

128. (DoD) Has DoD developed a plan to collect information and data regarding substantiated incidents of sexual harassment involving members of the Armed Forces including the identification of cases in which a member is accused of multiple incidents of sexual harassment (or related misconduct)? Has this report been provided to Congress? Please provide the report. (See FY13 NDAA § 579.)

DoD	ODMEO RESPONSE: Attached are the plan referenced in QUESTION 128 that was provided to Congress to address this requirement and the signed memorandum issuing a data call to the Military Departments and the National Guard Bureau to collect the data to build the report. A preliminary report (based on the data call) is due to ODMEO in mid- January 2014 for review. The final report is due 1 March 2014.
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**Narrative responses have been consolidated by the Response Systems Panel (RSP). Please forgive formatting errors in text and data. Source documents for narrative responses can be obtained by contacting the RSP.**



PERSONNEL AND  
READINESS

UNDER SECRETARY OF DEFENSE

4000 DEFENSE PENTAGON  
WASHINGTON, D.C. 20301-4000

AUG 30 2013

MEMORANDUM FOR THE SECRETARIES OF THE MILITARY DEPARTMENTS  
CHIEF OF THE NATIONAL GUARD BUREAU

SUBJECT: Information and Data on Substantiated Incidents of Sexual Harassment

This memorandum directs the collection of information and data on substantiated incidents of sexual harassment including identification of Service members accused of multiple sexual harassment complaints pursuant to section 579(b) of the National Defense Authorization Act for Fiscal Year 2013 (NDAA FY 2013).

Section 579(b) of NDAA FY 2013 requires the Secretary of Defense to collect and submit to Congress, by March 1, 2014, information and data on substantiated incidents of sexual harassment involving members of the Armed Forces for the preceding year, Fiscal Year 2013, as part of the report required by section 1631 of the Ike Skelton National Defense Authorization.

I request that you complete the attached data call collection template supporting the NDAA FY 2013 legislative requirement for the fiscal year ending September 30, 2013. Please provide your draft analysis and data report to the Office of Diversity Management and Equal Opportunity (ODMEO) no later than January 15, 2014, and submit your final report no later than March 1, 2014. ODMEO will forward the template to you in electronic format to facilitate your analysis and data collection efforts.

Mr. Clarence Johnson, Director, ODMEO, is my point of contact for additional information. Mr. Johnson can be reached by telephone at (703) 571-9321 or at e-mail [clarence.johnson@osd.mil](mailto:clarence.johnson@osd.mil).

  
Jessica L. Wright  
Acting

Attachment:  
As stated

002991

DATA COLLECTION TEMPLATE FOR SEXUAL HARASSMENT INCIDENTS

Section 579(b) of the National Defense Authorization Act for Fiscal Year 2013 (NDAA FY 2013) requires the Secretary of Defense to collect and submit to Congress, by March 1, 2014, information and data on substantiated incidents of sexual harassment involving members of the Armed Forces for the preceding year, Fiscal Year 2013, as part of the report required pursuant to section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011.

**Instructions:**

Enter appropriate number (#) in each column for the required fiscal year.  
 Where the information is available, but there are no numbers, write zero "0."  
 Where the information is not available, write "N/A."  
 The total number of complaints should equal the summed number of subcategories below each total (for example, the total number of formal complaints should equal the summed number of substantiated, unsubstantiated, and pending formal complaints).

**A. TOTAL NUMBER OF SEXUAL HARASSMENT COMPLAINTS**

<b>A1. Formal Complaints</b>	
# Total formal complaints	
# Substantiated formal complaints	
# Unsubstantiated formal complaints	
# Pending Formal complaints	
<b>A2. Informal Complaints</b>	
# Total informal complaints referred for investigation/inquiry	
# Substantiated informal complaints referred for investigation/inquiry	
# Unsubstantiated informal complaints referred for investigation/inquiry	
# Pending informal complaints referred for investigation/inquiry	

**B. COMPLAINTS INVOLVING THE SAME OFFENDER**

<b>B1. Formal Complaints</b>	
# Total formal complaints involving the same offender	
# Substantiated formal complaints involving the same offender	
# Unsubstantiated formal complaints involving the same offender	
# Pending formal complaints involving the same offender	
<b>B2. Informal Complaints</b>	
# Total informal complaints involving the same offender	
# Substantiated informal complaints involving the same offender	
# Unsubstantiated informal complaints involving the same offender	
# Pending informal complaints involving the same offender	

**DATA COLLECTION TEMPLATE FOR SEXUAL HARASSMENT INCIDENTS**

**Instructions:**  
 Enter appropriate number (#) in each column for the required fiscal year.  
 Where the information is available, but there are no numbers, write zero "0."  
 Where the information is not available, write "N/A."  
 The total number of complaints should equal the summed number of subcategories below each total (for example, the total number of formal complaints should equal the summed number of substantiated, unsubstantiated, and pending formal complaints).

**C. NUMBER COMPLAINANTS AND OFFENDERS**

<b>C1. Formal Complaints</b>	
# Formal complaint investigations with one complainant and one offender	
# Formal complaint investigations with one complainant and more than one offender	
# Formal complaint investigations with more than one complainant and one offender	
# Formal complaint investigations with more than one complainant and more than one offender	
<b>C2. Informal Complaints</b>	
# Informal complaint investigations with one complainant and one offender	
# Informal complaint investigations with one complainant and more than one offender	
# Informal complaint investigations with more than one complainant and one offender	
# Informal complaint investigations with more than one complainant and more than one offender	
<b>C3. Total</b>	
# Total alleged offenders in completed investigations (informal and formal)	

**D. NUMBER REPORTS FORWARDED TO GENERAL COUR MARTIAL CONVENING AUTHORITY (GCMCA)**

# Total reports forwarded to GCMCA	
# Reports forwarded to GCMCA within 72 Hours	
# Reports forwarded to GCMCA beyond 72 Hours	

**E. LENGTH OF TIME BETWEEN INCIDENT AND FORMAL REPORT FOR SUBSTANTIATED COMPLAINTS**

<b>E1. Formal Complaints</b>	
# Total substantiated formal complaints (# from A1)	
# Substantiated formal complaints made less than 60 days following the incident	
# Substantiated formal complaints made more than 60 days following the incident	
# Unknown	
<b>E2. Informal Complaints</b>	
# Total substantiated informal complaints (# from A2)	
# Substantiated informal complaints made less than 60 days following the incident	
# Substantiated informal complaints made more than 60 days following the incident	
# Unknown	

DATA COLLECTION TEMPLATE FOR SEXUAL HARASSMENT INCIDENTS

**Instructions:**

Enter appropriate number (#) in each column for the required fiscal year.

Where the information is available, but there are no numbers, write zero "0."

Where the information is not available, write "N/A."

The total number of complaints should equal the summed number of subcategories below each total (for example, the total number of formal complaints should equal the summed number of substantiated, unsubstantiated, and pending formal complaints).

