



Report to the Subcommittee on National
Security and Foreign Affairs, Committee
on Oversight and Government Reform,
House of Representatives

January 2008

MILITARY PERSONNEL

The DOD and Coast
Guard Academies
Have Taken Steps to
Address Incidents of
Sexual Harassment
and Assault, but
Greater Federal
Oversight Is Needed



Report Documentation Page				Form Approved OMB No. 0704-0188	
Public reporting burden for the collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to a penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.					
1. REPORT DATE JAN 2008		2. REPORT TYPE		3. DATES COVERED 00-00-2008 to 00-00-2008	
4. TITLE AND SUBTITLE Military Personnel. The DOD and Coast Guard Academies Have Taken Steps to Address Incidents of Sexual Harassment and Assault, but Greater Federal Oversight Is Needed				5a. CONTRACT NUMBER	
				5b. GRANT NUMBER	
				5c. PROGRAM ELEMENT NUMBER	
6. AUTHOR(S)				5d. PROJECT NUMBER	
				5e. TASK NUMBER	
				5f. WORK UNIT NUMBER	
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) U.S. General Accountability Office, 441 G Street NW, Washington, DC, 20548				8. PERFORMING ORGANIZATION REPORT NUMBER	
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)				10. SPONSOR/MONITOR'S ACRONYM(S)	
				11. SPONSOR/MONITOR'S REPORT NUMBER(S)	
12. DISTRIBUTION/AVAILABILITY STATEMENT Approved for public release; distribution unlimited					
13. SUPPLEMENTARY NOTES					
14. ABSTRACT					
15. SUBJECT TERMS					
16. SECURITY CLASSIFICATION OF:			17. LIMITATION OF ABSTRACT Same as Report (SAR)	18. NUMBER OF PAGES 64	19a. NAME OF RESPONSIBLE PERSON
a. REPORT unclassified	b. ABSTRACT unclassified	c. THIS PAGE unclassified			



Highlights of [GAO-08-296](#), a report to the Subcommittee on National Security and Foreign Affairs, Committee on Oversight and Government Reform, House of Representatives

Why GAO Did This Study

Incidents of sexual harassment and assault contradict the academies' core values to treat all with dignity and respect. Yet, since 2003, each of the Department of Defense (DOD) academies and the Coast Guard Academy has experienced at least one incident. In 2003, Congress directed DOD to establish programs and to submit annual reports, and although not required, the Coast Guard Academy, within the Department of Homeland Security, has taken similar action. GAO was asked to review sexual harassment and assault programs at the academies. This report evaluates (1) the academies' programs to prevent, respond to, and resolve sexual harassment and assault cases; (2) the academies' visibility over sexual harassment and assault incidents; and (3) DOD and Coast Guard oversight of their academies' efforts. GAO analyzed data for program years 2003 through 2006, reviewed requirements, met with service and academy officials, and interviewed randomly selected students at each academy.

What GAO Recommends

GAO suggests that Congress consider requiring the Coast Guard Academy to submit data for DOD's annual report and to participate in assessments methodologically comparable to those administered by DOD. GAO is also making recommendations to DOD and the Coast Guard to improve oversight of sexual assault and harassment at their academies. Both agencies concurred or partially concurred with GAO's recommendations.

To view the full product, including the scope and methodology, click on [GAO-08-296](#). For more information, contact Brenda S. Farrell at (202) 512-3604 or farrellb@gao.gov.

MILITARY PERSONNEL

The DOD and Coast Guard Academies Have Taken Steps to Address Incidents of Sexual Harassment and Assault, but Greater Federal Oversight Is Needed

What GAO Found

The academies have taken steps to prevent, respond to, and resolve sexual harassment and assault incidents. Each DOD academy, for example, has created and staffed the position of Sexual Assault Response Coordinator. Additionally, the DOD and Coast Guard academies have established training programs aimed at preventing and responding to future incidents. The academies have also established alternatives for responding to and resolving reported incidents, depending on whether the incident involves harassment or assault, and in cases of assault, whether the victim wishes to make a restricted report—privately disclosing the incident to select response service providers without triggering an investigation—or an unrestricted report—which involves investigative authorities and the chain of command. A few of the reported sexual assault cases have resulted in formal charges.

The academies collect sexual harassment and assault data, but student perceptions in surveys administered in 2006 indicate that incidents may be underreported, suggesting that the academies may not have full visibility over all sexual harassment and assault incidents. For academy program years 2003 through 2006, the DOD academies' military equal opportunity offices reported 32 sexual harassment cases, the Sexual Assault Response Coordinators reported 25 restricted cases of sexual assault, and the military criminal investigators reported 96 unrestricted sexual assault cases. However, estimates from DOD's most recent survey of its academy students, which was administered in March and April 2006, suggest that approximately 200 female and 100 male students may have experienced "unwanted sexual contact" in the previous year alone. Coast Guard Academy data show similar results.

While DOD has established an oversight framework for its academies' sexual harassment and assault programs, its oversight has not been integrated and comprehensive, and the Coast Guard headquarters has not established an oversight framework. For example, inconsistencies exist in the way sexual harassment and assault data have been collected and reported because the department has not clearly articulated data reporting requirements. Further, DOD is unable to fully evaluate the academies' programs because it has not established measures to analyze incident data, survey results, and academy programs. Also, DOD has been only minimally addressing congressional interest in academy programs because it has not been conducting a comprehensive and integrated analysis of academy data or programs before forwarding academy reports to Congress. As a result, it has been difficult for DOD and Congress to judge how well the academies are addressing these important issues. It appears that DOD has very recently taken steps to address these concerns. Although the Coast Guard has performed a limited assessment of its academy's sexual harassment activities, it does not report statistics to Congress. In addition, the Coast Guard headquarters has not established guidance with which to oversee and evaluate its academy's efforts. Consequently, the Coast Guard headquarters lacks measures of how well its academy may be addressing incidents of sexual harassment and assault.

Contents

Letter		1
	Results in Brief	4
	Background	9
	The Academies Have Taken Steps to Prevent, Respond to, and Resolve Incidents of Sexual Harassment and Assault	13
	Academies Collect Data on Sexual Harassment and Assault, but Results from Anonymous Surveys Administered in 2006 Suggest That the Academies May Not Have Complete Visibility Due to Underreporting	21
	DOD's Oversight of Its Academies' Sexual Harassment and Assault Programs Has Not Been Integrated and Comprehensive, and Coast Guard Headquarters Has Not Established an Oversight Framework	29
	Conclusions	35
	Matter for Congressional Consideration	36
	Recommendations for Executive Action	37
	Agency Comments and Our Evaluation	37
Appendix I	Scope and Methodology	42
Appendix II	Comments from the Department of Defense	47
Appendix III	Comments from the Department of Homeland Security	52
Appendix IV	Commissions and Initiatives to Study Sexual Harassment and Assault	54
Appendix V	GAO Contact and Staff Acknowledgments	58
Related GAO Products		59

Tables

Table 1: Alleged Sexual Harassment Incidents at the DOD Academies for Academy Program Years 2003 through 2006	22
Table 2: Unrestricted Sexual Assault Incidents Reported by the Military Criminal Investigative Organizations at the DOD Academies for Academy Program Years 2003 through 2006	23
Table 3: Unrestricted and Restricted Sexual Assault Incidents Reported by the Sexual Assault Response Coordinators at the DOD Academies for Academy Program Years 2003 through 2006	24
Table 4: Unrestricted and Restricted Sexual Assault Incidents at the Coast Guard Academy for Academy Program Years 2003 through 2006	28

Figures

Figure 1: General Responsibilities of DOD Sexual Assault Response Coordinators (Applicable for Military Servicemembers, DOD Civilian Employees, or DOD Contractors Serving in This Capacity)	15
Figure 2: Sexual Harassment and Assault Reporting Options	27

Abbreviations

DHS	Department of Homeland Security
DMDC	Defense Manpower Data Center
DOD	Department of Defense
SAPR	Sexual Assault Prevention & Response

This is a work of the U.S. government and is not subject to copyright protection in the United States. It may be reproduced and distributed in its entirety without further permission from GAO. However, because this work may contain copyrighted images or other material, permission from the copyright holder may be necessary if you wish to reproduce this material separately.



United States Government Accountability Office
Washington, DC 20548

January 17, 2008

The Honorable John F. Tierney
Chairman
The Honorable Christopher Shays
Ranking Member
Subcommittee on National Security and Foreign Affairs
Committee on Oversight and Government Reform
House of Representatives

Sexual harassment and assault are fundamentally at odds with the obligation of men and women in uniform to treat all with dignity and respect. Nonetheless, incidents of sexual harassment and assault at the service academies are not a new concern. Congress first asked us to examine the issue of sexual harassment at the Department of Defense (DOD) academies in the 1990s. More recently, following a series of sexual assault investigations at the United States Air Force Academy (Air Force Academy) in 2003, the National Defense Authorization Act for Fiscal Year 2004¹ required the service secretaries, under guidance provided by the Secretary of Defense, to direct the superintendents of the United States Military Academy (Military Academy), the United States Naval Academy (Naval Academy), and the Air Force Academy to establish policies, programs, and procedures to address incidents of sexual harassment and assault at the academies overseen by DOD, to report annually on sexual harassment and assault involving academy personnel, and to perform assessments, to include surveys, to determine the effectiveness of the academies' policies, training, and procedures on sexual harassment and violence to prevent criminal harassment and violence involving academy personnel.² In response to this requirement, DOD released the results of a survey of DOD academy students in April 2005, which suggested that a number of sexual assaults involving students at the academies went

¹ Pub. L. No. 108-136, § 527 (2003). In Section 532 of the John Warner National Defense Authorization Act for Fiscal Year 2007, Congress revised and codified the requirements for the establishment of policies, programs, and procedures, annual reports, and yearly assessments, and directed that the assessments should be completed by conducting surveys of academy students in odd-numbered years and focus groups for any year when surveys are not required.

² "Academy personnel" refers to academy students, faculty, staff, and permanent party personnel.

unreported. In addition, DOD is required and has been reporting annually to Congress since 2005 on sexual assault incidents involving academy students. In June 2005, a DOD task force, established pursuant to the National Defense Authorization Act for Fiscal Year 2004,³ recommended that Congress create an additional reporting option that would protect the confidentiality of sexual assault victims at the academies. Since 2005, victims of sexual assault have had two reporting options: unrestricted, which will trigger an investigation by the appropriate military criminal investigative organization, and restricted, which allows victims to disclose a sexual assault incident to specified officials and receive medical care and other response services without automatically triggering a report to law enforcement or the initiation of an official investigation. Although the requirements Congress established for the service academies do not apply to the United States Coast Guard Academy (Coast Guard Academy), which is administered by the United States Coast Guard (Coast Guard) under the Department of Homeland Security (DHS), the Coast Guard Academy has adopted similar sexual harassment and assault policies, programs, and procedures. Nevertheless, since the requirements were first put into place, each of the academies has experienced one or more reported incidents of sexual harassment or assault.

In August 2006, Congressman Christopher Shays, then Chairman of the House Committee on Government Reform, Subcommittee on National Security, Emerging Threats, and International Relations, asked us to review the incidence, prevention of, response to, and resolution of sexual assault at the DOD and Coast Guard academies. In September 2007, Congressman John Tierney, in his new position as Chairman of the House Committee on Oversight and Government Reform's Subcommittee on National Security and Foreign Affairs, signed on to the original request submitted by Congressman Shays. This report evaluates (1) the academies' programs to address the prevention of, response to, and resolution of sexual harassment and assault cases; (2) the visibility that the academies have over incidents of sexual harassment and assault; and (3) the oversight exercised by DOD and the Coast Guard over the academies' sexual harassment and assault programs.⁴

³ Pub. L. No. 108-136, § 526 (2003).

⁴ In a second report that will be released later in 2008, we will examine sexual assault in the military services, including the Coast Guard. That report will also address incidents occurring during overseas deployments.

During the course of this review, we visited each of the service academies: the Military Academy in West Point, New York; the Naval Academy in Annapolis, Maryland; the Air Force Academy in Colorado Springs, Colorado; and the Coast Guard Academy in New London, Connecticut. For each of our objectives, we reviewed multiple legislative requirements and DOD, DHS, service, and academy policies, regulations, procedures, and processes. To evaluate the academies' programs addressing the prevention, response, and resolution of sexual harassment and assault cases, we examined relevant government and non-government reports, studies, and surveys; conducted one-on-one structured interviews with randomly selected students; and consulted experts in the area of sexual harassment and assault. To evaluate the academies' visibility over sexual harassment and assault incidents, we analyzed data on reported incidents occurring at the academies during program years 2003 through 2006. We assessed the reliability of the academies' sexual harassment and assault data by interviewing knowledgeable officials and comparing data collected from different sources and found inconsistencies, which we discuss further in this report. We compared reported incidents from the DOD service academies with information provided by students on surveys administered by the Defense Manpower Data Center (DMDC).⁵ To evaluate DOD's and the Coast Guard's oversight of academy sexual harassment and assault programs, we obtained and reviewed applicable oversight reports and examined DOD's and the Coast Guard's responses to any recommendations from prior studies related to sexual harassment and assault at the academies. For each of our objectives, we also interviewed responsible officials and other knowledgeable personnel in the Office of the Under Secretary of Defense for Personnel and Readiness, at DHS, at the service headquarters, and at each of the academies. Further details about our scope and methodology, including further details about the Defense Manpower Data Center's survey methods and the nature of the questions we used in our one-on-one structured interviews with academy students, can be found in appendix I.

⁵ DMDC is a support organization within DOD that reports to the Under Secretary of Defense for Personnel and Readiness. DMDC's mission is to deliver timely and high-quality support to its customers and to ensure that the data it receives from different sources are consistent, accurate, and appropriate when used to respond to inquiries. DMDC customers include DOD organizations such as the armed forces, the Office of the Secretary of Defense, and the Joint Staff, as well as external organizations, such as Congress. These organizations rely on data supplied by DMDC to help them in making decisions about the military.

We conducted this performance audit from February 2007 through November 2007 in accordance with generally accepted government auditing standards.

