response for Adult Sexual Assault Cases," June, 24, 2022; DoDI 6495.02, Volume 2, "Sexual Assault Prevention and Response: Education and Training," April 9, 2021; Deputy Secretary of Defense Memorandum, "Updates to Department of Defense Policy and Procedures for the Sexual Assault Prevention and Response Program and Adult Sexual Assault Investigations," November 10, 2021; and Military Service regulations implementing Safe-to-Report policies.

<sup>5</sup> ODEI representatives determined compliance with the assessed sections of DoDI 1020.03, "Harassment Prevention and Response in the Armed Forces," December 20, 2022.

This year’s assessment was augmented by the work of the Secretary of Defense-directed OSIEs in response to increases in the estimated prevalence of unwanted sexual contact (USC) and sexual harassment in APY 21-22. While some OSIE information is provided in later sections of this report, a detailed discussion of the OSIE findings and follow-on actions are provided in a separate report.<sup>6</sup>

This year’s report is organized by and focuses on academy efforts in the following areas:

- Compliance with Actions Directed by the Department to Improve SAPR;
- CCA Process Review;
- Observations Informed by the Assessment Visits to the Academies; and
- Sexual Assault Reporting and Sexual Harassment Complaint Data.

## Compliance with Actions Directed by the Department to Improve SAPR

The Department strives for a military culture free from sexual assault and sexual harassment. Cadets and midshipmen deserve to train in a respectful, inclusive environment while preparing to become our Nation’s next military leaders. To that end, Table 1 below summarizes recent Department actions to improve the SAPR mission space.

**Table 1: Recent Actions Directed by the Department<sup>7</sup>**

February 2022	Under Secretary of Defense for Personnel and Readiness (USD (P&R)) signs “Actions to Address and Prevent Sexual Assault at the Military Service Academies” memorandum
March 2023	Secretary of Defense signs “Actions to Address and Prevent Sexual Assault at the Military Service Academies” memorandum
March – April 2023	DoD conducts OSIEs at the MSAs
July – August 2023	DoD conducts assessment visits at the MSAs
August 2023	DoD releases the 2023 Military Service Academies OSIE Report
August 2023	Secretary of Defense signs “Department Actions to Transform the Climate and Help Prevent Harmful Behaviors at the U.S. Military Service Academies” memorandum
August 2023	USD(P&R) establishes the Service Academy Climate Transformation Task Force (CTTF)

The following section summarizes actions in APY 22-23 responsive to USD(P&R) and Secretary of Defense-directed SAPR actions.

<sup>6</sup> For the full OSIE Report, see: [https://media.defense.gov/2023/Aug/17/2003282637/-1/-1/1/2023\\_MILITARY\\_SERVICE\\_ACADEMIES\\_ON\\_SITE\\_INSTALLATION\\_EVALUATION\\_REPORT.PDF](https://media.defense.gov/2023/Aug/17/2003282637/-1/-1/1/2023_MILITARY_SERVICE_ACADEMIES_ON_SITE_INSTALLATION_EVALUATION_REPORT.PDF)

<sup>7</sup> Secretary of Defense and USD(P&R) memoranda outlined in Table 1 can be found at [www.sapr.mil/reports](http://www.sapr.mil/reports).



## **Memorandum 1: “Actions to Address and Prevent Sexual Assault at the Military Service Academies” (dated February 15, 2022)**

On February 15, 2022, the USD(P&R) directed the MSAs to execute actions to further mature prevention activities and improve response systems. As previously documented in the APY 21-22 MSA Report, the Department found some MSAs partially compliant or non-compliant with the following actions outlined in the February 2022 memorandum:<sup>8</sup>

- Evaluate individual prevention activities within the overall comprehensive approach
  - USMA – partially compliant
- Facilitate greater use of the Catch a Serial Offender (CATCH) Program
  - USAFA – partially compliant
- Develop Case Management Group (CMG) operating instructions
  - USMA – partially compliant
  - USAFA – partially compliant
- Update climate assessment reporting and action plans
  - USAFA – non-compliant
- Provide extended class schedule deconfliction
  - USMA – partially compliant

In APY 22-23, the Academies took steps to comply with the above actions. USMA updated its Sexual Harassment/Sexual Assault Prevention and Response Standard Operating Procedures (SHARP SOP) to include updated guidance on its CMG, issued policy on class schedule deconfliction for victims of sexual assault and alleged offenders, and continues to work with DoD SAPRO and the Centers for Disease Control’s collaborative Integrated Prevention Technical Assistance Center (IPTAC) to refine their prevention activity plan for “Prevention Deep Dives.” USAFA expanded its CATCH Program to align with DoD policy, amended its CMG operating instruction to incorporate the latest updates to SAPR policy, and developed a plan of action for implementing command climate assessments.

## **Memorandum 2: “Actions to Address and Prevent Sexual Assault at the Military Service Academies” (dated March 10, 2023)**

Following the increase in the estimated prevalence of USC<sup>9</sup> and sexual harassment reported in the APY 21-22 MSA Report, the Secretary of Defense directed the following actions:

1. Conduct OSIEs at the MSAs;
2. Develop a MSA implementation plan for the Department’s prevention workforce and leadership requirements;
3. Champion the Department’s CCA process;

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<sup>8</sup> MSAs not listed were identified as compliant with Memorandum 1 requirements in the APY 21-22 MSA Report.

<sup>9</sup> Although the term “unwanted sexual contact” does not appear in the Uniform Code of Military Justice (UCMJ), for the purposes of the *Service Academy Gender Relations Survey* and this report, it is used to refer to a range of sex-related offenses that the UCMJ prohibits. These offenses include completed or attempted oral, anal, or vaginal penetration by a body part or an object and the unwanted touching of genitalia, buttocks, breasts, or inner thighs when the individual did not or could not consent.

4. Broaden the skills of MSA leaders to assess and act on climate factors impacting their cadet/midshipman units;
5. Communicate the importance of military justice reforms;
6. Implement a Return to Health policy;
7. Incorporate the latest SAPR policies to align with SAPR-related prevention and training efforts, encourage reporting, and improve victim support; and
8. Issue policy on the physical separation of cadet and midshipman survivors of sexual assault and alleged offenders.

