



**Report of the Panel to Review  
Sexual Misconduct Allegations  
at the U.S. Air Force Academy**

SEPTEMBER 22, 2003

## **Panel to Review Sexual Misconduct Allegations at the United States Air Force Academy**

### **AN OPEN LETTER FROM THE CHAIRMAN**

September 22, 2003

This report is the result of the first investigation by an independent body of a problem that has plagued the U.S. Air Force Academy for at least a decade and quite possibly since the admission of women in 1976. At the direction of Congress, the Secretary of Defense appointed seven private U.S. citizens with expertise in the United States military academies, behavioral and psychological sciences and standards and practices relating to proper treatment of sexual assault victims.

Based on the fact that these were the qualifications for the Panel members, we understood our charge was to undertake an investigation and to make recommendations with a single priority in mind: the safety and well-being of the women at the U.S. Air Force Academy. From our first meeting, I have been impressed with the manner in which each member of the Panel has approached this difficult and complicated matter with a single-minded determination to understand the plights of the victims in order to find a solution – a solution that puts the victims first, either by preventing sexual assaults or by providing victims recourse to a process and procedures that will support the victim and prosecute the assailant.

I want to thank my fellow Panel members who volunteered and devoted their time and energies to this solemn task. Each one of them contributed in a unique manner, and this final report is a testament to both their talents and their ability to work with the other members of the Panel toward a common set of observations and recommendations. This has truly been a case of the whole being greater than the sum of its parts.

This report, however, represents more than the hard work and dedication of the seven members of the Panel. We could not have completed this task in the time allotted without the incredible effort of our talented staff. Like the Panel members, these are people who took time away from their regular professional responsibilities to devote their talents and energies to finding a solution to a problem that has plagued the Academy for too long. On behalf of the Panel, I want to offer them my deepest gratitude and sincerest thanks for a job well done.

While I believe that the recommendations contained in this report are the beginning of the solution to the problem of sexual assault at the U.S. Air Force Academy, they are just that: a beginning. It is clear from our review of nearly a decade of efforts to solve this problem that the common failure in each of those efforts was the absence of sustained attention to the problem and follow-up on the effectiveness of the solution. Whatever steps are taken by the Academy, the Air Force, the Department of Defense or the Congress as a result of this report, it is absolutely critical that those actions be reviewed sometime after their implementation by those in a position to objectively evaluate their effectiveness. The women of the U.S. Air Force Academy deserve no less.

Sincerely,



Tillie K. Fowler  
Chairman

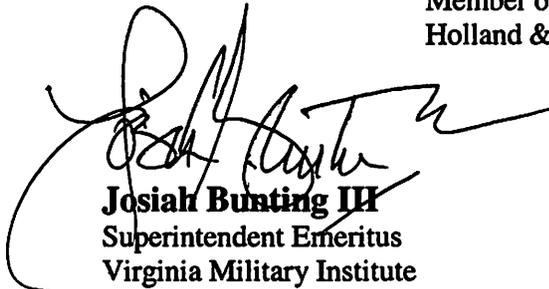
**Panel to Review Sexual Misconduct Allegations  
at the U.S. Air Force Academy**  
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To the Senate Armed Services Committee  
To the House Armed Services Committee  
To the Secretary of Defense

We, the appointed members of the Panel to Review Sexual Misconduct Allegations at the U.S. Air Force Academy, do hereby submit the results of our findings and offer our best recommendations to improve the policies, procedures, and climate at the Academy.



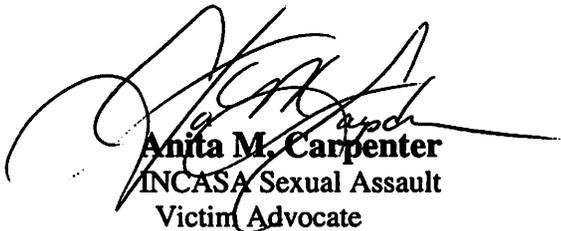
**The Honorable Tillie K. Fowler, Chair**  
Member of Congress, 1993-2001  
Holland & Knight LLP



