

UNITED STATES NAVAL ACADEMY

INTRODUCTION

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

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

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

- Chief of Naval Operations Instruction 5354.1F, *Navy Equal Opportunity (EO) Policy*, September 20, 2011
- Chief of Naval Operations Instruction 5800.7A, *Victim and Witness Assistance Program*, March 4, 2008
- Secretary of the Navy Instruction 5300.26D, *Department of the Navy (DON) Policy on Sexual Harassment*, January 3, 2006
- United States Naval Academy Instruction (USNAINST) 1752.1G, *Sexual Assault Prevention and Response Program*, October 7, 2013
- United States Naval Academy Instruction 5354.5C, *Prevention and Deterrence of Sexual Harassment, Misconduct & Assault*, June 23, 2011

USNA is in compliance with the Department's policies regarding sexual harassment and sexual assault. USNA has demonstrated a commitment to increasing awareness of sexual assaults and harassment at the Academy, developing and conducting high quality training, and improving the victim experience. The Department encourages USNA to focus on identifying and countering misbehavior and misconduct that detract from a climate of dignity and respect, continue their incorporation of sexual assault prevention learning objectives in core curricula, and developing and implementing metrics to measure prevention and program effectiveness. USNA's SAPR and related programs and processes are discussed

Overall Status of Compliance:

In Compliance

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

LINE OF EFFORT 1: PREVENTION

Summary of Approach

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

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

Strategy to Fostering a Climate of Dignity and Respect

USNA leadership spent considerable effort in APY 12-13 educating midshipmen of sexual assault awareness, improving SAPR programs and USNA Sexual Harassment and Assault Prevention Education (SHAPE) Program curriculum, and implementing DoD and Navy Fleet best practices in the Academy environment.

USNA leadership sustained a prevention message from every level of command, stressing the safety and professional conduct expected of midshipmen during the three day "Stampout" Stand-down. Conducted during the Brigade Reform in January 2013, midshipmen were addressed by the Secretary of the Navy, the Chief of Naval Operations, the Superintendent, the Commandant of Midshipmen, and the USNA Sexual Assault Response Coordinator (SARC) on the findings from the *2012 Service Academy Gender Relations (SAGR) Survey* conducted by the Defense Manpower Data Center (DMDC). At this address, leadership explained the implication of the survey on the USNA population, reinforced the seriousness of sexual assault, and emphasized Brigade ownership and investment in solving the problem. The SARC and the SAPR VAs led small group discussions and training sessions with members of each class.

As part of the "Stampout" Stand-down in January 2013, the Secretary of the Navy and the Chief of Naval Operations delivered a stern message emphasizing Navy leadership's concerns and expectations for the future. While such direct leadership

engagement is highly encouraged, focus group response data and feedback received at the on-site assessment noted unintended consequences of this engagement:

- A few victims who had previously reported a sexual assault said they left the address feeling as though they had failed, brought discredit to the academy, and that they were to blame for the alarming statistics in the SAGR survey.
- Other victims who reported a sexual assault after the address said they felt “shamed” into reporting.
- Some of the midshipmen participating directly in the SAPR program were discouraged by the address, feeling they were to blame for the increase in assaults and unappreciated for their efforts.
- Some male midshipmen perceived they were being unfairly characterized as “potential rapists” by the messaging in the address.

An influential element detracting from USNA’s efforts to foster a culture of dignity and respect are midshipmen that perpetuate attitudes and behavior contrary to academy values. The most observable example was exhibited by the midshipmen who went against academy rules and rented a house in Annapolis, MD, with the assistance of a sponsor family. The house members hosted an undisclosed number of parties where alcohol was reportedly served to minors. The house was also the scene of an alleged sexual assault involving midshipmen members of the football team. Coaches, faculty and officer representatives should be aware of this misbehavior and misconduct and work to mentor and lead midshipmen to live up to the USNA Mission⁴⁸ and core values of honor, courage, and commitment. USNA should identify those factors within the environment that give rise to and sustain these damaging behaviors and work to counter them through education, policy, and holding violators appropriately accountable. (Note: Post on-site assessment, USNA reported that the Superintendent addressed all coaches, trainers, faculty, and officer representatives as well as each of the teams individually regarding expectations.) USNA should include in its APY 13-14 self-assessment their plan to empower midshipmen to safely intervene with peers and report misbehavior and misconduct.

A newly created Sexual Harassment and Assault Task Force was established in the second semester of APY 12-13.⁴⁹ The purpose of the Task Force was to provide an initial assessment of the current culture and climate at USNA that may unintentionally promote or support incidents of gender bias, sexual harassment and sexual assault; create or support an environment that prevents individuals from formally reporting these incidents; and ultimately provide recommendations for additional in-depth and target focused assessments and actions. As a follow-on to the Task Force, the

⁴⁸ The USNA Mission is “To develop midshipmen morally, mentally and physically and to imbue them with the highest ideals of duty, honor and loyalty in order to graduate leaders who are dedicated to a career of naval service and have potential for future development in mind and character to assume the highest responsibilities of command, citizenship and government.”

⁴⁹ Task Force members included personnel from the Maryland Coalition Against Sexual Assault (MCASA), DoN SAPRO, Drs. Kilmartin and Foubert (Task Force Support Members and original designers of SHAPE), Naval Academy Athletic Association (NAAA), USNA alumni, USNA SAPRO, the Leadership, Ethics and Law Department, and current midshipmen.

Superintendent established a USNA SAPR Advisory Panel⁵⁰ to operate as a standing committee to examine the Task Force findings and develop an Institutional Strategic Plan. The USNA SAPR Advisory Panel reports its recommendations regarding the Strategic Plan and proposed courses for execution directly to the Superintendent.