The Academies outlined the steps they took to meet the requirements of the above actions in their self-assessments for this APY. Their responses are detailed below.

### *Action Item 1: Conduct OSIEs at the MSAs*

On March 10, 2023, the Secretary of Defense directed OSIEs be conducted at the MSAs after an increase in the estimated prevalence of USC and sexual harassment, and other concerning climate issues at the MSAs during APY 21-22. As a result, the OSIE methodology was applied to each MSA to gain insight on shared risk and protective factors. As a critical leadership tool, these visits provide DoD with ways to comprehensively improve its prevention efforts, better support efforts to advance the approved recommendations of the Independent Review Commission on Sexual Assault in the Military and the Suicide Prevention and Response Independent Review Committee, and inform future policy development. The MSA OSIEs were completed by April 2023.

OSIEs assess prevention and climate factors. DoDI 6400.09, “DoD Policy on Integrated Primary Prevention of Self-Directed Harm and Prohibited Abuse or Harm,” defines “primary prevention” as the act of stopping a self-directed harm and prohibited abusive or harmful act before it occurs. An optimal prevention system, including those programs and personnel with equity in prevention of harmful behaviors, will sustain prevention-specific knowledge and skills and productive and collaborative relationships. It will also facilitate and institutionalize effective planning, execution, evaluation, and quality improvement of the prevention system and activities. DoDI 6400.11 defines “climate” as the collection of shared attitudes and perceptions of people within an organization or unit. In the military context, it often reflects leadership efforts to build cohesion or trust among personnel.

At the MSAs, practices that may have once been highly effective in developing and implementing prevention systems or activities have, in some cases, not kept pace with the changing characteristics of incoming students at the academies. OSIE teams observed that these practices may be having unintended consequences or may be exacerbating unhealthy climate. While the MSAs have been diligent in adding prevention and support resources over time, harmful behaviors may continue to increase until the climates and environment contributing to that increased risk are modified.<sup>10</sup>

After reviewing these findings, the Secretary of Defense directed several follow-on actions in his August 2023 memorandum, “Department Actions to Transform the Climate and Help Prevent Harmful Behaviors at the U.S. Military Service Academies.” Actions from this memorandum included: issuing progress reports on plans of actions to counter the harmful behaviors at the

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<sup>10</sup> For a detailed summary of findings and recommendations, see the 2023 Military Service Academies On-Site Installation Evaluation Report.

Academies, measuring and evaluating academy programs to halt sexual abuse, and establishing the CTTF to drive progress and enhance cooperation on improving climate and integrated prevention efforts at the Academies.

The Department is currently taking steps to meet the requirements outlined above. Since August 2023, the USD(P&R) established the CTTF. This Task Force is composed of senior military and civilian personnel to drive progress and enhance cooperation on improving climate and integrated prevention efforts at the MSAs.

#### *Action Item 2: Develop an MSA Implementation Plan for the Department's Prevention Workforce and Leadership Requirements*

MSA superintendents developed plan of action and milestones (POA&Ms) to revise their operating instructions integrating DoDI 6400.11, "DoD Integrated Primary Prevention Policy for Prevention Workforce and Leaders". MSA superintendents submitted final POA&Ms to the Department in December 2023.

**DoD Assessment:** All Academies met the requirements of this Secretary of Defense-directed action.

#### *Action Item 3: Champion the Department's Climate Assessment Process*

MSA superintendents, in coordination with their Military Departments, and in alignment with their Military Department's guidance on DoDI 6400.11, developed POA&Ms for the implementation and execution of required command climate assessments in April 2023. The Department is actively developing tools to equip academy leaders with the necessary skills for greater cadet and midshipman involvement.

**DoD Assessment:** MSA POA&Ms met the requirements of this Secretary of Defense-directed action.

#### *Action Item 4: Broaden the Skills of MSA Leaders to Assess and Act on Climate Factors Impacting their Cadet/Midshipman Units*

DoD's Sexual Assault Prevention and Response Training and Education Center of Excellence (SAPRTEC) reviewed and initiated collaborative efforts to revise academy officers' (Tactical Officers [TACs], Air Officers Commanding [AOCs], and Company Officers [COs]) initial preparation and ongoing professional development to support integrated primary prevention and the climate assessment process. The MSAs designated working group members to support SAPRTEC's efforts.

Since June 2023, the MSAs have also engaged with SAPRTEC in monthly group meetings to highlight and share program initiatives or best practices with the working group and worked with SAPRTEC to facilitate CCA/Defense Organizational Climate Survey (DEOCS) introductory training for TACs, AOCs, and Company Officers.

#### *Action Item 5: Communicate the Importance of Military Justice Reforms*

The Secretaries of the Military Departments worked with their respective superintendents to inform cadets and midshipmen about significant changes to the military justice process, including the independence, role, and responsibilities of the Offices of Special Trial Counsel

(OSTC), the revised role of the superintendent in military justice, and impacts of reforms on MSA disciplinary processes, which took effect in December 2023.

#### *Action Item 6: Implement a Return to Health Policy*

##### **USMA**

The goal of USMA's Return to Health policy is to ensure victims have the time and space available to create a balance between maintaining their personal well-being and fulfilling their academic and military responsibilities that facilitates their healing. Per the policy, cadets who want to request Return to Health accommodations must initiate the request through the Sexual Assault Response Coordinator (SARC) or Victim Advocate (VA) and make an Unrestricted or Restricted Report.

**DoD Assessment:** USMA's policy met the requirements of this Secretary of Defense-directed action.

##### **USNA**

Midshipmen who experience physical and mental stressors that detract from their academic, physical, or military obligations are sometimes deterred from using resources because they fear doing so will interfere with their graduation and commissioning. Considering this, USNA's On Ramp program is designed to provide midshipmen the ability to balance competing requirements while recovering from significant life events (e.g., sexual assault, unexpected death of an immediate family member, concussions) by affording them the requisite time and space for healing without the added stress of academy life.

