Report *of*
THE DEFENSE TASK FORCE
on

Sexual Harassment & Violence at the Military Service Academies

June 2005

DEFENSE TASK FORCE ON SEXUAL HARASSMENT & VIOLENCE AT THE MILITARY SERVICE ACADEMIES

June 30, 2005

Honorable Donald H. Rumsfeld
Secretary of Defense
The Pentagon
Washington, D.C. 20301

Dear Secretary Rumsfeld:

We are pleased to submit the report of the Defense Task Force on Sexual Harassment and Violence at the Military Service Academies. This report fulfills the requirements of Section 526 of Public Law 108-136, the National Defense Authorization Act for 2004, and the guidance provided in your charge. The report constitutes a substantial effort by a dedicated group representing all of the Military Services along with experts and leaders from the civilian sector. Our collective wisdom is reflected in findings and recommendations that we believe provide you the pathway to significantly reducing sexual harassment and violence at all the Academies.

Our assessment found the Academies had been actively addressing these issues prior to the Task Force's assessment. We applaud their efforts, but underscore the fact that understanding the human, environmental and cultural dynamics associated with sexual harassment and violence requires expertise beyond that available within the Academies. Our recommendations outline areas that need improvement – from as far ranging as statutory reforms to as simple as improving safety measures in the living spaces. It will take significant resources to implement our recommendations, but we believe that investment is essential if the Academies are to resolve these issues. We expect an increase in reporting of sexual assaults by cadets and midshipmen as these recommendations are implemented, indicating that assault victims are placing confidence and trust in the new processes and programs.

We thank all those who supported this effort – the Academies themselves, your staff, and the many private citizens who contributed their time and resources to this report.

The men and women of the Naval Academy and the Military Academy are committed to their calling of service to our country. They deserve to be trained and educated in an environment that is free of sexual harassment and assault. It will take a continuous, dedicated effort to achieve this goal. The recommendations included here are a substantial step in that direction, but the changes proposed will only be successful if they are institutionalized by both the Academy leadership and the cadets and midshipmen themselves.

Sincerely,

VADM G. L. Hoewing, USN
Task Force Co-Chairman

Delilah Rumburg
Task Force Co-Chairman

DEFENSE TASK FORCE ON SEXUAL HARASSMENT AND VIOLENCE AT THE MILITARY SERVICE ACADEMIES

To the Senate Armed Services Committee
To the House Armed Services Committee
To the Secretary of Defense

We, the appointed members of the Defense Task Force on Sexual Harassment and Violence at the Military Service Academies, do hereby submit the results of our findings and offer our best recommendations to improve the policies, procedures and climate at the Academies.

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Table of Contents

Executive Summary ES-1

Chapter 1: Introduction 1
Legislative Origin and Requirements 1
Methodology 1
Relevant Reports Concerning Sexual Misconduct and the Service Academies 3
Related Efforts 4

Chapter 2: Confidentiality: More than a Victim's Issue 7

Chapter 3: Service Academy Culture: The Real Challenge 8

Chapter 4: Overview of Sexual Harassment and Assault Resources at the Academies 11
Victims' Rights and Support 11
Offender Accountability 14
Data Collection and Case Management Tracking 16
Training and Education 16
Prevention 17
Coordination between Military and Civilian Communities 19
Preparatory Schools 20

Chapter 5: Task Force Findings and Recommendations 21
Service Academy Culture 21
Victims' Rights and Support 25
Offender Accountability 31
Data Collection and Case Management Tracking 35
Training and Education 37
Prevention 42
Coordination between Military and Civilian Communities 45
Preparatory Schools 46

Appendices A-1
A. H.R.1588: National Defense Authorization Act for Fiscal Year 2004, Sec 526 ..... A-1
B. Secretary of Defense Charge to Move Forward A-3
C. Data Call Request A-5
D. Current Sex-Related Crimes Under the UCMJ A-13
E. Center for Personal Development Informed Consent Form A-16
F. Task Force Composition and Acknowledgements A-20
G. Glossary of Terms A-22
H. Listing of Tables and Figures A-23

Notes N-1

Executive Summary

This Executive Summary briefly highlights key findings and recommendations in this report. For a full exposition of findings and recommendations, see Chapter 5.

