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MILITARY SERVICE ACADEMIES' ACTION PLANS TO ADDRESS THE RESULTS OF SEXUAL ASSAULT AND VIOLENCE REPORT AT THE MILITARY SERVICE ACADEMIES

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BEFORE THE

SUBCOMMITTEE ON MILITARY PERSONNEL

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CONTENTS

Page

STATEMENTS PRESENTED BY MEMBERS OF CONGRESS

Kelly, Hon. Trent, a Representative from Mississippi, Ranking Member, Subcommittee on Military Personnel 4
Speier, Hon. Jackie, a Representative from California, Chairwoman, Subcommittee on Military Personnel 1

WITNESSES

Carter VADM Walter E., Jr., USN, Superintendent, United States Naval Academy 30
Christensen, Col Don, USAF (Ret.), President, Protect Our Defenders 5
Morris, COL Lawrence J., USA (Ret.), Chief of Staff, The Catholic University of America 6
Silveria, Lt Gen Jay B., USAF, Superintendent, United States Air Force Academy 31
Van Winkle, Dr. Elizabeth P., Executive Director, Office of Force Resiliency, Office of the Under Secretary of Defense for Personnel and Readiness 26
Williams, LTG Darryl A., USA, Superintendent, United States Military Academy 28

APPENDIX

PREPARED STATEMENTS:
Carter VADM Walter E., Jr. 89
Christensen, Col Don 60
Morris, COL Lawrence J. 64
Silveria, Lt Gen Jay B. 100
Speier, Hon. Jackie 57
Van Winkle, Dr. Elizabeth P. 68
Williams, LTG Darryl A. 74

DOCUMENTS SUBMITTED FOR THE RECORD:
Air Force Academy email submitted by Ms. Speier 123

WITNESS RESPONSES TO QUESTIONS ASKED DURING THE HEARING:
Dr. Abraham 127

QUESTIONS SUBMITTED BY MEMBERS POST HEARING:
Mr. Bergman 134
Ms. Escobar 132
Ms. Speier 131

MILITARY SERVICE ACADEMIES' ACTION PLANS TO ADDRESS THE RESULTS OF SEXUAL ASSAULT AND VIOLENCE REPORT AT THE MILITARY SERVICE ACADEMIES

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
SUBCOMMITTEE ON MILITARY PERSONNEL,
Washington, DC, Wednesday, February 13, 2019.

The subcommittee met, pursuant to call, at 2:13 p.m., in room 2212, Rayburn House Office Building, Hon. Jackie Speier (chairwoman of the subcommittee) presiding.

OPENING STATEMENT OF HON. JACKIE SPEIER, A REPRESENTATIVE FROM CALIFORNIA, CHAIRWOMAN, SUBCOMMITTEE ON MILITARY PERSONNEL

Ms. SPEIER. Welcome, everyone. We are somewhat late in starting this hearing because all the women of the House and Senate take a picture every year to draw attention to women's heart health, and that is why we are all dressed in red today. So if you see members who are of the distaff version coming in, that is because that picture is still being taken right now.

But I think, without any objection, we will start with them in absentia, and move forward. So this meeting will come to order. My name is Jackie Speier, I am the chair of the Subcommittee on Military Personnel, and I welcome all of you who are here today, those who are witnesses, and those as members of the audience.

I was profoundly disturbed when I read the Annual Report on Sexual Harassment and Violence at the Military Service Academies. The results show that after a decade-plus of concerted efforts to address sexual harassment and assault, the problem has only grown worse. I believe we all appreciate how alarming these numbers are. I cannot stress enough that this survey is among the best measures of the prevalence of unwanted sexual contact and harassment at any university, company, or organization.

The survey has been administered for over a decade with the same questions and an expert-approved measurement. Sixty-eight percent of the students participated. This isn't a blip, a #MeToo bump, or some accident. It is a clear illustration of a destructive trend and a systemic problem.

The report says that in 4 years, occurrences of unwanted sexual contact increased from 327 to 747, more than doubling the number of sexual assaults at the military academies. Now, the term "unwanted sexual contact" is being defined in the survey by asking very specific questions, which I am going to read now, lest any of us think that this is some mild tap on the buttocks.

The questions are: Sexually touched—the question is: Unwanted sexual contact behavior. Sexually touched you, for example, intentionally touching of genitalia, buttocks, breasts if you are a woman, or made you sexually touch them. Attempted to make you have sexual intercourse but was not successful. Made you have sexual intercourse. Attempted to make you perform or receive oral 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.

Those were the questions asked and the answers to those in questions doubled from 327 to 747. What makes this even more disturbing is that the number of reported sexual assaults occurring at the academies remained stagnant. That means the numbers went up dramatically, but the numbers who actually reported stayed the same.

Only 12 percent of assaulted individuals formally reported. So we have to ask the question: Why is it that only 12 percent of those who have been sexually assaulted, in the terms that I have just spoken, did not come forward? Low report should be no surprise given that half of those who did report were retaliated against.

Thirty-seven percent of those who reported experienced social ostracism, reflecting a culture defined by victim-blaming. Out of these 747-plus assaults and 69 unrestricted reports, the academies only convicted 4 perpetrators. Victims report at their own peril. That is the message that is being sent, because they are more likely to face consequences than their perpetrators.

The case of Ariana Ballard and Stephanie Gross, former West Point students who are presently—who had previously appeared before this subcommittee, demonstrate the problem. Ariana, a top swimming recruit was ostracized by her peers when she reported that fellow swim team members had sexually harassed her as a freshman. So who was punished? She was. She had to train alone.

Stephanie was violently raped the same year, and an investigation found insufficient evidence to bring charges against her rapist. After Stephanie was raped again, she considered not reporting, fearing that, again, no one would believe her. Stephanie reported anyway and her attacker was convicted of assault, but not sexual assault.

Stephanie and Ariana faced mounting retaliation in the form of mental fitness and drug tests until they chose to leave the academy. This type of treatment for the brave few that do report deters the rest. Meanwhile, half of all women at the academies reported being pervasively or severely sexually harassed in the 2017–2018 academic year.

Think about that for a minute. One-half of the women cadets and midshipmen reported being sexually harassed. That is 1,622 future officers who start their careers being harassed by their peers. None of them reported formally, not one. Sex harassment can be a precursor to assault. We need to appreciate that.

The survey also found that only 56 percent of the cadets and midshipmen think their peer leaders make honest and reasonable efforts to stop assault. So if the peer leaders are not people you can trust, it shouldn't surprise us that they are not reporting.

And despite the Department touting relatively high trust in uniformed leadership, that number of 70 percent is worse than it was 2 years ago. To live, study, and learn in an environment where harassment is so pervasive, expected, and accepted, that half of all women are harassed and none report is a stunning rebuke in the confidence of the system and a stunning example of perseverance by the young women.

My colleagues and I have had the privilege to appoint high school seniors for admission to the academies. That is one of the great privileges we have as Members of Congress. They are consistently among the best, brightest, and most accomplished young people in our communities. They are earnest, respectful, and dedicated, and then they go away to school and we get this. I wonder if we are missing something when we recommend them, if we should be looking more closely at their moral fitness, or if the culture at these schools is that corrupting. Perhaps it is a little bit of both.

I do know this: Three out of the four high school seniors that I recommended for admission this year are women. Women will continue to attend the academies and serve our country. All three academies' freshman class have at least 24 percent. And I understand that next year, the numbers will grow. So the number of women coming to the academies is only going to grow, and that is why it is essential that we fix this problem.

These results don't call for tweaks and adjustments. The superintendents have been touting incremental fixes made after this survey were administered, but there is no reason we should expect adjustments to change the overall trend. This report is a scathing indictment of the academies' culture. We need to expand our toolbox and use both carrots and sticks to hold perpetrators accountable, and to deter others through serious repercussions.

Academy leaders must promote a strong culture of dignity, respect, educate students on right and wrong, and have zero tolerance for violations. The superintendents have said they are doing much of this, but the problem has gotten worse. Leaders must earn students' trust by making good on promises to impose severe penalties on predators. They must treat survivors uniformly, modeling best practices from other academies. And they must address the issues that stem from over 25 percent of the students self-identifying as being problematic drinkers.

I guess my message really is quite simple. I am putting the academies on notice. We are putting all of you in the situation where it is time for us to recognize that this is a crisis, and I intend to watch it like a hawk. You know, it is time for us to elevate the brave women, and some men, who come forward, and knowing full well that retaliation is likely, and instead, take the kinds of actions against perpetrators that will finally rid us of this rot.

Today we have two panels. During the first panel we will have the opportunity to hear from outside experts who have dedicated their careers to these sensitive issues. During the second panel, the Department of Defense and the superintendents of our military service academies will explain why their current approach to this problem have failed, and how we can rethink our approaches to sexual violence at our academies.

I look forward to hearing from all of you today. But before I introduce our first panel, let me offer Ranking Member Kelly an opportunity to make some opening remarks.

[The prepared statement of Ms. Speier can be found in the Appendix on page 57.]

STATEMENT OF HON. TRENT KELLY, A REPRESENTATIVE FROM MISSISSIPPI, RANKING MEMBER, SUBCOMMITTEE ON MILITARY PERSONNEL.

Mr. KELLY. Thank you to the Chair. First, I want to congratulate Representative Speier on becoming the chairwoman of this very important subcommittee on the very important Armed Services Committee. I want to welcome our fellow members of the subcommittee on both sides. I look forward to working with each of you on all the issues impacting our service members and their families.

I also am very troubled by the results of this year's Annual Report on Sexual Harassment and Violence at the Military Service Academies. Just as the nation continues to struggle with an increase in sexual violence, it is clear that the military and our service academies are not immune from this crisis. Every cadet and midshipman is told from day one that they must rely on each other in order to succeed at the academy.

The vast majority of cadets and midshipmen treat each other with dignity and respect and go on to distinguished careers in the military. However, when a cadet or midshipman preys on another through sexual assault or harassment, the betrayal is profound and shakes the institution to its core.

These horrific crimes not only deeply impact the victim, they do wide-ranging damage to the entire academy and to our society as a whole. The academies have put enormous resources and attention towards improving sexual assault prevention and response; nonetheless, the problem seems to be getting worse. While this is a multifaceted and difficult issue, one thing is clear: The results of this survey are unacceptable, and the leadership of the military service academies must redouble their efforts in order to fix this immediately.

Therefore, I look forward to hearing from both of our panels today about how to improve sexual assault prevention and response. I am particularly interested to hear from the superintendents about their plans to address this increase in prevalence. I am interested to hear more about the efforts to enhance preadmission screening in order to accurately identify candidates who have character issues that may preclude their admissions. I would also like to hear more about how the academies are improving prevention and intervention efforts to ensure they resonate with young cadets and midshipmen.

Finally, as a former district attorney who has prosecuted sex crimes, I would like to learn more about how the academies use the judicial and administrative authorities they have to hold perpetrators accountable. One case of sexual assault, violence, or harassment is one too many. And one case of sexual assault that is not reported because of systemic problems is unacceptable.

I want to hear how each of the service academies is proceeding to address this critical issue. With that, I look forward to hearing from both of our panels, and I yield back. Thank you, Ms. Speier.

Ms. SPEIER. Thank you, Ranking Member Kelly. Each witness will have the opportunity to present his or her testimony, and each member will have an opportunity to question the witnesses for 5 minutes. We respectfully ask the witnesses to summarize their testimony in 5 minutes. Your written comments and statements will be made part of the record.

So now we will welcome our first panel. First, Retired Colonel Don Christensen, United States Air Force, who is president of Protect our Defenders. And, second, Retired Colonel Lawrence Morris of the U.S. Army, Chief of Staff now to The Catholic University of America. Welcome to both of you.

And, Colonel Christensen, you can begin.

STATEMENT OF COL DON CHRISTENSEN, USAF (RET.), PRESIDENT, PROTECT OUR DEFENDERS

Colonel CHRISTENSEN. Chairwoman Speier and Ranking Member Kelly, thank you for the opportunity to appear before you on this vitally important topic for our nation's security. As a brief introduction, I retired after 23 years' service as an Air Force JAG [judge advocate general]. During that time, I served twice as a defense counsel, multiple times as a prosecutor, including as the chief prosecutor for Europe and Southwest Asia, and as the chief prosecutor for the United States Air Force. I have served as a trial judge, and I had been selected to serve as an appellate judge when I elected to retire.

For the last 4 years I have been the president of Protect our Defenders, a human rights organization dedicated to advocating for victims of military sexual trauma. We provide attorneys free of charge, and I, myself, represent clients who are going through the often hostile military justice process. During this time, I have talked with hundreds of survivors, including those from all the service academies.

As Congresswoman Speier has very succinctly and very correctly identified, there is a huge problem with sexual assault at the academies. The one thing that I really think needs to be brought to this committee's attention is these rates compared to the Active Duty force. Sixteen percent, just about 16 percent of the women at the academies are sexually assaulted. That is four times the rate of the Active Duty force. For men, 2.4 percent. That is three times the rate of the Active Duty force. These are sobering estimates, especially when we compare to the Active Duty force.

Yet accountability for perpetrators is almost nonexistent. Last year, only four offenders were convicted at a court martial for their offenses, and a tiny handful were discharged. This should be a wake-up call for academy leadership. The failure to weed out perpetrators means that hundreds of sex offenders are commissioned into the Active Force every year. That should be very sobering. Every year, hundreds of sex offenders are commissioned into the Active Force.

We can only imagine the impact this has on the military's ability to address sexual assault and harassment throughout the services.

A service academy commission undoubtedly gives an officer an advantage for the competition for promotions, command, and ultimately the attainment of general and flag rank.

The last three Chiefs of Staff of the Air Force and five of the last seven have been Air Force Academy grads. The current Chief of Naval Operations is a Naval Academy grad. The academies have an impact on the Active Force much greater than the actual numbers of their graduates. It is for this very reason that Congress, the President, and the American people must demand solutions to what is going on.

However, I fear the reality of the rampant epidemic of sexual harassment and assault is not being accepted by leadership. I also fear that leadership does not understand the level of distrust that the survivors have of the chain of command. When I talked to academy survivors, the constant I hear is the fear of leadership: the fear that leadership won't believe them; the fear that leadership will not hold the offender accountable; the fear that leadership will drive them from the academies if they report, and the numbers bear witness to that.

Thirty-one percent of the Air Force Academy women, and 32 percent of the women at the Naval Academy, do not believe that senior leadership is making honest and reasonable efforts to stop sexual assault. Almost a third of the women attending those two institutions do not trust senior leadership. Is it any wonder that women are reluctant to report when they are more likely to be forced out of the academies and then end up paying hundreds of thousands of dollars in tuition than they are to see their perpetrator held accountable?

Despite sexual assault being up 50 percent from 2 years, and over double from 4 years ago, report rates as a percentage have plummeted. Unrestricted reports, the kind of report that allows us to prosecute a case, are actually down to 8 percent; 92 percent of the victims do not report in a way that can result in an investigation.

We cannot solve this crisis if men and women are afraid to report. And, again, what does this mean? That the perpetrators are commissioned officers and future leaders on our Active Force. Leadership controls every aspect of the discipline process. It is time for them to acknowledge that this is in their control, and it is time for them to ask, and for you to ask, What tool have they not had for the last 20 years that they need now? And what promise are they going to make that they are actually going to carry out?

Thank you, and I look forward to your questions.

[The prepared statement of Colonel Christensen can be found in the Appendix on page 60.]

Ms. SPEIER. Thank you, Colonel Christensen.

Colonel Morris.

STATEMENT OF COL LAWRENCE J. MORRIS, USA (RET.), CHIEF OF STAFF, THE CATHOLIC UNIVERSITY OF AMERICA

Colonel MORRIS. Thanks, Chairwoman Speier and members. I will just try to highlight a couple of things from my prepared remarks. It was my great honor to serve 30 years in uniform, 27 of them as an Active Duty judge advocate and 3 as a reservist tanker

in Milwaukee while I was in law school. I had a pretty typical Army career, trying cases all over the world, later supervising people who tried cases in normal installations and in Bosnia, Southwest Asia. I had the privilege of advising commanders, and later on, supervising counsel on both sides of the courtroom, including when I served as the Army's chief defense counsel, the one job that I did seek during my career.

I also was the chief prosecutor at Guantanamo Bay, and the SJA [staff judge advocate] or general counsel at West Point. I helped initiate the Army's training program regarding sexual assault for prosecutors and defense counsel after I left the Army, and then I have been at Catholic University since then.

I also served on the Response Systems panel from 2012 to 2014. I am the son and father of West Pointers, and the father of a Marine. Today, I am just here giving my own opinions.

The four matters I would like to mention—and, first off, I expect that I differ little in my biases and expectations from Colonel Christensen. We had parallel careers in many respects, starting from the same law school in Wisconsin, and I think we both have a particular affection for and loyalty to people who serve.

The first point about data. I am not an expert in looking at the data that has been produced, and think at least it has to be taken for the idea that there is an intractability to this problem. It is not unique to the military, it is not unique to the academies, but it is stark in the way it presents itself, and poses the question of how to care for, make people feel protected and confident in the system.

It caught my eye, though, that also there is a relatively high level of confidence by the cadets and midshipmen in their senior leaders. So we do expect more of the academies—but that was a notable contrast.

Second, on training. The training is not a panacea, but it does work and is part of the solution. I think in the military we have what is sometimes considered the conceit that we can train out of anything, and train to most any standard and ambition or behavior. Tougher to do. Sexual behavior is harder to train out of than, let's say, smoking or drug and alcohol abuse and those sorts of things. And, in addition, society's messages regarding sexuality are not always clear or consistent to the emerging adult, and our students at the service academies come from that same culture. Still, training plus accountability is part of the approach.

Third point, on administering discipline. Where the military is unique and particularly well-suited to the range of sexual offenses because it has a uniquely rich range of administrative and disciplinary options, it gives the opportunity, rightly exercised, to snuff out the sort of precursor behavior and hold somebody accountable, and send a message of accountability to survivors and observers, besides the person himself who sees the system against him.

I am sure as well, though, that my experience isn't unique in having taken to trial in military courts cases that civilian authorities would not pursue.

Last points on some fundamentals of the system and some cautions. It seems that one of the key questions you are tangling with is whether and how much to trust commanders and their counsel to rightly exercise the considerable justice-based instruments avail-

able to them. If you think commanders are unsuited by training, not being lawyers, or perspective—considering they might be self-protective or, for some reason, disinclined to attack sexual misconduct—then you might want another system or a great change to the current system.

My sense is that commanders are pledged to care for, enforce good order and discipline, and that uniting of command authority with discipline authority leavened by the required and appropriate involvement of judge advocates along the way, is appropriate to the requirements of the service and the expectations of command. So disassociating that authority would reduce accountability, and not enhance discipline in general, nor in the realm of sexual misconduct in particular.

Last point, defending soldiers and coaching and training defense counsel was the hardest and most rewarding work I did in my career. I am also aware of the risks of unlawful command influence, and believe, unlike our appellate courts, there is such a thing as they call command influence in the air, that some participants in the system might be inclined to convict or adjudicate harsher punishment based on a perception of a commander's predilections.

So in fixing the system, it is important still to take care to preserve the integrity of that system for all participants.

Finally, we should be cautious in seeking justice-related metrics such as preferral rates, conviction rates, average sentences. They might provide some insight into the workings of the system, but alone shouldn't be the major indicators of success in combating sexual assault.

Thanks for the opportunity to be here.

[The prepared statement of Colonel Morris can be found in the Appendix on page 64.]

Ms. SPEIER. Thank you, Colonel Morris.

Colonel Christensen, what is stunning to me about this report is that we see the increase in sexual assault go up 100—I mean, 50 percent. And we see the incidents of retaliation being such a factor in the unwillingness to report. Why, in your estimation, has the prevalence of assault at the academies gone up so much?

Colonel CHRISTENSEN. Well, from my conversations with cadets at the academy, there is a perception among many that senior leadership does not care. And as you see, there is such a lack of accountability. So for perpetrators, they understand that the odds of them ever being punished are almost zero. They probably have a better chance of being struck by lightning.

So there is absolutely nothing to dissuade those who would commit a sexual assault from doing so. And then you have the problem of trust. When the women and the men do not feel that they can come forward and report without them suffering more consequences than their perpetrator suffers, they won't come forward.

Last, I believe 2 weeks ago, the Air Force Academy finally got a conviction of a cadet for digitally penetrating another cadet without her consent. He got a whole whopping 75 days of confinement, while facing 30 years of confinement. So we have a process that doesn't deliver a sentence that deters. And then after this happened, from several sources at the academy, cadets who have con-

tacted me and said that there is a rampant social media campaign shaming the victims. And that is the kind of stuff that has to stop.

And it has to be an acceptance by leadership that this is going on. I think one of the biggest problems is, is that leadership hears these numbers but they truly do not internalize them as a problem. And I am not necessarily talking about the superintendents, I am talking about the people in between the superintendents and the cadets.

I had an opportunity to meet with the vice commandant of cadets at the Air Force Academy last year. I was representing a young cadet that they were talking about kicking out after she reported. I asked him, have you ever talked to a survivor when it wasn't an adversarial process? And he said, I don't have time for that. And to me, that was such the wrong answer, because you will never know what survivors are going through if the only time you talk to them is when you are trying to kick them out of the institution.

So I think that those people that are in the middle need to accept that there is a problem, and they need to be willing to ferret out those who are shaming victims.

Ms. SPEIER. One of the issues that comes to my mind, having spent time with all of the superintendents over the last few days, is that there is really a difference that exists in how they handle the cases. For instance, in some of the academies, a victim can take a sabbatical. In others, they cannot. Some may want to transfer to another academy, and that hasn't been an opportunity made available to them. Some have wanted to—in some situations, there is going to be recoupment, not just at the junior and senior level, but at the freshman and sophomore level where a cadet is found to have sexually assaulted.

Do you have any thoughts on whether it is time for us to make sure that all the academies follow a similar process in terms of the kinds of resources that are available to the victim survivors?

Colonel CHRISTENSEN. Absolutely. I think it is time for them to have a unified front. That cadets and midshipmen understand that they are going to be treated the same no matter where they are going to school. You know, this has been a complex issue that they have taken individually versus in a unified manner. So therefore, you know, I don't think there is enough of an effort to see what is working at West Point. Is that going to work at Annapolis? Is that going to work at the Air Force Academy?

I also, you know, one of the difficulties that we face in the military is we have what we call the uniform military code of justice, and the "uniform" doesn't mean what we are wearing, it means that it is supposed to be the same. And each service has their own way of doing things that often pull apart what is actually supposed to be uniform. And I think there would be great benefit for, especially in the academies, each one of them, focusing on how do we do this jointly.

Ms. SPEIER. Thank you. Ranking Member Kelly.

Mr. KELLY. Thank you again, Chairwoman Speier. I am of the view that we need to fully acknowledge the problem, and we have a problem, and I think we are doing that. But we need to get to work on fixing it immediately.

Mr. Christensen, what are some of the specific things that service academies are not doing that they had should be doing to reduce sexual assault and sexual harassment, from your perspective?

Colonel CHRISTENSEN. Well, I think the number one thing is trust, and that trust results in reports. So, for example, in the Air Force Academy last year, they had 29 reports of sexual assault out of over 200 actual cases. Of those 29, 20 of them are restricted reports, which for those, if you don't understand, that means they can't be prosecuted. That means only 9 people out of over 200 actually reported. And what did that get? Well, it finally got one conviction.

I think that there is a definite value to training, I am not anti-training, I just don't think it is the panacea. And I think one of those things, as a prosecutor talking to a prosecutor, is to acknowledge that prosecution is one way to deter crime. Prosecution is another way to send a message to survivors that we are going to take you seriously.

The second thing I would say is that I think this is a problem across both the Active Force and at the academies, is experience levels of the people who are acting as investigators and acting as the prosecutors. The services have to commit to making sure that we have the most experienced and best people doing those jobs. We have a ton of talent in the military, but they often get rotated out of those jobs very quickly.

And as a prosecutor I think you would agree with this, that 90 percent of the case is won or lost before it ever reaches you by the great work done by investigators. And if they don't uncover what you need, it is kind of tough to finish it up at trial. So we need to make sure we have the best investigators possible. And again, this isn't a slam on the people who are doing it, they are very dedicated, very hardworking, but they don't stay in those positions long enough to become the experts they should be.

Mr. KELLY. Thank you very much. You know, as a former commander who has administered UCMJ [Uniform Code of Military Justice] up to the brigade level, and also as a former district attorney and has seen the inside of both the grand jury and a courtroom, I think that is very important to look at—how do we collect the facts? How do we get the evidence? Because the case is only as strong—so very good point, Colonel Christensen.

Mr. Morris, you have experience in dealing with these issues in both the service academy setting and a civilian university setting. What are the differences between how civilian universities handle sexual assault and harassment claims versus service academies? And are there any best practices that civilian universities are using that we can adopt?

Colonel MORRIS. The way in which they are differing is the adjudicative process, the way in which they are similar and should be—I am the rookie here.

There is similarity in prevention and education, and the great difference is in adjudication. So I don't think there is much difference in the way you have to smother your student population with information about sexual assault and about prevention and about dignity and respect and all of those factors that contribute to somebody's behavior.

And as I mentioned before, you are taking a product of society, and to some degree, reorienting those individuals. In the adjudicative process, though, a great difference. Under title 10, of course, there is the expectation since the "Dear Colleague" letter produced by the Obama administration in 2011, to essentially set up amateur informal court systems, adjudicative systems, and they have proved to be really tough to manage. All coming from the right impulse of attacking this behavior and having a system that has enough credibility that it cares for the survivor and sends a message to the other students that this process has the possibility of bringing about justice. That it stings enough to correct that person's behavior, hold that person accountable, and deter others.

The difficulty there is it is really quasi in being quasi-judicial. You know, you are allowed to have counsel there, but they can't speak. There is not direct cross-examination. All of the things that are limited because they are just—they are created and kind of cooked out of the university's processes.

So the contrast is the military system, of course, has that full range of administrative and nonjudicial options and corrective training and all that available to it, besides the cases that are appropriate to get to a court-martial.

Mr. KELLY. I agree with Mr. Christensen that training alone—we just can't train ourselves out of this crisis. But I am at a loss to see how removing the commander and the authority of a commander, which has many more tools than—I can tell you as a former district attorney and prosecutor, has many more tools available than just a prosecution side.

I am at a loss to see—do you know any way, Mr. Morris, in which removing the commander from sexual assault prosecutions improves this situation?

Colonel MORRIS. I think I understand where the impulse is coming from, because it comes from a point of frustration of feeling like we are many years into this and haven't been able to crack it. While understanding that, my sense is almost to go more in the other direction, to hold commanders more accountable, to be still more demanding on those leaders to turn this around, and to use all of the levers that are available to them.

So the removal of them then makes them less accountable, disincentivizes them, as opposed to providing extra incentives and the appropriate pressure that the system can bring.

Mr. KELLY. Then my final question, Chairwoman Speier, and this one I think is really important. Meeting with all the service academy superintendents over the last week, one of the things that—and DOD [Department of Defense], senior DOD officials. One of the things that is apparent is you have got dual competing chains of leadership, of leaders. You have, number one, the superintendents and all the cadre that are professional officers and soldiers and should conduct themselves that way. And then you have the peer chain of command and the peer pressure from a group. And having three children of my own, I understand sometimes the peer pressure can be greater than parental or teacher pressure.

And so what can we do to reduce the amount of peer pressure so that they feel comfortable among their peers reporting, and also feel that same peer pressure to keep them from doing sexual as-

saults or harassment. And that is to both—to Mr. Morris also, I guess.

Colonel MORRIS. I mean, one of the unhappy results of this long-term struggle at all institutes of higher education is that there is a pretty well-understood set of best practices in terms of education and prevention. You can vary from school to school, but there is an understanding of hitting them—I mean, at our school, you have to do some online training before you walk into class your first day of school in August. And then they have mandatory training all along the way. There is this thought of what the industry calls booster shots at each year. So that as their perspectives on their world change, you are catching them again, and you are trying to reinforce the right behavior.

So it is the sustained aspect of it more than anything else.

Mr. KELLY. Thank you, Chairwoman Speier, and I yield back.

Ms. SPEIER. Thank you. Mr. Cisneros.

Mr. CISNEROS. Thank you, Madam Chairwoman. Colonel Christensen, could you explain to me just the difference between restricted and unrestricted reports?

Colonel CHRISTENSEN. Sure, I would be happy to. So about 2004–2005 timeframe, Congress looked at the reporting problems, and one of the problems was that many victims were looking for mental health treatment or medical treatment, talk to an attorney, talk to a chaplain or something. But when they did that, because we don't have, for example, medical privilege in the military, they would go to the ER [emergency room], say, I was just raped, I just want treatment, I am not looking for an investigation, but they had to be reported.

So Congress said, Hey, we need to do something about that. So they gave the option of restricted reporting. And so restricted reporting allows the survivor to go to mental health, go to medical, go to the SARC [Sexual Assault Response Coordinator], go to a victim advocate, go to an attorney, go to the chaplain, and get whatever service they believe they need without it starting a corresponding investigation.

