



## Lessons to Share – How Federal Service Academies Prevent and Punish Sexual Assault

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[By Five the Superintendents of the Federal Service Academies](#)

Sexual assault on college campuses is a national problem. No campus is immune. It is a challenge at public and private institutions, it plagues small colleges as well as universities with tens of thousands of students, it happens at highly selective colleges and institutions that cater to a local demographic. It also happens at our federal service academies (FSAs).

FSAs, supported nearly entirely by federal funding, are rightfully held to a higher standard due to both the level of federal support and the jobs FSA graduates fill in service to our nation. As superintendents (i.e., presidents) of the five academies -- the U.S. Military Academy (USMA), the U.S. Naval Academy (USNA), the U.S. Coast Guard Academy (USCGA), the U.S. Merchant Marine Academy (USMMA) and the U.S. Air Force Academy (USAFA) -- we embrace this higher standard and work at every level of our institutions to create a culture where sexual assault is eliminated and never tolerated.

We work tirelessly to design training and education programs to prevent sexual assault, to create an environment that encourages reporting, to care for the victims following an assault, to hold perpetrators accountable while protecting their constitutional rights and to track and report our progress so we can continuously improve. Our institutions have been the subject of intense scrutiny on these issues over the last decade, preceding the current national focus on sexual assault in higher education. We are taking this opportunity to share how we are addressing the issue of sexual assault on our campuses to promote transparency, and encourage continued dialogue among university leaders on this challenging problem.

### **Federal Oversight of Sexual Assault Prevention at FSAs**

While the FSAs are not all covered by the Clery Act, which requires annual reporting on campus crime, all the FSAs must report sexual assault data annually through various other laws that cover the institutions. The most recent [Annual Report on Sexual Harassment and Violence at Military Service Academies: Academic Program Year 2013-2014](#) was released in February 2015. The analogous USMMA report has also [been released](#), and the USCGA report is scheduled for

release this spring. These reports are designed to provide assault details, including the gender and military status of the accused and victim, time of day, location, etc., as well as the investigative and adjudication processes and outcomes. They also include all formal complaints of sexual harassment, and starting with academic year 2013-14, all informal complaints of sexual harassment. These reports contain similarities to those required of colleges and universities under the Clery Act and are written to provide insight into the prevention, victim advocacy/response, investigation/adjudication and assessment/reporting programs implemented at the FSAs. The following sections describe these efforts in more detail.

## **Prevention -- Education and Training**

If we are to be successful at changing a culture, then we have to change behavior. When our candidates arrive at our academies, they arrive with a set of values that may or may not be congruent with the core values of the individual services and academies. Our education and training programs are therefore key to transitioning values and attitudes at matriculation to the values of our institutions (e.g., duty, honor, service, excellence, courage).

Education and training programs are the primary mechanism used to prevent sexual assaults at the FSAs. Although each of the academies is different, students typically receive roughly 30 hours of training and education on sexual assault prevention and response (SAPR) during their four-year academy experience. This training begins within the first two weeks of a new student's arrival on campus and is augmented throughout the first-year summer program to include gender socialization, alcohol use, definitions of sexual assault, introductions to the reporting mechanisms and bystander intervention. This training is supported by external groups that specialize in defining sexual boundaries, discussing ways we communicate about sex and promoting healthy relationships. This initial training forms the foundation for training and education experiences that occur throughout the next four years.

Key to cultural and behavioral change is enabling open and honest dialogue where reflection and introspection can occur, and we have found that the best way to enable this dialogue is through peer-led small group forums, which all of the FSA programs now include. The students leading these forums receive extensive training that enables them to act as a counselor and approachable responder, ultimately serving as a low-threat conduit for students to seek help from the various supporting agencies (e.g., sexual assault response coordinator [SARC], counseling center, mental health, chaplains, etc.).

These students are also often the ones who organize and support relevant programs for Sexual Assault Awareness and Prevention Month in April, participation in local events, national conferences and the White House's ongoing "It's on Us" campaign. For example, as part of the most recent Sexual Assault Awareness Month, the Air Force Academy held a Take Back the Night event organized by students, which included multiple interactive displays and a guest lecture by Katie Koestner, founder and director of Take Back the Night.