Task Force Charter

The Task Force on Sexual Harassment and Violence at the Military Service Academies was established on September 23, 2004, pursuant to Section 526 of Public Law 108-136, the National Defense Authorization Act for Fiscal Year 2004. Congress directed the Task Force to assess and make recommendations concerning how the Departments of the Army and the Navy may more effectively address sexual harassment and assault at the United States Military Academy and the United States Naval Academy. The Task Force consists of six members from the four branches of the Armed Forces and six members from the civilian community.

Methodology

In creating this report the Task Force gathered information by conducting site visits; communicating with numerous individuals, including victims; reviewing the Department of Defense survey data; reviewing Academy and Service policies, reports, and data; consulting with subject matter experts; and communicating with related committees and task forces. The report was generated through a series of subcommittee and full Task Force meetings, a reference to the ecological model of public health, and a thorough review of reports, studies, and articles related to sexual harassment and assault.

Service Academy Culture

The existence of sexual harassment and assault is an inherent contradiction to the spirit of the Academies that strives to and succeeds in creating strong commitments to honor and service. This contradiction is a product of complex and dynamic factors that influence the attitudes and behaviors of cadets and midshipmen. Historically, sexual harassment and sexual assault have been inadequately addressed at both Academies. Harassment is the more prevalent and corrosive problem, creating an environment in which sexual assault is more likely to occur. Although progress has been made, hostile attitudes and inappropriate actions toward women, and the toleration of these by some cadets and midshipmen, continue to hinder the establishment of a safe and professional environment in which to prepare future military officers.

Much of the solution to preventing this behavior rests with cadets and midshipmen themselves. They must understand that the obligation not to engage in or tolerate sexually harassing behavior is a values and leadership issue. Sexual harassment and assault are fundamentally at odds with the obligation of men and women in uniform to treat all with dignity and respect. Those who seek to be future leaders in the Armed Services are obligated to uphold standards—not only in their own conduct but also in their response to the conduct of others. Cadets and midshipmen who observe harassing behavior and fail to intervene and correct it, in effect, condone that behavior. This tolerance, even if only by a few, of the attitudes demonstrated by offenders, undermines the standards essential to successful leadership development. Accordingly, **midshipmen and cadets must assume more responsibility for holding others accountable by intervening, confronting, and correcting each other for failure to live up to the required standards.**

The Task Force also found that because female service members are a minority, are excluded from some of the highly regarded combat specialties, and are held to different physical fitness standards, some in the Academy communities do not value women as highly as men. Accordingly, the Task Force recommends: **Increase the number and visibility of female officers and Non-Commissioned Officers (NCOs) in key positions to serve as role models for both male and female cadets and midshipmen. Increase the percentage of women cadets and midshipmen at the Academies within current service operational constraints. Ensure consistent opportunities for women to be involved in leadership and Academy decision making, e.g. academic boards and admission boards.**

The Task Force concludes **the leadership, staff, faculty, cadets and midshipmen must model behaviors that reflect and positively convey the value of women in the military. In addition we recommend the Academies use modern survey and management tools on a permanent basis to provide information to oversight bodies.**

Confidentiality

Confidentiality is a complicated matter with numerous implications for both victims and commanders, as evidenced by the extended debate within the Department of Defense prior to the approval of the new confidentiality policy. Confidentiality, as used in this report, refers to the privileged communications between victims of sexual assault and specified care providers and counselors. Confidentiality supports the provision of timely and meaningful assistance to victims following a sexual assault. Privileged communication, however, is an issue of extreme importance for commanders, not just victims. Commanders have principal responsibility for ensuring appropriate care of victims, as well as for investigating and holding accountable those who have committed the related misconduct. In our view, commanders can do neither effectively without a privileged reporting and counseling channel in place. The requirement that military medical facilities report cases of sexual assault is but one example of the problems associated with a lack of confidentiality under current military regulations. This requirement may inhibit a victim from seeking necessary medical care and lessen the likelihood the victim will report the assault. Accordingly, the Task Force recommends: **Congress should create a statutory privilege protecting communications made by victims of sexual assault to health care providers and victim advocates. This privilege should extend to both medical and mental health care providers and to those victim advocates designated and trained to perform that duty in a manner prescribed by DoD regulation.**