Results in Brief

All four academies have taken a number of steps to prevent, respond to, and resolve incidents of sexual harassment and assault. In 2006, DOD issued an instruction that required each major defense installation, including the academies, to establish the position of Sexual Assault Response Coordinator, which serves as a single point of accountability for each academy's sexual assault prevention, response, and resolution efforts. The individuals currently serving in these positions are responsible for coordinating community sexual assault response, providing victim advocacy, facilitating the education of personnel on sexual assault and victim advocacy, organizing public awareness campaigns, documenting services provided, and reporting sexual assault data. The Sexual Assault Response Coordinator—who may be a servicemember, DOD civilian employee, or contractor—also conducts an ongoing assessment of the consistency and effectiveness of his or her academy's sexual assault prevention and response program. The Coast Guard Academy is not required to have a Sexual Assault Response Coordinator, but Coast Guard Academy officials have indicated that they plan to establish the position. Each of the academies has also established training requirements and programs aimed at preventing and responding to future incidents of sexual harassment and assault. For example, DOD academy policies require Sexual Assault Response Coordinators to attend formal training that may include the management of sexual assault cases, reporting options available to victims, and appropriate methods for transferring victim care to civilian authorities. Academy students also receive mandatory sexual harassment and assault prevention and response training during their 4 years at the academies. Although the Coast Guard Academy is not subject to the laws that require the DOD academies to develop sexual harassment and assault prevention and response training requirements, the academy has instituted training policies and programs similar to those at the DOD academies, and these policies were revised in 2006. All of the students we interviewed from a nongeneralizable random sample confirmed that they had received sexual harassment and assault training, and many noted that they received the training in a variety of formats. In addition, the academies have established alternatives for responding to and resolving incidents of sexual harassment and assault, depending on whether the

reported incident involves harassment or assault, and in cases of assault, whether the victim wishes the report to remain restricted or makes an unrestricted report. Nine of the 126 subjects⁶ identified in the unrestricted reports of sexual assault that we reviewed from the DOD and Coast Guard military criminal investigative organizations in academy program years 2003 through 2006 proceeded to a court-martial and, of those tried, 5 subjects were convicted and 4 were acquitted. The majority of the remaining 117 subjects identified by the military criminal investigative organizations were not formally charged with sexual assault because the evidence was unsubstantiated, unfounded, or insufficient as determined by the academies' staff judge advocates. DOD has reported that some of these reported cases were resolved without the court-martial process because the academies have other nonjudicial options at their disposal.

The academies collect sexual harassment and assault data; however, student perceptions gathered from a 2006 survey⁷ indicate that sexual harassment and assault may be underreported, suggesting that the academies may not have full visibility over the magnitude of sexual harassment and assault incidents involving academy students. Each DOD academy is statutorily required to submit annual sexual harassment and violence reports, which are to include, among other things, the number of sexual assaults and other sexual offenses involving academy students that have been reported to academy officials during the program year, and also to indicate the number of reported cases that have been substantiated during the same year.⁸ For academy program years 2003 through 2006, the DOD academies' military equal opportunity offices⁹ reported 32 sexual harassment cases, the Sexual Assault Response Coordinators¹⁰ reported 25

⁶ "Subject" refers to the alleged perpetrator in a sexual harassment or assault case.

⁷ The overall weighted response rate for the most recent survey was 86 percent; indicating that 5,275 of the 6,049 students who were asked to participate responded.

⁸ See 10 U.S.C. § 4361 for requirements applicable to the Military Academy, 10 U.S.C. § 6980 for requirements applicable to the Naval Academy, and 10 U.S.C. § 9361 for requirements applicable to the Air Force Academy.

⁹ DOD's military equal opportunity offices are required to collect, maintain, and report data on formal complaints of sexual harassment to DOD's Office of Diversity Management and Equal Opportunity.

¹⁰ The Sexual Assault Response Coordinators are required to collect, maintain, and report data on restricted reports of sexual assault to DOD's Sexual Assault Prevention and Response Office.

restricted cases of sexual assault, and the military criminal investigators¹¹ reported 96 unrestricted sexual assault cases. However, the most recent DOD survey of its academy students, which was administered by the Defense Manpower Data Center in March and April 2006, resulted in an estimated 8.2 percent to 10.5 percent of females and an estimated 1 percent to 1.4 percent of males reporting unwanted sexual contact. Based on the total number of men and women enrolled at the academies, the DOD survey estimates suggest that approximately 200 female and 100 male students may have experienced unwanted sexual contact in the previous year alone. Although the term unwanted sexual contact includes a range of activities that the Uniform Code of Military Justice prohibits and thus cannot necessarily be directly compared to reported cases of sexual harassment or sexual assault, survey results nonetheless suggest that cases may be underreported and that the academies may not have full visibility over the total number of incidents of sexual harassment and assault involving academy students. Although the Coast Guard Academy is not required to report sexual harassment and assault data through formal channels, it does track and record incidents that occur at the academy. The Coast Guard Academy also administers its own surveys of academy students, and the Coast Guard Academy surveys show disparities that are similar to the DOD academies' survey results.

DOD has established an oversight framework for its academies' sexual harassment and assault programs, but the department's oversight has not been integrated and comprehensive. The Coast Guard has not established an oversight framework for the Coast Guard Academy's programs. DOD has established directives and other guidance that establish an oversight framework for its sexual harassment and sexual assault prevention and response programs. Oversight responsibility for sexual harassment programs is assigned to the Office of Diversity Management and Equal Opportunity and for sexual assault programs to the Sexual Assault Prevention and Response Office—both of which are under the authority of the Office of the Under Secretary of Defense for Personnel and Readiness. DOD guidance also provides oversight expectations to the military services, and defines statutory reporting requirements. In addition, each military department prepares service-specific operating instructions based on DOD's guidance, and the academies develop implementation guidance

¹¹ The military criminal investigative organizations are required to collect, maintain, and report data on unrestricted reports of sexual assault to DOD's Sexual Assault Prevention and Response Office.

based on their services' instructions and regulations. However, DOD's oversight has not been comprehensive and integrated. For example, inconsistencies exist in the way sexual harassment and assault data have been collected and reported because the department has not clearly articulated data-reporting requirements. Further, DOD is unable to fully evaluate the effectiveness of the academies' programs because it has not established evaluative performance measures with which to conduct a comprehensive and integrated analysis of reported sexual harassment and assault incident data, survey and qualitative data analyses results, and information on programs implemented at the academies. Moreover, DOD has been only minimally addressing congressional interest in academy programs because it has not been conducting a comprehensive and integrated analysis of the information contained in the DOD academies' annual reports, or a meaningful assessment of the academies' programs before forwarding the academies' reports to Congress. As a result, DOD and congressional decision makers have not had an integrated source of reliable data with which to judge how well the academies are addressing these important issues and may have difficulty assessing the overall successes, challenges, and overall lessons learned from the academies' sexual harassment and assault prevention and response programs. DOD has very recently taken steps to address these concerns. For example, we reviewed a draft of the 2007 annual academies report, which, among other things, included DOD's assessment of academy compliance with DOD program requirements and a summary of sexual harassment incidents that occurred during the academy program year. Although the Coast Guard has performed a limited assessment of its academy's sexual harassment program, it has not established guidance, program requirements, or other aspects of an oversight framework for the sexual harassment and assault programs at the Coast Guard Academy. While there is no statutory reporting requirement for the Coast Guard Academy, the academy voluntarily participates in DOD's annual reporting process by submitting data, although in a more limited format, to DOD's Sexual Assault Prevention and Response Office, and it internally administers climate surveys and focus groups on an annual basis. Nevertheless, without a management oversight framework for the Coast Guard Academy to include data collection, maintenance, and reporting requirements, management goals, performance measures, and milestones to evaluate progress made toward addressing the incidence of sexual harassment and assault, the Coast Guard also will be unable to assure Congress or even members of its own community that its efforts to prevent, respond to, and resolve these incidents are effective.

We are suggesting that Congress may wish to consider requiring the Coast Guard Academy to submit sexual harassment and assault incident and program data for the annual report on Sexual Harassment and Violence at the Military Academies and to participate in surveys and appropriate qualitative methods that produce results that are methodologically comparable to those administered by DOD. In addition, we are making recommendations to DOD to improve the oversight of sexual harassment and assault programs at the DOD academies and to ensure consistent capturing and reporting of data. DOD concurred or partially concurred with the recommendations in our draft report. Specifically, DOD partially concurred with our recommendation that the department clearly articulate data reporting requirements, to include common terminology, stating that there are challenges with maintaining consistent terminology in the data reporting process. DOD concurred with our recommendation to create service-wide performance metrics for sexual harassment and assault programs, noting that the department plans to make this a priority for the upcoming year. DOD partially concurred with our recommendation that it conduct a comprehensive, integrated assessment of the health of academy sexual harassment and assault programs, stating that it had conducted such an assessment of the academies for academic program year 2006-2007 and documented its findings in its annual report, which it delivered to Congress on December 7, 2007. We reviewed this most recent assessment, and our report notes DOD's recent efforts to address this concern. We continue to believe, however, that additional action is needed. DOD requested clarification of the term "health", asserting that the term does not clearly define what is to be assessed. Through this recommendation, we are expressing our finding that DOD, at the departmentwide level, has been missing the opportunity to provide its own assessment of the successes, challenges, and lessons learned from the academies' sexual harassment and assault programs. We changed our recommendation to reflect this language.

We are also recommending that Coast Guard headquarters develop a management oversight framework for the Coast Guard Academy's sexual harassment and assault program to include management goals, performance measures, reporting requirements, and milestones to evaluate progress made. The Coast Guard concurred with our recommendation, stating that it recently released a Commandant Instruction on its Sexual Assault Prevention and Response Program that will provide the necessary framework and oversight recommended in our report. We have reviewed this Instruction and it addresses many of our concerns.

DOD's and the Coast Guard's written comments are reprinted in appendixes II and III, respectively.

Background

The Military Academy, Naval Academy, Air Force Academy, and Coast Guard Academy educate and train young men and women to be leaders and effective officers in the uniformed services. Student life at the academies is demanding and, in many ways, differs from student life at other colleges and universities. The approximately 4,000 students who attend each of the three DOD service academies and 1,000 students who attend the Coast Guard academy undergo a challenging 4-year program of academic, physical, and military education that culminates in a bachelor's degree and a commission as an officer in one of the four military services for 5 years after graduation. In addition to completing the academic course work, students must participate in rigorous military training activities, mandatory athletic events, and leadership training that includes topics such as ethics and sexual harassment and assault.

The National Defense Authorization Act for Fiscal Year 1976 directed the three DOD service academies to admit female students as part of the graduating class of 1980.¹² This act states that the academic and other relevant standards required for appointment, admission, training, graduation, and commissioning are to be the same for women and men, except for those minimal essential adjustments required due to physiological differences. Similarly, the Coast Guard also first admitted women in 1976 as part of its graduating class of 1980. Coast Guard Academy female students, like those at the DOD academies, are also required to meet the same standards for the appointment, admission, training, graduation, and commissioning required of male students except for adjustments necessary due to physiological differences. Currently, women constitute about 15 percent of the students at the Military Academy, approximately 17 percent of the students at the Naval Academy, about 19 percent of the students at the Air Force Academy, and about 27 percent of the students at the Coast Guard Academy.

All of DOD's programs related to sexual harassment and sexual assault, including the programs at its academies, fall under the Office of the Under Secretary of Defense for Personnel and Readiness. The Under Secretary has assigned responsibility for sexual harassment program oversight to

¹² Pub. L. No. 94-106, § 803 (1975).

DOD's Office of Diversity Management and Equal Opportunity, and has designated the Sexual Assault Prevention and Response Office as the department's single point of responsibility for sexual assault policy matters. In 2003, the new DHS became the parent agency of the Coast Guard. The Coast Guard maintains an Office of Civil Rights to address issues including sexual harassment and an Office of Work-Life to address issues including sexual assault. Both offices fall under the Commandant of the Coast Guard.

DOD defines sexual harassment as 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 as 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 work environment. This definition 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.¹³ 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 member or civilian employee or 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. The Coast Guard employs a similar definition of sexual harassment.

In response to the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005,¹⁴ the Secretary of Defense issued a directive for DOD's Sexual Assault Prevention and Response Program that included a standard definition of sexual assault for all service branches, to include the academies. Under the standard definition, sexual assault is "intentional sexual contact, characterized by the use of force, physical threat or abuse of authority or when the victim does not or cannot consent. It includes

¹³ Department of Defense Directive 1350.2, *Department of Defense Military Equal Opportunity (MEO) Program* (Aug. 18, 1995). Workplace is an expansive term for military members and academy students and may include conduct on or off duty, 24 hours a day.

¹⁴ Pub. L. No. 108-375, § 577 (2004).

rape, nonconsensual sodomy (oral and anal sex), indecent assault (unwanted, inappropriate sexual contact or fondling), or attempts to commit these acts. Sexual assault can occur without regard to gender or spousal relationship or age of victim. "Consent" shall not be deemed or construed to mean the failure by the victim to offer physical resistance. Consent is not given when a person uses force, threat of force, coercion, or when a victim is asleep, incapacitated, or unconscious."¹⁵ The Coast Guard employs a similar definition of sexual assault.

DOD provides oversight of the sexual harassment and assault programs at the DOD academies by complying with statutory reporting requirements. Following a series of high-profile sexual assault cases at the DOD academies, Congress directed DOD to provide an annual report on incidents of sexual harassment and assault at the DOD academies.¹⁶ The John Warner National Defense Authorization Act for Fiscal Year 2007 revised and codified the reporting requirements and directed DOD to administer surveys of academy students in odd-numbered years and to conduct focus groups for any year that surveys are not required.¹⁷

To date, DOD has completed three surveys:

1. The Office of the Inspector General of the Department of Defense issued a Report on the Service Academy Sexual Assault and Leadership Survey on March 4, 2005.
2. The Defense Manpower Data Center issued the results of the Service Academy 2005 Sexual Harassment and Assault Survey in December 2005.
3. The Defense Manpower Data Center issued the results of the Service Academy 2006 Gender Relations Survey in December 2006.

DOD, through its Sexual Assault Prevention and Response Office and in conjunction with the Defense Manpower Data Center, issued its fourth

¹⁵ Department of Defense Directive 6495.01, *Sexual Assault Prevention and Response (SAPR) Program* (Oct. 6, 2005).

¹⁶ Pub. L. No. 108-136, § 527 (2003).

¹⁷ Pub. L. No. 109-364, § 532 (2006). See 10 U.S.C. § 4361 for requirements applicable to the Military Academy, 10 U.S.C. § 6980 for requirements applicable to the Naval Academy, and 10 U.S.C. § 9361 for requirements applicable to the Air Force Academy. See the note following 10 U.S.C. § 4361 for information regarding focus groups.

report in December 2007. This report is the first to include results from academy focus groups as well as an assessment by the Sexual Assault and Prevention Response Office and the Office of Diversity Management and Equal Opportunity of the academies' policies and programs relating to sexual harassment and assault cases. The report also includes academy data on formal reports of sexual harassment, which were not included in the earlier reports.

We first examined congressional concerns about sexual harassment at the DOD academies beginning in 1990, following a Senate Committee on Armed Services request that we evaluate the treatment of service academy students. In the years from 1992 through 2003, we issued two testimonies and three reports on this issue, and made recommendations for improving the military service academies' treatment of sexual harassment.

