

## UNITED STATES NAVAL ACADEMY

### INTRODUCTION

The Department of Defense (DoD) assessed the United States Naval Academy's (USNA) policies, training, and procedures for Sexual Assault Prevention and Response (SAPR) and Prevention of Sexual Harassment (POSH) Programs during Academic Program Year (APY) 2010-2011. The Department's SAPR and POSH Programs assessment is organized by the DoD-wide strategic priorities. Policy compliance was measured against:

- DoD Directive 6495.01, *Sexual Assault Prevention and Response Program*, dated November 7, 2008;
- DoD Instruction 6495.02, *Sexual Assault Prevention and Response Program Procedures*, dated November 13, 2008;
- DoD Directive 1350.2 *Department of Defense Military Equal Opportunity Program*, dated November 21, 2003; and
- DoD Directive 1020.02 *Diversity Management and Equal Opportunity in the Department of Defense*, dated February 5, 2009.

Additionally, the Department looked at Service and Academy sexual harassment and assault policies outlined in Appendix C.

Overall, USNA is in compliance with the Department's policies regarding sexual harassment and assault. However, there are areas for continued improvement of USNA's program. Additionally, USNA demonstrates commendable practices that should be considered for replication by other Military Service Academies (MSAs).

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

*In Compliance*

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### PRIORITY 1: INSTITUTIONALIZE PREVENTION STRATEGIES IN THE MILITARY COMMUNITY

The first DoD-wide strategic priority is to institutionalize prevention strategies in the military community. At USNA, this priority focuses on the overall reduction of sexual harassment and assault incidents involving midshipmen in the academy environment. A key feature of sexual harassment and assault prevention is education and training. USNA is in compliance with the Department's Policy in regards to Priority One.

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#### **Status of Compliance Priority One:**

*In Compliance*

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Throughout APY 10-11, USNA conducted extensive training for all midshipmen. Ongoing prevention and education continue to be implemented at all levels to address the policies covering sexual harassment and assault, consent, sexual assault reporting options, support resources, and bystander intervention techniques.

### *Sexual Assault Prevention and Response*

Midshipmen received extensive SAPR training at USNA. In 2006, USNA developed the Sexual Harassment and Assault Prevention Education (SHAPE) curriculum utilizing SAPR experts, Gail Stern<sup>27</sup>, Dr. John Foubert<sup>28</sup> and Dr. Christopher Kilmartin<sup>29</sup>. SHAPE focuses on broadening midshipmen awareness of sexual harassment and assault, emphasizing and fostering their role as active bystanders, and approaching the subject matter as both a cultural issue and a leadership issue.

SHAPE is developmental in nature, with each APY having a focus that is explicitly aligned with the four-year USNA leadership curriculum. The Class of 2011 was the first class to receive all four years of SHAPE Training. USNA used small-group, discussion-based format, led by SHAPE Peer Educators. Peer Educators are hand-picked using a thorough interview and selection process, and trained extensively. In addition to the training, the SHAPE program incorporated guest speakers specific for each class and then reinforced the message in follow-on peer education sessions.

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#### *Commendation:*

*USNA developed an extensive and developmental SAPR training program with experts in the field.*

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At USNA, in the Fourth class year (freshman), midshipmen received four sessions of SHAPE training with a focus on being a good follower, which is the focus of all military education for the Fourth class year. Topics addressed in the first year of training included an introduction to the prevention program and language, sex offender behavior, and risk reduction. Midshipmen attended the “1 in 4 Program,”<sup>30</sup> a sexual assault prevention training. This was followed up with discussion groups on bystander intervention and how to help a survivor.

In the Third class year (sophomore), midshipmen received four sessions of SHAPE training with a focus on being a mentor, which is the focus of all military education for

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<sup>27</sup> Gail Stern is the co-founder of Sex Signals and the co-founder and director of consulting, education and training for Catharsis Productions.

<sup>28</sup> Dr. John Foubert is an associate professor of College Student Development at Oklahoma State University and the founder of One in Four, a non-profit dedicated to ending rape through means shown to be most effective in scientific research.

<sup>29</sup> Dr. Christopher Kilmartin is a professor of Psychology at the University of Mary Washington and an expert in the prevention of gender-based violence and sexual harassment.

<sup>30</sup> One in Four, Inc designed a sexual assault prevention program focusing on bystander intervention.

the Third class year. Areas covered in the second year included social conformity and gender socialization. Midshipmen also attended Sex Signals, a 90-minute live audience-interactive program that addresses dating, rape, consent, and other associated topics, such as paying attention to body language, alcohol use, and safe bystander intervention.

In the Second class year (junior), midshipmen received two sessions of SHAPE training with a focus on being a trainer, which is the focus of all military education for the Second class year. This training year reinforced bystander intervention and leadership issues involved in sexual harassment and assault through the Joe Erhmann<sup>31</sup> “Bystander Intervention and Leaders of Character” presentation. The second session dove into a sexual harassment case study and the leadership issues involved with dealing with sexual harassment.

In the First class year (senior), midshipmen also received two sessions of SHAPE training with a focus on being a leader, which is the focus of all military education for the First class year. The first session was provided by Anne Munch, Esq<sup>32</sup>, discussing the prosecution of sexual assault cases and societal bias to help midshipmen understand the impact on survivors. The second session focused on preparing midshipmen for their future roles as officers, including how to establish a proper command climate, and dealing with sexual harassment and assault cases as a commander.

The SHAPE program demonstrates a large investment of time and resources by USNA to train peers as leaders in SAPR. USNA is to be commended for this innovative approach, which is based on best practices established by scientific research.

However, feedback from USNA’s focus groups indicates SHAPE may benefit from naval officer participation. Focus group participants indicated training would be more effective if it were not led by midshipman peers, largely because peers lack the “real world” experience desired by midshipmen. While there is a realized

benefit from peer-based programs, the Academy should review SHAPE training to identify one or more areas that would benefit from input from experienced naval officers.

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***Action Item:***

*Review SHAPE training to identify areas for naval officer incorporation.*

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In addition to the SHAPE curriculum, USNA developed targeted briefs for specific populations to address new experiences and different levels of freedom. USNA also developed a bystander intervention training targeted for the football team. Additionally,

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<sup>31</sup> Joe Erhmann is the co-founder of Building Men and Women for Others and is a Frederick Douglas National Man of the Year for empowering youth to prevent rape and other forms of male violence.

<sup>32</sup> Anne Munch is an attorney with twenty-two years of experience as a career prosecutor and advocate for victims of domestic violence, sexual assault and stalking. She has worked extensively on the development of the Sexual Assault Prevention and Response programs in the military for the Army, Navy and Air Force.

USNA developed trainings for USNA midshipmen events such as Plebe Summer Detailer Review, Summer Cruise, and Spring Reform for Plebes.

To support the institutionalization of the SHAPE Program, USNA hired additional staff for their Sexual Assault Prevention and Response Office (SAPRO). A director oversees programming and is involved in curriculum development, train-the-trainer instruction, programming issues, and program evaluation. The training specialist is responsible for managing the SHAPE program and Peer Educators, curriculum development and train-the-trainer instruction. USNA's SAPRO worked with the Leadership Ethics and Law (LEL) Department. A LEL professor is dedicated to SAPRO 20 percent of the time to advise on the development of curriculum and train-the-trainer duties, evaluate the program, and incorporate outcome data into larger research projects. The LEL professor also liaised between USNA's SAPRO and academic departments and advised the program on current research in sexual harassment and assault.