USNA leadership, in particular the Superintendent and the Commandant of Midshipmen, assessed best practices⁵¹ with the Department of the Navy and at other colleges and universities. During the academic program year, the Superintendent visited the Training Support Command (TSC) Great Lakes and continues to discuss SAPR issues with university presidents of the Patriot League, Ivy League, and Maryland-based universities. Since the on-site assessment, the Superintendent has visited other Midwest and west coast universities. The Commandant of Midshipmen visited the Naval Education and Training Command (NETC) in Pensacola and met with University of Maryland University Dean of Students to discuss SAPR issues. Among the most promising practices⁵² implemented is USNA leadership's work to reduce the potential for misconduct with the assistance of local businesses (see discussion below in *"Mitigating High Risk Behaviors or Threats"*).

During APY 12-13, USNA leadership engaged the USNA community to foster a climate of prevention and SAPR awareness. Officer and Senior Enlisted volunteers served as Fleet SHAPE Mentors, participating in SHAPE classroom sessions and providing a "real world, fleet" perspective on lesson objectives, role-playing, and decision-making. Company Officers and Senior Enlisted Non-Commissioned Officers were trained and qualified as Master Mobile Training Team members and facilitated SAPR-Fleet (SAPR-F) training at USNA during APY 12-13.

Selected midshipmen were trained to serve as SHAPE Peer Educators and/or Midshipmen "GUIDES" (Guidance, Understanding, Information, Direction, Education), supporting the brigade as subject matter experts in sexual assault prevention. Midshipmen involvement provides leadership continuity throughout the Brigade chain of command and provides a peer resource on the USNA SAPR program. USNA increased the number of GUIDES available to provide information from 30 in APY 11-12 to 49 GUIDES in APY 12-13.

During APY 12-13, USNA SAPRO leadership involved the larger community in SAPR efforts. Parents, Blue and Gold Officers (Naval Academy Information Officers aligned with the Admissions Department), and Sponsor parents were educated on the sexual harassment and sexual assault programs and expected standards of conduct for midshipmen. The Department encourages further outreach and education to these groups to ensure that all USNA-sanctioned or private activities involving midshipmen align with USNA standards of conduct.

⁵⁰ Advisory Panel members include USNA staff, faculty, alumni, and selected midshipmen.

⁵¹ As defined by the Department of the Navy

⁵² Promising Practice—Identified practice that has worked within at least one organization and shows promise during its early stages for becoming a best practice with long term sustainable impact; some basis for claiming effectiveness.

Training

USNA views training and education as the key feature in their prevention efforts. USNA's SHAPE Program curriculum is a highly developed sexual assault awareness and prevention curriculum. In APY 12-13, USNA developed a new, strategic training and education plan and program under the guidance of the Director of Sexual Assault Education and Clinical Services and the Sexual Assault Training Specialist. The SHAPE Program consists of a four-year curriculum of small group, discussion-based learning opportunities. Classroom lessons are paired with guest lecturers. In APY 12-13, USNA midshipmen had guest lectures from the One in Four, Inc. organization (Men's Program),⁵³ "Sex Signals" by Catharsis Productions, Coach Joe Ehrmann⁵⁴, and Anne Munch, JD.⁵⁵

Training sessions were facilitated by first, second, and third class midshipmen trained as Peer Educators; oversight and fleet experience was provided by Officers and Senior Enlisted Leaders in each of the midshipmen-facilitated sessions. These peer-led sessions are interactive and discussion-oriented, including the discussion of sexual assault incident scenarios. Additionally, USNA uses professionally produced videos from the Stockdale Center for Ethical Leadership featuring midshipmen facing difficult decisions that required action to ensure the safety and dignity of their shipmates.

Certain training sessions are gender-specific, encouraging candid conversation among midshipmen. In response to feedback from the Department and from midshipmen, all SHAPE Peer education sessions are now conducted on weeknights, vice weekends.

Bystander intervention training was improved during APY 12-13 by incorporating portions of the Navy Center for Personal and Professional Development Bystander Invention (BI) Program. The image of a "mishap chain" was also used to illustrate a clear chain of preventable mishaps (i.e., opportunities for bystander intervention) that could lead to an incident of unwanted sexual contact.

Plebes (freshmen) took four hours of sexual harassment and sexual assault training within their first month. The new Plebe SAPR training was introduced during APY 12-13. The comprehensive training is divided into four phases: Phase 1 occurs on Induction Day, wherein plebes were introduced to USNA's SAPR Program and staff and received an informational flyer with response/reporting information. Phase 2 began the first week of Plebe Summer. Plebes received an introductory SAPR brief and were offered a voluntary and anonymous SHAPE survey designed to understand entering

⁵³ The One in Four Men's Program teaches men how rape affects a woman, educates men on bystander intervention, and challenges men to change their behavior and influence the behavior of others.

⁵⁴ Coach Joe Ehrmann is a former professional athlete and current educator, coach, and professional speaker who aims to inform and initiate individual and community change and empower his audiences to excel personally, professionally, and relationally.

⁵⁵ Anne Munch, JD is a former prosecutor and an attorney. She is a scholar and subject matter expert in domestic violence, sexual assault, and stalking. She co-authored the U.S. Air Force Bystander Intervention program.

midshipmen's beliefs on gender and sexual violence. Phase 3 began at the end of the first week of Plebe Summer and continued through the third week. Company officers provided SAPR briefs and reinforced prevention and awareness messages at the Company leadership level. The final phase, Phase 4, occurred from the end of week one through week three. Command leaders provided a two-hour SAPR Stand-down training to each platoon of 40-45 plebes.