- In June 1992, we testified that sexual harassment occurred more frequently than what was reported to officials on student treatment at the DOD academies.¹⁸
- In January 1994, we issued a report based on the 1992 testimony, which stated that DOD's academies had not met DOD's policy of providing an environment free from sexual harassment.¹⁹
- In February 1994, we followed up with a testimony based on the January 1994 report's findings.²⁰
- In March 1995 we reported that the majority of women in each of the DOD academies reported experiencing at least one form of sexual harassment on a recurring basis in academic year 1993-94.²¹
- We conducted a survey on students and faculty at the DOD academies from February 5 through March 7, 2003, which found that on average, from 21 to 37 percent of female students at the DOD academies responded that sexual harassment prevention was generally or greatly underemphasized.

¹⁸ GAO, *DOD Service Academies: Status Report on Reviews of Student Treatment*, [GAO/T-NSIAD-92-41](#) (Washington, D.C.: June 2, 1992).

¹⁹ GAO, *DOD Service Academies: More Actions Needed to Eliminate Sexual Harassment*, [GAO/NSIAD-94-6](#) (Washington, D.C.: Jan. 31, 1994).

²⁰ GAO, *DOD Service Academies: Further Efforts Needed to Eradicate Sexual Harassment*, [GAO/T-NSIAD-94-111](#) (Washington, D.C.: Feb. 3, 1994).

²¹ GAO, *DOD Service Academies: Update on Extent of Sexual Harassment*, [GAO/NSIAD-95-58](#) (Washington, D.C.: Mar. 31, 1995).

We subsequently issued a report in September 2003 that detailed our findings.²²

In addition, Congress has undertaken several initiatives and DOD has created a number of related task forces and conducted a number of studies, which are further detailed in appendix IV.

The Academies Have Taken Steps to Prevent, Respond to, and Resolve Incidents of Sexual Harassment and Assault

All four academies have taken a number of steps to prevent, respond to, and resolve incidents of sexual harassment and assault. For instance, the DOD academies have each established and staffed a Sexual Assault Response Coordinator position to operate as the single point of accountability for each academy's sexual assault prevention, response, and resolution efforts. Each of the academies has also established training requirements and programs aimed at preventing and responding to future incidents of sexual harassment and assault. Procedures academies use to respond to and resolve incidents of sexual harassment and assault generally depend on which type of incident is reported and the reporting option chosen by the victim. A few of the reported sexual assault cases have resulted in formal charges.

The DOD Academies Have Established and Staffed a Sexual Assault Response Coordinator Position to Serve as the Single Point of Accountability

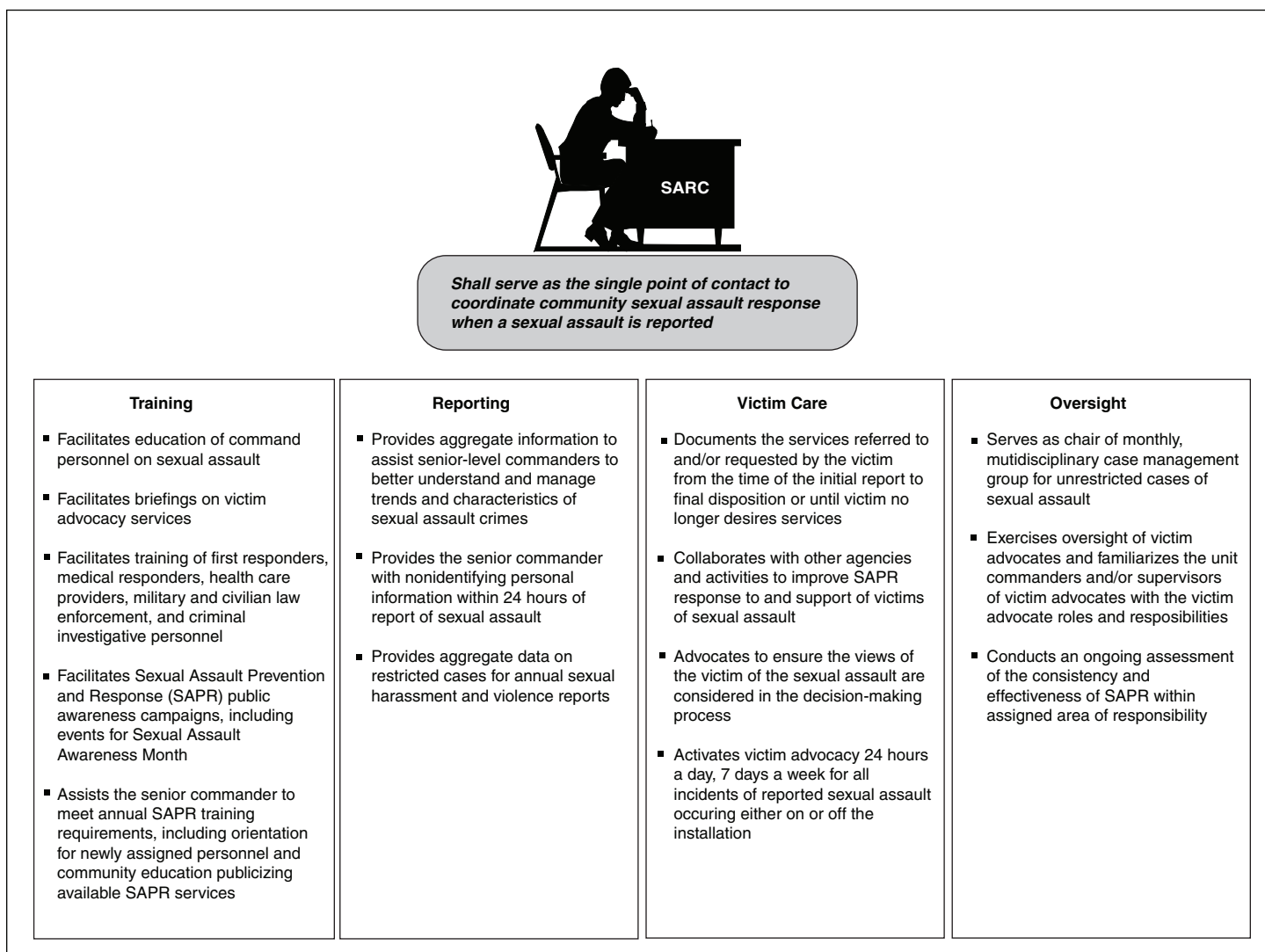
In 2006, DOD issued an instruction²³ requiring the military services to establish Sexual Assault Response Coordinator positions and required each coordinator to serve as a single point of contact to coordinate community sexual assault response when a sexual assault is reported. The coordinator is the focal point for sexual assault prevention, response, and resolution efforts at each major installation, including the DOD academies. The coordinator, who has a full-time position dedicated to working on sexual assault prevention and response, is responsible for, among other things, coordinating community sexual assault response, activating a round-the-clock system to provide victim advocacy, facilitating the education of personnel on sexual assault and victim advocacy services, organizing public awareness campaigns for victims of sexual assault, documenting services provided, and reporting sexual assault data. When providing victim care, the Sexual Assault Response Coordinator

²² GAO, *Military Education: Student and Faculty Perceptions of Student Life at the Military Academies*, [GAO-03-1001](#) (Washington, D.C.: Sept. 12, 2003).

²³ Department of Defense Instruction 6495.02, *Sexual Assault Prevention and Response Program Procedures* (June 23, 2006).

documents the services referred to or requested by the victim of each reported sexual assault incident from the time of an initial report to the final disposition of the case or until the victim no longer desires services. The coordinator also serves as the chair of the monthly sexual assault case management group, oversees victim advocates, and conducts an ongoing assessment of the consistency and effectiveness of his or her academy's sexual assault prevention and response program. Figure 1 provides a general overview of Sexual Assault Response Coordinator responsibilities.

Figure 1: General Responsibilities of DOD Sexual Assault Response Coordinators (Applicable for Military Servicemembers, DOD Civilian Employees, or DOD Contractors Serving in This Capacity)



Sources: GAO analysis, Art Explosion (clip art).

The Military Academy and Naval Academy employ Sexual Assault Response Coordinators who are solely dedicated to students, while the Air Force Academy's Coordinator serves academy students and the active duty military personnel assigned to both the academy and the collocated installation. The Sexual Assault Response Coordinator at the DOD academies can be a military servicemember, DOD civilian employee, or

DOD contractor. Currently, the position at the Military and Naval Academies is filled by a military servicemember, while the Air Force Academy's coordinator is a Government Series civilian. Victim advocates, chaplains, health care providers, psychologists, criminal investigative units, judge advocate's offices, military law enforcement personnel, and victim and subject commanding officers provide support to the coordinator—and to the sexual assault prevention and response program in general.

The Coast Guard Academy is not required to have a Sexual Assault Response Coordinator position. Instead, the Coast Guard relies on a network comprised of academy leadership, licensed psychologists, chaplains, staff judge advocates, peers, and investigative personnel to respond to sexual assault incidents. The Coast Guard Academy also has victim advocates who provide assistance to students throughout the unrestricted sexual assault reporting process. Coast Guard Academy students who choose to make restricted reports may receive services from victim advocates employed by civilian victim care organizations. During our review, however, Coast Guard Academy officials indicated that they plan to establish a Sexual Assault Response Coordinator position.

The Academies Have Established Sexual Harassment and Assault Prevention and Response Training Requirements and Programs

Each of the academies has established training requirements and programs on the prevention of and response to sexual harassment and assault. In response to the statutory requirements²⁴ and DOD guidance, DOD's October 2005 directive²⁵ states that DOD's policy includes eliminating sexual assault within DOD by providing a culture of prevention, education and training, response capability, victim support, reporting procedures, and accountability that enhances the well-being and safety of all its members. The three DOD academies have established separate sexual harassment and assault-related training requirements and programs for students, responders, academy personnel, and academy mental health professionals, such as counselors.

²⁴ See 10 U.S.C. § 4361 for requirements applicable to the Military Academy, 10 U.S.C. § 6980 for requirements applicable to the Naval Academy, and 10 U.S.C. § 9361 for requirements applicable to the Air Force Academy.

²⁵ Department of Defense Directive 6495.01, *Sexual Assault Prevention and Response (SAPR) Program* (Oct. 6, 2005).

DOD academy policies require the Sexual Assault Response Coordinators to attend formal training— as victim responders—that includes the management of sexual assault cases, reporting options available to victims, and appropriate methods for transferring victim care to civilian authorities. Coordinators are also trained to provide instruction to other academy personnel, such as victim advocates. Additionally, the Sexual Assault Response Coordinators assist commanders in meeting annual sexual assault prevention and response training requirements by providing sexual harassment and assault orientation briefings for new students and personnel.

Each of the DOD academies employs different training curricula for students, but all share common elements, including mandatory training on response procedures, available resources, terminology, and the consequences of committing sexual harassment and assault. Additionally, each of the academies employs graduated student training programs, which culminate in more advanced training for seniors on how to handle potential incidents of sexual harassment and assault as commissioned officers. Academy sexual harassment and assault training is conducted in various formats, such as traditional classroom instruction, small group interaction, and role play. Each of the academies also hosts nationally recognized lecturers, who present their unique perspectives to academy students. Students receive an approximately 16 hours of formal sexual harassment and assault training throughout their 4 years at the academies. In addition to formal training, students also spend time participating in command and unit-based briefings, lectures, presentations, and discussion groups on sexual harassment and assault issues.

Although the Coast Guard Academy is not subject to the laws requiring the DOD academies to establish sexual harassment and assault prevention and response training requirements, the academy has instituted policies, which were revised in early 2006, and training programs similar to those at the DOD academies. The Coast Guard Academy policy on sexual assault requires periodic training on policy requirements to ensure adequate and appropriate implementation. Specifically, the training must provide all military personnel, including students, with an understanding of the reporting options available to them and the procedures used to ensure confidentiality. Since the Coast Guard Academy does not have a Sexual Assault Response Coordinator, academy personnel responsible for all student training develop, coordinate, and execute the Coast Guard Academy's sexual harassment and assault training. This training, which is intended to teach character, core values, and leadership, is conducted outside of regular classes. Similar to the DOD academies, students at the

Coast Guard Academy begin training during the summer before their freshman year, in which they learn about and demonstrate understanding of standards. These training sessions include program definitions, policies, resources, appropriate responses, confidentiality requirements, a briefing on their peer resource program, and student roles. Students receive more than 20 hours of formal sexual harassment and assault training throughout their 4 years at the academy. Coast Guard Academy students also participate in additional command and unit-based briefings, lectures, presentations, and discussion groups on these topics.

In October and November 2007, we conducted one-on-one structured interviews with randomly selected students at each of the academies, who had been at the academy for more than 1 year, to discuss student perceptions of sexual harassment and assault prevention and response training programs. While we cannot project to the total population of students at the academies from our limited sample, all 70 of the students we interviewed confirmed that they had received sexual harassment and assault training, and many noted that they received the training in a variety of formats.

Procedures for Responding to and Resolving Incidents of Sexual Harassment or Assault Depend on the Incident Reported and the Reporting Method

Procedures academies use to respond to and resolve incidents of sexual harassment and assault at the military academies generally depend on which type of incident is reported and the reporting option chosen by the victim. Students at the DOD academies who wish to report an incident of either sexual harassment or sexual assault have a choice of two reporting options, each of which includes multiple individuals to whom a student can report. The reporting option chosen determines the response from academy officials and presents different options for achieving resolution. The Coast Guard Academy has similar reporting options.

The academies provide two options for filing complaints of sexual harassment: informal and formal. The academies encourage sexual harassment victims to resolve incidents through the informal complaint process first, which triggers the lowest-level response. The DOD and the Coast Guard Academies' sexual harassment policies recommend that the complainant resolve informal complaints by directly confronting the subject. If the complainant does not feel comfortable directly confronting the subject, he or she may ask for help from another student or another person in the complainant's chain of command. In informal cases, the subject's commanding officer, with input from the chain of command, determines the type of action that can range from informal counseling to written reprimands.

Procedures for filing a formal complaint of sexual harassment differ slightly depending on the academy attended. For example, the amount of time a student has to file a formal complaint ranges from 45 to 60 days of the alleged incident. In response, the official who receives and reviews the written complaint determines if an investigation should be initiated. If a student chooses to file a formal complaint, the DOD academies' military equal opportunity offices and the Coast Guard Academy's Office of Civil Rights will interview any witnesses, collect data, and create a report with findings and recommended actions. From this point, the commander will determine whether further investigation is necessary or whether to approve all or part of the findings and recommendations. Once the commanding officer determines that a sexual harassment complaint has merit, the Superintendent will determine the most appropriate action to address the subject's misconduct. If egregious enough, sexual harassment claims may be prosecuted under the Uniform Code of Military Justice. Resolution time varies depending on the nature of the incident and whether the complainant makes a formal or informal complaint.