An unrestricted report is if the military finds out in any other way that there has been a sexual assault, by law that must result in an investigation, and by law that investigation must be done by one of the criminal investigative services, NCIS [Naval Criminal Investigative Service], CID [Army Criminal Investigation Command], OSI [Air Force Office of Special Investigations]. And so, if a survivor tells her commander, that is unrestricted. If a survivor tells a friend, that is unrestricted. If a survivor tells OSI, that is unrestricted.

Ms. SPEIER. But that victim also still gets services as well?

Colonel CHRISTENSEN. Yes. Yes.

Mr. CISNEROS. So you just kind of said—can you go through that again? Who are mandatory reports? If a victim comes to an individual there at the academy, or even the military, who is required to report that sexual assault?

Colonel CHRISTENSEN. Anybody other than—anybody who is wearing a uniform, other than the SARC, the victim advocate, attorney, such as a special victims attorney, medical, mental health, chaplain. So if they tell anyone else, that is a mandatory report.

Mr. CISNEROS. So according to this report and according to your statement, 92 percent of the victims are choosing to do a restricted report rather than to go and tell somebody who would have to then report it?

Colonel CHRISTENSEN. Well, what—actually 92 percent aren't telling anyone.

Mr. CISNEROS. Okay.

Colonel CHRISTENSEN. About 4 percent, depending on which academy you are at, about 4 to 8 percent are doing restricted reports, and somewhere around 6 to 8 percent are doing unrestricted reports.

Mr. CISNEROS. Okay. Colonel Morris, with your experience at a university—a civilian university, if somebody came to an individual or doctor there at the university, would that doctor, physician, counselor, be required to report that assault?

Colonel MORRIS. They would not, only under the narrow areas in the law where there is mandatory reporting, and of course, that is mainly of minors.

Mr. CISNEROS. Okay. All right. So one of the problems I see, and I understand the concern of the victim, right? We want to take care of the victim and have their privacy, but if the numbers are continuing to increase where they don't feel comfortable to where they can report it and it is going to be—people are going to go and be held accountable for their actions, we are in a situation now, like you said, where sexual harassers, people who commit sexual assault are going out into the military service now, more or less maybe with the opportunity to do it again and commit that crime again.

What recommendation would you have to get around this to where we can go and make the victim feel comfortable where they can do an unrestricted report?

Colonel CHRISTENSEN. Number one is understand what a survivor is going through. You know, somebody who has been sexually assaulted is usually suffering from PTSD [post-traumatic stress disorder], PTSD that is going to affect their ability to succeed. A lot of times it can result in minor misconduct. It can also result in counterintuitive behavior and destructive behavior.

What we see too often is that the academies turn that natural impulse from being a survivor into a reason to kick you out, and that is the message that is being sent. The second thing I would say is making sure survivors understand that if they choose to want to pursue justice through a court-martial, that that is something that if the evidence is there, it is going to be taken seriously and done.

I think commanders have a role, regardless of who makes the ultimate decision to prosecute. I just think that the person who makes the ultimate decision to prosecute should be a very experienced, seasoned JAG, not a commander. What needs to be understood is that within the military there are 14,000 or so commanders. There are only about 400 of them that have general court-martial convening authority, and only about 140 of them actually use it.

So commanders have a role every day that comes short of prosecution. And when we talk about non-judicial punishment, we talk

about administrative actions that Colonel Morris talked about, those all still exist. But a member—but a survivor has to have faith. There was a survey done by the Iraq-Afghanistan Veterans of America that was just released a couple weeks ago, and they asked thousands of veterans and Active Duty members, would you be more likely to report if a prosecutor made the decision than a commander? Over 50 percent said yes, only 3 percent said no.

So I think professionalizing the justice system would go a long ways to doing that.

Ms. SPEIER. All right. Your time has expired.

Mr. CISNEROS. I yield back my time.

Ms. SPEIER. Mr. Abraham.

Dr. ABRAHAM. Thank you, Madam Chair. As a medical doctor, I can tell you it takes extreme courage to—when you are an assault victim and survivor to step out of the shadows and tell your story. So I agree. This question is for both of you gentlemen.

I do believe the academies are trying to work this out and find the right solution. Specifically, for both of you, what programs have you seen that work? And what programs would you change to help allow that survivor, that victim to step out?

Colonel MORRIS. I don't have a program as such to recommend, I just have watched programs now, particularly when I served at West Point, and then watching it in the civilian world. The greatest thing is to make no assumptions about the experience or perspective of these 17-, 18-, and 19-year-olds as they come through the door. And to work from a standpoint kind of institutional humility on information they would need to make right decisions.

We have a little more freedom at a private Catholic school to fully bring out issues of how those choices are made and framed. But the biggest thing is to have a plan that isn't perceived by the students as sort of this obligatory burst of stuff, and then they don't hear about it again or then there is, you know, a display or something later in the year.

It is a, you know, prepared, planned out, sustained program that grows as the student works its way through the school, is the greatest part, because you don't lose them. And then they have a sense that they really must take this seriously, they are talking to me about this again.

Dr. ABRAHAM. So a continuing education——

Colonel MORRIS. Certainly.

Dr. ABRAHAM [continuing]. So to speak. Colonel Christensen, do you have any comments?

Colonel CHRISTENSEN. Well, this isn't unique to the academies, but I think one of the most important things that has been done, and this is, again, a result of the action by Congress, was the creation of Special Victims Counsel, Victims Legal Counsel program. I think that is the most ground-changing legislation that has been passed concerning military justice. It is a game-changer for survivors because they have somebody in their corner. And beyond that—I will give General Silveria credit, he speaks passionately. I think those words need to be heard.

One of the problems, though, with command being in charge is if General Silveria speaks too passionately, speaks critically of certain processes, or any of the other superintendents do, as Colonel

Morris rightfully talked about, that creates the perception of unlawful command influence. And it is one additional reason why I think commanders need to be freed to be advocates for change without having the burden that if they talk too much as a commander, too much as somebody who says this is unacceptable, that it creates unlawful command influence ideas.

Dr. ABRAHAM. Okay. And the second question, but again, to both of you, the way I understand it, most of the retaliation is from the peers. What can we do to prevent that? Colonel Morris, I will start with you.

Colonel MORRIS. And I don't have a particular perspective on that other than in my prep for this, that really struck me, that there seems to be a substantial amount of that, plus you see the great contrast in the statistics between the cadet trust of their peers and the cadet trust of the leaders, a really high level, 80 percent, more or less, I guess, 70—in the 70s and 80s of leaders, and in the 40s and 50s of their peers. So as you are looking at how do we direct things, the peers always have the greatest influence. And in the academies, more so, because your life—you don't have much volition in how you live.

So just looking at it as somebody who once served there and looking at the new data, if I were to look where to concentrate, it would be on building that trust and changing whatever is afoot there that makes the peers not a trusted source of support and encouragement and deterrence.

Dr. ABRAHAM. Colonel Christensen, do you have a comment?

Colonel CHRISTENSEN. I would say that there needs to be greater attention to social media and the impact of social media on shaming of victims. From the clients I talked to, that is a huge problem is the social media bullying. I know that is not necessarily easy for the academy to follow, but I think they should make efforts to see what is going, and then when they see that that is happening, for example, the people shaming the victims in the case last week, that they need to speak out about it—leadership needs to speak up.

Dr. ABRAHAM. Thank you, Madam Chair.

Ms. SPEIER. For the new members, let me just point out that when the plebes come to the academies, they are overseen by the senior leadership of the institution. As they matriculate into the sophomore and junior years, they are overseen by senior leaders within the actual military academy, who are also cadets. So it is cadet leadership that is overseeing sophomores, juniors, and seniors for that matter.

All right. We will now go to Ms. Haaland.

Ms. HAALAND. Thank you, Madam Chair. Thank you both for being here today. And what roles and responsibilities do senior academy leaders have in preventing and responding to occurrences of sexual assault and sexual harassment at military service academies? And, second, how do you believe senior leaders should be held accountable for continued increased rates of the USC [unwanted sexual contact] at those academies?

Colonel CHRISTENSEN. Well, I think the role is the central focus of each academy, what can the superintendent do? They are the voice. For those who haven't served in the military, I know many

of you have, when you are a cadet, people like General Silveria and the other superintendents are gods, and their words matter.

And so being that vocal person, holding people accountable, whether it is people on their staff who are retaliating, holding cadets accountable who retaliate. I think retaliation is just one of those huge problems that they really need to tackle.

And I am sorry, your second question was?

Ms. HAALAND. Excuse me. How do you believe senior leaders should be held accountable for a continued increase in rates?

Colonel CHRISTENSEN. Well, I say this mindful that they are sitting next to me. I would say that there are certain times, you know, we need to let people go, move them on if they aren't getting the job done. There seems to be, institutionally now in the military, a reluctance to hold senior leaders accountable. You know, General Eisenhower during World War II fired, I think, half his generals over the war.

It is almost rare—it is exceptionally rare that a general is ever told now, you are just not getting the job done, time to move on. And I think that is it. You know, how many times do you get to fail before you are fired?

Ms. HAALAND. Thank you.

Colonel MORRIS. I agree. I don't have much to add other than the superintendents are just phenomenally in charge of those institutions, even in some ways greater than a division commander or some equivalent in the field. So they are able to marshal all of that authority and prominence in constructive ways.

When I was the staff judge advocate at West Point, one of the things our superintendent did was went to a lot of women's sports games more than he went to men's, just one micro piece of making clear that we really all are part of the same team. But it then requires at times to leverage that prominence and that power to potentially be unpopular by being just inflexible on matters like sexuality in particular, and driving home in all of the ways you can with those peer and near-peer levels. And accountability, same thing. The traditional Army military methods of holding senior leaders accountable is, sure, an appropriate outcome.

Ms. HAALAND. Thank you so much. Madam Chair, I yield my time.

Ms. SPEIER. Thank you. Mr. Bergman.

Mr. BERGMAN. Thank you, Madam Chair. And thanks to both you, Colonel Christensen and Colonel Morris, for your decades of service, because as SJAs, and as legal advice to commanders, good commanders rely on you for good sage advice to make wise decisions on behalf of whatever unit they are in command of. That is not easy, and it is not exact.

Colonel Christensen, you mentioned—you used statistics comparing academy to Active Duty. Did your Active Duty statistics include a breakdown of officer and enlisted?

Colonel CHRISTENSEN. It does, although I could not, off the top of the head, tell you what it does or what those are. Obviously, in the Active Force crime rates are higher among the young——

Mr. BERGMAN. The point is, you enter the academy at the age of roughly 18?

Colonel CHRISTENSEN. Right.

Mr. BERGMAN. You are coming out of high school. There is a pretty good chance you are going to enter the enlisted ranks at the age of 18 or fairly close?

Colonel CHRISTENSEN. Correct.

Mr. BERGMAN. And if you are going into an officer program, you know, you are going to enter—as you become an officer, it is going to be, you know, you are going to be 22, 23.

Okay. Mr. Christensen, in your testimony you said that Congress needs to either, quote, "Empower military prosecutors to lead the process and decide whether to prosecute cases, or if necessary, turn over all academy cases to the relevant civilian justice systems," end quote. However, back when you were on Active Duty you successfully prosecuted many cases that civilian jurisdictions simply refused to.

And my understanding is that the services still prosecute sex-related offenses that would never be taken to trial by civilian prosecutors. What is the basis then for believing, at this point, that the civilian system would be better?

Colonel CHRISTENSEN. Well, yes, I have prosecuted many cases, and I have prosecuted cases that were declined by civilian systems. I think to remember, too, is that there are cases being prosecuted right now in the civilian system that the military would not have prosecuted.

Mr. BERGMAN. What precipitated the change, because you were on one side and you were successful. Is there some tool or whatever that you used or the folks on your team used to successfully do these that no longer exists in the military side?

Colonel CHRISTENSEN. There is no tool that—the difference, but what we are looking at is a systemic failure at the academies, and I did mention that——

Mr. BERGMAN. So what you are—what I hear you saying then is that we have a long-term systemic failure that has now fallen outside the realm of the services' ability, in this case, the academies' ability to utilize the UCMJ effectively?

Colonel CHRISTENSEN. Well, it is clearly not being used effectively, if you only have four convictions. There were about 70 actual reports that were unrestricted, only 4 result in a conviction. That tells me we are not doing a good job of that. I am not——

Mr. BERGMAN. What has changed?

Colonel CHRISTENSEN. What has changed since when?

Mr. BERGMAN. Well, what caused the change?

Colonel CHRISTENSEN. I am sorry.

Mr. BERGMAN. Well, if you were successful but now we are not being successful, what has changed?

Colonel CHRISTENSEN. Well, I can arrogantly say that I am not there anymore, but——

Mr. BERGMAN. That is a fair assessment. Any good commander has good faith in their own ability.

Colonel CHRISTENSEN [continuing]. That is not the case.

Mr. BERGMAN. Well, I will tell you what, before we run out because my time is—Mr. Morris, do you have any comments on that particular situation?

Colonel MORRIS. On the issue of——

Mr. BERGMAN. Of basically transitioning the cases to civilian as opposed to under, you know, under the UCMJ as we would do it now.

Colonel MORRIS. I do, just because I have thought about it a lot, and it is the thing that all of us discussed and argued about among ourselves as we worked our way through the system from both sides. So I have a pretty strong sense that a system that reinforces the authority of commanders in military justice is appropriate to the expectations we have of commanders. That you have to unite the responsibility, you know, the comprehensive responsibility that a commander has for his or her people is like nothing else in society. And to extract the ability to bring discipline from that makes that commander less effective.

And it is not to say all commanders are the perfect fonts of wisdom or anything. It is not a solitary undertaking. It is understood to be, in most respects, with the counsel of a judge advocate, and you know, the rules for court-martial require that a judge advocate certify that there is sufficient evidence to go forward in a case to begin with.

Mr. BERGMAN. Thank you. I see my time has expired, and I yield back.

Ms. SPEIER. Thank you.

Mrs. Davis.

Mrs. DAVIS. Thank you very much, Madam Chair.

And thanks to you all for being here as well. Nice to see you, Colonel Christensen, again. I know we were working on these issues for many, many years, and rather than go back and review some of that, there are a few more specific questions I had.

One is, Colonel Christensen, you mentioned that one of the good stories out of this is the special victims' advocate, and I would agree with that. I think that we have at least had good reports coming back from time to time, that the training and the ability to actually testify on behalf of a victim was very—made a big difference really in the way that the victim was seen, I think, and understood.

Do you feel that that is so in the academies, that the role of that Special Victims' Counsel is one that you see reflected even for Active Duty the same, or is there a difference?

Colonel CHRISTENSEN. I think they are probably similar. Going back to what I talked about before though, what I see is a lack of experience. Special Victims' Counsel, all the ones I have dealt with, are very dedicated, fighting very hard for their clients. But for many of them, the first survivor they ever talked to is when they were Special Victims' Counsel, and they never talked to one before.

I can't specifically speak to all the Special Victims' Counsels and VLCs [Victims' Legal Counsel] at all three institutions, but the ones I deal with are trying. But what I have seen, my experience with them, is that mistakes made by a lack of experience that have resulted in less justice than I think could have been.

Mrs. DAVIS. Okay. Thank you. I wanted to double-check with that.

And, Colonel Morris, I know that you have had that regular university experience. It is a Catholic university, perhaps there are some different expectations there as well. But could you speak to

really the differences that you see, because we would think it would be cultural, perhaps.

I am particularly concerned that as sophomores, there is a difference at the academies in the rate of reporting that we have seen. One can suggest that perhaps the pressure on students is different as freshmen. As sophomores there is a little bit more freedom.

What do you think is different? Because I am wondering whether—if you were to look at all that goes on in the academies, is there any difference, you think, between the pressure that young people are under? We know that it is tough, academically it is tough, socially it is tough, physically it is tough. I mean, there are differences in—how do you compare that to university?

Colonel MORRIS. I think, no doubt, there is an intensity at the academies that there isn't an equivalent to in many civilian universities. The harder question out of that is then what out of that entire package of, you know, heavy regimentation, you know, a literal regimentation on so many parts of your life, is there any correlation between all of that and what looks to be some reluctance, or some lack of confidence to report?

You know, does it relate to how we are running the academy? Does it relate to always being in a minority, right? No matter how high the numbers are, you still have three-quarters, 80 percent, 20 percent split. And when you are looking at all the peer relationships, which seems to be such an ongoing concern, it is both with the men, but also with other women. You know, and are there aspects of even energizing that subpopulation of upper-class women to help to fix that——

Mrs. DAVIS. Do you see any reluctance to take a look at that on the part of the academies, on the part of others who deal with this issue? I mean, how central is it? I am not suggesting that that alone is something that we need to be aware of, but I am just raising that question as we look at those statistics.

You know, it is interesting to note the difference between freshmen and sophomores and going onto juniors. So perhaps that is something that—and I hope our superintendents are going to address that in a little while.

What—my time is running out. What—any last-minute thought about that?

Colonel MORRIS. I am outside my competence on current academy operations.

Mrs. DAVIS. Okay.

Colonel MORRIS. But, you know, in—we have looked at—we had, for a while, a declining order of confidence as people got to be—as women got to be juniors and seniors. We expected it to be otherwise. And what it reflected at that time was they had kind of a legacy perspective of a not very strong reporting culture.

And then we saw that change with the next wave who worked through, which just reinforced the idea that a continued drum beat, then we ended up with juniors and seniors, previously with less faith, then increasing the faith through all 4 years, increasing their trust in the system through those years.

Mrs. DAVIS. Okay. Thank you. I think my time is up, Madam Chair.

Ms. SPEIER. Your time is expired. I would say, Mrs. Davis, that one of the things we should look at, though, with the Special Victims' Counsel, is how they are being utilized, because with one of the victims that I spoke with, she only ever talked to her Special Victims' Counsel by phone, so we might want to evaluate the actual exchanges that take place and whether we need more resources there.

Ms. Cheney, you are next.

Ms. CHENEY. Thank you very much, Madam Chairwoman, and thank you for holding this important hearing. I commend you and our witnesses for being here today.

This is an incredibly difficult set of issues that both of our witnesses, I think, have pointed to the fact that it is something we are dealing with across the nation, certainly at our service academies but at, you know, probably every single institute of higher learning. And looking for ways that we can address the issue, that we can effectively address the issue, and that we can reduce the numbers is a priority for every one of us.

I wanted to ask a couple of questions. Colonel Christensen, you began talking about the issue of restricted reporting versus unrestricted reporting. And it sounded to me like you were saying that the numbers, in terms of cases that are brought to prosecution, are clearly affected by the fact that some of the reports are restricted. Can you address that?

And I think we all share the view that it is very important for victims to be able to get help and support without telling them they must absolutely go public. But it sounds to me like you were suggesting that the restricted reporting is some sort of a difficulty or a challenge.

Colonel CHRISTENSEN. Yes. As a prosecutor, you are frustrated by a restricted report because you know that there is a crime out there that you can't address. And it is not without controversy, restricted reporting versus unrestricted.

Ms. CHENEY. But are you advocating changing that?

Colonel CHRISTENSEN. No. No. And the reason I am not is because for survivors, they tell us it is very important.

Ms. CHENEY. Exactly. Thank you. I appreciate that.

And then, one of the topics that we haven't addressed yet, and I would like to hear both of the witnesses' perspective on this, is the issue of alcohol. And I think any conversation about sexual harassment, sexual assault on college campuses, including at the service academies, has to get into this issue of alcohol. And I would be interested to hear both of your perspectives on what we can better do at our academies on that issue in particular, as it relates to these set of attacks?

Colonel CHRISTENSEN. Yeah. I think that is a great question, Representative Cheney. Obviously, alcohol is a factor. I think it is too easy to look at as a panacea, if we get rid of alcohol, it goes away. Well——

Ms. CHENEY. No, there is certainly no panacea on that.

Colonel CHRISTENSEN. Yeah, it won't go away.

I do think de-glamorization of alcohol is important, you know. And I think at the academies, it is particularly important, because we are talking in a college atmosphere. And I think that is where

a lot of this responsibility goes on the seniors at these academies, who are the legal drinking age, to ensure that they are setting the right example.

So, for example, I have, you know, talked to academy grads who have said, Yeah, I remember when I was a first-year being ordered by the senior to find alcohol for him. And my job was to bring him a case of alcohol, you know, and you were supposed to leave it in the staircase. Okay. That is something that needs to be rooted out. You can't have a culture that allows that.

So, you know, getting at alcohol clearly is something that reduces a risk factor for sexual assault.

Ms. CHENEY. Thank you.

Colonel Morris.

Colonel MORRIS. I think you can't emphasize that enough. Alcohol plus youth plus first-time unsupervised, there is a giant correlation, and I think an indisputable one. And it is both the formal stuff, how do you keep it away, the informal of managing it even if a person is going to drink, and then letting other things go on.

You know, there used to be a discussion at West Point about, you know, when the Firstie Club would close and the seniors would stream their way back to the barracks, not all of them sober. You know, we always talk about the harder right. Is the harder right some serious crackdown that makes clear to those peer leaders that you don't, you know, take the guys to New York City to drink underage, but you really do step up and provide an example, you know, an unpopular, constructive example that has an impact on things like the rates of assault that you see.

Ms. CHENEY. Thank you. And I think, again, I am sure all of us on this panel agree that we need to do better across the board. But I would like, Colonel Morris, to get your perspective on, you know, as we are looking for ways to do better and to improve the system, and we look at what is going on in the civilian world and we are looking at the possibility of removing these cases from the command authority, is there something that you see in the civilian world, particularly on our college campuses, that would make you think that would somehow be more effective?

Colonel MORRIS. No. And we have had a lot of—we have a good relationship with the MPD [Metropolitan Police Department] here in Washington. But, of course, of course, there is a reluctance to try the marginal case in the military. And I am generalizing from my experience, but just not my personal one, but of my time serving, is much more willing to try the close case, willing to take a chance and lose the close case for the collateral benefit of serious solidarity with the victim and a person knowing you are still brought through the court martial process, even if you escape un—not convicted. You have exercised the process in a way that has an impact on those who observe it, and not just the principals involved in that case.

Ms. CHENEY. Thank you very much. My time is expired.

Ms. SPEIER. It is expired.

Mrs. Luria.

Mrs. LURIA. Didn't the bell ring for votes?

Ms. SPEIER. They have called for votes, but there is 10 minutes left and we are going to continue until about 5 minutes before, be-

cause we want to try and finish this panel before we bring the superintendents in.

So Mrs. Luria.

Mrs. LURIA. Okay. Well, thank you very much for being here today and talking about this important issue.

I just wanted to quote back Mr.—or, Colonel Morris, a comment that you made in your opening remarks that you were not an expert in looking at the data. And I just wanted to note from my review of the data that there seemed to be some sharp disparities in the data.

It seems that, you know, the number of women that the academies over time—we just passed the 40-year mark of having women at the academies. Myself, I am a graduate from approximately 20 years ago. Are we normalizing this data at all as the number of women at the service academies grows, based off of the number of women in the population at the service academies?

Colonel MORRIS. I can't answer that for you.

Mrs. LURIA. Okay. And there was a reference by both of you early on in your remarks that we have seen a 50 percent increase over the last year. And I am looking at the data and I am looking at, you know, first, the number of reports for West Point, for the Military Academy, went from 43 to 48 reports.

And then—well, the way that it is estimated, so cadet—this is the blue dots on the chart—cadets estimated to have experienced unwanted sexual contact based on the survey prevalence rates. The best I can tell is that this is an extrapolation from the number of reports to correlate to the number of incidents that happened.

And if you look at that from the 2015–2016 academic year to the 2017–2018 academic year at the Military Academy, for example, it looks as though this jumped from 129 to 273, which is an alarming amount. However, if you are basing it off the number of reports, which more than doubled themselves, could this not indicate that we have an improved reporting rate versus an increased number of actual incidents?

It is very unclear the way the methodology of the report is written and analyzing the data, you know, how such a significant jump can take place in those—that 2-year period, and to discount the fact that actually reporting has gone up, because reading the comments of what the superintendents at each academy has done, it actually shows that they have taken a lot of creative measures to improve reporting.

And I did have the opportunity to sit down with the superintendent from the Naval Academy earlier this week, and just the simple effect of, you know, having moved the location of the person that you go report to to a more out-of-the-way spot that was not as visible, you know, when midshipmen wanted to go report, had a significant impact on their, you know, willingness to report in what they felt to be a more confidential way.

And also during the earlier remarks, I heard you say that senior leaders trust, so trust in senior leadership that people would report, was an issue. And I read the report, and, you know, I was actually quite pleased that at the Military Academy it says 85 percent; at the Naval Academy, 76 percent; and at the Air Force Acad-

emy, 80 percent have confidence that their leadership is taking correct action in order to prevent these types of incidents.

So, you know, I am hearing one tone in your remarks, but that is not matching the data that is indicated here. Can you explain the difference?

Colonel CHRISTENSEN. So, first, on the data you just talked about, so what I broke that down to was the women. And so the overall academy rate, for example, might be 80 percent, but at West Point and at—excuse me, at Annapolis and at Colorado Springs, what you see is among women, who have the higher sexual assault rate, their satisfaction rate or confidence rate was about 60—or, excuse me, 70 percent.

So, now, you can say, wow, that is great, 70 percent think you are doing good. When I was chief prosecutor, I had 20 prosecutors working for me. If a third of my prosecutors thought I wasn't doing a good job, I would think I was failing. I don't think those are really good numbers, you know, glass half full, glass half empty.

As for actual——

Mrs. LURIA. Okay. I think I understand your point on that topic, that we disagree on the numbers of confidence that we are reporting back——

Colonel CHRISTENSEN. Right.

Mrs. LURIA [continuing]. From the midshipmen. And there is a difference based off of gender, which, you know, could be expected, based off of people interpreting the question differently or having had different life experiences.

Colonel Morris, you also said, quote/unquote, "I am outside my competence in current academy operations." So I am curious as to when the last time is you visited the academies and spoke directly to leadership there, at either the midshipmen leadership level, the company officer level, the brigade officer level, or the senior leadership, superintendent or commandant level to have an assessment from their perspective on the effectiveness of these measures that they are implementing.

Colonel MORRIS. None at all. No formal contact. I have been up there a lot because I found people who have been there——

Mrs. LURIA. Okay. Thank you. I yield the balance of my time. Thank you.

Ms. SPEIER. There is 6 minutes left in the vote. Mrs. Trahan, you can go ahead if you would like or we can—no. Go right ahead.

Mrs. TRAHAN. Thank you.

Thank you so much for your service, and thanks for being here today.

The survey indicates that there are far more instances of unwanted sexual contact than there are actual reports, restricted or otherwise. And as you noted, it does seem clear that accountability must be clear and consistent to make real change. Men and women must feel as though they will be safe and the perpetrators dealt justice if they are going to come out of the shadows.

But you spoke about training being a constant over the years while sexual assault numbers continue to rise. I am curious to understand if you see any merit in the training programs as they are designed today, and what other steps we should be taking.

Colonel CHRISTENSEN. Sure. I am not an expert on training. I have sat through many of the trainings. I do think trainings have important part of this. I think it aware—brings awareness to issues. It makes people see things in a different way.

I leave it to what I believe are very dedicated experts in the SAPR [Sexual Assault Prevention and Response] programs to develop that training. I am not critical to training. I am just saying, it is not going to end what we are doing. And so, I think the right mix of training, how that is done, is left to the experts, which I am not an expert on training.

As far as, you know, accountability and where we are and things like that, you know, going back to the question earlier about when—what has changed, well, when we talk about accountability at the academies, it has never been good.

You know, in the 2003 crisis at the Air Force Academy, I believe there were, like, 139 women who said they were sexually assaulted, and zero had a prosecution out of it. So when we are talking about differences, it is just a decades-long problem that hasn't changed. And the question is, how many times are you going to say, Well, we are going to change the program, and we will get a different result.

Mrs. TRAHAN. Then, I guess, my only other question in terms of, you know, culture often reinforces training, what cultural factors at the service academies are at play in allowing these crimes to continue?

Colonel CHRISTENSEN. Well, I think one of the cultures we have talked about is alcohol. I think another culture is there is definitely perception there is a different accountability level for athletes than there are for the rank-and-file members.

There was a West Point, I think it was the starting quarterback for West Point who had alcohol violations, allegations of sexual assault. And, you know, he led West Point to a game over—a victory over Navy. I know that is a big deal for them.

And Navy felt—excuse me, Army failed to tout his virtues as a cadet. He had some pretty serious misconduct in his background, and so, when you look at victims who are being forced out because of what is really minor misconduct, for them it is very difficult to understand why there is this cultural divide.

Mrs. TRAHAN. Great. Thank you. I yield back.

Ms. SPEIER. Thank you.

Ms. Escobar, there is still about 250 to 300 votes that have not been recorded, so we still have time. So please go.

Ms. ESCOBAR. Madam Chairwoman, thank you so much for having this hearing. This is such an important topic.

And, gentlemen, thank you for your testimony here today.

You know, I—the military, obviously, is a very different institution than any other institution, but are there other male-dominated institutions that could offer some best practices? I know, you know, training you mentioned, we are not going to get ourselves out of this through training. But are there some best practices that have not yet been embraced, adopted, utilized as a way to try to attack the problem?

Colonel CHRISTENSEN. If I were the superintendents, I would have Terry Crews at my academies next week. They need to hear

a voice from somebody like him. He comes from the sports and entertainment industry. He has been a survivor. What an amazing human being.