<b>F. LOCATION OF SUBSTANTIATED COMPLAINTS</b>	
<b>F1. Substantiated Formal Complaints</b>	
# On Duty (i.e., during duty hours)	
# Off Duty (i.e., during time off)	
# Location of incidents that occurred:	
# On a military installation	
# Deployed to a combat zone or to an area where complainant drew imminent danger pay	
# During any type of military combat training	
# On TDY/TAD, at sea or during field exercises/alerts	
# During military occupational specialty school/technical training/advanced individual training	
# During recruit training/basic training	
# During the delayed entry program	
# During Officer Candidate or Training School/Basic or Advanced Officer Course	
# Non-military locale	
# State armories and reserve centers	
<b>F2. Substantiated Informal Complaints</b>	
# On Duty (i.e., during duty hours)	
# Off Duty (i.e., during time off)	
# Location of incidents that occurred:	
# On a military installation	
# Deployed to a combat zone or to an area where complainant drew imminent danger pay	
# During any type of military combat training	
# On TDY/TAD, at sea or during field exercises/alerts	
# During military occupational specialty school/technical training/advanced individual training	
# During recruit training/basic training	
# During the delayed entry program	
# During Officer Candidate or Training School/Basic or Advanced Officer Course	
# Non-military locale	
# State armories and reserve centers	

DATA COLLECTION TEMPLATE FOR SEXUAL HARASSMENT INCIDENTS

**Instructions:**

Enter appropriate number (#) in each column for the required fiscal year.

Where the information is available, but there are no numbers, write zero "0."

Where the information is not available, write "N/A."

The total number of complaints should equal the summed number of subcategories below each total (for example, the total number of formal complaints should equal the summed number of substantiated, unsubstantiated, and pending formal complaints).

**G. COMPLETED SEXUAL HARASSMENT INVESTIGATIONS**

**G1. Formal Complaints**

# Total investigations of formal complaints as of close of FY

# Investigations of formal complaints pending completion as of close of FY

# Completed investigations of formal complaints as of close of FY

**G2. Informal Complaints**

# Total investigations of informal complaints as of close of FY

# Informal complaint investigations pending completion as of close of FY

# Completed investigations of informal complaints as of close of FY

**H. FINAL DISPOSITION FOR OFFENDERS IN COMPLETED INVESTIGATIONS**

**H1. Formal Complaints**

# Offenders in formal complaints

# Offenders pending command action as of close of FY

# Offenders for whom command action was completed as of close of FY

# Courts-martial

# Non-judicial punishments

# Discharges in lieu of court-martial

# Discharges in lieu of disciplinary action

# Referred to agency outside of DoD

# Other adverse or administrative actions

**H2. Informal Complaints**

# Offenders in informal complaints

# Offenders pending command action as of close of FY

# Offenders for whom command action was completed as of close of FY

# Courts-martial

# Non-judicial punishments

# Discharges in lieu of court-martial

# Discharges in lieu of disciplinary action

# Referred to agency outside of DoD

# Other adverse or administrative actions

DATA COLLECTION TEMPLATE FOR SEXUAL HARASSMENT INCIDENTS

**Instructions:**

Enter appropriate number (#) in each column for the required fiscal year.

Where the information is available, but there are no numbers, write zero "0."

Where the information is not available, write "N/A."

The total number of complaints should equal the summed number of subcategories below each total (for example, the total number of formal complaints should equal the summed number of substantiated, unsubstantiated, and pending formal complaints).

**I. SUMMARY OF CHARACTERISTIC INFORMATION: FORMAL COMPLAINTS**

**II. Alleged Offender(s) by Grade and Gender**

# E1-E4:	
# E5-E9:	
# O1-O3:	
# O4-O6:	
# O7-O10:	
# DoD/Service civilian employee	
# GS 1 – 12	
# GS 13 – 15	
# SES	
# DoD/Service civilian contractor	
# Gender (male):	
# Gender (female):	

**II. Complainant(s) by Grade and Gender**

# E1-E4:	
# E5-E9:	
# O1-O3:	
# O4-O6:	
# O7-O10:	
# Gender (male):	
# Gender (female):	

**III. Identify Nature of Allegation(s)**

# Substantiated Incidents of Crude/Offensive Behavior	
# Substantiated Incidents of Unwanted Sexual Attention	
# Substantiated Incidents of Sexual Coercion	

**IV. Relationship of Alleged Offender to Complainant**

# Military coworker:	
# In chain of command:	
# Military subordinate:	
# Military person of higher rank/grade who was not in chain of command:	
# Other military person(s):	
# Person in the local community:	
# DoD/Service civilian employee(s):	
# GS 1 -12	
# GS 13 – 15	
# SES	
# DoD/Service civilian contractor(s):	
# Same unit:	
# Same gender:	
# Different gender:	

DATA COLLECTION TEMPLATE FOR SEXUAL HARASSMENT INCIDENTS

**Instructions:**  
 Enter appropriate number (#) in each column for the required fiscal year.  
 Where the information is available, but there are no numbers, write zero "0."  
 Where the information is not available, write "N/A."  
 The total number of complaints should equal the summed number of subcategories below each total (for example, the total number of formal complaints should equal the summed number of substantiated, unsubstantiated, and pending formal complaints).

**I5. Other Comments (e.g., appeals, remedies, management actions, victim assistance)**

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**J. SUMMARY OF CHARACTERISTIC INFORMATION: INFORMAL COMPLAINTS**

**J1. Alleged Offender(s) by Grade and Gender**

# E1-E4:	
# E5-E9:	
# O1-O3:	
# O4-O6:	
# O7-O10:	
# DoD/Service civilian employee	
# GS 1 -12	
# GS 13 – 15	
# SES	
# DoD/Service civilian contractor	
# Gender (male):	
# Gender (female):	

**J2. Complainant(s) by Grade and Gender**

# E1-E4:	
# E5-E9:	
# O1-O3:	
# O4-O6:	
# O7-O10:	
# Gender (male):	
# Gender (female):	

**J3. Identify Nature of Allegation(s)**

# Substantiated Incidents of Crude/Offensive Behavior	
# Substantiated Incidents of Unwanted Sexual Attention	
# Substantiated Incidents of Sexual Coercion	

DATA COLLECTION TEMPLATE FOR SEXUAL HARASSMENT INCIDENTS

**Instructions:**

Enter appropriate number (#) in each column for the required fiscal year.

Where the information is available, but there are no numbers, write zero "0."

Where the information is not available, write "N/A."

The total number of complaints should equal the summed number of subcategories below each total (for example, the total number of formal complaints should equal the summed number of substantiated, unsubstantiated, and pending formal complaints).

**J. SUMMARY OF CHARACTERISTIC INFORMATION: INFORMAL COMPLAINTS (Cont)**

**J4. Relationship of Alleged Offender to Complainant**

# Military coworker:	
# In chain of command:	
# Military subordinate:	
# Military person of higher rank/grade who was not in chain of command:	
# Other military person(s):	
# Person in the local community:	
# DoD/Service civilian employee(s):	
# GS 1 -12	
# GS 13 – 15	
# SES	
# DoD/Service civilian contractor(s):	
# Same unit:	
# Same gender:	
# Different gender:	