Like sexual harassment, academy responses to allegations of sexual assault are largely based on how the victim chooses to report the incident. Each academy offers two reporting options: restricted and unrestricted. The restricted reporting option permits a victim to disclose an alleged sexual assault incident to designated officials, such as Sexual Assault Response Coordinators at the DOD academies, doctors, or victim advocates, privately. In response, designated academy officials will provide necessary medical treatment, mental health services, or other care the victim needs while maintaining the anonymity of the victim and without initiating a criminal investigation or taking action for any victim misconduct associated with the reported incident. However, the academies' military criminal investigative organizations or military police are required to store forensic evidence gathered by health care providers using nonpersonalized identifiers for up to a year after a restricted report of sexual assault. This allows a victim the option of converting the restricted report to an unrestricted report at a date within 1 year of the initial restricted report.

Alternatively, the unrestricted reporting option affords the victim the same level of care, but may also initiate a response by the appropriate military criminal investigative organization. If a victim reports a sexual assault through unrestricted channels, the appropriate military criminal investigative organization—such as the Army's Criminal Investigative Division, Naval Criminal Investigative Service, Air Force Office of Special Investigations, or Coast Guard Investigative Service—will be contacted to

collect evidence and interview the victim, subject, and witnesses. The staff judge advocate office will review the evidence collected by the criminal investigative organization and advise the subject's commanding officer on how to proceed. The subject's superintendent ultimately decides the level at which an offense is to be resolved. The superintendent may opt for no punishment; administrative measures, which can vary from an oral or written reprimand to separation from the academy; nonjudicial punishment such as loss of privileges, extra duty, and loss of rank or pay; or, for the most serious offenses, a court-martial. After being found guilty at a general court-martial, a subject could be dismissed from the service academy, confined, or— if the case is referred as a capital case— sentenced to the death penalty. According to officials we spoke with, legal proceedings in the military courts tend to occur more promptly than in the civilian judicial system. DOD policy affords the victim a number of rights during this process, including the right to consult with the government's attorney, notification of and the right to be present at all court proceedings unless otherwise determined by the court, and reasonable protection from the subject.²⁶

From academy program years 2003 through 2006, 9 of the 126 subjects identified in the 108²⁷ unrestricted reports of sexual assault that we reviewed from the DOD and Coast Guard military criminal investigative organizations proceeded to a court-martial. The majority of the remaining 117 subjects identified were not formally charged with sexual assault because the evidence was unsubstantiated, unfounded, or insufficient. Of those 9 subjects tried, 5 subjects were convicted and 4 were acquitted.

²⁶ Department of Defense Directive 1030.01, *Victim and Witness Assistance* (Apr. 23, 2007).

²⁷ In this report, we state that DOD reported 96 incidents of sexual assault from academy program years 2003 to 2006. The number used here, 108, is the 96 unrestricted DOD cases of sexual assault in addition to the 12 Coast Guard Academy cases of sexual assault, for a total of 108. In those 108 unrestricted cases, we identified 126 subjects because some cases contain multiple subjects.

Academies Collect Data on Sexual Harassment and Assault, but Results from Anonymous Surveys Administered in 2006 Suggest That the Academies May Not Have Complete Visibility Due to Underreporting

The academies collect data on sexual harassment and assault; however, student perceptions gathered from a survey administered in 2006 suggest that sexual harassment and assault may be underreported and, hence, that the academies do not have visibility over the total number of incidents. Although the Coast Guard Academy is not required to report sexual harassment and assault data, it does record incidents of sexual harassment and assault and also administers its own surveys of academy students. The 2006 Coast Guard Academy survey shows similar disparities in the results.

The DOD Academies Collect Data on Reported Incidents of Sexual Harassment and Assault

For academy program years 2003 through 2006, the DOD academies' military equal opportunity offices²⁸ reported 32 sexual harassment cases, the Sexual Assault Response Coordinators²⁹ reported 26 restricted cases of sexual assault, and the military criminal investigators³⁰ reported 96 unrestricted sexual assault cases. Each DOD academy is statutorily required³¹ to submit annual sexual harassment and violence reports to its respective service secretary each academy program year.³² These reports must include the number of sexual assaults, rapes, and other sexual offenses involving academy students or other personnel that have been reported to academy officials during the academy program year, and also

²⁸ DOD's military departments are required to report data on formal complaints of sexual harassment to DOD's Office of Diversity Management and Equal Opportunity.

²⁹ The Sexual Assault Response Coordinators are required to report data on restricted reports of sexual assault to DOD's Sexual Assault Prevention and Response Office.

³⁰ The military criminal investigative organizations are required to collect, maintain, and report data on unrestricted reports of sexual assault to DOD's Sexual Assault Prevention and Response Office.

³¹ See 10 U.S.C. § 4361 for requirements applicable to the Military Academy, 10 U.S.C. § 6980 for requirements applicable to the Naval Academy, and 10 U.S.C. § 9361 for requirements applicable to the Air Force Academy.

³² An academy program year corresponds to an academic year as well as the summer training period that precedes it and is defined by DOD as June 1 through May 31.

indicate the number of reported cases that have been substantiated. The sexual assault data reported in the annual DOD academy reports are currently provided by each academy's respective military criminal investigative organization and Sexual Assault Response Coordinator. In addition, the DOD academies are statutorily required to participate in DOD-administered surveys, typically conducted by the Defense Manpower Data Center, in odd-numbered years and in focus groups in even-numbered years to determine the effectiveness of the policies, training, and procedures of the academies with respect to sexual harassment and sexual violence involving students and other academy personnel. The academies provide this information to their respective service secretaries, who forward the report to the Under Secretary of Defense for Personnel and Readiness' Sexual Assault Prevention and Response Office³³ for report assembly and submission to Congress.

Table 1 presents the number of sexual harassment complaints reported by each of the DOD academies' military equal opportunity offices for program years 2003 through 2006. Although all the DOD academies offer an informal sexual harassment complaint option, the Air Force Academy is the only academy that formally tracks data on informal complaints. Sexual harassment data have not been reported previously in the DOD academies' annual sexual harassment and violence report; however, the 2007 report does include these data.

Table 1: Alleged Sexual Harassment Incidents at the DOD Academies for Academy Program Years 2003 through 2006					
	2003	2004	2005	2006	Total
Military Academy	0	0	0	0	0 ^a
Naval Academy	5	5	13	3	26
Air Force Academy ^b	Not available ^c	Not available ^c	1	5	6
Total	5	5	14	8	32

Source: GAO analysis of sexual harassment data provided by the DOD academies' military equal opportunity offices.

Note: All included alleged cases were closed prior to the end of academy program year 2006.

³³ The 2005 Report on Sexual Harassment and Violence at the Military Service Academies was compiled by the Joint Task Force on Sexual Assault Prevention and Response. The Joint Task Force on Sexual Assault Prevention and Response transitioned into a permanent office on October 1, 2005, and became the Sexual Assault Prevention and Response Office.

^aAccording to Military Academy officials, there were no reported cases of sexual harassment for academy program years 2003 through 2006.

^bThe Air Force Academy numbers include both formal and informal complaints of sexual harassment.

^cThe Air Force Academy maintains case files for 2 years only.

Table 2 presents the number of unrestricted reports of sexual assault provided by the military criminal investigative organizations, and the incidents that were substantiated by each DOD academy for academy program years 2003 through 2006. The military criminal investigative organizations track unrestricted sexual assault reports involving academy students as victims, subjects, or both. Officials noted that reported data are incident based and do not necessarily reflect the number of victims or subjects.

Table 2: Unrestricted Sexual Assault Incidents Reported by the Military Criminal Investigative Organizations at the DOD Academies for Academy Program Years 2003 through 2006

	2003	2004	2005	2006	Total	Total substantiated
Military Academy	7	8	13	4	32	15
Naval Academy	7	7	5	7	26	18
Air Force Academy	8	19	7	4	38	3
Total	22	34	25	15	96	36

Source: GAO analysis of unrestricted sexual assault data provided by the DOD military criminal investigative organizations.

In addition to the unrestricted data obtained from criminal investigators, we also collected restricted and unrestricted reports of sexual assault from the Sexual Assault Response Coordinator at each academy. Table 3 presents the number of restricted and unrestricted reports of sexual assault incidents reported by the Sexual Assault Response Coordinator at each academy for academy program years 2003 through 2006. Data collected by the Sexual Assault Response Coordinators are victim based.

Table 3: Unrestricted and Restricted Sexual Assault Incidents Reported by the Sexual Assault Response Coordinators at the DOD Academies for Academy Program Years 2003 through 2006

		2003	2004	2005	2006	Total
Military Academy	Unrestricted	10	7	12	6	45
	Restricted	Not available ^a	Not available ^a	3	7	
Naval Academy	Unrestricted	12	10	11	12	55
	Restricted	0	1	6	3	
Air Force Academy	Unrestricted	11	16	7	5	45
	Restricted	Not available ^a	Not available ^a	Not available ^a	5	
Total		33	34	39	38	145

Source: GAO analysis of unrestricted and restricted reports of sexual assault provided by the DOD academies' Sexual Assault Response Coordinators.

^aThe DOD-wide restricted reporting option did not go into effect until academy program year 2006; however, the Military Academy employed a restricted reporting option in academy program year 2005 and the Naval Academy employed a restricted reporting option in academy program years 2003, 2004, and 2005.

As tables 2 and 3 illustrate, the data will vary based on the source providing the information. Given that data collected by the Sexual Assault Response Coordinators are victim based, and data collected by the military criminal investigative organizations are incident based, the numbers reported by these organizations will not always correspond. For example, an incident involving one subject and three victims would be reported as one incident by the military criminal investigative organization and as three incidents by the Sexual Assault Response Coordinator.

Student Perceptions
Gathered from Surveys
Administered in 2006
Suggest That Sexual
Harassment and Assault
Data May Be
Underreported, and That
the Academies Do Not
Have Visibility over the
Total Number of Cases

Responses of students to recent surveys conducted at each of the four academies indicate that incidents of sexual harassment and assault may be occurring at higher rates than are being reported, suggesting that the academies do not have full visibility over the actual number of cases. The first survey to measure academy students' experience with sexual harassment and assault while at the academies was conducted in 2004 by the DOD Inspector General. Responsibility for subsequent surveys was transferred to the Defense Manpower Data Center. The results of the most recent survey of DOD academy students, which was administered in March and April 2006, are that an estimated 8.2 percent to 10.5 percent of females and an estimated 1 percent to 1.4 percent of males experienced "unwanted sexual contact."³⁴ Based on the total number of men and women enrolled at the academies at that time, the DOD survey estimates suggest that approximately 200 female and 100 male students may have experienced unwanted sexual contact in the previous year alone.³⁵ Although the term unwanted sexual contact includes a range of activities that the Uniform Code of Military Justice prohibits and thus cannot necessarily be directly compared to reported cases of sexual harassment or sexual assault, survey results nonetheless suggest that cases may be underreported and that the academies may not have full visibility over the total number of incidents of sexual harassment and assault involving academy students. Nearly all of female respondents who indicated experiencing unwanted sexual contact reported that their offenders were male students at the academy. Furthermore, of the same group of females, roughly 75 percent from the Military Academy, 45 percent from the Naval Academy, and 47 percent from the Air Force Academy reported that their experience of unwanted sexual contact occurred on academy grounds.³⁶ Results regarding offender identity and the location of incidents are not reportable for male respondents. Results from the same survey indicated that an estimated 51 percent to 60 percent of female respondents at the

³⁴ The estimates for the three military academies are for the Military Academy, 10.5 percent of females and 1 percent of males; the Naval Academy, 8.2 percent of females and 1.4 percent of males; and the Air Force Academy, 9.5 percent of females and 1.2 percent of males. These estimates from DMDC's surveys are based on a 95 percent confidence level with a margin of error of plus or minus 1 percent.

³⁵ This approximate number of females and males is based on the academy populations at the time of DMDC's survey: the Military Academy, 596 females and 3,444 males; the Naval Academy, 753 females and 3,555 males; and the Air Force Academy, 744 females, and 3,428 males.

³⁶ These estimates from DMDC's surveys are based on a 95 percent confidence level with a margin of error of plus or minus 1 percent.

three DOD academies, and an estimated 8 percent to 12 percent of male respondents, experienced sexual harassment,³⁷ which, like the previous measure, is higher than the 8 sexual harassment incidents recorded by the DOD academies for the 2006 academy program year.³⁸

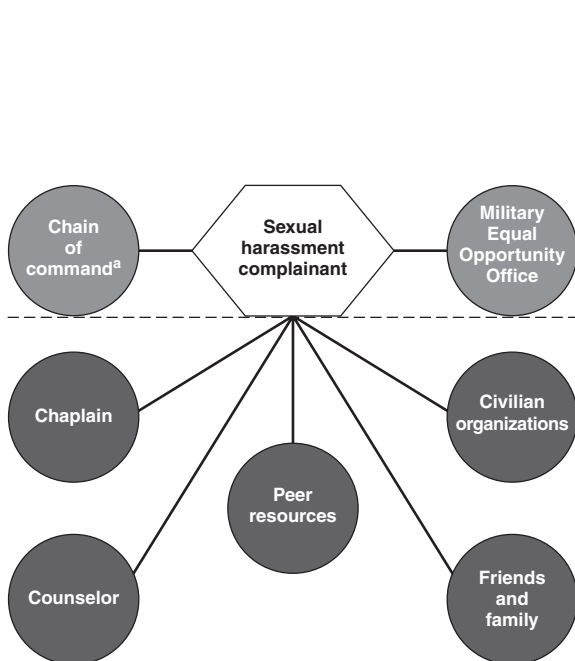
Although the survey results suggest a disparity between the number of reported sexual harassment and assault cases and the actual number of incidents, this is largely an expected result of anonymous surveys. Whereas formal reports, whether restricted or unrestricted, involve some level of personal identification—and therefore a certain amount of risk on the part of the victim—the risks and incentives for the students making anonymous reports are very different. Hence, anonymous survey results tend to produce higher numbers of alleged incidents of sexual harassment and assault. In addition, academy officials will likely never have complete visibility over sexual harassment and assault incidents—particularly those that are never reported or those that are reported to individuals who are not required to disclose these incidents, such as clergy, counselors, civilian victim care organizations, friends, or family. Figure 2 depicts various reporting options open to victims and highlights those options over which the academies may likely never have complete visibility.

³⁷ In analyzing survey results, the Defense Manpower Data Center defines sexual harassment as crude or offensive behavior, unwanted sexual attention, and sexual coercion.