USNA developed and administered a voluntary and anonymous survey to obtain midshipman attitudes with respect to sexual harassment and assault since 2008. This feedback was used to improve the SHAPE curriculum. To better understand the success of the SHAPE program, USNA measured comprehension through scenario-based questions.

To encourage the responsible use of alcohol, USNA's Alcohol and Drug Education program held a 21<sup>st</sup> Birthday Celebration in conjunction with USNA installation police. A formal dinner is held for midshipmen who have recently turned 21 to demonstrate responsible drinking and limit setting. During the dinner, male midshipmen are allowed to consume three drinks and female midshipmen are allowed to consume two drinks. At the end of the night, the police held a presentation and conducted breathalyzers and field sobriety tests. USNA SAPRO should be incorporated into this event to discuss alcohol's impact on consent, as well as its use as a weapon by those who commit sexual assault. Additionally, the limit on the number of drinks consumed by

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**Action Item:**

*Incorporate USNA SAPRO into 21<sup>st</sup> Birthday Celebration and have gender-neutral limits on drinks.*

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Reducing the occurrence of sexual assault is the ultimate goal of any prevention program. As noted in last year's report, the rate of unwanted sexual contact incidents at USNA increased according to the 2010 Service Academy Gender Relations (SAGR) Survey.<sup>33</sup> For women, the 2010

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**Action Item:**

*Develop outcome-based metrics for prevention training.*

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<sup>33</sup> Defense Manpower Data Center. (2010). *The 2010 Service Academy Gender Relations Survey*. Retrieved from [http://www.sapr.mil/media/pdf/reports/FINAL\\_SAGR\\_2010\\_Overview\\_Report.pdf](http://www.sapr.mil/media/pdf/reports/FINAL_SAGR_2010_Overview_Report.pdf)

past year rate of unwanted sexual contact increased from 8.3 percent to 16.5 percent. For men, the past year rate of unwanted sexual contact increased from 2.4 percent to 3.4 percent. Exhibit 18 provides the unwanted sexual contact incident rates for the last three SAGR Surveys.

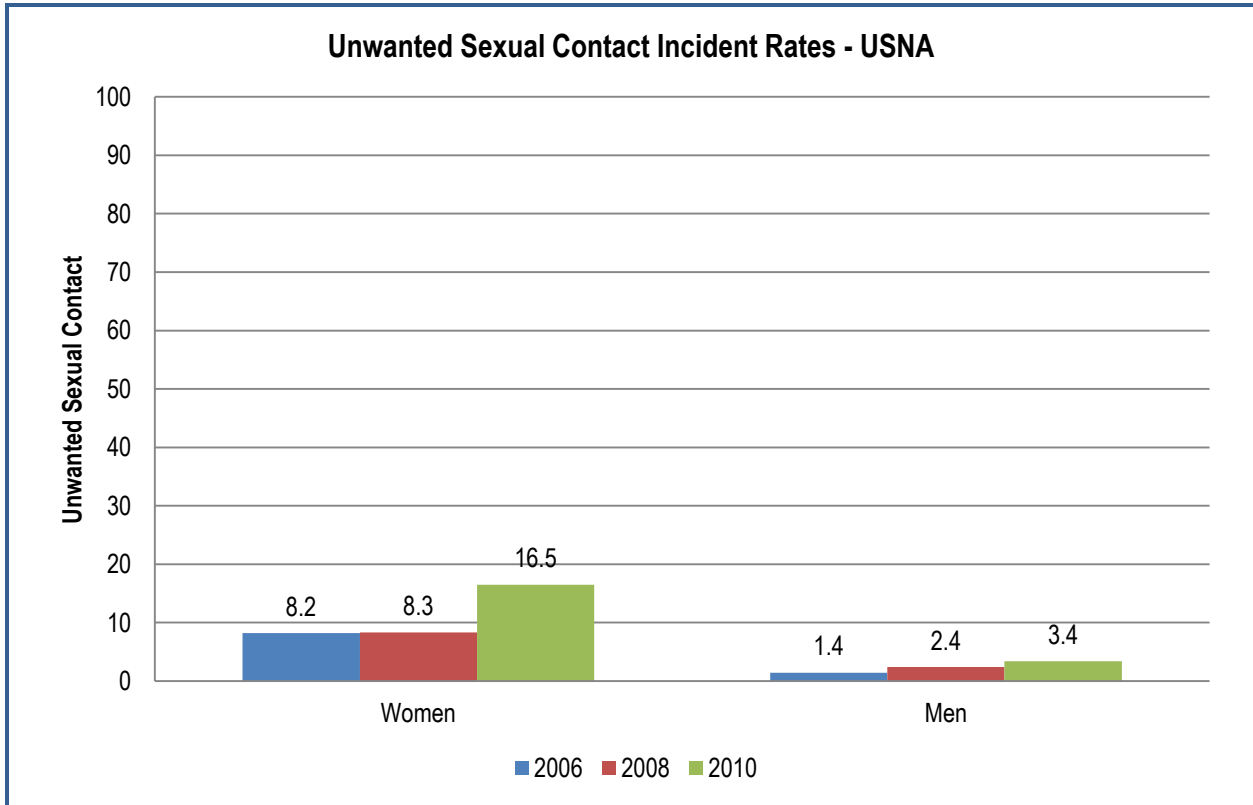


Exhibit 18: Percentage of USNA Women and Men Who Indicated Experiencing Unwanted Sexual Contact (Margins of error range from  $\pm .5$  to  $\pm 3.7$ )

While some of this increase may be attributed to more informed midshipmen taking the survey,<sup>34</sup> the rate of unwanted sexual contact for both women and men is far beyond prior measurements at USNA and what is seen at the other two MSAs. USNA must apply the findings of the 2010 SAGR Survey to better focus its prevention programming and address the large increase in the rate of unwanted sexual contact. USNA needs to develop outcome-based metrics for prevention training efforts that capture program knowledge, comprehension, and application to shape future prevention training efforts.

The 2011 SAGR Focus Groups delved deeper into midshipmen's views on various aspects of sexual assault and the incidence rates of sexual assault. These views do not reflect actual SAGR survey research findings. Rather, the views reflect the midshipmen's own independent opinions. Midshipman focus group participants were surprised by the 2010 SAGR Survey incidence rates of sexual assault, indicating that

<sup>34</sup> One unexpected result of prevention programming is that education about a problem may enable individuals to better recognize it when it occurs.

the rate was higher than expected for their Academy. Midshipmen provided several reasons why the rate might be higher at USNA including:

- Increased awareness of sexual assault;
- A greater understanding of the behaviors that constitute sexual assault; and
- Increased emphasis being placed on prevention and response.

According to the 2010 SAGR Survey, the unwanted sexual contact incidence rate is greatest for sophomore women.<sup>35</sup> Midshipmen indicated that the rate for sophomore women might be higher due to:

- Greater vulnerability;
- The novelty of alcohol;
- The lifting of restrictions on relationships; and
- Inexperience in handling new found freedom.

Alcohol and/or drug involvement in unwanted sexual contact increased to 65 percent in 2010 from 44 percent in 2008 at USNA.<sup>36</sup> Midshipman focus group participants commented that 65 percent seemed low. Additionally, midshipmen offered suggestions to instill responsible drinking behaviors, including:

- Increase enforcement of alcohol policies;
- More liberty to help lessen the novelty of drinking; and
- Encouragement by the upper class to drink responsibly.