In addition to the formal SHAPE curriculum, midshipmen received briefings by the SAPR Office at the Fall and Spring Reforming of the Brigade, as well as prior to summer training. The briefings were designed to increase awareness, improve Brigade safety by identifying specific risks and providing bystander intervention training, and reinforce concepts introduced in formal training. During APY 12-13, every midshipman received both SAPR-Leadership (SAPR-L) and SAPR-F training as well. SAPR-F trainings were facilitated by Company Officers and Senior Enlisted Non-Commissioned Officers who, during APY 12-13, were trained and qualified as Master Mobile Training Team members.

The Department encourages USNA explain to all midshipmen during SAPR training the role of the USNA Inspector General (IG) so they are aware of an important reporting channel for sexual harassment, reprisal, or violations of policy.

All Company Officers, Senior Enlisted Leaders, and Battalion Officers should receive a USNA-modified version of the Navy's Pre-command Training⁵⁶ prior to beginning of classes or within 30 days of reporting for duty.

A promising practice at USNA that deserves commendation is the continuous improvement of SHAPE curriculum based on data received from Professional Competency exams and feedback provided by midshipmen, Peer Educators, and SHAPE Fleet Mentors. The Director of Sexual Assault Education and Clinical

Services and the Sexual Assault Training Specialist met weekly to review curriculum and trainings, incorporate feedback in near-real time, and ensure continuity with the comprehensive four-year SHAPE training program.

Promising Practice:
Continuous improvement of SHAPE curriculum

Education (Curriculum)

By the end of APY 12-13, USNA had not incorporated sexual assault prevention and response learning objectives and assignments into relevant "academic" curricula. During the on-site assessment, the Department encouraged that USNA follow the United States Military Academy's (USMA) model of integrating SAPR learning

⁵⁶ In accordance with the Secretary of Defense Memo, "Evaluation of Pre-Command Sexual Assault Prevention and Response Training," dated September 25, 2012.

objectives into appropriate classes (e.g., psychology, sociology, military law, history, leadership, etc.). The USNA Academic Dean was supportive of integrating sexual assault lessons into curricula. (Note: In August 2013, USNA formally announced plans to incorporate SAPR learning objectives and case studies into its academic curricula this fall.) USNA should include in its APY 13-14 self-assessment how they have incorporated sexual assault and sexual harassment lessons into academic curricula.

During the academic program year, many faculty and staff members participated in USNA's Task Force and are now active members of the SAPR Advisory Panel. However, feedback received from several USNA faculty members at the on-site assessment and during focus groups, supports more faculty involvement in SAPR programs and initiatives. For those faculty and staff members who want to participate in SAPR efforts, USNA should define additional opportunities and provide requisite training.

At the on-site assessment, several USNA faculty and staff members commended USNA SAPRO for providing informal learning opportunities (e.g., brown bag lunches) on SAPR issues.

Mitigating High Risk Behaviors or Threats

During APY 12-13, USNA leadership focused on mitigating high-risk behaviors by addressing the use of alcohol by midshipmen—a known risk factor for sexual assault victimization and perpetration. The Superintendent increased outreach to local businesses that cater to midshipmen—implementing a Department of the Navy (DoN) best practice first used at Great Lakes Naval Base.⁵⁷ The Superintendent hosted local restaurant and bar owners at an event where they discussed an informal partnership whereby business owners would watch for midshipmen who may be over-served or underage. In the event the owners or their employees saw midshipmen over-consuming or other problematic situations, USNA leadership requested it be contacted to intervene. The USNA Brigade Assistant Alcohol and Drug Education Officer (ADEO) implemented this informal program and continues to work with local business owners to enforce underage drinking laws and reduce over-serving.

Promising Practice:

Superintendent outreach and partnership with community businesses

In January 2013, USNA aligned the random use of Alcohol Detection Devices (ADD) with Fleet directives. USNA received a waiver from the Vice Chief of Naval Operations to continue the use of ADD as a deterrent for fourth class and underage drinking, driving under the influence violations, and drinking in Bancroft Hall. At the same time, USNA

⁵⁷ The Superintendent visited the Training Support Command (TSC) Great Lakes Region to discuss SAPR best practices.

increased Watch Patrol for weekends and evenings employing company officers and senior enlisted leaders. Upperclassmen midshipmen patrols were also instituted at Bancroft Hall during afterhours and weekends. The effectiveness of these programs has yet to be determined.

For further risk reduction measures, the Department encourages USNA leadership to implement a mandatory locked door policy in the barracks. Over the past few years, there have been a few incidents involving inebriated midshipmen wandering through Bancroft Hall behaving inappropriately and, on at least one occasion, criminally. This simple policy adds another layer to a more comprehensive prevention strategy, mitigating potential incidents without imposing additional resource requirements. Furthermore, implementing a locked door policy will align the locked door policies at USNA with USMA and USAFA.