³⁸ The estimates for the three military academies are for the Military Academy, 60 percent of females and 8 percent of males; the Naval Academy, 52 percent of females and 12 percent of males; and the Air Force Academy, 51 percent of females and 12 percent of males. These estimates from DMDC's surveys are based on a 95 percent confidence level with a margin of error of plus or minus 2 percent.

Figure 2: Sexual Harassment and Assault Reporting Options

Sexual harassment reporting options

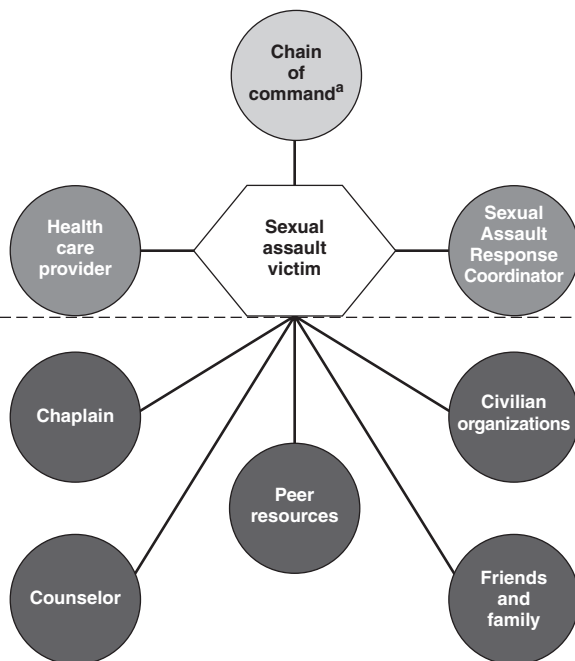


- Complainant may file formal sexual harassment complaint to these entities or seek advice only.
- Complaints provided to these entities may not result in a formal sexual harassment complaint; therefore the Academy has limited to no visibility.

Complaints made to these entities are included in formal reports to the academy.

Complainant may seek advice from these entities without filing a complaint or report.

Sexual assault reporting options



- Victim must file an unrestricted report/mandatory reporting.
- Victim may file restricted or unrestricted report.
- Sexual assault complaints provided to these entities may not result in an unrestricted or restricted report; therefore the Academy has limited to no visibility.

Source: GAO illustration of academy sexual harassment and assault reporting options.

^aChain of command responsibilities differ depending on whether a student wishes to report sexual harassment or assault and is represented as such in these figures.

The Coast Guard Academy Is Not Required to Report Sexual Harassment and Assault Data but Does Record Incidents

The Coast Guard Academy is not required to assess its students; however, it does administer its own surveys of academy students, and these surveys show similar disparities in the results. In 2006, for example, 43 females and 20 males of the 793 student survey respondents reported that they had experienced an incident of sexual harassment or assault between October 2005 and October 2006.³⁹ The Coast Guard Academy combined its assessment of students experiencing sexual harassment and assault into a single measure, which makes it difficult to compare survey responses to reported data. However, the combined sexual harassment and assault measure still exceeds the 10 recorded sexual assault incidents and 0 recorded incidents of sexual harassment at the Coast Guard Academy in the 2006 academy program year. Additionally, the DOD and Coast Guard academies' survey results cannot be compared because they used different measures in their surveys.

Table 4 presents the total number reports of sexual assault that were reported to the Coast Guard Investigative Service, the Coast Guard's military criminal investigative organization, from academy program years 2003 through 2006. The Coast Guard Academy did not receive any sexual harassment complaints from academy program year 2003 through 2006.

Table 4: Unrestricted and Restricted Sexual Assault Incidents at the Coast Guard Academy for Academy Program Years 2003 through 2006

	2003	2004	2005	2006	Total ^a
Coast Guard Academy	1	1	0	10	12

Source: GAO analysis of unrestricted and restricted reports of sexual assault provided by the Coast Guard Academy.

^aThe total number of sexual assault cases includes both restricted and unrestricted reports.

The Coast Guard Academy, unlike the DOD academies, is not required to submit annual reports to Congress on incidents of sexual harassment and assault. The Coast Guard Academy does record these data, but like DOD academy sexual harassment and assault data, it is difficult to draw conclusions about the effectiveness of Coast Guard Academy sexual harassment and assault programs just by analyzing those data.

³⁹ The Coast Guard Academy administered the 2006 Cadet Human Relations and Climate Survey to cadets in October 2006 and received approximately 793 completed questionnaires out of 996. For more details about the Coast Guard Academy Survey, see app. I.

DOD's Oversight of Its Academies' Sexual Harassment and Assault Programs Has Not Been Integrated and Comprehensive, and Coast Guard Headquarters Has Not Established an Oversight Framework

DOD has established an oversight framework for its academies' sexual harassment and assault programs, but the department has not clearly articulated data-reporting requirements or established performance measures for evaluating the data collected from the academies, and it has not taken the opportunity to assess the overall health of academy sexual harassment and assault programs as part of its annual report to Congress. However, DOD has recently taken steps to address these concerns. Furthermore, although Coast Guard headquarters has performed a limited assessment of the academy's sexual harassment program, it has not established any oversight framework for either the sexual harassment or sexual assault programs at the Coast Guard Academy.

DOD Has Issued Guidance Establishing an Oversight Framework for Its Academies' Sexual Harassment and Assault Programs

DOD has issued guidance establishing an oversight framework for its sexual harassment and sexual assault prevention and response programs that assigns oversight responsibility within the Office of the Under Secretary of Defense for Personnel and Readiness, provides oversight expectations to the military services, and defines statutory reporting requirements.

DOD Sexual Harassment Program Oversight

DOD's Office of Diversity Management and Equal Opportunity has oversight responsibilities for DOD's sexual harassment programs, and DOD provisions regarding sexual harassment are contained in various equal opportunity documents. These documents include DOD Directive 1350.2, Department of Defense Military Equal Opportunity Program, dated August 18, 1995, and DOD Instruction 1350.3, Affirmative Action Planning and Assessment Process, dated February 29, 1988. Office of Diversity Management and Equal Opportunity officials noted that the directive and instruction are currently under revision and will include separate instructions to describe a diversity management program, the military equal opportunity program, and the equal employment opportunity program.

Office of Diversity Management and Equal Opportunity officials stated that they assign sexual harassment oversight responsibility of the academies to the service headquarters. DOD's affirmative action instruction focuses on the DOD policy for the military services to monitor and report on selected

DOD Sexual Assault Program Oversight

dimensions of their personnel programs (including the academies' programs) to ensure equal opportunity and fair treatment for all service members through affirmative actions and other initiatives.⁴⁰ The instruction also assigns responsibilities and establishes minimum reporting requirements. The officials also noted that the service academies are subject to the provisions of DOD Directive 1350.2 as well as their respective service operating instructions and regulations and academy-specific guidance. Each military department prepares its service-specific operating instructions based on the guidance contained in the DOD directive. Similarly, the service academies prepare guidance based on their specific service instructions and regulations.

DOD's Sexual Assault Prevention and Response Office was established following concerns raised in early 2004 regarding sexual assault within DOD. On February 5, 2004, the Secretary of Defense directed the Under Secretary of Defense for Personnel and Readiness to undertake a 90-day review of all sexual assault policies and programs among the services and DOD. Subsequently, the Task Force Report on Care for Victims of Sexual Assault was published in April 2004, and it identified significant problems with military prevention and response to sexual assault. The task force recommended for long-term action that DOD establish institutional sexual assault program evaluation, quality improvement, and oversight mechanisms. Since the issuance of the task force report and the passage of recent legislation, DOD has made a number of changes to its sexual assault program. From 2004 to 2006, DOD refined and initiated a new policy on sexual assault first through a series of directive-type memorandums to the services—including the academies—and subsequently through DOD Directive 6495.01, Sexual Assault Prevention and Response Program. The directive established a comprehensive DOD policy on prevention of and response to sexual assaults and assigned responsibilities for many tasks, including, but not limited to, the development of overall policy and guidance for the DOD sexual assault and prevention program, the monitoring of compliance with the directive, the collection and maintenance of sexual assault data, the development of metrics to measure compliance and the effectiveness of sexual assault prevention and response training, and the oversight of the Sexual Assault Prevention and Response Office to the Under Secretary of Defense for Personnel and Readiness. In addressing one of the key recommendations

⁴⁰ Department of Defense Instruction 1350.3, *Affirmative Action Planning and Assessment Process* (Feb. 29, 1988).

of the task force, DOD established the Sexual Assault Prevention and Response Office as the department's single point of responsibility for sexual assault policy matters, except for criminal investigative policy matters assigned to the DOD Inspector General.

The office monitors the effectiveness of the academies' sexual assault prevention and response programs through required academy assessments and has overseen surveys and focus groups at the DOD academies. Sexual Assault Prevention and Response Office officials noted that they are working collaboratively with the services to create standards for evaluation in order to continue to effectively monitor sexual assault prevention and response programs.

DOD Has Not Clearly Articulated Sexual Harassment and Assault Data-Reporting Requirements

Although it is hard to know the total number of actual sexual harassment and assault incidents, DOD's previously issued annual reports to Congress may not effectively characterize incidents of sexual assault at the academies because the department has not clearly articulated data-reporting requirements, such as requiring common terminology or consistent methodology for reporting incidents. Inconsistencies in the way sexual harassment and assault data have been collected and the academies' dissimilar methods for reporting data in the annual sexual harassment and violence report could be misleading or confusing. As a result, congressional decision makers have lacked a clear picture of the incidence of sexual harassment and assault involving academy students and, therefore, may have difficulty judging the overall successes, challenges, and lessons learned from the academies' sexual harassment and assault prevention and response programs. For example:

- Reported numbers of substantiated claims are inconsistent.

DOD's Sexual Assault Prevention and Response Office requires DOD's academies to provide data on reported sexual assaults that have been "substantiated," but each academy has been defining the term differently because DOD has not provided clear definitions in its data request to the DOD academies. For example, the Naval Academy considers an unrestricted report of sexual assault to be substantiated if any one of the following three events occurs: an investigation can be conducted, an investigation results in a guilty verdict, or a minor case of sexual assault occurred and is handled administratively. This definition is much broader than that of either the Air Force or the Military Academy. The Air Force Academy's definition of substantiated unrestricted reports excludes cases that are still under investigation,

false reports, and reported incidents that do not meet the DOD standard definition of sexual assault. The Military Academy defines substantiated cases as those for which criminal investigators have determined probable cause that a subject has committed a criminal offense. Based on these differences in the interpretation of DOD reporting requirements, there has been inconsistent reporting among the academies of substantiated incidents.

- Reported data from different offices on restricted and unrestricted sexual assault reports have not been compared or aggregated.

DOD has not been generating a total number of restricted and unrestricted reported incidents of sexual assault. The offices providing the data measure incidents of sexual assault differently and in ways that are inconsistent, thus making it difficult to aggregate the data. Although the academies' Sexual Assault Response Coordinators collect data on both restricted and unrestricted cases, DOD's Sexual Assault Prevention and Response Office asks the coordinators to report only the number of restricted incidents, because it asks the criminal investigative organizations to provide data on unrestricted reports of sexual assault. The Sexual Assault Response Coordinators, who focus on victim care, collect and report data based on the number of victims involved. The criminal investigative organizations, however, report on "incidents," which they define as events that take place at the same time and same place, regardless of the number of victims or subjects involved. Thus, the lack of a shared definition for what constitutes an incident for reporting purposes in DOD's annual report on sexual harassment and assault has limited the ability of readers of the reports to draw conclusions based solely on reported numbers.

- Academy methods for collecting and reporting informal sexual harassment complaints are inconsistent.

Our study further found that the academies have different procedures for collecting and reporting data concerning informal sexual harassment complaints. The Air Force Academy tracks informal complaints, and Air Force policy requires academy officials to report these numbers to the Air Force military equal opportunity headquarters on a quarterly basis. The Military Academy and Coast Guard Academy maintain some data on informal complaints but do not report these numbers, and the Naval Academy does not track informal harassment complaints at all. Since each of the academies encourages students to use the informal approach to address sexual harassment issues, the

absence of a systematic way of tracking such complaints results in reduced visibility over the vast majority of incidents.

All of the DOD academies collect data on formal complaints of sexual harassment. The Military Academy and Air Force Academy report these data in quarterly military equal opportunity reports to their respective service military equal opportunity offices. However, DOD has not required the academies to provide sexual harassment incident data in the annual sexual harassment and violence report, although the reports have included survey and focus groups results on the topic. DOD officials began to include data on formal complaints of sexual harassment starting with the 2007 annual report on sexual harassment and violence at the military academies.

DOD Has Not Established a Mechanism for Evaluating Academy Data

DOD's Sexual Assault Prevention and Response Office and Office of Diversity Management and Equal Opportunity have been fulfilling only the minimal requirements to fully evaluate the effectiveness of the academies' programs because DOD has not established evaluative performance measures with which to conduct a comprehensive and integrated analysis of sexual harassment and assault incident data, survey and focus group results, and information on programs implemented at the academies. Our prior work has demonstrated the centrality of outcome-focused performance measures to successful program oversight. Although we recognize the difficulties in achieving full visibility over incidents of sexual harassment and assault and that the problem may never be completely eradicated, any attempt to transform the culture of an organization like the service academies demands that top leadership set implementation goals and a timeline to measure progress.⁴¹

In June 2006, DOD issued guidance for implementing the sexual assault prevention and response program directive. DOD Instruction 6495.02, Sexual Assault Prevention and Response Program, establishes oversight responsibilities and states that the Sexual Assault Prevention and Response Office is responsible for establishing institutional sexual assault program evaluation, as well as quality improvement and oversight mechanisms, to periodically evaluate the effectiveness of DOD's sexual assault prevention and response programs. In the absence of such

⁴¹ GAO, *Results Oriented Cultures: Implementation Steps to Assist Mergers and Organizational Transformations*, [GAO-03-669](#) (Washington, D.C.: July 2, 2003).

measures, Sexual Assault Prevention and Response Office officials told us that the office currently determines the effectiveness of the sexual assault prevention and response program based on how well the services are complying with the program implementation and requirements identified by DOD. Officials in DOD's Sexual Assault Prevention and Response Office did state that the office is working on the development of performance measures to gauge program effectiveness and intends to revise its oversight and evaluation activities as policy implementation matures. However, they noted during our review that the office did not have a timeline for developing these performance measures or for developing any program wide assessment tool for evaluating sexual harassment and assault programs at the academies.