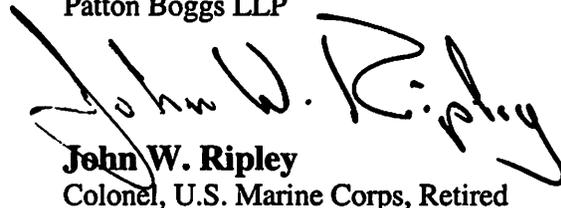
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## I. EXECUTIVE SUMMARY

The United States Air Force Academy is an institution with a proud tradition of service to our nation. The Academy is responsible for the education and training of future officers who will lead our military forces. The Academy's mission is to "inspire and develop young men and women to become Air Force officers with knowledge, character and discipline; motivated to lead the world's greatest aerospace-force in service to the nation". This national interest requires the Academy and its governing leaders to be held to the highest of standards.

The first class of women cadets arrived at the Academy 27 years ago and helped to begin an era of men and women standing together to defend our nation and its freedom. Today, women comprise about one-fifth of our Armed Forces, and their admirable performance and dedication allows our nation to maintain an all-volunteer force.

Sadly, this Panel found a chasm in leadership during the most critical time in the Academy's history — a chasm which extended far beyond its campus in Colorado Springs. It is the Panel's belief that this helped create an environment in which sexual assault became a part of life at the Academy.

The Air Force has known for many years that sexual assault was a serious problem at the Academy. Despite that knowledge and periodic attempts at intervention, the problem has continued to plague the Academy to this day. The regular turnover of Air Force and Academy leadership, together with inconsistent command supervision and a lack of meaningful and effective external oversight, undermined efforts to alter the culture of the Academy. During the ten-year period from January 1, 1993 through December 31, 2002, there were 142 allegations of sexual assault at the Academy, for an average of more than 14 allegations per year. Academy and Air Force leaders knew or should have known that this data was an unmistakable warning sign and quite possibly signaled an even larger crisis.

For example, a February 14, 1997 presentation by the Academy to the Air Force Inspector General ("Air Force IG"), Air Force Surgeon General and the Judge Advocate General of the Air Force acknowledged that statistically, as few as one in ten rapes is reported to authorities. Recently, the Department of Defense Inspector General ("DoD IG") disclosed that a May 2003 survey of Academy cadets showed that 80.8% of females who said they have been victims of sexual assault at the Academy did not report the incident.

Over the past decade, the Academy and Air Force leadership had increasing cause for alarm, and should have aggressively changed the culture that allowed abuses to occur. Unfortunately, Academy leadership acted inconsistently and without a long-term plan. As a result, female cadets entrusted to the Academy have suffered, sexual offenders may have been commissioned as Air Force officers and the reputation of a fine institution has been tarnished.

The sexual assault problems at the Academy are real and continue to this day. According to the May 2003 DoD IG survey of female cadets (Classes 2003–2006), 18.8% reported they have been victims of at least one instance of sexual assault or attempted sexual assault in their time at the Academy. Included in this number are 7.4% of female cadets who said they were victims of at least one rape or attempted rape while at the Academy.

Other recent indicators of problems in the institutional culture are found in the Academy's own survey data, which showed that one in five responding male cadets do not believe that women belong at the Academy. Clearly, the Academy's gender climate has changed little in the past ten years.

Recent widespread media attention caused the Air Force to address the problem of sexual assault at the Academy. In March 2003, Air Force Secretary James G. Roche and Air Force Chief of Staff General John P. Jumper announced a series of directives and policy improvements at the Academy known as the *Agenda for Change*. The new policy corrects many of the conditions contributing to an environment that tolerates sexual misconduct. However, the *Agenda for Change* is only a blueprint, and should be viewed as the initial step in reversing years of institutional ineffectiveness.

In April 2003, Secretary Roche made a step towards serious reform when he replaced the Academy's leadership with a new leadership team comprised of Lieutenant General John W. Rosa, Superintendent; Brigadier General Johnny A. Weida, Commandant of Cadets; and Colonel Debra D. Gray, Vice Commandant of Cadets. Subsequently, General Rosa and his staff have begun implementing changes in the Academy's institutional culture, military training, living environment and sexual assault reporting processes.