I think the most important things for people to hear is actual voices of survivors. And the difficulty is, it is very difficult for a cadet survivor to stand up and talk to the cadet wing, because of what they go through. But if you can bring in somebody who has instant credibility—and if Terry Crews can be sexually assaulted, anybody in the world can be sexually assaulted—and so that—leaders like him, who can speak powerfully to the issue.

Colonel MORRIS. Nothing to add, other than to—once you have a sense of a program in place leave it in place long enough to evaluate it. You know, there is always a lagging indicator from any kind of training and any kind of consciousness raising on most any behavior.

You know, the military saw it and attacked it with unusual success, with drugs and alcohol and fitness and other things. Sex is harder to do anyway. You know, it is not just subject to sort of the solitary self-discipline that some of those other behaviors relate to.

But there is no lack of really excellent programs that have worked at places. But, you know, put it in place, have a set of, you know, reliable metrics and monitors, and then let it work long enough that you know you are evaluating a system that has given you, you know, replicable results.

Ms. ESCOBAR. You know, the other aspect that was mentioned earlier that is very troubling is the sort of social media bullying that happens as part of the retaliation, and that is something that is obviously prevalent, you know, in every aspect of our lives. I mean, you know, kids, middle school kids deal with a lot of that in a way that my generation never did. My children have had to deal with that in a way that my generation never did.

But one of the things that I tried to teach my kids was about being witnesses. When they witness something, when they sense something, you know, about being an advocate. And many times that is very, very difficult because then the advocate himself or herself faces the same retaliation or similar, or sometimes maybe even worse retaliation.

But is that a component of the training so that, you know, individuals who are witnesses, either through what is happening on social media, or witnesses to retaliation or bullying, that they have an obligation to stand up and, you know, show that strong moral character to speak out and act out?

Colonel CHRISTENSEN. Yeah, absolutely. And to the academy credit, all academies, I think they have emphasized very strongly bystander training and the importance of bystander intervention. The surveys indicate that the self-report of people who are bystanders, that they do become involved. Obviously, a lot of sexual assault doesn't incur in front of somebody else. If it did, it would make it a lot easier to prosecute. But, yes, I think, you know, stepping in——

Ms. ESCOBAR. But the retaliation——

Colonel CHRISTENSEN. Yeah.

Ms. ESCOBAR [continuing]. Sometimes is—many times is not in secret, especially on social media.

Colonel CHRISTENSEN. Right. Right. And then I—and then they have to feel comfortable that when they come forward to leadership, say, I saw this—Boss, I saw this on whatever social media site. This is what they are saying about cadet so-and-so and bring that to them. And I don't know if they have that confidence level.

Ms. ESCOBAR. Anything to add?

Colonel MORRIS. Same thing. Social media has been a big and recent part of the emphasis, because both of the chatter as well as the sharing of images and that kind of stuff. And then bystander, same thing. It seems to be one of the most tried and true. You know, we show movies about, you know, accidentally spilling a drink on somebody to just break the situation, so the students then talk about that and realize that is appropriate to them and a legitimate expectation of them as a fellow student.

Ms. ESCOBAR. I yield my time.

Ms. SPEIER. All right. Your time is expired.

And we are going to thank both Colonel Christensen and Colonel Morris for their participation.

We are going to take about a half-hour break so everyone can go vote, and then we will be joined by the Director of the Department of Defense, Dr. Van Winkle, and the three superintendents. Thank you. We are in recess.

[Recess.]

Ms. SPEIER. Welcome back, everyone. We are returning to our second panel today, and I want to introduce each of them. I know them well and have a great deal of respect for them as individuals. And hopefully, this will be a very valuable opportunity for all of us to get a new perspective on how we can address this problem.

First on our panel is Dr. Elizabeth Van Winkle. She is the Executive Director, Force Resiliency, at the Office of Under Secretary of Defense for Personnel and Readiness.

Our second panelist is Lieutenant General Darryl Williams, the Superintendent at the United States Military Academy.

Third, Vice Admiral Walter Carter, who is the Superintendent of the Naval Academy.

Finally, Lieutenant General Jay Silveria, who is the Superintendent of the U.S. Air Force Academy.

We welcome each of you now to make your opening statements.

STATEMENT OF DR. ELIZABETH P. VAN WINKLE, EXECUTIVE DIRECTOR, OFFICE OF FORCE RESILIENCY, OFFICE OF THE UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS

Dr. VAN WINKLE. Thank you. Madam Chair, Ranking Member Kelly, and other distinguished members of the subcommittee, thank you for having me here today to discuss the results of the DOD Annual Report on Sexual Harassment and Violence at the Military Service Academies.

Two years ago I sat before you and pledged we would do more to end sexual assault at our academies. Two years ago, I told you how we were committed to promoting an environment where all were treated with dignity and respect. I vowed we would work to reinvigorate our prevention approaches.

I meant what I said, yet I sit before you and deliver news too similar to what I reported 2 years ago. Sexual assault is on the rise again at the academies. While each of the academies developed and implemented action plans that were not yet fully in place for the current assessment, Department leadership was not complacent waiting for implementation, and therefore, another increase in rates is simply unacceptable.

Preventing criminal behavior and other misconduct, providing care for service members, and holding offenders appropriately accountable, have been and continue to be top priorities. And yet our most recent data indicates we have far to go to eliminate this abhorrent crime.

It is devastating to be sitting here again to deliver this most unwelcome report. Our data tells us that rates of unwanted sexual contact increased by varying degrees across the academies, all too high. Rates of sexual harassment also varied among the academies, but are also unacceptably high, particularly among women.

The data also indicated that across the three academies a large majority of students think their senior leaders are making honest and reasonable efforts to address these behaviors, but not all do. These same students rate the efforts of their peer leaders much lower, and additional data showed declining rates for students watching out for each other to prevent these crimes.

This tells us that despite our hard work, some cadets and midshipmen still feel empowered to disrespect and victimize others. And equally challenging, there are some who feel neither empowered nor responsible in their daily peer interactions to hold each other accountable.

The vast majority of cadets and midshipmen are good people and will become the strong leaders our nation needs. Yet we must show them how to leverage their moral courage to create an environment where all can serve with dignity and respect.

There is no single fix for this. We cannot blame our way out. We cannot train our way out. The Department, Congress, and our nation as a whole, has been challenged to crack the code on how to change behavior regarding sexual misconduct. But the Department of Defense, we are the ones who have been entrusted by the country to lead the way. We must lead, and we are working to do just that.

We will change our approach. What we have done in the past may not be abandoned, but we must determine what needs to be done differently, what needs to be adjusted, and what needs to be implemented anew. We are analyzing the breadth of data we have, and we will continue to partner and collaborate with other experts in this field who have found strategies that show promise.

We have already taken some steps. We have hired prevention specialists from the Centers for Disease Control and Prevention to inform our efforts and assessments. We are enhancing reporting procedures that will be available throughout the Armed Forces but geared towards the unique concern of our cadets and midshipmen and aim to address repeat offenders.

We will refocus our efforts and look at the full life cycle of cadets and midshipmen from selection through to graduation, and work to target our approaches accordingly. Our focus will be to not only

achieve progress, but to sustain it over time. I am optimistic our new direction will render intended results, and I sit before you today frustrated but resolved.

I have been working in this field for over 20 years, 10 in the civilian sector and nearly 10 with the military. I left the civilian sector because I felt I was spending too much of my time fighting a system that seemed impervious to influence.

I am committed to stay with the Department of Defense because I have the support of my leadership, and because I have witnessed our system make changes over the past decade to produce an infrastructure of policies, programs, and resources that have benefited our military members and are not found in the civilian sector.

We are not there yet, but we are committed. No one has solved this, and if there were a single solution to eliminate sexual assault, we would have done it already. We are responsible for behavior change. We take individuals and we mold them, we instill courage where there may have been none, we impart discipline where there may have otherwise been disorder, we create lethal global warriors from young women and men who may have never even left their local communities.

Eliminating sexual misconduct from the ranks remains a challenge, but one we refuse to run from. We will not tolerate it, and we will not stop until we get this right. We appreciate your concern and support as we work to protect the people who volunteer to keep our nation safe.

Thank you for the opportunity to come and speak with you today, and I look forward to your questions.

[The prepared statement of Dr. Van Winkle can be found in the Appendix on page 68.]

Ms. SPEIER. Thank you, Dr. Van Winkle.

Next, Lieutenant General Williams.

STATEMENT OF LTG DARRYL A. WILLIAMS, USA, SUPERINTENDENT, UNITED STATES MILITARY ACADEMY

General WILLIAMS. Madam Chair, Ranking Member Kelly, and distinguished members of the subcommittee, thank you for the opportunity today to talk about the very serious problem of sexual assault and sexual harassment at the United States Military Academy.

I wish I were here to tell you how we have solved this problem at West Point, but I am not. Instead, I am here today because this abhorrent behavior continues to manifest itself within our ranks. Any case of unwanted sexual contact or sexual harassment is unacceptable.

Our mission is to develop leaders of character for the Army who will fight and win our nation's land conflicts, and who are ready to lead in the crucible of ground combat. The issues I will discuss today have a direct impact on Army readiness. Sexual assault and harassment erode readiness and our ability to accomplish the mission.

I am personally committed to preventing sexual assault and harassment, and I am resolute in my commitment to continue to seek solutions at West Point.

While I am here to talk to you about West Point, I recognize this problem is not isolated to West Point and the Army. The increase in the number of cadets experiencing unwanted sexual conduct is unacceptable and troubles me greatly.

These acts erode trust, are contrary to our Army's core values, and impact readiness. These are situations that no one should ever have to experience. As leaders, we must protect the welfare of the victims who trusted us, while at the same time holding the perpetrators accountable and appropriate for their actions in—as appropriate for their actions in accordance with due process of law.

As we continuously improve our program, we must also focus on changing the culture to prevent these acts from occurring in the first place. To that end, we are open and welcome to forums such as these to find ideas we may not yet have considered. While much of what we see within the survey is troubling, some of the results are encouraging, and indicate our efforts so far having some effect on trust in our organization.

Eighty-five percent of cadets surveyed indicated they believe the academy senior leaders are taking honest and reasonable efforts to stop sexual assault. The fact that cadets trust their leadership is a direct result of our continued efforts to address this problem. More troubling, though, is the lack of trust they have in their peer leaders. This is a cultural problem that we must address.

When cadets first report to West Point, they bring with them a set of values developed over their past 18 years. Our job is to take these young men and women and mold them into leaders with the character that aligns with the ideals of West Point and the values of our Army.

We frequently talk about our leader development program as a 47-month developmental experience. But when it comes to sexual harassment and sexual assault, we don't have 4 years to shape their behavior and attitudes. We must prioritize our prevention efforts early on in their cadet experience.

Moving forward, we will strengthen our education efforts to provide cadets the knowledge and skills needed to define and address the behaviors that are occurring. We will also continue to address cultural challenges, like social media, and access to illicit materials that impact our population, with the goal of helping cadets think more critically about themselves and their relationships.

Success in our prevention and education efforts must permeate throughout the entire West Point community. Every individual working or living at West Point needs to recognize his or her role in contributing to this cultural change. Thank you for the opportunity to share our work with the committee.

I appreciate your feedback and helping us find a solution as we are in the business of developing leaders of character for our Army and nation. We must set and continue to enforce the highest of standards. I look forward to answering your questions.

[The prepared statement of General Williams can be found in the Appendix on page 74.]

Ms. SPEIER. Admiral Carter.

STATEMENT OF VADM WALTER E. CARTER JR., USN, SUPERINTENDENT, UNITED STATES NAVAL ACADEMY

Admiral CARTER. Madam Chair, Ranking Member Kelly, and distinguished members of the subcommittee, thank you for the opportunity to appear before you today on behalf of the United States Naval Academy.

Our mission is to develop midshipmen morally, mentally, and physically, and to imbue them with the highest ideals of duty, honor, and loyalty. We have a responsibility to ensure that the brigade of midshipmen has the opportunity to develop professionally in an environment that fosters dignity and respect.

Despite dedicated efforts by the Naval Academy leadership and the brigade, we continue to experience incidents of unwanted sexual contact within our ranks. I and the rest of my leadership team have actively sought out professional advice from the experts on the best strategies to reduce this scourge within our student body. While we have made some productive improvements, we must do better.

We initiated our plan of action this past summer. It is a comprehensive approach from admission to graduation and includes the following four primary components.

First, we continue our rigorous preadmission screening process, which relies on required teacher recommendations and police record checks to identify potential character challenges of those applying to the Naval Academy.

Second, we continue to hone our sexual assault prevention programs. In addition to updating our student-led training program, this past year we launched an interdisciplinary evaluation of the entire 4-year leadership curriculum, pulling together all themes addressing life skills. This effort more closely aligned all programs and resulted in publishing a life skills handbook.

Third, we have launched several initiatives to promote responsible alcohol choices, as we understand the strong correlation between alcohol use and unwanted sexual contact. Since we put these new initiatives into effect, we have experienced a 49 percent fewer alcohol-related incidents.

Finally, we must continue to hold perpetrators appropriately accountable. All allegations of sexual assault are thoroughly investigated by the Naval Criminal Investigative Service and receive careful legal review prior to me deciding on a disposition.

We are not where I want us to be, nor where the Navy needs us to be. The Naval Academy must produce leaders that not only treat others with dignity and respect, but also demand the same of those they lead.

Thank you for your time today. I am prepared to address your questions.

[The prepared statement of Admiral Carter can be found in the Appendix on page 89.]

Ms. SPEIER. Thank you, Vice Admiral.

Lieutenant General Jay Silveria.

STATEMENT OF LT GEN JAY B. SILVERIA, USAF, SUPERINTENDENT, UNITED STATES AIR FORCE ACADEMY

General SILVERIA. Madam Chair, Ranking Member Kelly, and other distinguished members of the committee, I appreciate the opportunity today to discuss an issue that is fundamental to the health and safety of our cadets at the United States Air Force Academy, and of grave importance to our national security.

Thank you for your dedication to confronting sexual harassment and sexual assault, misconduct that has no place at our academies or in our military, and for your concern about the well-being of our cadets and cadet candidates. I can assure you that these are concerns shared not only by myself and also by our dedicated staff, faculty leadership, and most importantly, the cadets.

As Superintendent of the Air Force Academy, I am here on behalf of our 4,281 cadets and 203 preparatory school cadet candidates, as well as the faculty and staff that are developing them into the future of leaders of our Air Force. But I am also here as an academy graduate, as a leader of airmen privileged to wear this uniform for more than 33 years, and as a father of two young members of this same generation we are training and educating.

From each of these perspectives, the results of the recent survey are disgusting. They do not reflect the standards we hold ourselves to as leaders. They do not reflect the core values of the United States Air Force or our academy, and we are committed to addressing these issues head on, to be an example for the Air Force, Department of Defense, and society.

It is clear our past efforts have not had the effects we intended or expected. These results are unacceptable. There is no question, even one instance of sexual assault or sexual harassment at our academy is a problem. Far too many of our cadets have had experiences along this spectrum of harmful behaviors from sexual harassment to sexual assault.

The survey data shows that our cadets have been harmed, and that too many feel they can't come forward for help and support. It shows that cadets have harmed the peers they intend to serve alongside in defense of our nation. The data does not show us exactly why these egregious acts occurred, but we know that these are people, not statistics, and that leadership is the solution.

I am frustrated and angered by the results, but I will not rest in my leadership until we get this right. In addition to implementing direction from the Department of Defense and Department of the Air Force, we are taking action with several current and future programs I have highlighted in my written testimony that we can elaborate on today and provide detailed information on as requested.

Holding perpetrators of these crimes appropriately accountable is key to our efforts. When a victim makes an unrestricted report of sexual assault, we make sure the victim is getting necessary care and support, and the Air Force Office of Special Investigations begins to investigate.

In addition to courts-martial and administrative discipline tools, we have a cadet discipline system that allows me to disenroll cadets for misconduct, as well as boards of inquiry, typically used for officer discharges. For those victims who are hesitant to testify

publicly, these processes give them a voice in a nonpublic setting while affording those accused of crimes their due process rights.

In recent years, this committee has heard testimony from our academies' superintendents, from experts, and from survivors on our progress, or really lack thereof, on this very topic. I appreciate your continued vigilance on a serious problem that requires steadfast attention. Your oversight is rooted in a care for our cadets and our military that I wholeheartedly share.

I also share your frustration, impatience, and anger that you may have for the results we have seen this year. I have personally met with many survivors, both men and women, one on one that come to me voluntarily. I have learned and will continue to learn a great deal about their survivor experiences. As a commander, leader, airman, and father, their stories and their faces rock me to the core. And my motivation to change this culture—and they are my motivation to change this culture and stop this crime.

We invite you to come visit our campus, see our programs firsthand, please, and speak with faculty, staff, and cadets, who hope that through these interactions, we can work together towards improvements.

Thank you for this opportunity to discuss a topic so vital to the future success of our academy and our military and to the health and safety of our cadets. I look forward to your questions.

[The prepared statement of General Silveria can be found in the Appendix on page 100.]

Ms. SPEIER. Thank you, General Silveria.

I would like to begin by asking Dr. Van Winkle a general question. You have been in this area for a very long time. You have done a lot of research. You do a lot of analysis. In your experience, what percentage of victims are telling the truth?

Dr. VAN WINKLE. Based on the data that we have, and this is Active Duty and at the service academies, we see about 2 percent of the reports of sexual assault to be unfounded, which means that there is evidence that the crime did not occur. So it is a vast minority.

Ms. SPEIER. So vast minority. It is 98 percent of those that are coming forward are telling the truth?

Dr. VAN WINKLE. Well, what we know is there is a larger proportion where we have an unsubstantiated report, and that means there wasn't enough evidence to move forward with a case of sexual assault, but that is very different than a false report. That false report, meaning that the crime did not occur, is at that 2 percent.

Ms. SPEIER. So one of the issues that I think we have to address moving forward is the fact that there are so many restricted reports, and they are restricted because of this fear of retaliation. I think that if we get to a place where that information is shared, maybe online with Callisto or some other company that provides that kind of benefit so that the victim can go online, put down information about their experience, photographs if they want, identify the perpetrator, and then if they see that that perpetrator is, in fact, responsible for conducting himself or herself in the same manner with others, they are more motivated either to come forward in an unrestricted report and hopefully rid the military of the predator.

Let me ask the three superintendents: Have each of you spoken to your cadets and midshipmen about this report? Have you had an actual information setting in which you have provided them with this information?

General WILLIAMS. Yes, ma'am, I have electronically through the whole corps. My commandant in the last week has. And I—we are doing a full West Point stand-down. There will be no classes. There will be no sports. There will be nothing but me talking to the cadets on the 25th of February. I plan to shut down everything and do what we call a stand-down.

So I have not had the opportunity to talk to the cadets, but my commandant has in the last week. And I have talked and sent a note to—immediately after the report came out, I sent a note electronically to every single one of my cadets.

Ms. SPEIER. Vice Admiral Carter.

Admiral CARTER. Madam Chair, I have. I have addressed the entire brigade upon their reformation after holiday break. And I rarely have the whole brigade together where I do not cover this topic. But we covered this topic based on this report, and they have heard the details of this report. And to be quite frank, the reaction from the brigade was also the same reaction that all of us have. It was one of shock. So I don't take that as anything that changes that, except the brigade was surprised by the results.

Ms. SPEIER. General Silveria.

General SILVERIA. Yes, ma'am. I have addressed the cadet wing about this report, and part of that, I told them that I was planning on discussing with them. Next week, I have sessions planned with all of the classes to discuss this testimony. Additionally, I opened up to all of them after I explained the report to send me emails, and at this point, I have so many that I can't get through.

Ms. SPEIER. General Silveria, I am in receipt of an email from the vice commandant, which I would like to ask unanimous consent that we submit for the record. And I think the copy has been made available to you? Do you have it there?

General SILVERIA. Yes, ma'am, I have it here.

[The information referred to can be found in the Appendix on page 123.]

Ms. SPEIER. So what troubles me about this email is it appears that there has been a crest that has been stolen at the academy, and I guess it is one of those pranks that happens not all that rarely.

But the essence of the complaints, I guess, that have been visited on Colonel Campbell is that there is more interest in the concern about returning the class crest than in talking about the results of the survey of sexual harassment and sexual assault.

The one part of this email that is deeply troubling to me that I want to read and get your comments on, is the last paragraph, in which he says, "you cadet leaders"—"Your cadet leaders are not at fault for the information flow; I am. If you want a target, it is me. They have no control over—on this topic. If you are that passionate, my door is open. Come on in and we can discuss.

"If you want to attack from a platform or medium of anonymity, then have at it. You are a coward and we aren't listening. If you

have a problem, bring a solution. There is no room in our Air Force for those not willing to own their opinions or positions.

"If you don't like this idea, you are free to leave. I will happily expedite your transition to the civilian world. We hold higher standards here. If you don't like them, move on. You don't deserve to lead our incredible airmen."

Do you have a comment about that?

General SILVERIA. Yes, ma'am. If I can add some context, yes, it was a prank where the cadets, the freshmen, the fourth classmen had stolen the crest.

Ms. SPEIER. I am not concerned about the crest.

General SILVERIA. Yes, ma'am. And so in the effort to recover the crest, the cadet leadership was trying to find through where—who had taken the crest. And in that, there was a lot of conversation about the crest, and it was beginning to take over a lot of the conversation among the cadet wing.

And so at the same time was the moment that I stepped in, and I addressed the cadet wing about these results and told them that I was going to testify. And so Colonel Campbell was very concerned that the cadets perceive that there was a perception that the crest was more important than the results that I had discussed.

Ms. SPEIER. I understand all that, General. My concern is, one of the issues that we are dealing with is this fear of retaliation. And anonymity is often offered to these cadets in a restricted report because of their fear of retaliation.

And the way I read that last paragraph, he is mocking those who are commenting about the fact that there is more interest and concern about the crest being stolen than about talking about this issue of sexual assault and sexual harassment in the academies. And the tone of that email is hostile.

And for anyone—if I was a cadet at the Air Force Academy, which I would never have gotten into, but if I had—if I was a cadet, and I read that paragraph, I would know full well the last thing I would ever do is report a sexual assault.

General SILVERIA. Ma'am, in this case, the anonymity that he is referring to is using anonymity to use it as a platform to criticize. And that cyberbullying is what was going on that he was addressing directly. We all have—at all of our academies, we all have social media platforms that are anonymous, and they continue to be a problem. There is all sorts of different versions of them.

And so this anonymous platform was being used to be very critical, very negative, and in his view, very cowardice. It was not about the fact that they were—that they wouldn't have a chance to report something anonymous. It was about the fact that they were anonymously criticizing about that fact. Ma'am, we fully support the idea of the restricted report. We fully support the idea of Callisto and others to give cadets that opportunity to report anonymously.

Ms. SPEIER. Okay. I don't know that I fully agree with you in terms of the evaluation of that paragraph, but let's move on.

I want to see uniformity of benefits for the victims. I want to be able to say to each appointee that I make to the academies that you are all going to be treated alike if you are sexually assaulted or sexually harassed.

So let me ask you this: Would each of you offer to a cadet or a midshipmen who has been sexually assaulted, either restricted or unrestricted, either confirmed or unconfirmed, the ability to take a sabbatical year? Lieutenant General Williams, just go down the line, if you would.

General WILLIAMS. Madam Chair, I would. In fact, we do. We do that now. It is called a medical leave of absence.

Ms. SPEIER. I don't know that we need to call it a medical leave of absence, but I think a sabbatical is something that doesn't take—carry with it a spin one way or the other.

Yes, Admiral.

Admiral CARTER. Yes, ma'am. We initiated that program a number of years ago, and it is alive and well.

General SILVERIA. Yes, ma'am. We have had it for a number of years and it functions very well, 6 months and for a year.

Ms. SPEIER. And it is automatic if it is requested?

General SILVERIA. Yes, ma'am.

Ms. SPEIER. All right. How about a transfer to another academy, General Williams?

General WILLIAMS. Ma'am, if it would help the victim and help them heal in this process, I would support it, yes, ma'am.

Ms. SPEIER. But you don't have it presently, correct?

General WILLIAMS. We do not, Madam Chair.

Ms. SPEIER. Admiral.

Admiral CARTER. We have not gathered our thoughts together on the mechanism to do it. I am not opposed to it as Superintendent of the Naval Academy. I do think that we would have to understand that that would extend somebody's academic time, but if it benefited them to get through the undergraduate program at any of the service academies, I don't think any of us would have an issue with it.

Ms. SPEIER. Thank you.

General.

General SILVERIA. Ma'am, I completely agree. If it benefited a victim, we don't have that mechanism in place right now, but if it benefited the victim, then I would fully support.

Ms. SPEIER. All right. And how about—I know at least one of the academies have taken a public position that you will not—there will be no action taken against you for collateral violations if you want to file a sexual assault or sexual harassment report. Is that true for all of you?

General WILLIAMS. Yes, Madam Chair.

Ms. SPEIER. Has it been made public to all of the cadets?

General WILLIAMS. Yes, Madam Chair.

Ms. SPEIER. Admiral.

Admiral CARTER. Madam Chair, we have the same program and we—this is one of those events where collaborating and seeing how the Air Force did it presented a much better idea than how we were doing it. So we have incorporated their program and it has been announced to our brigade.

Ms. SPEIER. So this is the first year it will be operational?

Admiral CARTER. Well, it is a slight difference. We don't hold any of the victims to collateral misconduct during the course of the investigation. But in light of the way we see how Air Force did it,

if the knowledge of misconduct comes up during the course of the investigation, never be held against the victim at all. We have been previously revisiting some misconduct after adjudication, but not to a separation level. I like the way I saw the Air Force Academy was doing it better, and we have just instituted that.

Ms. SPEIER. All right.

General.

General SILVERIA. Ma'am, we did start that, initiate that, as we call it, a safe-to-report policy that ensures that—no collateral misconduct, that there is—no charges would be brought or any, you know, any retribution in any way for some misconduct if they were a sexual assault victim.

Ms. SPEIER. And, finally, I think one of the admirals—one of the superintendents that I have spoken to in the last few days indicated that you are about to implement recoupment from first- or second-year cadets or midshipmen. Historically, it has only been juniors or seniors. And I want to know to what extent we can make that something that is going to be used in each of the academies across the board where there is a conviction.

General SILVERIA. Ma'am, I will start. That was me. We, as you know, all of us seek recoupment for the last 2 years, but, yes, we have changed that. So in the first 2 years, if you commit serious misconduct, in this case, sexual assault or, you know, drug offense or something, that you are disenrolled for serious misconduct, then we will seek recoupment.

Ms. SPEIER. Admiral.

Admiral CARTER. We have not explored that possibility. We are now aware of it and we are very interested in understanding how it works exactly. It should be the same. And as you know, it is a recommendation by us to our Secretary of the Navy or our service secretaries for that eventual decision. But I am in full support of that option.

General WILLIAMS. Madam Chair, I would be open to that as well, but we have not currently been in that space.

Ms. SPEIER. All right. And, finally, Dr. Van Winkle, having gone over those various services for the—and benefits for the victims, do you have any comments that you would like to make about them?

Dr. VAN WINKLE. No. I would just say that at the—on the OSD [Office of the Secretary of Defense] side, we obviously understand that each of the academies have unique cultures and may have some differences in their policies and protocols. But where there is a promising practice, we support standardization across the academies.

Ms. SPEIER. All right. Thank you.

Mr. Kelly.

Mr. KELLY. Thank you, Madam Chair.

The best way to prevent these crimes from happening is to prevent those with character issues from entering the academies to begin with. If each of you, starting with you, Dr. Van Winkle, can tell me how we can improve the nomination process as Members, and you as the academies who is overseeing them, to ensure we have a good assessment of the candidate's character.

Dr. VAN WINKLE. Thank you for the question.

As you heard in my opening statement, we are looking at the entire life cycle of the cadets and midshipmen, including selection into the academies. This is not to say that the current selection criteria is inadequate. What we are looking at, and we are still in the infancy stages of evaluation on this, is whether there are additional metrics that we could use that get to that moral development and moral character that we are looking for.

So we are, right now, just in the evaluation stage of the data and what we are looking for and what metrics might be feasible. But, again, it is important to note that we are in no way saying that the selection criteria be changed. It would be more of an enhancement.

General WILLIAMS. Thanks, Ranking Member Kelly.

I think this is a place where we owe you a better model. Currently, when we admit cadets to West Point we know very well their academic potential based on their academic performance, their SATs, ACTs. We require them to take a physical readiness aspect.

What is missing, in my humble opinion in 7 months as the superintendent, is more there. We owe you a better template. We ask principals, teachers to write essays about cadet X, Y. I think it is okay, but I think it could be more robust with more rigor in that space.

Mr. KELLY. Admiral.

Admiral CARTER. Sir, this is a tough problem to figure out, but I will tell you what we are currently doing, where I think we could maybe do a little bit more. We put a great deal of stock in the teacher evaluations of prospective midshipmen. We often pick out nuggets within those evaluations that are very worthy for us to look at.

The interviews that we do, we have Blue and Gold representatives. They represent me in the admission process and, of course, interviews that either you or your staff do for your prospective candidates from your voting districts. We look at police records.