### ***Prevention of Sexual Harassment***

In addition to the sexual harassment prevention training included in the SHAPE program, the Brigade Command Managed Equal Opportunity (CMEO) Manager provided annual training to all midshipmen in the Fall in class-specific groups covering sexual harassment, USNA policies, and the formal and informal complaint resolution processes.

Additionally, USNA utilized peer-based “train-the-trainer” education. The Brigade CMEO Manager trained the midshipman CMEO staff, a group of 37 First class midshipmen, who then provided ongoing training to other midshipmen. Formal and informal training modalities are utilized, including: presentations, e-mail reminders, company formations, and information sheets. The peer-based education is designed so that the midshipman CMEO staff led the development of fellow midshipmen who are trained and invested in the key leadership issues of sexual harassment. However, midshipman focus group feedback indicates that this training may be more effective if it were not led by peers. USNA should also reevaluate POSH training to determine when naval officers can be inserted into the training to provide real Fleet/Marine Corps experience on POSH issues.

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<sup>35</sup> Defense Manpower Data Center. (2010). *The 2010 Service Academy Gender Relations Survey*. Retrieved from [http://www.sapr.mil/media/pdf/reports/FINAL\\_SAGR\\_2010\\_Overview\\_Report.pdf](http://www.sapr.mil/media/pdf/reports/FINAL_SAGR_2010_Overview_Report.pdf)

<sup>36</sup> Defense Manpower Data Center. (2010). *The 2010 Service Academy Gender Relations Survey*. Retrieved from [http://www.sapr.mil/media/pdf/reports/FINAL\\_SAGR\\_2010\\_Overview\\_Report.pdf](http://www.sapr.mil/media/pdf/reports/FINAL_SAGR_2010_Overview_Report.pdf)



The 2011 SAGR Focus Groups also provided insight into POSH. Most midshipman focus group participants acknowledged that crude and offensive behavior, such as sexual jokes and locker room talk is pervasive, but is not regarded as sexual harassment. Midshipman focus group participants also indicated that their training helps them understand the behaviors associated with sexual harassment. According to the focus group participants, USNA leadership is serious about sexual harassment prevention.

Overall, there is a great deal of training and education for midshipmen at USNA addressing prevention of sexual harassment and assault. However, there is little outcome data to show the training has imparted the desired skills and the education has imparted the desired knowledge. Ideally, USNA should identify midshipman baseline knowledge and skills upon matriculation and then use metrics to demonstrate changes in skills and knowledge over time.

## **PRIORITY 2: INCREASE CLIMATE OF VICTIM CONFIDENCE ASSOCIATED WITH REPORTING**

The second DoD-wide strategic priority is to increase the climate of victim confidence associated with reporting. While one incident of sexual harassment or assault is too many, the Department works to increase sexual assault reporting to ensure that victims come forward to receive needed support and services and hold those who commit sexual assault accountable, as appropriate.

### ***Sexual Assault Prevention and Response***

For sexual assault, this priority focuses on increasing the number and percentage of sexual assaults that are reported. USNA is in compliance with the Department's Policy in regards to Priority Two.

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### ***Status of Compliance Priority Two:***

*In Compliance*

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Table 4 provides the total number of sexual assault<sup>37</sup> reports at USNA during APY 10-11.

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<sup>37</sup> The term sexual assault in the DoD includes the crimes of rape, aggravated sexual assault, aggravated sexual contact, abusive sexual contact, wrongful sexual contact, nonconsensual sodomy, and attempts to commit these offenses.

<b>TOTAL APY 2010-2011 REPORTS OF SEXUAL ASSAULT AT USNA</b>	
<b>NUMBER OF UNRESTRICTED REPORTS OF SEXUAL ASSAULT</b>	<b>15</b>
<b>NUMBER OF REPORTS OF SEXUAL ASSAULT REMAINING RESTRICTED</b>	<b>7</b>
<b>NUMBER OF TOTAL REPORTS OF SEXUAL ASSAULT - UNRESTRICTED AND RESTRICTED</b>	<b>22</b>

Table 4: Total Number of Sexual Assault Reports Made to USNA Authorities in APY 10-11

During APY 10-11, USNA received 12 Restricted Reports, five of which converted to an Unrestricted Report at the victims' request. The seven reports remaining Restricted at the end of the current APY represent an increase from the four reports remaining Restricted at the end of APY 09-10.

Overall sexual assault reporting by victims at USNA increased from APY 09-10 to APY 10-11. In prior years' assessments, the Department identified areas where USNA could take steps to bring more victims forward to report. Some of the increased reporting of sexual assault may be attributed to these efforts. However, DoD lacks the capability to identify all the factors that contributed to the increase in reports. Nevertheless, bringing more victims forward to report is consistent with the Department's strategic priority. Differences by reporting type are in Table 5.

<b>APY 2010-2011 REPORTS OF SEXUAL ASSAULT AT USNA</b>	<b>APY 09-10</b>	<b>APY 10-11</b>
<b>NUMBER OF UNRESTRICTED REPORTS OF SEXUAL ASSAULT</b>	7	15
<b>NUMBER OF INITIAL RESTRICTED REPORTS OF SEXUAL ASSAULT</b>	5	12
<b>NUMBER OF CONVERSIONS FROM RESTRICTED REPORT TO UNRESTRICTED REPORT</b>	1	5
<b>TOTAL NUMBER OF REPORTS</b>	<b>11</b>	<b>22</b>

Table 5: Comparison Between APY 09-10 and APY 10-11 of Sexual Assault Reports by Case Type