In March 2013, the USNA Commandant of Midshipmen issued updated guidance for the Brigade Shipmate Designated Driver Initiative, known as the “Shipmate Program.” The mission of the Shipmate Program is to facilitate safe and reliable return rides to Bancroft Hall for intoxicated midshipmen. It is a free and confidential program overseen by the Commandant and the ADEO and aims to deter driving after drinking or riding with someone who has been drinking. This resource also aims to help those midshipmen who find themselves in a potentially vulnerable situation with no means to leave. It is a “no questions asked” option for them to return safely back to USNA. Shipmate drivers/navigators maintain contact information for SAPR Victim Advocates (VAs) and SAPR GUIDEs should any passenger request SAPR assistance or if they believe a passenger may have been the victim of unwanted sexual contact. The Department encourages the continued implementation of the this program and revising the policy so Shipmate drivers and navigators must report a sexual assault only to a SARC or SAPR VA—not SAPR GUIDEs—and ensure a victim may retain the choice for a Restricted Report, despite knowledge of the assault by Shipmate drivers and navigators.⁵⁸

A continued practice at USNA is the 21st Birthday Initiative—an event honoring those midshipmen celebrating their milestone twenty-first birthday. Up to three beers and/or glasses of wine are available to each midshipman with the meal at this event. The event enables a safe celebration within the confines of the Yard while interacting with ADEO and DoD police and learning about the hazards and new responsibilities associated with alcohol use.

Also in APY 12-13, USNA implemented a new practice whereby student-athletes must sign a code of conduct contract that serves as a reinforcing expectation that student-athletes, just as every midshipman, will be held accountable for their decisions and actions under all conditions. The contract includes requirements not to engage in any

⁵⁸ On November 5, 2013, USNA released Change 1 of Commandant of Midshipmen Instruction 5100.1B, Brigade Shipmate Designated Driver Initiative, (previously dated March 27, 2013) to reflect that the “Shipmate and the navigator will maintain the numbers of the Duty VA and will contact them for any rider that request it” and also the “Shipmate and navigator personnel will contact the Duty VA if they believe a passenger may have been the victim of unwanted sexual contact.”

activity that involves utilizing any residence in the local community that is not authorized under Midshipmen Regulations, and adherence to proper moral and ethical values at all times. On several occasions, it was discovered that midshipmen had secured off-campus housing that ultimately became a “party house” where they could engage in heavy drinking with fellow midshipmen. The Department encourages USNA to continue the practice of requiring student-athletes to sign these code of conduct contracts as another way to mitigate risks and reduce venues (i.e., party houses) where unacceptable behavior can lead to dangerous situations.

Conclusion

In conclusion, the Department finds USNA is in compliance with the Prevention line of effort. The Department encourages continued emphasis on fostering a climate of dignity and respect to promote an environment free of undignified behavior and sexual harassment, with a particular focus on attitudes and behaviors that detract from a climate of dignity and respect. As described above, the following Prevention practices at USNA should be sustained or improved:

Sustain

- Superintendent outreach and partnership with community businesses
- Involvement of parents, Blue and Gold Officers (Naval Academy Information Officers aligned with the Admissions Department), and Sponsor parents in sexual harassment and sexual assault programs and expected standards of conduct
- The commitment to quality training and continuous improvement of SHAPE curriculum based on midshipmen feedback
- Recent efforts to incorporate SAPR learning objectives into academic curricula during APY 13-14
- Alternative learning opportunities for USNA faculty and staff hosted by SAPR staff
- The practice of requiring student-athletes to sign a code of conduct contract that holds them responsible for good behavior (and refraining from prohibited activities, to include renting off-campus house)

Improve

- All Company Officers, Senior Enlisted Leaders, and Battalion Officers receive a USNA-modified version of the Navy’s Pre-command SAPR training prior to beginning of classes or within 30 days of reporting for duty
- Define additional roles and provide requisite training to faculty and staff who want to participate in SAPR
- Consider including explanation of USNA IG role in SAPR training so midshipmen are aware of an important reporting channel for sexual harassment, reprisal, or a violations of policy
- As part of USNA’s overall approach to prevention, consider implementing a mandatory locked door policy
- Work to address concerns of social retaliation among peers that prevent bystander intervention and reporting of sexual assault

LINE OF EFFORT 2: INVESTIGATION

Summary of Approach

Investigation is the second line of effort in the DoD SAPR Strategic Plan. The objective of the Investigation line of effort is to achieve high competence in the investigation of sexual assault. The end state is where investigative resources yield timely and accurate results. The Naval Criminal Investigative Service (NCIS) at USNA conducts all investigations of unrestricted sexual assault reports. Victim confidence and participation is integral to a thorough investigation, and investigative techniques must maximize the recovery of physical and testimonial evidence while minimizing the potential for victim re-traumatization. Most sexual harassment allegations by midshipmen are addressed by the Military Equal Opportunity Office. However, from a criminal perspective, sexual harassment can be investigated by NCIS if there is any question about the nature of the offense alleged. The investigation by NCIS into sexual harassment complaints concludes only when it is determined that the underlying act was a non-criminal act of sexual harassment and not sexual assault.⁵⁹ USNA is in compliance with the Investigation line of effort.

Status of Compliance Line of Effort 2:

In Compliance

Relationship and Collaboration between NCIS and Academy

NCIS agents have a productive working relationship with USNA leadership. NCIS works closely with the Staff Judge Advocate (SJA) attorneys supporting the Superintendent and the Commandant of Midshipmen and with USNA SAPRO personnel. The NCIS agents communicate frequently with and provide regular updates to the Judge Advocate General (JAG). The agents also work closely with the trial counsel at the Regional Legal Services Office (RLSO) at the Navy Yard in Washington, D.C. The Supervisory Special Agent (SSA) at the USNA NCIS attends the Sexual Assault Case Management Group (SACMG) meetings. Early engagement with the SJAs and USNA leadership improves transparency, increases support to NCIS during an investigation, and provides oversight to the investigative process.