I would like to be able to tell you we have the access to look at everybody's social media background. We certainly do that for a number of the midshipmen that come to the Naval Academy, but it is not 100 percent. That is a space that could probably be looked at more.

And I will share with you that on occasion, we get an anonymous letter about something that might have happened. And when that happens, we take that very seriously, and we set up a character review board on that individual. So, again, we are doing as much as we can right now, but I think we could still do a little bit more.

Mr. KELLY. And, General, real quickly.

General SILVERIA. Yes, sir. Sir, I think I would agree that we owe you a better—that we need to work together better on that with your staffs and with your nomination processes. That all of us need to focus on qualities as opposed to qualifications of an individual. And just like Admiral Carter points out, we all look for the slightest hints and clues from teachers, from coaches, from recommendation letters, we look for the slightest, and we pursue those, whether it is social media, police, you know, we pursue any slightest lead that we have if there is any concern.

Mr. KELLY. The only thing I will say, and I know we already have issues with this resource-wise and getting security clearances for enough people, but that is much more in depth and they are much better qualified. So I don't know if we can morph that into something else or do something a little different, but sometimes those folks, having gone through a security clearance, may be able to do a similar thing that goes beyond what just the teachers say.

As a former district attorney, I am aware how challenging sexual assault offenses can be to prosecute. There are a litany of reasons why victims don't come forward, some are retaliatory, some are a whole different range of options of why they don't come forward.

Can you explain the current options you have available to hold the offenders accountable? And I will start with you, General. What can you do as a commandant to hold a potential offender—an offender accountable?

General WILLIAMS. Ranking Member Kelly, thank you. The Uniform Code of Military Justice, as we spoke earlier, gives me the options and tools I need as a commander. Short of that, you have nonjudicial punishment. I have administrative actions I can take as well, as well as working at echelon with my commanders.

So the chain of command in this space is very valuable in setting the right tone. Commanders set tone and expectations in a command, and that is the tools that I most cherish in this space.

Mr. KELLY. And I would also just encourage—encourage you to understand that there is a code of moral and ethics and honor at each of the academies, and sometimes you may not be able to prove an unsubstantiated report against an offender, but other things they are doing makes them unfit to serve as an officer in the military service. And I would just encourage you, when you have that opportunity, you can still have that person go away if they have a course of conduct that you can't substantiate the sexual assault, you maybe can do that otherwise.

Developing morally and ethically strong officers is the primary mission of all the service academies. Trust is tantamount to good military orders, and especially among leaders. How do you incorporate character development into the curriculum at the academies, and if you can real quickly just tell me that. Character in the curriculum.

General WILLIAMS. Ranking Member Kelly, we have the West Point leader development system, which is focused primarily on character. It is ingrained in all things we do, whether it is in academics, whether it is in sports. Character is my number one line of effort at the United States Military Academy. So we do that both in terms of curriculum, in terms of pedagogy, but also in terms of practically how we do it day-to-day from a practitioner standpoint as well.

Admiral CARTER. Sir, we have it embedded in our leadership curriculum, but recently, just over the last couple of years, it has taken us about 2 years, that we have completely revamped our aptitude measuring system, which now encompasses everything except academic performance and physical education performance so that we can look at the character development specifically of our midshipmen. They actually get a discrete grade in a very subjective system that uses everything from peer ranking to rankings by oth-

ers that are in their sports teams, their clubs, and ultimately the officer that is directly over them. So this is relatively new and we find good progress.

General SILVERIA. Sir, we have a center for creative leadership—a Center for Character and Leadership Development, and we use that as an integrating function for character elements across the curriculum, across the military training, and across the athletic department so that it is integrated everywhere that a cadet interacts; there is character development and there is leadership responsibilities.

Mr. KELLY. And the final question, and I will start with you, Dr. Van Winkle, but I want to preface this with a statement. You guys are accountable to get this right and to make this the right thing. Our job is to make sure you have every tool available to you to make sure that we take care of each and every soldier and so that we don't have one sexual assault, especially not a sexual assault that is not reported.

So, Dr. Van Winkle, and each member, what tool can we give you that will help you do that? And if you need to do that in writing later, I am fine. But what tool can we give you as Congress that helps you to do this mission?

Dr. VAN WINKLE. I can respond right now generally that your partnership is extremely important. I do feel from the data that we see that our infrastructure is sound. We have some evidence that when somebody does make that courageous decision to report, that our systems that are in place are good systems. Eighty-one percent of the service academy students who came forward to make a report said that they would make the same decision again.

However, we have too few people reporting, and we have an issue in terms of our culture and climate, and that we need to look at our strategies. And we certainly appreciate your feedback on that as our partners in this space.

General WILLIAMS. Ranking Member Kelly, 273 young men and women spoke to us on this survey. You have given us what we need, you have given us the resources. It is my responsibility as the superintendent at West Point to take care of the sons and daughters that you have given us. You have given us what we need. We need to get an action plan and come back to you and talk to you how we are going to fix this.

Admiral CARTER. Sir, we are developing a multifaceted plan. I don't know that I need to ask for more resources or more capability in terms of us owning it, which we need to do. And I think that is what you are hearing from us today. I have been the superintendent for 5 years, and I have testified in front of this committee before. And as Dr. Van Winkle said, I committed myself to trying to improve in this.

I am frustrated. And I think that we can't educate our way out of it, we can't train our way out of it. The accountability piece is what is going to move the needle on this. And I am committed to getting that part better and more right. I think I have the resources to do that. But if we come up with something that we could ask you for, we are going to send you a note, sir.

General SILVERIA. Sir, I have the same sentiment. I have the resources. I have the policy that I need. What I need is to continue

to build on the culture that I own and I am responsible for as the leader. And it is clear from the survey, one of the major areas that we have to work on is the peer-to-peer relationship. And we are going to take that on. We already have some plans to do that, and I will come back to you if I need resources. But right now, sir, I have the resources I need, but it is my responsibility as the leader to execute this, and I do own this.

Mr. KELLY. Madam Chairman, I yield back.

Ms. SPEIER. Thank you, Ranking Member.

Since you have indicated that you have a resource issue with reviewing the social media of applicants, why not ask the Blue and Gold Officers to do that as they are spending time interviewing the potential candidates?

Admiral CARTER. I think we could certainly incorporate that. In certain districts, it is just going to be a little more time consuming, and I don't think there is anything that prevents us from doing that. I don't think there is any legal reason why we can't do that, so we will explore that.

Ms. SPEIER. All right. Mrs. Davis.

Mrs. DAVIS. Thank you, Madam Chair. And going to the social media situation, and I know that—I think, Dr. Van Winkle, you mentioned this as well. I remember a hearing that we held several years ago actually, and General Neller was there, and we asked that question basically. Are you monitoring Facebook and Twitter, every possible account that a student has? And at that time, quite honestly, they weren't.

And I know I had a discussion with the general just recently about this, and it still sounds to me like they are not doing as much as they could be doing in general recruiting, and so I think when it comes to the academies as well. I am not suggesting that that is a panacea here. But on the other hand, I think even from a sense of entitlement that somebody might be expressing on Twitter, which isn't blatant, I guess I would read that and I would, you know, want to know a little bit more.

And so I am really hopeful that if there are problems, if there are barriers, let's address them, let's figure it out. I can assure you that we don't have a barrier when we hire someone in our office. We let them know that we are going to take a look at their accounts.

And I just think that is important. I think it is important for young people to know that for their future it is better, and then not engage in that kind of behavior, even if they think it is, you know, just cool. So I hope you do that. And that, you know, could be helpful.

I also wanted to ask, I believe Admiral Carter, you mentioned that you thought you were getting at the alcohol problem or you were seeing improvements. Is that right, sir? What are you doing, specifically?

Admiral CARTER. Yes, ma'am. What we have done is, again, a multifaceted approach. We went on this campaign in front of the whole brigade to make them understand that this is part of their professional life. We went to health and comfort inspections in the large dormitory that they all live in called Bancroft Hall. We have made sure that there is no alcohol inside the dormitory. And there

is a very well-stated policy that if you are found with alcohol in your room, it is a dismissal, meaning you will be separated from the Naval Academy.

We put together a joint task force that actually helped in putting together the education programs to show midshipmen why responsible use of alcohol was needed. We put together a program called the Midnight Teachable Moments, where we actually use alcohol under controlled circumstances to show midshipmen exactly what the results of those are.

So those are just some of the things that we have done. The midshipmen themselves created a Guardian Angel program, these are the seniors. So they go out in downtown Annapolis, which is walking distance from our campus——

Mrs. DAVIS. Right, I've heard of that.

Admiral CARTER [continuing]. And they are preventing things before they happen. Now, I will share one example with you. We had an incident a couple weeks ago where a midshipman got out of hand with alcohol and got into a little bit of an engagement with one of these Guardian Angels. We secured liberty for the entire brigade of midshipmen for 2 weeks. So one alcohol incident was now treated to punish the entire brigade. I can tell you, the brigade got that message very quickly. They had a hard time understanding it. But we are now enforcing that type of part of the program. And then, of course——

Mrs. DAVIS. And do you think—I am sorry to sort of interrupt, but do you think that that is being heard in sort of the same context for men and women?

Admiral CARTER. I don't have the breakout between men and women. I know men at the Naval Academy have a higher tendency to be involved in binge drinking than women. But in our case, 72 percent of all—this is by survey—of all of our unwanted sexual contact has involved alcohol. I am not blaming alcohol or saying if you take it away completely that these things won't happen, but I know reducing that will have an impact.

Mrs. DAVIS. It does have—uh-huh. And the "Safe to Report" that you mentioned—because I think that—my understanding is that there are a number of women who feel that they are held accountable if they had a few drinks, and therefore, they will not report a sexual assault or harassment because they are then transferred or something happens to them that is negative. So the "Safe to Report" allows them to report without that, is that correct, in terms of drinking?

Admiral CARTER. Ma'am, I have never separated a female victim for collateral misconduct.

Mrs. DAVIS. Okay. And, finally, we talk about peer leaders and how important they are. Are we doing the same kind of climate assessments of their leadership, so that if it is determined that in fact they are not leading well, that their advancement is hampered—called into question? How actively are you doing that? How much—do they know you are doing that? And how many people have you stopped in their career ladder because of that behavior?

Admiral CARTER. This is exactly why we created this new aptitude measuring system. Part of that is to measure their leadership capability, whether they are a junior or a senior. I want to make

sure that I didn't have anybody flying under the radar that was meeting all the minimums academically and physically and everything else looked okay because they didn't have a conduct record.

This is a chance to have their peers and those that know them best tell us about them. And I suspect, even though this is relatively new, we are going to be putting midshipmen in front of us that have problems that might not have shown up before. So I am optimistic about this new approach for how to look at that measuring system.

Mrs. DAVIS. Right. Thank you. Because sometimes people are achieving, but that doesn't mean that they are acting appropriately. Thank you.

Ms. SPEIER. Thank you.

I just want to make a point here that I think is important. We are talking about alcohol, and we would be amiss if we somehow want to place the blame on alcohol, because in the actual survey, at West Point 45 percent of the women indicated that the alleged offender had been drinking alcohol. So almost half, but not a significant majority of cases.

At the Naval Academy it wasn't broken out quite the same way, it just said nearly two-thirds. Sixty-four percent indicated that they or their alleged offender had been drinking alcohol. And then at the Air Force Academy it was 53 percent who indicated the alleged offender had been drinking, and 51 percent indicated that they had been drinking. So maybe it is half, but it is not 65, 75, 85 percent. So I don't want us to lose sight of that fact in looking at this issue.

Mr. Abraham.

Dr. ABRAHAM. Thank you, Madam Chair.

Admiral, back to you and Mrs. Davis' exchange, the Navy has been recognized for its prevention program in sexual assault and sexual prevention. It is evidently doing some good stuff. Was some of that that you mentioned some of the highlights of that program, or would you wish to elaborate on maybe a couple more that the committee could learn from?

Admiral CARTER. The program that we have at the Naval Academy is called SHAPE, it is Sexual Harassment and Assault Prevention [Education]. It is evidence-based education that has been developed by experts, we have been working on it for 12 years. It is 20 hours of education and training across 4 years, it starts on induction day. It is peer-led, small-group session with fleet mentors and it has been updated. We have peer educators. We have well over 130 that apply for 80 positions, including varsity athletes, leaders within the brigade. They receive an extensive 2-week program, and they lead nine syllabus sessions during the course of each year.

We also have guides that are part of this program. These are midshipmen embedded into each of the 30 companies, each company is about 150 midshipmen, 2 per company, and they are that resource that knows when somebody is having a problem, can say, hey, here is where the resource is where you can get counseling or make a report. They also receive an extensive 2-week training program, and typically we have about 130 applicants for that. So that is just a thumbnail of what that education program looks like.

Dr. ABRAHAM. And, General Silveria, is your HRT [Healthy Relationship Training] and CHiPS [Cadet Healthy Interpersonal Skills] program similar to that? Give me a little G2 [intelligence] on that.

General SILVERIA. Sir, very similar in the elements that they have in that we all know at this point that small group in this subject matter works best. While initially when our cadets and our midshipmen arrive, we need to get a lot of information out quickly. But we move to—CHiPS is the Cadet Healthy Interpersonal Skills, and it was recognized as a best practice to the committee. And we have shown with evidence informed of how that is beginning to change behavior in surveys after they have had some of that.

Healthy Relationship Training, sir, is—a lot of the programs that we have done in the past have been about what not to do. And so we tell someone that they can't do this and they can't touch this and they can't do that and they can't do it without consent. Healthy Relationship Training takes a different approach. It teaches them how to have a healthy relationship between two people. What consent is, what boundaries are. So it is an approach of how to, what to, how to have a healthy relationship. So those are a little bit different, sir.

Dr. ABRAHAM. Dr. Van Winkle, I will take this for the record, if you need, you can certainly answer it if you can. But I was looking at your resumé and it is quite impressive, but you have a Ph.D. in applied experimental psychology. On these predators, or whatever we want to call these people that do these terrible things to these survivors, have you analyzed—is there a blip on the radar screen in something they have done in a personality previously? Just that marker that won't certainly definitely say that they are going to go this particular way, but maybe they might?

Dr. VAN WINKLE. I would have to take that for the record. It is not within my area of expertise, and certainly there is research to predict offending behaviors. It is certainly not a settled science, but I can take that for the record and get you the information we do have on that.

[The information referred to can be found in the Appendix on page 127.]

Dr. ABRAHAM. I would appreciate that. As a physician, it would be interesting.

And my last question, and, General Williams, I will send it to you, and we can certainly get the others' involvement. On the last panel, Mr. Christensen mentioned in the last—one of his talking points, if I understood that right, that athletes are not held to the same level of accountability as other cadets. Now, is that true?

General WILLIAMS. Congressman, that is not true. All athletes, cadets, are handed the same standard at West Point, and I am sure the other academies as well. There is no sanctuary for athletes at the United States Military Academy.

Dr. ABRAHAM. I understand. I see the others nod.

Madam Chair, I yield back.

Ms. SPEIER. All right. Mrs. Luria, you are next. Is it that you would like to postpone?

Mrs. LURIA. I will—I don't——

Ms. SPEIER. All right. Let's then move on to Ms. Escobar.

Ms. ESCOBAR. Thank you, Madam Chair.

Dr. Van Winkle, so in the report, one of the reasons why women did not choose to report was, quote, that they would take care of the problem themselves. Does this indicate that there is a problem in the actual reporting process or that it is cumbersome or that—what are your thoughts about that? Why—or just a sense that it is, you know, too painful to go through the process.

Dr. VAN WINKLE. I appreciate the question. The data doesn't get at exactly what they mean by when they say that they took care of the problem themselves, either by avoiding or confronting the person. We know a few things, though, from our focus groups. We do go out every other year to talk to the cadets and midshipmen. We talk to them about the survey results. We ask them questions about it. And often what we see in our data is the reasons for not reporting are often very personal reasons, less to do with the system in place, but much more to do with wanting to forget about it and move on.

We also have concerns within the academy about gossiping and peer response, which again, speaks to what we are trying to do when we are engaging the cadets and midshipmen themselves. And it also looks a little different than what we see in the Active Duty.

What we hear in the focus groups is freshmen and sophomores often say they would hesitate to report because they don't want that to define them. They are only there for 4 years. Juniors and seniors often say they don't want to report because they don't want the investigation to follow them into the Active Duty or be defined as they move into the Active Duty by this report.

And all of them talk more about concerns about peer reaction than, again, barriers in the actual system that is in place. And I mentioned the data point that when we do get folks to come forward and report, from our survey data, 81 percent said that they would make the same decision again. It is getting them to come forward and report. That is a challenge we are trying to address.

Ms. ESCOBAR. That peer reaction, that is very interesting. And I feel like that is where we as a society, whether it be in the military or in the private sector or public sector, where people need to feel accommodated and supported by their peers, or that their peers will stand up to that retaliation. So we have clearly still got a long way to go on that front in the military. Thank you so much.

To the superintendents, so the four focus areas were mentioned, the promoting responsible alcohol choices, reinvigorating the prevention of sexual assault, and the third one I am very curious about, enhancing a culture of respect. Could each one of the superintendents just briefly tell me how you are doing that?

General WILLIAMS. Congresswoman, yes. So as my colleague mentioned, we have a Simon Center for Professional Military Ethic as well. So I have an organization within the West Point that is charged with designing character in this space about trust. But the folks that really are going to get at this daily are the cadets, our tactical officers, each company. We are organized at West Point into company teams. In each one of the companies there is a captain, a commissioned officer, and a senior noncommissioned officer with that company, and then our coaches and also our rotating faculty.

So all of those folks emulate what it means to be—what respect looks like, what it means to be an officer or a cadet in good standing. So by being good role models. But more importantly, they have real conversations.

Last week, and it wasn't because of a result of this panel, but I witnessed a—we had 119 classes last Wednesday during the commandant's hour, what is called a Leader Challenge three, where we had cadets, the company tactical officers, the academic professors, led by the cadet leadership. Well, they were talking about real issues. They were talking about sex and healthy relationships that was mentioned earlier.

And so what is important is you get the cadets, the faculty, the coaches, all of them pulling the same way in this area. It can't be just the cadre, it can't be the cadets doing this. It requires a comprehensive approach across the academy.

Admiral CARTER. I will just briefly give two examples. One is this life skills handbook that I mentioned in my verbal testimony that we have now initiated. It not only dives down into this understanding of what dignity or respect means from a midshipman perspective, it also helps redefine that for all of our influencers. So our coaches, our faculty, our staff, our sponsor parents. I think it is really critical. And that is built into our in-classroom curriculum.

And, finally, Sheryl Sandberg came and spoke to the Naval Academy in 2013, and it is where she coined the phrase "lean in." And the Naval Academy has taken on "lean-in circles," and it is really starting to grow even more. There are approximately 200 midshipmen that meet in 12 different circles, and they cover every tough topic of what it means to be a professional. Some of them are all women, some of the circles are all men, some of them are mixed. I think this is a grassroots growth program that we can continue to cultivate. And, by the way, we have fleet mentors in there, so they are helping them guide the conversation.

General SILVERIA. Ma'am——

Ms. ESCOBAR. My time has expired. Thank you very much.

Ms. SPEIER. General, you can respond.

General SILVERIA. Ma'am, for us what that means is that we are looking about the whole person here. It is not just about dignity and respect regarding another gender in the area of sexual harassment or sexual assault, because what we have to teach is that discrimination in all manners, whether it is race, religion, background, sexuality, any discrimination in any way takes away and degrades at that dignity and respect.

So we go out of our way to support and encourage a number of affinity groups in the areas of LGB [lesbian, gay, bisexual] and a number of race groups and ethnic groups that allow them and the cadets interact in that way. I mean, just Friday night, a couple weeks ago, I was with the Jewish cadets, as an example. And so we have to continue to show that richness of diversity. And I have spoken a lot about that to my cadets, specifically about that richness of diversity.

We all have remarkably diverse campuses and remarkably diverse student bodies that are continuing to grow that more. That is what we are referring to.

Ms. ESCOBAR. Thank you.

Ms. SPEIER. Thank you.

Mr. Bergman, you are next.

Mr. BERGMAN. Thank you, Madam Chair.

General Williams, I want to make sure I got this right. Cadets lack trust in peer leaders? Did I get—could you just expound on that for me, please?

General WILLIAMS. Congressman, thank you. Yes. The survey suggests that cadets do not have the same respect or trust, and this is about accountability. Part of being a professional, whether it be an airman or—is about stewardship. And so they are struggling with, depending on what their class is, ownership for each other. This is a part of what we do in our military—the ethos of our culture, the Army culture.

So the cadets work very hard in their 47-month experience. They understand General Williams or Captain Smith, who is their company tactical officer, but as they develop and are learning to take ownership for their profession, they have a hard time sometimes holding each other accountable.

Mr. BERGMAN. Is that something that has happened over time, or because of their high school experience they are used to—they are not used to the hierarchy that maybe some of us who are older and went to high school, you know, decades earlier, where now everybody feels as though they—you know, the participation trophy mentality?

General WILLIAMS. Congressman, I think that is part of it. We are taking folks from all over America, and it is a tough transition for some. Some need 47 months, some need a little longer than 47 months to make that transition.

Mr. BERGMAN. So since we are talking about—we got Blue and Gold. Do we have black and gold? And what does the Air Force have?

General SILVERIA. Prop and Wings Officers, sir.

Mr. BERGMAN. Okay. So the point is, could any or all of you just describe the—is this Blue and Gold or black and gold or, you know, Prop? Is that a volunteer position? Is it a paid position? Tell us a little bit about who these people are and how much time they have to devote to, if you will, digging into the background of an applicant?

Admiral CARTER. Sir, I will answer first. Our Blue and Gold Officers are representatives of the superintendent but work through our admissions department. They are volunteers. They are not always Naval Academy graduates. They are in every voting district throughout the country. They are over 2,000 strong. And they are the eyes on, they are the validation of who we are looking at, beyond just what we see on paper, the personal statement, the teacher recommendations, the grades, all of it.

Mr. BERGMAN. Yeah, I don't want to dwell on this, but the idea is they are volunteers?

Admiral CARTER. Yes, sir.

Mr. BERGMAN. So their time—they are working probably a full-time career doing something else, and because of their passion for the service academies, they have volunteered their time to interview, to interact with, et cetera, et cetera, and to advise potential——

Admiral CARTER. And they are required to get training every periodic moment—or every period of time, about 5 years, so they understand what we are looking for.

Mr. BERGMAN. Okay. And then one final question that any or all of you can answer. Is there any—or maybe, Dr. Van Winkle, is there any comparative data to other nonmilitary, your basic public, private colleges and universities, as to the type of behavior, the type of at-risk behavior, if you will, that the 18- to 20-year-olds who are in those first couple of years, I mean, is there comparative data out there that says the service academies have more of a problem than XYZ college or university?

Dr. VAN WINKLE. I can speak to that in general terms. We don't typically have a good comparison point in civilian colleges and universities, nor do we compare ourselves with them. Certainly our mission space is different, our expectations are different, our selection criteria is different.

Mr. BERGMAN. But if we were just, you know—and I know my time is going short here. The idea is, two friends graduate from high school together, one goes to an academy, one goes to, you know, some other school. They come in, they are matched ideally, if you will, in their experience, their outlook, their education, everything, they are a match, but then they split and go down two different educational paths.

I am wondering, is the behavior of the individual who chooses something other than a service academy, are we—do we know, are there differences?

Dr. VAN WINKLE. What we do know in looking at colleges and universities comes from a 2015 study sponsored by the American Association of Universities, which looked at 27 colleges and universities across the country. Looking at those rates, comparing them to ours now, which again are slightly apples and oranges in terms of metrics and scientific methods behind it, we are about on par. But as I mentioned, we certainly hold ourselves to a higher standard.

Mr. BERGMAN. Well, thank you very much. And I yield back.

Ms. SPEIER. All right. Dr. Van Winkle, you had indicated that of those that do come forward, 80 percent of them are happy with the way they were treated. Is that correct? Is that how you put it?

Dr. VAN WINKLE. No. For clarification, I would say that 81 percent—and this is from the survey, so this is an estimate——

Ms. SPEIER. Right.

Dr. VAN WINKLE. [continuing]. Of those who came forward and reported would make the same decision to report again.

Ms. SPEIER. Thank you for that clarification.

What I think is important for us to point to, and it is true in each of the academies, it is probably most true at the Air Force Academy, is that women who have not come forward to report do not have a high confidence that they will be protected.

At the Military Academy, 55 percent of the women indicated they would trust the academy to a large extent to ensure their safety. At the Naval Academy, it was 46 percent. At the Air Force Academy, it was 39 percent. So that would suggest to us that there is not the confidence in the academy leadership that their safety will

be ensured if only half or less than half have confidence in it. So that is something we should drill down about later.

Mrs. Luria.

Mrs. LURIA. Okay. Thank you for being here to testify today. And I am trying to go through, you know, some of the comments that have been made and rectify these, you know, in my mind versus my personal experience, being that, you know, I attended the Naval Academy and also spent 20 years in the fleet, and as a commanding officer having to deal with these types of situations for sailors who worked for me.

And there are several comments that have been made, but, you know, I wanted to kind of touch on this in the setting of the hearing because Admiral Carter and I discussed it in my office earlier this week was, you know, how does this compare relative to the fleet or to our Active Forces? And then, you know, are there any lessons that have been done more effectively within the fleet that we think we should be transferring back to the academy setting?

And I will start with you, Admiral Carter, since we already touched on that.

Admiral CARTER. I certainly think there are things to learn from the two living conditions and the demographics and the age group. I think we could take ourselves down a dangerous path if we think that the 17- to 21-year-old demographic of the fleet is the exact same representative of what we see at the Naval Academy.

Mrs. LURIA. But, I mean, myself in command, and I know yesterday when we spoke, you said you had been in command in some capacity since 1999, and then you were the XO [executive officer] when we served together on *Truman* shortly after that. That is the demographic, at least from my experience, where most recently these reports come in as far as fleet sailors as well. So why do you consider there to be a difference?

Admiral CARTER. The enlisted sailors that are coming in, and that would be the demographic we are looking at, they are changing, very different than when you and I served on *Harry S. Truman* 20 years ago. They are better educated. Many more of them are married, they live a different lifestyle. And then, of course, once we send them out on a ship or on a deployment with an air squad or on a submarine, they live in a very, very close environment where they are controlled and they are watched in their work environment, and there is no alcohol involved in that.

So, you know, over the course of that time in that environment, you are going to see a whole lot less of these unwanted sexual contact data, and I am confident of that. The midshipmen still are in an academic setting, even though they are in a very controlled academic setting, and that is not to make a pass for, you know, the type of lifestyle they have at the Naval Academy, but it is just a different environment, as you recall, living there.

But I think we can still look for best practices that come from the fleet and see if they can apply to what we do at the Naval Academy.

Mrs. LURIA. Well, thank you.

And so out of all the comments that were made today, there were a couple things that, you know, popped out, because I think we are all scratching our head, these are not the results that we wanted

to hear. And something that did come up in the earlier testimony was that, you know, the Victims' Legal Counsels, for example, didn't have a lot of experience in dealing with victims. So that is just a point of maybe an area that we could look at what type of training they get.

And then, you know, on the side of medical professionals and the faith community, with how they fit into the whole picture of developing midshipmen morally, mentally, and physically, that they tie into that picture with, you know, dealing with the victims.

And, you know, I think my frustration as a commanding officer in the fleet when I had sailors who dealt with this was that I felt that the reticence of people to report was because they thought nothing was going to ever happen. And the nothing that was ever going to happen was not because the chain of command didn't take it seriously, because we took it very seriously, but it was more so that the process took so long for anything to happen, it moved at a glacial speed.

And like you said, Dr. Van Winkle, you know, people are worried about this in their second class midshipmen, so junior year following through with them to the fleet. And so I don't know how to crack that nut of, you know, a more expeditious process to make sure that, you know, it is being handled, but people know it is being handled, and, you know, what the results are because——

You know, Admiral Carter, as we spoke the other day, you said accountability was the biggest issue. But if someone reports something and nothing happens for 18 months or 2 years, that is hard to draw the accountability back, because people's memories are actually short. So I don't know if anyone has any comments on that topic.

Admiral CARTER. I will just say one brief thing. The Victim Legal Counsel was brought on during my tenure here at the Naval Academy. I thought it actually would change and really make a difference for those that had stepped forward. And quite honestly, I did not see more female victims actually go through with the investigation or go through with the preliminary hearing office. I didn't see that change.

That Victim Legal Counsel does not work for me. They are independently assigned to the Naval Academy. They are permanent. I found them to be very experienced, it is not their first legal job. And they do meet with their survivors or victims in person.

Mrs. LURIA. Okay. Well, thank you for sharing that. That was different than what was mentioned earlier.

I yield back my time. Thank you.

Ms. SPEIER. Ms. Cheney.

Ms. CHENEY. Thank you very much, Madam Chairwoman. I wanted to—and I appreciate that the chairwoman read or submitted for the record the entire email from Colonel Campbell, but I wanted to mention a couple of things that were not read.