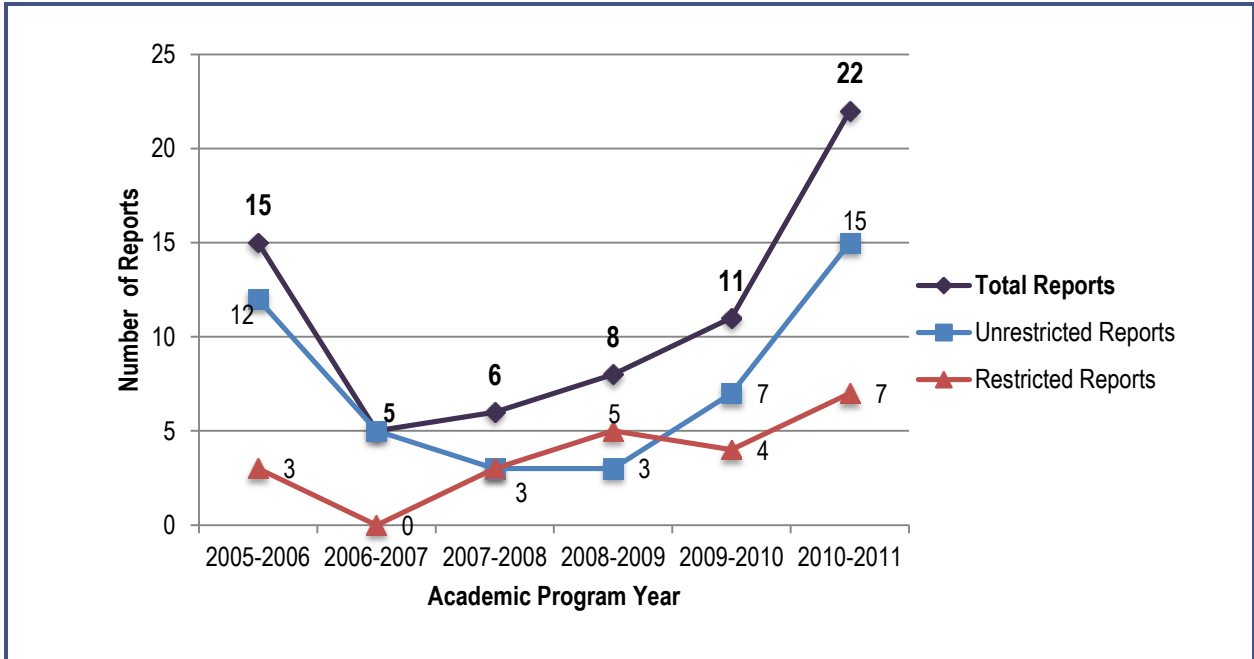
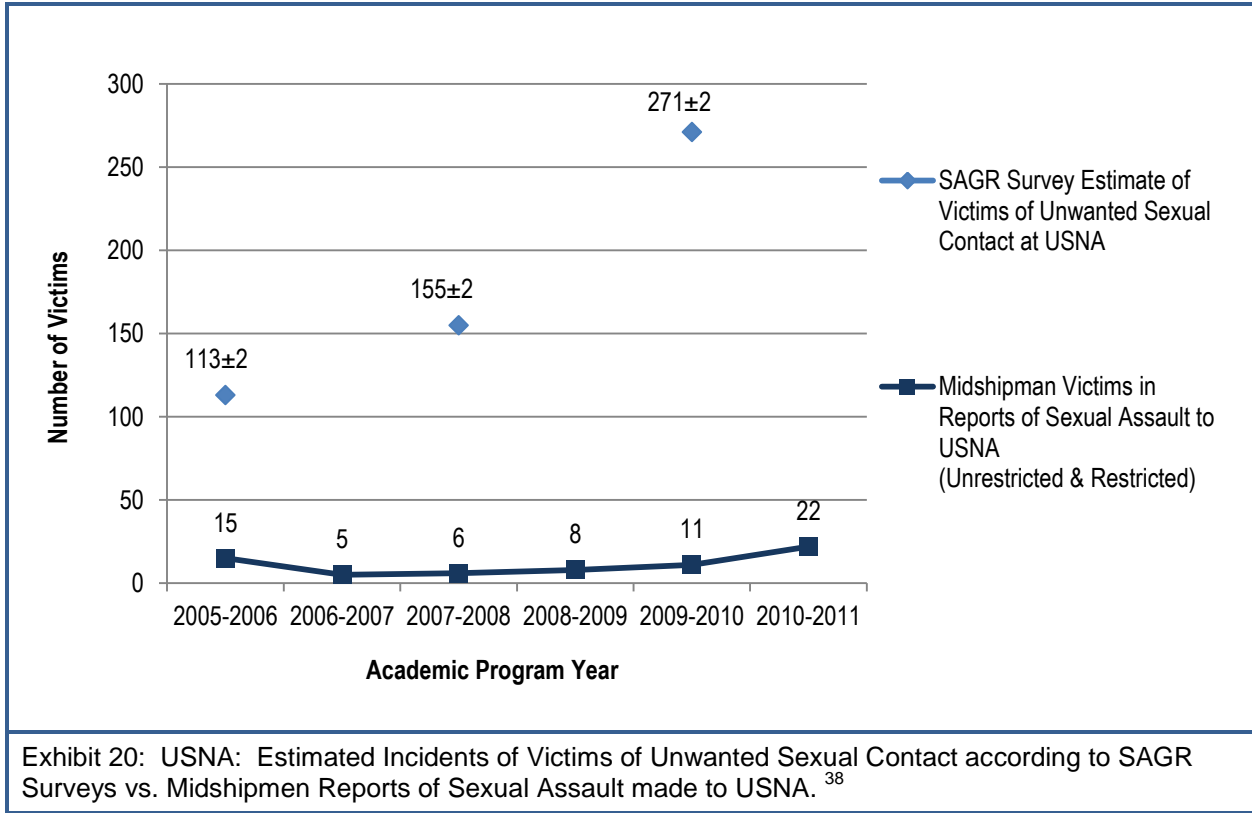


Exhibit 19: Total Reports of Sexual Assault Made to USNA — Unrestricted Reports and Restricted Reports, APY 05-06 to APY 10-11.

Exhibit 19 provides the total number of reports, as well as Unrestricted and Restricted Reports, made at USNA for APYs 05-06 through 10-11.



Reports of sexual assault made to Department authorities provide limited insight into the overall phenomenon of sexual assault at the MSAs. As previously mentioned, sexual assault in the United States and military society is underreported, meaning that reports to authorities are outnumbered by the sexual assaults estimated to occur using surveys of a given population. At the MSAs, the SAGR survey is conducted every two years to estimate the annual incidence rate of sexual assault at each MSA. The Department uses the SAGR survey estimates to track progress on the DoD-wide SAPR Strategic Plan Priority 1, which institutionalizes prevention efforts.

Exhibit 20 displays how past SAGR survey estimates of sexual assault incidents known on the survey as “unwanted sexual contact” at USNA compare to the Unrestricted and Restricted Reports received by USNA.<sup>39</sup>

To increase the climate of confidence associated with reporting, USNA provided education and training about reporting options and increased the accessibility of first

<sup>38</sup> Note this graph does not include cadets and midshipmen who were identified as subjects in reports of sexual assault made to USNA

<sup>39</sup> The estimated number of victims is developed using the SAGR survey estimated unwanted sexual contact incidence rates multiplied by the academy cadet/midshipmen population at the time of the survey. It should be noted that the timeframe covered by the SAGR Survey question pertaining to unwanted sexual contact experienced in the year prior to when the survey was conducted and does not always align exactly with the APY. As a result, the SAGR Survey victim numbers are only estimates, due to the sampling error associated with survey data and the slightly different timeframes. Nevertheless, the Department uses these estimates as an indicator of problem severity at each of the academies.

responders who can receive both Unrestricted and Restricted Reports. SHAPE Peer Educators also reinforced reporting options throughout the year during SHAPE training and stressed the multiple resources available 24 hours a day, seven days a week to encourage midshipmen to report.

USNA has a Sexual Assault Response Coordinator (SARC), a Deputy SARC, and a Senior Victim Advocate (VA) available to receive sexual assault reports. Additionally, several company officers, senior enlisted leaders, and faculty volunteers are trained as SAPR VAs to support midshipmen. Additionally, the USNA SAPRO Director of Education and Clinical Services provided counseling to sexual assault victims in the Midshipman Development Center (MDC) as a specialist in sexual assault treatment, and is SAPR VA trained.

In addition to the traditional resources, USNA had 35 midshipman Sexual Assault Response (SAR) GUIDES (Guidance, Understanding, Information, Direction, Education), volunteer midshipmen that are trained to assist victims of sexual assault in making a report. Each company had a SAR GUIDE and a bulletin board with contact information and photos of the midshipman SAR GUIDES. Most sports teams had a SAR GUIDE as well. Since USNA's 2011 SAGR Focus Group data indicated that some midshipmen are more likely to turn to a friend to report a sexual assault, USNA should continue to recruit volunteer midshipman SAR GUIDES with the goal of having two per company, one male and one female. Additionally, faculty and staff are trained as Faculty/Staff SAR GUIDES, including the faculty/staff liaison to all sports teams, to increase the number of resources available to midshipmen to assist with reporting.

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**Action Item:**

*Continue to recruit volunteer midshipman SAR GUIDE with goal of two per company, one male and one female.*

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USNA also had a SAPR resource page on its intranet with prominently placed links to get immediate assistance for a sexual assault, to help a friend that has been sexually assaulted, to obtain information on reporting options, and contact information and photos of first responders to assist midshipmen with making a report.