**J5. Other Comments (e.g., appeals, remedies, management actions, victim assistance)**

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**DATA COLLECTION TEMPLATE FOR SEXUAL HARASSMENT INCIDENTS**

<p><b>Instructions:</b>                  Enter appropriate number (#) in each column for the required fiscal year.                  Where the information is available, but there are no numbers, write zero "0."                  Where the information is not available, write "N/A."                  The total number of complaints should equal the summed number of subcategories below each total (for example, the total number of formal complaints should equal the summed number of substantiated, unsubstantiated, and pending formal complaints).</p>	
<p><b>K. INDIVIDUAL COMPLAINT REPORT INFORMATION (See Sheet 2: individual Reports)</b></p>	
<p><b>For EACH substantiated incident of sexual harassment (informal or formal complaint), record the information requested below:</b></p>	<p>See Sheet 2</p>
<p>K1. Complaint Identification Number</p>	<p>See Sheet 2</p>
<p>K2. What was the length of time between the incident and the formal report?</p>	<p>See Sheet 2</p>
<p>K3. Was the incident forwarded to the GCMCA within 72 hours?</p>	<p>See Sheet 2</p>
<p>K4. When did the incident occur:</p> <p style="padding-left: 20px;">On Duty, e.g., during duty hours</p> <p style="padding-left: 20px;">Off Duty, e.g., during time off</p>	<p>See Sheet 2</p> <p>See Sheet 2</p> <p>See Sheet 2</p>
<p>K5. Alleged Offender(s):</p> <p style="padding-left: 20px;">Grade (e.g., O-1, E-1, Active, or Reserve):</p> <p style="padding-left: 20px;">Gender:</p>	<p>See Sheet 2</p> <p>See Sheet 2</p> <p>See Sheet 2</p>
<p>K6. Complainant(s):</p> <p style="padding-left: 20px;">Grade (e.g., O-1, E-1, Active, or Reserve):</p> <p style="padding-left: 20px;">Gender:</p>	<p>See Sheet 2</p> <p>See Sheet 2</p> <p>See Sheet 2</p>
<p>K7. Identify Nature of Allegation(s):</p> <p style="padding-left: 20px;">Crude/Offensive Behavior _____</p> <p style="padding-left: 20px;">Unwanted Sexual Attention _____</p> <p style="padding-left: 20px;">Sexual Coercion _____</p> <p style="padding-left: 20px;">Other _____</p>	<p>See Sheet 2</p> <p>See Sheet 2</p> <p>See Sheet 2</p> <p>See Sheet 2</p> <p>See Sheet 2</p>
<p>K8. Relationship of alleged offender to complainant:</p> <p>1) Military co-worker</p> <p>2) In chain-of-command</p> <p>3) Military subordinate</p> <p>4) Military person of higher rank/grade not in chain-of- command</p> <p>5) Other military person(s)</p> <p>6) Person in local community</p> <p>7) DoD/Service civilian employee (s)</p> <p>8) DoD/Service civilian contractor(s)</p>	<p>See Sheet 2</p>

**DATA COLLECTION TEMPLATE FOR SEXUAL HARASSMENT INCIDENTS**

<b>Instructions:</b> Enter appropriate number (#) in each column for the required fiscal year. Where the information is available, but there are no numbers, write zero "0." Where the information is not available, write "N/A." The total number of complaints should equal the summed number of subcategories below each total (for example, the total number of formal complaints should equal the summed number of substantiated, unsubstantiated, and pending formal complaints).	
K9. Was the alleged offender assigned to the same unit as the complainant?	See Sheet 2
K10. Type of Disciplinary/Corrective Actions Taken For Substantiated Complaints (informal or formal) (e.g., court-martial, non-judicial punishment, discharge in lieu of court-martial, discharge in lieu of disciplinary action, other adverse or administrative action):	See Sheet 2
K11. Other Comments (e.g., appeals, remedies, management actions, victim assistance):	See Sheet 2

**L. ANALYSIS**

This section should be used to help provide a clear understanding of the relationship between the information and data displayed in the template. Examples would be to identify trends, anomalies, or factors bearing on Military Service, National Guard, or DoD policy guidance related to prevention of sexual harassment efforts. The remarks in this section may also include any pertinent information related to data collected regarding service members accused of multiple incidents of sexual harassment and explanations of gaps or missing data in your report resulting from existing Military Service and National Guard policies or procedures.

**M. DEFINITIONS**

Unless otherwise noted, these terms and respective definitions are for the purposes of this report.

**Crude/Offensive behavior:** Offensive or embarrassing verbal/nonverbal behaviors of a sexual nature.

**Fiscal Year:** 2013 (October 2012 – September 2013)

**Formal complaint:** In accordance with DoD Directive (DoDD) 1350.2, an allegation of sexual harassment that is submitted in writing to the authority designated for receipt of such complaints in Service implementing regulations.

**Informal complaint:** In accordance with DoDD 1350.2, an allegation of sexual harassment, made either orally or in writing that is not submitted as a formal complaint. For the purposes of this data collection, includes only informal complaints referred for investigation or inquiry.

**Location:** For purposes of location, please indicate where the incident occurred:

- on a military installation
- while the complainant was deployed to a combat zone or to an area where they drew imminent danger pay
- during any type of military combat training
- while they were on TDY/TAD, at sea or during field exercises/alerts
- during military occupational specialty school/technical training/advanced individual training
- during recruit training/basic training
- during the delayed entry program
- during Officer Candidate or Training School/Basic or Advanced Officer Course

## DATA COLLECTION TEMPLATE FOR SEXUAL HARASSMENT INCIDENTS

**Instructions:**

Enter appropriate number (#) in each column for the required fiscal year.

Where the information is available, but there are no numbers, write zero "0."

Where the information is not available, write "N/A."

The total number of complaints should equal the summed number of subcategories below each total (for example, the total number of formal complaints should equal the summed number of substantiated, unsubstantiated, and pending formal complaints).

non-military locale

state armories and reserve centers

**Sexual coercion:** Classic *quid pro quo* instances of special treatment or favoritism conditioned on sexual cooperation.

**Sexual harassment:** In accordance with DoDD 1350.2, a form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

Submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career, or

Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, or

Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

This definition of sexual harassment emphasizes that workplace conduct, to be actionable as "abusive work environment" harassment, need not result in concrete psychological harm to the victim, but rather need only be so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the work environment as hostile or offensive. ("Workplace" is an expansive term for military members and may include conduct on or off duty, 24 hours a day.) Any person in a supervisory or command position who uses or condones any form of sexual behavior to control, influence, or affect the career, pay, or job of a military or National Guard member or civilian employee is engaging in sexual harassment. Similarly, any military or National Guard member or civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature in the workplace is also engaging in sexual harassment.

**Unwanted sexual attention:** Unwanted attempts to establish a sexual relationship.

003001

K. INDIVIDUAL COMPLAINT REPORT INFORMATION							
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Complaint Identification Number	Days between incident & formal report	Forwarded to GCMCA	On- or off-duty	Offender Grade	Offender Gender	Complainant Grade	Complainant Gender
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Allegation	Relationship	Unit	Disciplinary/ Corrective Actions Taken	Other comments

Less Than 72 Hours  
Exactly 72 Hours  
More Than 72 Hours  
Unknown

On Duty (e.g., during duty hours)  
Off Duty (e.g., during time off)  
Unknown

E-1

E-2

E-3

E-4

E-5

E-6

E-7

E-8

E-9

W-1

W-2

W-3

W-4

W-5

O-1

O-2

O-3

O-4

O-5

O-6

O-7

O-8

O-9

O-10

Cadet

Midshipman

US Civilian

Foreign National

Foreign Military

Unknown

Multiple offenders

Male

Female

Unknown

Multiple offenders

003004

Crude/Offensive Behavior  
Unwanted Sexual Attention  
Sexual Coercion  
Unknown  
Other

Military co-worker  
In chain-of-command  
Military subordinate  
Military person of higher rank/grade not in chain-of- command  
Other military person(s)  
Person in local community  
DoD/Service civilian employee (s)  
DoD/Service civilian contractor(s)  
Unknown

Same unit  
Different unit  
Not applicable  
Unknown

Court-martial  
Non-judicial punishment  
Discharge in lieu of court-martial  
Discharge in lieu of disciplinary action  
Other adverse or administrative action  
Unknown

003005

**DATA COLLECTION TEMPLATE FOR SEXUAL HARASSMENT INCIDENTS**

Section 579(b) of the National Defense Authorization Act for Fiscal Year 2013 (NDAA FY 2013) requires the Secretary of Defense to collect and submit to Congress, by March 1, 2014, information and data on substantiated incidents of sexual harassment involving members of the Armed Forces for the preceding year, Fiscal Year 2013, as part of the report required pursuant to section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011.