In the first paragraph of the email, the colonel says that the SAGR [Service Academy Gender Relations] report is, quote, exceptionally important. In the second paragraph he says, sexual assault and gender relations, the report is absolutely a command priority. In the third paragraph, he says, don't for a minute think we believe the class crest is more important than sexual assault. And the

paragraph that the chairwoman did read has absolutely nothing to do with victim anonymity. And I think it is very important that the record reflect that that is not a conversation at all about victim anonymity.

And I think, in fact, victim anonymity is crucial, and I think that it is very important that we not look towards increasing the number of unrestricted reports as our only measure of success here. I think, as Dr. Van Winkle mentioned, there are a number of reasons why people don't report, a number of reasons why they want to be able to report in a restricted fashion, including that they don't want to have this follow them for their life. They don't want to be known as a victim. And I think that is very important. And I think that we need to keep in mind that compassion for survivors and for victims, and not look as though we are forcing everyone into a public reporting setting.

Secondly, I would say that while it is true that the report shows that alcohol was a factor in at least half of these incidents that were reported, that is a huge issue. And I think it would be reckless and irresponsible for us if we did not address the issue of alcohol. It is not a silver bullet, it is not a panacea, but when we have something that we know is present in approximately half, in some cases a little over half of these incidents that we know of, we have got to address it.

And so I would like to ask each of the superintendents if you could talk specifically about the programs that you have in place, the programs that you think you need to put in place, at each of the academies to deal with this issue of alcohol abuse.

General WILLIAMS. Congresswoman, we have a long way to go in this space. We have done everything from a cadet who has created—or had some sort of misconduct and alcohol. We put him in the alcohol substance abuse program. It was mentioned earlier about the leader development program, if a cadet commits some act in this space, he gets an F. He gets an academic grade, F, it is part of his GPA [grade point average]. So those are sort of one end of the spectrum.

The other end of the spectrum is every week they work this, our TAC [company tactical officer] and TAC–NCOs [tactical non-commissioned officers] work this really, really hard. Before special events, before every weekend, they do briefings with the cadets. But I am not satisfied where we are in terms of—I am having my commandant look at all of our policies in term of how long. We have a number of places on West Point where cadets, if they are of age, they can't be underage, if they are of age, where they can drink alcohol.

I am relooking at all our current policies. And so we are looking at doing some changes in that respect. So we are doing a lot right now, but we are not doing enough, and I am relooking the whole thing.

Ms. CHENEY. Thank you.

Admiral Carter.

Admiral CARTER. Ma'am, I started to talk about some of our programs, such as the Guardian Angel program, the Midnight Teachable Moments, the task force that we stood up. I would also tell you that accountability at this lower level of problem before it

turns into a potential assault. When you take away the alcohol piece, as I said, won't take them all away, but for us we think it has a significant part. We are redefining what those are.

So, for example, if you get a DUI [driving under the influence] at the Naval Academy, you will be separated from the Naval Academy. Two alcohol-related incidents, whether they happened plebe year and senior year, you will also be dismissed. A failure from an alcohol treatment program will also be cause for dismissal. A higher penalty for underage drinking, even though it is not a zero-defect mentality, it is one that we have to continue to go after.

And as we are hearing—as you are hearing us today, we all meet and talk about our best practices and how we are doing it, so that we can get to some more common themes so that we are all doing it about the same way.

Ms. CHENEY. Thank you.

General Silveria.

General SILVERIA. Yes, ma'am. After I arrived, I didn't like the way that a lot of the alcohol was available and the way that it was handled within the cadet wing, and so I made a number of changes last year in the availability, how it was served. And I made a number of changes increasing supervision, both at events inside the academy and outside the academy with supervision.

The other thing that we have done is we have created a training program for our third classmen, our sophomores, because that is the age when they become of age, for most of them. So we have created a training program that focuses on prevention of alcohol-related incidents. And all of the commanders have availability, and they use it. If they get a risk factor where they see that somebody has used it, they can put someone in that prevention program, whether they are a three-degree or not. So we are training and then the increased supervision.

Ms. CHENEY. Thank you very much. My time has expired.

Ms. SPEIER. All right. That brings us to the end of the hearing.

Let me thank you very much for your participation today. I really believe that you want to do the right thing. I also worry that we have not found the formula that is going to reduce the numbers. They can't keep going up.

And, Dr. Van Winkle, I am very heartened to hear you say that we are not going to be able to train ourselves out of this problem. We have got to recognize that there is something more that needs to be done.

I do know, and in talking to a couple of the superintendents, that you have also realized that once there is a conviction or once someone is identified, some of these cadets have turned into predators, where it wasn't just a once, it was to a number of cadets that they had either sexually harassed or sexually assaulted. So it is a very serious problem, and these are our leaders for the next generation. We have a responsibility.

So thank you for being here. Thank you for your commitment. And I am hopeful that we will make a number of trips to the academies over the course of the next year to work with you.

With that, we will stand adjourned.

[Whereupon, at 6:13 p.m., the subcommittee was adjourned.]

A P P E N D I X

FEBRUARY 13, 2019

PREPARED STATEMENTS SUBMITTED FOR THE RECORD

FEBRUARY 13, 2019

Statement of
Representative Jackie Speier
Military Service Academies' Action Plans to Address the Results of Sexual Assault and Violence Report at the Military Service Academies
Military Personnel Subcommittee
February 13, 2019

I would like to welcome everyone to this afternoon's Military Personnel Subcommittee hearing. Thank you to our witnesses for your participation on this serious matter.

Before we address the topic before us, I want to take a moment to say I am deeply troubled that the Department of Defense refused to allow Dr. Van Winkle and the Superintendents to testify alongside non-governmental experts. The Department testifies before this committee at Congress's invitation and on Congress's terms. We have a constitutional responsibility to provide oversight as we see fit. This cannot be overridden by some un-written, nonsensical rule. Further, the Department's unwillingness to sit next to and engage in dialogue with experts who have suggestions on how to fight this scourge sends the wrong signal about how seriously it takes this problem.

I was profoundly unsettled when I read the *Annual Report on Sexual Harassment and Violence at the Military Service Academies.* The results show that after a decade-plus of concerted efforts to address sexual harassment and assault, the problem has only gotten worse. I believe we all appreciate how alarming these numbers are. I cannot stress enough that this survey is among the best measures of the prevalence of unwanted sexual contact and harassment at any university, company, or organization.

The survey has been administered for over a decade with the same questions and an expert-approved measurement. 68% of students participated. This isn't a blip, a me too bump, or some accident. It's a clear illustration of a destructive trend and systemic problem.

The report says that in four years occurrences of unwanted sexual contact increased from 327 to 747, more than doubling. The term unwanted sexual contact refers to a range of sex-related offenses that the UCMJ prohibits, including unwanted touching and penetration of suggestive areas. What makes this even more disturbing is that the number of reported sexual assaults occurring at the academies remained stagnant at 92, though the overall share of unrestricted reports relative to restricted decreased. Only 12% of assaulted individuals formally reported. Low reports should be no surprise given that half of those who reported were retaliated against. 37% of those who reported experienced social ostracism, reflecting a culture defined by victim-blaming. Out of these 747 plus assaults and 69 unrestricted reports, the academies only convicted four perpetrators last year. Victims report at their own peril, because they are more likely to face consequences than perpetrators.

The cases of Ariana Bullard and Stephanie Gross, former West Point students who have previously appeared before this subcommittee, demonstrate the problem. Ariana, a top swimming recruit, was ostracized by her peers when she reported that fellow swim team members had sexually harassed her as a freshman. She had to train alone. Stephanie was violently raped the same year and an investigation found insufficient evidence to bring charges against her rapist.

After Stephanie was raped again, she considered not reporting, fearing that, again, no one would believe her. Stephanie reported anyway and her attacker was convicted of assault, but not sexual assault. Stephanie and Ariana faced mounting retaliation in the form of mental fitness and drug tests until they chose to leave the Academy. This type of treatment for the brave few that do report deters the rest.

Meanwhile, half of all women at the academies reported being pervasively or severely sexually harassed in the 2017-18 academic year. That's right, half. That's 1,622 future officers who start their career being harassed by their peers. None of them reported formally. Not one. Harassment is often a precursor to assault.

Only 56% of students think their peer leaders make honest and reasonable efforts to stop assault. And despite the Department touting relatively high trust in uniformed leadership, that number, 70%, is worse than two years ago.

I shudder to think about what it must be like to be a student at the academies, especially a woman. To live, study, and learn in an environment where harassment is so pervasive, expected, and accepted that half of all women are harassed, and none report. Maybe women are handling some of this themselves, but that's because they don't think anyone else will.

My colleagues and I recommend high school seniors for admission to the academies. They are consistently among the best, brightest, and most accomplished young people in our communities. Earnest, respectful, and dedicated. And then they go away to school and we get this. I wonder if we're missing something when we recommend them, if we should look more closely at their moral fitness, or if the culture at these schools is that corrupting. Perhaps it's both.

I do know this: three out of the four individuals I recommended for admission this year, at the suggestion of my local board of academy grads, are women. Women will continue to attend the academies and serve our country. All three Academies' freshmen classes have at least 24% and I understand that next year the number will grow. We need to do better by them.

These results don't call for tweaks and adjustments. The Superintendents have been touting incremental fixes made after this survey was administered, but there is no reason we should expect adjustments to change the overall trend. This report is a scathing indictment of the academies' culture, approach to prevention and response, and ability to hold violators to account.

We need to expand our toolbox and use both carrots and sticks to hold perpetrators accountable and deter others through serious repercussions.

Academy leaders must promote a strong culture of dignity and respect, educate students on right and wrong, and have zero tolerance for violations. The

Superintendents have said they're doing much of this, but the problem has gotten worse. Leaders must enforce this culture and earn students' trust by making good on promises to impose severe penalties on predators. They must treat survivors uniformly, modeling best practices from other academies. And they must address the issues that stem from over 25% of students being problematic drinkers.

We also need to think seriously about how the academies and Department of Defense itself should be held accountable for this failure. Current efforts are woefully inadequate and seem to be making the problem worse, not better.

Today, we will have two panels. During the first panel, we will have the opportunity to hear from outside experts who have dedicated their careers to these sensitive issues. During the second panel, the Department of Defense and the Superintendents of our military service academies will explain why their current approaches to this problem have failed and how we can rethink our approach to sexual violence at our academies. I look forward to hearing from all of our witnesses today.

Before I introduce our first panel, let me offer Ranking Member Kelly an opportunity to make any opening remarks.



Chairwoman Speier and Ranking Member Kelly, thank you for the opportunity to appear before you on this vitally important topic for our nation's security. As a brief introduction, I retired after 23 years service as an Air Force JAG, and during that time, I served twice as a defense counsel, multiple times as a prosecutor, including as the chief prosecutor for Europe and Southwest Asia, and as the chief prosecutor for the Air Force. I have served as a trial judge and had been selected to serve as an appellate judge when I elected to retire. For the last four years I have served as the president of Protect Our Defenders, a human rights organization that fights for survivors of military sexual trauma. We provide attorneys free of charge, and I myself represent clients going through the often-hostile military justice process. During this time I have talked with hundreds of survivors including those from all of the service academies.

The report released 31 January 2019 concerning estimates of prevalence rates at the service academies is devastating. You have already heard the numbers: 747 sexual assaults and rapes. You have also heard the prevalence rates: almost 16% of women cadets and midshipmen and 2.4% of men. These are sobering estimates, especially compared to the active force. Women attending our service academies are approximately four times more likely to be sexually assaulted than those on active duty. Yet, accountability for perpetrators is almost nonexistent. Last year, only four offenders were convicted at a court-martial for their offenses, and a tiny handful were discharged.

This should be a wake-up call for academy leadership. The failure to weed out perpetrators means that hundreds of sex offenders are commissioned into the active force every year. This fact appears to have never been acknowledged by academy leadership or the active force. We can only imagine the impact this has on the military's ability to address sexual assault and harassment throughout the services.

A service academy commission undoubtedly gives an officer an advantage in the competition for promotions, command, and ultimately the attainment of general and flag rank. The last three Chiefs of Staff of the Air Force have been Air Force Academy graduates, as have five of the last seven. The current Chief of Naval Operations received his commission from the Naval Academy. The academies have an impact on the active force much greater than the actual numbers of their graduates. It is for this very reason Congress, the President, and the American people must demand more from the academies' leaders and their efforts to end this scourge. What does it say for the active force when far too many of its future leadership come from institutions with rampant epidemics of sexual harassment and assault?

I fear this reality has not been accepted by leadership. I also fear the leadership does not understand the level of distrust many survivors have of the chain of command. When I talk with academy survivors, the constant I hear is the fear of leadership –the fear leadership won't believe them, the fear leadership will not hold the offender accountable, and the fear that leadership will drive them from the academies if they report. Thirty one percent of the women at the Air Force Academy and 32% of the women at the Naval Academy do not believe senior leadership is making honest and reasonable efforts to stop sexual assault.

Is it any wonder when women are much more likely to be forced out of the academies than they are to see their perpetrator held accountable that reporting rates are so dismal. Despite sexual assaults being up 50% from two years ago and double from four years ago, report rates as a percentage have plummeted. Unrestricted reports have dropped to about 8% of total sexual assaults while restricted reports have increased. This cannot stand. If survivors do not have confidence to come forward, offenders will never be held accountable and will populate the leadership of each of our services.

Accountability is a key element in stopping sexual assault, yet it is rarely mentioned by leadership. Instead, it appears leadership believes it can train its way out of the crisis. This is demonstrably a false assumption. Training has been a constant over the last twenty years, yet sexual assault rates are skyrocketing. The other constants have been abysmal reporting, prosecution and conviction rates. For the rare conviction, sentences are typically very light. The bottom line is that offenders know the odds are exceedingly small they will ever be punished.

Leadership controls every aspect of the discipline process. They demand this control and resist all efforts to reform an archaic justice process. It is time for leadership to accept the reality that they have failed since 2003 to drive rates down. For decades, we have heard how the next program they have instituted will finally succeed. We are hearing it again. The time has come to demand more than empty promises that it will be better next time. The superintendents have almost unfettered control over the academies. What tool have they lacked these last two decades to fix this problem? All the past promises have failed. Until Congress starts demanding changes, we will continue the cycle of failure followed by promises to do better next time.

As in the broader military services, commanders have failed to lead the justice process. We should either empower military prosecutors to lead the process and decide whether to prosecute cases, or if necessary, turn over all academy cases to the relevant civilian justice systems.

I look forward to any questions you may have.

Biography

DON M. CHRISTENSEN, COLONEL, USAF (Ret.)

Col Don Christensen, USAF (*ret.*) is President of Protect Our Defenders. In his role as President, Col Christensen has appeared regularly in broadcast and print media to advocate for rights of crime victims, including appearances on CNN, CBS, NBC, ABC, MSNBC, Fox News, and the BBC, in addition to the *New York Times*, the *Washington Post*, the *Los Angeles Times*, *USA Today*, *Time*, and *Newsweek*. He also serves as a *pro bono* attorney for victims of military sexual assault in EEO complaints, law suits under the Federal Tort Claims Act, and as a special victims counsel. He served as chief prosecutor for the United States Air Force between 2010 and 2014. Before that he served alternatively as trial counsel, defense counsel, and as a military judge for every year of his 23-year career in the United States Air Force.

Christensen has served as an Assistant Staff Judge Advocate, Area Defense Counsel, Circuit Defense Counsel, Deputy Chief Circuit Defense Counsel, and Deputy Staff Judge Advocate, as a deployed Staff Judge Advocate, Chief Circuit Trial Counsel, and Staff Judge Advocate and as a Military Judge. He has tried over 150 courts-martial as a trial and defense counsel and has presided over 100 trials as a military judge.

He was born in Sturgis, South Dakota and received his law degree from Marquette University Law School. A third generation Air Force officer, he received his commission as a second lieutenant through ROTC and entered active service on 15 July 1991. Christensen is licensed to practice law before the Supreme Court of Wisconsin.

EDUCATION

1988 Bachelor of Science degree, *summa cum laude,* in history and speech communications, Black Hills State College
1991 Juris Doctor degree, Marquette University Law School
1996 Squadron Officer School (in residence) Air University, Maxwell AFB, Alabama
2002 Air Command and Staff College (correspondence) Air University, Maxwell AFB, Alabama
2008 Air War College (correspondence) Air University, Maxwell AFB, Alabama

ASSIGNMENTS

1. Jul 1991 - Mar 1994, Assistant Staff Judge Advocate, 28th Bomb Wing, Ellsworth AFB, SD
2. Mar 1994 - Jul 1995, Area Defense Counsel, USAF Judiciary, Central Circuit, Ellsworth AFB, SD
3. Jul 1995 - Jan 1998, Assistant Staff Judge Advocate, Ogden Air Logistics Center, Hill AFB, UT

4. Jan 1998 - Feb 2000, Circuit Defense Counsel, USAF Judiciary, Western Circuit, Travis AFB, CA
5. Feb 2000 - Sep 2000, Deputy Chief Circuit Defense Counsel, USAF Judiciary, Western Circuit Travis AFB, CA
6. Nov 2000 - Mar 2001, Staff Judge Advocate, 332nd Air Expeditionary Group, Ahmed Al Jaber AB, Kuwait
7. Oct 2000 - Jul 2002, Deputy Staff Judge Advocate, 436th Airlift Wing, Dover AFB, DE.
8. Jul 2002 – Jul 2005, Chief Circuit Trial Counsel, USAF Judiciary, European Circuit, Ramstein AB, Germany
9. Jul 2005 – Jul 2008, Staff Judge Advocate, 325th Fighter Wing, Tyndall AFB FL.
10. Jul 2008 – Jul 2010, Military Judge, USAF Trial Judiciary, McChord AFB WA.
11. Jul 2010 – July 2014 Chief, Government Trial and Appellate Counsel Division, Joint Base Andrews MD

AWARDS AND DECORATIONS

Legion of Merit
Meritorious Service Medal with five oak leaf clusters
Air Force Commendation Medal
Air Force Achievement Medal
Air Force Outstanding Unit Award with valor device and four oak leaf clusters
Air Force Organizational Excellence Award with four oak leaf clusters
National Defense Service Medal with one bronze star device
Armed Forces Expeditionary Medal
Global War on Terrorism Service Medal
Air Force Overseas Service Long Tour Ribbon
Air Force Expeditionary Service Ribbon with gold border
Small Arms Expert Ribbon

EFFECTIVE DATES OF PROMOTION

Second Lieutenant	18 May 1991
First Lieutenant	15 July 1991
Captain	15 January 1992
Major	1 August 1999
Lieutenant Colonel	1 July 2005
Colonel	1 May 2010

LAWRENCE J. MORRIS
Springfield, VA

It was my great honor to serve 30 years in uniform, 27 of them as an active duty judge advocate, and 3 as a reservist while in law school. I had a pretty typical Army career, trying cases as a prosecutor and defense counsel at posts in the U.S., Europe, and Panama and, later, in deployed locations in Bosnia and southwest Asia. I had the privilege of advising commanders at all levels, supervising prosecutors at several locations, and later, supervising all Army defense counsel when I served as the Army's chief defense counsel, the one job I sought in my career. I also chaired the criminal law department at the Army's law school, served as the chief prosecutor in Guantanamo Bay, and as the SJA or general counsel at West Point. I had the honor of traveling to Russia, South Africa, Bosnia, and Mongolia to teach military justice to the troops of foreign nations. I helped initiate the Army's training program regarding sexual assault for prosecutors and defense counsel for my first two years after leaving active duty, and I have been at Catholic University, here in DC, since 2011, first as general counsel, now as chief of staff. I also served on the Response Systems Panel from 2012-14. I am the son and father of West Pointers, and also the father of a Marine. The views I express today are my own.

In many respects I expect that I differ little in my biases and experiences from Col Christiansen. We had parallel careers in many respects - starting from Marquette Law School about 10 years apart - and I expect we have particular affection for and loyalty to those who serve. I have just a couple of points to make before offering to answer your questions.

Data. I'm not an expert in it and I take all of the recent data mainly for the proposition that there is an element of intractability to the sexual assault problem – an intractability not unique to the academies but that is reflected in civilian institutions of higher education and our society. Still, there is a persistent problem that merits our attention so that our people are protected and, when assaulted, have sufficient confidence in the system and their leaders to make prompt reports. It is also worth considering that the rate of trust in their senior leaders noted in the surveys is remarkably high compared to most civilian institutions. We expect more of the academies, of course, but it is a notable contrast.

Training is not a panacea, but it works - and is part of the solution. I grant that training can be a conceit of the military, as we think we can train to most any standard, ambition, or behavior – and have a history that proves that, not only on operational matters of great complexity, but on behavioral matters such as smoking, drug and alcohol use, nutrition and fitness. Sexual behavior is comparatively harder to "train out of," in part because, by its nature, it is not as amenable to the solitary self-discipline of the military member. Moreover, society's messages regarding sexuality are not always clear or consistent to the emerging adult. All of our service academy cadets come to us from the wider culture, and there are aspects of that culture that do not prepare our mainly teen-aged new cadets to make the wisest choices in that realm. Training alone is not the answer, but training + accountability surely is; change in the culture both precedes and follows training and accountability, as the DUI campaign and many others have shown.

Administering discipline. There is a range of disposition options in the military that is unmatched anywhere. Because of the administrative options, corrective measures, and nonjudicial punishment, the military is able to address and try to snuff out "precursor behavior" and address lower levels of misconduct with sanctions that provide the opportunity to correct behavior and send a message of accountability to survivors and observers. Again, there is no civilian equivalent to this rich range of options; furthermore, civilian institutions operating under the guidance of Title IX have generally been strong in their informational campaigns regarding sexual assault, but highly frustrated in trying to design and execute amateur systems of justice. The military administers discipline in a wider range of offenses than the civilian world does, and I am sure my experience is not unique in having taken to trial cases that civilian authorities would not pursue.

Fundamentals of the system. Having served on both sides of the courtroom, I hope that I have a disinterested perspective on the system. It seems that the central question you are tangling with is whether and how much to trust commanders (and their counsel) to rightly exercise the considerable justice-related instruments available to them to deter sexual assault and hold offenders accountable. If you think commanders are unsuited by training (not being lawyers) or perspective (self-protective, disinclined to attack sexual misconduct) then you want another system or a great change to the current one. A complete understanding and exercise of the system suggests otherwise, however. Commanders are responsible for all aspects of good order and discipline; the uniting of command authority with disciplinary authority, leavened by the required involvement of judge advocates along the way, is appropriate to the requirements of the service and the expectations of command. Disassociating that authority would reduce accountability and would not enhance discipline in general nor in the realm of sexual misconduct in particular.

Defending soldiers and coaching and training defense counsel was the hardest and most rewarding work I did. I am also aware of the risks of unlawful command influence and happen to believe, unlike our appellate courts, that there *is* such a thing as "command influence in the air" – that some participants in the system might be inclined to convict or to adjudicate harsher punishment based on a perception of a commander's predilections. For the sake of the suspects and the accused, it is important to guard against formal and informal influence that can distort the justice system and jeopardize its integrity. You don't have to travel to the Civil Rights era to be reminded of the institutional vulnerabilities of our civilian system as well, a system that still has many elected prosecutors and judges and produces the occasional Duke lacrosse case as a counterweight to the great number of men and women of integrity who populate both the civilian and military systems. And we are training future commanders in how to navigate the military justice system, so a "cut out" system for the academies would forfeit that important development. Finally, we should be cautious in seeking justice-related "metrics" such as preferral rates, conviction rates, or average sentences; they might provide some insight into trends and tendencies, but should not be the major indicators of success in combating sexual assault.

There have been significant changes to the system in recent years, changes that are part of the disciplinary culture and may be producing results for which there are not yet meaningful data. It would not be imprudent to give these time to work and then evaluate the disciplinary landscape.

I am happy to answer any questions.

Lawrence J. Morris
Chief of Staff/Counselor to the President
The Catholic University of America

Larry Morris came to the University as its general counsel in 2011 and served in that position until he became chief of staff/counselor to the President in 2018. He joined the University after nearly 30 years in the U.S. Army. His military assignments included years of trying courts-martial in the U.S. and overseas, a tour as the chair of the criminal law department at the Army's law school, and service as the chief lawyer at the 10th Mountain Division in Bosnia-Herzegovina and its base at Fort Drum, N.Y. He worked on war crimes issues after 9/11, then served as general counsel at the United States Military Academy at West Point, N.Y., then as the chief public defender of the Army, supervising Army defense lawyers worldwide. He then served as the founding executive director of the Law and Order Task Force in Iraq, where he was awarded a Bronze Star. He concluded his career as the chief prosecutor for the war crimes trials at Guantanamo Bay, Cuba.

Morris is a journalism/political science graduate of Marquette University, formerly a reporter for *The Milwaukee Journal,* and a graduate of Marquette Law School. He also earned a LL.M. from the Judge Advocate General's School and a M.S. in grand strategy from the Eisenhower School for National Security in Washington, D.C. He is the author of *Military Justice, A Guide to the Issues.*

Morris and his wife, Carole, have six children and one grandchild and live in Virginia.

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Prepared Statement

of

Dr. Elizabeth P. Van Winkle

Executive Director

Office of Force Resiliency

Office of the Under Secretary of Defense (Personnel & Readiness)

Regarding

Military Service Academies' Action Plans to Address the Results of Sexual Assault and Violence Report at the Military Service Academies

12 February 2019

NOT FOR PUBLICATION UNTIL RELEASED BY THE COMMITTEE

Chairwoman Speier, Ranking Member Kelly, and other distinguished Members of the Subcommittee – Thank you for having me here today to discuss the results of the DoD Annual Report on Sexual Harassment and Violence at the Military Service Academies.

Two years ago I sat before you, on behalf of the Secretary of Defense and the military members I serve, and pledged we would do more to end sexual assault at our Academies. Two years ago I told you how we were committed to promoting an environment where all are treated with dignity and respect, and I vowed we would work to reinvigorate our approaches toward prevention of sexual misconduct, alcohol misuse, and other destructive behaviors.

I meant what I said, yet I sit before you and deliver news too similar to what I reported two years ago – sexual assault is on the rise again at our Academies. While each of the Academies developed and implemented action plans that were not yet fully in place for the current assessment, Department leadership was not complacent waiting for implementation, and therefore, another increase in rates is simply unacceptable. Preventing criminal behavior and other misconduct, providing care for Service members, and holding offenders appropriately accountable have been, and continue to be, top priorities. And yet, our most recent data indicates we have far to go to eliminate this abhorrent crime.

It is incredibly disheartening to be sitting here again to deliver this most unwelcome report. Our data tells us that rates of unwanted sexual contact increased by varying degrees across the Academies – and all too high. Rates of sexual *harassment* also varied among the Academies, but are also unacceptably high – particularly among women. And while some of the initiatives to increase the *reporting* of these crimes

brought about the desired impact of students feeling more empowered to come forward and report – our overall rates for reporting allegations of sexual assault are still far below the Active Duty rate.

The data also indicated that, across the three Academies, a large majority of cadets and midshipmen think their senior leaders are making honest and reasonable efforts to address these behaviors. However, these same students rate the efforts of their peer leaders much lower, and additional data showed declining rates for cadets and midshipmen watching out for each other to prevent these crimes, and for their willingness to point out if someone crosses the line. This tells us that – despite our hard work – some cadets and midshipmen still feel empowered to disrespect and victimize others. And equally challenging, there are some who feel neither empowered nor responsible in their daily peer interactions to hold each other accountable.

The vast majority of cadets and midshipmen are good people and will become the strong leaders our nation needs. Yet we must show them how to leverage their moral courage to create an environment where all can serve with dignity and respect.

The strategies we have employed have not shown the progress we intended. This is not due to a lack of dedication, commitment, or creativity. Our lack of progress is rooted in the complexities of trying to rapidly change culture as it relates to sexual misconduct. There is no single fix for this. We cannot blame our way out. We cannot train our way out. The Department, Congress, and our Nation as a whole have been challenged to crack the code on how to change behavior regarding sexual misconduct. It is a national and a global issue for which we all seek solutions. Our society must continue to evolve its culture to value integrity, character, and respect above sexual power and sexual predation. And as the Department of Defense, we are the ones who

have been entrusted by this country to lead the way. We must lead, and we are working to do just that.

Consequently, we will change our approach. What we have done in the past may not be abandoned, but we must determine what needs to be done differently, what needs to be adjusted, and what needs to be implemented anew. We are analyzing the breadth of data we have, and we will continue to partner and collaborate with other experts in this field who have found strategies in small subpopulations that show promise.

We know the Services are focused on promoting dignity and respect throughout our Armed Forces, including our Service Academies. And they will use the information from this year's report to help shape this focus, and continue their efforts in eliminating sexual misconduct.

The Office of the Secretary of Defense sets overarching policy for sexual assault prevention and response. In support of the Services, we will be fully engaged and will use our summer on-site visits to assess progress and provide technical assistance. And we have already taken steps. We have hired prevention specialists from the Centers for Disease Control and Prevention to inform our efforts and assessments. We will provide additional reporting options available throughout the Armed Forces, but geared towards the unique concerns of cadets and midshipmen and aimed to address repeat offenders. We will refocus our efforts to look at the full lifecycle of the cadets and midshipmen, from selection through graduation, and work to target our approaches accordingly. Our focus will be on employing our resources in the right combinations, at the right times, in the right places, in order to not only achieve progress, but sustain it over time.