In addition to the smaller peer-led groups, larger audiences with guest speakers nationally renowned for their research or advocacy on sexual assault prevention and response provide additional context. The point is that any successful program requires strong leadership starting from the top, and the buy-in and ownership of the students themselves. Grassroots student ownership is a critical component.

Officers and enlisted military members working directly with the students as mentors in their military organizations also receive special training and educational experiences to better prepare them for the challenges of the 18- to 22-year-old demographic. They guide discussion of actual case studies, they describe the elements of sexual assault and sexual harassment, they promote the responsible use of alcohol and examine trends in alcohol consumption by their peers, and they define the expectations of leadership that are required of these students now and when they graduate to lead in their respective service.

These training experiences are complemented by a focus in the general education curriculum on character and ethics. The FSAs typically require students to take general education courses that focus on educational outcomes like respect for human dignity, morals and ethics, and ethical reasoning and action. Academic courses promoting these outcomes provide a reinforcing mechanism for the assault prevention training and an opportunity for students to think critically about the elements that can lead to sexual violence, harassment and oppression.

Furthermore, at the FSAs, these classroom principles are highlighted and reinforced via centers dedicated to character, ethics and leadership, which organize full-day forums on ethics, professional conduct and risk. These forums provide a venue for students to engage in small group discussions with experienced moderators to reflect on challenges they face now as students, as well as difficulties they may encounter as future leaders. Finally, interdisciplinary faculty reading groups are used at some FSAs as a forum for faculty members to discuss gender relations and sexual violence in literature and popular culture, which provides a venue for faculty to share ideas and discuss topics before introducing them into the classroom.

In these ways, sexual assault prevention is designed as an integrated aspect of the academy culture and is a critical component in the character and leadership education of every student. Clearly, it is our responsibility to develop leaders who will set the conditions within their units where everyone is respected and feels valued, included and secure regardless of gender, ethnicity or any other characteristic -- a particularly important aspect given the removal of the combat exclusion law, which will allow women in formerly restricted units.

### **Victim Advocacy/Response**

Victim care is among the highest priorities of every academy superintendent and our SAPR offices. Each SAPR office is staffed by dedicated, highly trained professionals, who provide immediate response and support to all victims of sexual assault. SAPR professionals have the ability to receive sexual assault reports in confidence, which provides victims the ability to make restricted or unrestricted reports.

Restricted reports are designed to give the victim access to counseling, medical care, legal services (e.g., a special victims counsel [SVC] or victim legal counsel [VLC] at all but USMMA), and in some cases special consideration in academy programs (e.g., coordinated flexibility in course work) without requiring the victim to pursue an investigation.

Unrestricted reports trigger an investigation by appropriate criminal investigative authorities in addition to allowing the victim access to the above services. Unrestricted cases of sexual assault are tracked via a monthly case management group meeting that enables all interested parties (e.g., law enforcement, SARC, counselors, medical professionals, administrators) to remain involved in the process and ensure victims are receiving the care and services they need, and ensures that any special circumstances are addressed at the appropriate level with an integrated response. These case management group meetings track a case until its final disposition.

Over time, the SARC has been augmented by professional victim advocates who provide one-on-one support to each victim throughout the process, as well as specially trained student advocates who support a victim in a low-threat student setting at some FSAs. More recently victim care at all FSAs except USMMA has expanded to include trained lawyers who enter into an attorney-client relationship and advise victims on their legal rights throughout the process, to include the victims' right to privacy, and empower the victim to make informed decisions. Included in this advice, these lawyers help victims make an informed decision on whether to convert a restricted report to an unrestricted report. Because these lawyers have an attorney-client relationship with the victims, all conversations are confidential. If the victim converts a report of sexual assault from restricted to unrestricted, the lawyer safeguards the victim's rights in the ensuing investigation and criminal justice proceedings. In this way, the FSAs ensure victims receive the focused care they need in either a restricted or unrestricted setting.