**DoD Assessment:** USNA's On Ramp program met the requirements of this Secretary of Defense-directed action.

##### **USAFA**

The Academy's policy formally delineates a process for supporting the psychological and physical recovery of cadets following a report of sexual assault. The process enables cadets to balance their continued academic, military, physical, and character development requirements with access to support services and engagement in recovery while also maintaining their privacy.

**DoD Assessment:** USAFA's policy met the requirements of this Secretary of Defense-directed action.

*Action Item 7: Incorporate the Latest SAPR Policies to Align with SAPR-Related Prevention and Training Efforts, Encourage Reporting, and Improve Victim Support*

To bring local operating procedures into compliance with DoD policy, MSA superintendents certified, in writing, to their respective Secretaries of the Military Departments and DoD SAPRO that they are operating in compliance with the following policies:

- DoDI 6495.02, Volume 3, “Sexual Assault Prevention and Response: Retaliation Response for Adult Sexual Assault Cases,” June 24, 2022;
- DoDI 6495.02, Volume 2, “Sexual Assault Prevention and Response: Education and Training,” April 9, 2021;
- Deputy Secretary of Defense Memorandum, “Updates to Department of Defense Policy and Procedures for the Sexual Assault Prevention and Response Program and Adult Sexual Assault Investigations,” November 10, 2021; and
- Military Service regulations implementing Safe-to-Report policies.

**DoD Assessment:** All Academies met the requirements of this Secretary of Defense-directed action.

*Action Item 8: Issue Policy on the Physical Separation of Cadet and Midshipman Survivors of Sexual Assault and Alleged Offenders*

**USMA**

Victims of sexual assault who have made an Unrestricted Report by completing a Defense Department (DD) Form 2910 may request to receive physical separation accommodations (i.e., cadet excusals, quarters, class schedule changes, and cadet company transfers) to support healing and recovery. The SHARP Office supports, to the extent possible, the coordination of physical separation with the chain of command – TACs and above – while also considering feasibility and adherence to USMA policies and procedures.

**DoD Assessment:** USMA’s policy met the requirements of this Secretary of Defense-directed action.

**USNA**

The Academy supports victims by adjusting berthing assignments, company assignments, class schedules, training evolutions, and professional development activities (to include summer training sessions) to create physical distance and personal space between victims and alleged offenders to the maximum extent possible. Victims and alleged offenders may seek physical separation through contact and coordination with their respective chain of command. Additionally, those with Unrestricted Reports are eligible for no-contact orders, military protective orders, leave of absences, Reserve Officer Training Corps (ROTC) transfers, and MSA transfers.

**DoD Assessment:** USNA’s policy met the requirements of this Secretary of Defense-directed action.

## USAFA

Per the Academy's policy, commanders may execute any of the following options without implicating due process concerns (with exception of involuntary excess leave and pretrial confinement, which include due process protections for the alleged perpetrator): no-contact order; military protective order; class deconfliction/schedule change; squadron/dormitory change; transfer to ROTC or another MSA; voluntary turnback; suspension and involuntary excess leave; and pre-trial confinement.

**DoD Assessment:** USAFA's policy met the requirements of this Secretary of Defense-directed action.

## CCA Process Review

This APY, the Department and Academies engaged in multiple data and research-informed efforts to assess factors that occur prior to and after incidents of sexual assault or sexual harassment that may be mitigated or improved. These efforts have a shared goal of improving culture and climate at the Academies, decreasing risk of sexual assault and sexual harassment for cadets and midshipmen, increasing cadet and midshipman sexual assault and sexual harassment reporting,<sup>11,12</sup> and enhancing the knowledge base and skill set of the response workforce. The infographic on the following page summarizes these efforts.

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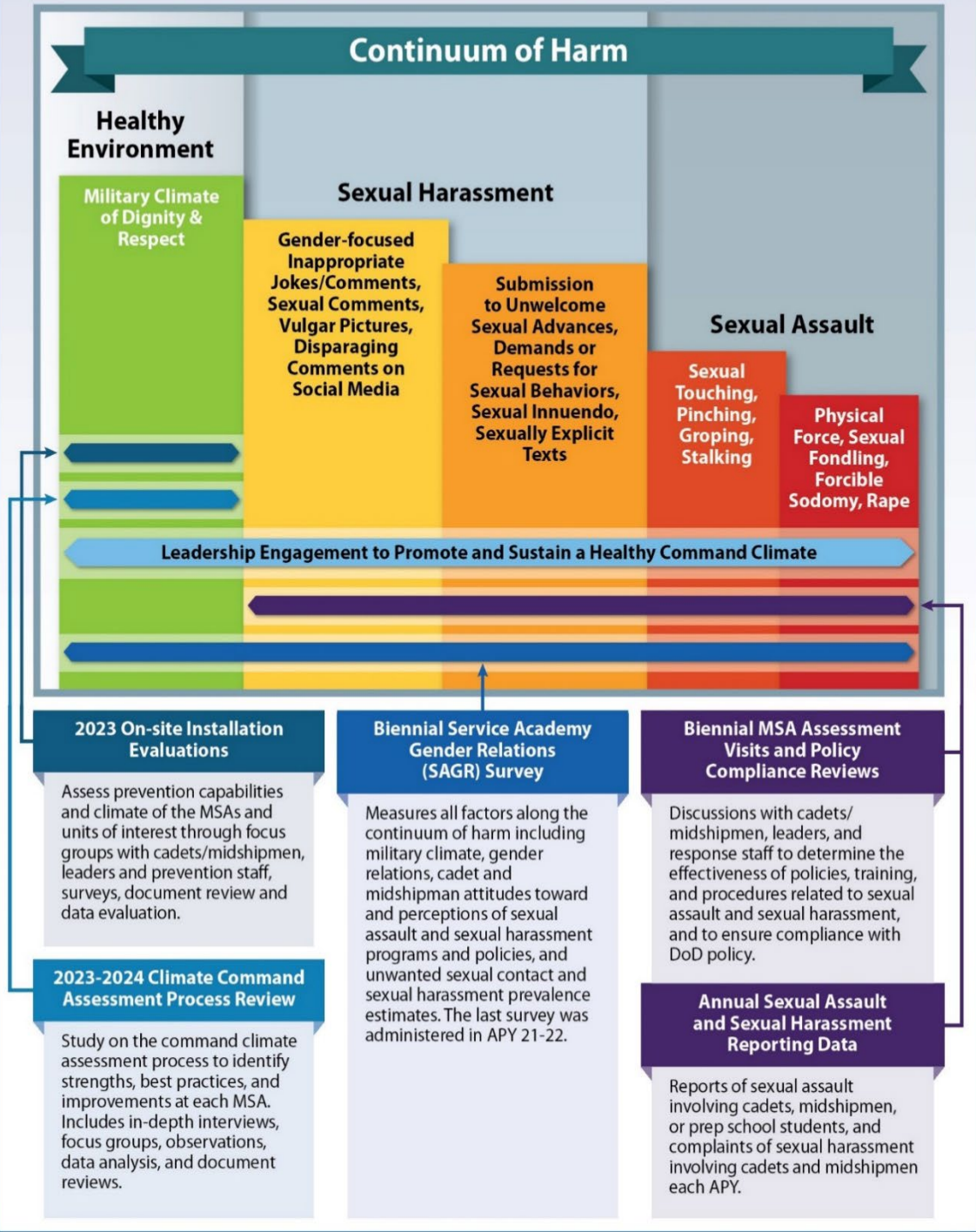
<sup>11</sup> The sexually harassing behaviors depicted in the infographic below are only examples and not defined in DoDI 1020.03, "Harassment Prevention and Response in the Armed Forces," December 20, 2022.