- Instructions:**
- Enter appropriate number (#) in each column for the required fiscal year.
  - Where the information is available, but there are no numbers, write zero "0".
  - Where the information is not available, write "N/A."
  - The total number of complaints should equal the summed number of subcategories below each total (For example, the total number of formal complaints should equal the summed number of substantiated, unsubstantiated, and pending formal complaints).

**A. TOTAL NUMBER OF SEXUAL HARASSMENT COMPLAINTS**

<b>A1. Formal Complaints</b>	
# Total formal complaints	
# Substantiated formal complaints	
# Unsubstantiated formal complaints	
# Pending Formal complaints	
<b>A2. Informal Complaints</b>	
# Total informal complaints referred for investigation/inquiry	
# Substantiated informal complaints referred for investigation/inquiry	
# Unsubstantiated informal complaints referred for investigation/inquiry	
# Pending informal complaints referred for investigation/inquiry	

**B. COMPLAINTS INVOLVING THE SAME OFFENDER**

<b>B1. Formal Complaints</b>	
# Total formal complaints involving the same offender	
# Substantiated formal complaints involving the same offender	
# Unsubstantiated formal complaints involving the same offender	
# Pending formal complaints involving the same offender	
<b>B2. Informal Complaints</b>	
# Total informal complaints involving the same offender	
# Substantiated informal complaints involving the same offender	
# Unsubstantiated informal complaints involving the same offender	
# Pending informal complaints involving the same offender	

<b>C. NUMBER COMPLAINANTS AND OFFENDERS</b>	
<b>C1. Formal Complaints</b>	
# Formal complaint investigations with one complainant and one offender	
# Formal complaint investigations with one complainant and more than one offender	
# Formal complaint investigations with more than one complainant and one offender	
# Formal complaint investigations with more than one complainant and more than one offender	
<b>C2. Informal Complaints</b>	
# Informal complaint investigations with one complainant and one offender	
# Informal complaint investigations with one complainant and more than one offender	
# Informal complaint investigations with more than one complainant and one offender	
# Informal complaint investigations with more than one complainant and more than one offender	
<b>C3. Total</b>	
# Total alleged offenders in completed investigations (informal and formal)	

<b>D. NUMBER REPORTS SENT TO GENERAL COURT MARTIAL CONVENING AUTHORITY (GCMCA) FOR NOTIFICATION</b>	
# Total reports sent to GCMCA for notification	
# Reports sent to GCMCA within 72 Hours	
# Reports sent to GCMCA beyond 72 Hours	

<b>E. LENGTH OF TIME BETWEEN INCIDENT AND FORMAL REPORT FOR SUBSTANTIATED COMPLAINTS</b>	
<b>E1. Formal Complaints</b>	
# Total substantiated formal complaints (# from A1)	
# Substantiated formal complaints made less than 60 days following the incident	
# Substantiated formal complaints made more than 60 days following the incident	
# Unknown	
<b>E2. Informal Complaints</b>	
# Total substantiated informal complaints (# from A2)	
# Substantiated informal complaints made less than 60 days following the incident	
# Substantiated informal complaints made more than 60 days following the incident	
# Unknown	

<b>E. LOCATION OF SUBSTANTIATED COMPLAINTS</b>	
<b>F1. Substantiated Formal Complaints</b>	
# On Duty (i.e., during duty hours)	
# Off Duty (i.e., during time off)	
# Location of incidents that occurred:	
# On a military installation	
# Deployed to a combat zone or to an area where complainant drew imminent danger pay	
# During any type of military combat training	
# On TDY/TAD, at sea or during field exercises/alerts	
# During military occupational specialty school/technical training/advanced individual training	
# During recruit training/basic training	
# During the delayed entry program	
# During Officer Candidate or Training School/Basic or Advanced Officer Course	
# Non-military locale	
# State armories and reserve centers	
<b>F2. Substantiated Informal Complaints</b>	
# On Duty (i.e., during duty hours)	
# Off Duty (i.e., during time off)	
# Location of incidents that occurred:	
# On a military installation	
# Deployed to a combat zone or to an area where complainant drew imminent danger pay	
# During any type of military combat training	
# On TDY/TAD, at sea or during field exercises/alerts	
# During military occupational specialty school/technical training/advanced individual training	
# During recruit training/basic training	
# During the delayed entry program	
# During Officer Candidate or Training School/Basic or Advanced Officer Course	
# Non-military locale	
# State armories and reserve centers	

<b>G. COMPLETED SEXUAL HARASSMENT INVESTIGATIONS</b>	
<b>G1. Formal Complaints</b>	
# Total investigations of formal complaints as of close of FY	
# Investigations of formal complaints pending completion as of close of FY	
# Completed investigations of formal complaints as of close of FY	
<b>G2. Informal Complaints</b>	
# Total investigations of informal complaints as of close of FY	
# Informal complaint investigations pending completion as of close of FY	
# Completed investigations of informal complaints as of close of FY	

<b>H. FINAL DISPOSITION FOR OFFENDERS IN COMPLETED INVESTIGATIONS</b>	
<b>H1. Formal Complaints</b>	
# Offenders in formal complaints	
# Offenders pending command action as of close of FY	
# Offenders for whom command action was completed as of close of FY	
# Courts-martial	
# Non-judicial punishments	
# Discharges in lieu of court-martial	
# Discharges in lieu of disciplinary action	
# Referred to agency outside of DoD	
# Other adverse or administrative actions	
<b>H2. Informal Complaints</b>	
# Offenders in informal complaints	
# Offenders pending command action as of close of FY	
# Offenders for whom command action was completed as of close of FY	
# Courts-martial	
# Non-judicial punishments	
# Discharges in lieu of court-martial	
# Discharges in lieu of disciplinary action	
# Referred to agency outside of DoD	
# Other adverse or administrative actions	

<b>I. SUMMARY OF CHARACTERISTIC INFORMATION: FORMAL COMPLAINTS</b>	
<b>I1. Alleged Offender(s) by Grade and Gender</b>	
# E1-E4:	
# E5-E9:	
# O1-O3:	
# O4-O6:	
# O7-O10:	
# DoD/Service civilian employee	
# GS 1 -12	
# GS 13 – 15	
# SES	
# DoD/Service civilian contractor	
# Gender (male):	
# Gender (female):	
<b>I2. Complainant(s) by Grade and Gender</b>	
# E1-E4:	
# E5-E9:	
# O1-O3:	
# O4-O6:	
# O7-O10:	
# Gender (male):	
# Gender (female):	
<b>I3. Identify Nature of Allegation(s)</b>	
# Substantiated Incidents of Crude/Offensive Behavior	
# Substantiated Incidents of Unwanted Sexual Attention	
# Substantiated Incidents of Sexual Coercion	