### **Investigation/Adjudication**

Every unrestricted report of a sexual assault at a FSA is referred to a criminal investigative organization -- such as the Naval Criminal Investigative Service (NCIS) -- a force that includes investigators specially trained to address sexual assault. The investigative organizations can interview witnesses, gather evidence, reconstruct the circumstances of a crime and provide a report of investigation to guide leadership on the appropriate disposition of the case. The crimes investigated involve a broad range of sexual offenses from sexually harassing statements to an unwanted touch or kiss to forcible rape. Note that the spectrum does not imply that one type of behavior will lead to the other. It simply illustrates the range of sexual harassment to sexual assault behavior we work to eliminate.

The severity of the allegation and availability of reliable evidence will inform how the misconduct is addressed. Options available to the FSAs range from administrative remedies such as disenrollment (i.e., expulsion with recoupment), to discipline through the student conduct system, to criminal proceedings. For criminal misconduct, each of us as superintendent and general court-martial convening authority, in consultation with our lawyers, may refer students to a court-martial. This requires a preliminary hearing, overseen by a military judge or senior

attorney, to examine the evidence and provide advice as to whether probable cause exists. We receive an independent legal review and advice from our staff judge advocates (SJAs), who are senior lawyers with specialized training in sexual assault. Throughout this process we also consider the input of the victim's lawyer and the accused's defense counsel. Any decision not to prosecute a case undergoes multiple layers of review by attorneys and senior leaders.

One challenge the FSAs share with other small residential colleges is how to best separate a victim and accused on the relatively small academy campuses. For example, all Air Force Academy cadets live in one of two dorms roughly a quarter-mile apart, take all of their courses in the only academic facility on campus, and have relatively frequent gatherings requiring the attendance of all students. Hence, there is a high probability that the victim and accused will have continued incidental interaction. Thus, following an alleged sexual assault, the accused is given a military protective order, (i.e., no contact order) which requires him or her to avoid any physical, verbal or electronic contact with the victim and to report any incidental contact to the administration. Moreover, typically one of the cadets (i.e., accused or victim) is relocated so that they're not living in the same dorm. Victims at several of the FSAs are also offered, upon the recommendation of the SARC and approval of the chain of command, the opportunity to take a semester or year off with no penalty in their progression to provide the time necessary to heal.

### **Assessment/Reporting**

The FSAs use a variety of internally and externally administered anonymous climate surveys, focus groups and real-time reports from the SAPR office to guide programs and determine areas for improvement. These surveys examine the overall climate, provide feedback on the outcomes of the education and training efforts, and help leadership judge the perspective of the students toward sexual assault and sexual harassment, and they are used to judge prevalence -- i.e., the "true" amount of unwanted sexual contact. Comparing the prevalence with the number of restricted and unrestricted sexual assault reports in a given year provides an indication of the level of reporting. For example, the Academic Year 13-14 MSA report indicated the strength of reporting at the MSAs was roughly 16 percent, consistent with national levels of rape reporting, and three times the level of reporting indicated in a 2000 study of female college and university students funded by the National Institute of Justice and the Bureau of Justice Statistics, which used a similar definition for sexual assault.

Although the difference in prevalence and reporting may be due in part to students addressing the unwanted sexual contact themselves, it still suggests there are likely many incidents of unwanted sexual contact going unreported at MSAs.

To assimilate the survey data and derive programs that prevent assaults and encourage reporting, several of the FSAs (e.g., USAFA) have created a new office that reports directly to the superintendent. This office is better able to integrate sensors from across the campus to identify trends, target corrective action and interface with academy senior leadership to ensure unity of effort across the multiple helping agencies on campus. They are a one-stop shop for campus cultural issues and provide a higher headquarters ability to respond to and triage problems. They

also are responsible for ensuring all reporting is integrated, accurate and informative. This office removes the burden and confusion that comes from having multiple offices respond to an assault, and provides centralized control of the response within the office of the superintendent.

## Conclusions

As this nation's federal service academies, we must hold ourselves to the highest standard, and we must be held accountable. We work daily to live up to this standard. We have made great strides over the past decade to improve the care of victims, the education of our students and the prevention of sexual assaults. However, we clearly have room to improve. We must continue to foster an environment that does not tolerate sexual assault, that supports victims and that develops leaders dedicated to maintaining an environment of dignity and mutual respect. We welcome continued dialogue with higher education leadership as we explore lessons learned and best practices. Together we can strive to eradicate sexual assault on college campuses.

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## About West Point

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