<sup>12</sup> Submission to sexually harassing behaviors (depicted in the infographic below) would be made, either explicitly or implicitly, a term or condition of a person's job, pay, career, benefits, or entitlements; or submission to, or rejection of, such conduct would be used as a basis for decisions affecting that person's job, pay, career, benefits, or entitlements; or was so severe, repetitive, or pervasive that a reasonable person would perceive, and a certain person did perceive, an intimidating, hostile, or offensive working environment.



# MSA Assessment Activities that Address or Measure Factors Along the Continuum of Harm

The continuum of harm refers to the range of inappropriate actions (i.e. sexist jokes, hazing, cyber bullying) that may be present before or after a sexual assault occurs or contribute to an environment that tolerates inappropriate behavior. The **shared goal of all MSA assessment activities is to address or measure factors along the continuum of harm** to improve culture and climate at the MSAs, decrease risk of sexual assault and sexual harassment for cadets and midshipmen, and increase cadet and midshipman reporting.



As the above infographic highlights, this year's assessment included an evaluation of the existing CCA process at the MSAs conducted by OPA and Department-conducted assessment visits at each MSA to determine the effectiveness of policies, training, and procedures concerning sexual harassment and sexual violence involving academy personnel. Findings from OPA's evaluation and observations from the assessment visits are discussed in the following sections.

## CCA Process Review

Throughout APY 22-23, OPA conducted a comprehensive evaluation of the CCA process at all three Academies to identify the following strengths, best practices, and opportunities for improvement.

### USMA

Strengths and best practices:

- High levels of participation in the *DEOCS* (70 percent of the company or more) noted among most companies, with one company reaching 91 percent participation;
- USMA is well positioned to centralize and integrate oversight and execution of the process;
- Cadet involvement in the process. USMA is well positioned to increase involvement via cadets within the **Addressing Harmful Behaviors, Creating Positive Climates, Teaching Holistic Health (ACT)** Program cadets; and
- SHARP, Center for Personal Development (CPD), and Office of Diversity, Inclusion, and Equal Opportunity (ODIEO) offices possess expertise in many of the factors important to command climate and measured on the *DEOCS*. Because of these equities, these offices were enthusiastic to leverage their knowledge in support of command climate and prevention activities. The hiring of the Integrated Prevention Advisory Group (IPAG) is a critical step in coordinating efforts across these offices at USMA.

Opportunities for improvement:

- Centralize data collection and ensure that company level actions align with, and feed into, academy-level Comprehensive Integrated Primary Prevention (CIPP) plans,<sup>13</sup> which will allow USMA to track and evaluate climate and prevention efforts;
- Avoid stove pipes by including offices with significant equities (i.e., SHARP) in the command climate assessment administration, action plan, and data sharing; and
- Involve USMA senior leadership in Corps-wide action planning.

### USNA

Strengths and best practices:

- High-level of engagement from the Commandant in the CCA process;
- Survey administrator (Command Managed Equal Opportunity Equal Opportunity (CMEO) Manager) successfully managed the process and worked closely with the Command Climate Specialist;

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<sup>13</sup> CIPP plans are a document developed annually and updated every six months that provides a roadmap to preventing harmful behaviors for a given military community.

- The Command Resilience Team (CRT) involves a diverse and invested set of stakeholders;
- Commandant directed initiatives based on CCA results, including “Four minute drills” – a discussion based on important topics conducted each Thursday; and
- Respectable past year participation in the *DEOCS* (all companies had greater than twenty percent participation with an average of 31 percent for all companies) noted among most companies.

Opportunities for improvement:

- Documented company action plans to be executed by company officers with company midshipmen;
- Increased involvement of battalion leadership in CCA oversight; and
- Increased visibility and awareness of overall CCA process and the purpose of the CRT Academy-wide.

## **USAFA**

Strengths and best practices:

- Cadet wing-created CCA Working Group that developed a list of actionable items to address command risks discovered by the *DEOCS*;
- Collaboration among squadron leaders when creating squadron Command Action Plans (CAPs);
- Involvement of senior USAFA leaders in messaging related to the CCA process and issues; and
- Respectable past-year participation in the *DEOCS* noted among most squadrons.

Opportunities for improvement:

- Expand training for AOCs (i.e., how to interpret *DEOCS* results/factor rating alerts);<sup>14</sup> and
- Increase cadet involvement throughout the CCA process.

## Observations Informed by the Assessment Visits to the Academies

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<sup>14</sup> A recent SAPRTEC effort has been underway to enhance CCA training for Company Officers/TACs/AOCs at the MSAs.