I am optimistic our new direction will render intended results and I sit before you today frustrated, but resolved. I have been working in this field for over 20 years. Ten in the civilian sector and nearly ten with the military. I left the civilian sector because I felt I was spending too much of my time fighting a system that seemed impervious to influence. I am committed to stay with the Department of Defense because I have the support of my leadership and because I have witnessed our system make changes over the past decade to produce an infrastructure of polices, programs, and processes that are not found in the civilian sector and have benefited our military members. We are not there yet, but we ARE committed.

To be clear, no one has solved this. If there were a singular solution to eliminate sexual assault, we would have done it already. We are fighting a normalization of disrespect that is bigger than any one of us, but it is an issue we must address. We are experts at behavior change. We take individuals and mold them. We instill courage where there may have been none. We impart discipline where there may have otherwise been disorder. We create lethal global warriors from young women and men who may never have even left their local communities. Eliminating sexual misconduct from the ranks remains a challenge, but one that we refuse to run from. We will not tolerate it and we will not stop until we get this right.

We appreciate your concern and support as we work to protect the people who volunteer to keep our nation safe. Thank you for the opportunity to come and speak with you today. I look forward to your questions.

Dr. Elizabeth P. Van Winkle
Executive Director of the Office of Force Resiliency

Dr. Elizabeth P. Van Winkle currently serves as the Executive Director of the Office of Force Resiliency for the Under Secretary of Defense for Personnel and Readiness (USD(P&R)). In this role, Dr. Van Winkle acts as the principal staff advisor to the USD(P&R) and the Secretary of Defense for developing policies, providing oversight, and integrating activities in the areas of sexual assault prevention and response; suicide prevention; harassment, including hazing and bullying; diversity management and equal opportunity; drug demand reduction; and for the Department of Defense collaborative efforts with the Department of Veterans' Affairs.

Dr. Van Winkle works with counterparts from across the entire Department of Defense, including the Office of the Secretary of Defense; the Military Departments (to include the Chiefs/Directors of Service Reserve Components); the Joint Staff; the Chief, National Guard Bureau; the Defense Agencies; the Combatant Commands; staff members from other Executive Branch Departments, and Members of Congress.

From January through November, 2017, Dr. Van Winkle performed the duties of the Assistant Secretary of Defense (ASD) for Readiness. In this position, she was the focal point within the Office of the Secretary of Defense (OSD), under USD(P&R), on the readiness of the Armed Services, including the development and oversight of policies and programs, to ensure the Armed Forces were ready for the missions assigned by the President and the Secretary of Defense. In this position, Dr. Van Winkle developed and oversaw the Readiness Recovery Framework (R2F), allowing the Department to better assess, monitor, and track readiness recovery across the Services. Her responsibilities as ASD included policy and oversight of Service and joint training, education, capability modernization, and the Defense Language and National Security Education Office. Dr. Van Winkle chaired the Executive Readiness Management Group, the National Security Education Board, the Defense Language Steering Committee, and served on the Executive Joint Combat Capabilities Assessment Group. Dr. Van Winkle also served as the Defense Department's Senior Language Authority.

Prior to her current assignment, Dr. Van Winkle was the Director of the Health and Resilience Research and Surveys program within the Office of People Analytics (OPA). In this position, Dr. Van Winkle oversaw the Department's survey and research efforts on topics of health, well-being, morale, and resilience. She served as the Principal Investigator for the Workplace and Gender Relations surveys (WGRs), Military Justice Experience surveys (MIJES), Service Academy Gender Relations surveys (SAGR), Workplace and Equal Opportunity surveys (WEOs), and related focus group studies.

Dr. Van Winkle holds a Ph.D. in Applied Experimental Psychology from The Catholic University of America, an M.A. in Sociology from Boston University, and B.A. in Psychology and English from Kenyon College. She is a published author on the impact of combat stress on symptoms of PTSD, the impact of deployments on military spouse well-being, and numerous technical reports on sexual assault and harassment in military populations.

RECORD VERSION

STATEMENT OF
LIEUTENANT GENERAL DARRYL A. WILLIAMS, USA
SUPERINTENDENT OF THE UNITED STATES MILITARY ACADEMY

BEFORE THE

SUBCOMMITTEE ON MILITARY PERSONNEL
COMMITTEE ON ARMED SERVICES
UNITED STATES HOUSE OF REPRESENTATIVES

FIRST SESSION, 116TH CONGRESS

ON MILITARY SERVICE ACADEMIES' ACTION PLANS TO ADDRESS THE RESULTS OF SEXUAL ASSAULT AND VIOLENCE REPORT AT THE MILITARY SERVICE ACADEMIES

FEBRUARY 12, 2019

NOT FOR PUBLICATION UNTIL RELEASED BY THE COMMITTEE ON ARMED SERVICES

Congresswoman Speier, Ranking Member Kelly and distinguished members of the subcommittee, thank you for the opportunity to be here today to talk about the elimination of sexual assault and harassment at West Point. I wish I were here to tell you how we have solved this problem at West Point, but I am not. Instead, I am here to talk about what we have done, the impacts our actions have had, and how we are adjusting our efforts to address sexual assault and sexual harassment in our ranks. The results of the 2018 Service Academy Gender Relations (SAGR) survey have my complete focus and attention. The survey results combined with our internal frequent assessments will better enable us to understand the characteristics of sexual assault and sexual harassment. We must examine how this abhorrent behavior manifests itself within our community, and how we will comprehensively focus our efforts to prevent sexual assault within our ranks.

As the Superintendent and Commanding Officer of West Point, I am personally committed to the safety and security of our people and leading change within our community. Any case of sexual assault or sexual harassment is unacceptable. Our work will never truly be completed, but our determination, vigilance and commitment to meet the American public's expectations for honorable service is steadfast.

An incident of sexual assault can affect an organization at multiple levels. Cadets may never reach their full potential because of the trauma that can derail their goals and aspirations. Sexual assault also destroys trust across professional and personal relationships, negatively impacts unit readiness, and undermines our Army culture.

The mission of the United States Military Academy is to educate, train, and inspire the Corps of Cadets so that each graduate is a leader of character committed to the values of Duty, Honor, Country and prepared for a career of professional excellence and service to the Nation as an officer in the United States Army. When our cadets graduate, they must be ready for the crucible of ground combat where they will fight and win. They must also be leaders of character who treat everyone with dignity and respect and be committed to preventing sexual harassment and sexual assault in their units. Sexual misconduct erodes our ability to accomplish our mission.

I want to clearly and emphatically state that we understand the severity of the problem revealed by this survey and our prevalence numbers. For those cadets who came forward, it took courage and resilience to report these incidents, and I am proud of them for doing so. Our survey results tell us there are more individuals in our formation who have suffered sexual assault and harassment and have not reported these events. At West Point, our goal is to prevent all sexual misconduct, encourage greater reporting, increase trust among our ranks, and establish a safe and secure environment for all.

We expect graduates of West Point to live honorably, lead honorably, and demonstrate excellence. Cadets internalize these attributes through rigorous and challenging experiences tailored to their individual developmental needs. This system would not work without the leadership and mentorship – a community of support - that is vital to character growth. We have a diverse cadre of devoted military and civilian staff, faculty and coaches who provide support, feedback, and mentorship to cadets during their time with us. Throughout its history, West Point has relied on a combination of quality programming and world-class personnel to produce outstanding junior Army officers; this combination will help us prevent sexual assault and harassment at West Point. Sexual assault is a community problem and we need everyone's awareness, focus, and energy to implement a community-wide solution. Most importantly, we must leverage our three greatest strengths at West Point: (1) our cadets, (2) our leadership, and (3) our Army values.

I believe that our character development efforts should begin before cadets arrive at West Point. It begins after they accept their appointment and continues through graduation and beyond as they inherit responsibility for our Soldiers in platoons across the entire U.S. Army. This effort must be led by our military and civilian staff, faculty, and coaches, it must be grounded in a culture of respect, and it must begin and end with the individual cadet.

Current Environment

The Corps of Cadets is comprised of approximately 4,400 young men and women from across the entire country as well as additional individuals from our international partners. They are some of our nation's best and brightest. They are strong mentally, physically, and emotionally, and they have voluntarily chosen, during a time of war, to pursue military service. There are several important factors with respect to this population:

- We are constantly receiving, educating, and training a new population with nearly 1,000 graduating each May, and approximately 1,200 new cadets reporting each July. They come to us from different family backgrounds and individual experiences.
- There is a 25% turnover in personnel every year at the military academy
- Many of our cadets have experienced unwanted sexual contact prior to arriving to West Point (23.6% of female cadets and 9.1% of male cadets indicate experiencing unwanted sexual contact prior to entry: 2018 SAGR Survey).
- Young adults arrive on campus with a different set of interpersonal skills than in prior generations, many of them influence by hundreds of hours of on-line social media interaction

We know that these issues are present to some extent on all college campuses and are not unique to West Point. In addition, the ongoing national conversation about sexual harassment and sexual assault is uncovering just how prevalent these forms of misconduct are in our society.

We acknowledge and consider such environmental factors and prior influences when we develop our programs. In doing so, we continuously look at the effectiveness of off-the-shelf programs and partner with outside organizations to help us find viable strategies that are sustainable over time. We must also determine how to best equip our cadets to be their best, all day, every day. Furthermore, we must help cadets understand healthy relationships, know what their boundaries are, have the capacity to

engage in open and honest conversations about boundaries, and operate in a space where respect for others is of paramount importance. We must also facilitate a culture in which bystanders are actively looking out for and coming to the aid of other members of the community. Finally, we must work to decrease the conditions which we know to produce a likelihood of sexual assault or harassment.

SAGR Survey Analysis

Behavioral and cultural change is the focus of our sexual assault prevention effort. Despite the increase in prevalence of unwanted sexual contact, this year's SAGR results show several promising trends, indicating our programming efforts are reaching cadets. Aligned with the Secretary of Defense's Action Plan to prevent sexual assault and sexual harassment, some indicators show movement within our program. It appears that education is having an impact as cadets report increased awareness of warning signs of sexual assault, increased knowledge about how to intervene and how to get help for friends dealing with sexual assault and intimate partner violence, and increased understanding of the connection between alcohol and sexual assault. Additionally, cadets are becoming more aware of conditions that may indicate higher risk situations and unhealthy relationships. This particular skill is important to empower and equip bystanders to act. In 2018, nearly 67% of women and 47% of men reported observing risky situations and over 90% of those who witnessed these situations intervened. These are positive building blocks to changing behavior. Personal awareness and understanding one's responsibility in changing culture ultimately contribute to improving our climate.

As we work to create a supportive and empathetic environment, we see indicators that go beyond just our increase in reporting. We also see that cadets continue to report sexual assault because they are encouraged to do so by others (64%) and because they did not want the offender to hurt anyone else (55%). Additionally, 80% of cadets who reported their incident to an authority indicated they would make the same decision again.

Nonetheless, the increase in unwanted sexual contact between 2016 and 2018 is unacceptable. Despite all our work to create an effective program to reduce sexual assault and sexual harassment, this increase in prevalence of unwanted sexual contact solidifies my initial assessment that we must be more intentional about our prevention efforts, making this not just a Corps of Cadets problem, but a West Point community problem. In order to see meaningful improvement and real progress, we must fully mobilize our three greatest strengths.

Our first strength is the men and women that comprise the Corps of Cadets. West Point's admission process involves a comprehensive review of congressional nominations, teacher evaluations, police reports, and essays that require candidates to answer questions on how they would work with and support all genders in a team environment. This process results in the presumption that the overwhelming majority of cadets entering West Point are decent, respectful, and honorable people who would never harass or assault another person. By every indicator, they are motivated to learn how to build and lead strong, inclusive teams that value mutual trust.

Yet we understand that even after our rigorous screening process, some cadets enter West Point with a set of values that are not completely aligned with the Army Values of Loyalty, Duty, Respect, Selfless-Service, Honor, Integrity and Personal Courage. Nor may they be ready to uphold West Point's motto of "Duty, Honor, Country." Knowing this, we have made character development as the foundation of all cadet's first summer at West Point – Cadet Basic Training (CBT). The CBT character education program aspires to meet all new cadets where they are on the spectrum of good character. We educate them on the moral-ethical standards required to build and lead teams within the Corps of Cadets. We instill a sense of individual and group accountability that rewards exemplary decision-making and behavior and that rejects and corrects ill-disciplined and selfish behavior. Strong character is revealed by exemplary decision-making and consistent behavior that leads to mutual trust and confidence.

While Cadet Basic Training provides a foundation, the four-year progression across the Academic, Military, Physical, and Character Programs provides each cadet multiple opportunities to make mistakes, learn, grow, and develop into a leader of character.

This leads us to West Point's second great strength. Our hand-selected military and civilian faculty, staff, and coaches educate, train, and inspire the Corps of Cadets in both group and individual settings. Our faculty, staff, and coaches role model exemplary decision-making and behavior for the Corps of Cadets. They also coach, counsel, and mentor cadets to both promote excellence and address any shortcomings that reveal weak character or selfishness. This layered approach across all four years of a cadet's time at West Point gives them multiple opportunities to live honorably, lead honorably, and demonstrate excellence each year.

Finally, our greatest strength is our Army Values and West Point values. Those values, those words, describe what every member of the U.S. Army and West Point must aspire to be. The values also fully apply to our cadets, staff, faculty, and coaches, and are the words that truly bind us in this effort to develop leaders of character.

I would like to share with you some of our recent efforts and provide a way ahead to bolster our comprehensive strategy to prevent sexual harassment and the crime of sexual assault.

Efforts and Insights

After the SAGR Survey of 2016 and the guidance delivered by our Secretary of Defense, we initiated a number of important initiatives. These initiatives were focused on the four objectives given to us by the Secretary of Defense: (1) reinvigorate prevention, (2) improve sexual assault reporting, (3) enhance a culture of respect, and (4) promote a disciplined force.

To reinvigorate prevention, we hired an external consulting firm, EverFi, to conduct an assessment of our Sexual Harassment/Assault Response and Prevention (SHARP) program. EverFi's mission is to support colleges and universities in making a

transformative impact on critical issues such as sexual assault as well as alcohol and drug use. EverFi helped us see the importance of institutionalizing the program. As a result, we established a character education working group to thoroughly examine our education program across the Academy. There were many outcomes of these efforts. We revised our character development approach with specific emphasis on leader to cadet interaction across every program. We also revised the SHARP component of our Character Education Program by expressing the problems of sexual harassment and sexual assault in terms of character, empathy, and respect. We added EverFi's online training program to our programming efforts. This online program is being used by hundreds of colleges and universities across the country. It includes Haven (sexual violence awareness, response, and prevention), Alcohol.edu, and Prescription Drug Abuse training modules. The Corps took the training in the fall of 2017 for the first time, and we also sent the training to our incoming cadets from the Class of 2022 prior to their arrival.

As part of the EverFi training program, we received data on our cadets' experiences, attitudes, and beliefs. This data allowed us to immediately alter already scheduled training sessions. For instance, survey results indicated that there were some cadets in unhealthy relationships. We conducted One Love Escalation workshops to highlight resources available for someone in a dangerous or violent relationship, and we also provided cadets with skills to help a friend in that situation. In summary, our expanded approach to the prevention of sexual harassment and assault training provided us with opportunities to have deeper and more immediately relevant conversations about topics and issues impacting members of the Corps of Cadets.

We continued our focus to i**mprove sexual assault reporting.** After making significant SHARP program changes in 2016**,** we believe the increased reporting is a result of these efforts. We took specific measures to increase the protection of our cadet victims, their anonymity, and their care to include moving the Victim Advocate office to a more central and accessible location for cadets as well as improving the administrative, medical, and legal response to notification of incidents. We have fully implemented protections to:

- Provide cadets who file a report of sexual assault with the opportunity for representation by a special victim's counsel - a military attorney specializing in representing the rights of sexual assault survivors.
- Make certain all unrestricted cases of sexual assault are referred to the Army's independent Criminal Investigation Division and are reviewed by a judge advocate.
- Ensure the command, upon advice from counsel, disposes of sexual misconduct allegations on a case-by-case basis as indicated by the evidence. When warranted, this can be a General Court-Martial or lesser disposition.

Recognizing the importance of culture in this issue and to **enhance the culture of dignity and respect**, we codified our four-year character development program in a publication entitled *Developing Leaders of Character*. This document describes the purposeful integration of individual development and leadership development experiences within a culture of character growth. This new framework emphasizes that to develop leaders of character, it is necessary to not only develop the individual's knowledge, skills, and behaviors, but also to maintain a culture of character growth within which the development occurs.

In addition to publishing *Developing Leaders of Character*, we initiated several activities whose objective was to enhance the culture of dignity and respect. For example, we created "Hot Topic"-forums based on a suggestion from an admissions officer who had experience with these from graduate school. We had cadet and faculty discussions on topics of specific concern to cadets, especially those related to social issues. These forums have covered a range of character topics from gender and race relations to patriotism and the meaning of the flag. Since social media has such an impact on respect, we added social media and cyber-bullying topics into the character education program. The athletic department implemented the "Trust" campaign, which includes additional training workshops for our cadet-athletes focused on invigorating collaboration, respect, and motivation. An example of this included bringing Ms. Alexis Jones to West Point to present her acclaimed "Locker Room Talk" program to our cadet

athletes. Through her real-life stories, cadets were empowered to say "we don't do that" when presented with risky options for their behavior.

As a national military academy, we are always focused on **promoting a disciplined force.** Since 2016 we have taken some deliberate actions to improve in this area. The EverFi survey data on alcohol consumption behaviors gave us useful insights into patterns of excessive use, in particular on weekends and at social functions. Therefore, we developed targeted sessions, led by Company Tactical Officers (TACs), deliberately planned prior to major class weekends and celebrations to educate cadets on alcohol awareness, responsible alcohol use, and the prevention of sexual assault and harassment in settings where alcohol might be consumed.

We have initiated numerous efforts, large and small, to prevent inappropriate sexual behavior, improve our reporting, strengthen our culture, and promote a disciplined force. *Most importantly, we continue to learn.* We know this is a complex problem on many college campuses and there are many contributing factors. We have learned that cadets lack the experience and life skills alone to facilitate discussions during education and training sessions, and as such we need seasoned leaders to model appropriate behavior and to facilitate discussions on appropriate sexual behavior. We have learned that leaders need education and training as well so that they can develop effective facilitation skills. We have learned more about how alcohol use and ungoverned spaces create environments that give rise to risky behavior. Finally, we realized that this problem will not be fixed with education alone, and that we must ensure that everyone recognizes their role in contributing to a respectful culture. For true change to happen, we must make some deliberate changes and we need to ensure that everyone recognizes their role in contributing to building an organization where there is zero sexual assault and zero tolerance of it by bystanders. Most importantly we have learned that we must better leverage West Point's three greatest strengths: our cadets, our staff and faculty, and our values to address the individual behavior and the culture that resulted in the unacceptable levels of sexual violence in the Corps of Cadets.

Action Plan

Moving forward, I have three imperatives in my action plan to address this issue. First, we will work to prevent any instances of sexual harassment or the crime of sexual assault through broad ***integration*** of our deliberate education program into the core of our West Point community. It will no longer be a compartmentalized effort, but an integral part of faculty, staff, and coach actions in all aspects of the academic, military, physical, and character development programs. Second and third are to remain fully committed to providing ***protection*** to sexual assault survivors while holding perpetrators ***accountable***, as appropriate to the individual case, available evidence and in accordance with due process of law for all individuals concerned.

Strong leadership from all our faculty, staff, and coaches is necessary to develop leaders of character and to foster a culture of character growth across the West Point community. We are implementing comprehensive quality programming that consistently reinforces our Army values. Each cadet's academic, military, physical, and character development must be immersed in a culture that consistently fosters this type of character growth. We surround our cadets with leaders, mentors, and peers that are empowered and encouraged to engage in the difficult conversations required to grow in their understanding of healthy relationships. We demand that our staff, faculty, and cadets communicate and enforce consistent standards.

We are expanding our engagement efforts with our Corps of Cadets and reaching out to our incoming new cadets to provide them with preliminary training about healthy relationships and standards of conduct, gather information from them to understand their incoming level of development, and provide information regarding support resources available. We want to set clear expectations up front and ensure we are meeting new cadets where they are so that we can set the appropriate developmental trajectory.

Specifically, I have or will execute the following actions, with respect to ***integration*** of West Point's effort:

- My two highest priorities are Developing Leaders of Character and Strengthening a Culture of Character Growth. These priorities shape our strategy and focus our planning, efforts, and assessment.
- We will establish a Character Development Cell at the institutional level to provide oversight of West Point's efforts, integrate and synchronize our training and education, and to provide an assessment capability to measure progress.
- We will continue our efforts to engage, educate and better evaluate our candidate population to ensure they understand the importance of Army Values, the culture they are about to join, the behavior we expect of every one of them, and consider ways to better screen those candidates for compatibility with those values.
- West Point will conduct a specific day of reflection at the beginning of each semester, a 'stand-down', focused solely on character required to prevent sexual assault, and reinforcing the culture required to sustain our efforts. All activity in other programs will stop as the entire West Point community, including cadets, staff, faculty, and coaches conduct workshops, attend presentations, and engage in group and individual dialogue on the prevention of sexual assault and harassment.
- Our cadets are among the most important leaders within West Point. We will empower cadets to be an active part of diagnosing the root causes of this problem and in actively implementing the comprehensive solution towards solving it.
- We will implement more deliberate cadet peer and subordinate evaluations and identify cadets who have demonstrated strong bystander behavior (to learn from and to reward publicly).
- We will deliberately review our efforts using measurable objectives to provide continued transparency and improvement to our program, and we will provide that feedback to the Secretary of the Army and Chief of Staff of the Army.

To lead in our character development efforts, we will engage with and learn from outside practitioners that can offer insights into solving these problems. We are excited

to be a part of a Service Secretary initiative in April at the United States Naval Academy to discuss best practices and innovative ways to approach the problem of sexual assault and harassment on college campuses. We will continue to build on our existing partnerships in higher education, including with our peers in the Patriot League, Tufts University, and others. We will remain engaged with the Department of Defense Sexual Assault and Prevention Response Office to harness the capabilities of government and private research organizations to ensure we seek continuous improvement of our program.

From the ***protection and accountability*** standpoint, the entire West Point Community will remain committed to strengthening and reinforcing our survivor assistance programs so that we maximize reporting of sexual harassment and sexual assault incidents and provide the support needed to survivors. We cannot enforce full accountability within the West Point community until every instance of sexual assault is reported. To do this, we must maintain an environment where survivors feel empowered to report, safe from any reprisal, and are confident in the investigative and adjudicative processes that address these crimes.

Conclusion

In conclusion, we have a lot of work to do and we are committed to this work. As the Superintendent of the United States Military Academy, I am personally responsible for creating a safe and secure environment that enables our cadets' personal and professional growth as leaders of character and future commissioned officers in our Army. We will leverage our three greatest strengths in this effort, our cadets, our leaders, and our Values, across the entire community and in every program.

We are committed to empowering our people and revamping our programs to foster a community-wide culture that works to prevent sexual assault and harassment. We are committed to ensuring that our programming impacts the cultures and values of all 4,400 cadets as well as the thousands more that constitute the West Point community. This is a community problem and we need to engage the entire community with our

solutions. These are big muscle movements and culture change does not occur overnight. Even still, I am heartened that we are moving in the right direction given some of the more recent changes we have made. We will continue our values-based character education approach and bolster it to provide even more emphasis on sexual assault prevention.

We will continue to fully empower our administration, our faculty, our staff, our coaches, and everyone else that works with our cadets to take direct responsibility for the prevention of sexual harassment and assault. We will continue to provide top-notch care to survivors of sexual assault by protecting their identity and harnessing all the resources necessary to work with them in the aftermath of this trauma. Finally, I am determined to ensure that West Point fully investigates and takes appropriate action in every case of sexual harassment and assault.

I appreciate the time and opportunity to share this with the committee and we look forward to the many discussions that will follow. Ultimately though, we look forward to watching our current and future efforts make a meaningful impact on West Point's culture. Our cadets will be held to task in preventing this behavior in our ranks as we set the safe and secure conditions to develop leaders of character for our Army and Nation.

Lieutenant General Darryl A. Williams
60th Superintendent
The U.S. Military Academy at West Point

Lieutenant General Darryl A. Williams is a native of Alexandria, Virginia. He graduated from the United States Military Academy, West Point, in 1983 and was commissioned a Second Lieutenant in the U.S. Army.

A career Field Artillery officer, Lieutenant General Williams most recently served as the Commander, NATO Allied Land Command, in Izmir, Turkey. Prior to this, he served as the Commander, United States Army Africa (USARAF), in Vicenza, Italy; the Deputy Chief of Staff G3/5/7 of United States Army in Europe, located in Wiesbaden, Germany; the Deputy Commanding General for Support for the 2nd Infantry Division, Republic of Korea; and Commanding General for the United States Army Warrior Transition Command and Assistant Surgeon General for Warrior Care and Transition.

In addition to these assignments, Lt. Gen. Williams has served in key leadership positions at the tactical, operational and strategic levels to include Battery Commander deployed in support of OPERATION DESERT SHIELD/DESERT STORM; Commander, Division Artillery, 1st Armored Division and Fire and Effects Coordinator, 1st Armored Division deployed in support of OPERATION IRAQI FREEDOM; Deputy Director for Soldier Comprehensive Fitness, Department of the Army G3/5/7; and while commanding USARAF in 2014, he was involved with OPERATION UNITED ASSISTANCE fighting against the Ebola outbreak in Liberia.

He assumed duties as the 60th Superintendent of the United States Military Academy in July 2018.

His military education includes the Field Artillery Officer Basic and Advanced Courses, Command and General Staff College, School of Advanced Military Studies, and the United States Naval War College. He holds Masters' degrees in Leadership Development, Military Art and Science, and National Security and Strategic Studies.

His awards and decorations include the Defense Distinguished Service Medal, Distinguished Service Medal, Defense Superior Service Medal, Legion of Merit, Bronze Star, Defense Meritorious Service Medal, Meritorious Service Medal, the Parachutist Badge, Presidential Service Badge, and the Army Staff Identification Badge.

NOT FOR PUBLICATION
UNTIL RELEASED BY THE
HOUSE COMMITTEE ON
ARMED SERVICES

STATEMENT OF

VICE ADMIRAL WALTER E. CARTER JR, USN,

SUPERINTENDENT OF THE UNITED STATES NAVAL ACADEMY

BEFORE THE

HOUSE SUBCOMMITTEE

ON

MILITARY PERSONNEL

FEBRUARY 12, 2019

NOT FOR PUBLICATION
UNTIL RELEASED BY THE
HOUSE COMMITTEE ON
ARMED SERVICES

Madam Chairwoman Speier, Ranking Member Kelly, distinguished members of the Subcommittee, thank you for the opportunity to appear before you today on behalf of the United States Naval Academy (USNA). The Naval Academy's mission is to develop midshipmen morally, mentally and physically and to imbue them with the highest ideals of duty, honor and loyalty in order to graduate leaders who are dedicated to a career of naval service. A central theme to the moral development aspect of this mission is instilling into these young men and women, who come to the Naval Academy from across the nation, to always treat others with dignity and respect. Unfortunately, despite dedicated efforts by Naval Academy faculty, staff, coaches and the Brigade of Midshipmen, the Brigade continues to experience incidents of unwanted sexual contact (USC) within its ranks. The 2018 Service Academy Gender Relations (SAGR) survey, taken by the Brigade in April of 2018, indicates that the prevalence of USC experienced by Naval Academy female midshipmen trended upward slightly when compared to rates measured in 2016. This is certainly not the result we were striving to achieve. I have been at the helm of this institution for almost five years. I, and the rest of the Naval Academy leadership team, have actively sought out professional advice from the experts, both inside and outside the Department, on the best strategies and tactics to employ to reduce this scourge within our student body. We have made some productive improvements, but ***we must do better***. We feel more responsible than ever not only to ensure that every member of the Brigade of Midshipmen can flourish in an environment of dignity and respect, but to prepare them to better lead sailors and marines in the fleet that come directly from that society we are entrusted to protect.

Our Prevention Program Must Holistically Address all Influences on Midshipmen

The Naval Academy remains committed to an effective Sexual Assault Prevention and Response (SAPR) program that seeks to sustain a professional environment of trust and mutual respect free of retaliation against victims or others who report sexual assault. Our approach addresses the diverse cultural and societal influences on our midshipmen by executing DoD, Navy, and USNA directives and by collaborating with national, state, and local resources. Leadership engagement at all levels, combined with a focus on individual accountability, are the keys to successfully achieving our goal of significantly reducing incidences of USC; and we continue to work hard towards this goal. We continue to emphasize to our midshipmen that they are accountable for their actions 24/7—whether in military uniform or civilian attire—as ambassadors of the Naval Academy, the Navy, and decent upstanding citizens in our great United States, which will better prepare them for success in the Fleet.

A successful prevention effort at the Naval Academy requires a comprehensive approach from admission through graduation. Our prevention program includes screening potential midshipman candidates, a robust education and training program, a focus on responsible alcohol use, and a system that provides a visible deterrent to unacceptable behavior.