**I. SUMMARY OF CHARACTERISTIC INFORMATION: FORMAL COMPLAINTS  
(CONTINUED)**

<b>I4. Relationship of Alleged Offender to Complainant</b>	
# Military coworker:	
# In chain of command:	
# Military subordinate:	
# Military person of higher rank/grade who was not in chain of command:	
# Other military person(s):	
# Person in the local community:	
# DoD/Service civilian employee(s):	
# GS 1 -12	
# GS 13 – 15	
# SES	
# DoD/Service civilian contractor(s):	
# Same unit:	
# Same gender:	
# Different gender:	
<b>I5. Other Comments (e.g., appeals, remedies, management actions, victim assistance)</b>	

**J. SUMMARY OF CHARACTERISTIC INFORMATION: INFORMAL COMPLAINTS**

<b>J1. Alleged Offender(s) by Grade and Gender</b>	
# E1-E4:	
# E5-E9:	
# O1-O3:	
# O4-O6:	
# O7-O10:	
# DoD/Service civilian employee	
# GS 1 -12	
# GS 13 – 15	
# SES	
# DoD/Service civilian contractor	
# Gender (male):	
# Gender (female):	

<b>J. SUMMARY OF CHARACTERISTIC INFORMATION: INFORMAL COMPLAINTS (CONTINUED)</b>	
<b>J2. Complainant(s) by Grade and Gender</b>	
# E1-E4:	
# E5-E9:	
# O1-O3:	
# O4-O6:	
# O7-O10:	
# Gender (male):	
# Gender (female):	
<b>J3. Identify Nature of Allegation(s)</b>	
# Substantiated Incidents of Crude/Offensive Behavior	
# Substantiated Incidents of Unwanted Sexual Attention	
# Substantiated Incidents of Sexual Coercion	
<b>J4. Relationship of Alleged Offender to Complainant</b>	
# Military coworker:	
# In chain of command:	
# Military subordinate:	
# Military person of higher rank/grade who was not in chain of command:	
# Other military person(s):	
# Person in the local community:	
# DoD/Service civilian employee(s):	
# GS 1 -12	
# GS 13 – 15	
# SES	
# DoD/Service civilian contractor(s):	
# Same unit:	
# Same gender:	
# Different gender:	
<b>J5. Other Comments (e.g., appeals, remedies, management actions, victim assistance)</b>	

<b>K. INDIVIDUAL COMPLAINT REPORT INFORMATION</b>	
<b>For EACH substantiated incident of sexual harassment (informal or formal complaint), record the information requested below:</b>	
K1. Complaint Identification Number	
K2. What was the length of time between the incident and the formal report?	
K3. Was the incident forwarded to the GCMCA within 72 hours?	
K4. When did the incident occur: On Duty, e.g., during duty hours Off Duty, e.g., during time off	
K5. Alleged Offender(s): Grade (e.g., O-1, E-1, Active, or Reserve): Gender:	
K6. Complainant(s): Grade (e.g., O-1, E-1, Active, or Reserve): Gender:	
K7. Identify Nature of Allegation(s): Crude/Offensive Behavior _____ Unwanted Sexual Attention _____ Sexual Coercion _____ Other _____	
K8. Relationship of alleged offender to complainant: 1) military co-worker; 2) in chain-of-command; 3) military subordinate; 4) military person of higher rank/grade not in chain-of-command; 5) other military person(s); 6) person in local community; 7) DoD/Service civilian employee (s); 8) DoD/Service civilian contractor(s)	
K9. Was the alleged offender assigned to the same unit as the complainant?	
K10. Type of Disciplinary/Corrective Actions Taken For Substantiated Complaints (informal or formal) (e.g., court-martial, non-judicial punishment, discharge in lieu of court-martial, discharge in lieu of disciplinary action, other adverse or administrative action):	
K11. Other Comments (e.g., appeals, remedies, management actions, victim assistance):	

**L. ANALYSIS**

This section should be used to help provide a clear understanding of the relationship between the information and data displayed in the template. Examples would be to identify trends, anomalies, or factors bearing on Military Service, National Guard, or DoD policy guidance related to prevention of sexual harassment efforts. The remarks in this section may also include any pertinent information related to data collected regarding service members accused of multiple incidents of sexual harassment and explanations of gaps or missing data in your report resulting from existing Military Service and National Guard policies or procedures.



## **M. DEFINITIONS:**

Unless otherwise noted, these terms and respective definitions are for the purposes of this report.

Crude/Offensive behavior: Offensive or embarrassing verbal/nonverbal behaviors of a sexual nature.

Fiscal Year: 2013 (October 2012 – September 2013)

Formal complaint: In accordance with DoD Directive (DoDD) 1350.2, an allegation of sexual harassment that is submitted in writing to the authority designated for receipt of such complaints in Service implementing regulations.

Informal complaint: In accordance with DoDD 1350.2, an allegation of sexual harassment, made either orally or in writing that is not submitted as a formal complaint. For the purposes of this data collection, includes only informal complaints referred for investigation or inquiry.

Location: For purposes of location, please indicate where the incident occurred:

- on a military installation
- while the complainant was deployed to a combat zone or to an area where they drew imminent danger pay
- during any type of military combat training
- while they were on TDY/TAD, at sea or during field exercises/alerts
- during military occupational specialty school/technical training/advanced individual training
- during recruit training/basic training
- during the delayed entry program
- during Officer Candidate or Training School/Basic or Advanced Officer Course
- non-military locale
- state armories and reserve centers

Sexual coercion: Classic *quid pro quo* instances of special treatment or favoritism conditioned on sexual cooperation.

Sexual harassment: In accordance with DoDD 1350.2, a form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career, or
- Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

This definition of sexual harassment emphasizes that workplace conduct, to be actionable as "abusive work environment" harassment, need not result in concrete psychological harm to the victim, but rather need only be so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the work environment as hostile or offensive. ("Workplace" is an expansive term for military members and may include conduct on or off duty, 24 hours a day.) Any person in a supervisory or command position who uses or condones any form of sexual behavior to control, influence, or affect the career, pay, or job of a military or National Guard member or civilian employee is engaging in sexual harassment. Similarly, any military or National Guard member or civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature in the workplace is also engaging in sexual harassment.

Unwanted sexual attention: Unwanted attempts to establish a sexual relationship.

# Department of Defense

## Data Collection Plan For Substantiated Incidents of Sexual Harassment in the Armed Forces

In Response to  
Section 579(b) of the National Defense Authorization Act for  
Fiscal Year 2013



### Fiscal Year 2013

The estimated cost of this report or study for the Department of Defense will be reported to Congress Annually as part of the DoD annual sexual assault report, in DoD labor.

## **EXECUTIVE SUMMARY**

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Section 579(b) of the National Defense Authorization Act for Fiscal Year 2013 (NDAA FY 2013) provided that the Secretary of Defense to submit a plan, by June 1, 2013, "to collect information and data regarding substantiated incidents of sexual harassment involving members of the Armed Forces. The plan shall specifically deal with the need to identify cases in which a member is accused of multiple incidents of sexual harassment." The Department submits this "*Data Collection Plan For Substantiated Incidents of Sexual Harassment in the Armed Forces,*" (Data Collection Plan) to meet the requirement.