DOD Has Not Conducted Its Own Assessment of Academy Sexual Harassment and Assault Programs as Part of Its Annual Report to Congress

DOD has not performed its own analysis of the information contained in the DOD academies' annual reports or provided its assessment of the academies' programs before forwarding their reports to Congress, in part because it is not explicitly required to include this type of assessment in its annual report on the academies. As a result, however, it is difficult to gain an understanding of the overall successes, challenges, and lessons learned from the academies' sexual harassment and assault prevention and response programs in previously issued annual reports. Throughout the course of this review, we held discussions with officials at DOD's Sexual Assault Prevention and Response Office to discuss their oversight responsibilities. The officials stated that their statutory reporting requirements are still relatively new, acknowledged that their role has been progressing from policy implementation to program oversight, and expressed their views that their oversight program has not yet matured to the point where it needed to be. Sexual Assault Prevention and Response Office officials shared a draft of their most recent academy annual report, which was finalized in December 2007. We reviewed the draft report, which revealed a more comprehensive assessment of academy sexual harassment and assault programs than previous annual reports. For example, the draft 2007 annual academies report that we reviewed contained the status of each service academy with regard to program implementation, an assessment of service academy compliance with DOD program requirements, and discussions of the incidence of sexual harassment during the 2007 program year at each academy.

Coast Guard Headquarters Has Not Established an Integrated Oversight Framework for the Coast Guard Academy's Sexual Harassment and Assault Activities

Although Coast Guard headquarters has performed a limited assessment of its academy's sexual harassment and assault programs, it has not established guidance, program requirements, or other aspects of an oversight framework for these programs at the Coast Guard Academy. The Coast Guard headquarters oversight of academy sexual assault programs is limited to the collection and maintenance of incident data.

The Coast Guard headquarters' Civil Rights Directorate, which is responsible for policy and oversight of the sexual harassment program in the Coast Guard, conducts equal opportunity reviews of all units within the Coast Guard, including the academy that consists of an assessment of the environment through surveys and focus groups and interviews with program officials. The directorate conducted its last review of the Coast Guard Academy in May 2003 and noted that the Civil Rights/Equal Opportunity climate, which includes the sexual harassment program, was in very good to excellent condition.

Coast Guard headquarters recently chartered a task force to assess the Coast Guard Academy's effectiveness in instilling Coast Guard core values and in producing future officers who employ those values in achieving mission excellence. The task force reported its findings in February 2007 and noted that while the actual number of sexual harassment and assault incidents continues to fluctuate, the proportion of incidents to numbers of women at the academy has decreased as the number of women enrolled at the Coast Guard Academy has increased. The task force also recommended that oversight be established to measure the alignment of Coast Guard Academy programs to Coast Guard objectives.

While there is no statutory reporting requirement for the Coast Guard Academy, the academy voluntarily participates in DOD's annual reporting requirement by submitting data, although in a more limited format, to DOD's Sexual Assault Prevention and Response Office, and internally administers climate surveys and focus groups on an annual basis.

Conclusions

The Military, Air Force, Naval, and Coast Guard academies are expected to provide a safe academic environment for their students. In addition, the academies strive to produce leaders of character and integrity who will help guide servicemen and servicewomen. Sexual harassment and assault, however, are fundamentally at odds with the obligation of men and women in uniform to treat all with dignity and respect. While each of the academies has taken positive steps to prevent, respond to, and resolve incidents of sexual harassment and assault, the fact that current data

collection instruments suggest that incidents of sexual harassment and assault may be underreported points to the need for enhanced oversight. Because of the difficulty in eradicating sexual harassment and assault, appropriate and effective oversight is critical.

In the absence of common data, standard terminology, and performance measures with which to evaluate results, DOD is unable to make crucial analyses and associated adjustments to its programs to ensure that the academies are doing their utmost to ensure the health and welfare of their students. Moreover, it is difficult to determine if its efforts have improved the situation at the academies. DOD has not previously provided Congress with its own assessment of academy programs in its annual reports and has missed opportunities to assess the overall successes, challenges, and lessons learned from the academy's harassment and assault program initiatives. It does however, appear that the department is beginning to formally take steps to analyze and assess the effectiveness of academy programs, but until these changes are formalized, DOD will not be in a position to provide congressional decision makers with meaningful information.

Although the Coast Guard Academy has taken the initiative to establish a sexual harassment and assault prevention program, despite not being statutorily required to do so, Coast Guard headquarters lacks a comprehensive framework to oversee the academy's efforts. Until Coast Guard headquarters establishes data collection, maintenance, and reporting requirements and develops goals, performance measures, and milestones for the Coast Guard Academy's program to strive toward, it will not be able to assess the effectiveness of its program.

Matter for Congressional Consideration

Congress may wish to consider requiring the Coast Guard Academy to submit sexual harassment and assault incident and program data for the annual report on Sexual Harassment and Violence at the Military Academies and to participate in surveys and appropriate qualitative methods that produce results that are methodologically comparable to those required of and administered by DOD. Including the Coast Guard Academy in these annual reports and reviews will provide Congress with a more comprehensive integrated and uniform assessment of sexual harassment and assault programs at all of the U.S. military academies.

Recommendations for Executive Action

To improve visibility and oversight of reported incidents of sexual harassment and assault at the DOD service academies, we recommend that the Secretary of Defense direct the Under Secretary of Defense for Personnel and Readiness to take the following three actions:

- Clearly articulate data reporting requirements to include common terminology.
- Establish evaluative performance measures that effectively assess academy sexual harassment and assault programs.
- Provide Congress with a comprehensive integrated assessment of the successes, challenges, and lessons learned from academy sexual harassment and assault programs in future annual academy sexual harassment and violence reports.

To improve Coast Guard headquarters' oversight of reported incidents of sexual harassment and assault at the Coast Guard Academy, we recommend that the Commandant of the Coast Guard establish a management oversight framework for the Coast Guard Academy to include data collection, maintenance, and reporting requirements, management goals, performance measures, and milestones to evaluate progress made toward addressing the incidence of sexual harassment and assault.

Agency Comments and Our Evaluation

In written comments on a draft of this report, DOD concurred or partially concurred with our recommendations to improve the oversight of sexual harassment and assault programs at the DOD academies and to ensure consistent capturing and reporting of data. DOD also provided technical comments and we have incorporated them in the report as appropriate. DOD's official and supplemental comments are reprinted in appendix II. In its written comments on a draft of this report, the Coast Guard concurred with our recommendation to improve oversight and establish a management framework to address the incidence of sexual harassment and assault. The Coast Guard provided technical comments and we have incorporated them into the report as appropriate. The Coast Guard's formal comments are reprinted in appendix III.

DOD partially concurred with our recommendation that the Secretary of Defense direct the Under Secretary of Defense for Personnel and Readiness to clearly articulate data-reporting requirements, to include common terminology. DOD agreed that there are challenges with maintaining consistent terminology in the data reporting-process, and added that it has initiatives under way to address this matter. The

department acknowledged our report's reference to the lack of a common definition for the term substantiated in its annual academy sexual harassment and violence reports, and stated that it has contracted with the RAND Corporation to research this issue and to increase data collection standardization. DOD also asserted in its comments that case disposition data that DOD reports are consistent across the military services. We question this assertion because it is difficult to determine if disposition data are used consistently across the academies without first ensuring that the academies are applying common terminology. We specifically highlighted the inconsistent use of the term substantiated, given that Congress used this in the National Defense Authorization Acts for fiscal years 2004 and 2007. In order for DOD to provide a uniform message to Congress, we continue to believe that it is critical that data-reporting requirements are clearly articulated and that all terminology related to reporting requirements is consistently defined.

DOD concurred with our recommendation that the Secretary of Defense direct the Under Secretary of Defense for Personnel and Readiness to establish evaluative performance measures that effectively assess academy sexual assault and harassment programs. The department stated that this is an important issue and that it is in the initial stages of creating servicewide performance metrics for the Sexual Assault Prevention and Response programs, to include the U.S. military service academies, and has identified the establishment of these metrics as a priority item for the upcoming year. DOD also noted that it will share this task with the Office of Diversity Management and Equal Opportunity so that sexual harassment and sexual assault are evaluated in like manner.

DOD partially concurred with the recommendation in our draft report that the Secretary of Defense direct the Under Secretary of Defense for Personnel and Readiness to provide Congress with a comprehensive, integrated assessment of the health of academy sexual harassment and assault programs in future annual academy sexual harassment and violence reports. Specifically, DOD requested clarification of the term health, asserting that the term does not clearly define what is to be assessed. Through this recommendation, we are expressing our finding that DOD, at the departmentwide level, has been missing the opportunity to provide its own assessment of the successes, challenges, and lessons learned from the academies' sexual harassment and assault programs. We changed our recommendation to reflect this language. DOD also expressed concerns about our finding that the department was only minimally addressing congressional interest in academy programs, stating, correctly, that the department has complied with congressional requirements. DOD

added that it completed a comprehensive, integrated assessment of the academies and included its findings in the annual academy sexual harassment and violence report, which it submitted to Congress on December 7, 2007. While we recognize that DOD has complied with congressional requirements, we continue to believe that the department should have taken steps to conduct its own assessment of the academies' sexual harassment and assault programs beyond the requirements established by Congress. We recognize, and note in this report, that DOD does perform specific analyses of academy programs that include surveys and focus groups to assess student perceptions of academy sexual harassment and assault programs, and that DOD's most recent report to Congress presents additional steps taken by the department to improve its analyses of academy data and programs. However, we also note that this has been a long-standing issue. As we stated in our report, incidents of sexual harassment and sexual assault at the service academies are not a new concern. In addition, Congress has directed the department to take certain actions through various pieces of legislation to address these issues. While we recognize that DOD has recently begun to provide more comprehensive analyses, we continue to believe that these efforts will not fully capture, nor accurately portray, the condition of academy sexual harassment and assault programs until the uniform reporting requirements and performance metrics, called for in our previous recommendations, are established. A comprehensive, departmentwide, integrated assessment of academy sexual harassment and assault programs will provide congressional decision makers with better assurances that they are being provided high-quality information.

DOD provided additional written comments to supplement its official response to our recommendations. Specifically, DOD raised concerns that in our Results in Brief section, we had implied that no action was taken against 117 subjects who had been identified by the military criminal investigative organizations in sexual assault cases. We did not mean to imply that no action was taken. Rather, our report states simply that these individuals were not formally charged with sexual assault. As DOD's comments point out, we do discuss other disposition options in the body of this report. DOD also raised concerns about our statement that the DOD academies' military equal opportunity offices and the Coast Guard Office of Civil Rights investigate formal complaints of sexual harassment. The department's primary concern was that military equal opportunity offices are not empowered to conduct formal investigations. DOD provided a suggested change, which we accepted. Additionally, DOD commented on the challenges associated with the fact that data collected by military criminal investigative organizations are incident based while data provided

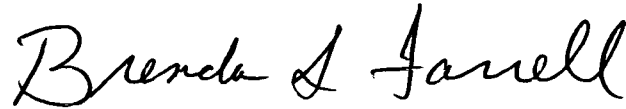
by sexual assault response coordinators are victim based. We recognize this dilemma and the reasons for it, and did, in fact, discuss this point in our report. However, we found that the department's reliance on different units of measurement for purposes of the annual academy report does not provide clarity and can be confusing to the recipients of the report. DOD also noted that sexual assault is one of the most underreported crimes in America, due in part to the nature of the offense, and given that most sexual assaults are not reported, stated that the use of the number of reports of sexual assault as a metric would not be a reliable or valid measure of program effectiveness. We acknowledge in our report that it is hard to know the total number of sexual assault incidents. However, we also stated that the fact that current data collection instruments suggest that incidents of sexual harassment and assault may be underreported points to the need for enhanced oversight. Finally, DOD commented on our statement that there is lack of a shared definition for what constitutes an incident, saying that our statement is incorrect and that definitions are in place. We note in our report that different definitions are in place and the reasons why, but continue to believe that a common definition for purposes of the annual academies' reports would, as previously stated, provide clarity for the readers of these reports.

The Coast Guard concurred with our recommendation to improve its oversight of reported incidents of sexual harassment and assault at the Coast Guard Academy and establish a management framework for the academy to include data collection, maintenance, and reporting requirements, goals, performance measures, and milestones to evaluate progress made toward addressing the incidence of sexual harassment and assault. The Coast Guard noted that the academy has made strides in recent years by internally administering climate surveys, and that its Coast Guard Commandant Instruction on the *Sexual Assault Prevention and Response Program (SAPRP)*, dated December 20, 2007, will provide the necessary framework and oversight recommended in our report. We reviewed this instruction and it addresses many of our concerns. The Coast Guard also noted its willingness to work with the DOD Sexual Assault Prevention and Response Office to ensure that standardized definitions, metrics, and performance measures are developed and reported to Congress annually through the annual academy sexual harassment and violence report.

As we agreed with your office, unless you publicly announce the contents of this report earlier, we plan no further distribution of it until 30 days from its date. We will then send copies to other interested congressional

committees; the Secretaries of Defense, Homeland Security, the Army, the Navy, and the Air Force; and the Commandant of the Coast Guard. We will also make copies available to others upon request. In addition, the report will be available at no charge on GAO's Web site at <http://www.gao.gov>.

If you or your staff has any questions about this report, please contact me at (202) 512-3604 or farrellb@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. The GAO staff members who made key contributions to this report are listed in appendix V.

A handwritten signature in black ink that reads "Brenda S. Farrell". The signature is written in a cursive, flowing style.

Brenda S. Farrell, Director
Defense Capabilities and Management

Appendix I: Scope and Methodology

In order to assess the sexual harassment and assault programs at the service academies, we visited each of the service academies: the United States Military Academy (Military Academy) at West Point, New York; the United States Naval Academy (Naval Academy) in Annapolis, Maryland; the United States Air Force Academy (Air Force Academy) in Colorado Springs, Colorado; and the United States Coast Guard Academy (Coast Guard Academy) in New London, Connecticut.

To evaluate the extent to which academies' programs address the prevention, response, and resolution of sexual harassment and assault cases, we reviewed legislative requirements and current Department of Defense (DOD), service, and academy policies, regulations, and procedures regarding sexual harassment and assault. We also reviewed the academies' training and response programs. We examined relevant reports, studies, and surveys that included previous findings and recommendations related to sexual harassment and assault at the academies. We also interviewed DOD, service headquarters, and academy officials responsible for the programs and reviewed how each academy defines sexual harassment and assault. We conducted one-on-one structured interviews with students at the academies to assess student perceptions on sexual harassment and assault issues. We interviewed a total of 70 students at the academies (approximately 17 students at each academy). These include 36 male and 34 female students. Working with academy officials, we randomly selected this nongeneralizable sample of students with more than 1 year at the academy from lists of students who were available between academic commitments during our site visits. Our questions did not address specific incidents of alleged sexual harassment or assault at the academies. We also interviewed nationally recognized individuals in the area of sexual harassment and assault to determine their views on the elements of an effective sexual harassment and assault program.