From July to August 2023, Department representatives met with academy personnel at all three MSAs to assess SAPR<sup>15</sup> and Harassment Prevention and Response<sup>16</sup> policies and program compliance. In addition, assessment visits included feedback sessions with sexual assault survivors, Military Criminal Investigative Organization (MCIO) case reviews, technical assistance, and working group sessions. The following section describes three observations from this year's assessment visits.

### *Observation 1: Need for Enhanced Communication of Response Policies to Staff, Faculty, and Cadets/Midshipmen*

The MSAs take steps to publicize changes and updates to SAPR policies. Most often, academy staff receive notifications of changes and updates to policy via email communications. All three MSAs, however, report that emails are not an efficient communication tool and often require additional information to be dispersed through meetings. Work will continue to ensure that policy updates are effectively communicated throughout the Academies to include the sexual assault response workforce.

The Academies continue efforts to publicize the Safe-to-Report policy as a means to increase sexual assault reporting. The Academies are tracking the influence of the policy on victim reporting. According to USMA's APY 22-23 self-assessment, of the 33 cases reported in APY 22-23, six cadets cited the Safe-to-Report policy influenced their decision to report. USNA implemented its Safe-to-Report policy in APY 21-22 and is tracking through voluntary disclosure that the policy influenced ten percent of the cases reported in APY 22-23. It also expanded its Safe-to-Report policy to encourage midshipmen to feel safe when coming forward as a witness in a sexual assault case. USAFA stated in its APY 22-23 self-assessment that 12 cadets cited the Safe-to-Report policy influenced their decision to report. However, a more robust assessment of the effectiveness of the policy has not been undertaken.

Additionally, in APY 22-23, USAFA implemented an Encouraged to Report policy to reduce another barrier to reporting sexual assault. The policy allows commanders to exercise discretion in punishing collateral misconduct for cadets who report hazing, harassment, and bullying as witnesses or victims, as well as those who may be witnesses in sexual assault allegations.

The Secretaries of the Military Departments worked with their respective superintendents to communicate the changes in the military justice system that took effect in December 2023 to cadets and midshipmen, including the impacts of reforms on MSA disciplinary processes.

In addition to the action taken by the Secretaries of the Military Departments, the MSAs took additional measures to prepare for the implementation of the OSTC. The USMA Office of the

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<sup>15</sup> Department representatives determined academy compliance with the following SAPR policies: DoDI 6495.02, Volume 3, "Sexual Assault Prevention and Response: Retaliation Response for Adult Sexual Assault Cases," June, 24, 2022; DoDI 6495.02, Volume 2, "Sexual Assault Prevention and Response: Education and Training," April 9, 2021; Deputy Secretary of Defense Memorandum, "Updates to Department of Defense Policy and Procedures for the Sexual Assault Prevention and Response Program and Adult Sexual Assault Investigations," November 10, 2021; and Military Service regulations implementing Safe-to-Report policies.

<sup>16</sup> Department representatives determined academy compliance with DoDI 1020.03 "Harassment Prevention and Response in the Armed Forces," December 20, 2022.

Staff Judge Advocate (OSJA) received training from personnel from the OSTC and conducted small group trainings and discussions about the military justice reforms with commanders, SHARP, and Criminal Investigation Division (CID) personnel. The SJA and superintendent briefed the Corps of Cadets about upcoming military justice reforms by class, which included a question-and-answer session.

USNA completed training for the entire Brigade of midshipmen. USNA SJAs will augment that training and broader military justice awareness for the fourth class as a component of the Sexual Harassment and Assault Prevention Education (SHAPE) program in Spring 2024.

USAFA/Judge Advocates (JA) partnered with Air Force/JAs and the Air Force OSTC to develop a video to educate cadets on the importance of military justice reforms. The training included a QR code/link, which cadets used to ask questions following the conclusion of the training.

### *Observation 2: Value of Peer Groups in Supporting Prevention and Encouraging the Reporting of Sexual Assault and Sexual Harassment*

Despite efforts to encourage reporting, academy personnel expressed that multiple barriers to reporting and help-seeking by cadets/midshipmen persist, including: pervasive stigma associated with receiving services, misconceptions about the reporting process, and fear of long-term ramifications to their standing at the Academies and future careers. The Academies continue to take steps to increase access to support for victims of sexual harassment and sexual assault.

The Academies augment their sexual assault and sexual harassment programs with peer-helping groups. USMA's ACT Program Cadets, USNA's SHAPE Guides, and USAFA's Teal Ropes work to encourage sexual assault reporting and reduce incidents of sexual assault among cadets and midshipmen. The Academies have taken steps to enhance and improve upon the use of peer groups to support prevention and to encourage the reporting of sexual assault and sexual harassment. Each of the Academies emphasized efforts to ensure proper training and preparation for peer groups. Peer-led education and training can increase the accessibility and relevance of training and provides an additional, readily available resource to cadets and midshipmen.

### *Observation 3: Need for Greater Response Efforts for Men and Lesbian, Gay, Bisexual, or Transgender Cadets/Midshipmen*

The Department's SAPR Program focuses on victims and on doing what is necessary and appropriate to support victim recovery, including providing gender-responsive, culturally-competent, and recovery-oriented care.<sup>17</sup> While the MSAs have a variety of services and programs available for sexual assault victims (including the peer helping groups described above), those specifically geared toward providing gender-responsive and culturally-competent care for men and Lesbian, Gay, Bisexual, or Transgender (LGBT) victims are limited.

This is an important observation in light of the findings from the 2022 *Service Academy Gender Relations Survey* regarding risk for male and LGBT cadets/midshipmen. Findings show that an estimated 25.7 percent of Lesbian, Gay, or Bisexual (LGB) MSA women experienced USC in APY 21-22; 74 percent experienced sexual harassment, and 43 percent experienced gender

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<sup>17</sup> DD 6495.01, "Sexual Assault Prevention and Response (SAPR) Program," pages 2-3.



discrimination. These estimated rates were significantly higher than the estimated rates of USC (20.2 percent), sexual harassment (61 percent), and gender discrimination (32 percent) for heterosexual MSA women. For LGB MSA men, an estimated 15.5 percent experienced USC in APY 21-22; 49 percent experienced sexual harassment, and 14 percent experienced gender discrimination. These estimated rates were significantly higher than the estimated rates of USC (3.9 percent), sexual harassment (19 percent), and gender discrimination (5 percent) for heterosexual MSA men.<sup>18</sup>

These rates are comparable to civilian universities. According to the 2019 Report on the Association of American Universities Campus Climate Survey on Sexual Assault and Misconduct, in 2019, 25.6 of bisexual students and 15.1 percent of gay or lesbian students experienced an occurrence of nonconsensual sexual contact.<sup>19</sup>

Moving forward, the revised *DEOCS* and the *Service Academy Gender Relations Survey* now collect demographic information regarding sexual orientation and gender identity to better understand the experiences of sexual and gender minority individuals and to support more tailored prevention activities in the military and at the MSAs.