## EXECUTIVE SUMMARY

The *Agenda for Change* is evidence that the Air Force, under Secretary Roche's leadership, is serious about taking long-overdue steps to correct the problems at the Academy, but in certain respects it does not go far enough to institutionalize permanent change. The most important of these shortcomings are:

- **Culture and Climate of the Academy.** The *Agenda for Change* recognizes that the sexual assault problems at the Academy are related to the culture of the institution, yet it does not go far enough to institute enduring changes in the culture and gender climate at the Academy.
- **Command Supervision.** The *Agenda for Change* does not address the need for permanent, consistent oversight by Air Force Headquarters leadership.
- **External Oversight.** The *Agenda for Change* does not address the need to improve the external oversight provided by the Academy's Board of Visitors.
- **Confidentiality Policy.** The *Agenda for Change* effectively eliminates the Academy's confidential reporting policy for sexual misconduct. In doing so, however, it removes critical options for sexual assault victims to receive confidential counseling and treatment, and may result in the unintended consequence of reducing sexual assault reporting.

The *Agenda for Change* provides several positive changes to the Academy's institutional culture, living environment, and education and training programs. These measures include establishing policies and procedures for: improving the selection and training of Air Officers Commanding to ensure highly-qualified role models and leadership for male and female cadets; promulgating new rules and procedures to maintain dormitory safety and security; setting clearer mandates for cadets to conduct themselves according to the spirit of the Honor Code; requiring academic courses in leadership and character development as part of the core academic curriculum; and improving Basic Cadet Training to reemphasize fair treatment and mutual respect.

The Panel understands that recently implemented policy changes represent significant progress, but concluded that they do not go far enough to institute enduring changes in the institutional culture and gender climate at the Academy.

As far as the Academy's response today to sexual assaults, the *Agenda for Change* established several progressive changes to ensure the Academy is proactive and meaningful when responding. The most noteworthy of these changes is the establishment of an Academy Response Team ("ART") which provides a victim of sexual assault immediate assistance and

ensures appropriate command actions. The Panel conducted an extensive review of the ART and is impressed that it presents a significant step toward achieving a consistent, appropriate response to reports of sexual assault, and to restoring trust and confidence in the Academy's handling of them. The Panel is confident that the ART has the necessary foundations to endure beyond the short-term implementation of the *Agenda for Change* and will be available to future generations of cadets.

The Panel is also encouraged that, while not required by the *Agenda for Change*, the Air Force Office of Special Investigations ("AFOSI") has taken the initiative to develop advanced training in sexual assault investigations which shall be provided to its Academy agents.

The Panel is concerned that the *Agenda for Change* essentially eliminates the Academy's confidential reporting policy for sexual misconduct, which removes critical options for sexual assault victims to receive confidential counseling and treatment. Additionally, the Panel believes the new policy overlooks an established form of privileged communication, the psychotherapist-patient privilege, and may have the unintended consequence of reducing sexual assault reporting.

The Panel also reviewed the *Agenda for Change* provision that essentially provides for blanket amnesty to victims of sexual assault. This could have the unintended consequence of creating the misperception that amnesty has been used as a sword, rather than as a shield, by some cadets to avoid accountability for their own misconduct.

In June 2003, after completing her investigation of sexual assault at the Academy, Air Force General Counsel Mary L. Walker released *The Report of the Working Group Concerning Deterrence of and Response to Incidents of Sexual Assault at the U.S. Air Force Academy* ("Working Group Report"). The *Working Group Report* covers many aspects of cadet life, Academy policies and sexual assault reporting procedures in place at the Academy during the last ten years. However, it avoids any reference to the responsibility of Air Force Headquarters for the failure of leadership which occurred at the Academy.

Any credible assessment of sexual misconduct problems over the last ten years must include an examination of the responsibility of both Academy and Air Force Headquarters leadership. The *Working Group Report* failed to do that even though the Air Force General Counsel had access to considerably more information, resources and time for study than did the Panel. The Panel believes that the Air Force General Counsel attempted to shield Air Force Headquarters from public criticism by focusing exclusively on events at the Academy.