The Department fully understands and appreciates the importance of developing a Data Collection Plan to collect data on incidents of sexual harassment in the Armed Forces and assessing the need to identify Service members accused of multiple sexual harassment complaints. Analysis of sexual harassment incident data will inform DoD prevention efforts by identifying organizational factors contributing to a prevalence for sexual harassment and assault. The Data Collection Plan supports proactive steps to reduce and eliminate sexual harassment and sexual assault.

Since prevention of sexual harassment and assault falls under the purview of the Under Secretary of Defense for Personnel and Readiness, USD(P&R), the Data Collection Plan calls on the USD(P&R) to issue the memorandum and collection template in Sections 3 and 4 to solicit specific information on sexual harassment incidents from the military departments and the National Guard Bureau. The DoD report will be finalized and submitted to the USD(P&R) by April 30 for the preceding fiscal year for inclusion as part of the DoD annual report on sexual assault in the military according to section 579 of the NDAA FY 2013.

### **1. BACKGROUND**

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In 2011, the Government Accountability Office (GAO) authored *Preventing Sexual Harassment: DoD Needs Greater Leadership Commitment and an Oversight Framework*. In that report, the GAO found, "DoD's available data for complaints of sexual harassment is incomplete and inconsistent." GAO identified inconsistencies with the data reported, "such as data on the rank and pay grade of the individuals involved." Consequently, the Department understands and appreciates the importance of collecting the requested data pursuant to section 579(b) of the NDAA FY 2013.

In response to the sexual harassment collection plan requirement, representatives responsible for the prevention of sexual harassment in the military from the Office of the Secretary of Defense (OSD), each military department, and the National Guard Bureau formed a working group that met regularly to develop the DoD Data Collection Plan. Beginning in March 2013, the working group reviewed the current state of data available for collection, possible methods of data collection, reporting capabilities, and how to assess the need for identifying members accused of multiple incidents or sexual harassment. The early meetings considered the potential impact of sequestration and produced the assumptions described in Section 2.

## **2. FACTS AND ASSUMPTIONS**

The plan will leverage existing OSD, Military Service, and National Guard Bureau resources for the collection of sexual harassment data and information on incidents.

This plan will produce data and information for the preceding year to be included as part of the reports required to be submitted in 2014 pursuant to section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 10 U.S.C. 1561 note).

Incidents of sexual harassment will be defined as a form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career, or
- Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

## **3. MEMORANDUM TO THE SECRETARIES OF THE MILITARY DEPARTMENTS AND THE CHIEF OF THE NATIONAL GUARD BUREAU**

Prevention of sexual harassment falls under the purview of the Under Secretary of Defense for Personnel and Readiness, USD(P&R). The Data Collection Plan calls for the USD(P&R) to solicit specific information on sexual harassment incidents from the Military Services and the National Guard Bureau.

The memorandum requests the Military Services and the National Guard Bureau to submit aggregate data on sexual harassment complaints to include incidents forwarded to senior leaders; processing timelines; location of incidents; status of investigations; final dispositions and corrective actions; demographics of involved parties; and a Military Service or National Guard Bureau analysis of the information.

The information from the Military Services and the National Guard Bureau will be used to compile the DoD report, which will be finalized and submitted to the USD(P&R) by March 1 for the preceding fiscal year and included as part of the DoD annual report on sexual assault in the military according to section 579(b) of the NDAA FY 2013 legislation.

The USD(P&R) memorandum and data collection template are at Appendices A and B, respectively.

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#### **4. METHOD OF COLLECTION**

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The Military Services and the National Guard Bureau will collect the sexual harassment incident information and data manually according to the data collection template instructions and definitions at Appendix B. through the use of Microsoft EXCEL.

#### **5. ATTACHMENTS**

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Appendix A. Under Secretary of Defense (Personnel and Readiness) Memorandum, SUBJECT:  
Information and Data on Substantiated Incidents of Sexual Harassment

Appendix B. Data Collection Template for Sexual harassment Incidents

# APPENDIX A



PERSONNEL AND  
READINESS

UNDER SECRETARY OF DEFENSE  
4000 DEFENSE PENTAGON  
WASHINGTON, D.C. 20301-4000

MEMORANDUM FOR THE SECRETARIES OF THE MILITARY DEPARTMENTS  
CHIEF OF THE NATIONAL GUARD BUREAU

SUBJECT: Information and Data on Substantiated Incidents of Sexual Harassment

This memorandum directs the collection of information and data on substantiated incidents of sexual harassment including identification of Service members accused of multiple sexual harassment complaints pursuant to section 579(b) of the National Defense Authorization Act for Fiscal Year 2013 (NDAA FY 2013).

Section 579(b) of NDAA FY 2013 requires the Secretary of Defense to collect and submit to Congress, by March 1, 2014, information and data on substantiated incidents of sexual harassment involving members of the Armed Forces for the preceding year, Fiscal Year 2013, as part of the report required by section 1631 of the Ike Skelton National Defense Authorization.

I request that you complete the attached data call collection template supporting the NDAA FY 2013 legislative requirement for the fiscal year ending September 30, 2013. Please provide your draft analysis and data report to the Office of Diversity Management and Equal Opportunity (ODMEO) no later than January 15, 2014, and submit your final report no later than March 1, 2014. ODMEO will forward the template to you in electronic format to facilitate your analysis and data collection efforts.

Mr. Clarence Johnson, Director, ODMEO, is my point of contact for additional information. Mr. Johnson can be reached by telephone at (703) 571-9321 or at e-mail [clarence.johnson@osd.mil](mailto:clarence.johnson@osd.mil).

Jessica L. Wright  
Acting

Attachment:  
As stated

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# APPENDIX B

## DATA COLLECTION TEMPLATE FOR SEXUAL HARASSMENT INCIDENTS

Section 579(b) of the National Defense Authorization Act for Fiscal Year 2013 (NDAA FY 2013) requires the Secretary of Defense to collect and submit to Congress, by March 1, 2014, information and data on substantiated incidents of sexual harassment involving members of the Armed Forces for the preceding year, Fiscal Year 2013, as part of the report required pursuant to section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011.

**Instructions:**

- Enter appropriate number (#) in each column for the required fiscal year.
- Where the information is available, but there are no numbers, write zero "0".
- Where the information is not available, write "N/A."
- The total number of complaints should equal the summed number of subcategories below each total (For example, the total number of formal complaints should equal the summed number of substantiated, unsubstantiated, and pending formal complaints).