To evaluate the academies' visibility over sexual harassment and assault incidents, we reviewed and analyzed data collected from the academies, service headquarters, and DOD on reported incidents of sexual harassment and assault occurring at the academies between academy program years 2003 and 2006. We assessed the reliability of the academies' sexual harassment and assault data by interviewing knowledgeable officials and comparing data collected from different sources, and found inconsistencies. When we found discrepancies with the data, we followed up with academy officials to attempt to reconcile these differences. We did not analyze sexual harassment and assault data prior to academy program year 2003 because the data were either unavailable or we determined that

they were not reliable. We included all incidents reported to academy officials involving students as victims, subjects, or both. We interviewed academy officials to determine how the academies collect and maintain data on sexual harassment and assault and compared these practices with statutory and programmatic requirements. For the DOD service academies, we also compared the reported incidents with information provided by students on surveys and focus groups, administered by the Defense Manpower Data Center, to identify information gaps between sexual harassment and assault incidents reported by the academies and what is reported anonymously by students in climate surveys. The Defense Manpower Data Center administered the climate survey to students of all three DOD military academies in March and April 2006. The sampling frame included all students in class years 2006 through 2009 stratified by academy, gender, and class year. Males were sampled based on a single-stage, nonproportional stratified random procedure; the entire population of female students was selected for the survey. The overall weighted response rate for eligible respondents was 86 percent. Data obtained from the survey results were weighted to reflect each academy's population as of March 2006. Estimates presented are based on responses to the following climate survey questions.

Unwanted Gender-Related Experiences¹

Question 19: *In this question you are asked about sex/gender related talk and/or behavior that was unwanted, uninvited, and in which you did not participate willingly. How often since June 2005 have you been in situations involving persons assigned to your Academy, including students and military/civilian personnel, where one or more of these individuals (of either gender) . . . Mark one answer in each row.*

Response Categories:

- Indicate the frequency (e.g. very often, often, sometimes, once or twice, or never) for each situation below:
 - *Repeatedly told sexual stories or jokes that were offensive to you?*
 - *Referred to people of your gender in insulting or offensive terms?*
 - *Made unwelcome attempts to draw you into a discussion of sexual matters (e.g., attempted to discuss or comment on your sex life)?*

¹ "Unwanted Gender-Related Experiences" includes a measure of sexual harassment.

- *Treated you “differently” because of your gender (e.g., mistreated, slighted, or ignored you)?*
- *Made offensive remarks about your appearance, body, or sexual activities?*
- *Made gestures or used body language of a sexual nature that embarrassed or offended you?*
- *Made offensive sexist remarks (e.g., suggesting that people of your gender are not suited for the kind of work you do)?*
- *Put you down or was condescending to you because of your gender?*
- *Continued to ask you for dates, drinks, dinner, etc., even though you said “No”?*
- *Made you feel threatened with some sort of retaliation for not being sexually cooperative?*
- *Touched you in a way that made you feel uncomfortable?*
- *Intentionally cornered you or leaned over you in a sexual way?*
- *Treated you badly for refusing to have sex?*
- *Made unwanted attempts to establish a romantic sexual relationship with you despite your efforts to discourage it?*
- *Implied better leadership positions or better treatment if you were sexually cooperative?*
- *Made sexually suggestive comments, gestures, or looks (e.g., stared at your body)?*
- *Made you feel like you were being bribed with some sort of reward or special treatment to engage in sexual behavior?*
- *Attempted to have sex with you without your consent or against your will, but was not successful?*
- *Had sex with you without your consent or against your will?*
- *Other unwanted gender-related behavior?*

Unwanted Sexual Contact

Question 32: *Since June 2005, have you experienced any of the following sexual contacts that were against your will or occurred when you did not or could not consent where someone...*

- *Sexually touched you (e.g., intentional touching of genitalia, breasts, or buttocks) or made you sexually touch them?*
- *Attempted to make you have sexual intercourse, but was not successful?*
- *Made you have sexual intercourse (e.g., sex, anal sex, or penetration by a finger or object), but was not successful?*
- *Made you perform or receive oral sex, anal sex, or penetration by a finger or object?*

Response Categories:

- *Yes, once*
- *Yes, multiple times*
- *No*

If “Yes” to Question 32:

Question 34: *Where did the incident, that had the greatest effect on you, take place? (Mark One)*

Response Categories:

- *On academy grounds, in dorm/barracks/living and sleeping area*
- *On academy grounds, not in dorm/barracks/living and sleeping area*
- *Off academy grounds, at an academy-sponsored event*
- *Off academy grounds, not at an academy-sponsored event*

If “Yes” to Question 32:

Question 37: *Was the offender(s)...? (Mark One)*

Response Categories:

- *One person (a male)*
- *One person (a female)*
- *More than one person (all males)*
- *More than one person (all females)*
- *More than one person (both males and females)*
- *Not sure*

The U.S. Coast Guard 2006 Cadet Human Relations Survey was administered in October 2006. The sampling frame included all students in class years 2006 through 2009. The entire population of cadets was surveyed. Approximately 793 of 996 cadets completed questionnaires for an overall response rate of 80 percent. Results shown are counts based on unweighted survey responses. Results presented are based on responses to the following question:

Question: *In the last 12 months (upperclass) or since reporting to CGA (4th class), have you been subjected to sexual harassment or sexual assault?*

Response Categories:

- *Yes*
- *No*

Each academy has a preparatory school. However, we did not collect or assess sexual harassment and assault data for these schools because the DOD academies do not include data on these schools in their annual reports to Congress.

To evaluate DOD's and the Coast Guards' oversight of academy sexual harassment and assault programs, we interviewed DOD and Coast Guard officials and examined their oversight policies and programs. We assessed the extent to which the oversight policies and programs exist and have been implemented. We interviewed DOD and Coast Guard officials responsible for the programs about how they oversee the programs, how they compare performance with expectations, and what actions they take when performance does not match expectations. We obtained and reviewed applicable oversight reports and assessed the extent to which the reports included key data, trends, and discussion of any performance concerns. We also reviewed prior studies related to sexual harassment and assault at the academies and examined DOD and Coast Guards' responses to any recommendations pertaining to oversight resulting from these studies. Additionally, we examined DOD's response to recent legislation requiring DOD to annually report on incidents of sexual assault, and policies, procedures, and processes implemented in response to sexual harassment and assault at the academies. We also interviewed DOD and Coast Guard officials responsible for the programs on any adverse consequences that may result from failure to exercise appropriate oversight of the academies' sexual harassment and assault programs.

We conducted this performance audit from February 2007 through November 2007 in accordance with generally accepted government auditing standards.

Appendix II: Comments from the Department of Defense



PERSONNEL AND
READINESS

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

DEC 31 2007

Ms. Brenda S. Farrell
Director, Defense Capabilities and Management
U. S. Government Accountability Office
441 G Street, N.W.
Washington, DC 20548

Dear Ms. Farrell:

This is the Department of Defense (DoD) response to the GAO draft report, GAO-08-296, "MILITARY PERSONNEL: The DoD and Coast Guard Academies Have Taken Steps to Address Incidents of Sexual Harassment and Assault, But Greater Federal Oversight is Needed", dated December 3, 2007 (GAO Code 350993). I appreciate the opportunity to review and comment on the draft GAO report.

The Department concurs with the overall draft report. However, specific responses for each of the three recommendations have been provided to support each position and for your consideration.

There was one technical change noted by Air Force that was forwarded separately to the GAO staff.

Sincerely,

for David S. C. Chu

Enclosure:
As stated

GAO DRAFT REPORT – DATED DECEMBER 3, 2007
GAO CODE 350993/GAO-08-296

"MILITARY PERSONNEL: The DoD and Coast Guard Academies Have
Taken Steps to Address Incidents of Sexual Harassment and Assault, But
Greater Federal Oversight is Needed"

DEPARTMENT OF DEFENSE COMMENTS
TO THE RECOMMENDATIONS

RECOMMENDATION 1: The GAO recommends that the Secretary of Defense direct the Under Secretary of Defense (Personnel and Readiness) to clearly articulate data reporting requirements to include common terminology.

DOD RESPONSE:

DoD **partially-concurs**. The Sexual Assault Prevention and Response Office (SAPRO) agrees that there are challenges with maintaining consistent terminology in the data reporting process. The SAPRO has initiatives underway to address this matter. The term "substantiated" in particular, may differ in usage among law enforcement agencies. The Sexual Assault Prevention and Response Office has contracted with the RAND Corporation to research this very issue to increase data collection standardization across Military Services. However, the case disposition data that DoD reports are consistent across the Military Services because cases that do proceed to disposition are differentiated from cases that do not proceed to disposition.

RECOMMENDATION 2: The GAO recommends that the Secretary of Defense direct the Under Secretary of Defense (Personnel and Readiness) to establish evaluative performance measures that effectively assess academy sexual harassment and assault programs.

DOD RESPONSE:

DoD **concurs**. This is an important issue. The Sexual Assault Prevention and Response Office is in the initial stages of identifying/creating service-wide performance metrics for the Sexual Assault Prevention and Response programs, to include the U. S. Military Service Academies. The Sexual Assault Advisory Council Research Subcommittee has established performance metrics as a priority item to be addressed in the upcoming year. The subcommittee is comprised of representatives from a number of federal agencies with a great deal of experience in program evaluation research (National Institute of Justice, Center for Disease Control, National Institutes of Health, among others), as well as members of the DoD Sexual Assault Prevention and Response Office. DoD will share this task with the Diversity Management and Equal Opportunity Office so that Sexual Harassment and Sexual Assault are evaluated in like manner.

Enclosure

RECOMMENDATION 3: The GAO recommends that the Secretary of Defense direct the Under Secretary of Defense (Personnel and Readiness) to provide Congress with a comprehensive integrated assessment of the health of academy sexual harassment and assault programs in future annual academy sexual harassment and violence reports.

DOD RESPONSE:

DoD **partially-concurs**. DoD requests clarification of the term “health” as it does not clearly define what is being assessed in the programs. This recommendation needs to be clarified.

DoD has concerns about the following language on page 7, “Moreover, DoD has been only minimally addressing Congressional interest in academy programs because it has not been conducting a comprehensive and integrated analysis of the information contained in the DoD academies’ annual reports, or a meaningful assessment of the academies’ programs before forwarding the academies’ reports to Congress.” And, “DoD has very recently taken steps to address these concerns.”

DoD has complied with all Congressional requirements. Academic Program Year 2006 - 2007 (June 1, 2006 – May 31, 2007) was the first year in which the DoD Sexual Assault Prevention and Response Office (SAPRO) and the Diversity Management and Equal Opportunity Office were mandated to conduct an integrated assessment of the Military Service academies. Ironically, DoD and GAO were simultaneously conducting assessments. This report was delivered to Congress on December 7, 2007, and has been officially released to the public. There is no need for additional legislation or programming in this area, as the John Warner National Defense Authorization Act for Fiscal Year 2007 requires a process that comprehensively evaluates the academies with alternating strategies. In academic program years beginning with an odd number, DoD conducts an anonymous climate survey that is supplemented with an academy report of self-assessment. In academic program years beginning with an even number, DoD follows the process it did this year (an on-site program assessment by DoD combined with cadet focus groups). DoD’s Assessment Team consists of DoD SAPRO staff, a Diversity Management and Equal Opportunity representative, and Defense Manpower Data Center staff. DoD reported on its assessment of the effectiveness of the Military Service academies’ policies, training, and procedures with respect to sexual harassment and violence involving cadets and midshipmen.

Qualitative analysis was based on the following: (1) results of cadets and midshipmen focus groups; (2) academy personnel perceptions of the program and climate; policy implementation and compliance; program effectiveness; (3) review of investigative and Judge Advocate General case files; and (4) DoD related surveys. The assessment team also examined progress made in implementing congressionally mandated recommendations from previous reports.

A comprehensive, integrated assessment of the academies was performed and a report was delivered to Congress on December 7, 2007. DoD recommends that GAO update its report to reflect the results of the most recent DoD assessment.

Enclosure

Now on p. 5.

DOD ADDITIONAL COMMENTS ON GAO DRAFT REPORT:

Page 5 – The report states, “Nine of the subjects identified in the unrestricted reports of sexual assault that we reviewed from the DoD and Coast Guard military criminal investigative organizations in academy program years 2003 – 2006 proceeded to a court-martial and, of those tried, two subjects were acquitted and seven were indicted. The remaining 117 subjects identified by the military criminal investigative organizations were not formally charged with sexual assault because the evidence was unsubstantiated, unfounded, or insufficient as determined by the academies’ staff judge advocates.” This language implies that no action at all was taken against those 117 subjects. DoD recommends and respectfully requests that the explanation of other options for punishment which is contained on page 20, be repeated here in order to give a complete and accurate explanation of these cases.

Now on p. 19,
first paragraph.

Page 19 - second paragraph, describing procedures for filing a formal sexual harassment complaint, recommend the words "begin an investigation" and "investigative" be deleted from the third sentence. The revised sentence would then read as follows, "If a student chooses to file a formal complaint, the DoD academies' military equal opportunity offices (and the Coast Guard Academy's Civil Rights Office) will interview any witnesses, collect data, and create a report with findings and recommended actions." The reason for this recommendation is to prevent the perception that military equal opportunity offices "investigate" complaints. Military equal opportunity offices gather the relevant facts, provide that information to the appropriate commanding officer, and the commanding officer determines whether an investigation should occur. Following investigations of formal complaints, military equal opportunity offices provide an equal opportunity technical review (similar to a review for legal sufficiency) to ensure all aspects of the alleged offense are addressed. The words "investigation" and "investigative" imply the formal procedures of an appointed officer, sworn testimony, and legal review.

Now on p. 24.

Page 25 – The unit of measurement for the Sexual Assault Prevention and Response Office annual report to Congress is “reports of sexual assault.” Unrestricted Reports of Sexual Assault, which are incident based, are collected by the Military Criminal Investigative Organizations. Unrestricted reports ultimately provide the number of subjects and victims involved in sexual assault reports investigated by the Military Criminal Investigative Organizations, as well as the number of cases proceeding through prosecution and other forms of disposition. If these reports were victim-based, DoD would not be able to adequately track subject disposition, as offenders can have more than one victim per incident. Counting victim-based reports could lead to duplicate reporting for the same reason. Restricted Reports, being confidential, can only be provided by the Sexual Assault Response Coordinator and is a victim-based report. Since the Sexual Assault Response Coordinator’s job is to coordinate care for the victim, the Sexual Assault Response Coordinator cannot accurately collect/report data on the criminal justice or legal system. The Sexual Assault Prevention and Response Office discusses these reports separately, only giving a “grand total” of “reports” – otherwise a combined total is not discussed. It appears that the basis for this misunderstanding is that the unit of measure for the Sexual Assault Prevention and Response Office is “report,” while GAO is looking as the unit of measure as an “incident.”

Enclosure

Now on p. 31.