Pre-admission Screening

Our admissions process not only examines the academic standing, physical fitness, and leadership experience of over 16,000 applicants each year, but also assesses their character. We rely heavily on required teacher recommendations, which can reveal character challenges. Additionally, we conduct police record checks on all candidates offered an appointment. Should we identify a promising candidate with a potential character challenge, we convene a character

review board to assess their fitness for admission. Incidents of proven sexual harassment or sexual assault are considered disqualifying. Going forward, we will continue to emphasize the importance of upstanding character in our admissions process.

Education and Training Program

Our mission to shape these young leaders starts on day one – Induction Day – and continues through their senior year capstone event. Even though experts profess that successful prevention education programs must start years before students enter college, that in no way diminishes our efforts to develop these young men and women, representing a cross section of America – both geographically and culturally, into officers of the United State Navy and Marine Corps. The stakes are high for us to get it right in a span of just 47 months, but we have embraced the challenge.

The strength of our prevention program lies in the midshipman-led Sexual Harassment and Assault Prevention Education (SHAPE) program. We still believe, and research shows, that peer-to-peer mentorship with sufficient Naval Academy leadership oversight is the most effective way to instill midshipman ownership of their collective actions throughout the Brigade. We have made headway in reaching influential groups of midshipmen that sway the Brigade's actions. We learned from the 2017 focus groups administered by OPA that varsity athletes, extra-curricular clubs and sports, and peer groups comprised of company friends exert a great deal of influence on the everyday actions and decisions of midshipmen. The SAGR survey reported that nearly two-thirds of midshipmen indicate that the training they received in the past year had increased their confidence in recognizing warning signs for sexual assault and intervening to help prevent sexual assault – an indication we are on the right path.

While our sexual harassment and assault prevention program earned the Navy's 2018 Excellence in Primary Prevention Award for our SHAPE program's peer-led, innovative approach targeting high-risk, college-aged students, it fell short in demonstrating any marked advance in changing midshipman actions and positive decisions that would prevent incidents of USC.

Within the last year, we updated all of our guest speakers, responding to direct feedback we received from midshipmen and staff concerning the SHAPE program. And while we are in compliance with all the latest prevention practices proven to be effective throughout the country, and continue to alter the curriculum to adapt to the rapidly changing environment, last month we launched an effort with the DoD-sponsored company, *Alteristic*, to help us improve our programs. We remain more committed than ever to changing attitudes and beliefs that influence midshipmen to make better decisions and take positive, deliberate actions to prevent incidents of sexual assault.

Our midshipmen are not immune to societal influences and we must continue to address the risks of engaging in activities online and in social media. These technologies risk negatively distorting norms on healthy relationships, privacy, and consent. In the past year, the Naval Academy launched a cross-campus, inter-disciplinary evaluation of the entire four-year leadership curriculum and pulled together all the themes addressing life skills. The team focused on the topics of making responsible alcohol choices, preventing incidents of sexual assault, enhancing a culture of respect, and improving sexual assault and sexual harassment reporting. Together, the team of educators, chaplains, and members of SAPR staff, Commandant Staff, and the Midshipman Development Center ensured all curricula contained common language and consistent messages. In addition to publishing the Life Skills Handbook, these efforts resulted in

more closely aligning all programs across the training continuum, and we are optimistic they will better educate midshipmen in prevention practices.

Finally, while we have made improvements to our sexual harassment training, the survey results indicate that this training has not positively affected incidents of sexual harassment within the Brigade. We are currently collaborating with the *RAND Corporation*, as a part of their "Getting to Outcomes" initiative with the DoD, to yield more positive improvements. They have already begun assisting us in a two-year assessment of our Alcohol and Drug Education, Sexual Assault, Equal Opportunity and Sexual Harassment programs for the Brigade.

Responsible Use of Alcohol

The influence of alcohol remains a significant contributor to our incidents of sexual assault, with 72% of female midshipman USC events involving alcohol. Over the past year, the Naval Academy launched several initiatives to promote responsible alcohol choices:

- The Commandant's Alcohol Working Group developed a formalized training plan with specific objectives for each year-group.
- Broadened opportunities for supervised unit-level social events.
- At the midshipman-level, implemented the "Guardian Angel" program in which peers help each other return safely to the Naval Academy if alcohol is consumed while on liberty.
- Expanded existing training efforts, including company-level, scenario-based training entitled, "Midnight Teachable Moments," and expanded the "Keep What You've Earned" campaign, which employs individuals negatively affected by alcohol as an example and resource to educate midshipmen.

The majority of these efforts to instill more responsible alcohol use were put into effect after the most recent SAGR survey. For this past fall semester, we experienced a significant decrease (49%) in alcohol related incidents. Given the strong correlation between alcohol use and USC at the Naval Academy, we are optimistic that this recent improvement in responsible alcohol use will lead to decreased incidents of USC.

Holding Perpetrators Appropriately Accountable

While our education and training program does a good job of teaching our students the difference between right and wrong, for many individuals in the age group we are addressing, clear accountability is a key aspect of prevention.

The Naval Academy remains dedicated to promptly investigating reports of sexual harassment and sexual assault by utilizing all available resources to yield timely and accurate results. All complaints of sexual harassment are investigated and handled at the appropriate level including informal and formal counseling, letters of instruction (LOI), developing and giving sexual harassment training, adjudication through the midshipman conduct system which may include dismissal from the Naval Academy, and Dignity and Respect Remediation (a multi-month intensive one-on-one remediation with a Senior Officer).

Every Unrestricted Report of USC is referred to the Naval Criminal Investigative Service (NCIS). NCIS provides exemplary support in sexual assault cases and is committed to completing all investigations within 90 days of initiation. Coordination between NCIS, legal staff, and SAPR Victim Advocates (VA) has been critical to ensuring prompt and just results in each case, and we remain committed to improving the process wherever possible. Investigative findings are reported to me, the convening authority, for determination of disposition. I remain

committed to upholding the military justice process to ensure due process for the accused and the opportunity for justice system participation and closure for the victim.

A Strong Response Program Remains Vital to Assisting our Survivors

Trust is essential to ensuring our midshipmen continue to reach out and receive help, and we work hard to build and preserve that trust. We remain committed to a 24-hour response, seven days a week, should support be required. The response efforts demand a coordinated effort across many departments influencing all aspects of midshipman life. The Naval Academy has a robust response team that includes Sexual Assault Response Coordinators (SARC) responsible for overseeing the entire response program, a cadre of fully certified VAs to support our midshipmen, a Victim Legal Counsel (VLC) who advocates for victims in all investigations and legal proceedings, the Brigade Medical Unit that works closely with the rest of the response team for care of victims residing in Bancroft Hall, a team of eight Chaplains fully trained as SAPR responders who work closely with SARCs, Medical, VLC, and the chain-of-command to provide support and guidance to victims throughout the process, and the Midshipman Development Center that includes a full-time civilian sexual trauma specialist who conducts individual counseling sessions as well as voluntary support groups for both female and male survivors of sexual assault.

Our Leave of Absence (LOA) policy continues to offer victims the chance to concentrate on healing at home and the opportunity to subsequently return to the Brigade up to a year later to resume the curriculum where they left off. It has proven to be a successful option among some

of our midshipmen. Since initiating the LOA program in 2015, we have had 12 midshipmen take advantage of the program.

We must continue to gain and maintain the trust of our midshipmen. Our mission is to produce the best officers for commission in the United States Navy and Marine Corps. We are fully committed to assisting our survivors in achieving their goals to serve. Since Academic Program Year (APY) 2014-15, of the 102 midshipmen who have filed a Restricted or Unrestricted Report, 84% either have graduated or remain members of the Brigade in solid standing. While we continue to enact efforts to decrease the rates of USC through prevention, support to those who require resources remains a vital endeavor that we will never fail to provide.

Conclusion

Mrs. Chairwoman, distinguished members of this committee, thank you for your time and attention to this very important topic. The Naval Academy remains fully committed to eradicating this problem within our ranks, but we are facing continued societal challenges. Our fighting force reflects the culture from which it came and the society it has sworn to protect, so we will not stop working hard to sustain positive change at our institution to produce leaders of tomorrow. Over the past year, and since the 2018 SAGR survey was conducted, we have implemented many changes to our prevention program…and our initial assessments, especially as they relate to responsible alcohol use, appear promising. My team and I have learned more from this most recent survey and continue to reach out to experts in the field as well as other educational institutions for best practices. In April, the Naval Academy will host a national discussion on sexual assault and sexual harassment at civilian colleges, universities, and the

Military Service Academies, where we hope to develop more results-oriented solutions. We will continue to refine our program where we see opportunities for additional improvement. I remain fully committed to producing the highest caliber officers for the Navy and Marine Corps. That effort includes producing leaders that not only treat others with dignity and respect, but also demands the same standard from others in the military and civilian communities in which they serve and lead. There is no finish line in this endeavor. I am prepared to address any questions you may have regarding my testimony.

Vice Admiral Walter E. "Ted" Carter Jr.

Vice Admiral Walter E. "Ted" Carter Jr became the 62nd superintendent of the U.S. Naval Academy on July 23, 2014. He graduated from the U.S. Naval Academy in 1981, was designated a Naval Flight Officer in 1982, and graduated from the Navy Fighter Weapons School, Top Gun, in 1985. He completed the Air Command and Staff College course and the Armed Forces Staff College. In 2001, he completed the Navy's Nuclear Power Program.

Carter's career as an aviator includes extensive time at sea, deploying around the globe in the F-4 Phantom II and the F-14 Tomcat. He has landed on 19 different aircraft carriers, to include all 10 of the Nimitz Class carriers. Carter commanded the VF-14 "Tophatters," served as Executive Officer of USS Harry S. Truman (CVN 75), and commanded both USS Camden (AOE 2) and USS Carl Vinson (CVN 70). His most recent Fleet command assignment was Commander, Enterprise Carrier Strike Group (CSG-12) during Big E's final combat deployment as a 51 year old aircraft carrier in 2012.

Ashore, Carter served as Chief of Staff for Fighter Wing Pacific and Executive Assistant to the Deputy Commander, U.S. Central Command. He served as Commander, Joint Enabling Capabilities Command and subsequently as lead for the Transition Planning Team during the disestablishment of U.S. Joint Forces Command in 2011. After leading Task Force RESILIENT (a study in suicide related behaviors), he established the 21st Century Sailor Office (OPNAV N17) as its first Director in 2013. Most recently, Carter served as the 54th president of the U.S. Naval War College. During his tenure, he established the Naval Leadership and Ethics Center in Newport, R.I., on May 1, 2014.

Carter is the recipient of various personal awards, including the Distinguished Service Medal, Defense Superior Service Medal (two awards), Legion of Merit (three awards), Distinguished Flying Cross with Combat V, Bronze Star, Air Medal (two with Combat V and five strike/flight), and Navy and Marine Corps Commendation Medal (two with Combat V). He was awarded the Vice Admiral James Bond Stockdale Leadership Award and the U.S. Navy League's John Paul Jones Award for Inspirational Leadership. Carter was also appointed an Honorary Master Chief by the Master Chief Petty Officer of the Navy in 2008.

Carter flew 125 combat missions in support of joint operations in Bosnia, Kosovo, Kuwait, Iraq and Afghanistan. He accumulated 6,150 flight hours in F-4, F-14, and F-18 aircraft during his career and safely completed 2,016 carrier-arrested landings, the record among all active and retired U.S. Naval Aviation designators. In April of 2015, Carter was inducted into the prestigious Rhode Island Heritage Hall of Fame.

100

PAIRS CASE 2019-C-0062

STATEMENT OF

LIEUTENANT GENERAL JAY B. SILVERIA, USAF

SUPERINTENDENT OF THE UNITED STATES AIR FORCE ACADEMY

BEFORE THE

SUBCOMMITTEE ON MILITARY PERSONNEL

COMMITTEE ON ARMED SERVICES

UNITED STATES HOUSE OF REPRESENTATIVES

SUBJECT: SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAMS AT THE MILITARY SERVICES ACADEMIES

FEBRUARY 12, 2019

NOT FOR PUBLICATION
UNTIL RELEASED BY THE
COMMITTEE ON ARMED SERVICES
UNITED STATES HOUSE OF REPRESENTATIVES

Introduction

Madam Chair, Ranking Member Kelly, and other distinguished members of the committee, I appreciate the opportunity today to discuss an issue that is of fundamental importance to the health and safety of our cadets at the United States Air Force Academy and an issue of grave importance to our national security. Thank you for your dedication to confronting sexual harassment and sexual assault, misconduct that has no place at our Academies or in our military, and for your concern about the wellbeing of our cadets and cadet candidates. I can assure you that these are concerns shared not only by myself, but also by the dedicated staff, faculty, leadership, and cadets at our Academy.

As the Superintendent of the United States Air Force Academy, I appear before you today on behalf of the future leaders of our Air Force – our 4,281cadets and 203 Preparatory School cadet candidates – as well as the faculty and staff that are working hard to develop them into a new generation of high-character leaders and innovative warrior-scholars. But I'm also here today as a graduate of our Academy, as a leader of Airmen who has had the privilege to wear this uniform for more than 33 years, and as a father of two young members of this same generation we are training and educating at the Academy. From each of these perspectives, I find the results of the 2017-2018 Sexual Harassment and Violence (SH&V) report very troubling. This is a leadership issue, and I know I speak for everyone at the Academy when I say that the numbers in the report do not reflect the standards we hold ourselves to as leaders, and they do not reflect the core values of our Air Force or our Air Force Academy. We are committed to addressing these issues head-on across our Academy, and to be the example for the Air Force, the Department of Defense, and society. But it is clear that our past efforts have not had the effects we intended or expected. These results are unacceptable.

There is no question – when we have even one instance of sexual assault or sexual harassment at our Academy, we have a problem. Far too many of our cadets have had experiences along the spectrum of harmful behaviors, from sexual harassment to sexual assault. This year's survey shows that 46 percent of women at the Academy have experienced sexual harassment. While reports to Air Force authorities of sexual assault have gone down from 33 to 29 since the 2016-2017 report, the estimated past-year prevalence of sexual assault against women has increased from 11.2 percent to 15.1 percent, and estimated prevalence of sexual assault against men did not change statistically. This data shows that cadets at the Academy have been harmed, and that too many feel they can't come forward for the help and support they need. It shows that cadets at the Academy have harmed their peers, those that they intend to serve alongside in defense of our nation. The data does not show us exactly why these egregious acts occurred, but we know that these are people, not statistics, and that leadership is the solution. As leaders, we set the tone for an appropriate culture and climate, enforce standards, and ensure the safety of those entrusted to our care. Where we have fallen short, it is our responsibility to take active ownership of these shortcomings and work aggressively to correct them. I am disheartened and frustrated by the results, but I will not rest until we get this right. Holding perpetrators of these crimes appropriately accountable is key to this effort.

In recent years, this committee has heard testimony from our Academies' Superintendents, from experts, and from survivors on our progress or lack thereof on this very topic. I appreciate your continued vigilance on this issue – it is a serious problem that requires steadfast attention, and your oversight is rooted in a care for our cadets and our military that I wholeheartedly share. I also share in any frustration, impatience and anger you may have for the results we've seen this year. We have a problem, and there is no doubt that we need to do better

to correct it. Any occurrence of sexual harassment and assault is corrosive to our ability to train the leaders of character that our Air Force and our nation need. The data clearly shows that we have fallen short, and it will inform further review and adjustment of our programs and policies. While the programs we have implemented in the past have not yet produced the results we had intended, we have already taken numerous steps in the last year, and we are working diligently to create new programs and adjust existing ones in order to better serve our cadets. I have personally met with survivors, both men and women, one-on-one and I have learned a great deal about their survivor experiences. As a commander, leader, Airman, and father, their stories rock me to the core and they are my motivation to change this culture and stop this crime.

We will continue to conduct research to better understand the numbers, but action can't wait. We are moving out. In addition to direction from the Department of Defense and Department of the Air Force, we have several programs of key importance to the Academy. I would like to highlight a number of recent and ongoing efforts we have undertaken, and several courses of action we are taking in the future. We are encouraged by some of the initial results and feedback from programs and events such as these, and will continue to refine our approach as we remain fully engaged in the fight against sexual harassment and sexual assault at our Academy.

Pathways to Thriving and survivor care

This past April we held the Pathways to Thriving Summit, which from feedback from attendees including current cadets, past cadets, survivors, and community leaders was an incredibly impactful event. For me personally, this was one of the most eye-opening experiences of my career. At this first-ever event for any Academy, survivors of sexual assault were invited

to gather together for a two-day summit at our campus, where they collaborated with leaders and subject matter experts. The overall intent for the summit, organized by the acting Sexual Assault Prevention and Response program manager, Dr. Kimberly Dickman, who is seated behind me here today, was not only to facilitate healing but also to include sexual assault survivors in the discussion on where the Academy has been on this issue, and how we move forward productively. Working groups gathered together for sessions tasked with coming up with improvements to our Sexual Assault Prevention and Response efforts, and presented these ideas to leadership for implementation. As a direct result of this summit, numerous programs were created and are now in place. I took the opportunity to apologize to survivors for what they went through, but also expressed my gratitude for their willingness to attend, to tell their stories, and to share their ideas on how we can improve. I believe this summit was a productive experience for all involved, and for our Academy. This spring we will hold a second summit called Pathways to Prevention where we will learn about and work on issues specific to our Academy that can impact the prevalence of sexual assault and harassment.

Caring for sexual assault survivors, no matter when or where their assault took place, remains a central priority for the United States Air Force Academy, and for our Sexual Assault Prevention and Response office. This includes providing education, advocacy, emotional support, referrals, and information. This care is provided to cadets whether they were assaulted on base, away on leave, or even before they became cadets at the Academy. My predecessor recognized a problem with our Sexual Assault Prevention and Response office, and we made swift, local changes to ensure that cadets receive the quality of care and support they need. The appropriate programs and resources were tailored to their needs, and in Spring 2018 we replaced all personnel in the Sexual Assault Prevention and Response office, including the Sexual Assault

Response Coordinator and all full-time victim advocates. We also created new positions for a program manager, two violence prevention integrators, and hired a separate, additional sexual assault response coordinator focused on our permanent party Airmen. Our permanent party and cadet Airmen require unique, specialized care given their differences in culture, developmental levels, and living and social environments. This allows one sexual assault response coordinator to focus solely on cadets. All of these changes, made shortly before the survey, were a necessary measure to put the office on a proper footing and build a foundation for better prevention and care. I am confident that the new organizational structure we have in place offers improved capabilities in each of these areas.

I want all survivors to get the support they need and want so that they can reach their full potential as pilots, researchers, engineers, astronauts, athletes, Rhodes Scholars, and above all -- leaders. And, we want perpetrators of sexual violence to be brought to justice and held appropriately accountable. Those found culpable have no place at our Academy or in the Air Force. To remove a barrier to reporting, this past May we implemented a "Safe to Report" policy. The Department of Defense and Air Force determined that collateral misconduct by the victim of a sexual assault is one of the most significant barriers to reporting assault because of the victim's fear of punishment. To remove this barrier and encourage the reporting of sexual assault, the new policy states that if a cadet reports a sexual assault, he or she can get help and support without having to fear that they will be punished for minor collateral misconduct including unauthorized absences, consensual intimate behavior in the cadet area, underage drinking, and fraternization. This ensures a consistent approach that encourages reporting, while also avoiding unnecessary additional stressors and maintaining good order and discipline. While it is difficult to determine the factors that impact reporting numbers, since this was put in place,

we have received positive feedback from cadets indicating that they came forward as a result of this policy. In addition to providing amnesty for survivors, the Safe to Report policy demonstrates to victims and survivors that the Academy's senior leaders hear them. We want them to report. We want them to trust our leadership will not tolerate a lack of respect on our campus.

Other recent policy improvements and campus changes are more broadly targeted at addressing issues in the overall culture and climate at our Academy, as well as promoting good order and discipline:

- **Changes to alcohol policy:** The literature on sexual assault indicates that alcohol is a contributing factor in more than half of unwanted sexual contact. With this in mind, multiple initiatives have been implemented to promote responsible alcohol use at the Air Force Academy. Sophomore cadets receive training related to responsible alcohol consumption and to reduce risk factors associated with alcohol. We also retrained all alcohol servers, and changed alcohol serving policies to promote a safer environment where alcohol is served.
- **Changes to recoupment policy**: Previously only cadets disenrolled during their junior and senior years were subject to pay back the costs of their education. However, this past year, the Secretary of the Air Force changed the policy, which now allows the Secretary to recoup educational costs for any cadet (regardless of year) that is disenrolled for serious misconduct. As a result of this change, we recently saw 5 cadets who were disenrolled for sexual misconduct and received recoupment orders who previously would not have been subject to recoupment.

The amount of recoupment is approximately $50,000 per year that the cadet attended the Academy.

- **Closed Circuit Television (CCTV):** Over the past year, we have installed several thousand additional CCTV units across our campus. This effort is ongoing, and is intended to enhance the safety and security of our cadets. Additionally, the units serve as a deterrent against criminal conduct, and provide footage for investigations in the event that an incident occurs. Units are not installed in any rooms or areas that would violate the privacy of our cadets.

Case Management Group

The Case Management Group has been a requirement by the Department of Defense since the inception of the Sexual Assault Prevention and Response program in 2005. When a survivor chooses to make an unrestricted report of a sexual assault, in addition to connecting them to services with our numerous helping agencies, we convene a monthly Case Management Group meeting. This group is a multidisciplinary team that meets to discuss the well-being of a survivor, and I personally chair these meetings as the Superintendent. One enhancement to this Department of Defense policy that we find beneficial is the inclusion of the Academy's director of culture and climate. In the Air Force we also conduct the Case Management Group for restricted reports. The goal of this meeting is to discuss the support and needs of each survivor amongst Academy leaders. The survivor is notified prior to the meeting and given an opportunity to share his or her thoughts or concerns with the group through his or her representative. This model provides a forum to ensure that survivors are receiving the proper care, support, and respect after making a report, and that they are not experiencing any retaliation. In addition, within 72 hours, the survivor's commander will update him or her on what was discussed during

the meeting. We feel so strongly about the importance and benefits of the Case Management Group for the survivor, the institution, and community that members of the Sexual Assault and Prevention and Response and Judge Advocate offices presented at a national sexual violence prevention conference. Additionally, my team and I recently submitted an article for publication to share our lessons learned with university leaders in the hopes that they might employ a similar initiative at their schools.

Cadet Healthy Personal Skills (CHiPS) Training

Any approach to confronting issues of sexual assault at our Academy must include robust and innovative training and education programs. A number of programs have recently been implemented, some just now maturing enough to evaluate, and others that we have recently implemented and will continue to assess and refine.

- Cadet Healthy Personal Skills consists of 8 hours of training, delivered in three blocks by professional, trained facilitators in small groups.
- The training program focuses on increasing healthy interpersonal relationship skills, and reducing the risk factors for unhealthy relationships. Immediate objectives include:
    1) Promoting resiliency and healthy development of cadets
    2) Enhancing cadet personal and social competence skills
    3) Enhance motivation and skills to deter unhealthy behaviors, especially in risky situations

A research study with the Class of 2021 is showing promising effectiveness for Cadet Healthy Personal Skills compared with a control group. Cadets who received the training have exhibited improved attitudes and skills, especially regarding attitudes toward sexual assault and consent.

Six-month results indicate a decrease in victimization and an increase in consent knowledge and victim support. We are currently reviewing the one-year results of this program. All incoming cadets last year received Cadet Healthy Personal Skills training and it will continue going forward.

Sexual Assault Resistance Education (SARE) Centre programs

Last year, in partnership with the Sexual Assault Resistance Education Centre, we implemented the Enhanced Assess, Acknowledge, Act (EAAA) sexual assault resistance program at the Air Force Academy. This program consists of four, three-hour units, and seeks to empower participants to recognize risk cues for sexual violence. Trainees learn to quickly and accurately assess potentially dangerous sexual situations and to reduce emotional and social obstacles to resistance. Trainees are also instructed in self-defense skills. This is a program based on sound evidence and has shown significant reduction in the prevalence of sexual assault on college campuses. Last year we trained seven members of the Academy to implement EAAA and we will beta test the program this spring. This fall we will conduct research to assess this program's efficacy with the incoming freshman class.

Healthy Relationships Training (HRT)

First implemented in 2015, the Academy Athletic Department, our Sexual Assault Prevention and Response office, and our Judge Advocate office, partnered to develop lessons on healthy relationships with our intercollegiate athletes, who comprise roughly one-quarter of our students. Across colleges and universities, intercollegiate athletes have a higher risk of sexual assault perpetration, warranting this targeted, preemptive intervention to prevent sexual violence

among this portion of our population that comprises a greater percentage of our student body than most other institutions.

A lot of research is coming out on relationships and sexuality education as key to sexual violence prevention both in perpetration and victimization reduction. With this in mind, our team developed formal lessons with objectives and outcomes centered on mutual respect and effective communication. The lessons are informed by evidence from a number of programs shown to reduce sexual violence, and one module is conducted each year in small groups, by every athletic team. The lessons, taken by approximately 1,000 cadets per year, cover:

- **HRT 1**: Starting relationships, dating, what you look for in a partner, red flags and warning signs, consent and finding your voice.
- **HRT 2**: Pushing the limits, setting boundaries in all types of relationships, setting physical/intimate boundaries, consent, and power of vulnerability.
- **HRT 3**: Qualities of a good leader, emotional intelligence, communication, online behavior and sexting, ending relationships in a healthy way, keys to developing a culture that prevents sexual assault.

The training is popular among cadets, and takes place in a judgment-free, positive environment, where everyone is allowed to speak freely. Qualitative responses included cadet-athletes stating:

- "Best training I've had at USAFA"
- "Improved my relationships with friends, teammates and family members"
- "Within the locker room it has started serious conversations about relationships and how we treat each other"

- "HRT has helped me because it brings to light issues and situations that are often not talked about in an open forum. It provides a safe environment to be vulnerable to [and] with your teammates."

A 3rd-party external review of our athletic program highlighted HRT as the best training they have seen at any university. A formal evaluation of the HRT program will be accomplished this Spring, soon followed by a plan to implement the program with all cadets at the Academy. Several other institutions of higher education have visited our campus to learn more about the program, and a number of Air Force bases have asked to use our HRT curriculum.

3rd Party Review

This past summer we voluntarily appointed an outside firm to conduct an independent review of the culture and climate, risk management, and commitment to regulatory compliance within our Athletics Department. We made this decision not out of mistrust of our own ability to assess our effectiveness in these areas, but instead to benefit from an impartial, objective and exhaustive examination of our entire program. The firm we chose to conduct the review, Collegiate Sports Associates, was selected due to their outstanding reputation, relevant expertise, and familiarity with NCAA Division 1 athletic programs.

There are several observations by Collegiate Sports Associates in the review that I am proud to see, including a positive assessment of our previously mentioned HRT program and our creation of a full-time position dedicated to Athletics Department culture and climate. Collegiate Sports Associates' report stated: "In many ways, the USAFA Athletics Department is a model for NCAA programs with high standards for behavior and performance and specific training protocols for developing future leaders." But there are other areas where we have opportunities

to improve. We must refine and reinforce where we are progressing, and reexamine and improve where we are lacking. Along those lines of effort, we currently have plans to implement several of the suggested changes identified by Collegiate Sports Associates:

- An ombudsperson will be assigned and trained within the Athletics Department as a resource for all staff and cadet-athletes. We will ensure that cadet-athletes and staff are aware of this resource as well as the many other resources available at the Academy.
- The review reinforced our need for an anonymous reporting option to address any possible gaps in reporting of a variety of misconduct that impacts our cadets and our culture. This will be a campus-wide solution and is projected to be in place as early as this summer.
- We are reviewing ways to complement the current training for coaches and staff, and develop additional ongoing, formal training programs.
- We have already established a cadet-athlete annual experiential evaluation, and are incorporating the unique athlete code of conduct into a cadet-athlete handbook.

External Collaborations

The Academy continues to collaborate with external experts, colleges and universities, and other military organizations. We meet quarterly with our local partners, Colorado College, University of Colorado Colorado Springs, Pikes Peak Community College, Schriever Air Force Base, Peterson Air Force Base, and Fort Carson, to share best practices and innovative ways forward. Our subject matter experts attend and present at national conferences addressing sexual assault on college campuses. Our efforts with leaders and researchers in this field continue our strategic approach to prevention and response. We have a specific population here at the

Academy that requires unique and deliberate efforts based on the best research and knowledge available.

A Culture of Dignity and Respect

Over the past year, like many others across our nation, I have been inspired by the proliferation of courageous voices being heard as part of the #MeToo movement. Voices that for far too long were kept silent are now leading productive and transformative discussions on the change needed in our culture, and these voices are inspiring others to find the courage to speak. Our society is changing swiftly, and our Academy and military must lead these developments. Our newest class at the Air Force Academy included our highest percentage of women applicants (30.3%), and we expect the Class of 2023 to be even higher. Additionally, this year we accepted the highest number of minority cadets in our history (more than 33.3%) and our junior class includes the highest percentage of women in our Academy's history (29.9%). We are not done on this front, and will continue to strive to improve these numbers so that our Academy more closely reflects the society it serves and possesses the greatest strengths of that society.