## Sexual Assault Reporting and Sexual Harassment Complaint Data

The Department seeks greater reporting of sexual assault to connect cadets and midshipmen with restorative care and to hold alleged offenders appropriately accountable for their crimes.<sup>20</sup> DoD tracks Restricted and Unrestricted Reports of sexual assault involving cadets, midshipmen, or prep school students as victims/and or subjects in allegations made during the APY. The following section summarizes this year's sexual assault and sexual harassment reporting data.

### **APY 22-23 Overall Reporting Data on Sexual Assault at the Service Academies**

In APY 22-23, the Department received a total of 166 sexual assault reports that involved cadets/midshipmen/prep students as victims and/or alleged offenders – a decrease of 40 reports from the previous APY (see Figure 1). Of these reports, 56 were from USMA, 50 were from USNA, and 60 were from USAFA.

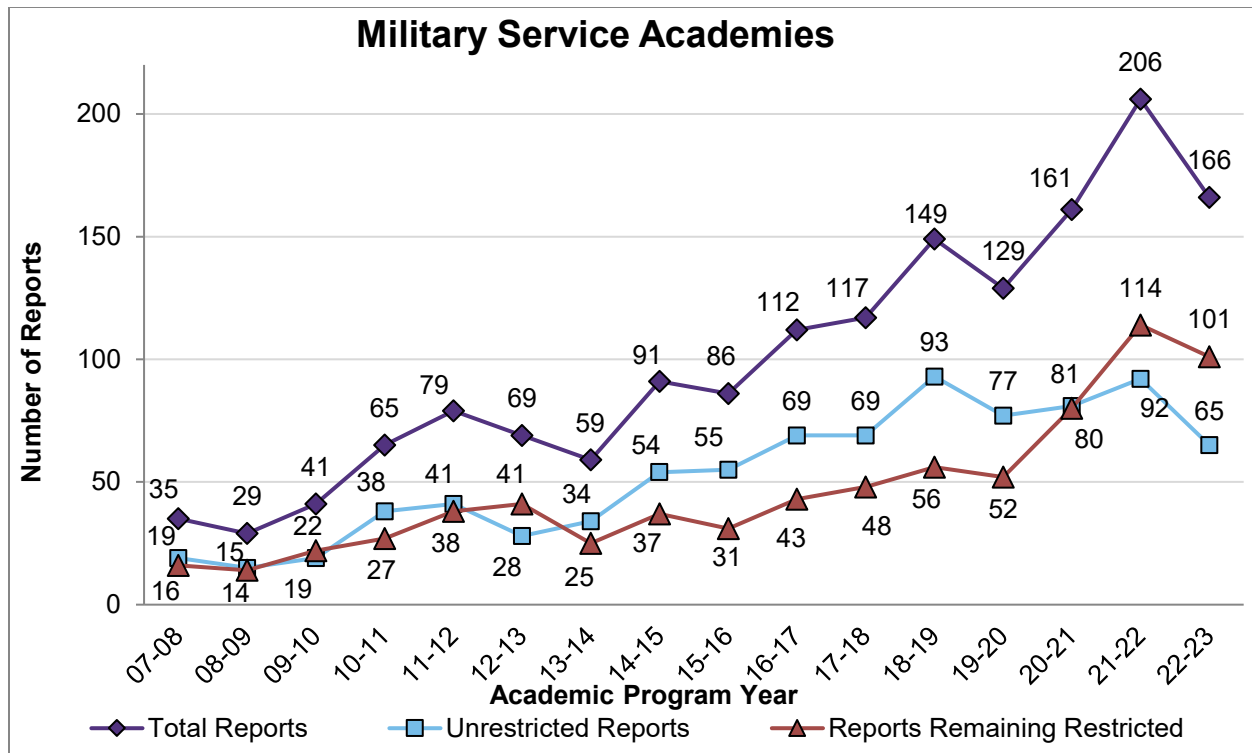
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<sup>18</sup> 2022 *Service Academy Gender Relations Survey: Overview Report*, page x.

<sup>19</sup> See the 2019 Report on the Association of American Universities Campus Climate Survey on Sexual Assault and Misconduct, page 33.

<sup>20</sup> Use of the terms “victim(s),” “subject(s),” or “offender(s),” as used throughout this report do not convey any legal conclusion that an allegation, incident or event has been substantiated and does not convey any presumption of the guilt or innocence of the alleged offender(s).





**Figure 1. Reports of Sexual Assault by Report Type, APY 07-08 to 22-23**

Department policy allows cadets and midshipmen to report sexual assaults and receive assistance, even when the reported incident occurred prior to entry into military service. In addition, DoD accounts for reports from non-cadets/midshipmen that allege a sexual assault committed by an academy student.

At the MSAs’ request, the Department has categorized the total number of reports received to reflect the MSAs’ current conditions. Of the 166 total reports received by the Department, 137 reports were made by/or against actively enrolled cadets and midshipmen for incidents that occurred during military service. This categorization narrows the focus to reports that involved actively enrolled cadets or midshipmen, including reports from:

- Currently enrolled cadets or midshipmen reporting an incident that occurred during their military service;
- Active duty Service members reporting an incident that occurred within four years of the date the incident was reported, either at a MSA or while they were a cadet or midshipman; or
- Civilians reporting an incident by an enrolled cadet or midshipman.