The 2011 SAGR Focus Groups sought to better understand from the midshipman's perspectives why someone who experienced sexual assault would report it or not. Between APY 08-09 and 09-10, reports made to Academy authorities increased at USNA. Midshipman focus group participants suggested a variety of reasons for the increase in reports, such as:

- Increased trust;
- Better knowledge of how to report; and
- Emphasis on reporting through the SHAPE and Sexual Assault Victim Intervention programs.

Even though there was a slight increase in the number of reports made to Academy authorities between APY 08-09 and 09-10, midshipman focus group participants indicated most incidents remain unreported.

Midshipman focus group participants knew who could take a Restricted Report of sexual assault and indicated several reasons why a victim of sexual assault would make a report at USNA. Reasons include:

- To stop the offender from hurting them or others again;
- To stop the offender from hurting anyone else;
- To seek justice or punish the offender;
- To discourage other incidents;
- To seek help dealing with an emotional incident; and
- It is the right thing to do.

Participants noted that there is an assumption at USNA that women report sexual assault to get out of trouble. While the Department's Policy does allow a commander the discretion to delay punishment for collateral misconduct, it does not condone immunity for collateral misconduct for victims of sexual assault. USNA must continue on the difficult path of balancing SAPR Program credibility with the strategic priority of establishing a climate of confidence associated with sexual assault reporting. Messaging to midshipmen must encourage reporting, while addressing the perception that the SAPR Program is a "free pass" out of trouble. USNA should devise materials to address misperceptions regarding collateral misconduct in training.

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**Action Item:**

*Address collateral misconduct misperceptions in training.*

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According to the 2010 SAGR Survey, there were several reasons why most USNA women chose not to report their unwanted sexual contact incident.<sup>40</sup> Midshipman focus group participants discussed the potential negative effects of someone making a report of sexual assault and offered suggestions to encourage reporting. Discussions with upper class midshipmen on topics of sexual assault might open lines of communication for future reporting, as well as continuing to provide the necessary information on how to report if one chooses. USNA should evaluate all reasons given for not reporting and devise education materials to address these in training.

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**Action Item:**

*Evaluate all reasons for not reporting and address in training and education materials.*

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<sup>40</sup> Defense Manpower Data Center. (2010). *The 2010 Service Academy Gender Relations Survey*. Retrieved from [http://www.sapr.mil/media/pdf/reports/FINAL\\_SAGR\\_2010\\_Overview\\_Report.pdf](http://www.sapr.mil/media/pdf/reports/FINAL_SAGR_2010_Overview_Report.pdf)

### ***Prevention of Sexual Harassment***

During APY 10-11, there were no formal complaints and four informal complaints of sexual harassment at USNA. This is an increase from the one informal complaint in APY 09-10.

In accordance with DoD and Navy Policy, USNA encourages midshipmen to resolve sexual harassment issues at the lowest level. Midshipmen receive ongoing training on the formal and informal complaint resolution processes for sexual harassment. Additionally, midshipman leadership resolved some issues of sexual harassment through the midshipman chain-of-command.

### **PRIORITY 3: IMPROVE RESPONSE**

The third DoD-wide strategic priority is to improve sexual assault response. This priority focuses on increasing the availability, access, and quality of response for victims of sexual assault. USNA implemented and advanced policies, training, procedures, and initiatives to improve its response to allegations of sexual harassment and assault. USNA is partially in compliance with the Department's Policy in regards to Priority Three.

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#### ***Status of Compliance Priority Three:***

*Partially in Compliance*

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### ***Sexual Assault Prevention and Response***

USNA has a dynamic SAPR staff who encourages reporting of sexual assault. The SAPR staff is assisted by a team of SAR GUIDEs, midshipman volunteers who provide prevention, intervention, educational, and advocacy services for victims of sexual assault.

Resource options were communicated to midshipmen throughout their four-year educational experience in annual training as well as in leadership curricula. Resource options were also advertised through the USNA intranet, which provides clear guidance as to whom to report a sexual assault and resources available for advocacy and support. Users needing immediate assistance could click on the "*Need Help Now*" tab to be routed to the appropriate resource. Users may also obtain advice on assisting a friend or colleague by clicking on the "*How to Help a Friend*" tab. The USNA SAPR Program also publicizes its services via a SAPR reporting wallet-card and Sexual Assault Awareness Month events to include the 5K run event.

In addition to providing prevention training, the SHAPE curriculum provided clear guidance to midshipmen on the resources available for advocacy and support. The SHAPE Peer Educators were well trained to ensure that all midshipmen understand the support and resources available for both Restricted and Unrestricted Reporting options.

USNA developed the SAR GUIDE program as another tool to provide discreet, sensitive, advocacy and educational services for victims of sexual assault. The 38 SAR Guides often served as the entry point in the company for midshipman victims of sexual assault. The SAR GUIDE training educated the volunteer midshipmen on the reporting options and appropriate support for victims. SAR GUIDES, a peer point of contact available to provide initial victim support and information to the victim, then refers the case to the SARC or Senior VA for appropriate care. During Fall and Spring semesters, a duty midshipman SAR GUIDE, with a duty cell phone, is available 24 hours a day, 7 days a week, to provide assistance to midshipman victims of sexual assault.

A new program was launched for faculty and staff members who could reach out from their positions as instructors and staffers. The Faculty and Staff GUIDE program is similar to the Midshipman SAR GUIDE program in that all receive the same Department of the Navy certified 40-hour SAPR VA course content. However, they are not expected to “stand watch” or respond to off campus emergencies. These faculty, staff, and midshipman volunteers use their training to provide information and encourage reporting. Three inaugural Faculty GUIDE members were trained this APY. USNA does not specifically train criminal investigators, law enforcement or medical personnel as these individuals receive their training from the Naval Station Annapolis SARC with whom the USNA SARC maintains close cooperation. The criminal investigators, attorneys, and victim witness program coordinator all reported having the requisite first responder training in accordance with the Department’s Policy.

Department Policy requires first responder training to ensure that SARCs, SAPR VAs, law enforcement personnel, MCIOs, judge advocates, chaplains, and healthcare providers are prepared for dealing with a victim of sexual assault. While most first responders at USNA had received SAPR training specific for their role from their functional career field, the chaplains had not received this training. The Department will work with the Services to clarify roles and responsibilities for first responder training and to ensure that all first responder training is conducted in accordance with Department policy.

USNA has a well-organized SAPRO team for response. The SARC and Deputy SARC are naval officers. The SARC is a Captain select and the Deputy is a Lieutenant Commander. The Senior VA is a full time civilian and the Director of Education and Clinical Services is a full time SAPRO staff member that also conducted counseling through MDC as a Licensed Clinical Social Worker (LCSW). Members of the SAPRO staff receive annual training conducted by a variety of methods to include outside guest speakers, conferences, and intra-team training from each staff member based upon their respective areas of expertise. USNA continues to advertise for replacement SAPR VA volunteers to ensure they continually maintain a cadre of 12 to 20 SAPR VAs.



The operation of victim support groups in the Department presents special challenges due to the limitations associated with Restricted Reporting, patient confidentiality, and the potential for re-traumatization. In creating its therapist-led support group, USNA has found a means to address these challenges and provide meaningful, therapeutic assistance in a group setting. USNA is commended for the careful, considerate approach to victim support.