Victims' Rights and Support

The *Office of the Inspector General of the Department of Defense's Report on the Service Academy Sexual Assault and Leadership Survey*, published in 2005 (presenting data from 2004) stated that the majority of female victims of sexual assault did not report because of fear of disclosure and the resulting perceived ramifications. The Task Force recommends: **Further maximize the use of existing and potential avenues for victims' support and reporting.** Maximizing avenues for victims' support provides more options for disclosure; expands the ability to obtain support and care; and assists in making informed decisions. Based on the guidelines provided in this report, **the Academies should establish a plan to implement the new DoD Sexual Assault Response policy and protocol and submit their plan to the Services in accordance with the statute.** The Task Force recommends: **Provide training to all Academy personnel, to include cadets and midshipmen, on the various reporting resources, the level of confidentiality afforded to each, as well as treatment available to victims.** Finally: **Ensure victims are informed of and afforded their federally mandated rights.**

Offender Accountability

At both Academies available records from the past ten years reflect an extended period where alleged offenders were not consistently or effectively held accountable through the criminal justice system. The past two years have witnessed improved efforts and limited success at holding sexual assault offenders accountable through courts-martial as well as administrative procedures. Although the Task Force finds that the current programs are greatly improved, a key obstacle to increasing accountability for rape and sexual assault is that current statutes, though flexible, do not reflect the full spectrum of criminal sexual behaviors encountered at the military service academies and society at large. Therefore, the Task Force recommends that **Congress revise the current sexual misconduct statutes to more clearly and comprehensively address the full range of sexual misconduct.** Further, to facilitate the pretrial investigative process, the Task Force recommends **the amendment of Article 32 of the UCMJ to permit commanders to close the proceedings to protect the privacy of victims and alleged offenders.**

Training and Education

Although the Academies have expended considerable effort in developing their sexual harassment and assault training and education programs, current format and scheduling undermine their importance and continuity. Programs are poorly designed, over-reliant on cadet and midshipmen instructors, inconveniently scheduled, and ineffective in conveying key concepts. In addition, faculty, staff, and volunteers are inadequately trained on sexual harassment and assault issues. Accordingly, the Task Force recommends that **classes addressing sexual harassment and assault be graded, conducted during academic hours, instructed by qualified faculty members, and incorporate a variety of instructional methods.** We also recommend the Academies **incorporate cadet and midshipmen education on sexual harassment and assault into a mandatory academic graded curriculum that addresses these subjects in a larger context of military leadership and/or ethics.** These programs should be **integrated into the academic curriculum at various levels and progresses over the course of cadets' and midshipmen's four-year career at the Academies.** In addition, the Academies need to **establish an effective training program for faculty, staff, sponsors, and volunteers who work closely with cadets and midshipmen.** All programs must be evaluated and updated on a regular basis.

Prevention

At both Academies, sexual harassment and assault prevention program execution and management is fragmented and inadequate. In order to change prevailing attitudes and social norms we recommend that **the Academies develop an institutional sexual harassment and assault prevention plan that is evaluated and updated annually.** In addition, the Task Force found that Tactical Noncommissioned Officers and Senior Enlisted Leaders are underutilized resources in the prevention of sexual harassment and assault. **Senior Noncommissioned Officer and Senior Enlisted Leader duties need to be clearly defined and provide for greater direct interaction and involvement with cadets and midshipmen, particularly during evening and weekend hours.**

Coordination Between Military and Civilian Communities

The insight from years of sexual assault reform in the civilian community is that permanent solutions must be community solutions. The Task Force finds that the Academies have limited formal relationships with local law enforcement and victim support agencies. The Task Force recommends the Academies **follow the DoD policy regarding establishing collaborative relationships with civilian authorities for sexual assault victim support.** Where informal relationships are more appropriate, **the Academies should endorse and validate these relationships through documentation.**

Conclusion

The record of the two Academies, much like the record of the Department of Defense, is one of sporadic and incomplete attempts to eliminate sexual harassment and assault. Both the Naval and the Military Academies have made progress in addressing these issues over the last several years. The Academies need resources and support from the Services, DoD, and Congress to ensure success. The changes in law identified by this Task Force are a step in that direction; good-faith efforts to implement Task Force recommendations, as well as continued surveys and oversight, will keep the Academies moving forward. It is clear to this Task Force that sexual harassment and assault is not a "fix and forget" problem. What is needed now is a long-term, sustained effort, not only by the leaders of the Academies, but also by the cadets and midshipmen.