**A. TOTAL NUMBER OF SEXUAL HARASSMENT COMPLAINTS**

<b>A1. Formal Complaints</b>	
# Total formal complaints	
# Substantiated formal complaints	
# Unsubstantiated formal complaints	
# Pending Formal complaints	
<b>A2. Informal Complaints</b>	
# Total informal complaints referred for investigation/inquiry	
# Substantiated informal complaints referred for investigation/inquiry	
# Unsubstantiated informal complaints referred for investigation/inquiry	
# Pending informal complaints referred for investigation/inquiry	

**B. COMPLAINTS INVOLVING THE SAME OFFENDER**

<b>B1. Formal Complaints</b>	
# Total formal complaints involving the same offender	
# Substantiated formal complaints involving the same offender	
# Unsubstantiated formal complaints involving the same offender	
# Pending formal complaints involving the same offender	
<b>B2. Informal Complaints</b>	
# Total informal complaints involving the same offender	
# Substantiated informal complaints involving the same offender	
# Unsubstantiated informal complaints involving the same offender	
# Pending informal complaints involving the same offender	

<b>G. NUMBER COMPLAINANTS AND OFFENDERS</b>	
<b>C1. Formal Complaints.</b>	
# Formal complaint investigations with one complainant and one offender	
# Formal complaint investigations with one complainant and more than one offender	
# Formal complaint investigations with more than one complainant and one offender	
# Formal complaint investigations with more than one complainant and more than one offender	
<b>C2. Informal Complaints</b>	
# Informal complaint investigations with one complainant and one offender	
# Informal complaint investigations with one complainant and more than one offender	
# Informal complaint investigations with more than one complainant and one offender	
# Informal complaint investigations with more than one complainant and more than one offender	
<b>C3. Total</b>	
# Total alleged offenders in completed investigations (informal and formal)	

<b>D. NUMBER REPORTS FORWARDED TO GENERAL COURT MARTIAL CONVENING AUTHORITY (GCMCA)</b>	
# Total reports forwarded to GCMCA	
# Reports forwarded to GCMCA within 72 Hours	
# Reports forwarded to GCMCA beyond 72 Hours	

<b>E. LENGTH OF TIME BETWEEN INCIDENT AND FORMAL REPORT FOR SUBSTANTIATED COMPLAINTS</b>	
<b>E1. Formal Complaints</b>	
# Total substantiated formal complaints (# from A1)	
# Substantiated formal complaints made less than 60 days following the incident	
# Substantiated formal complaints made more than 60 days following the incident	
# Unknown	
<b>E2. Informal Complaints</b>	
# Total substantiated informal complaints (# from A2)	
# Substantiated informal complaints made less than 60 days following the incident	
# Substantiated informal complaints made more than 60 days following the incident	
# Unknown	

<b>F. LOCATION OF SUBSTANTIATED COMPLAINTS</b>	
<b>F1. Substantiated Formal Complaints</b>	
# On Duty (i.e., during duty hours)	
# Off Duty (i.e., during time off)	
# Location of incidents that occurred:	
# On a military installation	
# Deployed to a combat zone or to an area where complainant drew imminent danger pay	
# During any type of military combat training	
# On TDY/TAD, at sea or during field exercises/alerts	
# During military occupational specialty school/technical training/advanced individual training	
# During recruit training/basic training	
# During the delayed entry program	
# During Officer Candidate or Training School/Basic or Advanced Officer Course	
# Non-military locale	
# State armories and reserve centers	
<b>F2. Substantiated Informal Complaints</b>	
# On Duty (i.e., during duty hours)	
# Off Duty (i.e., during time off)	
# Location of incidents that occurred:	
# On a military installation	
# Deployed to a combat zone or to an area where complainant drew imminent danger pay	
# During any type of military combat training	
# On TDY/TAD, at sea or during field exercises/alerts	
# During military occupational specialty school/technical training/advanced individual training	
# During recruit training/basic training	
# During the delayed entry program	
# During Officer Candidate or Training School/Basic or Advanced Officer Course	
# Non-military locale	
# State armories and reserve centers	

<b>G. COMPLETED SEXUAL HARASSMENT INVESTIGATIONS</b>	
<b>G1. Formal Complaints</b>	
# Total investigations of formal complaints as of close of FY	
# Investigations of formal complaints pending completion as of close of FY	
# Completed investigations of formal complaints as of close of FY	
<b>G2. Informal Complaints</b>	
# Total investigations of informal complaints as of close of FY	
# Informal complaint investigations pending completion as of close of FY	
# Completed investigations of informal complaints as of close of FY	

<b>H. FINAL DISPOSITION FOR OFFENDERS IN COMPLETED INVESTIGATIONS</b>	
<b>H1. Formal Complaints</b>	
# Offenders in formal complaints	
# Offenders pending command action as of close of FY	
# Offenders for whom command action was completed as of close of FY	
# Courts-martial	
# Non-judicial punishments	
# Discharges in lieu of court-martial	
# Discharges in lieu of disciplinary action	
# Referred to agency outside of DoD	
# Other adverse or administrative actions	
<b>H2. Informal Complaints</b>	
# Offenders in informal complaints	
# Offenders pending command action as of close of FY	
# Offenders for whom command action was completed as of close of FY	
# Courts-martial	
# Non-judicial punishments	
# Discharges in lieu of court-martial	
# Discharges in lieu of disciplinary action	
# Referred to agency outside of DoD	
# Other adverse or administrative actions	

<b>I. SUMMARY OF CHARACTERISTIC INFORMATION: FORMAL COMPLAINTS</b>	
<b>I1. Alleged Offender(s) by Grade and Gender</b>	
# E1-E4:	
# E5-E9:	
# O1-O3:	
# O4-O6:	
# O7-O10:	
# DoD/Service civilian employee	
# GS 1 -12	
# GS 13 - 15	
# SES	
# DoD/Service civilian contractor	
# Gender (male):	
# Gender (female):	
<b>I2. Complainant(s) by Grade and Gender</b>	
# E1-E4:	
# E5-E9:	
# O1-O3:	
# O4-O6:	
# O7-O10:	
# Gender (male):	
# Gender (female):	
<b>I3. Identify Nature of Allegation(s)</b>	
# Substantiated Incidents of Crude/Offensive Behavior	
# Substantiated Incidents of Unwanted Sexual Attention	
# Substantiated Incidents of Sexual Coercion	

<b>I. SUMMARY OF CHARACTERISTIC INFORMATION: FORMAL COMPLAINTS (CONTINUED)</b>	
<b>I4. Relationship of Alleged Offender to Complainant</b>	
# Military coworker:	
# In chain of command:	
# Military subordinate:	
# Military person of higher rank/grade who was not in chain of command:	
# Other military person(s):	
# Person in the local community:	
# DoD/Service civilian employee(s):	
# GS 1 -12	
# GS 13 - 15	
# SES	
# DoD/Service civilian contractor(s):	
# Same unit:	
# Same gender:	
# Different gender:	
<b>I5. Other Comments (e.g., appeals, remedies, management actions, victim assistance)</b>	

<b>J. SUMMARY OF CHARACTERISTIC INFORMATION: INFORMAL COMPLAINTS</b>	
<b>J1. Alleged Offender(s) by Grade and Gender</b>	
# E1-E4:	
# E5-E9:	
# O1-O3:	
# O4-O6:	
# O7-O10:	
# DoD/Service civilian employee	
# GS 1 -12	
# GS 13 - 15	
# SES	
# DoD/Service civilian contractor	
# Gender (male):	
# Gender (female):	

<b>J. SUMMARY OF CHARACTERISTIC INFORMATION: INFORMAL COMPLAINTS (CONTINUED)</b>	
<b>J2. Complainant(s) by Grade and Gender</b>	
# E1-E4:	
# E5-E9:	
# O1-O3:	
# O4-O6:	
# O7-O10:	
# Gender (male):	
# Gender (female):	
<b>J3. Identify Nature of Allegation(s)</b>	
# Substantiated Incidents of Crude/Offensive Behavior	
# Substantiated Incidents of Unwanted Sexual Attention	
# Substantiated Incidents of Sexual Coercion	
<b>J4. Relationship of Alleged Offender to Complainant</b>	
# Military coworker:	
# In chain of command:	
# Military subordinate:	
# Military person of higher rank/grade who was not in chain of command:	
# Other military person(s):	
# Person in the local community:	
# DoD/Service civilian employee(s):	
# GS 1 -12	
# GS 13 - 15	
# SES	
# DoD/Service civilian contractor(s):	
# Same unit:	
# Same gender:	
# Different gender:	
<b>J5. Other Comments (e.g., appeals, remedies, management actions, victim assistance)</b>	