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***Commendation:***

*USNA developed a model therapist-led victim support group.*

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Mental health providers at MDC reported that they have had SAPR Program training as required by Department Policy. Most sexual assault related care is provided by a specially trained LCSW, who also has a law degree and an extensive background in victim advocacy and sexual assault.

The Commanding Officer at Naval Health Clinic Annapolis (NHCA) has informed MDC that midshipmen who visit MDC more than 10 times must receive a peer review between the provider and the MDC Director, a Lieutenant Commander, to determine if they should be referred to NHCA mental health clinic for additional evaluation and possible treatment. This additional evaluation is entered into the midshipman's permanent medical record. Midshipmen are also now required to disclose all past counseling experiences on pre-commissioning and special duty physicals. Some service communities, such as Aviation, Nuclear Surface and Submarines, require midshipmen to request their counseling records from all treatment sources in full. Based on the reason for seeking treatment, a physician charged with assisting the communities in their decision to grant a waiver may require the midshipmen to undergo an additional psychological evaluation at the NHCA mental health clinic. In this evaluation, because a review of the MDC notes is not required, and no consultation with the treating provider is sought, the midshipmen may have to recount their entire sexual assault and treatment history, potentially causing them undue distress.

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***Action Item:***

*Allow MDC licensed providers to submit a treatment summary and/or enter into consultation with Naval Health Clinic personnel prior to discussing their sexual assault history with Naval Health Clinic providers.*

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While far from fragile, most victims of sexual assault do not find recounting their assault and post-treatment history a pleasant or helpful experience. Given the potential for re-traumatization, the licensed MDC providers should be allowed to first submit a treatment summary and/or enter into consultation with the Naval Health Clinic personnel conducting physicals and suitability evaluations to discuss the patient's history. Should

additional questions exist about the midshipman's suitability, the patient may then be scheduled for a follow-up appointment with Naval Health Clinic providers to discuss the sexual assault history. This system is in effect at the United States Air Force Academy, appears to work well, and likely minimizes the potential for re-traumatization.

MDC providers were not aware of their duty to report sexual assaults disclosed during treatment to the SARC. MDC should update their local operating procedures and intake documentation to reflect the Department requirement to report sexual assaults disclosed during treatment to the SARC. Additionally, the Department of the Navy should review training provided at mental health internship programs throughout the Service to ensure that providers are made aware of their affirmative duty to report sexual assaults disclosed during treatment to the SARC.

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**Action Item:**

*Update MDC local operating procedures and intake documentation.*

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Victims who disclose a sexual assault during treatment must be made aware of the full spectrum of care and support, to include the SARC and SAPR VA. Giving the victim multiple avenues to receive additional care creates a strong victim centered SAPR Program. When sexual assaults are not reported to the SARC, the victim risks not being provided the full amount of information regarding medical care, the option of having a SAPR VA assigned, or the opportunity to begin an official investigation into the allegation of an assault with law enforcement.

Sexual assault victims received assistance with the legal process. However, the Victim Witness Liaison Officer (VWLO) position was vacant and the program was too reliant on the SARC for this service. USNA should appoint a VWLO and use him or her as the primary source of delivery for this service. As previously identified, in the APY 08-09 report, USNA should add VWLO contact information as a resource for victims on all published SAPR materials, and ensure that the VWLO receive SAPR and VWLO training as soon as possible. Also, the Naval Criminal Investigative Service (NCIS) should provide the VWLO with sexual assault victim contact information in order to engage the victim as soon as possible after the report is received.

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**Action Item:**

*Appoint a VWLO and implement VWLO recommendations from the APY 08-09 Report.*

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The SARC and NCIS both reported that obtaining Sexual Assault Forensic Examinations (SAFE) in the surrounding community is a challenging and time-consuming process. In fact, on one occasion, a sexual assault victim went to a local hospital, was made to wait for approximately four hours, and then told that no provider could respond to conduct the SAFE. Prior years' reports documented that waits of nine

hours with visits to multiple locations were required to finally obtain a suitable SAFE. Given recent budget cuts in the civilian community, USNA must identify a solution for reliable, expedient resources for SAFEs.

There are several possible solutions for reliable and expedient resources for SAFE Kits. Identifying more than one solution and establishing Memoranda of Understanding (MOU) are key to ensuring that a midshipman can obtain a SAFE Kit expeditiously. USNA should update the MOU with Anne Arundel Medical Center to ensure that the Department's Policy regarding SAFE Kits is implemented. An alternative to Anne Arundel Medical Center is essential, as a Sexual Assault Nurse Examiner (SANE) may not always be available. Therefore, USNA should look for a new off-base provider or work with the Naval Health Clinic Annapolis to arrange for an on-call, contract provider to conduct the SAFEs at the USNA medical facility. All solutions should consider SANE availability, ensure victim confidentiality, and follow chain of custody procedures. USNA should also identify a method for transporting both victims and evidence recovered from SAFE Kits that does not involve use of personal vehicles.

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**Action Item:**

*Identify a solution for reliable, expedient resources for SAFEs and transportation for victims to receive SAFEs.*

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**Prevention of Sexual Harassment**

The USNA Brigade CMEO received the requisite training in accordance with the Department's Policy and responded to complaints of sexual harassment in a timely manner. Additionally, the Brigade CMEO followed up with each complainant to ensure that the issue was resolved.

Commandant of Midshipman Instruction 1610.2E, *Administrative Performance and Conduct System*, dated March 31, 2011, identifies specific conduct offenses, administrative procedure for adjudication, and adjudication outcomes. USNA classifies sexual harassment as a "major" violation of the Administrative Performance and Conduct System. Therefore, incidents of sexual harassment result in consequences consistent with other major violations of the standards of behavior.

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**Commendation:**

*USNA identifies sexual harassment as a major violation of the Administrative Performance and Conduct System.*

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Major violations may be punished by up to 90 demerits, up to 45 days restriction, up to 20 disciplinary tours, and/or reduction in rank. The Table of Authorized Punishment Ranges provides guidance to awarding authorities for the administration of discipline.

USNA's Brigade CMEO works closely with the SARC. There have been situations where the Brigade CMEO has referred a midshipman to the SARC to determine if the incident constituted sexual assault, rather than sexual harassment, thereby protecting the midshipman's option to file a Restricted Report of sexual assault. There have also been situations where the SARC has referred a midshipman to the Brigade CMEO when the incident, initially considered sexual assault, was determined to be sexual harassment.

#### **PRIORITY 4: IMPROVE SYSTEM ACCOUNTABILITY**

The Department's fourth DoD-wide strategic priority is to improve system accountability. This priority focuses on improving the reliability and sustainment of SAPR and POSH services, and ensuring those services function in the way they were designed.

Part of oversight at the MSAs is this annual Report to Congress, which included an on-site assessment of each academy, the results from the 2011 SAGR Focus Groups, and a review of previous reports submitted by the academy Superintendents, as well as the recommendations to the MSAs from the APY 08-09 report. USNA is in compliance with the Department's Policy in regards to Priority Four.

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#### ***Status of Compliance Priority Four:***

*In Compliance*

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#### ***Sexual Assault Prevention and Response***

Appropriate mechanisms are in place at the Department of the Navy Sexual Assault Prevention and Response Office, Chief of Naval Personnel and USNA to ensure oversight of the effectiveness of the USNA SAPR Program. In addition to the Department's Policy, the USNA SAPR Program is governed by:

- USNA Instruction 5354.5C, *Prevention and Deterrence of Sexual Harassment, Misconduct and Assault*, dated June 23, 2011; and
- USNA Instruction 1752.2B, *Sexual Assault Prevention and Response (SAPR) Program*, dated June 23, 2011.