The remaining 29 reports come from:

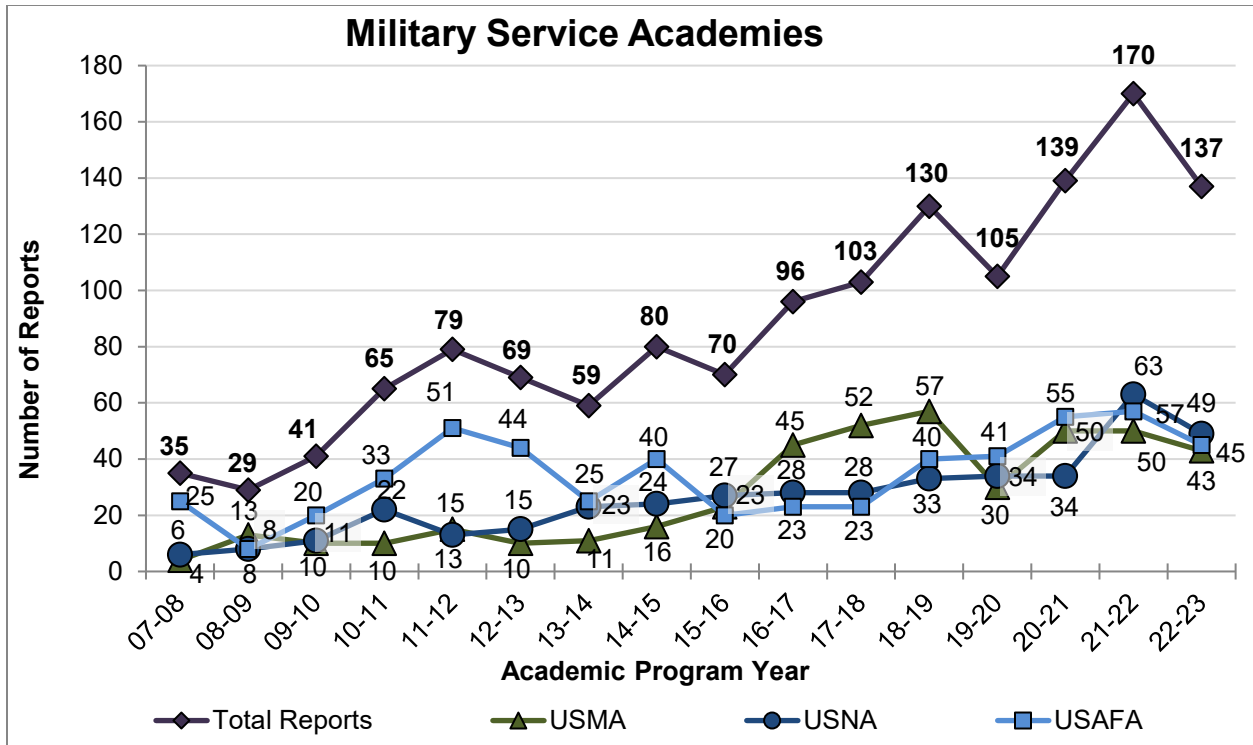
- Currently enrolled cadets or midshipmen reporting an incident that occurred prior to military service;
- Active duty Service members or current civilians who did not report an academy-based sexual assault until they were no longer enrolled at the MSA, making a report for an incident that occurred more than four years from the date of the report; or
- Prep school students.

Table 2 provides the breakdown of the 166 total reports into these two overarching categories.

**Table 2: Sexual Assault Reports by Victim Category and Military Status, APY 22-23**

	<b>Unrestricted Reports</b>	<b>Restricted Reports</b>	<b>Total Reports</b>
<b>All Academy-related Reports</b>	<b>65</b>	<b>101</b>	<b>166</b>
• Reports involving actively enrolled cadets/midshipmen at the time of incident and/or report	<b>60</b>	<b>77</b>	<b>137</b>
– Cadets/midshipmen victims reporting an incident that occurred during military service	59	65	124
– Active duty Service member victims reporting an incident that occurred within the last four years	1	12	13
– Civilian victims	0	0	0
• All other reports	<b>5</b>	<b>24</b>	<b>29</b>
– Cadets/midshipmen reporting an incident that occurred prior to military service	2	8	10
– Active duty Service members reporting an incident that occurred more than four years ago	1	12	13
– Prep school students	2	4	6

See Appendix D: Statistical Data on Sexual Assault and Sexual Harassment for more information on reporting data.



**Figure 2. Reports by and/or against Academy Students Actively Enrolled at the Time of Report and Incident by Report Type, APY 07-08 to 22-23**

Figure 2 illustrates the number of sexual assault reports in this category: reports made by and/or against academy students actively enrolled at the time of the report and incident. Compared to APY 21-22, the total number of sexual assault reports involving actively enrolled cadets or midshipmen made in APY 22-23 decreased by 33 reports.

Figure 2 also illustrates the number of sexual assault reports involving enrolled cadets and midshipmen by Academy. At USMA, 43 reports of sexual assault were made by and/or against actively enrolled cadets for an alleged incident that occurred during military service, representing a decrease of 7 reports since the previous APY. Of these 43 reports, 21 were Unrestricted, and 22 remained Restricted at the close of APY 22-23.

At USNA, 49 reports of sexual assault were made by and/or against actively enrolled midshipmen for an alleged incident occurring during military service, representing a decrease of 14 reports since the previous APY. Of these 49 reports, 16 were Unrestricted, and 33 remained Restricted at the close of APY 22-23.

At USAFA, 45 reports of sexual assault were made by and/or against actively enrolled cadets for an alleged incident occurring during military service, a decrease of 12 reports since previously measured. Of these 45 reports, 23 were Unrestricted, and 22 remained Restricted at the close of APY 22-23.

Because no prevalence survey was conducted this APY, it is not possible to determine if a true decrease in reporting occurred rather than a decrease in crime. For more detailed statistical data from APY 22-23, and analysis of these data, see Appendices D and E.

## **APY 22-23 Sexual Assault Reports Made to the Family Advocacy Program (FAP)**

FAP is the congressionally mandated program within DoD responsible for supplying clinical assessment, support, and treatment services in response to domestic abuse incidents. Sexual assault occurring within the context of a marriage or intimate partner relationship (sexual abuse) is a subset of domestic abuse. In December 2021, the Department expanded its intimate partner definition to include Service members in a dating relationship.