Diversity increases our effectiveness and fighting capability by providing a wealth of perspectives, skills and talents, derived from different backgrounds, experiences and upbringings. By contrast, treating one another with a lack of dignity and respect disables our effectiveness, and destroys our morale. Like their corrosive cousins of racism, bigotry and hate; sexism, sexual harassment and sexual assault make us a weaker, less capable force. Their prevalence makes us less capable of winning conflicts on the volatile, rapidly evolving battlefields we currently face, where we need the talents and intellects of every last one of our Airmen operating at the peak of their abilities. Last year, I submitted an editorial for publication

by CNN entitled "Why diversity?" and more recently an article for Latina Style Magazine entitled "A Diverse Force is a Strong Force," both discussing how I feel that a military that reflects one of our nation's greatest strengths – our uncommon and incredible diversity – is a stronger military. As the Academy's Superintendent, I've been honored to speak about the value of diversity and the importance of dignity and respect to a variety of audiences across the country including the Anti-Defamation League, the National Latina Symposium, and just several weeks ago at an NCAA forum. Air Force Academy leaders will continue this important dialogue whenever and wherever possible, but most importantly in direct conversations with our cadets.

Since my first day as Superintendent, I have made it clear that fostering a culture of dignity and respect for everyone on campus is foundational to everything we do at our Academy. Top to bottom, left to right, and regardless of rank, position or job title, we will treat one another with dignity and respect no matter a person's race, gender, age, religion, ethnicity or sexual orientation. Sexual violence is about more than sex – it is about exploiting and manipulating disparities in power, and it is about control, and this behavior violates even the most minimal definition of respectful and dignified conduct. The bottom line is that if a person cannot adhere to our standards, they have no place at our Academy. They have no place in our Air Force.

Accountability

We cannot tolerate any instance of sexual assault in our Air Force or at our Academy. We will hold those culpable accountable and we have a variety of options to do that. When a victim makes an unrestricted report of sexual assault, we not only make sure the victim is getting necessary care and support, the Air Force Office of Special Investigations begins their investigation. We provide updates on that investigation to the victim, through the

Special Victims' Counsel and the Judge Advocate's Victim-Witness Liaison. Once the investigation is complete we seek out the victim's input on how the case should be handled. Once the Judge Advocate's Office receives the victim's preference, they work with commanders at all levels to ensure we are taking appropriate action.

At the Academy, in addition to courts-martial and administrative discipline tools available across the Air Force, we have a cadet discipline system that allows me to disenroll cadets for misconduct, as well as boards of inquiry typically used for officer discharges. For those victims who are hesitant to testify publicly, these processes give victims a voice in a non-public setting while affording those accused of these heinous crimes their due process rights. As discussed above, the newly-expanded recoupment policy allows the Secretary to recoup the costs of a cadet's Academy education if they are disenrolled or discharged for serious misconduct, regardless of their class year.

Conclusion

We will not rest until every cadet at the Air Force Academy is safe. We are guided by both Secretary of Defense and Secretary of the Air Force directives to examine this issue with the best in science, personnel and leadership. Service secretaries are bringing us together with other universities and colleges in April to examine prevention at all levels. We will bring these best practices back to the Air Force Academy to help in the fight against sexual violence on our campus and in society.

Confronting these issues requires a broad and vigilant approach that gets at the root of institutional culture and climate. The stakes are high, and we must get this right. I often tell our cadets that they will shape the future of our Air Force when they leave our campus, and they

must be prepared to encounter threats and challenges that we haven't yet fathomed. In the near future they will graduate and stand with my generation in uniform, serving alongside us. But soon they will replace us, and will guide our military services into an uncertain future. They must create a better Air Force, one that is even more capable, creative and innovative. Beyond that, they must create an Air Force that is more inclusive, more understanding, and more inquisitive. I not only want that our cadets be better space operators, pilots, engineers, and logisticians, but I expect and our nation demands that they be better people than those who came before them.

Prevention is our primary goal. As I have described today, we are fully invested in a deliberate multipronged approach. We invite you to come visit our campus, see our programs first hand, and speak with faculty, staff, and cadets. We hope that through these transparent interactions we can also get your insights on how we can improve our Academy. Our approach has to be evidence informed and tailored to the cadet experience. This means looking at individual, interpersonal, and cultural factors that contribute to this crime.

We encourage survivors to continue to come forward, whether it is through anonymous reports or our established restricted or unrestricted reporting channels. That means we have to remove barriers and create an environment where they know they will be supported. Anonymously, survivors have told us that they reported to stop this from happening to others and they feel it's their duty. When survivors raise their voice, we take every allegation seriously, investigate, and hold perpetrators appropriately accountable.

Any instance of sexual harassment or sexual assault is a violation of the sacred trust we must have to be the best force for our nation. Airmen who are incapable of behaving with dignity and respect, who sexually harass or assault others, are not who I want standing next to me. They

have no place at our Academy, and no place in our Air Force. I will not rest – nor will anyone under my command – until every cadet at our Academy is in an environment where they can focus solely on their professional and personal development. Those that fall short of this standard will continue to be held accountable. Our prevalence numbers clearly show there is more work to be done.

Once again, thank you for the opportunity to speak before this committee on a topic so vital to the future our Academy and our military, and to the health and safety of this generation of young people. I look forward to answering any questions you might have.

Lieutenant General Jay B. Silveria

Lt. Gen. Jay B. Silveria is the Superintendent, U.S. Air Force Academy, Colorado Springs, Colorado. He directs a four-year regimen of military training, academics, athletic and character development programs leading to a Bachelor of Science degree and a commission as a second lieutenant.

Prior to assuming his current position, General Silveria served as the Deputy Commander, U.S. Air Forces Central Command, and Deputy Commander, Combined Air Force Air Component, U.S. Central Command, Southwest Asia. As Deputy Commander, he was responsible for the command and control of air operations in a 20-nation area of responsibility covering Central and Southwest Asia, to include operations Resolute Support in Afghanistan, and Inherent Resolve in Iraq and Syria. He has previously served as Commander, U.S. Air Force Warfare Center, Nellis Air Force Base, Nevada, and Vice Commander, 14th Air Force, Air Forces Strategic at Vandenberg AFB, California, as well as Director, Security Assistance in the Office of Security Cooperation-Iraq.

General Silveria grew up in an Air Force family and is a 1985 graduate of the U.S. Air Force Academy. He completed undergraduate pilot training in 1986. He is a command pilot with more than 3,900 hours in the T-37, T-38, F-15C/E, HH-60 and F-35A aircraft. He has flown combat sorties over the Balkans and Iraq and served as Vice Commander at Bagram Air Base in Afghanistan.

EDUCATION
1985 Bachelor of Science degree, U.S. Air Force Academy, Colorado Springs, Colo.
1992 Squadron Officer School, Maxwell AFB, Ala.
1996 Air Command and Staff College, Maxwell AFB, Ala.
1997 Master of Social Science degree, Syracuse University, N.Y.
2005 National War College, Fort Lesley J. McNair, Washington, D.C.
2009 Senior Executive Fellow, Harvard University, Cambridge, Mass.
2017 The Harvard Seminar for New Presidents, Harvard Graduate School of Education, Cambridge, Mass.

ASSIGNMENTS
August 1985–August 1986, student, undergraduate pilot training, 82nd Student Training Squadron, Williams AFB, Ariz.
January 1987–May 1990, T-37 instructor pilot, 96th Flying Training Squadron, Williams AFB, Ariz.
June 1990–March 1991, student, F-15E Replacement Training Unit, 550th Tactical Fighter Training Squadron, Luke AFB, Ariz.
April 1991–June 1995, F-15E instructor pilot, 334th Fighter Squadron, Seymour Johnson AFB, N.C.
July 1995–November 1997, F-15E Chief of Standardization and Evaluation, 48th Wing, RAF Lakenheath, England
December 1997–July 1999, aide-de-camp, to the Supreme Allied Commander Europe and Commander, U.S. European Command, Supreme Headquarters Allied Powers Europe, Mons, Belgium
August 1999–June 2000, student, Air Command and Staff College, Maxwell AFB, Ala.
July 2000–July 2004, Director of Operations, 48th Operations Support Squadron; Commander, 492nd Fighter Squadron; Deputy Commander, 48th Mission Support Group, RAF Lakenheath, England
July 2004–June 2005, student, National War College, Fort Lesley J. McNair, Washington, D.C.
June 2005–January 2006, Commander, 32nd Air and Space Operations Center, Ramstein Air Base, Germany
January 2006–July 2007, Vice Commander, 48th Fighter Wing, RAF Lakenheath, England
July 2007–August 2008, special assistant to the Commander, U.S. European Command, SHAPE, Mons, Belgium
August 2008–June 2010, Commander, 48th Fighter Wing, RAF Lakenheath, England

July 2010–March 2012, Inspector General, Headquarters ACC, Langley AFB, Va.
March 2012–March 2013, Director, Security Assistance in the Office of Security Cooperation-Iraq
April 2013–February 2014, Vice Commander, 14th Air Force, Air Forces Strategic, Vandenberg AFB, Calif.
February 2014–April 2016, Commander, U.S. Air Force Warfare Center, Nellis AFB, Nev.
April 2016–May 2017 Deputy Commander, U.S. Air Forces Central Command; Deputy Commander, Combined Air Force Component, U.S. Central Command, Southwest Asia
August 2017–present, Superintendent, U.S. Air Force Academy, Colorado Springs, Colo.

SUMMARY OF JOINT ASSIGNMENTS
December 1997–July 1999, aide-de-camp, to the Supreme Allied Commander Europe and Commander, U.S. European Command, Supreme Headquarters Allied Powers Europe, Mons, Belgium, as a major
July 2007–August 2008, special assistant to the Commander, U.S. European Command, SHAPE, Mons, Belgium, as a colonel
March 2012–March 2013, Director, Security Assistance in the Office of Security Cooperation-Iraq, as a brigadier general
April 2016–May 2017 Deputy Commander, U.S. Air Forces Central Command; Deputy Commander, Combined Air Force Component, U.S. Central Command, Southwest Asia, as a major general

FLIGHT INFORMATION
Rating: Command pilot
Flight hours: More than 3,900
Aircraft flown: T-37, T-38, AT-38B, HH-60, F-15C/E, F-35A

MAJOR AWARDS AND DECORATIONS
Distinguished Service Medal
Defense Superior Service Medal with oak leaf cluster
Legion of Merit with three oak leaf clusters
Bronze Star Medal
Meritorious Service Medal with three oak leaf clusters
Air Medal with two oak leaf clusters
Aerial Achievement Medal with oak leaf cluster
Air Force Commendation Medal
NATO Medal (Former Republic of Yugoslavia)

EFFECTIVE DATES OF PROMOTION
Second Lieutenant May 29, 1985
First Lieutenant May 29, 1987
Captain May 29, 1989
Major Feb. 1, 1997
Lieutenant Colonel May 1, 2000
Colonel July 1, 2005
Brigadier General Sept. 2, 2010
Major General June 16, 2014
Lieutenant General Aug. 11, 2017

(Current as of October 2017)

DOCUMENTS SUBMITTED FOR THE RECORD

FEBRUARY 13, 2019

From: Campbell, Scott C Col USAF USAFA USAFA/CWV <scott.campbell@usafa.edu>
Sent: Friday, February 8, 2019 9:27 PM
To: C19_All; C20_ALL; C21_All; C22_All
Cc: CW_ALL (Permanent Party Only); CW_Senior_Leader_SA
Subject: Priorities

Cadet Wing-

The Commandant & I have become aware of an increasing amount of commentary about the Class Crest being more important than sexual assault. Let me set the record straight.

When our senior leaders are called to testify in front of Congress, we do not get in front of them. Gen Silveria was very clear that the only person who was going to discuss the findings of the SAGR report was him, nobody else. He feels very passionate about the fact that this needs to come from him as our senior leader. As such, we are not going to comment on this until he has responded to Congress' questions and is ready to discuss with us. The reason is: this is exceptionally important.

Do not confuse importance with command priority. The sexual assault and gender relations report is absolutely a command priority. The issue is we cannot talk about it in advance of the Supt's testimony. We have been prepared & ready to brief the findings until Congress called the Superintendent to testify in front of Congress. Now, we must wait. Once testimony is complete, the Supt has committed to you that he will discuss not only the findings of the SAGR survey, but what he was asked about in his hearings & what he discussed with our Chief and Secretary.

Don't for a minute think we believe the class crest is more important than sexual assault. We are holding on briefings and discussions on the SAGR report until the Supt returns from DC. Once he does, we'll move forward after he briefs you on what transpired.

Your cadet leaders are not at fault for the information flow, I am. If you want a target, it is me. They have no control on this topic. If you are that passionate, my door is open, come on in and we can discuss. If you want to attack from a platform or medium of anonymity, then have at it; you are a coward and we aren't listening. If you have a problem, bring a solution. There is no room in our Air Force for those not willing to own their opinion or position. If you don't like this idea, you are free to leave; I'll happily expedite your transition to the civilian world. We hold higher standards here; if you don't like them, move on--you don't deserve to lead our incredible Airmen.

V/R-
Col Campbell

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WITNESS RESPONSES TO QUESTIONS ASKED DURING THE HEARING

FEBRUARY 13, 2019

RESPONSE TO QUESTIONS SUBMITTED BY DR. ABRAHAM

Dr. VAN WINKLE. This is a very complex issue; however, the research available to date is summarized as follows: Research with civilians shows a significant minority of men perpetrate sexual violence. Most men who use coercive tactics to obtain sex use those tactics repeatedly over time; however, most rape perpetration occurs over a more limited time frame. Hundreds of studies have examined risk factors for sexual violence perpetration. Risk factors are behaviors, experiences, attitudes, or cultural norms that are statistically associated with self-reported sexual violence in research studies. Consistently supported factors include: history of experiencing child abuse, a peer group that supports forced sex, peer pressure to engage in sexual activity, relationship conflict, sexual risk behaviors (early initiation of sex, sexual promiscuity, casual sex), hostile views of women, and attitudes supporting the use of violence. Studies have found that a combination of risk factors expressed over time is more predictive of sexual violence than single risk factors. Many risk factors can be modified or mitigated, which facilitates reduction of sexual violence. Multiple military studies have found that military sexual violence perpetrators reflect similar risk factors and offending patterns as civilian perpetrators. Similarities between sexual violence perpetrated by military members and civilians suggests that civilian research can be used to inform prevention approaches implemented in military settings. The Department will continue to use this literature to guide prevention planning and execution. [See page 43.]

QUESTIONS SUBMITTED BY MEMBERS POST HEARING

FEBRUARY 13, 2019

QUESTIONS SUBMITTED BY MS. SPEIER

Ms. SPEIER. In at least 2016, the Academies and DOD considered replacing the measure of unwanted sexual contact used in the Academy survey with the UCMJ-linked measurement used in the active force workplace and gender relations survey. The Academies and DOD reportedly pushed back against adopting the active force measure. Why did the Academies push back against the active force measurement? Why is the unwanted sexual contact measure preferable?

Dr. VAN WINKLE. The Department determined that the Unwanted Sexual Contact (USC) measure was a better fit for victim privacy and survey administration considerations at the Academies. To better align with language describing the sexual assault crimes defined in Article 120 of the Uniform Code of Military Justice—and as part of its review and administration of the Department's active duty sexual assault prevalence survey in 2014—the RAND Corporation compared responses to the existing USC measure to responses to the new sexual assault measure it designed. RAND's comparison found no statistically significant difference in how either measure estimated past-year prevalence of sexual assault at the top-line. However, RAND's measure offered certain advantages in conducting follow-on analysis of responses. In 2015, the Department worked with the Academies to assess whether RAND's new measure would be appropriate for administration of the Service Academy Gender Relations (SAGR) survey. This assessment involved review of the measure by Academy victim assistance staff and a small group of selected cadets and midshipmen. Feedback obtained through this process indicated that the new RAND measure was more explicit in language and took much longer to complete than the USC measure. These observations made use of the new RAND measure on the SAGR survey problematic in two ways: 1. Administration time. The SAGR survey is administered in person in a room with several hundred cadets and midshipmen at once. This is done to keep response rates in the 70 to 80 percent range, as computer administration has been associated with markedly lower response rates. Students who may have experienced a past-year sexual assault would spend a considerably longer time taking a survey with the RAND sexual assault measure survey than a survey with the USC measure. The Department concluded that increased administration time would likely expose students taking a longer time with the survey to unwanted scrutiny and/or assumptions about whether they were a victim of sexual assault, which ultimately might impact a student's willingness to disclose victimization on the survey. 2. Administration method. The SAGR Survey is administered via paper and pencil rather than the computer administration employed in the active and reserve components. Again, by employing the in-person method, the Department has achieved high response rates from cadets and midshipman on the SAGR Survey. Active duty and reserve component members completing the survey via computer can take a break and come back to it should the experience of answering the RAND measure's very detailed questions become stressful or troubling. However, similar breaks are not possible given the in-person administration employed with the SAGR survey. Given the anonymity of responses, there is no way for a student to take a break, come back later, and finish the survey. The Department subsequently asked the Academy Superintendents for their input on which measure the SAGR should use to estimate past-year prevalence of sexual assault. The Academy Superintendents unanimously requested the SAGR continue to employ the USC measure to address not only survey administration time and method concerns, but also consistency of their prevalence trend information since 2006. Given this input, the DOD Sexual Assault Prevention and Response Office and the Office of People Analytics decided to keep the USC measure as the means for estimating past-year prevalence of sexual assault on the SAGR Survey. The academy survey continues to utilize the shorter unwanted sexual contact measure with the scientific assurance that both measures yield similar, accurate estimates of sexual assault prevalence.

Ms. SPEIER. In at least 2016, the Academies and DOD considered replacing the measure of unwanted sexual contact used in the Academy survey with the UCMJ-linked measurement used in the active force workplace and gender relations survey. The Academies and DOD reportedly pushed back against adopting the active force

measure. Why did the Academies push back against the active force measurement? Why is the unwanted sexual contact measure preferable?

General WILLIAMS. USMA does not have record of "pushing back" against the measures in the DOD survey. We understand these questions mirror language from the UCMJ and we have no issues with them as presented. Further, we do not have an opinion at this time if unwanted sexual contact is the more preferable measure. As this is a DOD wide policy, we believe it would be more appropriate for OSD to respond to this question.

Ms. SPEIER. In at least 2016, the Academies and DOD considered replacing the measure of unwanted sexual contact used in the Academy survey with the UCMJ-linked measurement used in the active force workplace and gender relations survey. The Academies and DOD reportedly pushed back against adopting the active force measure. Why did the Academies push back against the active force measurement? Why is the unwanted sexual contact measure preferable?

Admiral CARTER. USNA did not push back on the language or standards used to measure USC in the survey. However, in considering any future changes, it is important to consider consistency in language and standards over a long period of time to better establish reliable trends and keep historical data relevant to contemporary data.

Ms. SPEIER. In at least 2016, the Academies and DOD considered replacing the measure of unwanted sexual contact used in the Academy survey with the UCMJ-linked measurement used in the active force workplace and gender relations survey. The Academies and DOD reportedly pushed back against adopting the active force measure. Why did the Academies push back against the active force measurement? Why is the unwanted sexual contact measure preferable?

General SILVERIA. The Service Academy Gender Relations (SAGR) survey is conducted every even numbered year at all the service academies and reported with the release of the SH&V report. The SAGR reveals data specific to sexual harassment and sexual assault at each of the Military Service Academies including the U.S Air Force Academy (USAFA). This survey has been conducted for over a decade which allows for analysis and tracking of trends and patterns. During the previous discussions regarding the questions related to "Unwanted Sexual Contact," the justification for not changing the definitions to match the active duty force instrument was that it would adversely impact the ability to make longitudinal comparisons. In other words, changing the questions would prevent the services and Congress from being able to accurately compare future data with past data. Certainly, there are valid arguments to be made regarding the use of an active force measure that allows more accurate comparisons be made between the Academies and active duty force; however, at the time of the discussions, it was viewed as more beneficial to be able to make longitudinal comparisons amongst the Service Academies. As such, this is one of the longest existing surveys on a college campus of its kind which can allow for data driven strategies and operations.

QUESTIONS SUBMITTED BY MS. ESCOBAR

Ms. ESCOBAR. Dr. Van Winkle, what would you say contributed to the nearly 50% increase in sexual harassment and sexual assault detailed in the 2017–2018 Annual Report on Sexual Harassment and Violence at the Military Service Academies?

Dr. VAN WINKLE. Survey results capture the experience of large numbers of people with great scientific reliability and validity, but they cannot isolate the causes behind those experiences or perceptions. That said, the data indicate that academy approaches have not prevented disrespectful, interpersonal conduct between cadets and midshipmen, which is a driving force behind challenges in sustaining progress. First, estimated rates of sexual harassment maintain at consistently high rates, with 51 percent of academy women and 16 percent of academy men indicating a past-year experience in APY 2017–2018. Second, marks for confidence in the efforts of cadets and midshipmen peer leadership continue to hover at relatively low rates. Finally, rates of alcohol use among students continue to be a concern: More than half of sexual assault incidents involved alcohol, and about 15 percent of women and 32 percent of men acknowledged heavy drinking in the past year. However, the survey also found that most cadets and midshipmen believed that Academy leadership make honest and reasonable efforts to stop sexual assault and harassment. While the Department acknowledges the high marks in Academy leadership, we recognize that this important achievement is not by itself sufficient to combat these crimes.

To address unsatisfactory results, each of the Military Service Academies have developed a plan of action that focuses on four key lines of effort to address sexual assault and sexual harassment: reinvigorating prevention efforts, improving sexual

assault and harassment reporting, enhancing a culture of respect, and promoting a disciplined force. These plans will proactively engage with cadets and midshipmen, especially at the student leadership level, and include:

- Implementing policies, programs, and practices that target and reduce sexual harassment and other forms of misconduct between peers.
- Focusing initiatives on improving cadet and midshipmen leadership (e.g., selection criteria, how we train our student leaders on sexual assault and harassment, how we hold student leaders accountable).

In conjunction with these efforts, the Secretaries of the Military Departments hosted a national university and college and US Academies summit in April 2019 at the Naval Academy in Annapolis, Md., focused on preventing sexual assault and sexual harassment.

Ms. ESCOBAR. Dr. Van Winkle, in your opinion, what type of support or resources do military service academies need from Congress to ensure that students feel comfortable reporting sexual assault and harassment?

Dr. VAN WINKLE. The Military Service Academies (MSA) have developed programs to provide students a professional response to all reported allegations of sexual assault and sexual harassment. Upon making a report of sexual assault, students may obtain victim assistance and advocacy, healthcare, spiritual support, and confidential legal counsel. The Department requires that Service leadership provide fully resourced programs and oversight to ensure sexual assault prevention and response programs function as designed. Likewise, students reporting sexual harassment have a variety of services and support options available to help them resolve complaints informally or formally with direct command investigation and action. Should legislative barriers arise, we would submit proposed legislative remedies through the Department's legislative proposal process.

Ms. ESCOBAR. Dr. Van Winkle, are victims aware of the variety of support services available to them? Are there barriers in getting this information out that Congress should be aware of?

Dr. VAN WINKLE. Students at each academy receive annual, mandatory sexual assault training where they learn of the resources available to them should they ever experience a sexual assault. During this training, the academies introduce students to the sexual assault response coordinator (SARC) as the single point of contact who can provide information about the wide variety of resources available to students who experience a sexual assault incident. In the event a student experiences a sexual assault and files a report, the SARC explains the options of both Restricted and Unrestricted reporting, as well as the complete range of support services that are available to the victim. DOD surveys indicate that there is a relatively high level of fluency in the basic provisions of the Sexual Assault Prevention and Response Program. There are no systemic barriers within the Department to providing the sexual assault training and access to support services.

Ms. ESCOBAR. To the superintendents, what are the unique circumstances of each academy that may have contributed to the dramatic increase in sexual harassment and sexual assault?

General WILLIAMS. Based on the available data, USMA is unable to identify any unique circumstances which would explain the increase in prevalence or reporting at West Point during APY 17–18. We have maintained vigilance over this and did not expect these results. We have in fact noticed that the measures we took that were different than previous years may have contributed to victim willingness to anonymously report more incidents on the SAGR and for more victims to report their incidents to SHARP personnel. Some of these actions include (1) a deliberate focus on education to ensure our Cadets understood the components of the crime itself, (2) creating the conditions for victims to believe their voices mattered and needed to be heard, and (3) to create safety and support for those willing to come forward. In a very deliberate and focused manner, we examined the following areas within our training and education program:

—The crime of sexual assault as it occurs in college settings

—Exploring the nuances of consent and the impact of alcohol in relationship decision making

—Presenting information on male sexual assault, to destigmatize this issue and create a common language and support to empower male victims to report

—Breaking down the impact of victim blaming, to increase empathy and support for victims

These actions are a few of the programmatic efforts and constitute some measure of our continued efforts to create an integrated and synchronized effort to create a culture of respect among our community.

Ms. ESCOBAR. To the superintendents, what are the unique circumstances of each academy that may have contributed to the dramatic increase in sexual harassment and sexual assault?

Admiral CARTER. While the United States Naval Academy did not experience dramatic increases in sexual harassment and sexual assault in the most recent survey, the survey demonstrates we have more work to do. We are committed to eliminating sexual assault and sexual harassment at the Naval Academy and we will continue to do all we can to achieve that goal. USNA is unique among the Military Service Academies in that it is physically located in a busy town with many establishments serving alcohol and promoting a much more relaxed social atmosphere than the professional atmosphere of our campus. The immediate vicinity and easy access presents leadership challenges different from West Point or Colorado Springs where there is a greater distance and less interaction with immediate outside influences. Historically, most of our incidents of USC and harassment occur off campus and involve the use of alcohol.

Ms. ESCOBAR. To the superintendents, what are the unique circumstances of each academy that may have contributed to the dramatic increase in sexual harassment and sexual assault?

General SILVERIA. When analyzing estimated sexual assault prevalence data across the last decade, similar patterns emerge between the service academies. In 2018 all academies had a significant increase in estimated prevalence of sexual assault (women at US Naval Academy (USNA) and USAFA and men at USNA). And in 2014 a significant drop in estimated prevalence occurred across the three academies. When similar patterns occur between institutions, particularly those that are separated geographically and culturally, there likely other factors that are impacting the data collected. We cannot rule out social factors that go beyond each installation's gates. Numerous factors including high profile military and civilian cases, leadership turnover, and socio-cultural differences can influence estimated prevalence and reporting data and impact our cadets' willingness to exercise their voice, even on anonymous surveys. Examining general trends over time between the academies supports the idea that something larger than just what is occurring on the academy grounds may impact the estimated sexual assault prevalence data. This is not to excuse us from working on the solution or being responsible for what occurs on our grounds, but does challenge us to open the aperture of what prevention looks like. Determining the root cause of behavior is challenging. We know that the specific population of college students has a higher estimated rate of sexual assault. This year we saw an increase in the instances of alcohol use by either or both the offender and victim. Alcohol use and misuse is another factor within this aged population that impacts estimated prevalence of sexual assault. USAFA saw an increase in the number of cadets who enter into the academy having already experienced sexual assault in their past. There is a higher risk of re-victimization by those who have a past experience of victimization. Additionally, cultural indicators such as victim blaming beliefs increased this year according to the data from the SAGR survey. These data points, though not specifically unique to USAFA, may all impact the estimated prevalence of harassment and assault at USAFA. Further analysis is needed and programs based on such analysis are required to impact estimated rates of prevalence and related issues at USAFA.

QUESTIONS SUBMITTED BY MR. BERGMAN

Mr. BERGMAN. Mr. Christensen, in the hearing, you recounted a conversation you had with the Vice Commandant of Cadets at the Air Force Academy and that the Vice Commandant said he didn't have time to meet with victims of sexual assault. I have since been made aware that that particular conversation did not happen in the way you have suggested. Could you please clarify your statement?

Colonel CHRISTENSEN. You have asked about a conversation I referenced during my testimony with the Vice Commandant of Cadets. Contrary to the inference in the QFR, my testimony accurately reflected my conversation. The conversation occurred as prelude to the Vice Commandant meeting with my client in a hearing that could lead to her being removed from the Academy. Based on my conversation with my client, as well as many other survivors, I was and am concerned that commanders rarely speak with survivors in other than adversarial settings. I believe this colors their understanding of the impact of trauma on victims. Very early during my meeting, I asked the Vice Commandant if he had ever met with a victim in a non–adversarial setting. He responded, as I testified, he had 4000 cadets and did not have time to do that. After my testimony, the Vice Cadet reached out to me to discuss my testimony, and I agreed to talk with him. After our conversation

I told him I would write a letter to the Chairwoman and Ranking member. The Vice Commandant did not ask me to do this. I drafted the letter and sent it to the Vice Commandant to see if he thought it was fair. He agreed that it was. As I said in my letter, our conversation was very productive and professional. We left the conversation in a much better place than our previous meeting. We did not reach an agreement on the words the Vice Commandant used; however, my prior testimony accurately reflects my memory of the exchange, and I stand by it. I did not send the letter to correct or diminish the words I used in my testimony. Instead, I sent the letter because after our most recent conversation I did not believe it was the Vice Commandant's intent to indicate he did not have time to meet with victims. After this conversation, I believed it was necessary to bring this to the attention of the subcommittee to provide context.