The Director, Department of the Navy SAPRO continues to provide guidance, direction, and oversight for all matters pertaining to the formulation, review, and execution of plans, programs, and budgets addressing sexual assault for the Navy to include the Academy. USNA's leadership also briefs the USNA Board of Visitors, an oversight body with membership selected by the President and Vice President of the United States, Speaker of the House of Representatives, the Senate Armed Services Committee and the House Committee on National Security on SAPR-related trends and program improvements.

USNA maintains a comprehensive policy and a prevention and response program that closely parallels the Navy's service-wide program. The primary point of contact for the SAPR Program at USNA is the SARC who reports directly to the Superintendent

through the Chief of Staff. The SARC administers and has oversight responsibility for the SAPR Program including coordination of victim care, case management, and ensuring that training requirements are met for midshipmen. The SARC responds to all allegations of sexual assault involving USNA midshipmen and ensures appropriate agencies are notified for suitable action.

SARC and SAPR VA services were available 24 hours a day, seven days a week via the sexual assault response hotline (443) 336-2637. The SARC is responsible for notifying the Superintendent and preparing USNA's sexual assault incident reports within 24 hours of incident notification. If the victim files a Restricted Report, the Superintendent is only notified of the filing and no additional information is shared. In addition to the full-time trained SAPRO staff, the SARC is further supported by USNA staff that volunteer to be SAPR VAs and numerous SAR GUIDEs. In addition, a full-time Professor of Sociology augments the SAPR staff to assist with educational program assessments and research. There are no contracted personnel serving as SARCs or SAPR VAs. Therefore, USNA is in compliance with the Defense Task Force on Sexual Assault in the Military Services recommendation requiring SARCs be full-time Service members or DoD civilian employees.<sup>41</sup>

The SARC also supervised the monthly USNA Sexual Assault Case Management Group (SACMG), a multi-disciplinary sexual assault case management group made up of the Deputy SARC, NCIS, Medical personnel (including the Naval Health Clinic Annapolis), chaplains, legal and other appropriate representatives. The SACMG responsibilities include execution and oversight of the USNA SAPR Program requirements, maintain and increase stakeholder awareness on current SAPR issues, and management of active cases. The group also made recommendations for program improvements and identified trends for USNA leadership.

While Department of the Navy Policy allows a representative of the victim's commander to attend the SACMG and provide updates to the victims, the commander is ultimately responsible for the safety and welfare of the midshipmen assigned to them. Therefore, the victim's commander must keep abreast of the details and status of the open Unrestricted cases and personally attend the SACMG as outlined in the Department's

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**Action Item:**

*Ensure victim's commander personally attends the SACMG.*

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**Action Item:**

*Include the Alcohol and Substance Abuse Officer in the SACMG.*

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<sup>41</sup> Department of Defense. (2009). *Report of The Defense Task Force on Sexual Assault in the Military Services, December 2009*. Retrieved from [http://www.sapr.mil/media/pdf/research/DTFsAMS-Rept\\_Dec09.pdf](http://www.sapr.mil/media/pdf/research/DTFsAMS-Rept_Dec09.pdf) Recommendation 6a1.



Policy<sup>42</sup> in lieu of the commander's representative. Personal attendance assists the commander in fulfilling the requirement in DoD Policy to ensure the victim receives monthly reports regarding the status of the sexual assault investigation and prosecution throughout the life of the case.

As previously reported, the number of alcohol related sexual assaults has increased according to the 2010 SAGR Survey. This was recognized as a major concern by USNA's senior leadership, as well as by the Department in the APY 09-10 Report. As a result, USNA's leadership has identified responsible alcohol use as a focal point for several programs. Given the relationship between alcohol use and sexual assault, USNA's Alcohol and Substance Abuse Officer should also attend the SACMG to assist with identifying behavioral trends and opportunities for sharing program resources.

To measure the effectiveness of the SAPR Program, USNA uses various instruments and results are routinely briefed to USNA's leadership. Instruments include:

- Midshipman SHAPE Surveys used to measure the effectiveness and improve SHAPE Program – administered annually;
- Exit interviews conducted with female midshipmen who disenroll from USNA for all reasons prior to graduation;
- SAR GUIDE drills and response evaluations;
- Commander, Navy Installations Command<sup>43</sup> random monthly checks of 24 hours a day, seven days a week response requirement for Duty SAPR VA; and
- SHAPE Peer Educator self and peer evaluations.

The Department recognizes USNA's initiatives to expand measurement of the effectiveness of the SAPR Program. USNA is expanding the focus of exit interviews to include all midshipmen disenrolling from the Academy beginning with the fall semester 2011. Additionally, USNA is establishing a mechanism for victims of sexual assault to provide program feedback on case disposition and/or at other key points in the military justice process that can provide insight towards process and program improvement from the people it is designed to support.

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Evaluation is essential for continual self-assessment and program improvement. It was noted in discussion with USNA's leadership that there were difficulties in getting midshipmen to participate in surveys because of the multiple demands on their schedules. USNA must continue to solicit program feedback, and use evaluation

***Action Item:***

*Consolidate all POSH and SAPR outcome data and metrics into a single product organized by the Department's strategic priorities.*

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<sup>42</sup> Department of Defense. (2008). *Department of Defense Instruction 6495.02, Sexual Assault Prevention and Response Program Procedures*. Retrieved from [www.dtic.mil/whs/directives/corres/pdf/649502p.pdf](http://www.dtic.mil/whs/directives/corres/pdf/649502p.pdf)

<sup>43</sup> Commander, Navy Installations Command is the authority responsible for shore installation management under the US Navy and is responsible to the Chief of Naval Operations.



methods employed for continual self-assessment and program improvement. In order to better understand and communicate program progress, USNA should consolidate all outcome data and metrics into a single product that addresses SAPR and POSH Program progress against the Department's strategic priorities. These results should be presented to USNA's leadership and the SACMG.

Part of system accountability is holding those who commit sexual assault appropriately accountable based on the available evidence. NCIS provides investigative support to USNA and also acts as liaison to local law enforcement agencies. The Resident Agent in Charge (RAC) is a former local police officer and well connected to law enforcement agencies surrounding the Academy. In addition, the RAC spent nearly all of her operational time on Family and Sexual Violence cases, for which she has the required training. A review of the closed investigations on file at the NCIS office showed competent investigations of criminal complaints, efforts to establish effective working relationships with victims, and clear documentation of case dispositions. In addition, there also appeared to be good communication between NCIS, the SARC, and the Academy's Judge Advocates. The RAC reported no substantive delays in obtaining evidence examinations from the US Army Criminal Investigation Laboratory.

The RAC reported that many of the cases she investigated involved victim collateral misconduct, such as underage drinking. The RAC stated that NCIS policy does not require her to read the victim his or her rights for minor collateral misconduct. The Superintendent's Staff Judge Advocate's (SJA) office helped USNA's leadership address victim collateral misconduct on a case-by-case basis, but usually action is held until after the sexual assault complaint against the subject is resolved. The SJA provided legal advice to NCIS whenever requested.

The Superintendent's SJA office provided advice to the convening authority for the disposition of sexual assault cases. The SJA considered the facts and evidence of the matter and made recommendations for case disposition. USNA employed the full range of punishments and actions available to address criminal misconduct. In addition to courts-martial, nonjudicial punishment and administrative actions, USNA can also address midshipman behavior with the midshipman disciplinary process outlined in Title 10 of the United States Code. Most courts-martial are tried at the Washington Navy Yard because USNA does not have a facility of sufficient size for courts-martial with members.