## EXECUTIVE SUMMARY

The matters listed below are among those known to the members and staff of the Working Group, but not included or only obliquely referenced in its report:

- Since at least 1993, the highest levels of Air Force leadership have known of serious sexual misconduct problems at the Academy;
- Air Force Headquarters knew that over the objections of the AFOSI the Academy maintained unique confidential reporting procedures for sexual assaults deviating from the procedures of the Air Force. Air Force Headquarters failed to monitor how the procedures affected the ability to investigate and prosecute sexual assault offenders;
- In 1996, the Air Force Surgeon General notified the Air Force Chief of Staff of serious sexual misconduct at the Academy, but there is no evidence that the Air Force fully investigated the matter. The Office of the Air Force Surgeon General participated in the General Counsel's Working Group, but the *Working Group Report* omits any reference to this apparently unheeded warning;
- In 1996-1997, a team of lawyers at Air Force Headquarters recommended changes in the Academy's sexual assault reporting procedures. The Academy rejected the changes, and Air Force Headquarters deferred, but failed to monitor whether the procedures were working;
- In 2000-2001, after AFOSI again complained that the Academy's unique sexual assault reporting procedures interfered with its ability to investigate sexual assaults, Air Force Headquarters formed another team to review the procedures. After the Academy and AFOSI reached an agreement to resolve their competing concerns, Air Force Headquarters failed to monitor whether it was ever implemented;
- The 2000-2001 working group was chaired by the Air Force's Deputy General Counsel (National Security & Military Affairs). Three years later, that same attorney led the 2003 Working Group. Nevertheless, the *Working Group Report* makes only a brief reference to the earlier review and fails to disclose the lead attorney's substantial involvement; and

- In 2000, the Senate Armed Services Committee requested an investigation of allegations by the former Air Force Surgeon General that sexual misconduct at the Academy in 1996 had not been investigated or had been covered up. The Air Force Inspector General conducted a limited 30-day review, but did not investigate serious institutional problems after 1996. The *Working Group Report* does not mention the 2000-2001 review, even though the Air Force IG was a member of the Working Group.

The *Working Group Report* failed to chronicle these significant matters and events, undermining its own credibility and conclusion that there was “no systemic acceptance of sexual assault at the Academy [or] institutional avoidance of responsibility.” The Panel cannot agree with that conclusion given the substantial amount of information regarding the sexual assaults and the Academy’s institutional culture available to leaders at the Academy, Air Force Headquarters and the Office of the Air Force General Counsel.

The failure of the Academy and Air Force Headquarters leadership to respond aggressively and in a timely and committed way to eliminate causes of serious problems was a failure of leadership. Those responsible should be held accountable.

The Panel is well aware of the difficulty in holding accountable those who long ago left their positions of responsibility and now are beyond the reach of meaningful action by the Department of Defense. We do believe, however, that to make clear the exceptional level of leadership performance expected of future leaders in these positions and to put the failures of the recently removed Academy leadership in perspective, there must be some further accounting. To the extent possible, the failures of the Academy and Air Force Headquarters leaders over the past ten years should be made a matter of official record.

During the last decade, attention to the Academy’s sexual assault problems depended on the interest of the leadership in place and on other competing demands for time and resources. This shortcoming in consistent and effective command supervision co-existed with an absence of meaningful external oversight from entities such as the Academy’s Board of Visitors. This resulted in depriving the Academy of long-term solutions to the complex problem of sexual assault.

The Panel examined and reviewed the culture and environment at the Academy. It found an atmosphere that helped foster a breakdown in values which led to the pervasiveness of sexual assaults and is perhaps the most difficult element of the problem to solve.

## EXECUTIVE SUMMARY

The American people expect the highest integrity of officers serving in our Armed Forces. This expectation is a strong obligation at the Air Force Academy and was discarded by perpetrators of these crimes over the past decade. The Panel has found deficiencies in the Honor Code System and in the Academy's character development programs that helped contribute to this intolerable environment.

The Panel recognizes that the overwhelming majority of cadets are honorable and strive to live by the core values of integrity, service and excellence. Yet, these core values need to be more effectively interjected into real life situations for cadets.

Through its investigation and examination of this crisis, the Panel has determined the reasons this trusted institution failed many of its students. The Panel offers substantive recommendations to repair the Academy's foundation in hopes of restoring trust in its leadership and its mission. The situation demands institutional changes, including cultural changes. These changes are incremental and cannot be made overnight. Members of this Panel collectively agree it is in our nation's interest to ensure the vitality of this Academy for future generations.