USNA NCIS Approach to Victim Communications (improving participation and confidence)

While the Department assigns ultimate responsibility to the commander for keeping the victim informed of case specifics and progress, NCIS agents and the SARC keep the victim informed at regular intervals (or more frequently if the investigation warrants). Confidentiality Agreements are implemented for the victim and all witnesses involved in

⁵⁹ Sexual harassment does not fall under the purview of the SAPR program and therefore is not addressed in the DoD SAPR Strategic Plan. The Diversity Management and Equal Opportunity (DMEO) program establishes guidance for the processing of sexual harassment complaints.

the investigative process to preserve victim privacy, avoid the rumor mill, and to give the victim more confidence in the investigative process.

NCIS Special Training

All USNA NCIS agents receive annual training on sexual assault. One of the three Special Agents has completed the Advanced Adult Sexual Violence Training Program and attended the Advanced Family and Sexual Violence Program.

Timely and Accurate Results in Investigations

NCIS conducts prompt and thorough investigations of all Unrestricted Reports of sexual assault. In cases where USNA does not have primary jurisdiction over an alleged offender or the physical location of the incident, NCIS provides coordination and support to local law enforcement or another Military Criminal Investigation Organization (MCIO) if necessary. The USNA NCIS agents work closely with the Trial Counsel at RLSO so facts necessary for trial are regularly shared and thoroughly assessed during the investigation.

While there is always pressure to complete an investigation as quickly as possible, USNA leadership understands the importance of a comprehensive investigation over a speedy one. When a sexual assault investigation is particularly complex and requires more resources, NCIS Headquarters in Quantico, Virginia provides surge support through the temporary assignment of NCIS agents specialized in investigating sexual assault cases. The surge support was effectively used when investigating the highly publicized sexual assault case against three USNA football players.

Upon the conclusion of an investigation, the report is reviewed by the Superintendent's JAG, the Trial Counsel Assistance Program (TCAP), and RLSO. Ultimately, all investigations are evaluated by the Superintendent and the Commandant of Midshipmen.

Conclusion

In conclusion, the Department finds USNA is in compliance with the Investigation line of effort. The NCIS agents at USNA worked diligently and respectfully with victims and USNA leadership in all closed sexual assault cases reviewed. As described above, the following Investigative practice at USNA should be sustained:

Sustain

- Close working relationship between NCIS and Legal office

Improve

- No deficient areas requiring improvement identified.

LINE OF EFFORT 3: ACCOUNTABILITY

Summary of Approach

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

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

violence. Attorneys (the Superintendent's and the Commandant of Midshipmen's SJAs, and prosecutors) promote justice through their support to the military justice system—either directly to the commander, when prosecuting a sexual assault case or other crime under the UCMJ, or supporting a victim or defendant. USNA is in compliance with the Accountability line of effort.

Status of Compliance Line of Effort 3:

In Compliance

SAPR and POSH Program Oversight

USNA recognizes the strategic imperative in creating a climate in which victims of sexual harassment or sexual assault feel confident that their reports will be taken seriously, be thoroughly investigated, and the offenders held appropriately accountable. To that end, the Superintendent oversees the SAPR and POSH programs at USNA and, with the Commandant of Midshipmen, works to establish a climate where sexual assault and harassment offenders know they will be held appropriately accountable for their actions. The Superintendent, the Commandant and Deputy Commandant of Midshipmen, and the Chief of Staff are notified within twenty-four hours of any report of a sexual assault. The Superintendent, along with the SARC, hosts the monthly SACMG meeting.⁶⁰ At the time of the on-site assessment, the Chief of Staff was hosting the SACMG but this was changed to be hosted by the Superintendent by the end of the APY. This is a practice consistent with the other MSAs. The SACMG meets to ensure each member remains fully informed of the progress, management, and resolution of each sexual assault case. The SACMG is an opportunity for the Superintendent and Commandant of Midshipmen to provide specific guidance membership on a particular case or the SAPR program as a whole.

Depending on the nature of the crime (sexual assault) or act (sexual harassment) and the strength of evidence discovered during an investigation, the allegations against the

⁶⁰ Members of the SACMG include the Commandant of Midshipmen and investigatory, legal, advocacy, counseling, and chain of command personnel. The attendees should include those personnel specified in the DoDI 6495.02. At the time of the on-site assessment, the Superintendent was not chairing the SACMG. At the time of report publishing, the Superintendent chairs the SACMG.

accused may be adjudicated in the military justice system or through the administrative conduct system. In the event of sexual harassment, the complainant may approach the offender about his/her behavior or the incidents.⁶¹ If the offending behavior continues, the complainant may make an informal or formal report to Command Managed Equal Opportunity (CMEO) or make a formal report to the chain of command. An inquiry will be conducted, and if misconduct is substantiated, the matter may be disposed of through the administrative conduct system. For sexual assault reports, NCIS investigates every Unrestricted Report. The Superintendent and the Commandant of Midshipmen consult with the victim throughout the investigatory and justice process to ensure the victim's concerns are heard as the case progresses.

After final sexual assault case disposition, a "Sexual Assault Disposition Report" is signed and acknowledged by the SJA and/or Convening Authority (Superintendent) and is included in the NCIS final report—which is reviewed at NCIS headquarters.

USNA has effectively taken advantage of the specialized sexual assault reach-back capability established within the Navy's Trial Counsel Assistance Program (TCAP). The trial counsel responsible for prosecuting USNA sexual assault offenders during APY 12-13 was greatly assisted in recent cases by TCAP and its expert, specialized resources.

Promising Practice:

Use of specialized sexual assault reach-back capability within the Navy's Trial Counsel Assistance Program

The Legal Office and NCIS should work to sustain their close working relationship, as members of both offices noted that the relationship expedites and enhances investigations at USNA.