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K2. What was the length of time between the incident and the formal report?	
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K4. When did the incident occur: On Duty, e.g., during duty hours Off Duty, e.g., during time off	
K5. Alleged Offender(s): Grade (e.g., O-1, E-1, Active, or Reserve): Gender:	
K6. Complainant(s): Grade (e.g., O-1, E-1, Active, or Reserve): Gender:	
K7. Identify Nature of Allegation(s): Crude/Offensive Behavior _____ Unwanted Sexual Attention _____ Sexual Coercion _____ Other _____	
K8. Relationship of alleged offender to complainant: 1) military co-worker; 2) in chain-of-command; 3) military subordinate; 4) military person of higher rank/grade not in chain-of-command; 5) other military person(s); 6) person in local community; 7) DoD/Service civilian employee (s); 8) DoD/Service civilian contractor(s)	
K9. Was the alleged offender assigned to the same unit as the complainant?	
K10. Type of Disciplinary/Corrective Actions Taken For Substantiated Complaints (informal or formal) (e.g., court-martial, non-judicial punishment, discharge in lieu of court-martial, discharge in lieu of disciplinary action, other adverse or administrative action):	
K11. Other Comments (e.g., appeals, remedies, management actions, victim assistance):	

**L. ANALYSIS**

This section should be used to help provide a clear understanding of the relationship between the information and data displayed in the template. Examples would be to identify trends, anomalies, or factors bearing on Military Service, National Guard, or DoD policy guidance related to prevention of sexual harassment efforts. The remarks in this section may also include any pertinent information related to data collected regarding service members accused of multiple incidents of sexual harassment and explanations of gaps or missing data in your report resulting from existing Military Service and National Guard policies or procedures.

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**Fiscal Year:** 2013 (October 2012 – September 2013)

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**Informal complaint:** In accordance with DoDD 1350.2, an allegation of sexual harassment, made either orally or in writing that is not submitted as a formal complaint. For the purposes of this data collection, includes only informal complaints referred for investigation or inquiry.

**Location:** For purposes of location, please indicate where the incident occurred:

- on a military installation
- while the complainant was deployed to a combat zone or to an area where they drew imminent danger pay
- during any type of military combat training
- while they were on TDY/TAD, at sea or during field exercises/alerts
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- during Officer Candidate or Training School/Basic or Advanced Officer Course
- non-military locale
- state armories and reserve centers

**Sexual coercion:** Classic *quid pro quo* instances of special treatment or favoritism conditioned on sexual cooperation.

**Sexual harassment:** In accordance with DoDD 1350.2, a form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career, or
- Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

This definition of sexual harassment emphasizes that workplace conduct, to be actionable as "abusive work environment" harassment, need not result in concrete psychological harm to the victim, but rather need only be so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the work environment as hostile or offensive. ("Workplace" is an expansive term for military members and may include conduct on or off duty, 24 hours a day.) Any person in a supervisory or command position who uses or condones any form of sexual behavior to control, influence, or affect the career, pay, or job of a military or National Guard member or civilian employee is engaging in sexual harassment. Similarly, any military or National Guard member or civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature in the workplace is also engaging in sexual harassment.

Unwanted sexual attention: Unwanted attempts to establish a sexual relationship.



PERSONNEL AND  
READINESS

UNDER SECRETARY OF DEFENSE  
4000 DEFENSE PENTAGON  
WASHINGTON, D.C. 20301-4000

AUG 30 2013

The Honorable Howard P. "Buck" McKeon  
Chairman  
Committee on Armed Services  
U.S. House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

The Department of Defense is committed to providing an environment free of sexist behaviors, sexual harassment and sexual assault, and to ensuring all members of the Department are treated with dignity and respect. As such and in compliance with section 579(b) of the National Defense Authorization Act for Fiscal Year 2013, enclosed is the "Department of Defense Data Collection Plan For Substantiated Incidents of Sexual Harassment."

The Department also realizes the importance of developing a plan to collect data on substantiated incidents of sexual harassment in the Armed Forces. Each of the military departments and the National Guard Bureau collaborated on the development of the enclosed plan. The plan includes details of the information that will be collected on substantiated incidents of sexual harassment and a method of collection that will enable accurate reporting.

Thank you for your continued interest in strengthening the program to prevent sexual harassment in the military departments and the National Guard Bureau. I am sending a similar letter to the Chairman of the Senate Committee on Armed Services.

Sincerely,

  
Jessica L. Wright  
Acting

Enclosure:  
As stated

cc:  
The Honorable Adam Smith  
Ranking Member

003034



PERSONNEL AND  
READINESS

UNDER SECRETARY OF DEFENSE  
4000 DEFENSE PENTAGON  
WASHINGTON, D.C. 20301-4000

AUG 30 2013

The Honorable Carl Levin  
Chairman  
Committee on Armed Services  
United States Senate  
Washington, DC 20510

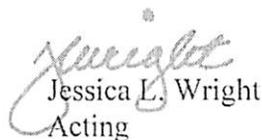
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Sincerely,

  
Jessica L. Wright  
Acting

Enclosure:  
As stated

cc:  
The Honorable James M. Inhofe  
Ranking Member

003035



PERSONNEL AND  
READINESS

UNDER SECRETARY OF DEFENSE  
4000 DEFENSE PENTAGON  
WASHINGTON, D.C. 20301-4000

AUG 30 2013

MEMORANDUM FOR THE SECRETARIES OF THE MILITARY DEPARTMENTS  
CHIEF OF THE NATIONAL GUARD BUREAU

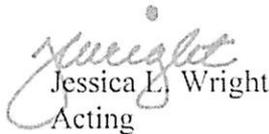
SUBJECT: Information and Data on Substantiated Incidents of Sexual Harassment

This memorandum directs the collection of information and data on substantiated incidents of sexual harassment including identification of Service members accused of multiple sexual harassment complaints pursuant to section 579(b) of the National Defense Authorization Act for Fiscal Year 2013 (NDAA FY 2013).

Section 579(b) of NDAA FY 2013 requires the Secretary of Defense to collect and submit to Congress, by March 1, 2014, information and data on substantiated incidents of sexual harassment involving members of the Armed Forces for the preceding year, Fiscal Year 2013, as part of the report required by section 1631 of the Ike Skelton National Defense Authorization.

I request that you complete the attached data call collection template supporting the NDAA FY 2013 legislative requirement for the fiscal year ending September 30, 2013. Please provide your draft analysis and data report to the Office of Diversity Management and Equal Opportunity (ODMEO) no later than January 15, 2014, and submit your final report no later than March 1, 2014. ODMEO will forward the template to you in electronic format to facilitate your analysis and data collection efforts.

Mr. Clarence Johnson, Director, ODMEO, is my point of contact for additional information. Mr. Johnson can be reached by telephone at (703) 571-9321 or at e-mail [clarence.johnson@osd.mil](mailto:clarence.johnson@osd.mil).

  
Jessica L. Wright  
Acting

Attachment:  
As stated

003036