Page 32 – Sexual assault is one of the most under-reported crimes in America, due in part to the nature of the offense. Therefore, DoD know that a substantial number of victims will never come forward, regardless of their trust in or awareness of the services available from the system. The most recent 2007 National Institute of Justice study tracking over 2000 college women found that only 12 percent of women who had experienced a sexual assault reported the crime to authorities. Consequently, an effective sexual assault response program strives at best to remove barriers to reporting and make care for victims easier to access. Given that most sexual assaults are not reported due to factors that are non-modifiable by policy, the use of the number of reports of sexual assault as a metric would not be a reliable or valid measure of program effectiveness.

Now on p. 32.

Page 34 – The statement “lack of a shared definition for what constitutes an incident” is incorrect. There are definitions in place. Unrestricted and Restricted Reports will, by nature, differ. Although Unrestricted Reports can have more than one subject or victim, DoD tracks the subjects and victims separately in another section of the report – Unrestricted Reports are incident based. However, Restricted Reports must be victim-based since it is confidentially reported by a victim and cannot be supplemented with investigative activity. Each Restricted Report is a single “report”, which is the unit of measurement.

Enclosure

Appendix III: Comments from the Department of Homeland Security

U.S. Department of Homeland
Security
Washington, DC 20528



**Homeland
Security**

January 9, 2008

Ms Brenda S. Farrell
Director
Defense Capabilities and Management
United States Government Accountability Office
Washington, DC 20548

Dear Ms Farrell:

Thank you for the opportunity to review and comment on the Government Accountability Office's (GAO's) draft report GAO-08-296 entitled *Military Personnel: The DOD and Coast Guard Academies Have Taken Steps to Address Incidents of Sexual Harassment and Assault, But Greater Federal Oversight is Needed*. Technical comments have been forwarded under separate cover.

Sexual harassment and assault violates the Coast Guard's core values of Honor, Respect and Devotion to Duty, and are not tolerated. The Coast Guard has focused renewed efforts to ensure that these types of violations are prevented and when not, are addressed by leadership fairly and swiftly. Within the past month, a revised Coast Guard Commandant Instruction, Sexual Assault Prevention and Response Program, was signed and promulgated providing guidance in the event of sexual assault. This instruction encompasses the entire Coast Guard, including the Coast Guard Academy (CGA). As noted in the report, the Coast Guard Academy has had a Superintendent Instruction in place since May 2006. This instruction is expected to be updated based upon the latest CG Headquarters Sexual Assault Prevention and Response Program instruction, particularly in the areas of restricted reporting and monitoring. The Coast Guard plans to work closely with the Department of Defense (DOD) Sexual Assault Prevention and Response Office (SAPRO) to ensure standardized report metrics, goals, performance measures, and milestones are developed in order to meet the intent of the report to provide congressional decision makers with meaningful information as well as allow the Coast Guard to assess the effectiveness of its program and make improvements alongside DOD.

The draft report's fourth recommendation is directed to the Coast Guard. The Coast Guard's response to this recommendation is as follows:

Recommendation: *To improve Coast Guard Headquarters' oversight of reported incidents of sexual harassment and assault at the Coast Guard Academy, we recommend that the Commandant of the Coast Guard establish a management oversight framework for the Coast Guard Academy to include data collection, maintenance and reporting requirements, goals, performance measures, and milestones to evaluate progress made toward addressing the incidence of sexual harassment and assault.*

Response: Agree. The Coast Guard and the Coast Guard Academy appreciate the need to improve programmatic oversight of the Sexual Harassment and Assault Prevention activities service-wide and at the Coast Guard Academy. Although the Coast Guard Academy has made strides in recent years as noted by its internal climate surveys, the recently released Coast Guard Commandant Instruction, Sexual Assault Prevention and Response Program, will provide the necessary framework and oversight recommended in this report for a more robust education, reporting and tracking system in the Coast Guard. A copy of that instruction has been provided under separate cover. In addition, the Coast Guard will work with the DOD SAPRO to ensure standardized definitions, metric, and performance measures are developed and reported to Congress annually through the SAPRO report.

Thank you again for the opportunity to comment on this draft report and we look forward to working with you on future homeland security issues.

Sincerely,



Steven J. Pecinovsky
Director
Departmental Audit Liaison Office

Appendix IV: Commissions and Initiatives to Study Sexual Harassment and Assault

The summaries below detail numerous congressional and DOD initiatives examining sexual harassment and assault issues in DOD since the early 1990s.

Congressional Initiatives

October 1997. Hearing on the Department of the Army's reports on and corrective actions related to recent cases of sexual misconduct and related matters. The hearing took place before the Subcommittee on Military Personnel, House Committee on National Security.

June 1999. Academy's Panel on Military Investigative Practices. Congress directed the National Academy of Public Administration to conduct a study to examine felony sex crime investigations within DOD. The panel examined sex crime issues, competencies and deficiencies of military criminal investigative organizations policies and practices, and actions the military criminal investigative organizations, DOD, and Congress can implement to improve their ability to address the investigation and management of sex crimes cases. The Academy's Panel on Military Investigative Practices recommended major changes in DOD's policies, practices, and organizations to improve the conduct of sex crime investigations in its report *Adapting Military Sex Crime Investigations to Changing Times*. The recommendations made by the panel apply most directly to the military criminal investigative organizations.

July 30, 1999. Congressional Commission on Military Training and Gender-Related Issues. The National Defense Authorization Act for Fiscal Year 1998, Pub. L. No. 105-85, established a Commission on Military Training and Gender-Related Issues to review requirements and restrictions regarding cross-gender relationship of members of the Armed Forces, to review the basic training programs of the Army, Navy, Air Force, and Marine Corps, and to make recommendations on improvements to those programs, requirements, and restrictions. The commission was composed of 10 members selected among private citizens. The final report was issued in four volumes that included findings and recommendations, transcripts and legal consultants' reports, research projects, reports, and studies.

September 2003. Fowler Panel. Section 501 of the Emergency Wartime Supplemental Appropriations Act, 2003 (Pub. L. No. 108-11 (2003)) required DOD to establish a panel to review sexual misconduct allegations at the Air Force Academy. The first meeting was held in June 2003, and the Report of the Panel to Review Sexual Misconduct Allegations at the U.S. Air Force Academy was released in September 2003. The panel was

chaired by former Congresswoman Tillie K. Fowler. The statute requires the panel to study the policies, management, and organization practices and cultural elements of the academy that were conducive to allowing sexual misconduct, including sexual assaults and rape, at the academy. The panel made recommendations, including a review of the accountability of the academy and Air Force leadership, and implementation of new policies, plans, and legislative proposals to improve oversight at the academy, among other things.

December 2004. Department of Defense Inspector General Report.

In February 2003, recognizing that the Secretary of the Air Force had “launched an investigation,” the Chairman of the Senate Committee on Armed Services requested that the DOD Inspector General review the work conducted by the Air Force and provide findings and conclusions. The Inspector General report evaluated the quality and timeliness of criminal investigations of attempts of sexual assault since 1993, the impact of the Fowler Panel’s work on the Air Force Working Group, and findings associated with individual responsibility for sexual assault. The work resulted in the release of the Inspector General report, *The Evaluation of Sexual Assault, Reprisal, and Related Leadership Challenges at the United States Air Force Academy* in December 2004.

June 2005. Department of Defense Task Force on Sexual Harassment and Violence at the Military Service Academies. Section 526 of the National Defense Authorization Act for Fiscal Year 2004 (Pub. L. No. 108-136 (2003)) directed the Secretary of Defense to establish a DOD task force to examine matters relating to sexual harassment and violence at the Military Academy and the Naval Academy. The task force consisted of six member from the four branches of the armed forces and six members from the civilian community. The task force addressed the prevention of sexual harassment and violence and made recommendations to improve prevention and response at the academies. The task force issued the *Report of the Defense Task Force on Sexual Harassment and Violence at the Military Service Academies* in June 2005.

**DOD and Service
Initiatives**

May 1995. Task Force on Discrimination and Sexual Harassment.

The Secretary and Deputy Secretary of Defense requested that the Secretary of the Air Force and the Under Secretary of Defense for Personnel and Readiness co-chair a task force to review the military services’ discrimination complaint systems, and recommend departmentwide standards for discrimination complaint processing, where necessary, to ensure the fair and prompt resolution of complaints. The

Report of the Defense Equal Opportunity Council Task Force on Discrimination and Sexual Harassment was released in May 1995 and made 48 recommendations to address discrimination and harassment.

July 1997. The Secretary of the Army's Senior Review Panel on Sexual Harassment. The Secretary of the Army directed that a Senior Review Panel on Sexual Harassment be established to conduct a review of the Army's policies on sexual harassment and processes currently in place, to recommend changes needed to improve the human relations environment with the specific goal of eradicating sexual harassment, and to evaluate how Army leaders view and exercise their responsibility to prevent sexual harassment. Over 40 military and civilian personnel conducted an extensive policy review, collected data at 59 military installations worldwide, and analyzed the data. The Secretary of the Army's Senior Review Panel Report on Sexual Harassment was released in July 1997.

December 1997. Federal Advisory Committee on Gender-Integrated Training and Related Issues. The Secretary of Defense announced in June 1997 the appointment of the Federal Advisory Committee on Gender-Integrated Training and Related Issues to evaluate and determine how to best train the gender-integrated, all-volunteer forces of the Army, Navy, Air Force, and Marine Corps. The panel explored and made recommendations covering the full training cycle, including recruitment, basic, and advanced training.

March 2003. Walker Working Group. In 2003, the Secretary of the Air Force instructed Mary L. Walker, the General Counsel of the Air Force, to establish the Working Group Concerning the Deterrence of and Response to Incidents of Sexual Assault at the U.S. Air Force Academy. The main objective of the Walker Working Group was to investigate cadet complaints. Based on the preliminary work of the working group, the Secretary of the Air Force and the Air Force Chief of Staff issued An Agenda for Change in March 2003.

April 2004. Embrey Task Force. In February 2004, the Secretary of Defense directed the Under Secretary of Defense for Personnel and Readiness to undertake a 90-day review of sexual assault policies and programs, and make recommendations to increase prevention, promote reporting, and enhance the quality and support provided to victims, especially within combat theaters. The Under Secretary of Defense for Personnel and Readiness established an 8-member task force to undertake the task. The Director of the Embrey Task Force was Ellen P. Embrey. The

findings and recommendations were released in April 2004 in the Task Force Report on Care for Victims of Sexual Assault.

Appendix V: GAO Contact and Staff Acknowledgments

GAO Contact

Brenda S. Farrell, (202) 512-3604 or farrellb@gao.gov

Acknowledgments

In addition to the individual named above, David Moser, Assistant Director; Sara Cradic; Susan Ditto; Nicole Harms; Susannah Hawthorne; Suzanne Heimbach; Ron La Due Lake; Kimberly Mayo; Kathia Niewiadomski; and Sharon Reid made key contributions to this report.

Related GAO Products

Military Education: Student and Faculty Perceptions of Student Life at the Military Academies. [GAO-03-1001](#). Washington, D.C.: September 12, 2003.

Military Education: DOD Needs to Enhance Performance Goals and Measures to Improve Oversight of the Military Academies. [GAO-03-1000](#). Washington, D.C.: September 10, 2003.

Military Education: DOD Needs to Align Academy Preparatory Schools' Mission Statements with Overall Guidance and Establish Performance Goals. [GAO-03-1017](#). Washington, D.C.: September 10, 2003.

DOD Service Academies: Comparison of Honor and Conduct Adjudicatory Processes. [GAO/NSIAD-95-49](#). Washington, D.C.: April 25, 1995.

DOD Service Academies: Academic Review Processes. [GAO/NSIAD-95-57](#). Washington, D.C.: April 5, 1995.

DOD Service Academies: Update on Extent of Sexual Harassment. [GAO/NSIAD-95-58](#). Washington, D.C.: March 31, 1995.

Military Academy: Gender and Racial Disparities. [GAO/NSIAD-94-95](#). Washington, D.C.: March 17, 1994.

DOD Service Academies: Further Efforts Needed to Eradicate Sexual Harassment. [GAO/T-NSIAD-94-111](#). Washington, D.C.: February 3, 1994.

DOD Service Academies: More Actions Needed to Eliminate Sexual Harassment. [GAO/NSIAD-94-6](#). Washington, D.C.: January 31, 1994.

Air Force Academy: Gender and Racial Disparities. [GAO/NSIAD-93-244](#). Washington, D.C.: September 24, 1993.

Military Education: Information on Service Academies and Schools. [GAO/NSIAD-93-264BR](#). Washington, D.C.: September 22, 1993.

Naval Academy: Gender and Racial Disparities. [GAO/NSIAD-93-54](#). Washington, D.C.: April 30, 1993.

DOD Service Academies: Status Report on Reviews of Student Treatment. [GAO/T-NSIAD-92-41](#). Washington, D.C.: June 2, 1992.

GAO's Mission

The Government Accountability Office, the audit, evaluation, and investigative arm of Congress, exists to support Congress in meeting its constitutional responsibilities and to help improve the performance and accountability of the federal government for the American people. GAO examines the use of public funds; evaluates federal programs and policies; and provides analyses, recommendations, and other assistance to help Congress make informed oversight, policy, and funding decisions. GAO's commitment to good government is reflected in its core values of accountability, integrity, and reliability.

Obtaining Copies of GAO Reports and Testimony

The fastest and easiest way to obtain copies of GAO documents at no cost is through GAO's Web site (www.gao.gov). Each weekday, GAO posts newly released reports, testimony, and correspondence on its Web site. To have GAO e-mail you a list of newly posted products every afternoon, go to www.gao.gov and select "E-mail Updates."

Order by Mail or Phone

The first copy of each printed report is free. Additional copies are \$2 each. A check or money order should be made out to the Superintendent of Documents. GAO also accepts VISA and Mastercard. Orders for 100 or more copies mailed to a single address are discounted 25 percent. Orders should be sent to:

U.S. Government Accountability Office
441 G Street NW, Room LM
Washington, DC 20548

To order by Phone: Voice: (202) 512-6000
TDD: (202) 512-2537
Fax: (202) 512-6061

To Report Fraud, Waste, and Abuse in Federal Programs

Contact:

Web site: www.gao.gov/fraudnet/fraudnet.htm

E-mail: fraudnet@gao.gov

Automated answering system: (800) 424-5454 or (202) 512-7470

Congressional Relations

Gloria Jarmon, Managing Director, JarmonG@gao.gov, (202) 512-4400
U.S. Government Accountability Office, 441 G Street NW, Room 7125
Washington, DC 20548

Public Affairs

Chuck Young, Managing Director, youngc1@gao.gov, (202) 512-4800
U.S. Government Accountability Office, 441 G Street NW, Room 7149
Washington, DC 20548