Role of and Support from Specially Trained Professionals

Legal services are provided by SJAs (one each supporting the Superintendent and the Commandant of Midshipmen, respectively, as well as one for the base), trial counsel, and Victim and Witness Assistance Coordinator (VWAC).

The Navy JAG Corps' Victim and Witness Assistance Program (VWAP) are required to provide sexual assault victims the services of a trained VWAC as well as information on how to contact a VWAC when an investigation is commenced. However, the current configuration of resources is still not in keeping with Department guidance. The Commandant's SJA uses the SARC to explain victims' rights and help the victim navigate the military justice process, while the trial counsel uses the SAPR VA to assist the victim in exercising his or her rights during the military justice process. A sexual assault case during APY 12-13 did not involve VWAC at all. While the individuals

⁶¹ Approaching the offender is encouraged, but not required. A complainant may report directly to CMEO or the chain of command.

performing these duties have a great deal of knowledge about the justice process, the USNA SARCs and SAPR VAs have not received specialized training on VWAC duties, to include victims' rights and the military justice system. It is important that a victim have VWAC support because he or she has a right to be "reasonably protected." SAPR personnel are not trained to be aware of Uniform Code of Military Justice (UCMJ) prohibitions against witness intimidation—something often experienced by sexual assault victims. The VWAC is better equipped to recognize this violation and notify the trial counsel to initiate the appropriate legal protections for the victim.

The USNA VWAC (at the time of the on-site assessment) did not receive training prior to assuming duties and did not feel prepared to perform VWAP responsibilities from the PowerPoint slides provided to the VWAC at a later date.⁶² Finally, USNA VWAC contact information was not displayed on the NCIS form titled "Initial Information for Victims and Witnesses of a Crime."⁶³ Therefore, victims may not be aware of these resources or may not know how to contact such resources.

USNA should ensure all future VWACs assigned receive training prior to assuming duty that equips them to perform victim-witness assistance responsibilities,⁶⁴ that VWAC contact information is in appropriate locations and on required forms (i.e., NCIS "Initial Information for Victims and Witnesses of Crime" Form) and the Victims' Bill of Rights is published, and that the SARC and SAPR VA are trained on the VWAC role in accordance with DoDI 6495.02. USNA should also ensure all sexual assault victims have access to a trained VWAC throughout their case.

Finally, during the on-site assessment, it was discovered that some attorneys at the Washington Navy Yard in Washington, D.C. are not entirely familiar with attorney-sexual assault victim confidentiality with regards to Restricted Reports. This could jeopardize a victims' right to a Restricted Report if he or she were to disclose covered information to a legal assistance attorney. DoN should ensure the legal assistance attorneys are aware of the limits of confidential communications in this role and are provided regular refresher training and/or updates.

Attorney Special Training

The attorneys at USNA received specialized sexual assault training courses, which may include VA training, VWAP procedures, evidentiary rules with regards to sexual assault and sexual history, and investigations.

Conclusion

In conclusion, the Department finds USNA is in compliance with the Accountability line of effort. The Superintendent and Commandant of Midshipmen are supported by SJAs

⁶² On October 17, 2013, USNA appointed a new VWAC that was trained in accordance with Navy policy prior to assuming their duties.

⁶³ The NCIS form (*Information for Victims and Witnesses of a Crime*) is the NCIS version of DD Form 2701, *Information for Victims and Witnesses of a Crime*.

⁶⁴ The U.S. Army VWAP training provides a good training model to emulate.

who work closely and cooperatively with investigators, USNA SAPRO personnel, and USNA leadership. The victim is supported during the legal process by the SARC and/or SAPR VA, NCIS agents, though should be provided support from a trained VWAC. As described above, the following Accountability practices at USNA should be sustained or improved:

Sustain

- Superintendent chairs the SACMG and members attend in accordance with DoD policy
- Specialized sexual assault reach-back capability established within the Navy's Trial Counsel Assistance Program

Improve

- Ensure all future VWACs assigned receive training prior to assuming duty that equips them to perform victim-witness assistance responsibilities
- Publicize Victims' Bill of Rights and VWAC contact information in appropriate locations and on required forms (i.e., NCIS *Initial Information for Victims and Witnesses of Crime* Form)
- Ensure SARC and SAPR VA are trained on the VWAC role in accordance with DoDI 6495.02
- Ensure all sexual assault victims have access to a VWAC throughout their case

LINE OF EFFORT 4: ADVOCACY/VICTIM ASSISTANCE

Summary of Approach

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

Status of Compliance Line of Effort 4:
In Compliance

Victim Advocacy Services

During the APY 12-13, the USNA SAPR Office was led by an active duty Navy Sexual Assault Response Coordinator (at the O-5 or O-6 level). The SARC was assisted by an active duty Navy Deputy SARC (O-4) and three full-time civilian staff. However, during

APY 12-13, USNA worked with DoN SAPRO to complete a detailed manning assessment. Since the on-site assessment, USNA SAPR Office has reorganized and now includes a Navy Sexual Assault Prevention and Response Program Manager (at the O-5 level), and a Deputy (at the O-3 level). For victim support, the Naval Academy now has two full-time civilian SARCs and two full-time SAPR VAs dedicated to the Brigade of Midshipmen. The SARCs report directly to the Superintendent and coordinate their activities with the Commandant of Midshipmen and the Chief of Staff. The USNA SAPR office is responsible for the SAPR program for the Brigade of Midshipmen and members of USNA faculty and staff.