Sexual assault occurring within the context of domestic abuse is referred to FAP for comprehensive safety planning for the victim, including victim advocacy and support. Alleged offenders for domestic violence are also subject to the UCMJ or other adverse actions, as appropriate, even when the case is referred to FAP. FAP provides guidance to FAP personnel on how to handle reports of sexual assault.<sup>21</sup> Starting in APY 18-19, this report includes a section documenting cadet/midshipman reports to FAP to better understand all sexual assault cases reported by cadets/midshipmen. In APY 22-23, 2 reports (1 Unrestricted Report and 1 Restricted Report) of sexual assault at USAFA and 1 Unrestricted Report of sexual assault at USNA were initially made to FAP. There were no reports made initially to FAP at USMA. The 3 reports at USAFA and USNA that were initially made to FAP are not included in the above counts of the total number of reports made this APY (i.e., 166 sexual assault reports that involved cadets/midshipmen/prep students as victims and/or alleged offenders).

## **APY 22-23 Overall Complaint Data on Sexual Harassment at the MSAs**

In APY 22-23, cadets and midshipmen made 13 formal complaints, 11 informal complaints, and 4 anonymous complaints of sexual harassment. As depicted in Figure 3 below, sexual harassment complaints at the Academies vary widely from year to year but remain low compared to survey estimates of sexual harassment. The Department recognizes these lower numbers may reflect underreporting and the normalization of sexual harassment in language and some behavior.

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<sup>21</sup> DoDI 6400.06, "DoD Coordinated Community Response to Domestic Abuse Involving DoD Military and Certain Affiliated Personnel," May 16, 2023.

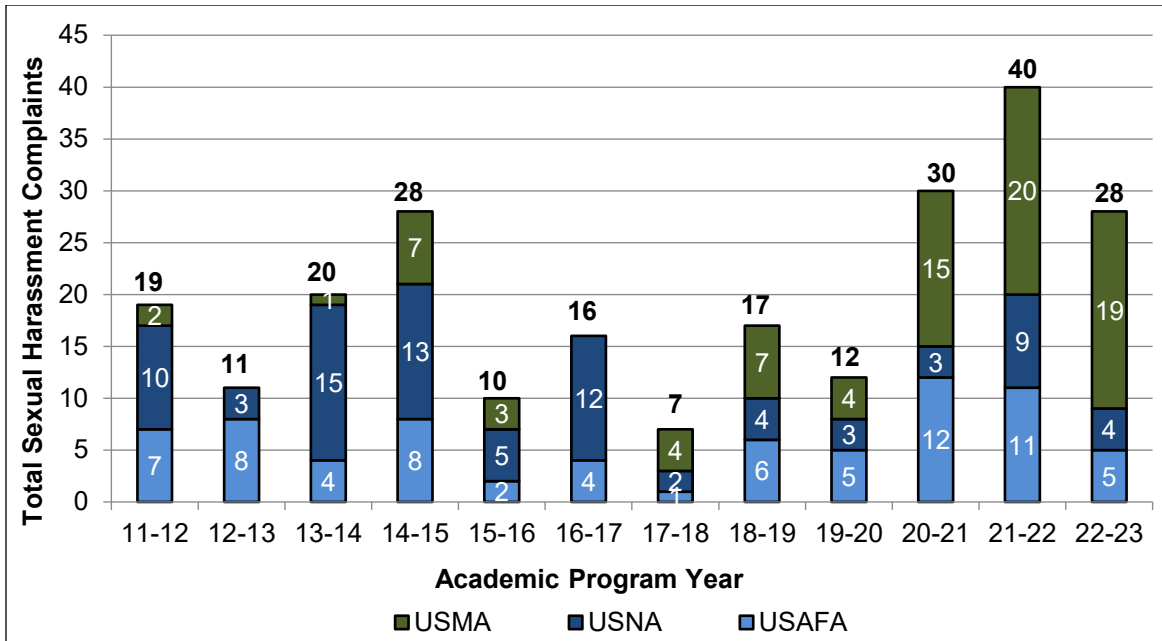


Figure 3. Total Sexual Harassment Complaints by Academy, APY 11-12 to 22-23

### CATCH a Serial Offender Program Insights

The Department implemented the CATCH Program in August 2019 to provide individuals who have experienced sexual assault an opportunity to anonymously submit suspect information to help DoD identify serial offenders. The November 10, 2021 Deputy Secretary of Defense memorandum, “Updates to Department of Defense Policy and Procedures for the Sexual Assault Prevention and Response Program and Adult Sexual Assault Investigations,” expanded eligibility to participate in the CATCH program beyond those who filed a Restricted Report, to include adult sexual assault victims who file, or have already filed, an Unrestricted Report with a DD Form 2910, and the identity of their suspect was not disclosed by the victim and not subsequently uncovered by law enforcement.

Participation in the CATCH Program is voluntary and the victim may decline to participate in the CATCH Program at any stage, even after being informed that there was a potential “match” to another entry in the CATCH system or to a law enforcement case. There are no adverse consequences for victims if they do not agree to participate or opt out of the CATCH Program after being contacted with information of a potential “match.”

This APY, 41 CATCH entries originated from the Academies, down from the 70 entries made to the program in APY 21-22.

The Academies continued to publicize the CATCH Program. USMA places posters around the installation, includes an explanation of the CATCH Program in all SHARP briefs, and ensures that the CATCH Program is explained to all individuals who enter SHARP offices.

USNA Guides address the CATCH Program during company briefs, and flyers with the CATCH QR code are available throughout the Academy.

USAFA regularly briefs the CATCH program to cadets, permanent party, and leadership and provides those who enter the SAPR Office with CATCH Program victim information sheets.

## Way Forward

The Department continues to approach sexual assault and sexual harassment holistically by focusing on integrated prevention for leaders at all levels, addressing problematic culture, and promoting reporting options, including confidential venues. This report is an assessment of the Department's programs and policies, and highlights areas of continued concern.