



Defense Task Force on Sexual Harassment and Violence at the Military Service Academies

25 Aug 2005



Background

- **Authority:** PL 108-136, Section 526 National Defense Authorization Act for fiscal year 2004
- **Members:** 6 civilian, 6 military
- **Methodology:**
 - Site visits
 - Contact with victims
 - Contact with interested individuals
 - DoD Survey data
 - Review of policies, reports, and data
 - Consultation with subject matter experts
 - Communications with related task forces and committees
- **Time frame:**
 - 23 Sep 04 → Task Force established
 - Sep 04 through June 05 → Fact-finding and Deliberations
 - Aug 05 → Report formally submitted to SecDef



Key Themes and Conclusions

- Complexity - Academies and Prep Schools actively addressing the issue, but it is extremely complex
 - Confidentiality - Increasing confidential care options will eventually lead to increased reporting and better care for victims.
 - Service Academy Culture - Needs to be consistently addressed to continue shaping a culture that has no tolerance for sexual harassment or assault.
- Recommendations – Range from statutory reform to improving safety measures in living spaces
- Requires substantial resources and continuous, dedicated effort



Confidentiality

Finding:

- Victims lack adequate confidential resources which is a barrier to reporting sexual harassment and assaults.
- Victims may not seek medical care because, under current medical regulations, medical care for victims of sexual assault at a military facility requires reporting and triggers a criminal investigation.



Confidentiality

Recommendation:

- Create a statutory privilege protecting communications made by victims to health care providers and victim advocates. This privilege should extend to both medical and mental health care providers and to those victim advocates designated and trained to perform that duty in a manner prescribed by DoD regulation.



Service Academy Culture

- Factors that shape culture which are especially relevant:
 - ❑ Understanding the value of women to the military
 - ❑ The impact of youth culture
 - ❑ Adherence to rules and regulations
 - ❑ Defining honor and honorable conduct
 - ❑ Peer loyalties
 - ❑ Reporting backlash
 - ❑ Power and authority
 - ❑ Attitudes on gender disparities



Service Academy Culture

Finding:

- Historically, sexual harassment has been inadequately addressed at both Academies. Harassment is the more prevalent and corrosive problem, creating an environment in which sexual assault is more likely to occur. Although progress has been made, hostile attitudes and inappropriate actions toward women, and the toleration of these by some cadets and midshipmen, continue to hinder the establishment of a safe and professional environment in which to prepare future military officers.



Service Academy Culture

Recommendation:

- Midshipmen and cadets must assume more responsibility for holding each other accountable by intervening, confronting, and correcting each other for infractions.
- Use modern survey and management tools on a permanent basis.
- Leadership, faculty, and staff must model behaviors that reflect and positively convey the value of women in the military.



Service Academy Culture (con't)

Finding:

- An insufficient number of women peers and role models are available to cadets and midshipmen.

Recommendation:

- Increase the number and visibility of female officers and NCOs in key positions to serve as role models for both male and female cadets and midshipmen.
- Increase percentage of women cadets and midshipmen at the Academies, within current service operational constraints.
- Ensure consistent opportunities for women to be involved in leadership and decision-making, including representation on admissions boards, on academic boards, in athletic discussions, and in other senior-level forums.



Victims' Rights and Support

Finding:

- Within the last year, both Academies have made strides to revise and strengthen their programs
 - Feedback from discussion groups indicated they believed complaints of sexual harassment or assault are more likely to be taken seriously; victims' services have been expanded; offenders are more likely to be held accountable; and leadership is more supportive and responsive.
- Both Academies have multi-faceted approaches for supporting victims. However, cadets, midshipmen, faculty, and staff are unclear about reporting resources and which provide confidentiality.



Victims' Rights and Support

Recommendation:

- Provide training to all Academy personnel on the various reporting resources and the level of confidentiality afforded to each. Further maximize the use of existing and potential avenues for victims' support and reporting.
- Implement the new DoD Sexual Assault Response policy and protocol.
- Require Victim Witness Coordinators make contact with a victim at the onset of an investigation and ensure that victims are afforded their rights through every phase of the case.



Offender Accountability

Finding:

- The available records from the past ten years reflect an extended period where alleged offenders were not consistently or effectively held accountable through the criminal judicial system. During the past two years the records reflect improved efforts and limited success at holding sexual assault offenders accountable through courts-martial as well as administrative procedures.
- The current rape and sexual assault statutes, although flexible, do not reflect the full range of contemporary sexual misconduct encountered at the service academies.



Offender Accountability

Recommendation:

- Congress should revise the current sexual misconduct statutes to more clearly and comprehensively address contemporary sexual misconduct.
 - ❑ Identify specific crimes and their maximum penalties
 - ❑ Include varying degrees of sexual misconduct
 - ❑ Include a provision for the criminal act of sexual penetration or assault where no force is involved
 - ❑ Include specific provisions for stalking, abuse of authority and senior-subordinate sexual activity, and incapacity to consent, including voluntary intoxication of the victim



Education and Training

Finding:

- Both Academies have established prevention and response programs, but these programs have weaknesses.

Recommendation:

- Adapt existing programs into an academic mandatory graded course curriculum that addresses sexual assault and harassment in the larger context of military leadership and ethics.
- Classes should be graded, conducted during academic hours, instructed by qualified faculty members, and incorporate a variety of instructional methods.



Prevention

Finding:

- Execution and management of sexual harassment or assault prevention programs at both Academies are fragmented and inadequate.

Recommendation:

- Develop an institutional prevention plan that is evaluated and updated annually.
- All prevention programs should be overseen by a senior level officer or civilian on the Superintendent's staff.



Coordination Between Military and Civilian Communities

Finding:

- Absence of formal relationships

Recommendation:

- Establish collaborative relationships with civilian authorities for sexual assault victim support.

Finding:

- Lack of documentation of informal relationships

Recommendation:

- Document any existing informal relationships with community agencies, and incorporate such documentation into procedures.