Also supporting the SAPR program is a civilian Director of Education and Clinical Services; a civilian Training Specialist, a LEL/SAPR Faculty Member; 25 Duty SAPR VAs (increasing to 40 during APY 13-14); 3 clinical providers at the Midshipman Development Center (MDC), one of whom specializes in trauma treatment; 13 Officer/Senior Enlisted Leader SHAPE Fleet mentors (increasing to 45 during APY 13-14); 73 midshipmen SHAPE facilitators and peer mentors; and 49 midshipmen GUIDEs.

The Department encourages the continued victim advocacy training of Company Officers and Senior Enlisted Leaders to increase awareness and sensitivity to sexual assault victim needs. However, the Department does not support Company Officers and Senior Enlisted Leaders—both in the chain of command—serving as SAPR VAs for midshipmen. Company Officers and Senior Enlisted Leaders have a duty to maintain good order and discipline in their units. In accordance with Department policy and military law, in the event a midshipman was to disclose a sexual assault to a Company Officer or Senior Enlisted Leader in his or her chain of command, those individuals have an affirmative duty to report the matter to NCIS, negating the option for the victim to make a Restricted Report.

On the USNA campus, victim support services are available 24-hours a day, 365 days a year. A victim always has telephonic access to a SARC or a SAPR VA. Medical care is available at the Naval Health Clinic Annapolis (NHCA), and midshipmen have access to mental health counseling at the MDC. Based on a policy change that occurred after the last assessment, midshipmen are no longer restricted to a certain number of visits to the MDC before being referred to the NHCA mental health clinic. USNA should continue this practice; the Department commends the implementation of this policy. Off installation, midshipmen have access to the YWCA Rape Crisis Center (up to six sessions of confidential counseling), the Fleet and Family Support Center, and the National Naval Medical Center (in Bethesda, MD) for psychiatric visits and counseling. There were no instances where sexual assault forensic examination (SAFE) kits or other needed supplies were not available at the time of victim's exam.

Midshipmen Awareness of Victim Advocacy Services (SAPR Outreach)

USNA communicates SAPR VA services through multiple channels. A SAPR Office resource page is hosted on the USNA intranet, with a link from the homepage. The landing page includes links to assist people in getting immediate assistance, information

to assist a shipmate or friend in getting assistance, provides information on reporting options, and features an “Ask the SARC” function where questions can be asked and forwarded to the SARC. The first time midshipmen become aware of USNA SAPR VA services is on Induction Day, where the SAPR Team and their purpose are introduced. USNA has plans for APY 13-14 for all military and civilian faculty and staff—including team and club coaches—to post victim assistance contact information in their classrooms, locker rooms, and offices. The faculty and staff will be able to speak to these resources as well.

While SAPR GUIDEs do not provide SAPR VA services, they serve as peer resources for fellow midshipmen who want to know more about available SAPR VA services and how those services can be accessed.

The USNA SAPR office is currently located in Bancroft Hall—along with the dormitories and many of the amenities used by midshipmen for everyday living. While this provides increased visibility and awareness of SAPR services, USNA will be relocating the Response office during APY 13-14 to a location outside Bancroft Hall to provide a more discrete location to increase the likelihood of incident reporting and improve victim confidentiality. The Department supports this decision to relocate the Response office to provide more privacy to victims.

Training: SARCs, VAs, Service Providers, EO Officers

Personnel supporting USNA SAPR and POSH programs took, along with all military staff and senior enlisted leaders at USNA, SAPR-L and SAPR-F training during APY 12-13.

The SARC took the 40-hour Navy SAPR VA training, the 40-hour SARC training, a three-day Commander, Navy Installation Command (CNIC) SARC conference and additional webinars during APY 12-13. Additionally, the USNA SARC visited USAFA and has regular discussions with other Military Service Academy SARCs for professional development and program improvement. The SARC also traveled to Great Lakes TSC to discuss DoN SAPR best practices. The Deputy SARC and SAPR VAs received the 40-hour Navy SAPR VA training.

The USNA SAPR Office provides training to USNA military and civilian staff, to include the SAPR-L, SAPR-F, and SAPR-Civilian training. The USNA SAPRO Office also trained the Naval Academy Athletic Association (NAAA) coaches and trainers, team captains, MDC personnel, and Naval Academy Preparatory School (NAPS) SAPR personnel.

In their Chaplain training on Navy Knowledge Online, Chaplains take a segment devoted to sexual assault.

Health care providers at the NHCA took regular annual SAPR training; however, at the time of the assessment, no one at the clinic was trained to administer SAFEs. USNA

has an arrangement with Anne Arundel Medical Center as the primary provider of SAFEs and Walter Reed Medical Center, Bethesda, MD as a backup. Since the on-site assessment, the NHCA has established training for assigned health care providers to administer SAFEs.⁶⁵

Some officer, enlisted, and civilian representatives (to include those leading off-campus activities) may be in a situation where they are the only resource to direct a victim to SAPR services. For example, an athletic team traveling to a game may require victim services for a team member. USNA should identify the appropriate level of sexual assault response training and explanation of their responsibilities to all personnel who may be in a situation where they are a sole provider of SAPR services so they are prepared in case a sexual assault occurs.

DoD Military Equal Opportunity (MEO) policy calls for personnel not assigned to MEO billets who are involved in investigating sexual harassment complaints, providing sexual harassment prevention training, or working in victims' assistance and support programs to receive the training necessary for them to carry out these MEO-related duties. USNA should submit the locally produced POSH-developed training plans, used by such personnel to the DEOMI for review and comment consistent with DoD policy.