Finally, USNA leadership's approach to the SAPR and POSH Programs appeared to be very proactive, given the steps taken to uncover and address the root causes of sexual harassment and assault. USNA believed sexual harassment and assault problems stem from a lack of respect. In response, the Commandant issued Standing Order Number One outlining his

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***Commendation:***

*USNA included sexual harassment into the SAPR Program.*

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four-pronged philosophy of respect: education, empowerment, inspiration, and accountability. USNA's SAPR Program worked closely in conjunction with the EO staff responsible for the sexual harassment program, and sexual harassment is addressed in all SAPR training. Although not required by DoD Policy, including sexual harassment prevention into the USNA SAPR Program training is a best practice and should be considered for implementation by the other academies.

### **Prevention of Sexual Harassment**

Appropriate mechanisms are in place both at Headquarters Navy and USNA to ensure oversight of the effectiveness of the USNA POSH Program. The USNA POSH Program is governed by USNA Instruction 5354.5C *Prevention and Deterrence of Sexual Harassment, Misconduct & Assault*, dated June 23, 2011, and USNA Instruction 5354.1A, *Command Managed Equal Opportunity Program*, dated February 9, 2009.

USNA's Commandant has direct oversight of sexual harassment prevention training and complaint processing. USNA's Brigade CMEO reports directly to the Commandant, who reviewed proposed POSH annual training. The Brigade CMEO provided the Commandant immediate notification whenever a formal or informal sexual harassment complaint was made and regular updates until complaint resolution.

At the time of the on-site assessment, USNA had a Brigade CMEO, an O-4 commissioned officer, who is also the Alcohol, Drug Education Officer. The Brigade CMEO trains First class midshipmen to provide peer-based sexual harassment prevention and response training. Another group of First class midshipmen are trained to provide alcohol and drug abuse prevention training to midshipmen. USNA's approach appears to effectively meet the needs of midshipmen and USNA.

Additionally, USNA is expecting a full-time, senior non-commissioned officer CMEO to arrive in Fall 2011, who will report directly to the Superintendent, and serve as an advisor to the Brigade CMEO. The senior non-commissioned officer CMEO will be a graduate of the Defense Equal Opportunity Management Institute's Equal Opportunity Advisor Course.

### **PRIORITY 5: IMPROVE KNOWLEDGE AND UNDERSTANDING**

The fifth DoD-wide priority is to improve knowledge and understanding of the SAPR and POSH Programs. This priority focuses on improving pro-active communication of SAPR information to stakeholders. This priority is not governed by the Department's Policy and therefore, there is no status of compliance.

USNA's APY 11-12 plans to improve and educate stakeholder's knowledge about sexual harassment and assault are attainable. USNA has reinstated mandatory SAPR general military training for military staff and faculty. Leveraging the monthly case management group, members are provided opportunity to share information, schedule training, as well as review and track progress on open cases. Plans are underway to require civilian faculty and staff to receive SAPR training in the Fall. USNA SAPR

personnel will work to recruit and train more Leadership Responsibility Counselors, Faculty and Staff Liaisons, and SAPR VA.

Organizations outside the campus are important components of the response team and USNA continues to build on those relationships. To increase the Anne Arundel Medical Center's knowledge of the SAPR Program, policies, and processes, the Navy Bureau of Medicine and Surgery is scheduled to conduct training with the SANEs who provide service to the midshipmen.

## ASSESSMENT OF RECOMMENDATIONS FROM THE APY 08-09 REPORT

In the APY 08-09 Report, the Department provided eight recommendations to USNA. During the on-site assessment and analysis of the background data provided by USNA, the Department found sufficient evidence to close the following three recommendations.

**Recommendation:** Since individuals who seek counseling at the MDC rarely immediately disclose that he or she has experienced a sexual assault on the intake form, it is recommended that all counselors are trained to treat sexual assault so that they are prepared to do so when midshipmen present at the MDC for other reasons (i.e., eating disorders, academic difficulties, etc.).

The MDC has a counselor with specialized training and experience in treating sexual assault. Specifically, this counselor has rape crisis center experience and is a trained SAPR VA. She is a LCSW with a certificate in trauma treatment and continuing education units on sexual assault and trauma. The sexual assault specialist conducts annual training for all counselors at MDC each Fall on identifying sexual assault trauma and how to approach and treat. This training is reinforced at clinical meetings throughout the year. While most victims of sexual assault are referred to her, all providers are licensed and can provide care to victims of sexual assault.

**Recommendation:** USNA should consider the development of a training module on healthy relationships for midshipmen that respects the traditions of USNA, provides guidance on healthy relationships, and illustrates how to set effective boundaries.

In the second year of the SHAPE Program, two sessions are devoted to consent and healthy relationships. The first session is the Sex Signals presentation and the second session is a follow-up small group discussion on consent and communication.

**Recommendation:** Identify full-time replacements for the Equal Opportunity Advisor and CMEO positions as soon as possible.

These positions were filled at the time of the assessment and in place for two years.

The Department did not find sufficient evidence to close the following five recommendations at the time of the on-site assessment.

**Recommendation:** The VWLO contact information should be listed as a resource to victims on all published SAPR materials.

**Recommendation:** The current VWLO should receive SAPR and VWLO training as soon as possible. The VWLO is new to his current position and has yet to receive victim witness assistance training or formal SAPR training.

**Recommendation:** The NCIS should provide the VWLO with sexual assault victim contact information in order to engage the victim as soon as possible after the report is received.

USNA does not have a VWLO, only a Victim Witness Coordinator. The Victim Witness Coordinator was trained and performing the duties of this role. USNA relies on the SAPR Program to educate the victim about the legal process, to exercise rights, and to get the victim to meetings with attorneys, etc. While it appears that the three main legal offices (USNA's SJA's Office, the Commandant's Legal Officer, and the Superintendent's Legal Officer) have good communication with each other and the SAPR Program, USNA lacks a single point of contact for victims in the military justice process. USNA believes that the Navy Yard provides the VWLO function. However, this position should be established at USNA.

**Recommendation:** The USNA SARC should train appropriate off-base hospital personnel on the correct procedures for mailing SAFE kits to the NCIS Consolidated Evidence Facility in Norfolk, Virginia.

**Recommendation:** USNA must provide the Anne Arundel Medical Center with DoD SAFE kits and protocols. They are currently using SAFE kits provided by the state of Maryland, which are different and may not meet DoD standards.

At the time of the on-site assessment, off-site hospital resources were not up to Department and USNA standards. As previously recommended in this report, USNA must identify solutions for reliable and expedient resources for SAFE Kits and implement these recommendations with the identified solutions.

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

## CONCLUSION

USNA's SAPR and POSH Programs are mature and robust. These programs were taken seriously and given the appropriate attention at the Academy. The overall USNA command climate and treatment of sexual assault victims represent is solid. USNA put considerable time in effort in the SHAPE training to prevent sexual harassment and assault.

All working in the USNA and POSH SAPR Programs appeared dedicated and motivated to accomplish their mission. While a number of challenges remain, the Department believes the greatest of these pertain to the prevention and reporting of sexual assault. Using the survey and focus group data, the Department encourages USNA to employ their considerable academic and programmatic resources to implement meaningful, inspiring, evidence-based prevention and reporting interventions that are resistant to message fatigue. In addition, identifying and tracking key measurements over time will be critical to demonstrating to stakeholders the exemplary work underway at USNA.