Conclusion

In conclusion, the Department finds USNA is in compliance with the Advocacy/Victim Assistance line of effort. During APY 12-13, the SAPR staff improved the training programs for midshipmen and faculty and staff alike, and there was evidence of a robust mental health program at the MDC, now that midshipmen are no longer required to be referred to Navy mental health after a certain number of visits. As described above, the following Advocacy/Victim Assistance practices at USNA should be sustained or improved:

Sustain

- Implementation of new policy that does not restrict the number of visits by a midshipmen to the MDC before being referred to the Navy mental health clinic

Improve

- Identify appropriate level of sexual assault response training and procedures and provide to officer, enlisted, and civilian representatives (to include those leading off-campus activities)
- Limit SAPR VA positions to those outside the chain of command, which would exclude Company Officers and Senior Enlisted Leaders; the Department continues to support those in the chain of command receiving victim advocacy training as it increases awareness and sensitivity to sexual assault victim needs

⁶⁵ Effective October 1, 2013, the Brigade Medical Unit in Bancroft Hall, has seven medical providers (four physicians and three physician assistants) trained to administer SAFEs during clinic hours 0630-1500. USNA will use Anne Arundel Medical Center and is developing MOUs with Mercy Hospital and Howard County Hospital to conduct SAFEs after clinic duty hours and when closed.

- Ensure all personnel investigating sexual harassment complaints, providing sexual harassment prevention training or working in victims' assistance and support programs, receive the training necessary for them to carry out their MEO-related duties
- Submit the locally produced POSH-developed training plans to the DEOMI for review and comment consistent with DoD policy

LINE OF EFFORT 5: ASSESSMENT

Summary of Approach

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

Status of Compliance Line of Effort 5:

In Compliance

Outcome Based Metrics that Measure Program Performance

USNA regularly assesses SAPR program performance through DMDC reports and surveys administered to the Brigade of Midshipmen. During APY 12-13, USNA implemented additional program assessment by using its Professional Competency Exam. The exams are intended to measure retention of professional development topics and competencies. Sexual assault and sexual harassment topics are included in the testing. In addition, SAPR added comprehension questions administered to all midshipmen at the end of the last SHAPE session of every academic year. Training curriculum is updated on a continual basis based upon results of the Professional Competency Exam and the SHAPE comprehension exams. The continual assessment and curriculum updating is a promising practice that deserves commendation, as discussed in Line of Effort 1.

The recently formed USNA SAPR Advisory Panel will develop methods and metrics for measuring program progress and effectiveness during APY 13-14. The SAPR Advisory Panel will review feedback and data covering the full spectrum of the SAPR program. Among the topics and issues to be assessed include: USNA-defined best practices in all aspects of the SAPR program; progress of previous recommendations; methods and/or metrics for measuring program progress and effectiveness; data collection, analysis, and reporting; and the proper utilization of the Defense Sexual Assault Incident Database (DSAID). The Department will review the USNA's SAPR Advisory Panel findings when finalized.

The Department encourages USNA to develop and implement additional metrics, particularly the metrics drafted by USAFA, for more comprehensive program assessment.

Climate Assessment

USNA currently uses the SAGR survey and focus groups, conducted by DMDC, as a reliable method for climate assessment. In addition to these methods, USNA should consider conducting command climate assessment surveys at the small unit-level (for midshipmen and Prep School candidates) to assess the climate for increased granularity and oversight of company and brigade officers. If implemented, USNA should provide results of the command climate assessment surveys to the midshipmen leadership and to the next level up the chain of command in accordance with the May 6, 2013 Secretary of Defense direction.

Conclusion

In conclusion, the Department finds USNA is in compliance with the Assessment line of effort. USNA regularly assesses its training programs through DMDC reports and surveys of midshipmen. Results of these surveys are used to update USNA's SAPR program. However, USNA is encouraged to develop additional comprehensive outcome-based metrics for prevention and response performance. As described above, the following Assessment practices at USNA should be sustained or improved:

Sustain

- Level of Knowledge questions added to Professional Competency Review exams and SHAPE

Improve

- Develop and execute additional metrics for comprehensive program assessment, to include prevention
- Consider conducting command climate assessment surveys at the small unit-level (for midshipmen and Prep School candidates) and provide results of the survey to the midshipmen leadership and to the next level up the chain of command

ASSESSMENT OF RECOMMENDATIONS FROM PREVIOUS REPORTS

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

- Action:** Develop outcome-based metrics for prevention training.
Status: Closed. The metrics were developed and implemented in the spring of APY 12-13 during regularly scheduled SHAPE training.
- Action:** Continue to recruit volunteer midshipmen SAR GUIDEs with the goal of two per company, one male, and one female.
Status: Closed. (Midshipmen GUIDE roles and responsibilities have been revised and they are no longer providing victim advocacy services.)
- Action:** Consolidate all POSH and SAPR outcome data and metrics into a single product organized by the Department's strategic priorities.
Status: Closed. Basic statistics and exit interview information are currently provided to the USNA Chain of Command and presented at the SACMG.
- Action:** The current Victim Witness Liaison Officer (VWLO) should receive SAPR and VWLO training as soon as possible.
Status: Closed. On October 17, 2013, USNA appointed a new VWAC that was trained in accordance with Navy policy prior to assuming their duties.
- Action:** USNA SARC should train appropriate off-base hospital personnel on the correct procedures for mailing Sexual Assault Forensic Exam kits to the Navy Criminal Investigative Service Consolidated Evidence Facility in Norfolk, Virginia.
Status: Closed. Guidance and training were provided.